

AGENDA
GAUTIER PLANNING COMMISSION
August 3, 2017
5:00 PM

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES**
- V. PUBLIC COMMENTS**
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. GPC Case # 17-09-RZ
 - 2. GPC Case # 17-10-CU
- VIII. GENERAL DISCUSSION**
 - 1. Previous Cases
 - 2. PERMIT & TRC REPORTS
- IX. ADJOURN**

Gautier Planning Commission

Regular Meeting Agenda

August 3, 2017

Rezoning

VII. NEW BUSINESS

1. Amendment of the Official Zoning Map of the City of Gautier, Mississippi by Bridget Booth, agent for Mississippi Lock Storage LLC. The request is to rezone 2965 Old Spanish Trail, Parcel ID #'s 82435240.080, and 82435240.085, from C-2, Community Commercial to I, Industrial.

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director/Building Official

Date: July 18, 2017

Subject: Consideration of a Property Owner Initiated Rezoning of Property from a C-2 Community Commercial to an I-2 Industrial District located at 2965 Old Spanish Trail consisting of PIDN # 82435240.080, and 82435240.085.

REQUEST:

The Planning Department has received a request from Bridget Booth, agent for Mississippi Lock Storage LLC for a Rezoning of property generally described as 2965 Old Spanish Trail from a C-2 Community Commercial to an I-2 Industrial District. The request for the rezoning consists of 1.79 acres and includes PIDN# 82435240.080, and 82435240.085. The application fee of \$300 was paid on June 8, 2017. All public notice requirements have been met.

BACKGROUND:

Section 4.15 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: 2965 Old Spanish Trail. (See Exhibit A)
2. Existing Zoning: C-2 Community Commercial. (See Exhibit B)

*UDO 5.3.8 C-2 Community Commercial District—Purpose and Intent.
The purpose and intent of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier Vancleave. The co-location of*

professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

3. Existing Land Use: Commercial-Retail. (See Exhibit C)
4. Future Land Use: High Impact Commercial. (See Exhibit D)

DATA AND ANALYSIS:

Property requested for Rezoning: PID #8243524.080 and 82435240.085

Location: Ward 2

Current Zoning of the Request Property: C-2 Community Commercial

Current surrounding existing land use and zoning:

	Current Land Use	Zoning District
North	Vacant Lot, Wooded	TC-Town Center
South	Commercial, Vacant Building	C-2 Community Commercial
East	Commercial, Bowling Alley	C-2 Community Commercial
West	Commercial, Cabinet Shop	C-2 Community Commercial

Surrounding Future Land Use Map (FLUM) designations according to the Comprehensive Plan:

	FLUM Designation
North	Town Center
South	High Impact Commercial
East	High Impact Commercial
West	High Impact Commercial

HISTORY:

Prior to 2011, the Request Property was zoned I-2 Industrial. In 2011, the City initiated a Comprehensive Re-Zoning of many parcels along Old Spanish Trail. The request property was included in this City initiated Comprehensive Re-zoning. In 2011, the Planning Commission directed Staff to begin implementing comprehensive rezonings based on the Comprehensive Plan's land use designations. Based on Staff's recommendations at that time, the Planning Commission's findings were that the subject area was not in accordance with the Comprehensive Plan, that there was a need for additional lands in the City to be designated C-2 Community Commercial to implement the Comprehensive Plan's High Impact Commercial land use, and that scattered existing uses were inharmonious with the character of the current zoning and to the

2009 Comprehensive Plan. Based on the analyses of the site data, existing and future land use maps, impact on the availability of infrastructure, consistency with the Comprehensive Plan, and the appropriateness of the request relevant to the criteria established by Section 4.16 of the Unified Development Ordinance, the City Council approved the Rezoning of the subject area to C-2 Community Commercial.

REVIEW CRITERIA:

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, shall study and consider the following criteria and recommend Findings of Facts, if applicable.

- A. There was a mistake in the original zoning; **or**
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

The Planning Commission shall not recommend approval of a rezoning unless the applicant has proven by clear and convincing evidence that either of the required criteria items above have been met.

STAFF RECOMMENDATION:

Staff finds that the property was re-zoned in 2011 from I-2 Industrial to C-2 Community Commercial, thus eliminating a mistake in the original zoning as criteria for rezoning the subject property. Furthermore Staff finds very little change in the character of the surrounding area based on the study of prior land uses and surrounding land uses and current land uses of the subject property and surrounding properties.

CONCLUSION:

Based on the required Review Criteria established by Section 4.15 of the Unified Development Ordinance and the appropriateness of the request relevant to the criteria, the Commission may:

- 1. Recommend that City Council approve to Rezone the subject area to I-2 Industrial; or
- 2. Recommend that City Council deny the Rezoning.

ATTACHMENTS:

Exhibit 1 – Applicant’s Application

Exhibit 2 – Ordinance, Planning Commission and Council Reports with supporting documentation from 2011 Rezoning

Exhibit A – Location Map

Exhibit B – Existing Zoning Map

Exhibit C – Existing Land Use Map

Exhibit D – Future Land Use Map

Exhibit E – Updated Parcel Information (Jackson County)

Fee Amount Received 300.00 Initials of Employee Receiving Application _____

Bridget Booth
Gautier Lock Storage
2965 Old Spanish Trail
Gautier MS 39553

(228) 497-0777
gautierlockstorage@gmail.com

8 June, 2017

Planning and Building Department

Enclosure: Deed with map, fee, application

To whom it may concern:

I am acting as an agent on behalf of Mississippi Lock Storage LLC, dba Gautier Lock Storage. We are requesting a zoning change for the property at 2965 Old Spanish Trail from the current designation of C-2 to I-2.

The I-2 zoning has been applied to the property in the past. It would also bring the property in-line with the other industrial sites that surround it (i.e. Vulcan Materials, Waste Oil Collectors). It would also increase the likelihood that we can find tenants for whom the warehouses on the southern part of the property will be appropriate. As the property is zoned now, the warehouses are exceedingly difficult to lease, which is resulting in a loss of revenue for our business.

We are seeking a Zoning Map Change for the above property. Both criteria outlined in UDO§4.15.3(A) and UDO§4.15.3(B) apply to 2965 Old Spanish Trail. The property was zoned incorrectly, in a manner that runs counter to the original intent of the existing structures. As the property is currently zoned, it also fails to fit the character of the other businesses that line Old Spanish Trail.

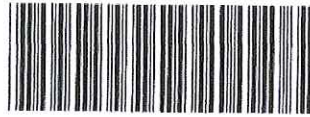
Resolving this issue is for the benefit of all parties. We will be able to collect income from potential warehouse tenants. The city will have a larger business tax base, as new rental space will be made available.

Looking forward,



Bridget Booth
Property Manager, Gautier Lock Storage

15
OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK
RECORDING FEE: \$12.00
#201701693 BK: 1840 PG: 734-748
02/03/2017 10:12:40 AM 15 PGS
RVANHORN, DC Rcpt#2066



201701693 15 PGS

INDEXING INSTRUCTIONS: *See Exhibit "A" 35-7-7*

Prepared By:
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STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND CONSIDERATION of the sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid and other good, legal and valuable considerations, the receipt of all of which is hereby acknowledged, the undersigned

John M. Hendley
2965 Old Spanish Trail, Gautier, MS 39553

*3200 Dolphin Dr. Gulfport MS
228-860-9505 39553*

does hereby sell, convey and warranty unto

Mississippi Lock Storage, LLC, a Utah Limited Liability Company (a 63.8989% undivided interest), and The Janis O. Sterret Trust, dated August 23, 1999 (a 36.1011% undivided interest)
724 West 500 South, #800, West Bountiful, UT 84087
(801) 0292-1400

as tenants in common the land and property situated in the County of Jackson, State of Mississippi, described as follows, to-wit:

See Exhibit "A"

Description: A tract of land situated in Section 35, Township 7 South, Range 7 West, Gautier, Jackson County, Mississippi and more particularly described as follows: Commencing at the Southeast corner of Section 35; thence North 261.77 feet to the north right-of-way of the CSX Railroad; thence North 76 Degrees 44 minutes West along said right-of-way 3313.74 feet to a set 1/2" rebar at the Point of Beginning, said point also being the Southeast corner of that property described in Deed Book 642, page 11; thence North 76 degrees 44 minutes West along the north right-of-way of the CSX Railroad 264.28 feet to a set 1/2" rebar; thence North D degrees 18 minutes 44 seconds East 112.16 feet to a set 1/2" rebar; thence North 80 degrees 19 minutes 11 seconds West 12.85 feet to a set 1/2" rebar; thence North 10 degrees 20 minutes East along a fence 363.58 feet to a set rebar on the south right-of-way of Old Spanish Trail; thence South 76 degrees 44 minutes East along the south right-of-way of Old Spanish Trail 275.87 feet to a found 1/2" rebar; thence South 10 degrees 10 minutes 30 seconds West 475.00 feet to the Point of Beginning.. Being part of that property described in Deed Book 642, page 11 and Deed Book 1713, page 577.

This property is located in Flood Zone X according to Flood Insurance Rate Map #28059C 0319 Q, Revised March 16, 2009

0 80'

North
Class B Survey
Date of Field Survey
July 13, 2016

Area -
Tract 1 - 2.078 acres
Tract 2 - 0.472 acres
Tract 3 - 1.539 acres

e/p - edge of pavement
r/w - right-of-way
OHP - overhead power line

Reference Materials
DB 642, pg 11
DB 1713, pg 577

All bearings on this plat are based on the Grid North, NAD 83

set 1/2" rebar at all corners unless otherwise noted

Old Spanish Trail

Dolphin Drive

CSX Railroad

Tract 1

Tract 2

Tract 3

one story building (storage rooms)

one story commercial building

one story building (storage rooms)

one story building (storage rooms)

one story building (storage rooms)

one story commercial building

POB - Tract 1 and the Commencing Point for a 20' Ingress and egress easement

POB - Tract 2

POB - Tract 3

Commencing Point all Tracts
S.E. corner Sec. 35, T7S, R7W
calculated corner from
College Park West SD
(PB 12, pg 37)

Aldred Surveying co
P.O. Box 2201
Pascagoula, Ms 39569
228-762-7374
A16158


Lewis Aldred, Jr. P.L.S.
August 3, 2016

Commencing Point all Tracts
S.E. corner Sec. 35, T7S, R7W
calculated corner from
College Park West SD
(PB 12, pg 37)

As a party to the property deed, I consent to the rezoning application. I also authorize Bridget Booth as an agent to proceed with this process.

Marcus Smoot
Print Name


Signature

6-8-17
Date

MORRIS R. STERETT
Print Name


Signature

6-8-2017
Date

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDINANCE NUMBER 196-2011

AN ORDINANCE OF THE CITY OF GAUTIER, MISSISSIPPI, RELATING TO THE COMPREHENSIVE REZONING OF ±120.18 ACRES MORE OR LESS TO C-2 COMMUNITY COMMERCIAL; GENERALLY DESCRIBED AS PROPERTIES SOUTH OF OLD SPANISH TRAIL, NORTH OF THE RAILROAD TRACKS, EAST OF LADNIER ROAD APPROXIMATELY 1107 FEET AND WEST OF BEASLEY ROAD APPROXIMATELY 1046 FEET, EXCLUDING THE PROPERTY GENERALLY KNOWN AS MALLETTE BROTHERS CONSTRUCTION; MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; PROVIDING AUTHORITY; MAKING FINDINGS OF FACT; PROVIDING FOR A ZONING MAP AMENDMENT; AND SETTING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, AS FOLLOWS:

SECTION 1. AUTHORITY.

The authority for enactment of this ordinance is Section 17-1-5, Mississippi Code Annotated Section 17-1-15 (1972), Mississippi Statutes.

The City Council of Gautier finds that a comprehensive rezoning is necessary to implement the City's Comprehensive Plan adopted the 16th day of June 2009. A public hearing was held before the Gautier Planning Commission on April 7, 2011, and the Commission recommended that Council approve the change for a zoning map amendment to adopt the C-2 Community Commercial District. The City Council has conducted a public hearing on April 19, 2011 after giving due public notice pursuant to the Public Hearing Process of the City's Unified Development Ordinance. The requested rezoning is consistent with the City's Comprehensive Plan.

SECTION 2. PROPERTY REZONED.

The property generally described as properties south of Old Spanish Trail, north of the railroad tracks, east of Ladnier Road approximately 1107 feet and west of Beasley Road approximately 1046 feet, excluding the property generally known as Mallette Brothers Construction, is hereby rezoned to C-2 Community Commercial District.

SECTION 3. FINDINGS OF FACT.

The Planning Commission finds that the existing zoning in the subject area is not in accordance with the Comprehensive Plan in that the existing zoning is I-2 and R-1 zoning and the Comprehensive Plan re-designates this area to Industrial and High Impact Commercial; and

The Planning Commission finds that there is a need for additional lands in the City to be designated C-2 to implement the Comprehensive Plan's High Impact Commercial land use. As existing commercial areas are being rezoned to new zoning districts such as TCMU, MURC-1 and MURC-2 there is a need for more High Impact Commercial as designated by the Comprehensive Plan; and

The Planning Commission finds that the location of a construction office, a church, a landscaping business and several homes is inharmonious with the character of the current

Gautier Planning Commission

Regular Meeting Agenda

April 7, 2011

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO
C-2 COMMUNITY COMMERCIAL (STAFF) GPC CASE #11-08-RZ

Synopsis: This is a city-initiated comprehensive rezoning of properties to C-2 Community Commercial. The properties are generally described as properties south of Old Spanish Trail, north of the railroad tracks, east of Ladrone Road approximately 1107 feet and west of Beasley Road approximately 1046 feet, excluding the property generally known as Mallette Brothers Construction.

QUASI-JUDICIAL PROCEDURES

COPY

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 Council, 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 Council, 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. Council makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.

COPY

**CITY OF GAUTIER
STAFF REPORT**

To: Gautier Planning Commission Chairperson and Members

From: Babs Logan, Planning Technician

Thru: Samantha D. Abell, Planning and Economic Development Director

Date: March 30, 2011

Subject: Consideration of a City-Initiated Comprehensive Rezoning of Properties Comprising ±120.18 Acres to C-2 Community Commercial.

REQUEST:

The Planning Commission has directed Staff to begin implementing comprehensive rezonings based on the Comprehensive Plan's land use designations. The purpose of this city-initiated rezoning is to rezone lands along Old Spanish Trail that have been zoned Industrial, and a few parcels that have been zoned R-1, since before the City's 2002 annexation to C-2 Community Commercial. The Comprehensive Plan adopted by the City in 2009 designates part of this area as high impact commercial. The area to be rezoned is located south of Old Spanish Trail, north of the railroad tracks, east of Ladnier Road approximately 1107 feet and west of Beasley Road approximately 1046 feet, excluding the property generally known as Mallette Brothers Construction.

BACKGROUND:

Section 4.16 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a comprehensive rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan. The GPC shall include in its recommendation to the City Council findings and any information which it deems is relevant to issues relating to the proposed rezoning.

Following a March 23rd advertised public hearing by the GPC on April 7th, the Ordinance to amend the City's Official Zoning Map will be considered for approval by the City Council on April 19th.

DISCUSSION:

The Comprehensive Plan's Future Lane Use Element establishes the general land use designation for High Impact Commercial thus:

High Impact Commercial—Areas that cater to vehicular traffic, contain larger buildings and have a greater impact on adjacent areas. Retail stores in these areas offer a wider range of goods than a low-impact center and serve the entire community. They may include big box and strip retail centers, restaurants, fast food and/or office uses. High impact commercial areas require infrastructure to support heavy traffic and should be located near intersections of arterial streets on major thoroughfares. High impact commercial centers may be located adjacent to regional centers or one to two miles apart. They are not appropriate within residential areas but may exist as a commercial corridor where the design of such a center complements or enhances the function of the roadway and adjacent areas. The Lowe's Home Store is an example of a high impact commercial area.

The C-2 Community Commercial district is described in the UDO thus:

5.3.8 C-2 Community Commercial District

Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

The table on page 5 shows the density and intensity for the C-2 District as well as existing zoning districts.

DATA AND ANALYSIS:

PIDN	NAME	LOCATION	ACREAGE
82434043.000	WASTE OIL COLLECTOR'S INC	OLD SPANISH TR GAUTIER	0.60
82434045.000	WASTE OIL COLLECTORS INC	3817 OLD SPANISH TR GAUTIER	3.68
82434040.000	YOUNG DON GRAY & ELSIE ROSE	OLD SPANISH TR GAUTIER	1.50
82434041.000	MCVEAY RILEY J & DIMPLE R	3809 OLD SPANISH TR GAUTIER	1.50
82434037.000	VETERANS OF FOREIGN WARS	3803 OLD SPANISH TR GAUTIER	0.91

82434038.000	VETERANS OF FOREIGN WARS	3803 OLD SPANISH TRAIL GAUTIER	0.73
82434036.000	CUMBEST RUTH	3721 OLD SPANISH TRAIL GAUTIER	4.00
82434035.000	WALKER EVELYNE MARIE	OLD SPANISH TRAIL GAUTIER	7.00
82434039.000	PIERCE JOSEPH D & CAROLYN F	3803 OLD SPANISH TRAIL GAUTIER	0.57
82435240.160	BATTLE TED M	3109 OLD SPANISH TRAIL GAUTIER	3.40
82435240.100	HOLBERT CHARLES R	OLD SPANISH TRAIL GAUTIER	5.00
82435240.125	NGUYEN TONY & CA NGO	OLD SPANISH TRAIL GAUTIER	9.92
82435240.050	SINGING RIVER BAPTIST CHURCH	OLD SPANISH TRAIL GAUTIER	2.18
82435240.075	HENDLEY JOHN M	2965 OLD SPANISH TRAIL GAUTIER	5.00
82434034.000	LONG STEPHANIE PADGETT	3521 OLD SPANISH TRAIL GAUTIER	0.87
82434031.000	OSBORN CHARLOTTE R	3501 OLD SPANISH TRAIL GAUTIER	4.67
82434030.000	FREEMAN ROYCE E	OLD SPANISH TRAIL GAUTIER	4.53
82435210.000	CUMMINS MAYRON I & FANNIE	3329 OLD SPANISH TRAIL GAUTIER	0.88
82435180.000	STEVENSON BETSY ROSS	HAKES RD GAUTIER	0.32
82435220.000	DISMISS HOLDINGS INC	OLD SPANISH TRAIL GAUTIER	5.00
82435170.000	MERRILL MICHAEL	3312 HAKES RD GAUTIER	0.32
82435240.170	GARRETT WILLIAM C	OLD SPANISH TRAIL GAUTIER	3.00
82435210.050	STEELE JANIE L C	3305 HAKES RD GAUTIER	0.52
82435200.000	BALIUS DONALD EUGENE & DOROTHY	3308 HAKES RD GAUTIER	0.32
82435210.025	RATLIFF MONA FAYE C SELF	3301 HAKES RD GAUTIER	0.60
82435190.000	JOHNSON BARBARA A	HAKES RD GAUTIER	0.58
82435240.130	MISSJACK COMPANY	OLD SPANISH TRAIL GAUTIER	3.81
82436070.000	WEILBACHER ARMAND E & DORIS H	LADNIER RD GAUTIER	12.65
82436075.080	SCI MISSISSIPPI FUNERAL	3920 LADNIER RD GAUTIER	1.41
82436080.000	COLUMBIA VENTURES	OLD SPANISH TRAIL GAUTIER	17.20
82436090.000	HANS JOE & JANE EDWARDS	OLD SPANISH TRAIL GAUTIER	10.00
82436075.150	SCI MISSISSIPPI FUNERAL	LADNIER RD GAUTIER	0.42
82436075.155	TROTTER ERICK JOHN & CYNTHIA L	3208 LADNIER RD GAUTIER	0.33
82436075.052	TAYLOR BOBBIE J	3204 LADNIER RD GAUTIER	0.30
82436075.050	SAXTON ETTA L &	3204 LADNIER RD GAUTIER	0.30
82436075.070	HUTCHENS STACY D	3124 LADNIER RD GAUTIER	0.71
82436075.100	CLARK MCKINLEY R	3002 LADNIER RD GAUTIER	2.55
82436070.100	SHIELDS STANLEY	3101 LADNIER RD GAUTIER	0.34
82436075.110	WOOD ROBERT L JR	LADNIER RD	1.50
82436072.000	HUYNH JOSEPH	LADNIER RD GAUTIER	1.06
			total 120.18

Location: Wards 1, 2 & 3

Current Zoning of the Request Property: I-2 Industrial & R-1 Low Density Residential; several parcels that front on Ladnier Road are currently zoned C-2 and the zoning will remain the same.

Current surrounding existing land use and zoning:

	Current Land Use	Zoning District
North	Commercial, Multi-family Residential, Civic, Vacant	TCMU Town Center Mixed Use, C-3 Highway Commercial
South	Vacant, Recreation, Single Family Residential	PUD Planned Unit Development, I-2 Industrial, MURC-1 Mixed Use Recreation Commercial-1
East	Single Family Residential	R-1 Low Density Residential
West	Industrial	I-2 Industrial

Comprehensive Plan Land Use Designation: The subject properties are designated High Impact Commercial and Industrial.

Surrounding Future Land Use Map (FLUM) designations:

	FLUM Designation
North	Town Center, High Density Residential
South	Recreational, Medium Density Residential, Industrial, High Impact Commercial
East	Low Density Residential
West	Industrial

Proposed Zoning: C-2 Community Commercial

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			Tier 1	Tier 2	Tier 3	Front	Side	Rear	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
R-1	9,600	80	35	---	---	25/35	10/25/35	25	---	---	---	---	---	---	25	---	---
TCMU	43,560 total 2,400	40	30	55	75	25/0/80	0/15/35	0/35	18	24	36	4.0	4.5	5.0	0/9/0	30	30
I	20,000	100	60	N/A	N/A	40	15/40/80/30	25/80/40	none	N/A	N/A	N/A	N/A	N/A	none	N/A	N/A
C-2	None	100	25	30	35	40/25	15/35	0/35	none	N/A	N/A	N/A	N/A	N/A	75	80	85

REVIEW CRITERIA:

The Commission, in its report and recommendation to the City Council on the appropriateness of the request, should study and consider the following criteria and recommend whether or not each is met, if applicable. Staff has recommended findings for the GPC's consideration.

- A. The existing zoning in the subject area is not in accordance with the Comprehensive Plan.

Staff finds that the existing zoning is not in accordance with the Comprehensive Plan in that the Plan re-designates parcels within the subject area to High Impact Commercial. The rezoning of this area will place the Official Zoning Map in further compliance with the Plan.

- B. The need for additional land in the City having the same zoning classification as the one proposed.

Staff finds that there is a need for additional lands in the City to be designated C-2 to implement the Comprehensive Plan's High Impact Commercial land use. As existing commercial areas are being rezoned to new zoning districts such as TCMU, MURC-1 and MURC-2 there is a need for a transitional commercial corridor on Old Spanish Trail at high-traffic intersections. The C-2 corridor will be located south of TCMU with residential to both sides.

- C. A substantial change in the land use character of the surrounding area that justifies the change in zoning.

Staff finds that the area to be rezoned has scattered existing zoning offering no cohesion for growth. There are several residential homes, an

asphalt company, a landscaping company, a church, etc. located on parcels within the subject area currently zoned Industrial. A C-2 zoning allows for a viable commercial corridor of compatible uses appropriate near residences and more intensive industry.

FINDINGS / APPROPRIATENESS OF THE REQUEST:

Based on Staff's recommendation that the GPC forward a favorable recommendation to City Council, the Commission must find the following:

C-2 Community Commercial:

The Planning Commission finds that the existing zoning in the subject area is not in accordance with the Comprehensive Plan in that the existing zoning is I-2 and R-1 zoning and the Comprehensive Plan re-designates this area to Industrial and High Impact Commercial; and

The Planning Commission finds that there is a need for additional lands in the City to be designated C-2 to implement the Comprehensive Plan's High Impact Commercial land use. As existing commercial areas are being rezoned to new zoning districts such as TCMU, MURC-1 and MURC-2 there is a need for more High Impact Commercial as designated by the Comprehensive Plan; and

The Planning Commission finds that scattered existing uses are inharmonious with the character of the current zoning and to the 2009 Comprehensive Plan, which designates this area for rezoning to allow High Impact Commercial and Industrial uses for the area.

CONCLUSION AND RECOMMENDATION:

Based on the analysis of the site data, existing and future land use maps, impact on the availability of infrastructure, consistency with the Comprehensive Plan, and the appropriateness of the request relevant to the criteria established by Section 4.16 of the Unified Development Ordinance, the Commission may:

1. Recommend that City Council approve the Ordinance to Comprehensively Rezone the subject area to C-2 Community Commercial; or
2. Recommend that City Council deny the Comprehensive Rezoning.

ATTACHMENTS:

Ordinance

Map Exhibits A-E

**CITY OF GAUTIER
STAFF REPORT**

COPY

To: Sidney Runnels, Gautier City Manager

From: Babs Logan, Planning Technician

Thru: Samantha D. Abell, Planning and Economic Development Director

Date: April 11, 2011

Subject: Consideration of a City-Initiated Comprehensive Rezoning of Properties Comprising ±120.18 Acres to C-2 Community Commercial.

REQUEST:

The Planning Commission has directed Staff to begin implementing comprehensive rezonings based on the Comprehensive Plan's land use designations. The purpose of this city-initiated rezoning is to rezone lands along Old Spanish Trail that have been zoned Industrial, and a few parcels that have been zoned R-1, since before the City's 2002 annexation to C-2 Community Commercial. The Comprehensive Plan adopted by the City in 2009 designates part of this area as high impact commercial. The area to be rezoned is located south of Old Spanish Trail, north of the railroad tracks, east of Ladnier Road approximately 1107 feet and west of Beasley Road approximately 1046 feet, excluding the property generally known as Mallette Brothers Construction.

At an advertised public hearing on April 7th, the Planning Commission recommended approval of the attached Ordinance to City Council, who has final authority for adoption. Additional rezonings to implement the Comprehensive Plan are necessary and will be considered by the Council after recommendation by the Planning Commission.

BACKGROUND:

Section 4.16 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a comprehensive rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan. The GPC shall include in its recommendation to the City Council findings and any information which it deems is relevant to issues relating to the proposed rezoning.

DISCUSSION:

The Comprehensive Plan's Future Land Use Element establishes the general land use designation for High Impact Commercial thus:

High Impact Commercial—Areas that cater to vehicular traffic, contain larger buildings and have a greater impact on adjacent areas. Retail stores in these areas offer a wider range of goods than a low-impact center and serve the entire community. They may include big box and strip retail centers, restaurants, fast food and/or office uses. High impact commercial areas require infrastructure to support heavy traffic and should be located near intersections of arterial streets on major thoroughfares. High impact commercial centers may be located adjacent to regional centers or one to two miles apart. They are not appropriate within residential areas but may exist as a commercial corridor where the design of such a center complements or enhances the function of the roadway and adjacent areas. The Lowe's Home Store is an example of a high impact commercial area.

The C-2 Community Commercial district is described in the UDO thus:

5.3.8 C-2 Community Commercial District

Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

The table on page 5 shows the density and intensity for the C-2 District as well as existing zoning districts.

DATA AND ANALYSIS:

PIDN	NAME	LOCATION	ACREAGE
82434043.000	WASTE OIL COLLECTOR'S INC	OLD SPANISH TR GAUTIER	0.60
82434045.000	WASTE OIL COLLECTORS INC	3817 OLD SPANISH TR GAUTIER	3.68
82434040.000	YOUNG DON GRAY & ELSIE ROSE	OLD SPANISH TR GAUTIER	1.50
82434041.000	MCVEAY RILEY J & DIMPLE R	3809 OLD SPANISH TR GAUTIER	1.50
82434037.000	VETERANS OF FOREIGN	3803 OLD SPANISH TR GAUTIER	0.91

	WARS		
82434038.000	VETERANS OF FOREIGN WARS	3803 OLD SPANISH TRAIL GAUTIER	0.73
82434036.000	CUMBEST RUTH	3721 OLD SPANISH TR GAUTIER	4.00
82434035.000	WALKER EVELYNE MARIE	OLD SPANISH TR GAUTIER	7.00
82434039.000	PIERCE JOSEPH D & CAROLYN F	3803 OLD SPANISH TR GAUTIER	0.57
82435240.160	BATTLE TED M	3109 OLD SPANISH TR GAUTIER	3.40
82435240.100	HOLBERT CHARLES R	OLD SPANISH TRAIL GAUTIER	5.00
82435240.125	NGUYEN TONY & CA NGO	OLD SPANISH TR GAUTIER	9.92
82435240.050	SINGING RIVER BAPTIST CHURCH	OLD SPANISH TR GAUTIER	2.18
82435240.075	HENDLEY JOHN M	2965 OLD SPANISH TRAIL GAUTIER	5.00
82434034.000	LONG STEPHANIE PADGETT	3521 OLD SPANISH TR GAUTIER	0.87
82434031.000	OSBORN CHARLOTTE R	3501 OLD SPANISH TRAIL GAUTIER	4.67
82434030.000	FREEMAN ROYCE E	OLD SPANISH TR GAUTIER	4.53
82435210.000	CUMMINS MAYRON I & FANNIE	3329 OLD SPANISH TR GAUTIER	0.88
82435180.000	STEVENSON BETSY ROSS	HAKES RD GAUTIER	0.32
82435220.000	DISMISS HOLDINGS INC	OLD SPANISH TRAIL GAUTIER	5.00
82435170.000	MERRILL MICHAEL	3312 HAKES RD GAUTIER	0.32
82435240.170	GARRETT WILLIAM C	OLD SPANISH TRAIL GAUTIER	3.00
82435210.050	STEELE JANIE L C	3305 HAKES RD GAUTIER	0.52
82435200.000	BALIUS DONALD EUGENE & DOROTHY	3308 HAKES RD GAUTIER	0.32
82435210.025	RATLIFF MONA FAYE C SELF	3301 HAKES RD GAUTIER	0.60
82435190.000	JOHNSON BARBARA A	HAKES RD GAUTIER	0.58
82435240.130	MISSJACK COMPANY	OLD SPANISH TR GAUTIER	3.81
82436070.000	WEILBACHER ARMAND E & DORIS H	LADNIER RD GAUTIER	12.65
82436075.080	SCI MISSISSIPPI FUNERAL	3920 LADNIER RD GAUTIER	1.41
82436080.000	COLUMBIA VENTURES	OLD SPANISH TR GAUTIER	17.20
82436090.000	HANS JOE & JANE EDWARDS	OLD SPANISH TRAIL GAUTIER	10.00
82436075.150	SCI MISSISSIPPI FUNERAL	LADNIER RD GAUTIER	0.42
82436075.155	TROTTER ERICK JOHN & CYNTHIA L	3208 LADNIER RD GAUTIER	0.33
82436075.052	TAYLOR BOBBIE J	3204 LADNIER RD GAUTIER	0.30
82436075.050	SAXTON ETTA L &	3204 LADNIER RD GAUTIER	0.30
82436075.070	HUTCHENS STACY D	3124 LADNIER GAUTIER	0.71
82436075.100	CLARK MCKINLEY R	3002 LADNIER RD GAUTIER	2.55
82436070.100	SHIELDS STANLEY	3101 LADNIER RD GAUTIER	0.34
82436075.110	WOOD ROBERT L JR	LADNIER RD	1.50
82436072.000	HUYNH JOESEPH	LADNIER RD GAUTIER	1.06
			total 120.18

Location: Wards 1, 2 & 3

Current Zoning of the Request Property: I-2 Industrial & R-1 Low Density Residential; several parcels that front on Ladnier Road are currently zoned C-2 and the zoning will remain the same.

Current surrounding existing land use and zoning:

	Current Land Use	Zoning District
North	Commercial, Multi-family Residential, Civic, Vacant	TCMU Town Center Mixed Use, C-3 Highway Commercial
South	Vacant, Recreation, Single Family Residential	PUD Planned Unit Development, I-2 Industrial, MURC-1 Mixed Use Recreation Commercial-1
East	Single Family Residential	R-1 Low Density Residential
West	Industrial	I-2 Industrial

Comprehensive Plan Land Use Designation: The subject properties are designated High Impact Commercial and Industrial.

Surrounding Future Land Use Map (FLUM) designations:

	FLUM Designation
North	Town Center, High Density Residential
South	Recreational, Medium Density Residential, Industrial, High Impact Commercial
East	Low Density Residential
West	Industrial

Proposed Zoning: C-2 Community Commercial

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			Tier 1	Tier 2	Tier 3	Front	Side	Rear	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
R-1	9,600	80	35	---	---	25/35	10/25/35	25	---	---	---	---	---	---	25	---	---
TCMU	43,560 total 2,400	40	30	55	75	25/0/80	0/15/35	0/35	18	24	36	4.0	4.5	5.0	0/9/0	30	30
I	20,000	100	60	N/A	N/A	40	15/40/80/30	25/80/40	none	N/A	N/A	N/A	N/A	N/A	none	N/A	N/A
C-2	None	100	25	30	35	40/25	15/35	0/35	none	N/A	N/A	N/A	N/A	N/A	75	80	85

REVIEW CRITERIA:

The Commission, in its report and recommendation to the City Council on the appropriateness of the request, should study and consider the following criteria and recommend whether or not each is met, if applicable. Staff has recommended findings for the GPC's consideration.

- A. The existing zoning in the subject area is not in accordance with the Comprehensive Plan.

Staff finds that the existing zoning is not in accordance with the Comprehensive Plan in that the Plan re-designates parcels within the subject area to High Impact Commercial. The rezoning of this area will place the Official Zoning Map in further compliance with the Plan.

- B. The need for additional land in the City having the same zoning classification as the one proposed.

Staff finds that there is a need for additional lands in the City to be designated C-2 to implement the Comprehensive Plan's High Impact Commercial land use. As existing commercial areas are being rezoned to new zoning districts such as TCMU, MURC-1 and MURC-2 there is a need for a transitional commercial corridor on Old Spanish Trail at high-traffic intersections. The C-2 corridor will be located south of TCMU with residential to both sides.

- C. A substantial change in the land use character of the surrounding area that justifies the change in zoning.

Staff finds that the area to be rezoned has scattered existing zoning offering no cohesion for growth. There are several residential homes, an

asphalt company, a landscaping company, a church, etc. located on parcels within the subject area currently zoned Industrial. A C-2 zoning allows for a viable commercial corridor of compatible uses appropriate near residences and more intensive industry.

FINDINGS / APPROPRIATENESS OF THE REQUEST:

Based on the above analysis, the Planning Commission finds the following:

C-2 Community Commercial:

The Planning Commission finds that the existing zoning in the subject area is not in accordance with the Comprehensive Plan in that the existing zoning is I-2 and R-1 zoning and the Comprehensive Plan re-designates this area to Industrial and High Impact Commercial; and

The Planning Commission finds that there is a need for additional lands in the City to be designated C-2 to implement the Comprehensive Plan's High Impact Commercial land use. As existing commercial areas are being rezoned to new zoning districts such as TCMU, MURC-1 and MURC-2 there is a need for more High Impact Commercial as designated by the Comprehensive Plan; and

The Planning Commission finds that scattered existing uses are inharmonious with the character of the current zoning and to the 2009 Comprehensive Plan, which designates this area for rezoning to allow High Impact Commercial and Industrial uses for the area.

CONCLUSION AND RECOMMENDATION:

Based on the analysis of the site data, existing and future land use maps, impact on the availability of infrastructure, consistency with the Comprehensive Plan, and the appropriateness of the request relevant to the criteria established by Section 4.16 of the Unified Development Ordinance, the City Council may:

1. Approve the Ordinance to Comprehensively Rezone the subject area to C-2 Community Commercial; or
2. Deny the Comprehensive Rezoning.

ATTACHMENTS:

Ordinance

Map Exhibits A-E

COPY

PUBLIC NOTICE
COMPREHENSIVE ZONING CHANGE
GPC #11-08-RZ

Public notice is hereby given that the Planning Commission for the City of Gautier will hold a public hearing in the Council chambers of the Municipal Building, 3330 Highway 90, Gautier, MS at 6:00 P.M. on Thursday, April 7, 2011 to consider the city-initiated comprehensive rezoning of properties to C-2 Community Commercial, generally described as properties south of Old Spanish Trail, north of the railroad tracks, east of Ladnier Road approximately 1107 feet and west of Beasley Road approximately 1046 feet. The parcels are more particularly described by ordinance which may be viewed at the following locations:

Municipal Building. 3330 Highway 90.

Planning and Economic Development Department. Gautier-Vancleave Road.

The Economic Development/Planning Department can be reached at 228-497-8026 should you have any questions.

At the aforementioned time and place, all parties in interest shall have an opportunity to be heard.

WITNESS my hand this 21st day of March, 2011.

Samantha D. Abell
Planning and Economic Development Director

Location Map

OLD SPANISH TRAIL ZONE CHANGE

AREA 1 ZONE CHANGE TO C-2

City Of Gautier
Economic Development/Planning



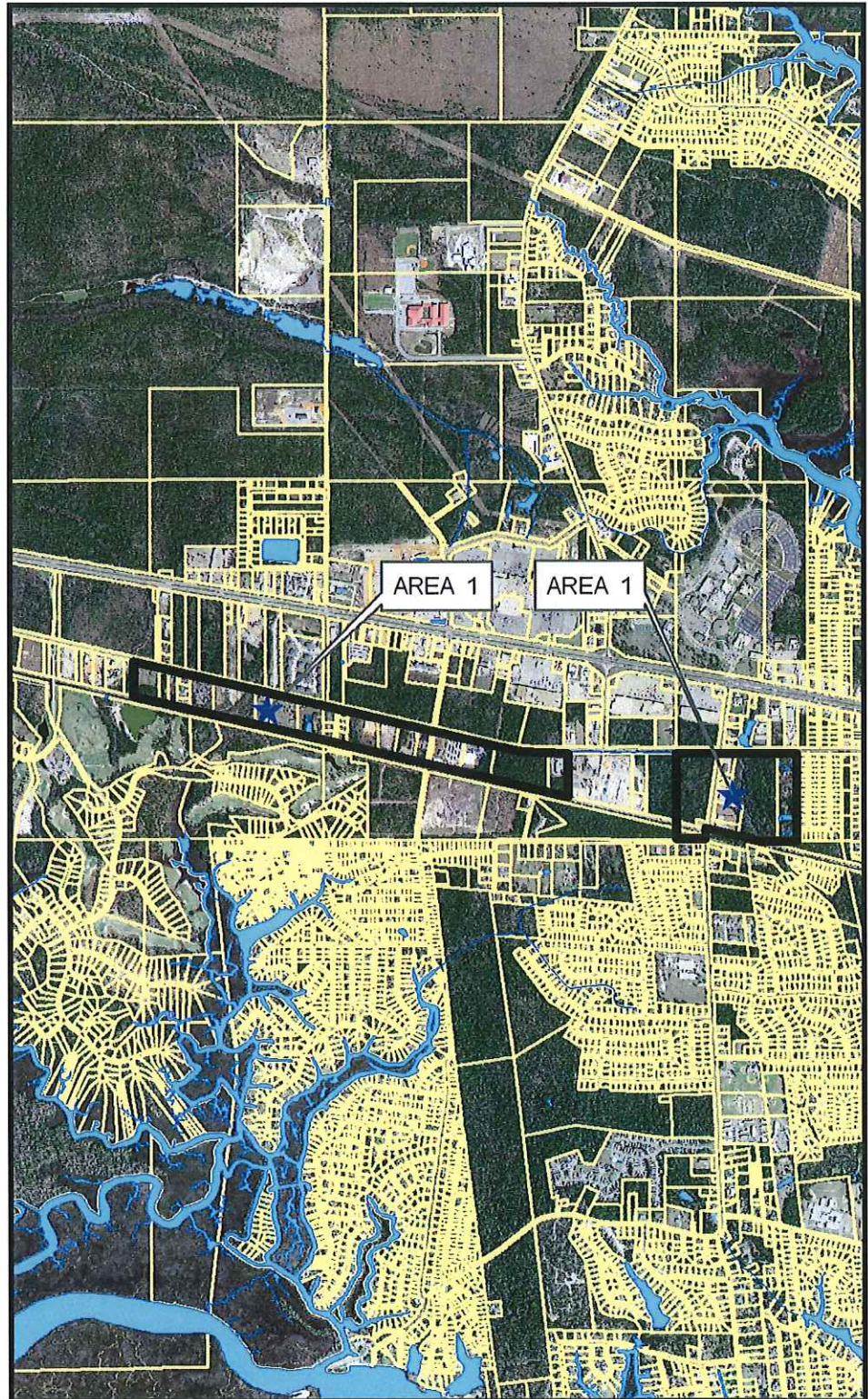
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Feet



Prepared by the
City of Gautier
GIS Division



Existing Zoning Map

City Of Gautier
Economic Development/Planning



0 40 800



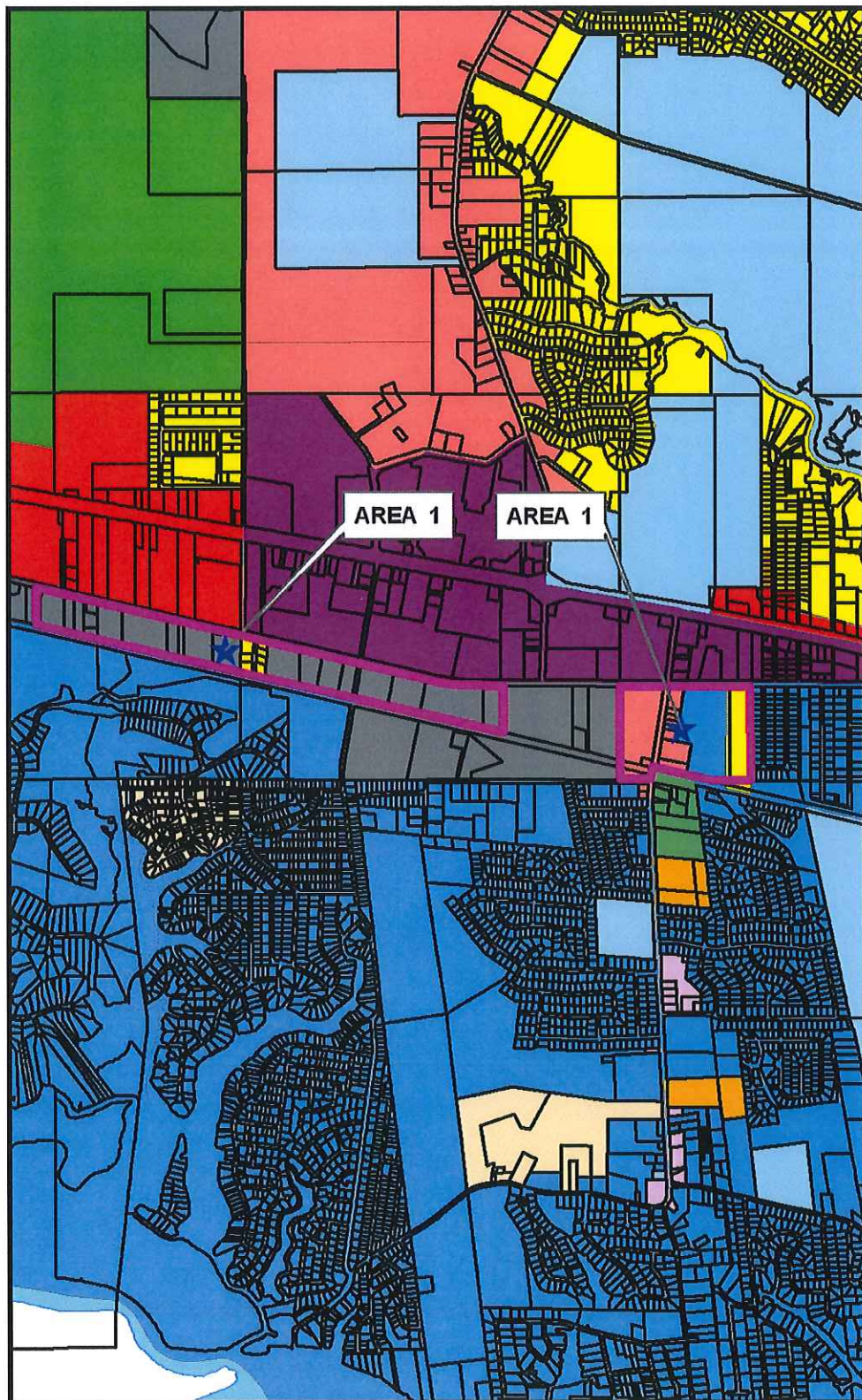
Feet



Prepared by the
City of Gautier
GIS Division

Legend

- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial



Existing Land Use Map

City Of Gautier
Economic Development/Planning



0 40000



Feet

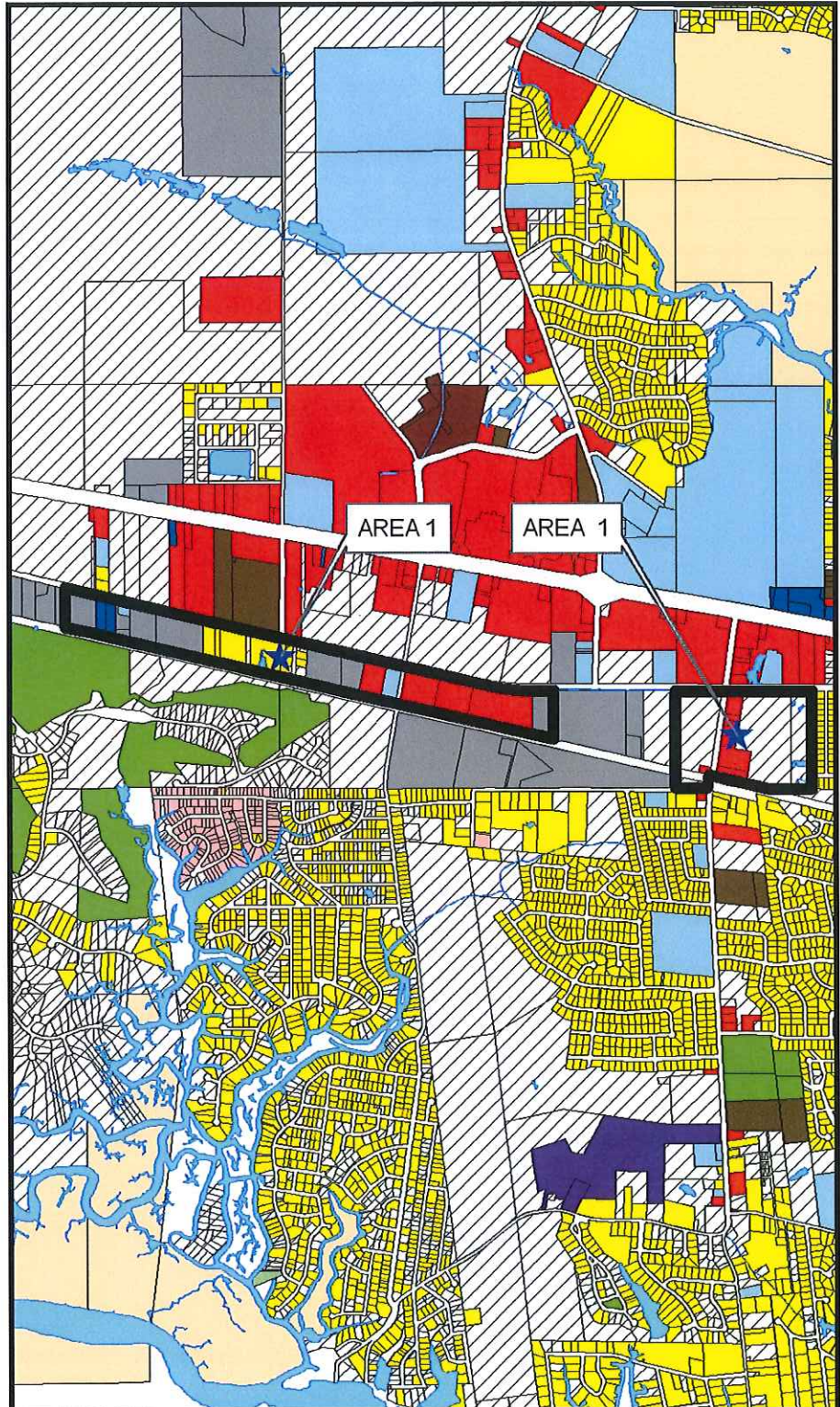


Prepared by the
City of Gautier
GIS Division

Legend

EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant



Future Land Use Map

City Of Gautier
Economic Development/Planning



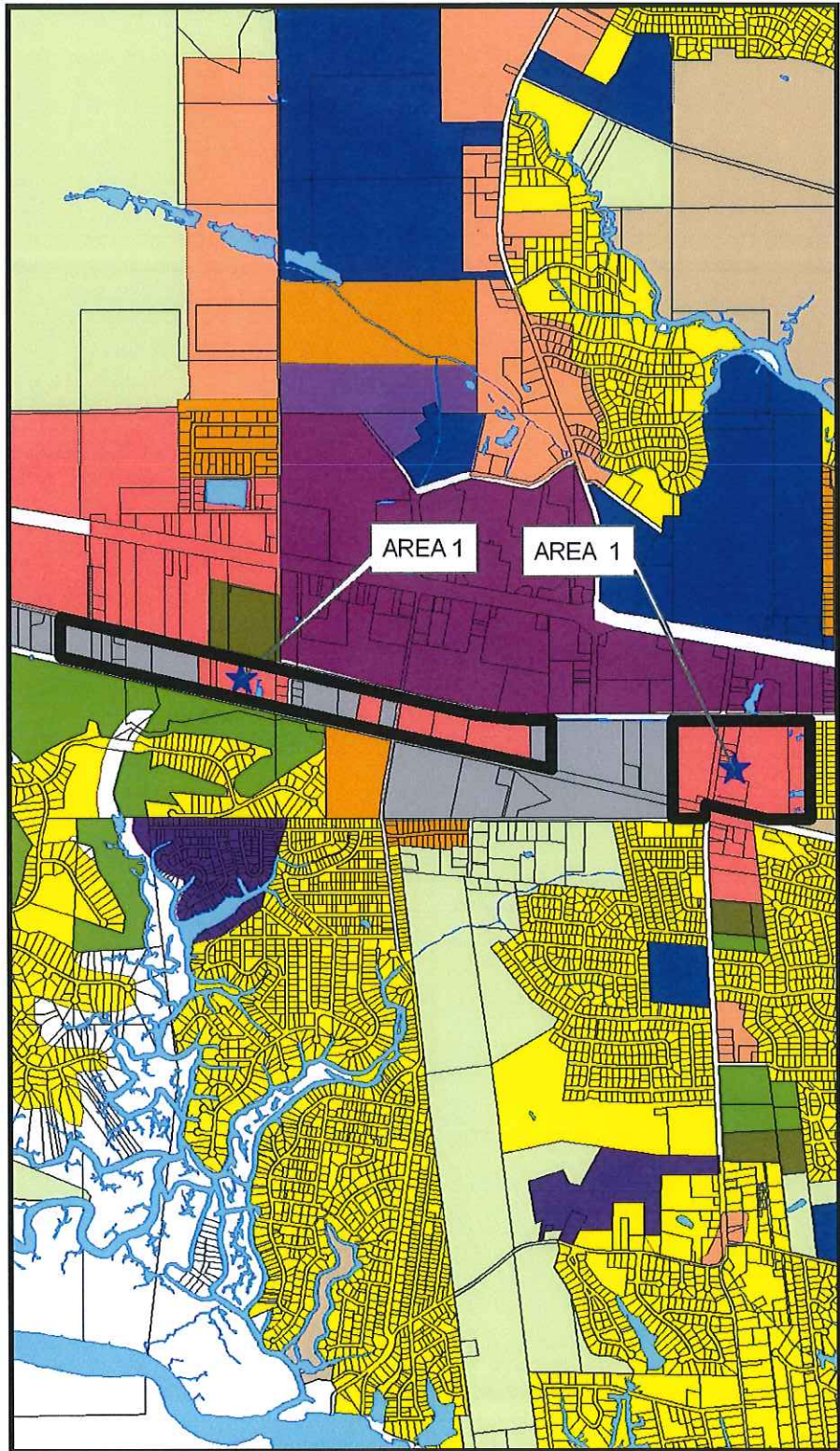
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Prepared by the
City of Gautier
GIS Division

Legend

- Civic
- High Impact Commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- Low Impact Commercial
- Recreational
- Recreational Commercial
- Regional Scale Commercial
- Mixed Use Residential
- Town Center
- Very Low Density Residential



Proposed Zoning Map

City Of Gautier
Economic Development/Planning



0 40000



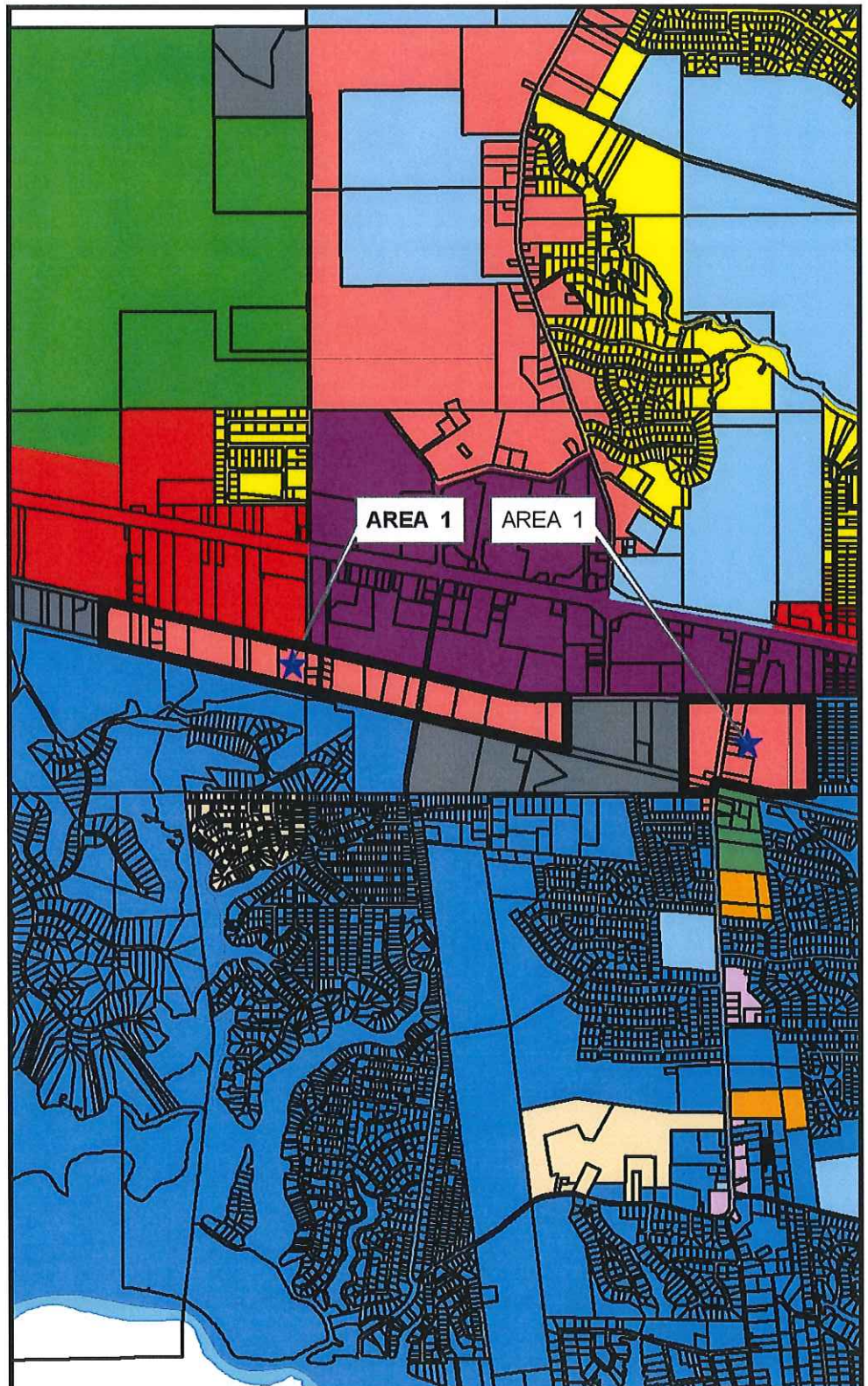
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Prepared by the
City of Gautier
GIS Division

Legend

- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial



COPY

ORDINANCE

AN ORDINANCE OF THE CITY OF GAUTIER, MISSISSIPPI, RELATING TO THE COMPREHENSIVE REZONING OF ±120.18 ACRES MORE OR LESS TO C-2 COMMUNITY COMMERCIAL; GENERALLY DESCRIBED AS PROPERTIES SOUTH OF OLD SPANISH TRAIL, NORTH OF THE RAILROAD TRACKS, EAST OF LADNIER ROAD APPROXIMATELY 1107 FEET AND WEST OF BEASLEY ROAD APPROXIMATELY 1046 FEET, EXCLUDING THE PROPERTY GENERALLY KNOWN AS MALLETTE BROTHERS CONSTRUCTION; MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; PROVIDING AUTHORITY; MAKING FINDINGS OF FACT; PROVIDING FOR A ZONING MAP AMENDMENT; AND SETTING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, AS FOLLOWS:

SECTION 1. AUTHORITY.

The authority for enactment of this ordinance is Section 17-1-5, Mississippi Code Annotated Section 17-1-15 (1972), Mississippi Statutes.

The City Council of Gautier finds that a comprehensive rezoning is necessary to implement the City's Comprehensive Plan adopted the 16th day of June 2009. A public hearing was held before the Gautier Planning Commission on April 7, 2011, and the Commission recommended that Council approve the change for a zoning map amendment to adopt the C-2 Community Commercial District. The City Council has conducted a public hearing on April 19, 2011 after giving due public notice pursuant to the Public Hearing Process of the City's Unified Development Ordinance. The requested rezoning is consistent with the City's Comprehensive Plan.

SECTION 2. PROPERTY REZONED.

The property generally described as properties south of Old Spanish Trail, north of the railroad tracks, east of Ladnier Road approximately 1107 feet and west of Beasley Road approximately 1046 feet, excluding the property generally known as Mallette Brothers Construction, is hereby rezoned to C-2 Community Commercial District.

SECTION 3. FINDINGS OF FACT.

The Planning Commission finds that the existing zoning in the subject area is not in accordance with the Comprehensive Plan in that the existing zoning is I-2 and R-1 zoning and the Comprehensive Plan re-designates this area to Industrial and High Impact Commercial; and

The Planning Commission finds that there is a need for additional lands in the City to be designated C-2 to implement the Comprehensive Plan's High Impact Commercial land use. As existing commercial areas are being rezoned to new zoning districts such as TCMU, MURC-1 and MURC-2 there is a need for more High Impact Commercial as designated by the Comprehensive Plan; and

The Planning Commission finds that the location of a construction office, a church, a landscaping business and several homes is inharmonious with the character of the current

zoning, according to the 2009 Comprehensive Plan, which designates this area for rezoning to allow High Impact Commercial and Industrial uses for the area. Now, therefore:

SECTION 4. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Gautier is hereby amended to include a comprehensive change of classification from I-2 Industrial and R-1 Low Density Residential to C-2 Community Commercial for the specific parcels described in Exhibit A of this Ordinance.

SECTION 5. SETTING EFFECTIVE DATE AND APPEAL. This Ordinance shall become effective 30 days after approval by the City Council and signature of the Mayor.

ADOPTED: _____

Tommy Fortenberry, Mayor

ATTEST:

Wendy McClain, City Clerk

Codification Instructions: Not Codified.

Exhibit C Existing Land Use Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

GautierParTrimmed

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

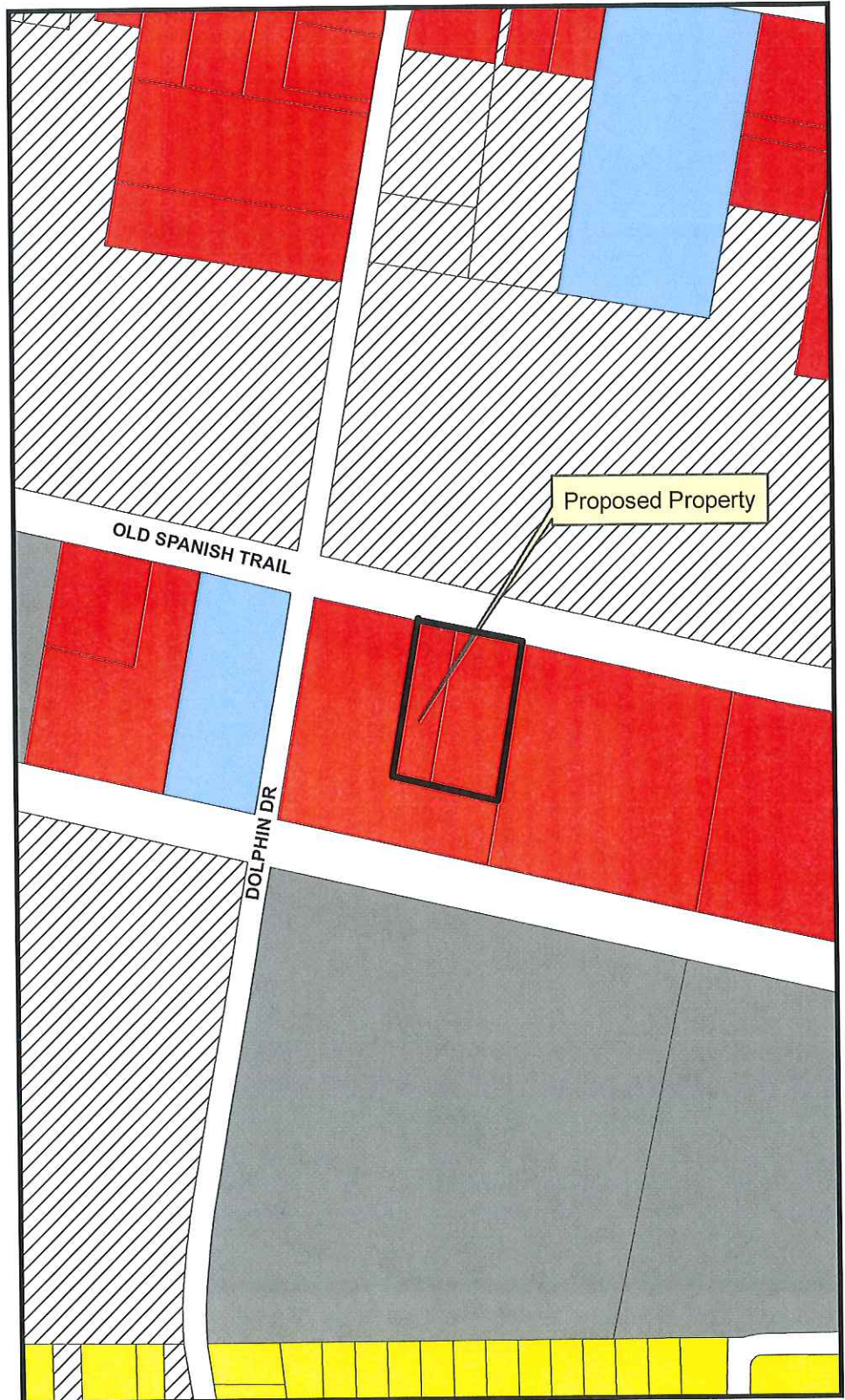
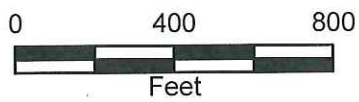


Exhibit A Location Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department



Exhibit B Existing Zoning Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

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
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- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial

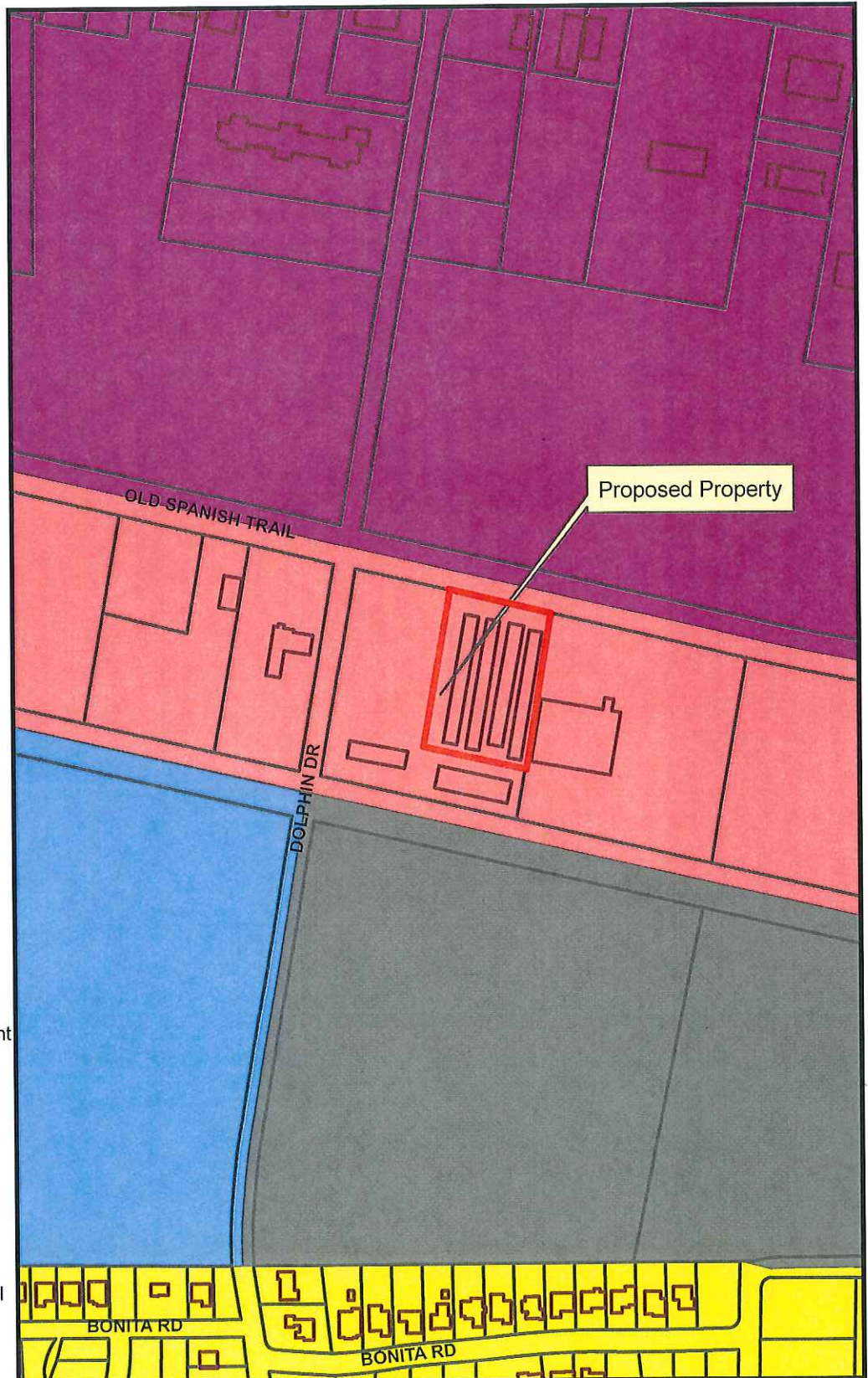


Exhibit D Future Land Use Map

City Of Gautier
Planning Department



0 400 800



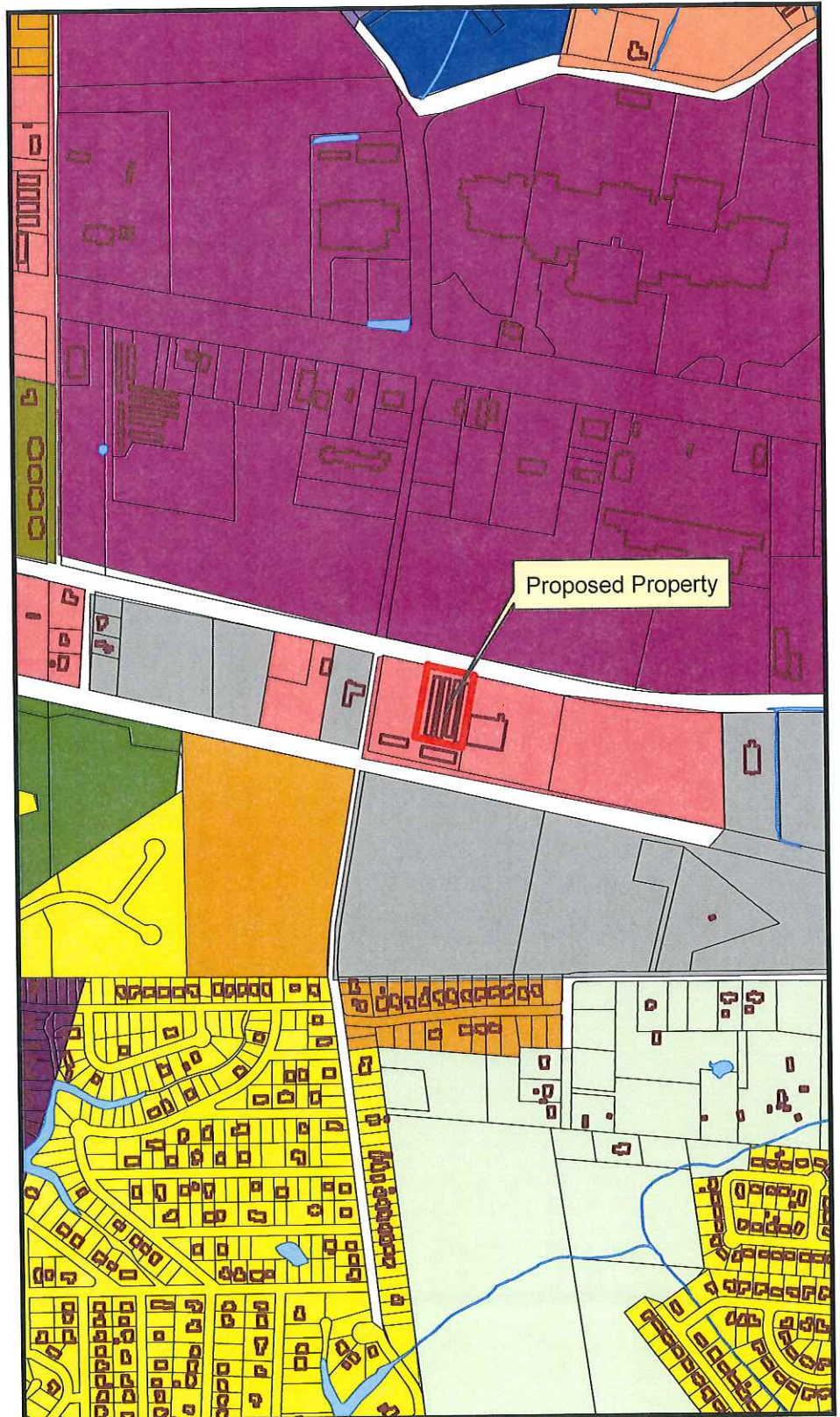
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Prepared by the
City of Gautier
Planning Department

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



Gautier Planning Commission

Regular Meeting Agenda

August 3, 2017

GPC #17-10-CU

Wat Buddhametta Mahabaramee

6300 Martin Bluff Rd Conditional Use

VII. NEW BUSINESS

- A. Wat Buddhametta Mahabarmee for a Conditional Use - Major that would allow a Temple/Church in a C-2, Community Commercial Zoning District (GPC# 17-10-CU).

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director/Building Official

Date: July 11, 2017

Subject: Conditional Use-Major Permit for WAT BUDDHAMETTA MAHABARAMEE Temple at 6300 Martin Bluff Road (GPC Case No. 17-10-CU)

REQUEST:

The Planning Department has received a request from Pisit Opnititanit representative of Wat Buddhametta Mahabaramee Temple, for a Conditional Use-Major Permit that would allow a Church or Place of Worship in a C-2 Community Commercial Zoning District at 6300 Martin Bluff Road, PID #81804085.050. The application fee of \$250 was paid on June 12, 2017. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 6300 Martin Bluff Road (See Exhibit A)
Collector: Martin Bluff
2. General features of the proposed project:
Total Building Area: 2,000 square feet
Site Size: 1.0 Acres
Year Building Constructed: 1980
3. Potable Water and Wastewater Services: Existing from City
4. The building is existing and was previously used as a rental property . The last known use of the property was a home residence.
5. Current Zoning (See Exhibit B): C-2 Community Commercial
6. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Residential to the South; PL Public Land to the West; C-2 Community Commercial to the North and to the East.

7. Current Surrounding Existing Land Use (See Exhibit C): Commercial-Retail to the North; Conservation/Vacant to the East; Very Low to Low Density Residential to the South; and Vacant to the West.
8. Comprehensive Plan Future Land Use Designation (See Exhibit D): Mixed Use Residential.

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

- 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.

Staff Finding: The proposed use as a Buddhist Temple serves as a residence for the monks and a place of worship for the congregation. Staff finds that this use will be compatible with the properties in the vicinity due to the fact there are both Residential and Commercial existing surrounding 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.

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.

- C. Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity.

Staff Finding: The applicant states that the Temple will be servicing approximately thirty (30) members with adequate parking. Staff finds that there is an existing circular drive which is of adequate size to accommodate the amount of vehicles (10) required by the Unified Development Ordinance for this use according to the applicant's statement of the number of members of the congregation.

- 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.

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

- E. If the proposed use in harmony with the Comprehensive Plan.

Staff Response: Yes, the Comprehensive plan proposes Mixed Use Residential in this area. The proposed use consists of both a Residential Dwelling and a place of Worship which is allowed with a “Conditional Us” in the Unified Development Ordinance.

- F. If the proposed use listed in the list of possible Conditional Uses in the particular Zoning District.

Staff Finding: Yes, according to the Unified Development Ordinance, a “Church or Place of Worship” is allowed with a “Conditional Use Major” in a C-2 Community Commercial 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.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental or disturbing affect to present surrounding uses. .

- 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.

Staff Finding: The proposed use will conform to district regulations. This will be ensured by the Planning Department upon review of final submittals before permits are issued.

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 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. The church services/events/meetings shall be limited to the number of occupants designated by the City of Gautier Fire Marshal.
2. According to the Unified Development Ordinance Article VI section 6.2.1.B.1., a residence or for clergymen or Parish house must be in a separate Accessory Structure as an Accessory Use.
3. ADA accessible parking shall be installed which meets the requirements of the City of Gautier's Unified Development Ordinance and The Americans with Disabilities Act.
4. Any existing business signage which does not comply with the Unified Development Ordinance shall be removed.
5. Separate permits will be applied for and obtained for any "Special Event" held on the property by the occupants as required by the Unified Development Ordinance.

CONCLUSION:

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major with the Conditions listed; or
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. Draft Conditional Use-Major 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

GAUTIER, MISSISSIPPI
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

GPL#17-10 CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Conditional Use - Major

\$250.00

TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR:

FEE:

Conditional Use - Minor

\$250.00

Name of Applicant: PISIT OPNITANIT 251-508-6235
Name of Business: WAT BUDDHAMETTA MAHABARAMEE Phone: 757-749-9972
Property Address: 6300 MARTIN BLUFF RD Mailing Address (if Different): _____
E-Mail Address: _____

Proposed Use Requiring Conditional Use: TEMPLE / CHURCH (Refer to Article V, UDO)

Proposed Location is: ☐ New Build ☒ Existing (with no modifications) ☐ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Answers to the Criteria for Approval (see attached).
- ☒ 2. Project Narrative (see attached).
- ☒ 4. Diagram of intended use (see attached).
- ☒ 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(s): Pisit Opnitani Date of Application: 6/12/17

FOR OFFICE USE ONLY

Date Received 6-12-17 Verify as Complete SA

Fee Amount Received \$250.00 Initials of Employee Receiving Application J.C.

DAVID

I, ~~David~~ *David Mitchell*, the fee simple owner(s) of the following described property:

Address: 6300 MARTIN BLUFF RD

Parcel ID No.: 81804085.050

hereby petition to the City of Gautier to Grant a Conditional Use Major or Minor of 6300 Martin Bluff Rd (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that *David Mitchell* (name of agent) 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.

David Mitchell
(Owner's Signature)

(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 9th day of June, 2017 by David J. Mitchell, who is personally known to me or has produced MS Driver License as identification and who did take an oath.

Lekeisha S. Hill
(Printed Name of Notary Public)

Lekeisha Hill
(Signature of Notary Public)

Commission # 110675. My commission expires Jan. 20, 2019

(Notary's Seal)



CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

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.

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use 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? Explain.
2. Will the proposed use 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? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

See the attached documents.

CORPORATE PROFILE:

Petitioner: Wat Buddhametta Mahabaramee
Nature of Business: 501 (c)(3) Nonprofit Religious Corporation
Federal EIN: 81-3400446
Agent's Name: Pisit Opnititanit
Location: 6300 Martin Bluff Rd.
Gautier, MS 39553
Proposed Use: Buddhist Temple/Church

Wat Buddhametta Mahabaramee is a Mississippi Non Profit Corporation filed on August 8, 2016. The company's filing status is listed as Good Standing and its File Number is 1097891.

The Registered Agent on file for this company is Pisit Opnititanit and is located at 6305 Malory Drive, Ocean Springs, MS 39564.

The company has 3 principals on record. The principals are Khunawut Chimmakaew from Sumter SC, Phong Barger from Ocean Springs MS, and Pisit Opnititanit from Ocean Springs MS.

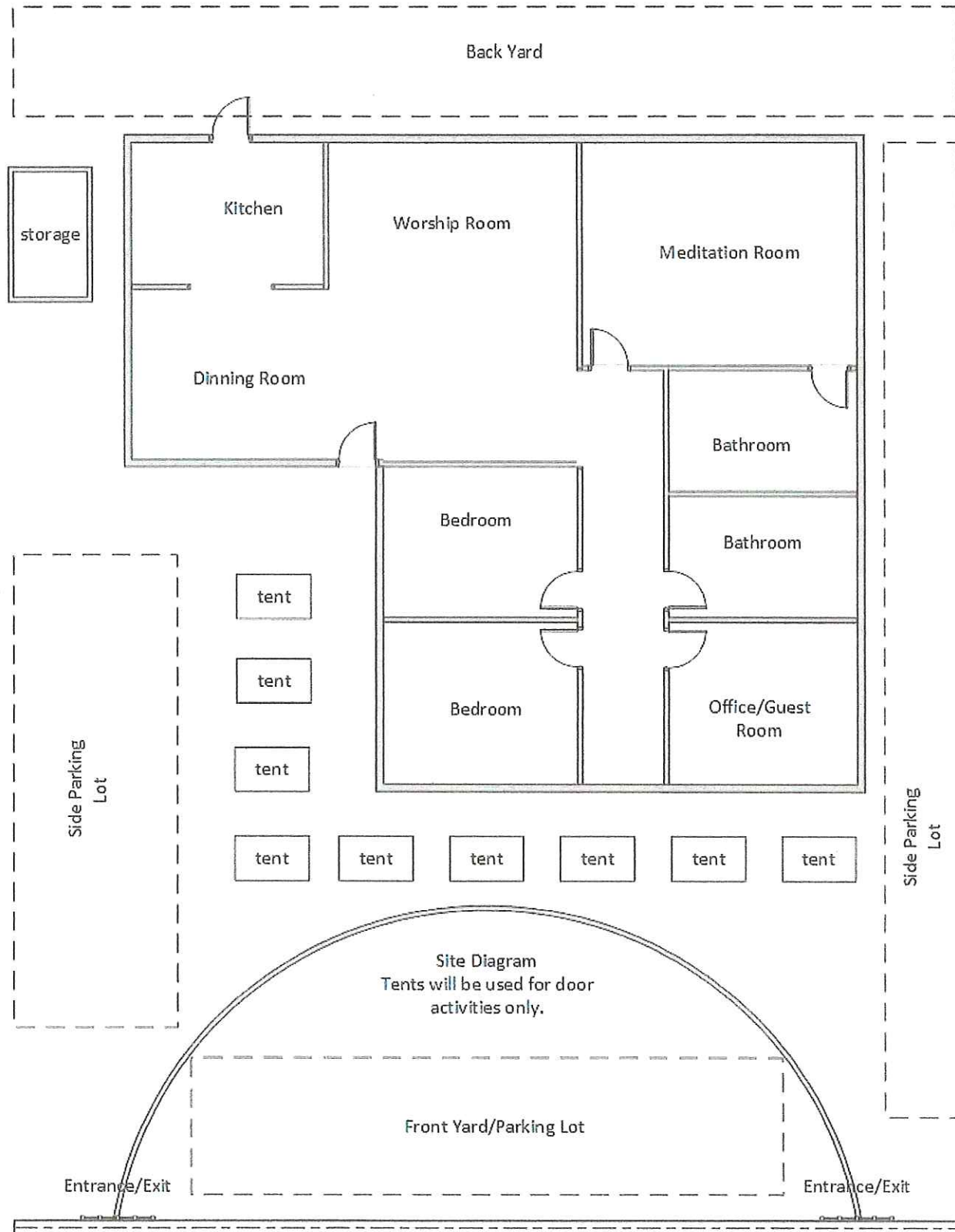
IRS Profile of Wat Buddhametta Mahabaramee

In Care of Name **Pisit Opnititanit**
Address **6305 Malory Dr.**
Ocean Springs, MS [39564-2321](#)
IRS Subsection **501(c)(3) - A religious, educational, charitable,
scientific or literary organization.**
Type of Foundation **Church**
Type of Organization **Corporation**
Deductibility **Contributions are deductible**
Tax I.D. Number **813400446**
Exempt Since **03-2017**
Form 990 Requirement **Not required to file (church)**
Classification **Buddhist**

ANSWERS TO CONDITIONAL USE CRITERIAL FOR APPROVAL

1. According to the property information provided by Jackson County, the proposed property owned by David & Nina Mitchell is classified as commercial and it was previously used as business office. This property has been leased year by year by the petitioner for use as a temporary office while its directors are looking for an appropriate place to form a permanent Buddhist temple in Jackson County, Mississippi. Meanwhile, a temporary center is required for gathering the faithful Buddhists, doing religious services, and raising funds to accomplish the mission.
2. A Buddhist temple is usually the place where the Buddhist monks live in and perform religious service. According to the location and interior layout of the leased building, there are three bedrooms, two full bathrooms, one living room, one dining room, and a kitchen. Currently, two bedrooms are allocated as the bedroom for the monks and another bedroom is reserved as the meditation room. The living room is organized as the worship place where congregation and services are performed. There is a storage next to the building and the unpaved parking area is in front of the building. There are two entrances at each corner of the site and driveway in front of the building. The temple is currently servicing about 30 members with adequate parking lots. See the pictures enclosed.
3. The proposed use of the facility will certainly not affect neighboring values or pose a real or perceived threat to citizens because Buddhism is well-known as a peaceful religion that aims at educating the faithful devotees in higher morality, concentration, and wisdom as well as creating good relationships with other religions. The temple's directors have made their best attempt to introducing the Buddhist principles and tradition to the neighbors as well as to paying respect to their privacy and peaceful life. The directors have been creating a good connection with the neighbors by inviting them to observe the temple's activities.
4. The proposed use of the facility does not affect vehicular or pedestrian traffic because there are simply-accessible entrances and sufficient parking lots available to the visitors. The neighboring business owner has kindly granted the temple to park in their property when there are special events and many participants.
5. The proposed property is accommodate with the city water and sanitary sewer and not far from public offices such as police and fire protection.
6. The proposed use is exactly in harmony with the comprehensive plan because the site is peaceful and suitable to forming the religious facility with appropriate spaces required for congregation and religious services.
7. The proposed property has been used as the Buddhist temple, so there are no hazardous or detrimental materials in use. Although there will be some outdoor activities and cooking in the particular events at the temple, the use of hazardous materials are prohibited and the temple has conformed with lawful management

Site Diagram



of garbage and drainage after cooking to prevent any harmful threats to man, environment, and nature.

8. The petitioner has a firm confidence that the use of the proposed property will certainly conform to all district regulations determined by the district where the property is located and/or other provisions. The directors are committed to looking for legal advice and assistance from the public offices related to the proper use of the facility and the organization of the temple's religious services and events to ensure that everything will be compliant with local, state, and federal regulations.

CONDITIONAL USE NARRATIVE

The proposed property will be principally for religious purposes to initialize the permanent construction of the Buddhist temple and meditation center in Jackson County, Mississippi. The facility is the monastery where the Buddhist monks reside and religious services are performed. Religious services are usually done inside the facility. The temple's religious services are normally held on Sundays and special services are conducted once a month. These service include worship, chanting, meditation, presentation of gifts, donation, preaching, counselling, and blessing. The temples opens to the public seven days a week from 8:00 am to 5:00 pm. Subscription of membership is not required for joining the temple's services and events. Additionally, no membership fee is collected monthly and the temple solely depends on donation from the faithful Buddhists and generous donors. Free food and drinks are served to the participants and the public who participate in the temple's services and events.

Generally, the process and time of the temple's religious services and events are as follows:

10:00 am	Congregation of monks and devotees
10:30 am	Monks lead devotees in worship and chanting. Meditation practice is done after chanting. Devotees take five precepts or a vow to moral conduct. The monks perform chanting for blessing. Devotees present alms food to the monks.
11:00 am	Luncheon time for the monks and participants
1:00 pm	Devotees present gifts and funds to the temple. The sermon is given to the devotees.

The monks bless the devotees

1:30 pm – 2:30 pm Counselling and discussion about Buddhist principles and spiritual development are opened to the public.

3:00 pm End of Service.

However, the temple may occasionally organize the outdoor events. The temple's directors in corporation with community members have planned to raise funds for affording its own property by organizing Thai Festival two times a year and setting up the food booths for charity every Sunday. This plan will bring the community members together and create a good relationship with the neighboring communities through the introduction of Thai food and culture. Food booths and exhibition of Thai culture will be organized by the temple's members and they will be supervised by the temple's directors for legal compliance and public safety.

The temple is committed to introducing the Buddhist principles and Thai culture as well as creating peace to the community and conforming to local, state, and federal laws.





Ven. Pisit Opnititanit was introducing the process of religious services.



Worship Room



The monks were gathering alms food according to the Buddhist monasticism.



The faithful Buddhists were presenting offering alms food to the monks.



The faithful devotees were raising funds for the temple.



Meditation Room



Devotees were presenting food to the monks.





Kathina or robe-offering ceremony/Outdoor activity



Participants in the Kathina ceremony



Tents will be set up when organizing the outdoor activities.



Tents will be set up when organizing the outdoor activities.



Tents will be set up when organizing the outdoor activities.





Tents will be set up when organizing the outdoor activities.

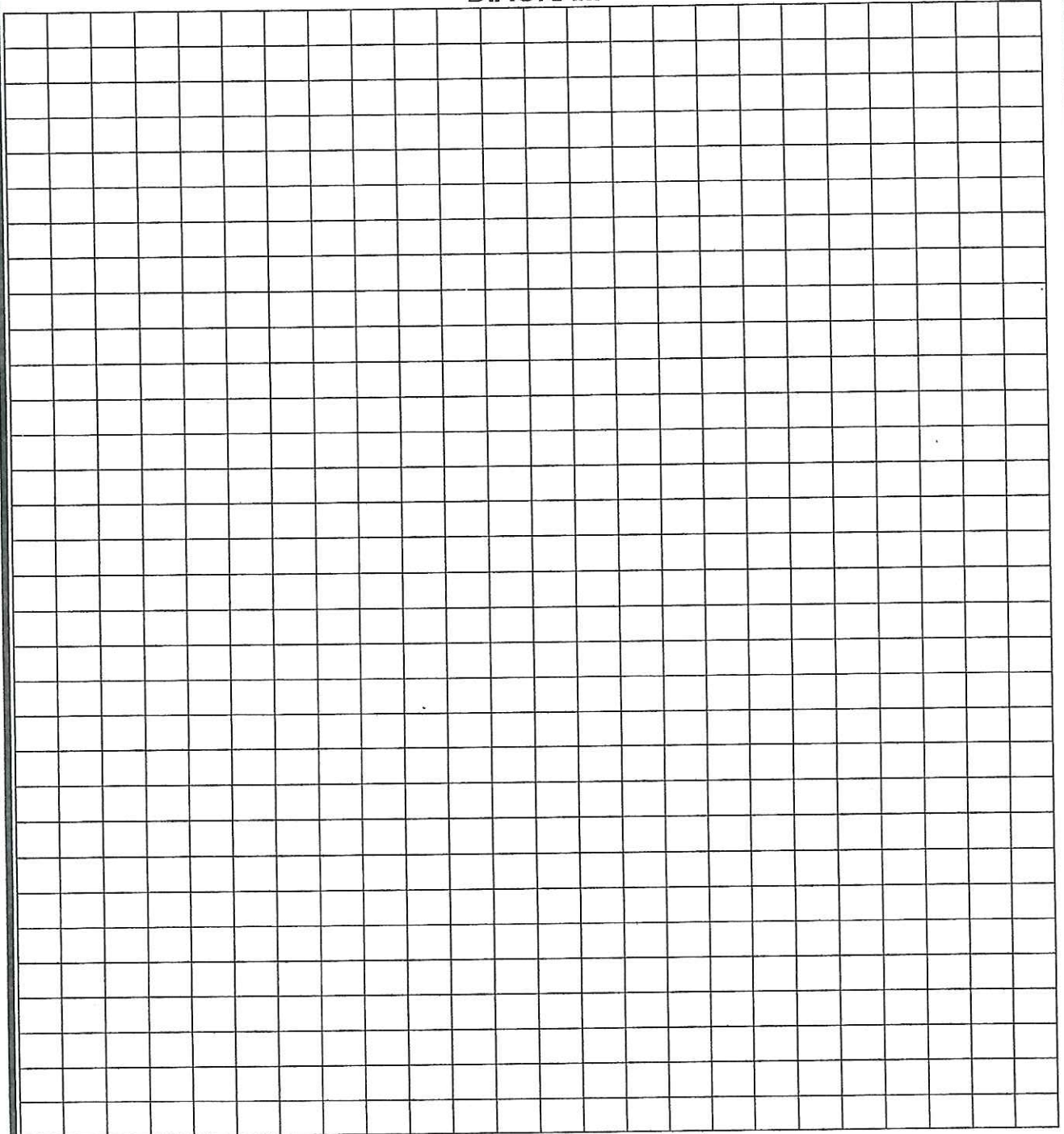




Tents will be set up when organizing the outdoor activities.

CONDITIONAL USE DIAGRAM – Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.

DIAGRAM



81804085.050 MITCHELL DAVID & NINA S

PIDN: 81804085.050

GISP: 764.18-00-0006.00

Owner Information

Percent of Ownership: 100

Name: MITCHELL DAVID & NINA S

Name 2:

Mailing Address: P O BOX 1122

GAUTIER MS

39553

Site Address: 6300 MARTIN BLUFF RD GAUTIER

Land Information

Section: 18

Acreage: 1.00

Township: 7S

Range: 6W

Street Name MARTIN BLUFF
RD

Value and Tax Information

Total Assessed Value: 12035

Total Appraised Value: 80230

Improvement Value: 73620

Land Value: 6610

Tax Amount: 1624

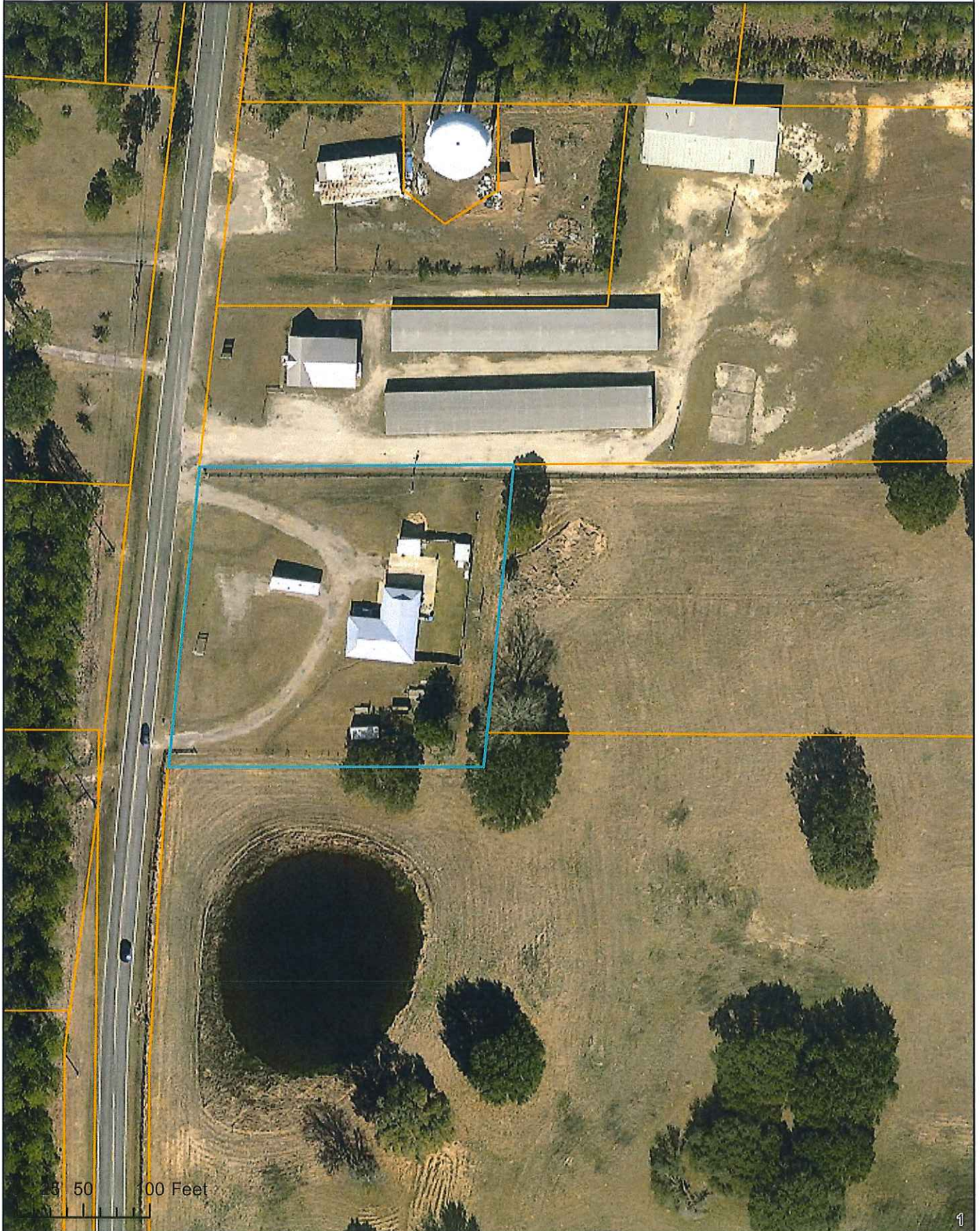
SQ FT: 1796 Year Built: 1980

Legal Description

Description: COM E/M MARTIN BLUFF RD & S/L
SEC 18 NLY ALG RD 1660.47' FOR
POB E 208' SLY PARALLEL TO RD
208' W 208' TO RD NLY ALG RD
208' TO POB DB 1508-579
DB 1769-423 (6 MAP764.18)

Deed Book / Page: 1769 / 423

81804085.050 MITCHELL DAVID & NINA S



PLANNING COMMISSION/COUNCIL MEETING DATES/DEADLINES

Council Meeting date is dependent on the action taken by the Planning Commission. If the Planning Commission does not render a recommendation at the first meeting date, then the Council Meeting date will be adjusted accordingly.

APPLICATION DEADLINE	PLANNING COMMISSION DATE	COUNCIL MEETING DATE
2016		
November 18, 2015	January 7	January 19
December 15, 2015	February 4	February 16
January 19	March 3	March 15
February 16	April 7	April 19
March 15	May 5	May 17
April 19	June 2	June 21
May 17	July 7	July 19
X June 21	+ August 4 5 P.M.	+ August 16 6:30 P.M.
July 19	September 1	September 20
August 16	October 6	October 18
September 20	November 3	November 15
October 18	December 1	December 20
2017		
November 15, 2016	January 5	January 17
December 20, 2016	February 2	February 21
January 17	March 2	March 21
February 21	April 6	April 18
March 21	May 4	May 16
April 18	June 1	June 20
May 16	July 6	July 18
June 20	August 3	August 15
July 18	September 7	September 19
August 15	October 5	October 17
September 19	November 2	November 21
October 17	December 7	December 19

Rental Agreement

THIS AGREEMENT made this 14 day of July 2016 by and between Daniel Mitchell herein called "LANDLORD", and _____, herein called "TENANT".

LANDLORD hereby agrees to rent to TENANT the real property located in the County of Eschschur City of GARMA, State of MS, described as follows: _____ commencing on the 19th day of July, 2016 and monthly thereafter for up to twelve (12) months.

LANDLORD rents the described premises to TENANT on the following terms and conditions.

1. RENT:

TENANT agrees to pay LANDLORD as base rent the sum of \$ 1000.00 per month, due and payable monthly in advance on the first day of each month during the term of this agreement. Rent must be received no later than 5:00 PM on the first day of the month. Neither ill health, loss of job, financial emergency or other reasons will be accepted for late payment of rent.

2. SECURITY DEPOSIT:

TENANTS hereby agree to pay a security deposit of \$ 950.00 on or before _____ or RENTAL AGREEMENT is canceled and tenants must vacate premises. The security deposit will be refunded upon vacating, return of the keys to LANDLORD and termination of this contract according to the terms herein agreed. This deposit will be held to cover any possible damage to the property. No interest will be paid on this money and in no case will it be applied to back or future rent. It will be held intact by LANDLORD until at least 15 working days after TENANTS have vacated the property. At that time LANDLORD will inspect the premises thoroughly and assess any damages and/or needed repairs. This deposit money minus any necessary charges for repairs, cleaning, unpaid rent, etc., will then be returned to TENANT with a written explanation for deductions after they have vacated the property

3. RENTAL COLLECTION CHARGE:

TENANT hereby acknowledges that late payment will cause LANDLORD to incur costs not contemplated by this RENTAL AGREEMENT, the exact amount of which will be extremely difficult to ascertain. In the event rent is not received by 11:59 PM on the 1st day of the month (regardless of cause including dishonored checks) then by 12:01 AM on the 2nd day of the month the Tenant will be charged a late fee of \$25.00 for each day that rent is late. Neither ill health, loss of job, financial emergency or other reasons will be accepted for late fee payment. If TENANT has not paid the rent and all late fees by the 10th of the month, then TENANT agrees that LANDLORD will serve eviction and TENANT will have to vacate the premises immediately.

4. DISCOUNT PROGRAM:

As an incentive to the TENANT to pay his/her rent payments AHEAD OF TIME, and for being responsible for all minor maintenance and repairs, a discount in the amount of \$ 50.00 may be deducted from the above rental sum each month. This discount will automatically be forfeited if the TENANT fails to perform as outlined in the RENTAL AGREEMENT.

5. PAYMENT OF RENT:

The initial payment of rent and security deposit under the terms of this RENTAL AGREEMENT MUST BE MADE IN CASH. Thereafter monthly rent payments may be paid by check until the first check is dishonored and returned unpaid. Time is of the essence and no excuses will be accepted. Rent shall be made payable to David Mitchell and delivered to LANDLORD by mail to 5325 Gautier Vancleave Rd. Vancleave MS, 39565. Any rents lost in the mail will be treated as if unpaid until received by owner.

6. BAD CHECK SERVICING CHARGE:

In the event TENANTS check is dishonored and returned unpaid for any reason to LANDLORD, TENANT agrees to pay as additional rent the sum equal to five percent (5%) of the monthly rent. If for any reason a check is returned or dishonored, all future rent payments will be cash or money order only.

7. APPLIANCES:

The house is equipped with stove, and dishwasher. The above rental payment specifically EXCLUDES all appliances of any kind! These appliances are there solely at the convenience of the LANDLORD, who assumes no responsibility for their operation.

8. USE:

The TENANTS agree to use the premises only as a residence for themselves and their children.

9. SMOKING:

There shall be NO CIGERETTE/CIGAR SMOKING Or INCENSE/CANDLE BURNING allowed inside the rented premises. Violation of this will result in an eviction of rented premises and also a cleaning fee of \$150.00

10. NON-ASSIGNMENT OF RENTAL AGREEMENT:

Resident agrees not to assign this agreement, not to Sub-Let any part of the property, nor to allow any other person to live therein other than as named in Paragraph 8 without first requesting permission from the LANDLORD and paying the appropriate surcharge. Further, that covenants contained in this RENTAL AGREEMENT, once breached, cannot afterward be performed; and that lawful proceedings may be commenced.

11. LEGAL OBLIGATIONS:

TENANTS hereby acknowledge that they have a legal obligation to pay their rent on time each and every month regardless of any other debts or responsibilities they may have. They agree that they will be fully liable for any back rent owed. They also acknowledge defaulting on this RENTAL AGREEMENT could result in judgment being filed against them and a lien being filed against their current and future assets and/or earnings.

12. ATTORNEY'S COST:

If court action is sought by either party to enforce the provisions of the RENTAL AGREEMENT, attorney's fees and costs may be awarded to the prevailing party in the court action.

13. REPAIR POLICY:

The TENANTS hereby acknowledge that they have been informed that the LANDLORD and/or his agents are not always available to provide support services to TENANTS. If a problem arises that should cost \$50.00 or less to repair, then the TENANTS are expected to deal with it themselves or lose the discount for that month.

If a problem arises that will cost more than \$50.00 to repair then the TENANTS must get in touch with LANDLORD as soon as possible, between 9AM. and 5PM. on Monday thru Friday. After normal business hours TENANTS may leave a message and someone will get back to you as soon as possible. Under no circumstances will LANDLORD be responsible for any improvements or repairs costing more than \$50.00 unless the TENANTS were given written authorization to make repairs or improvements in advance.

TENANT agrees to meet all TENANTS obligations as spelled out in MS state law, including but not limited to

1. Comply with all obligations primarily imposed upon TENANTS by applicable provisions of building codes materially affecting health and safety.
2. Keep that part of the premises that he/she occupies and uses as clean and safe as the condition of the premises permit.
3. Dispose from his/her dwelling unit all ashes, rubbish, garbage and other waste in a clean and safe manner.
4. Keep all plumbing fixtures in the dwelling unit or used by the TENANT as clean as their condition permits.
5. Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances including elevators in the premises.
6. Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so.
7. Conduct himself /herself and require other persons on the premises with his/her consent to conduct themselves in a manner that will not disturb his/her neighbor's peaceful enjoyment of the premises.

TENANT warrants that he/she will meet above conditions in every respect, and acknowledges that failure to perform the obligations herein stipulated will be considered grounds for termination of this agreement in accordance with Statutes and loss of all deposits.

14. CLEANING FEE:

TENANT hereby agrees to accept the property in its present state of cleanliness. They agree to return the property in the same condition or pay a cleaning fee if LANDLORD has the property professionally cleaned.

15. ~~6 MONTH~~ ^{1 year} then MONTH TO MONTH TENANCY:

This is a 6 month RENTAL AGREEMENT. All parties agree that termination of this agreement before 6

22. INVENTORY AND INSPECTION RECORDS:

An inventory and inspection record has been provided for the TENANTS use. Only after this has been filled out (within the three day time limit) will the owner take any action to complete necessary repairs. LANDLORD warrants that all major systems will be functional and in good repair at time of possession. Light switches, wall plugs, doors, windows, faucets, drains, locks, toilets, sinks, heaters, etc., will either be in working order or will be repaired once the TENANTS have completed the inspection and inventory record. TENANTS are encouraged to report any necessary repairs no matter how slight, in writing but they are hereby advised that LANDLORD does not normally repair or replace nonfunctional items such as paint, carpets, etc., every time a property changes possession. These items are scheduled for repair/replacement at regular intervals of tenant turnover.

23. MAINTENANCE OF LAWNS:

The TENANTS acknowledge that they are legally responsible for maintaining the lawns and landscaping. The lawn must be mowed within every two weeks and property and landscaping must be kept clean and in order.

24. TENANT RESPONSIBILITY:

Good Housekeeping is expected of everyone. Tenant agrees to keep quarters clean and in a sanitary condition. The TENANTS agree not to permit any deterioration or destruction to occur while they are occupying the property. They agree to maintain the walls, woodwork, floors, furnishings, fixtures and appliances (if any), windows, screens, doors, fences, plumbing, air-conditioning and heating, electrical and mechanical systems as well as the general structure and appearance of the property.

25. ALTERATIONS:

TENANT shall make no alterations, decorations, additions or improvements in or to the premises without LANDLORD'S prior written consent, and then only by contractors or mechanics approved by LANDLORD. All alterations, additions or improvements upon the premises, made by either party, shall become the property of LANDLORD and shall remain upon, and be surrendered with said premises, as a part thereof, at the end of the term hereof.

The TENANTS specifically agree that no tacks, nails, screws, etc., will be driven into the walls, nor will they be marred or torn by glue or tape. They also acknowledge that they will be responsible for and pay for any damage done by rain, wind, hail, tornadoes, hurricanes, etc., if this damage is caused by leaving windows open, allowing seepage and/or overflow of water and/or sewage pipes, broken windows or doors, torn screens, broken door and window locks, etc., or any damage caused while TENANT has occupancy.

26. VEHICLE POLICY:

Junk cars, cars on blocks, inoperable vehicles, or unlicensed automobiles are not permitted on property. Removal will be at the expense of the TENANT. TENANTS agree that any vehicle parked on unpaved areas may be towed and stored at TENANT'S expense.

27. UTILITIES:

Resident will be responsible for payment of all utilities, garbage, water and sewer charges, telephone, gas and or other bills incurred during their residency. They specifically authorize LANDLORD to deduct amounts of unpaid bills from their deposits in the event they remain unpaid after termination of this agreement.

28. ROOF AND TERMITE ALERT:

TENANT agrees to notify LANDLORD immediately if roof leaks; water spots appear on ceiling or at the first sign of termite activity.

29. NON-LIABILITY:

The TENANTS hereby state that any work or repairs that need to be done will be subbed out to competent professionals, unless TENANTS are qualified and capable of doing the work themselves and doing it properly, in a safe manner which meets all federal, state, and local regulations. TENANTS further state that they will be legally responsible for any mishap occurring during work either they do themselves or hire others to do. LANDLORD will be held free from harm and liability along with his agents and representatives. In the event that needed repairs are beyond the TENANT'S capacity, they are urged to arrange for professional help.

30. VALIDITY OF LEASE PROVISIONS:

Any provision set forth in this RENTAL AGREEMENT which is contrary to the RESIDENTIAL LANDLORD and TENANT ACT shall be treated by LANDLORD and TENANT as void and as if it were not set forth herein, but all other provisions of the RENTAL AGREEMENT shall remain in full force and effect.

31. TELEPHONE:

If the TENANT gets a telephone installed in the premises, LANDLORD will be given the telephone number within 2 working days of installation and will be notified within 2 working days of any further changes in that number.

32. ACCESS TO PREMISES:

The LANDLORD reserves the right to enter the residence at reasonable times to inspect, make necessary repairs, supply services or show it to prospective residents, purchasers, mortgagees, workmen or contractors. Whenever practicable, a one-day notice of the LANDLORD'S intent to enter shall be given to the TENANT. The LANDLORD may also display "for rent" and "for sale" signs on the building on which the rented residence is a part.

33. PEST CONTROL POLICY:

TENANT is responsible for any ongoing Pest Control Service and is strongly encouraged by LANDLORD, if the TENANT desires such a service. LANDLORD is not responsible for any damage done to the TENANT'S person or property by such pests, or to the person or property of TENANT'S family or any other persons on their premises.

34. WAIVER:

All rights given to LANDLORD by this agreement shall be cumulative.

In addition to any laws which exist or might come into being. Any exercise of any rights by LANDLORD or failure to exercise any rights shall not act as a waiver of those or any other rights. No statement or promise by LANDLORD, its agents or employees, as to tenancy, repairs, amount of rent to be paid or other terms and conditions shall be binding unless it is put in writing and made a specific part of this agreement.

35. LEGAL BINDING:

TENANT hereby states that they have the legal right to sign for any and all other residents and to commit them to abide by this contract.

36. TERMS:

In this agreement the singular number where used will include the plural, the masculine gender will include the feminine, the term owner will include LANDLORD, LESSOR; and the term RESIDENT will include TENANT, LESSEE.

37. FULL DISCLOSURE:

The TENANTS signing this RENTAL AGREEMENT (CONTRACT) hereby state that all their questions about this RENTAL AGREEMENT have been answered, that they fully understand all the provisions of the agreement and the obligations and responsibilities of each party as spelled out herein. They further state that they agree to fulfill their obligations in every respect or suffer the full legal and financial consequences of their actions or lack of action in violation of this agreement. Signature by the TENANT on this RENTAL AGREEMENT is acknowledgment that he/she has received a signed copy of the RENTAL AGREEMENT.

ACCEPTED THIS 14th DAY OF July, 2016

[Signature]
LANDLORD/AGENT
7/14/2016
Date

[Signature]
T. W.
7/14/2016
TENANT DATE

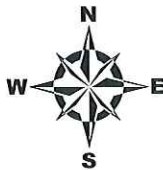
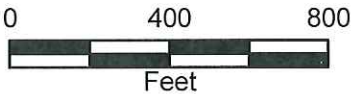
[Signature]
TENTANT
7/14/2016
DATE

770747579
SOCIAL SECURITY NUMBER

K452-800-80-004-0
STATE DRIVERS LICENSE NUMBER

Exhibit A Location Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

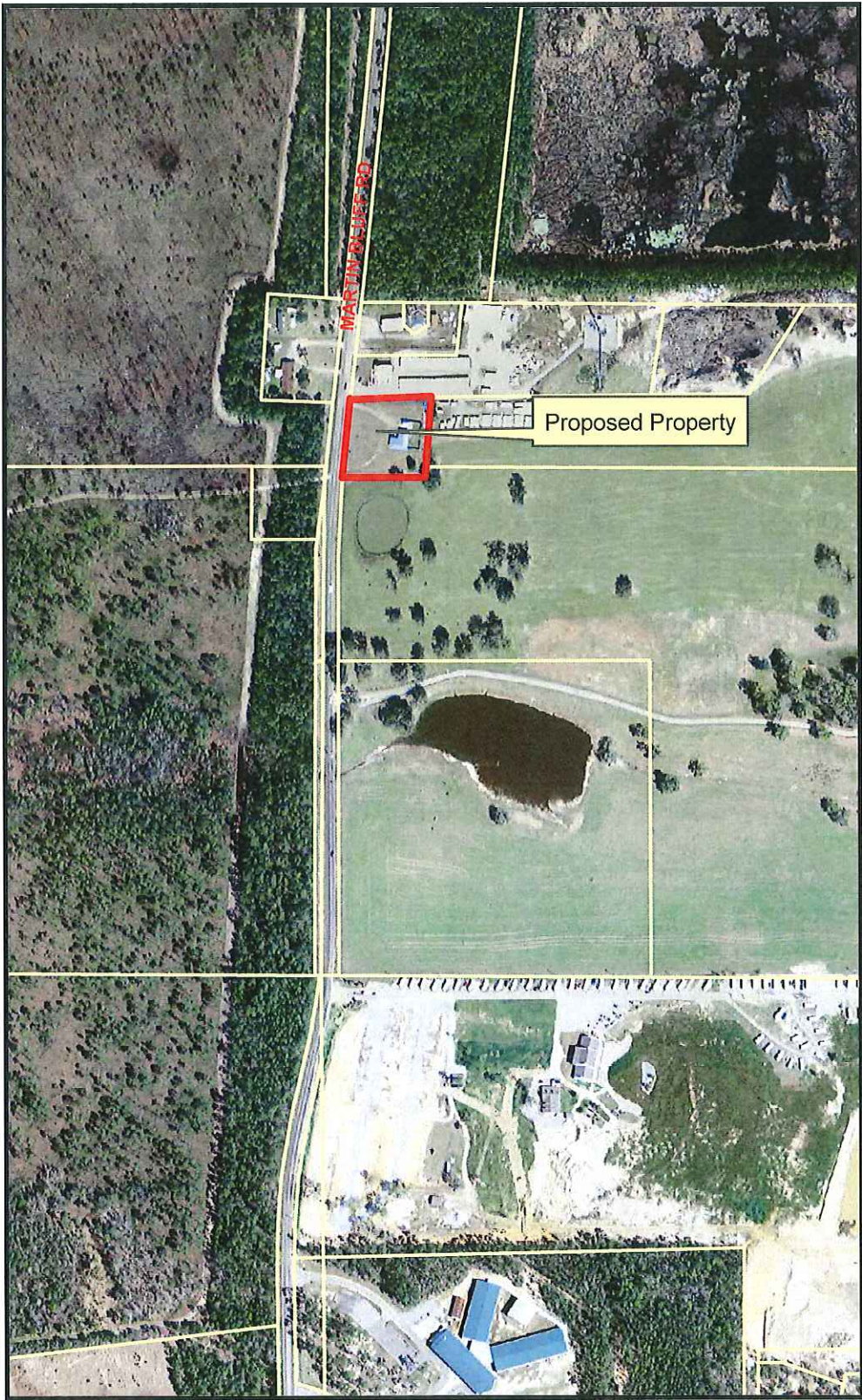


Exhibit B Existing Zoning Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

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

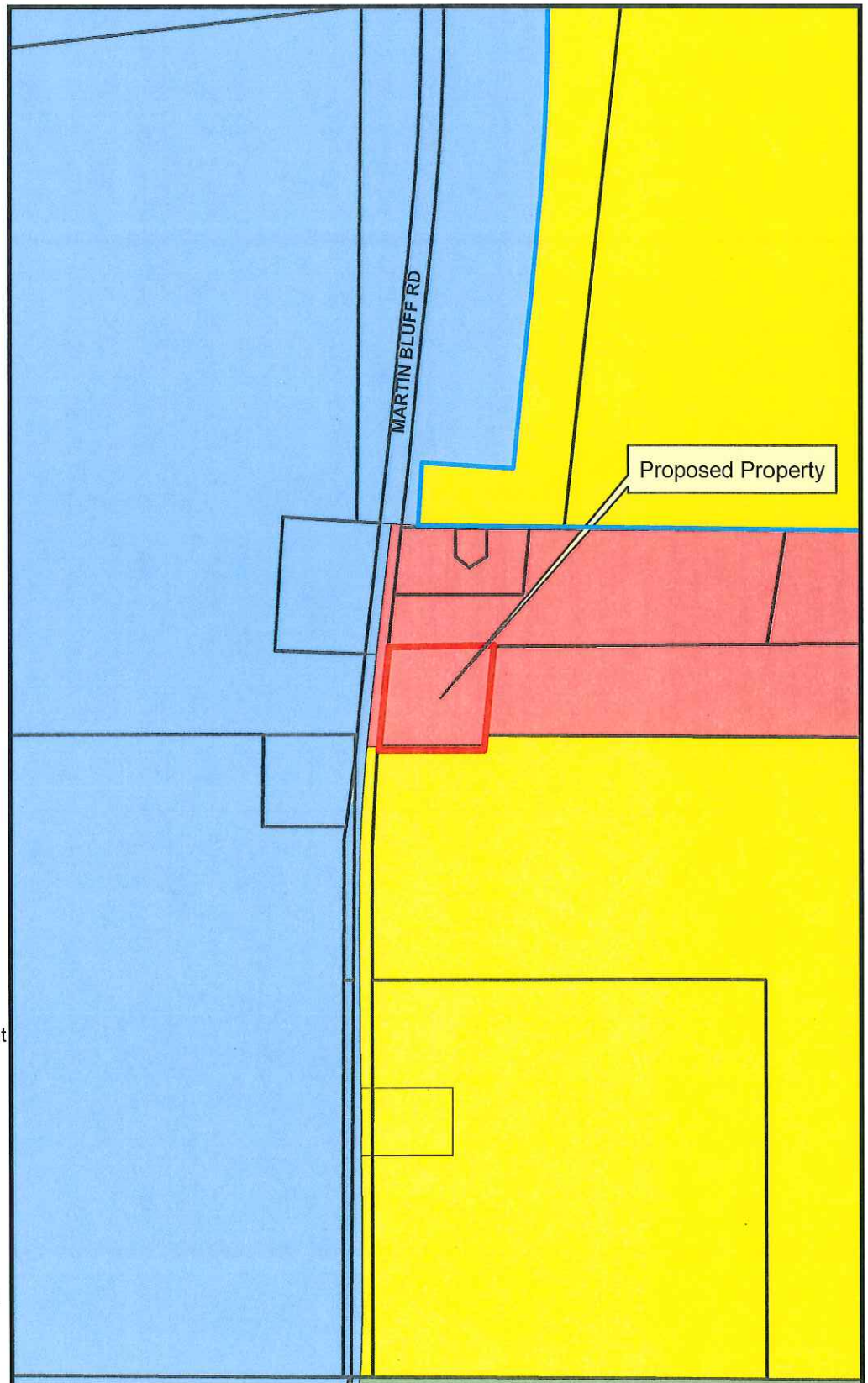


Exhibit C Existing Land Use Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

GautierParTrimmed

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

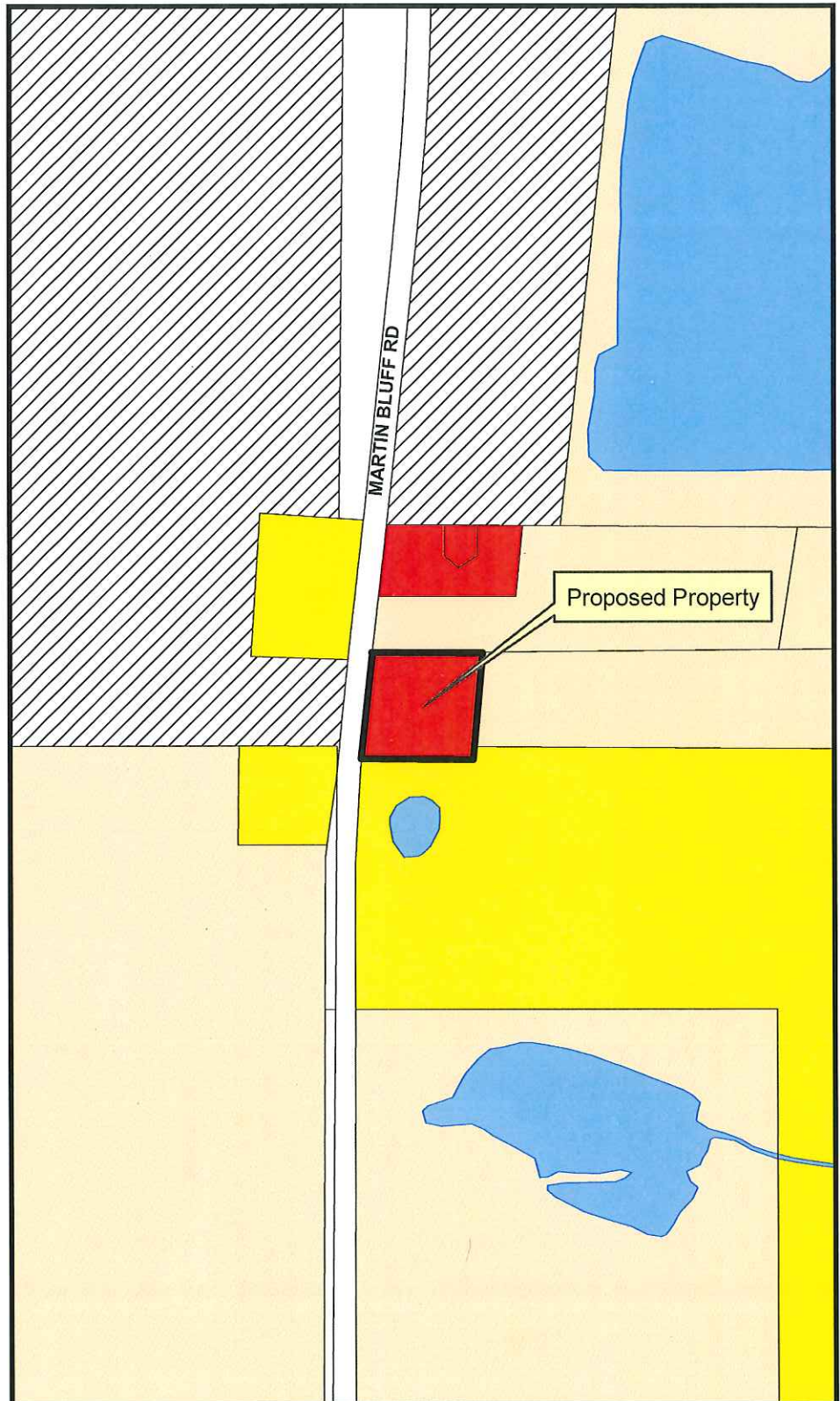
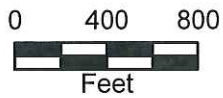


Exhibit D Future Land Use Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

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

