

AGENDA

GAUTIER PLANNING COMMISSION

September 7, 2017

5:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. July 27, 2017

**V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**

VI. OLD BUSINESS

VII. NEW BUSINESS

1. Consideration of a Conditional Use-Major of a Title Loan Business in a TCMU- Town Center Mixed Use District. (GPC CASE #17-11-CU)
2. Request to rezone 2965 Old Spanish Trail, Parcel ID #'s 82435240.080, and 82435240.085, and 82435160.055 from C-2, Community Commercial to I, Industrial. (GPC # 17-09-RZ)

VIII. GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

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

B. PERMIT & TRC REPORTS

IX. ADJOURN

Gautier Planning Commission

Regular Meeting Agenda

September 07, 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, and 82435160.055 from C-2, Community Commercial to I, Industrial. (GPC # 17-09-RZ)

Gautier Planning Commission

Regular Meeting Agenda

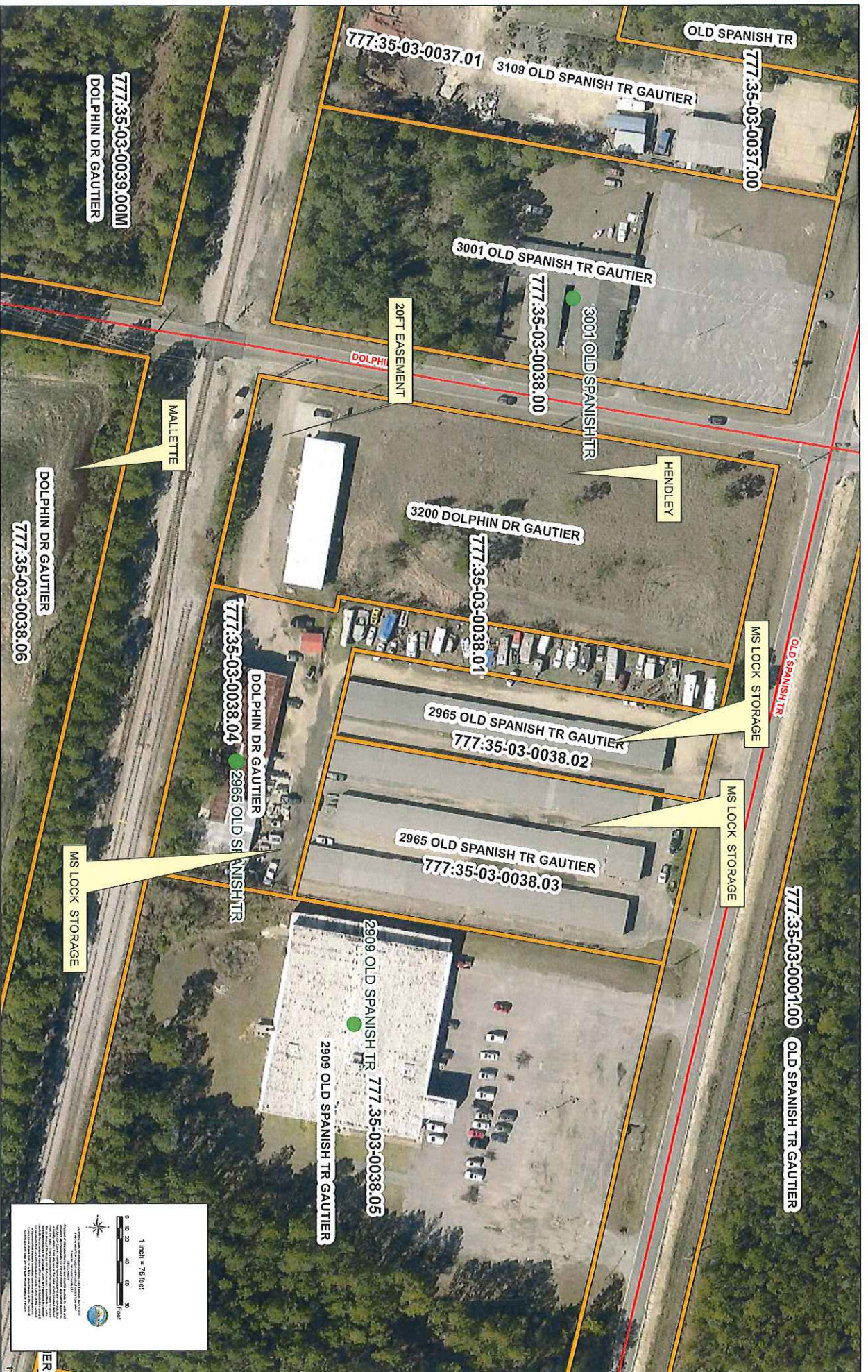
September 07, 2017

Rezoning

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EXHIBIT E



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: August 9, 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, 82435240.085, and 82435160.055.

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 approximately 2.97 acres and includes PIDN# 82435240.080, 82435240.085, and 82435160.055. 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, 82435240.085, and 82435160.055

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	Vacant Lot	I-2 Industrial
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	Industrial
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 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)

FOR OFFICE USE ONLY

Date Received 6/18/17 Verify as Complete [Signature]

Fee Amount Received 300.00 Initials of Employee Receiving Application (RM)

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.

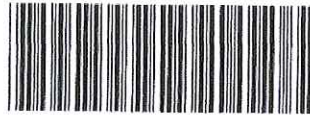
Resolving this issue is for the benefit of all parties. We will be able to collect income from potential warehouse tenants. The city will have a larger business tax base, as new rental space will be made available.

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:
Andy J. Alfonso, III
Attorney at Law
2112 Bienville Blvd., Suite H1
Ocean Springs, MS 39564
(228) 818-5552

Return to:
Andy J. Alfonso, III
Attorney at Law
2112 Bienville Blvd., Suite H1
Ocean Springs, MS 39564
(228) 818-5552

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

does hereby sell, convey and warranty unto

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

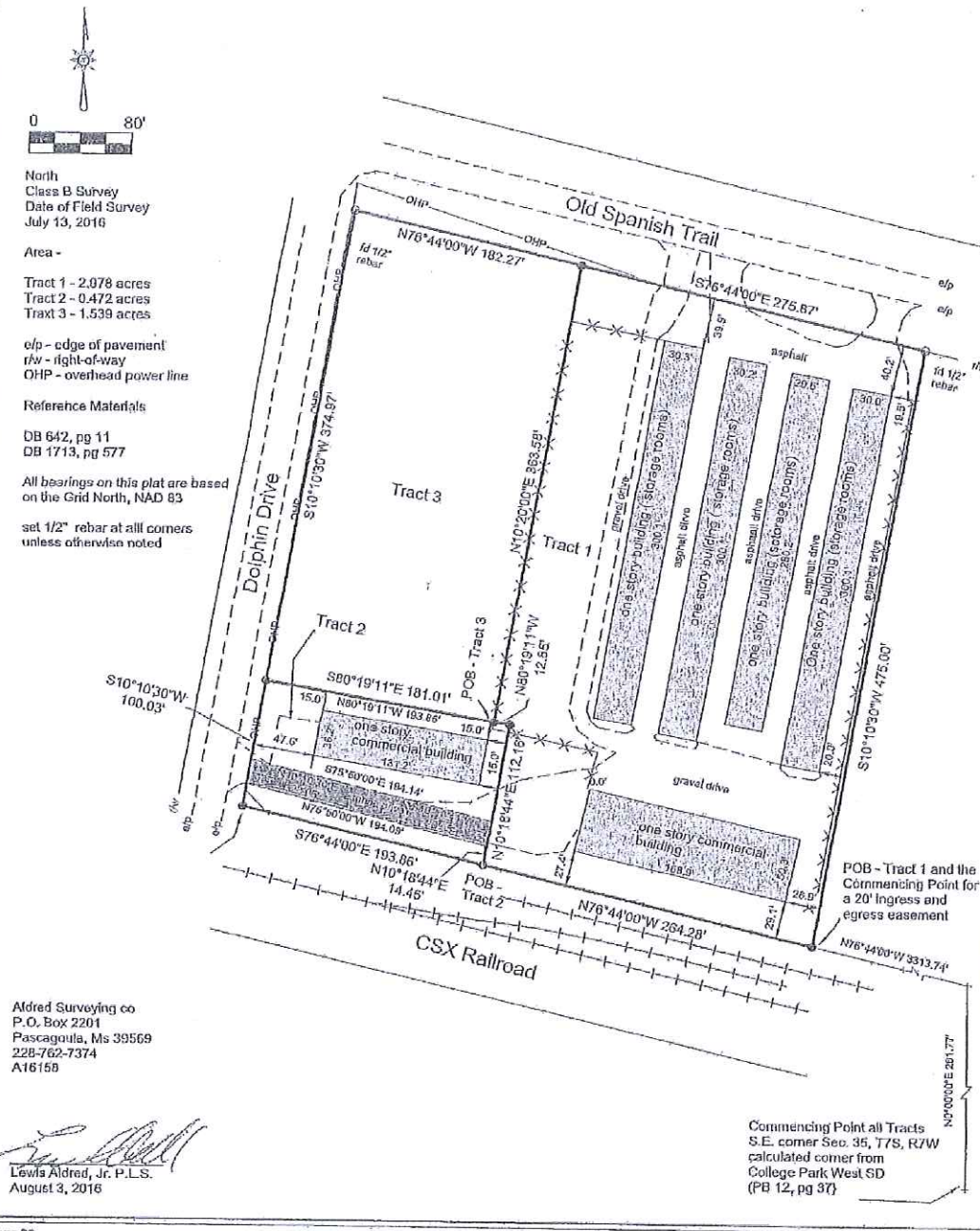
Tract 1

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 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 0 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.

Also a 20 foot wide easement for ingress and egress described as follows: Commencing at the southeast corner of Tract 1; thence North 76 degrees 44 minutes West along the north right-of-way of the CSX Railroad 264.28 feet; thence North 10 degrees 18 minutes 44 seconds East 14.45 feet to the Point of Beginning; thence North 75 degrees 50 minutes West 194.09 feet to the east right-of-way of Dolphin Drive; thence North 10 degrees 10 minutes 30 seconds East along the east right-of-way of Dolphin Drive 20.05 feet; thence South 75 degrees 50 minutes East 194.14 feet to the west line of Tract 1; thence South 10 degrees 18 minutes 44 seconds West 20.05 feet to the point of Beginning.

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

EXHIBIT "A" - LEGAL DESCRIPTION



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

COPY

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 TRAI 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	0/90	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 TRAI 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



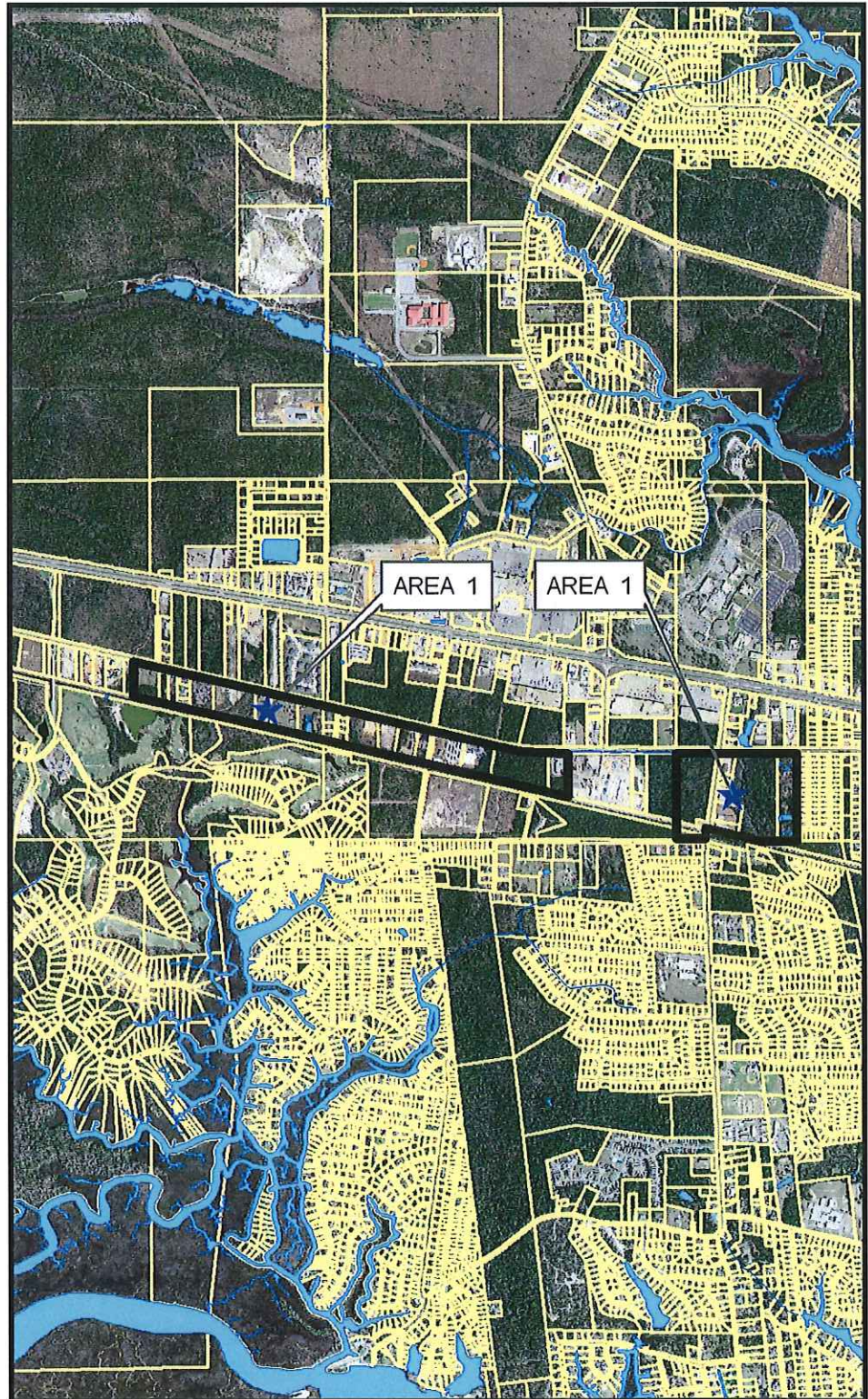
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Feet



Prepared by the
City of Gautier
GIS Division



Existing Zoning Map

City Of Gautier
Economic Development/Planning



0 40 800



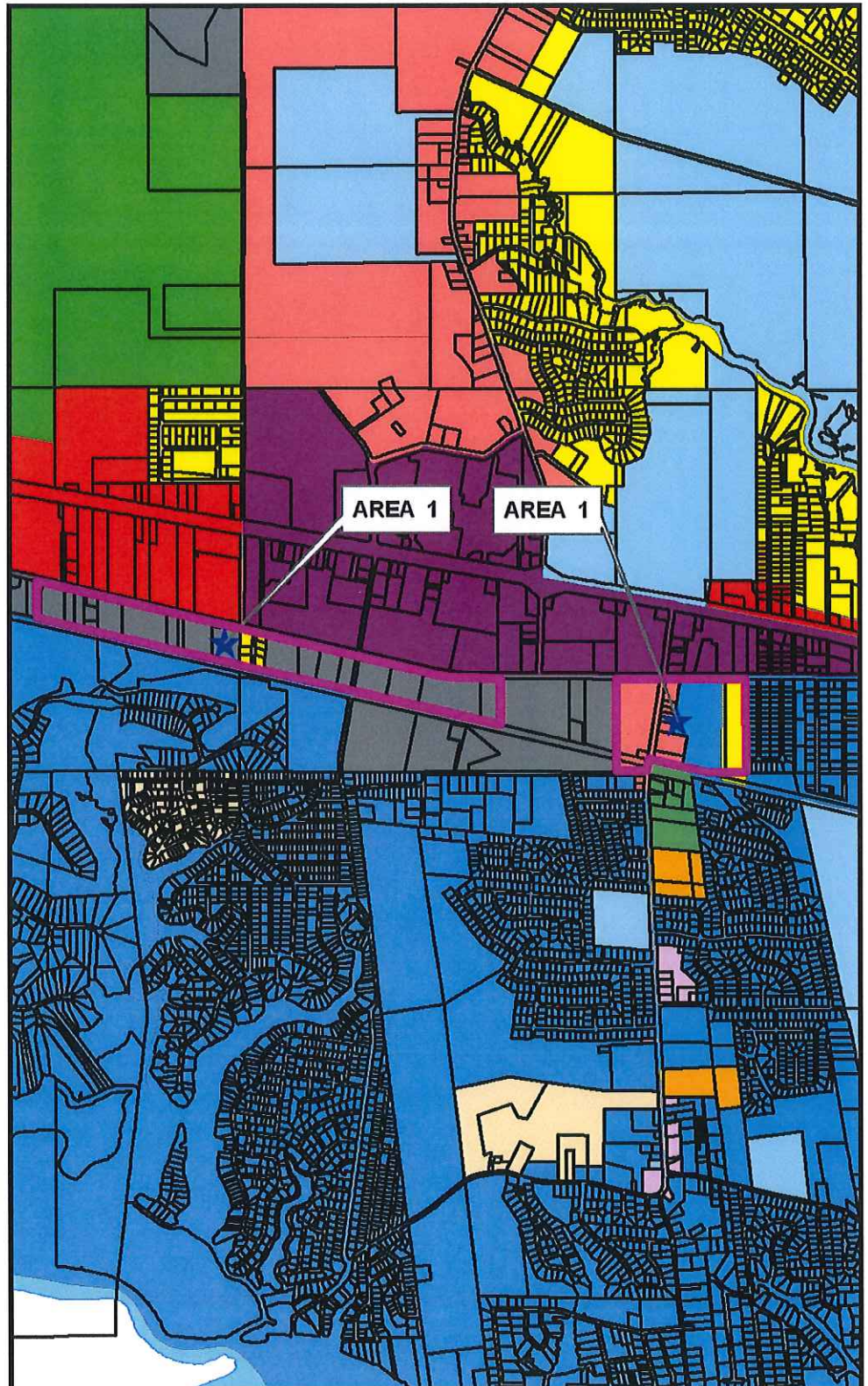
Feet



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

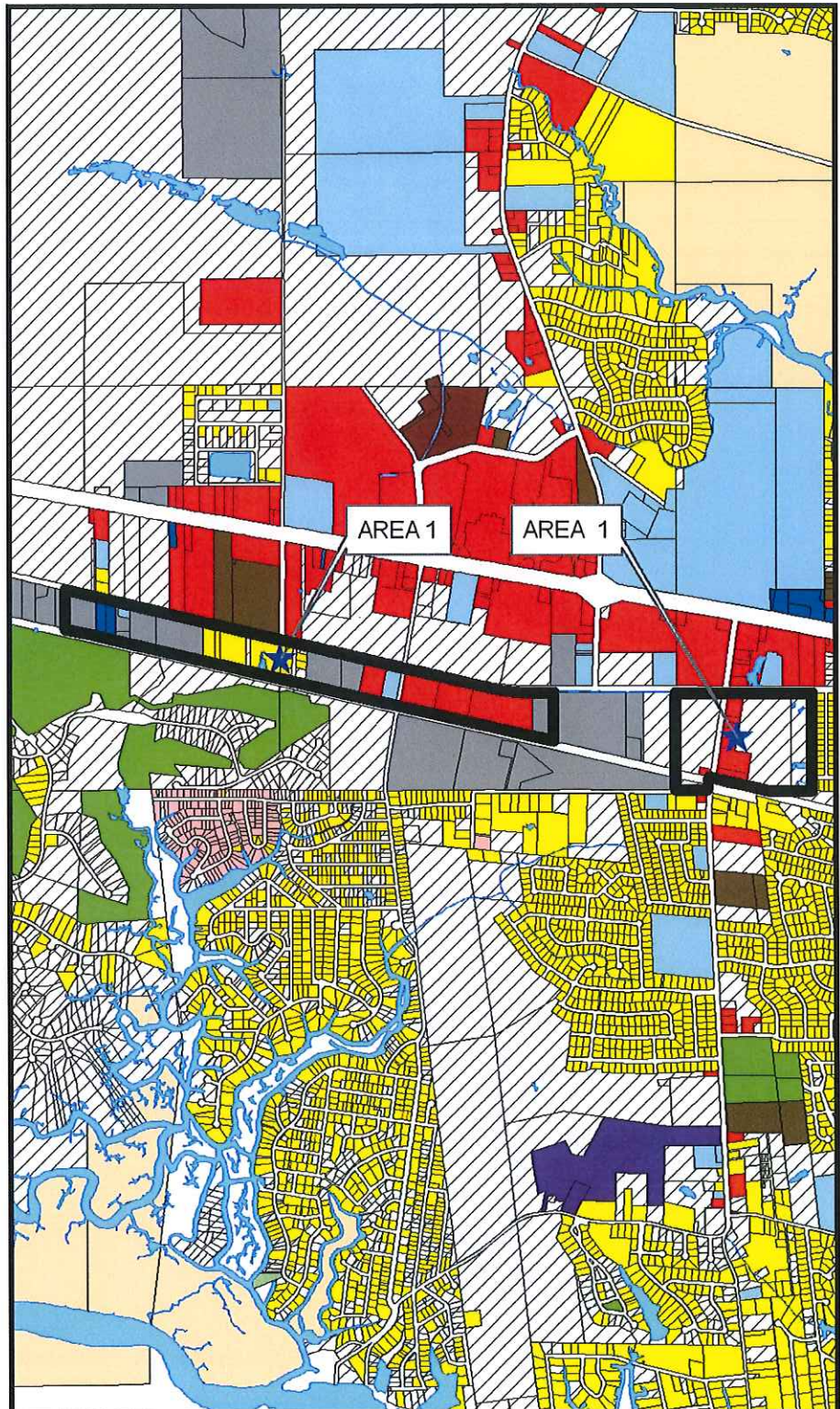


Prepared by the
City of Gautier
GIS Division

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



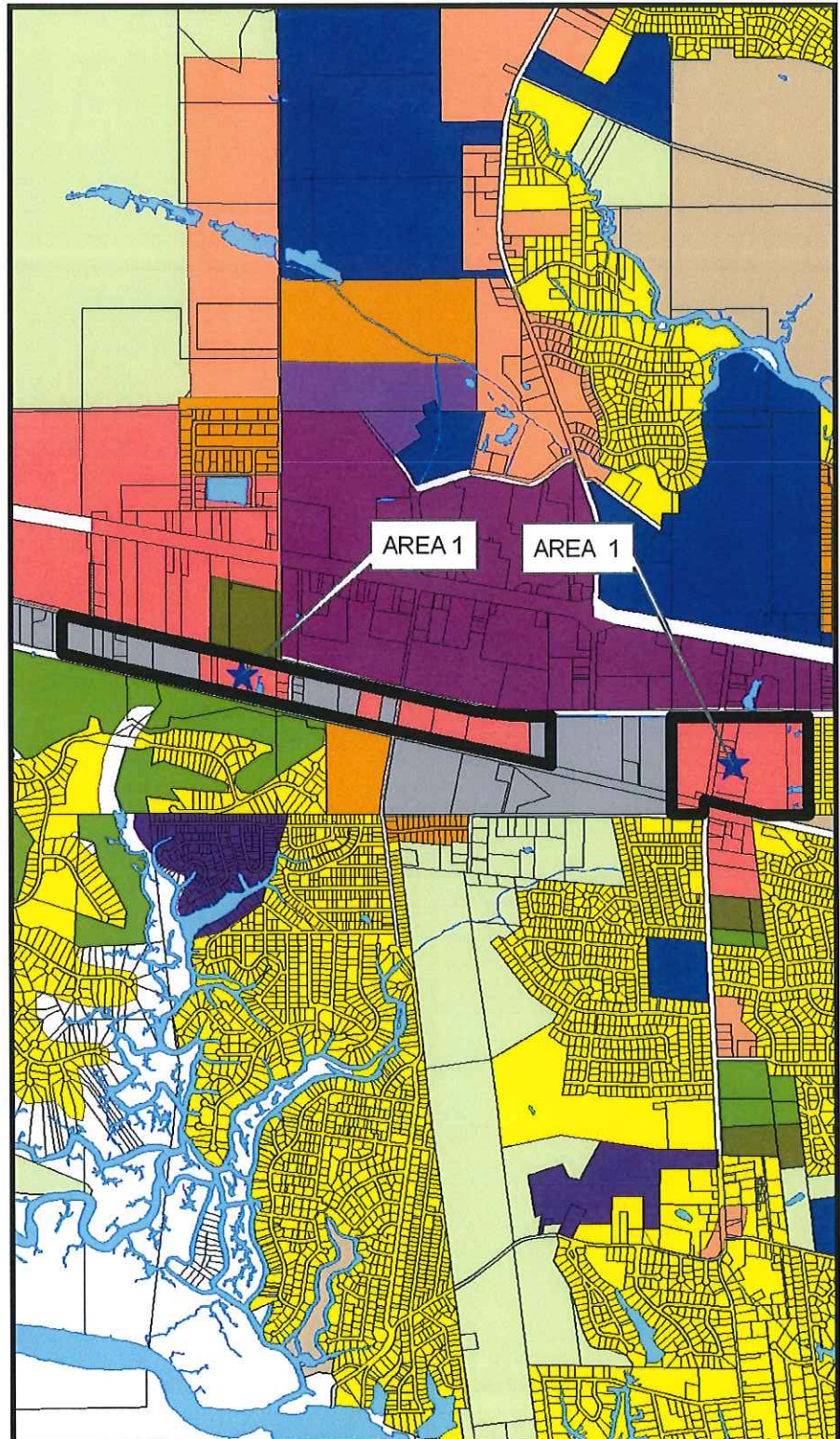
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Prepared by the
City of Gautier
GIS Division

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 40 800



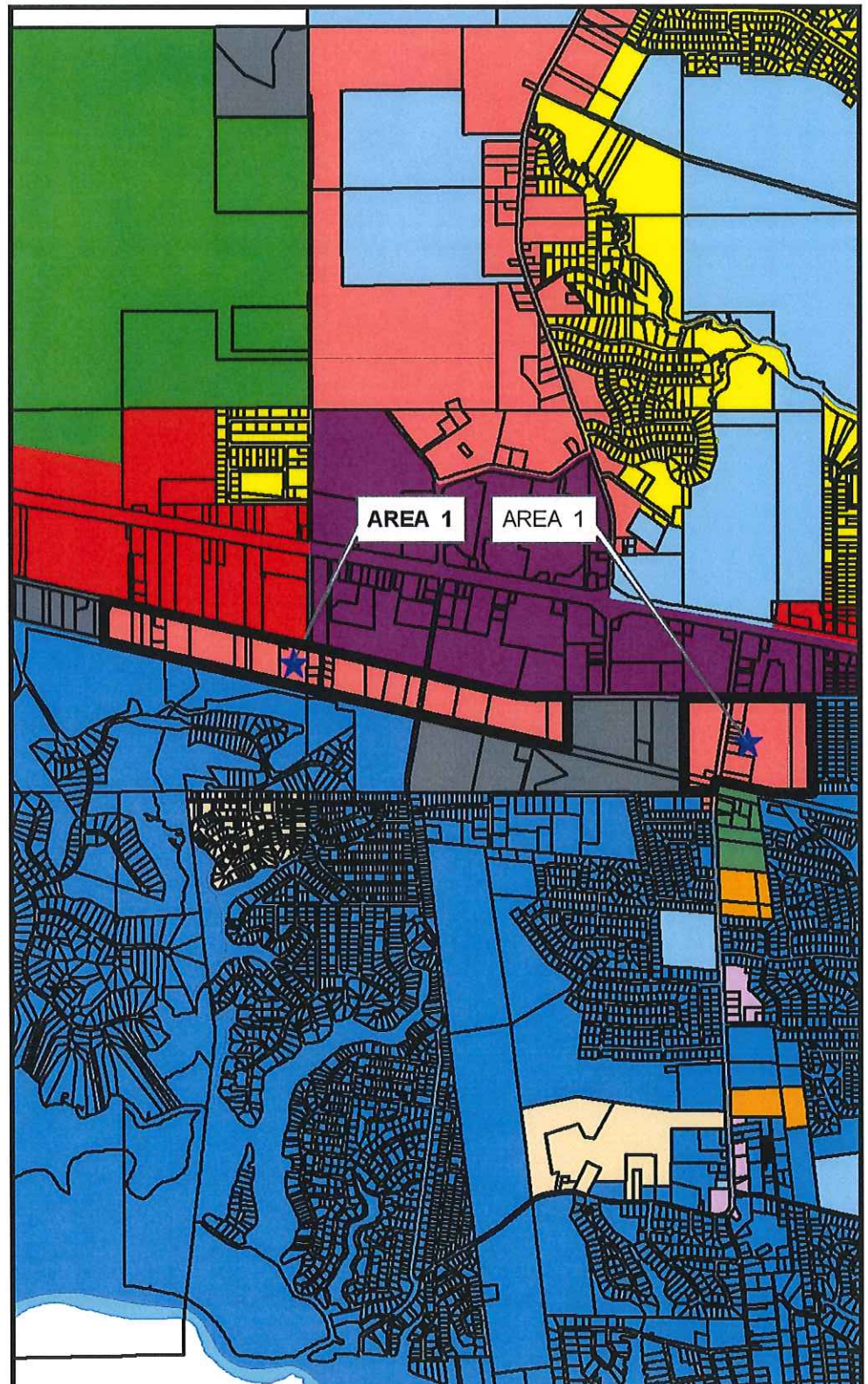
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Prepared by the
City of Gautier
GIS Division

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 MALLETT 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 Mallett 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

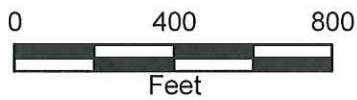
ATTEST:

Wendy McClain, City Clerk

Codification Instructions: Not Codified.

Exhibit 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

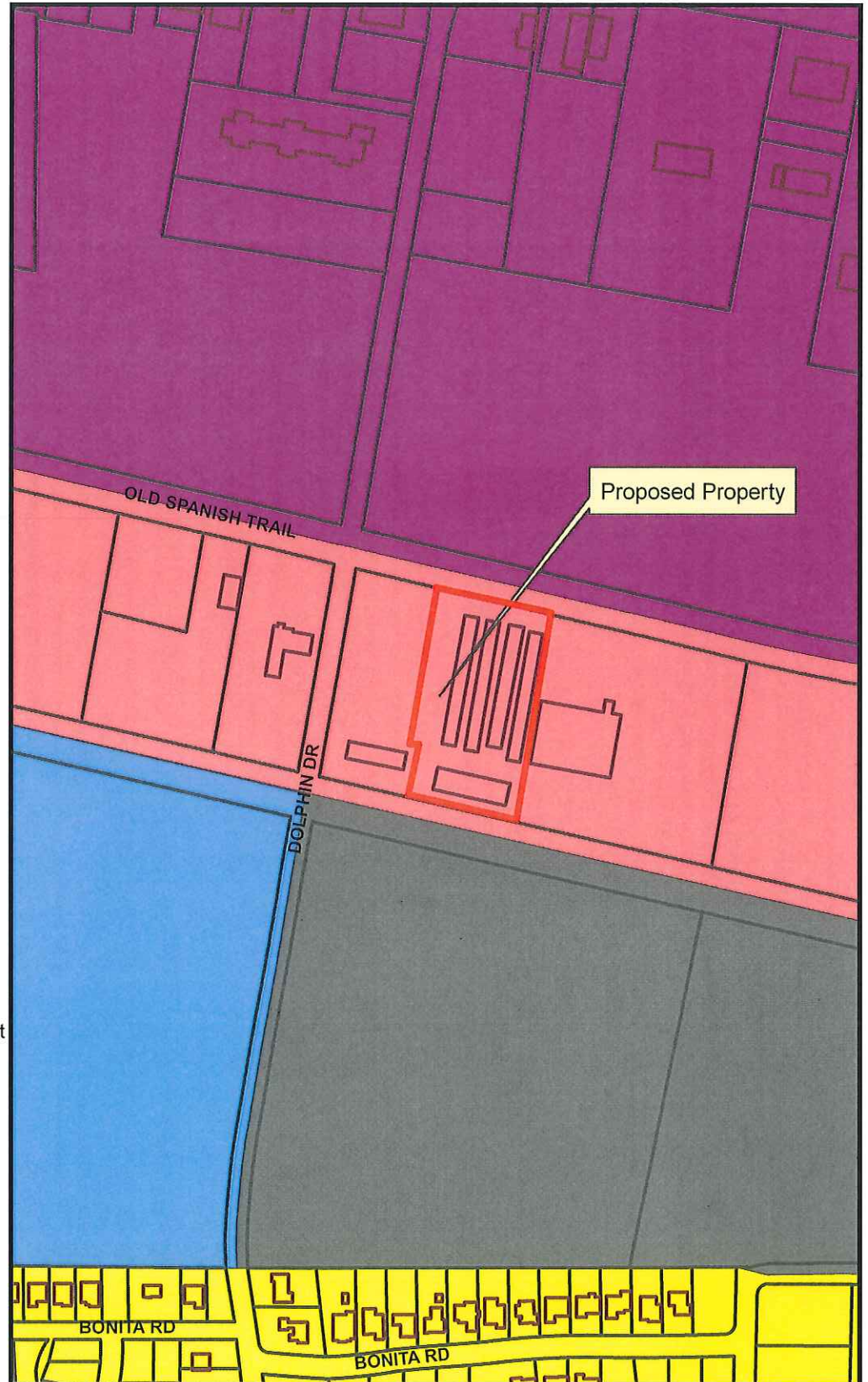


Exhibit C Existing Land Use Map

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



0 400 800



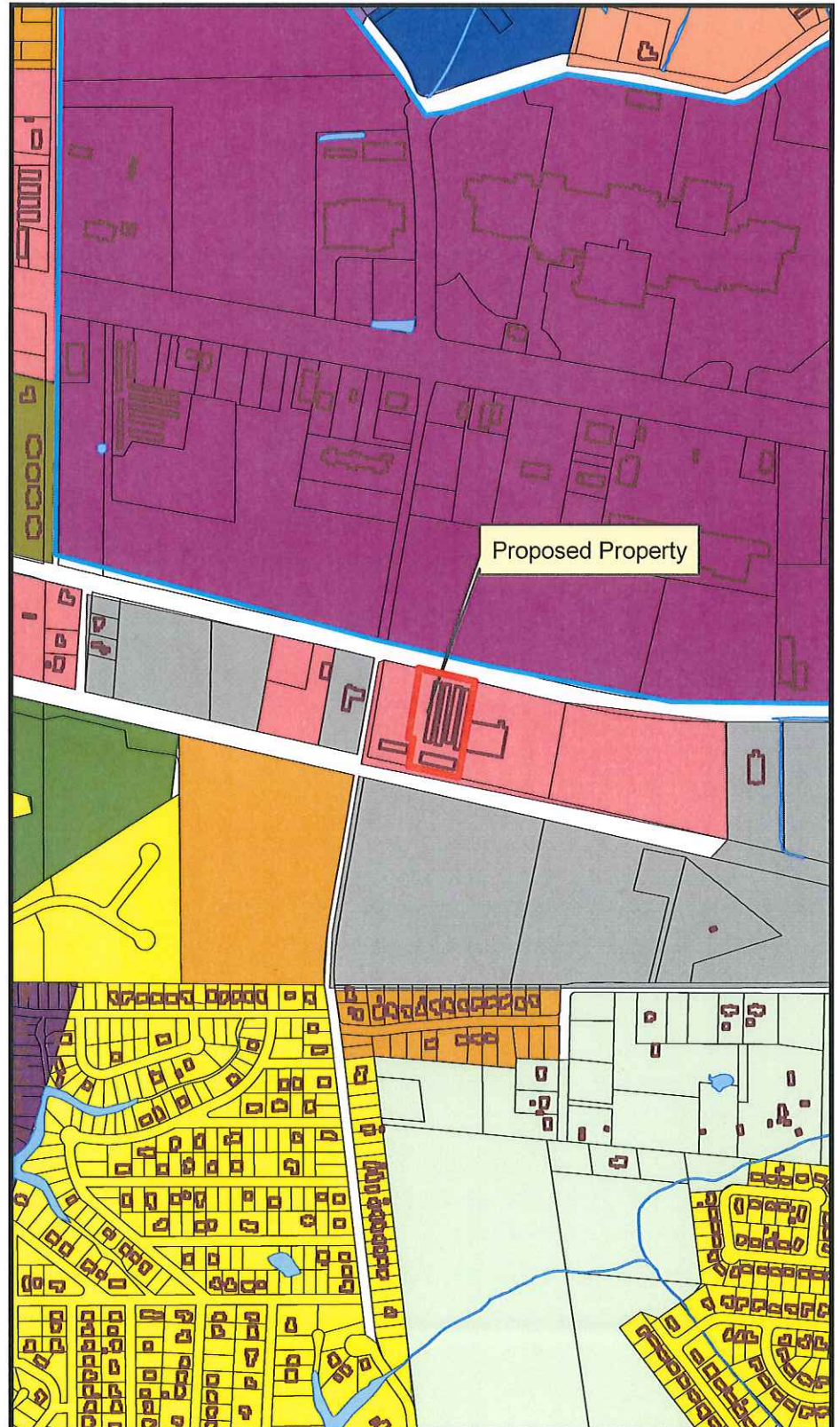
Feet



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

September 7, 2017

GPC #17-11-CU

Glenn Scott Ryder & Highway 90 Pawn

1823 Hwy 90 Conditional Use

VII. NEW BUSINESS

1. GLENN SCOTT RYDER & HWY 90 PAWN – 1823 HWY 90 – REQUEST FOR A CONDITIONAL USE – MAJOR THAT WOULD ALLOW A TITLE LOAN BUSINESS IN A TCMU, TOWN CENTER MIXED USE ZONING DISTRICT. (GPC CASE #17-11-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

Date: September 7, 2017

Subject: Conditional Use-Major Permit for a Title Loan Shop inside his existing Pawn Shop at 1823 HWY 90 (GPC Case No. 17-11-CU)

REQUEST:

Planning Department has received a request from Glenn Scott Ryder for a Conditional Use-Major Permit that would allow a Title Loan Business inside his existing Pawn Shop in a TCMU, Town Center Mixed Use District at 1823 HWY 90, PID #82436480.150. The application fee of \$250 was paid on July 12, 2017. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU, Town Center Mixed Use.

1. Location: 1823 HWY 90 (See Exhibit A)
2. General features of the proposed project:
 - Total Building Area: App. 5100 square feet
 - Site Size: App. 0.48Acres
3. Potable Water and Wastewater Services: Existing from City
4. Current Zoning (See Exhibit B): TCMU, Town Center Mixed Use
5. Current Surrounding Zoning (See Exhibit B): TCMU- Town Center Mixed Use to the South, East and West. C-3 Highway Commercial to the North across Highway 90.
6. Current Surrounding Existing Land Use (See Exhibit C): Commercial-Retail to the South and East, Commercial Offices to the North across Hwy 90 and to the West.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town Center.

DISCUSSION:

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

- 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 is Title Loan Business which will be compatible with the properties in the vicinity.

- 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: There is no evidence that the proposed Title Loan Business use will have any adverse affect on vehicular or pedestrian traffic.

- 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 is in harmony with the Comprehensive Plan.

Staff Response: Yes, the Comprehensive plan's Future Land Use Designation proposes Town Center in this area. According to the Unified Development Ordinance, a Title Loan Business is allowed with a Major Conditional Use Permit in a TCMU Town Center Mixed Use District.

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

Staff Finding: Yes, a Title Loan Business is listed as a Conditional Use-Major in a TCMU 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.

UDO Article II: Definitions

TITLE-LOAN BUSINESS: A business that regularly makes either loans to individuals secured by the title to a vehicle or title pledge agreements with pledgers, unless the business or individual is exempt from the definition of "title pledge lender" under *Mississippi Code Annotated Section 75-67-403 (1972)*, or unless more than ninety (90) percent of the loans that the business makes which are secured by vehicle titles are made in the context of the purchase of the vehicle.

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 Planning 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 & CONCLUSION:

Staff finds that the proposed use will be compatible and harmonious with the TCMU District and recommends approval with no specific proposed conditions outside of the UDO regulations and all applicable adopted codes.

The Planning Commission may:

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

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT

CONDITIONAL USE APPLICATION

Public Hearing Number

GPC 17-11-CU

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>		<u>FEE:</u>
Conditional Use - <u>Major</u>	_____	\$250.00
<u>TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR:</u>		<u>FEE:</u>
Conditional Use - Minor	_____	\$250.00

Name of Applicant: Glen Scott Ryder

Name of Business: Hwy 90 Title Loans Phone: 228.497.4972

Property Address: 1823 Hwy 90 Mailing Address (if Different): _____

E-Mail Address: Highway90Pawn@BellSouth.net

Proposed Use Requiring Conditional Use: Adding Title Loan to existing Pawn shop (Refer to Article V, UDO)

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

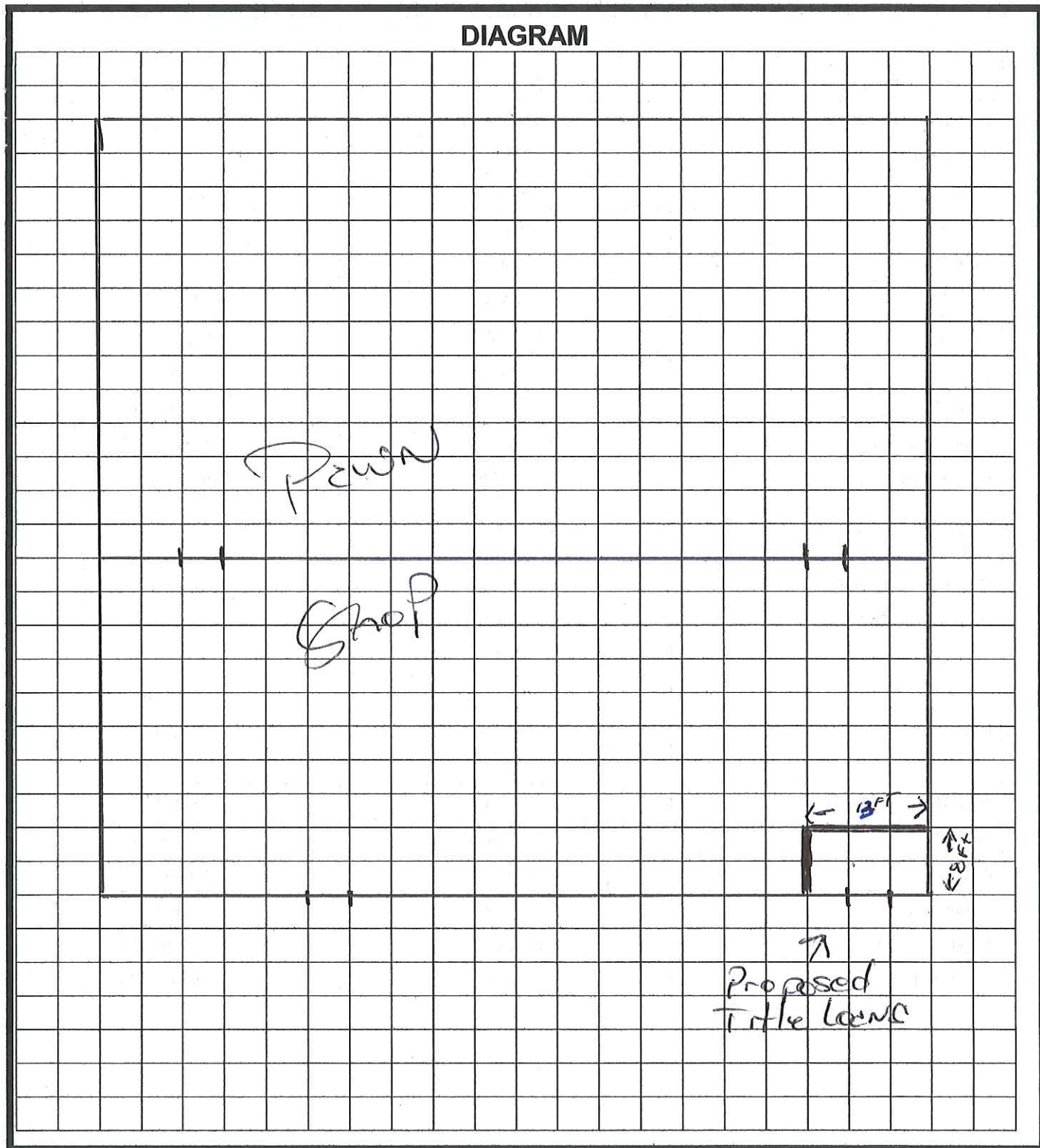
ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Answers to the Criteria for Approval (see attached).
- ☒ 2. Project Narrative (see attached).
- ☒ 4. Diagram of intended use (see attached).
- N/A 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): [Signature] Date of Application: 7.12.17

FOR OFFICE USE ONLY	
Date Received <u>7-12-17</u>	Verify as Complete <u>[Signature]</u>
Fee Amount Received <u>250.00</u>	Initials of Employee Receiving Application <u>[Signature]</u>

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.



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?
Yes
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. *No changes Title Office will be inside Power Shop.*
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. *No existing business.*
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain. *NA see above*
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? *YES currently in business.*
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how. *YES BUSINESS SINCE 1991*
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. *NO*
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. *YES USE CONFORMS*

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

For over 26 years I've been in business here in Goutier. Business just isn't what it used to be and in order for me to continue I need to expend. Pawn Shops and Title Loan Offices compliment each other and that help my business in the future. No outside changes are needed there is plenty of parking. All that is needed is a 13ft x 8ft wall with an inside door to meet with State Laws.

Thanks,



Instrument prepared by and return to:

Stephen W. Burrow
Heidelberg, Steinberger,
Colmer & Burrow, P.A.
P.O. Box 1407
Pascagoula, MS 39568-1407
(228) 762-8021

Grantor:

1823 Highway 90
Gautier, MS 39553
(228) 497-_____

Grantee:

3315 Washington Avenue
Pascagoula, MS 39581
(228) 990-5187

Indexing Instructions: Section 36, Township 7 South, Range 7 West

LAND DEED OF TRUST

THIS INDENTURE, made and entered into this day by and between MILLETTE PROPERTIES, LLC as Grantor ("Debtor"), STEPHEN W. BURROW as Trustee, and BEACH PAWN & GUN, L.P. as Beneficiary ("Secured Party"), WITNESSETH:

WHEREAS, Debtor (along with others) is indebted to Secured Party in the full sum of One Hundred Thousand Fifteen Dollars and 00/100 (\$115,000.00), as evidenced by a Promissory Note signed this date, bearing interest at the rate specified in the note, providing for payment of attorneys fees for collection if not paid according to the terms thereof and being due and payable as set forth below:

"B"

Payable in monthly installments of _____ beginning August 1, 2014 with a final "balloon" payment of the full indebtedness being due and payable on July 1, 2019. There is no prepayment penalty.

WHEREAS, Debtor desires to secure prompt payment of (a) the indebtedness described above according to its terms and any extensions thereof, (b) any additional and future advances with interest thereon which Secured Party may make to Debtor as provided in Paragraph 1, (c) any other indebtedness which Debtor may now or hereafter owe to Secured Party as provided in Paragraph 2 and (d) any advances with interest which Secured Party may make to protect the property herein conveyed as provided in Paragraphs 3, 4, 5 and 6 (all being herein referred to as the "Indebtedness").

NOW THEREFORE, in consideration of the existing and future indebtedness herein recited, Debtor hereby conveys and warrants unto Trustee the land described below, which is situated in the County of Jackson, State of Mississippi:

That certain tract or parcel of land situated in the West half of the West half of the Northwest Quarter of the Southeast Quarter of Section 36, Township 7 South, Range 7 West, Jackson County, Mississippi, and more particularly described as follows, to-wit: COMMENCING at a concrete monument which marks the Southwest corner of the Southeast Quarter of said Section 36, Township 7 South, Range 7 West; thence run North 0 degrees 09 minutes East along the half-section line a distance of 1385.5 feet to the North margin of Old Highway 90; thence North 0 degrees 09 minutes East along said half-section line a distance of 270.0 feet; thence South 89 degrees 37 minutes East a distance of 106 feet to the point of beginning; thence South 89 degrees 37 minutes East along the North margin of the Malone property a distance of 98 feet to the property of Don M. Williams; thence North 0 degrees 09 minutes East 203.86 feet to the South margin of the right-of- way line of new U.S. Highway 90; thence North 77 degrees 47 minutes West along the South right-of-way of new Highway 90 a distance of 100.19 feet to the property of S. L. Sethi; thence South 0 degrees 09 minutes West 224.27 feet to the point of beginning, being the same property conveyed by John M. Hendley and Royce B. Luke to John B. Hendley and recorded in the Land Records of Jackson County Mississippi, Deed Book 709, Page 525.

together with all improvements and appurtenances now or hereafter erected on, and all fixtures of any and every description now or hereafter attached to, said land (all being herein referred to the "Property"). Notwithstanding any provision in this agreement or in any other agreement with

Secured Party, the Secured Party shall not have a nonpossessory security interest in and its Collateral or Property shall not include any household goods (as defined in Federal Reserve Board Regulation AA, Subpart B), unless the household goods are identified in a security agreement and are acquired as a result of a purchase money obligation. Such household goods shall only secure said purchase money obligation (including any refinancing thereof).

THIS CONVEYANCE, HOWEVER, IS IN TRUST to secure prompt payment of all existing and future Indebtedness due by Debtor to Secured Party under the provisions of this Deed of Trust. If Debtor shall pay said Indebtedness promptly when due and shall perform all covenants made by Debtor, then this conveyance shall be void and of no effect. If Debtor shall be in default as provided in Paragraph 9, then, in that event, the entire Indebtedness, together with all interest accrued thereon, shall, at the option of the Secured Party, be and become at once due and payable without notice to Debtor, and Trustee shall, at the request of Secured party, sell the Property conveyed, or a sufficiency thereof, to satisfy the Indebtedness at public outcry to the highest bidder for cash. Sale of the property shall be advertised for three consecutive weeks preceding the sale in a newspaper published in the county where the Property is situated, or if none is so published, then in some newspaper having a general circulation therein, and by posting a notice for the same time at the courthouse of the same county. The notice and advertisement shall disclose the names of the original debtors in this Deed of Trust. Debtors waive the provisions of Section 89-1-55 of the Mississippi Code of 1972 as amended, if any, as far as this section restricts the right of Trustee to offer at sale more than 160 acres at a time, and Trustee may offer the Property herein conveyed as a whole, regardless of how it is described.

If the Property is situated in two or more counties, or in two judicial districts of the same county, Trustee shall have full power to select in which county, or judicial district, the sale of the property is to be made, newspaper advertisement published and notice of sale posted, and Trustee's selection shall be binding upon Debtor and Secured Party. Should Secured Party be a corporation or an unincorporated association, then any officer thereof may declare Debtor to be in default as provided in Paragraph 9 and request the Trustee to sell the Property. Secured party shall have the same right to purchase the property at the foreclosure sale as would a purchaser who is not a party to this Deed of Trust.

From the proceeds of the sale Trustee shall first pay all costs of the sale including reasonable compensation to Trustee; then the Indebtedness due Secured Party by Debtor, including accrued interest and attorney's fees due for collection of the debt; and then, lastly, any balance remaining to Debtor.

IT IS AGREED that this conveyance is made subject to the covenants, stipulations and conditions set forth below which shall be binding upon all parties hereto.

1. This Deed of Trust shall also secure all future and additional advances which Secured Party may make to Debtor from time to time upon the security herein conveyed. Such advances shall be optional with Secured Party and shall be on such terms as to amount, maturity and rate of interest as may be mutually agreeable to both Debtor and Secured Party. Any such advance may be made to any one of the Debtors should there be more than one, and if so made, shall be secured by this Deed of Trust to the same extent as if made to all Debtors.

2. This Deed of Trust shall also secure any and all other Indebtedness of Debtor due to Secured Party with interest thereon as specified, or of any one of the Debtors should there be more than

one, whether direct or contingent, primary or secondary, sole, joint or several, now existing or hereafter arising at any time before cancellation of this Deed of Trust. Such Indebtedness may be evidenced by note, open account, overdraft, endorsement, guaranty or otherwise.

3. Debtor shall keep all improvements on the land herein conveyed insured against fire, all hazards included within the term "extended coverage", flood in areas designated by the U. S. Department of Housing and Urban Development as being subject to overflow and such other hazards as Secured Party may reasonably require in such amounts as Debtor may determine but for not less than the Indebtedness secured by this Deed of Trust. All policies shall be written by reliable insurance companies acceptable to Secured Party, shall include standard loss payable clauses in favor of Secured Party and shall be delivered to Secured Party. Debtor shall promptly pay when due all premiums charged for such insurance, and shall furnish Secured Party the premium receipts for inspection. Upon Debtor's failure to pay the premiums, Secured Party shall have the right, but not the obligation, to pay such premiums. In the event of a loss covered by the insurance in force, Debtor shall promptly notify Secured Party who may make proof of loss if timely proof is not made by Debtor. All loss payments shall be made directly to Secured Party as loss payee who may either apply the proceeds to the repair or restoration of the damaged improvements or to the Indebtedness of Debtor, or release such proceeds in whole or in part to Debtor.

4. Debtor shall pay all taxes and assessments, general or special, levied against the Property or upon the interest of Trustee or Secured Party therein, during the term of this Deed of Trust before such taxes or assessments become delinquent, and shall furnish Secured Party the tax receipts for inspection. Should Debtor fail to pay all taxes and assessments when due, Secured Party shall have the right, but not the obligation, to make these payments.

5. Debtor shall keep the Property in good repair and shall not permit or commit waste, impairment or deterioration thereof. Debtor shall use the Property for lawful purposes only. Secured Party may make or arrange to be made entries upon and inspections of the Property after first giving Debtor notice prior to any inspection specifying a just cause related to Secured Party's interest in the Property. Secured Party shall have the right, but not the obligation, to cause needed repairs to be made to the Property after first affording Debtor a reasonable opportunity to make the repairs.

Should the purpose of the primary Indebtedness for which this Deed of Trust is given as security be for construction of improvements on the land herein conveyed, Secured Party shall have the right to make or arrange to be made entries upon the Property and inspections of the construction in progress. Should Secured Party determine that Debtor is failing to perform such construction in a timely and satisfactory manner, Secured Party shall have the right, but not the obligation, to take charge of and proceed with the construction at the expense of Debtor after first affording Debtor a reasonable opportunity to continue the construction in a manner agreeable to Secured Party.

6. Any sums advanced by Secured Party for insurance, taxes, repairs or construction as provided in Paragraphs 3, 4 and 5 shall be secured by this Deed of Trust as advances made to protect the Property and shall be payable by Debtor to Secured Party, with interest at the rate specified in the note representing the primary Indebtedness, within thirty days following written demand for payment sent by Secured Party to Debtor by certified mail. Receipts for insurance premiums, taxes and repair or construction costs for which Secured Party has made payment shall serve as conclusive evidence thereof.

7. As additional security Debtor hereby assigns to Secured Party all rents accruing on the Property. Debtor shall have the right to collect and retain the rents as long as Debtor is not in default as provided in Paragraph 9. In the event of default, Secured Party in person, by an agent or by a judicially appointed receiver shall be entitled to enter upon, take possession of and manage the Property and collect the rents. All rents so collected shall be applied first to the costs of managing the Property and collecting the rents, including fees for a receiver and an attorney, commissions to rental agents, repairs and other necessary related expenses and then to payments on the Indebtedness.

8. If all or any part of the Property, or an interest therein, is sold or transferred by Debtor, excluding (a) the creation of a lien subordinate to this Deed of Trust, (b) a transfer by devise, by descent or by operation of law upon the death of a joint owner or (c) the grant of a leasehold interest of three years or less not containing an option to purchase, Secured Party may declare all the Indebtedness to be immediately due and payable. Secured Party shall be deemed to have waived such option to accelerate if, prior or subsequent to the sale or transfer, Secured Party and Debtor's successor in interest reach agreement in writing that the credit of such successor in interest is satisfactory to Secured Party and that the successor in interest will assume the Indebtedness so as to become personally liable for the payment thereof. Upon Debtor's successor in interest executing a written assumption agreement accepted in writing by Secured Party, Secured Party shall release Debtor from all obligations under the Deed of Trust and the Indebtedness.

If the conditions resulting in a waiver of the option to accelerate are not satisfied, and if Secured Party elects not to exercise such option, then any extension or modification of the terms of repayment from time to time by Secured Party shall not operate to release Debtor or Debtor's successor in interest from any liability imposed by this Deed of Trust or by the Indebtedness.

If Secured Party elects to exercise the option to accelerate, Secured Party shall send Debtor notice of acceleration by certified mail. Such notice shall provide a period of thirty days from the date of mailing within which Debtor may pay the Indebtedness in full. If Debtor fails to pay such Indebtedness prior to the expiration of thirty days, Secured Party may, without further notice to Debtor, invoke any remedies set forth in this Deed of Trust.

9. Debtor shall be in default under the provisions of this Deed of Trust if Debtor (a) shall fail to comply with any of Debtor's covenants or obligations contained herein, (b) shall fail to pay any of the Indebtedness secured hereby, or any installment thereof or interest thereon, as such Indebtedness, installment or interest shall be due by contractual agreement or by acceleration, (c) shall become bankrupt or insolvent or be placed in receivership, (d) shall, if a corporation, a partnership or an unincorporated association, be dissolved voluntarily or involuntarily, or (e) if Secured Party in good faith deems itself insecure and its prospect of repayment seriously impaired.

10. Secured Party may at any time, without giving formal notice to the original or any successor Trustee, or to Debtor, and without regard to the willingness or inability of any such Trustee to execute this trust, appoint another person or succession of persons to act as Trustee, and such appointee in the execution of this trust shall have all the powers vested in and obligations imposed upon Trustee. Should Secured Party be a corporation or an unincorporated association, then any officer thereof may make such appointment.

11. Each privilege, option or remedy provided in this Deed of Trust to Secured Party is distinct from every other privilege, option or remedy contained herein or afforded by law or equity, and may be exercised Independently, concurrently, cumulatively or successively by Secured Party or by any other owner or holder of the Indebtedness. Forbearance by Secured Party in exercising any privilege, option or remedy after the right to do so has accrued shall not constitute a waiver of Secured Party's right to exercise such privilege, option or remedy in event of any subsequent accrual.

12. The words "Debtor" or "Secured Party" shall each embrace one individual, two or more individuals, a corporation, a partnership or an unincorporated association, depending on the recital herein of the parties to this Deed of Trust. The covenants herein contained shall bind, and the benefits herein provided shall inure to, the respective legal or personal representatives, successors or assigns of the parties hereto subject to the provisions of Paragraph 8. If there be more than one Debtor, then Debtor's obligations shall be joint and several, Whenever in this Deed of Trust the context so requires, the singular shall include the plural and the plural the singular. Notices required herein from Secured Party to Debtor shall be sent to the address of Debtor shown in this Deed of Trust.

IN WITNESS WHEREOF, Debtor executed this document on the ____ day of June 2014.

Glenn Scott Ryder, Member

STATE OF MISSISSIPPI
COUNTY OF JACKSON

This day, personally appeared before me, the undersigned Notary Public, in and for the above jurisdiction, the within named **Glenn Scott Ryder**, who acknowledged that he signed, executed and delivered the foregoing Deed of Trust on the day and year therein mentioned as his voluntary action, after having been duly authorized by the Debtor to do so.

Given under my hand and seal this the ____ day of June 2014.

NOTARY PUBLIC

Mississippi - UCC1 FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional] Stephen Burrow (228-762-8021)	
B. SEND ACKNOWLEDGMENT TO: (Name and Address) Heidelberg Steinberger Colmer & Burrow, PA P.O. Box 1407 Pascagoula, MS 39568-1407	

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME Highway 90 Pawn & Gun, LLC					
OR	1b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
1c. MAILING ADDRESS 1823 Highway 90			CITY Gautier	STATE MS	POSTAL CODE 39553
			1d. COUNTY # 30		
ADD'L INFO RE ORGANIZATION DEBTOR		1e. TYPE OF ORGANIZATION Limited Liability Compa	1f. JURISDICTION OF ORGANIZATION Mississippi	1g. ORGANIZATIONAL ID #, if any	
				☐ NONE	

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME					
OR	2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
2c. MAILING ADDRESS			CITY	STATE	POSTAL CODE
			2d. COUNTY #		
ADD'L INFO RE ORGANIZATION DEBTOR		2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any	
				☐ NONE	

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME Beach Pawn & Gun, L.P.					
OR	3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
3c. MAILING ADDRESS 3315 Washington Avenue			CITY Pascagoula	STATE MS	POSTAL CODE 39581
			COUNTRY USA		

4. This FINANCING STATEMENT covers the following collateral:

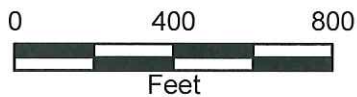
All furniture, fixtures, equipment, inventory, goods, machinery, books, records, accounts, receivables, notes, commercial paper, loans, intangible property and other personal property.

5. ALTERNATIVE DESIGNATION [if applicable]:		LESSEE/LESSOR	CONSIGNEE/CONSIGNOR	BAILEE/BAILOR	SELLER/BUYER	AG. LIEN	NON-UCC FILING
6. This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. Attach Addendum		7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) [if applicable] [ADDITIONAL FEE]		All Debtors		Debtor 1	Debtor 2
8. OPTIONAL FILER REFERENCE DATA							

" C "

Exhibit A Location Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

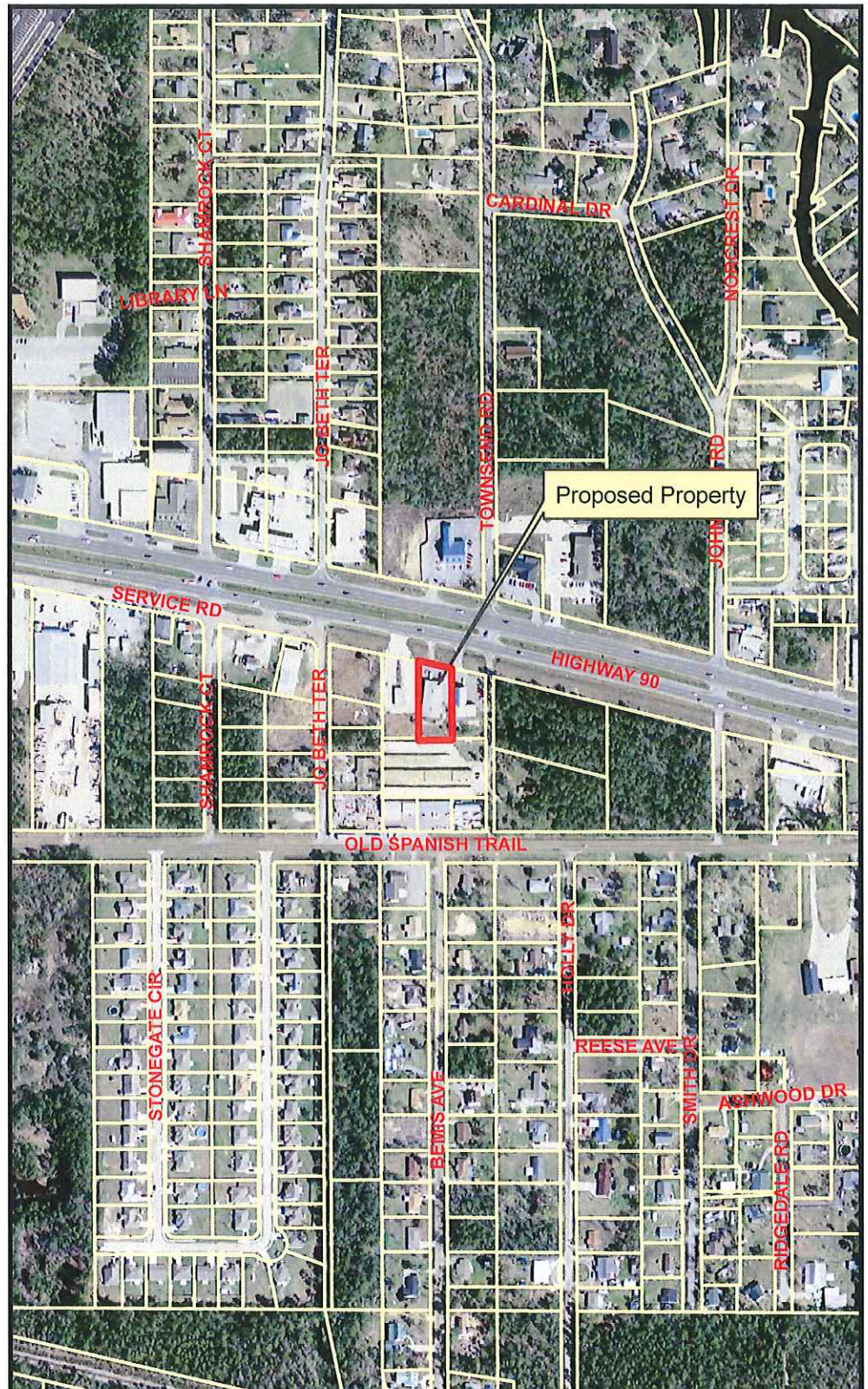


Exhibit B Existing Zoning Map

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

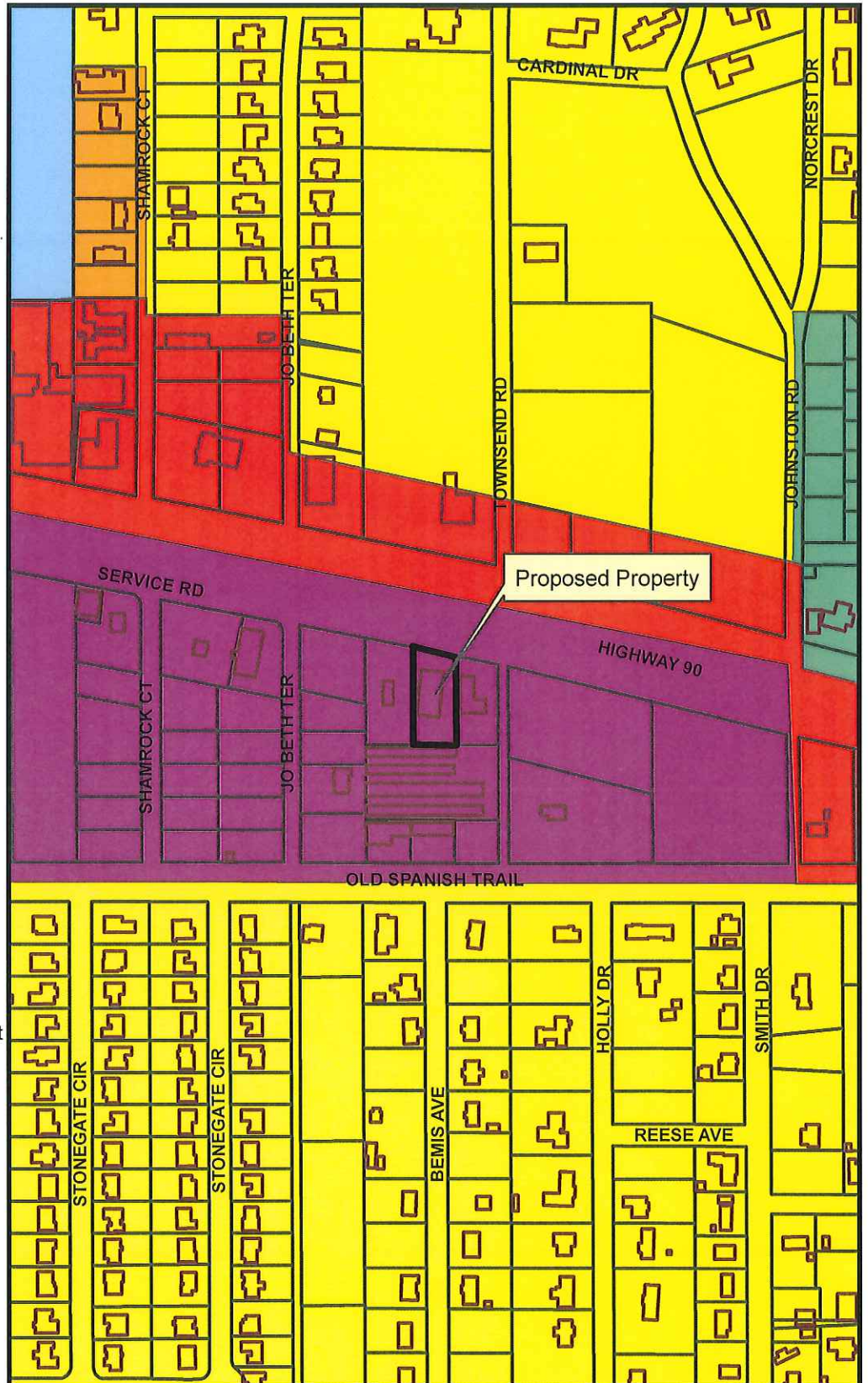


Exhibit C Existing Land Use Map

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

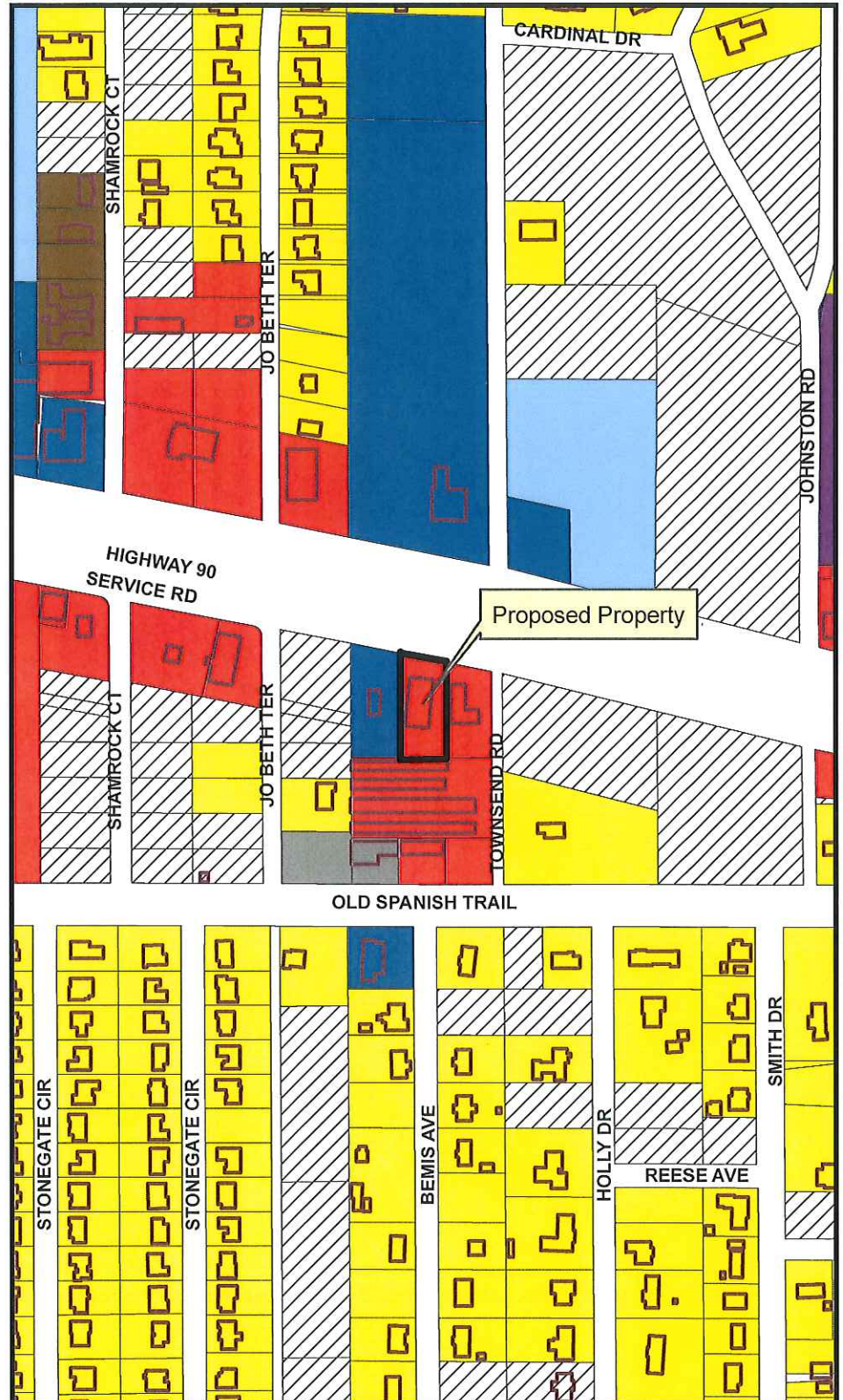


Exhibit D Future Land Use Map

City Of Gautier
Planning Department



0 400 800



Feet



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

