

**Gautier Planning Commission**

**Regular Meeting Agenda**

**May 5, 2011**

**VII. NEW BUSINESS**

**A. QUASI JUDICIAL**

2. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A MEMA COTTAGE IN A R-3 MOBILE HOME DISTRICT; WYNEDOTE DRIVE, (REYNA TREJO, OWNER) (GPC #11-13-CU)

## QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the 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.

**CITY OF GAUTIER  
STAFF REPORT**

**To:** Chairman and Members, Planning Commission  
**From:** Babs Logan, Planning Technician  
**Through:** Samantha D. Abell, Economic Development Director  
**Date:** April 25, 2011  
**Subject:** Conditional Use-Major Permit for MEMA cottage at Wynedote Drive, Lot 34  
(GPC Case No. 11-13-CU)

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**REQUEST:**

The Economic Development/Planning Department has received a request from Reyna Trejo for a Conditional Use-Major permit to allow a MEMA cottage at Wynedote Drive, Lot 34. The application fee of \$250 was paid on April 15, 2011. The application was approved for legal sufficiency by the City Attorney on April 26, 2011. All public notice requirements have been met.

**BACKGROUND:**

The request property is zoned R-3 Mobile Home District which only allows MEMA cottages as a Conditional Use-Major.

General Features:

Location: (See Exhibit A)  
Collector Street: Martin Bluff Road  
Gross Acreage: 5000 square feet  
Potable Water and Wastewater Services: Existing from City

Zoning and Land Use:

Current zoning of the applicant's property – R-3 Mobile Home District

Current Surrounding Zoning (See Exhibit B) – R-1 Low Density Single-Family Residential to the north; R-3 Mobile Home District to the south, east and west

Current Surrounding Existing Land Use (See Exhibit C): Low Density Residential to the north; Mobile Home Residential to the south, east and west

Comprehensive Plan Future Land Use Designation (See Exhibit D): Mobile Home Residential

**DISCUSSION:**

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

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

*Staff Finding: Yes, the proposed use is in the list of Conditional Uses in an R-3 zoning district.*

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

*Applicant Response: The moving of the cottage home is compatible with the development of the land because there are other mobile homes around there.*

*Staff Finding: Staff finds that a MEMA cottage is compatible with the character of an R-3 zoned district.*

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

*Applicant Response: No. The project will not affect or pose any threat to citizens because it is compatible with the neighborhood.*

*Staff Finding: Staff finds that the placement of the MEMA cottage will not affect neighboring property values or pose a real or perceived threat to citizens.*

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

*Applicant Response: No. The moving of the cottage home will not affect vehicular or pedestrian traffic because I will only be bringing my car with me.*

*Staff Finding: Staff finds that vehicular and pedestrian traffic will be the same whether a mobile home or a MEMA cottage is located on the lot.*

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

*Applicant Response: Yes. The cottage can be accommodated by existing 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 serviced by water, sanitary sewer, etc. The proposed use will be served by existing police and fire protection and will not affect the schools any more than if a mobile home occupied the lot.*

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

*Applicant Response: Not applicable to moving the cottage home.*

*Staff Response: The Comprehensive Plan continues to show the lot in an R-3 Mobile Home District.*

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

*Applicant Response: No. The moving of the cottage home does not pose any threat or wrongful affect to the surrounding land.*

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

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

*Applicant Response: Yes.*

*Staff Finding: The use does conform to district regulations for the district in which it is to be located. Specific requirements for MEMA cottages will be addressed upon inspection and issuance of the placement permit.*

### **DETERMINATION OF APPLICABLE LAW:**

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.

A Conditional Use-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 will be compatible and harmonious with the R-3 Mobile Home District and recommends approval with the following conditions:

- a) The MEMA cottage must have skirting around the entire perimeter of the unit to be installed after a tie-down inspection. Skirting must be appropriate for MEMA cottages and must be kept in good condition for the life of the cottage.
- b) The MEMA cottage must adhere to all applicable state and federal building and fire code requirements of the City of Gautier.

### **ATTACHMENTS:**

1. Applicant’s Exhibit 1 – Application
2. Applicant’s Exhibit 2 – Owner Consent Form
3. Applicant’s Exhibit 3 – Site Plan
4. Applicant’s Exhibit 4 – Narrative
5. Applicant’s Exhibit 5 - Response to Criteria for Approval
6. City’s Exhibit A – Location Map
7. City’s Exhibit B – Existing Zoning Map
8. City’s Exhibit C – Existing Land Use Map
9. City’s Exhibit D – Future Land Use Map
10. City’s Exhibit E – Draft Conditional Use-Major Development Order

# EXHIBIT #1

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT  
GAUTIER, MISSISSIPPI

## CONDITIONAL USE HEARING APPLICATION

Hearing Number

GPC 11-13-CU

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

**Minor Conditional Use** – These uses are not allowed by right. The Economic Development/Planning Director may approve or deny a Minor Conditional Use upon review or he/she may choose to forward the request to the Planning Commission and City Council.

**Major Conditional Use** – These uses are not allowed by right, and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Reyna Trejo

Name of Business: \_\_\_\_\_

Address: 1409 Hwy 90 #312 Mailing Address (if different): \_\_\_\_\_

Email Address: ~~0000000000@live.com~~ Lmdq-15@live.com

Phone: 228 366 3420 Cell Phone: 228 366 3420

Reason for request, location and intended use of Property: place a MEMA cottage in R-3 zoning district (Lot 34 Wynedote Dr)

ATTACHMENTS REQUIRED AS APPLICABLE: PID # 85940034.000

- 1  Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- 2  Legal descriptions and street address.
- 3  A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- 4  Copy of protective covenants or deed restrictions, if any.
- 5  Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- 6  Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
- 7  Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: Reyna Trejo

Date of Application: 04/08/2011

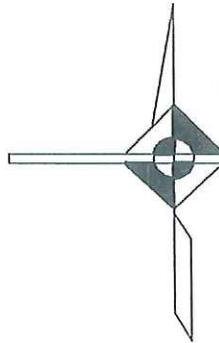
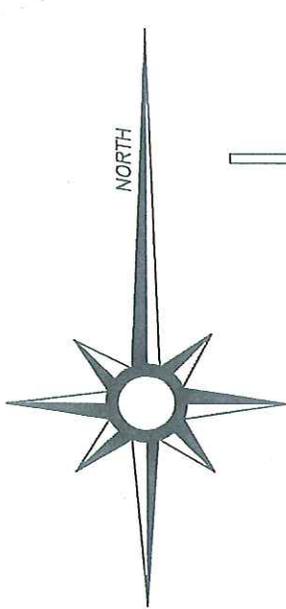
FOR OFFICE USE ONLY	
Date Received	<u>4/15/11</u> Verify as Complete <u>BT</u>
Fee Amount Received	<u>250.00</u>
Initials of Employee Receiving Application	<u>BT</u>



# EXHIBIT #3

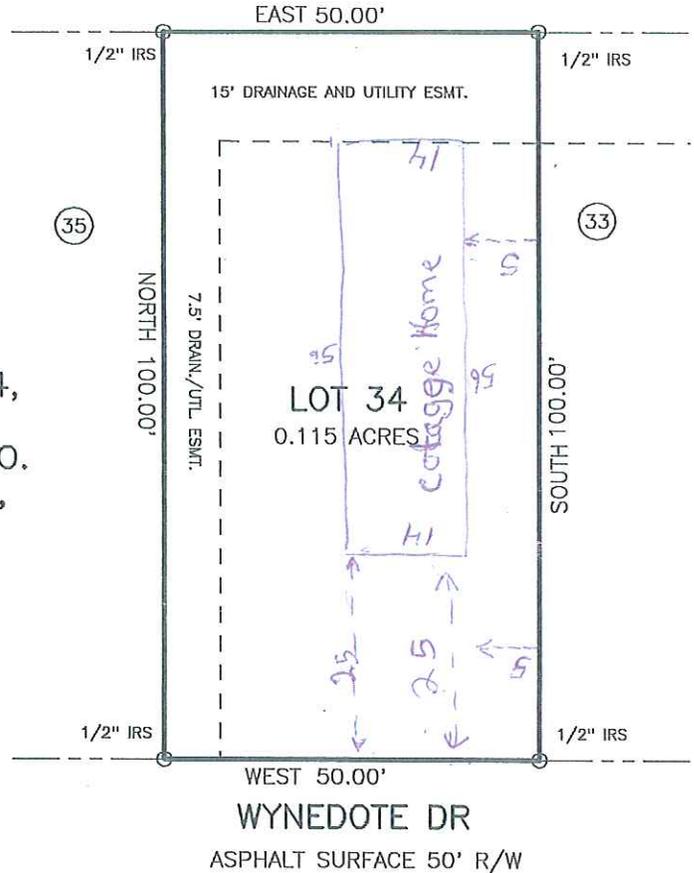
**CROSBY, BOUDREAUX & ASSOC., INC.**  
 PROFESSIONAL ENGINEERING & LAND SURVEYING

13061 HIGHWAY 67, SUITE A  
 BILOXI, MISSISSIPPI 39532  
 PHONE: 228-396-3212  
 FAX: 228-396-0099



A SURVEY OF LOT 34,  
 MARTIN'S BLUFF  
 SUBDIVISION, UNIT NO.  
 3, JACKSON COUNTY,  
 MISSISSIPPI

REFERENCE MATERIALS:  
 1) RECORDED SUBDIVISION PLAT



WYNEDOTE DR

ASPHALT SURFACE 50' R/W

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE  
 PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND  
 OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST  
 OF MY KNOWLEDGE AND BELIEF.

*Clifford A. Crosby*  
 CLIFFORD A. CROSBY, P.L.S.

DATE 8/23/01



THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE C ACCORDING TO  
 MAP NUMBER 285256 0185 D DATED SEPTEMBER 4, 1987

SURVEY CLASS - B

FOR:

BEARINGS SHOWN HEREON ARE DERIVED BY:  
 BASE ALONG EAST LINE, OTHERS RELATIVE TO

SCALE: 1"=20'

B&W LAND CO. LLC.

**CROSBY, BOUDREAUX & ASSOC., INC.**

PROFESSIONAL ENGINEERING & LAND SURVEYING  
 13061 HIGHWAY 67, SUITE A  
 BILOXI, MISSISSIPPI 39532  
 PHONE: 228-396-3212

DATE: AUGUST 16, 2001

PARTY CHIEF: MTC

DRAWN BY: BMW

DRAWING NUMBER: 01033305

REVISED:

## EXHIBIT #4

### Criteria for Approval Conditional Use

I, Reyna Trejo, am asking for permission from the City of Gautier to move my Mema Cottage to Gautier. The Mema Cottage is located on Hidden Acres Mobile Home Park : 15538 Touriel Rd lot #100 in Gulfport, MS 39503. I want to be able to move it to Lot 34 in Wynedote Dr in unit 3. I believe that moving the Mema Cottage will not be an inconvenience to the neighborhood in Wynedote Drive because there are mobile homes there. Also this project will not cause any threat to the people around because once it is placed it will most likely not be moved. There will not be any traffic problems either because I will only bring my cars with me not increasing any traffic. Most importantly the Mema Cottage can be accommodated by existing services and facilities like water, sanitary sewers, streets, drainage, police and fire protection, schools, electrical power lines, and mail service. And the moving will not cause any disturbance or threat to land surrounding Lot 34. I ask you to please consider these positive points when making your decision.

\* Reyna Trejo

## EXHIBIT #5

### Criteria for Approval Conditional Use

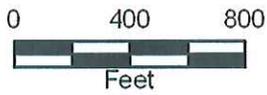
1. Yes
2. The moving of the cottage home is compatible with the development of the land because there are other mobile homes around there.
3. No, the project will not affect not pose any threat to citizens because it is compatible with the neighborhood.
4. No, the moving of the cottage home will not affect vehicular or pedestrian traffic because I will only be bringing my car with me.
5. Yes, the cottage can be accommodated by existing public services and facilities including but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools.
6. Not applicable to moving the cottage home.
7. No, the moving of the cottage home does not pose any threat or wrongful affect to the surrounding land.
8. Yes

# EXHIBIT A

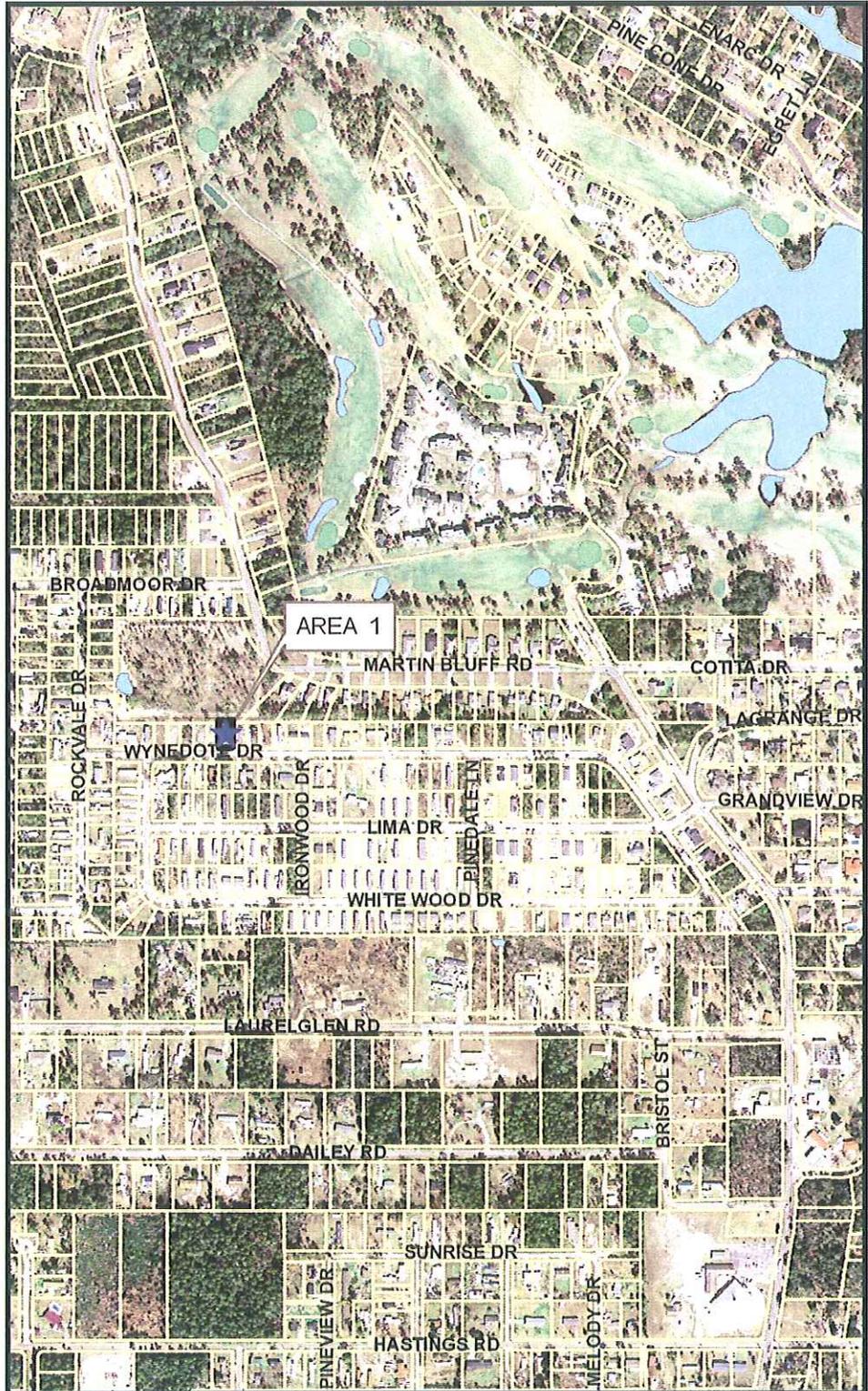
## Location Map

LOT # 34 WYNEDOTE DRIVE  
AREA 1 FOR A CONDITIONAL USE

City Of Gautier  
Economic Development/Planning



Prepared by the  
City of Gautier  
GIS Division



# EXHIBIT B

## Existing Zoning Map

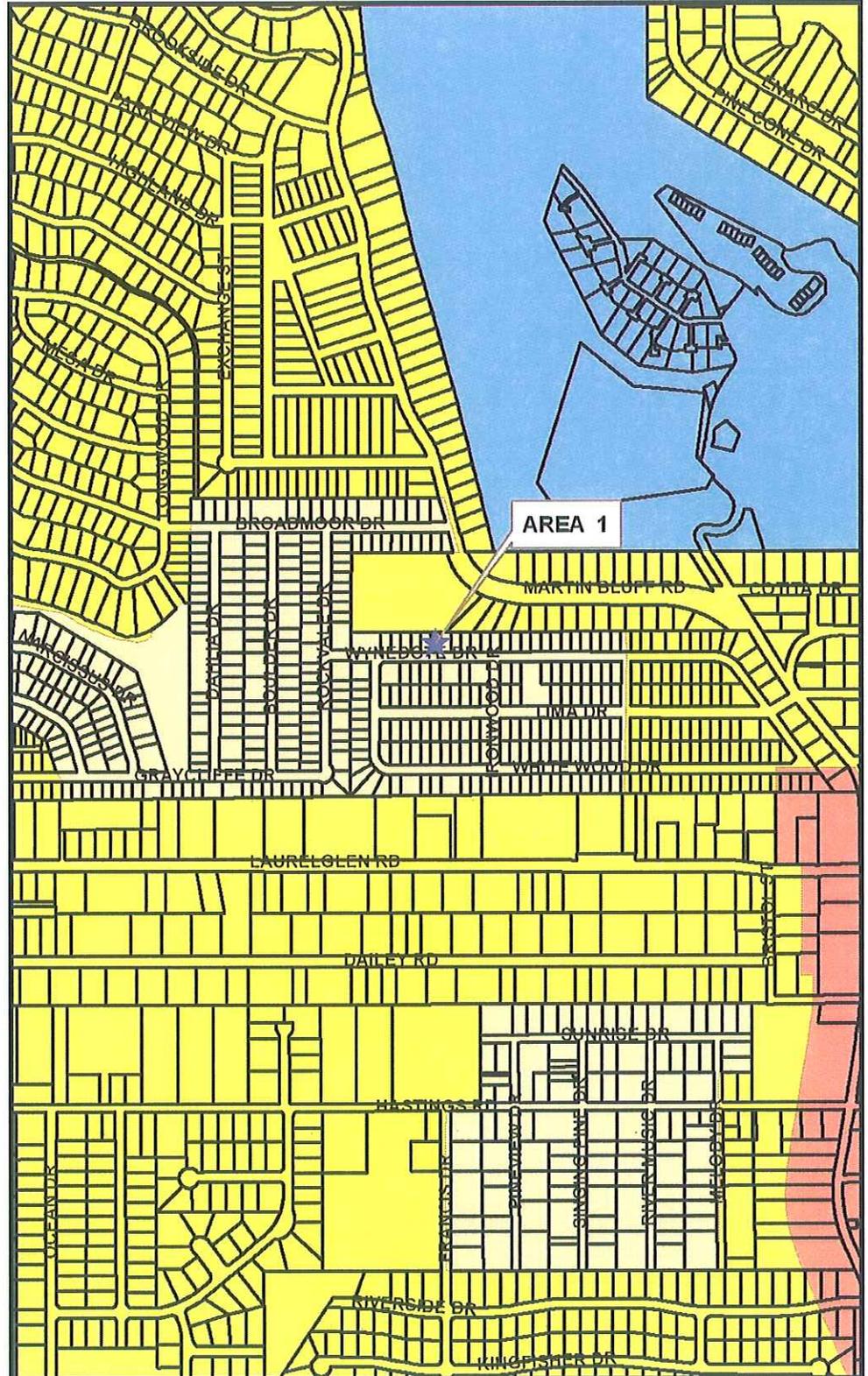
City Of Gautier  
Economic Development/Planning



Prepared by the  
City of Gautier  
GIS Division

### Legend

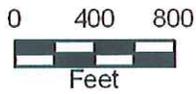
- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial



# EXHIBIT C

## Existing Land Use Map

City Of Gautier  
Economic Development/Planning

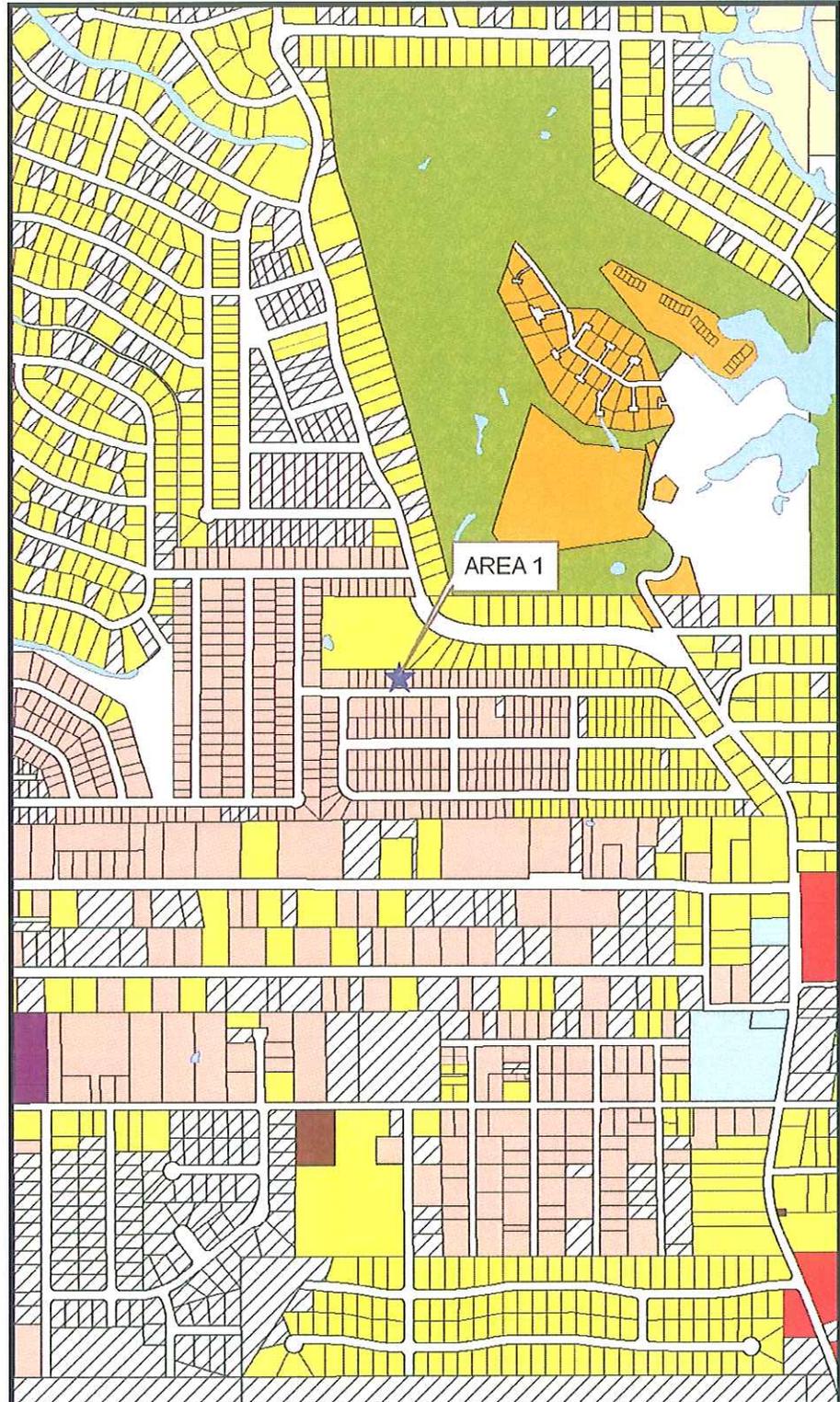


Prepared by the  
City of Gautier  
GIS Division

### Legend

#### EXISTING LAND USE

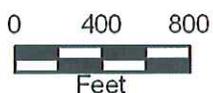
-  Commercial-Retail
-  Conservation
-  Civic
-  Industrial
-  Marina/Fish Camps
-  High Density Residential
-  Mobile Home
-  Mobile Home Park
-  Medium Density Residential
-  Office
-  Recreation
-  Very Low to Low Density Residential
-  Utility
-  Vacant



# EXHIBIT D

## Future Land Use Map

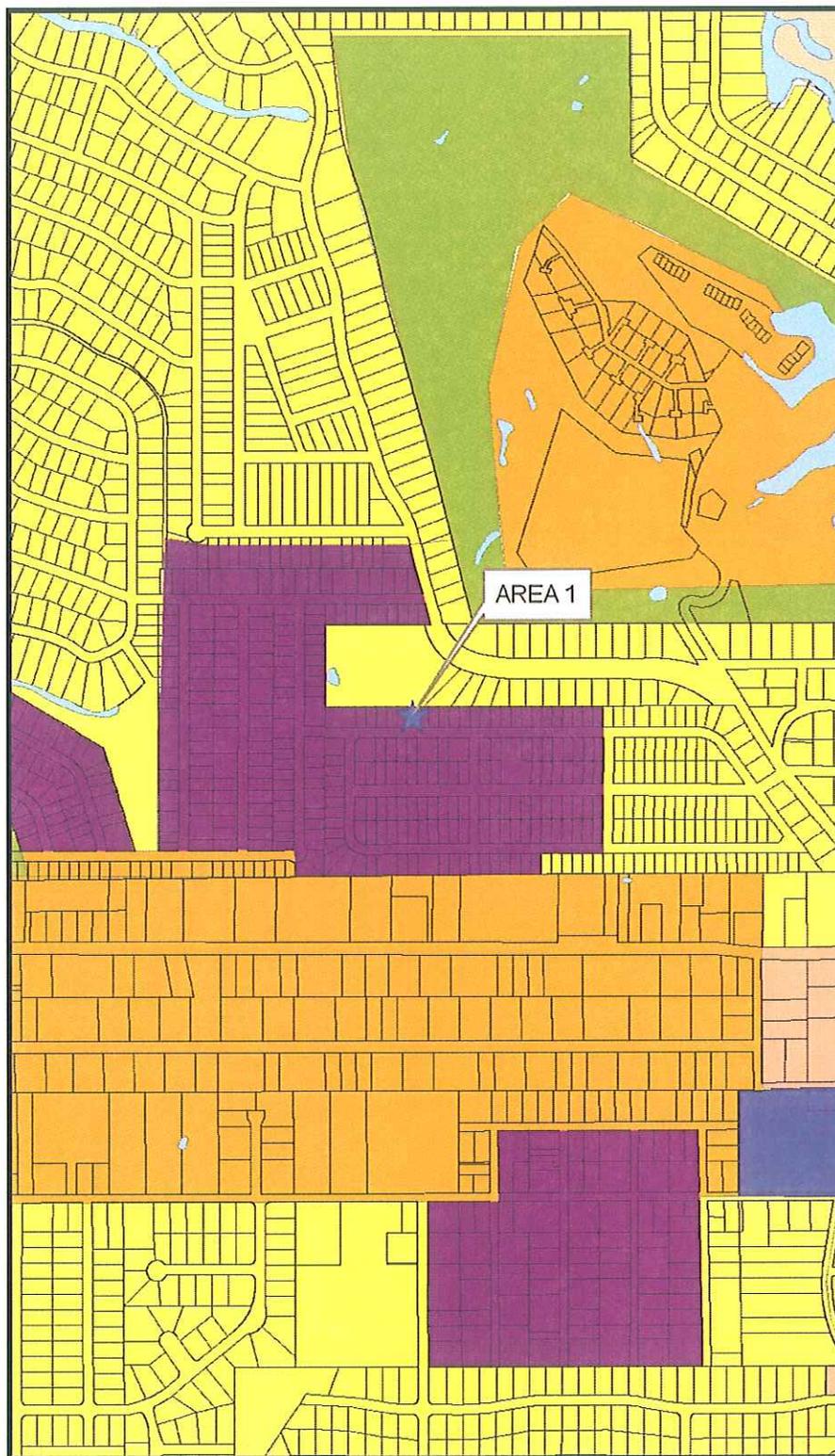
City Of Gautier  
Economic Development/Planning



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



# EXHIBIT E

**CITY OF GAUTIER  
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT  
GPC CASE NO. 11-13-CU**

**REYNA TREJO**

**REGARDING PARCEL ID NO: 85940034.000**

The City of Gautier, at its regular meeting held on May 17, 2011, considered the application for a Conditional Use-Major Development Permit for placement of a MEMA cottage as submitted by Reyna Trejo, owner of the cottage. The parcel subject to this Permit is located at Wynedote Drive, Lot 34, Gautier, Mississippi, 39553. After due public notice, the City Council, having considered the favorable recommendation by the Planning Commission on May 5, 2011, and the application, testimony and exhibits presented by the applicant, the report of the City Staff and all other relevant testimony, exhibits and other evidence, pursuant to applicable provisions of the City's Unified Development Ordinance, hereby approves the conditional use-major development permit and orders as follows:

1. This proposed conditional use-major is consistent with the goals, objectives and policies of the City's Comprehensive Plan.
2. This proposed conditional use-major is consistent with the character of the immediate vicinity of the location of the MEMA cottage.
3. The proposed use is permitted as a Conditional Use-Major in the R-3 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on April 15, 2011 for a conditional use-major development permit.
5. The following additional conditions will ensure that the design and operation of the proposed conditional use-major will minimize any detrimental effects on neighboring properties and shall apply to the project:
  - a) The MEMA cottage must have skirting around the entire perimeter of the unit to be installed after a tie-down inspection. Skirting must be appropriate for MEMA cottages and must be kept in good condition for the life of the cottage.
  - b) The MEMA cottage must adhere to all applicable state and federal building and fire code requirements of the City of Gautier.
6. The City Clerk shall have this permit recorded in the public records of Jackson County, at the expense of the applicant, and provide the applicant a copy of the permit with the recording information affixed.

# EXHIBIT E

7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on May 5, 2011.

8. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of \_\_\_\_\_ ayes to \_\_\_\_\_ nays to approve the application of Reyna Trejo for placement of a MEMA cottage, located at Wynedote Drive, Lot 34 in Gautier, Mississippi, and identified as Jackson County Parcel No. 85940034.000.

May 17, 2011  
Date of Issuance

\_\_\_\_\_  
Tommy Fortenberry, Mayor  
City of Gautier, Mississippi  
3330 Highway 90  
Gautier, MS 39553

Attest:

\_\_\_\_\_  
Wendy McClain  
City Clerk