6. Comprehensive Plan Future Land Use Designation (See Exhibit D): Recreational Commercial

DISCUSSION:

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

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

   Applicant: Yes.

   Staff Finding: Yes. The proposed use is listed as a Conditional Use-Major in the MURC-MW zoning district. The applicant made a successful application for a text change to the code, approve by Council on December 3, 2013.

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: There are other RVs and mobile homes in the area.

   Staff Finding: The only recreational vehicles on private lots in the area are owned by the property owners who have a principal structure on the lot and store the RV on their property for off-site recreational use. These RVs are not allowed to be occupied while on the lots. RVs are allowed by right in designated RV parks or as a Conditional Use-Major on an individual lot in the MURC-MW zoning district.

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

   Applicant Response: No. There are already mobile homes and RV's in the area.

   Staff Finding: Research indicates that when RVs are allowed on private lots for long terms and are only occasionally used they often become abandoned and derelict.

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

   Applicant Response: No. We will only be there a few days from time to time. Just one car.

Staff Finding: There is no evidence that the proposed RV will have any adverse affect on vehicular or pedestrian traffic.

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

   Applicant Response: It already has water and sewer hook-ups.

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

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

   Applicant: Yes.

   Staff Response: The Comprehensive Plan shows the area as Recreational Commercial. The suggested land uses listed for Recreational Commercial areas in the Comprehensive Plan are single family homes, townhouses, patio homes, mixed use buildings, marinas, public parks, restaurants, specialty retail, small structures, rental cabins and recreational vehicle parks. This would suggest that RVs should only be allowed in RV parks.

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. It is just an RV and we will only be in it a few days here and there.

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

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

   Applicant Response: Yes.

Staff Finding: The proposed use is not allowed in the district by right but is listed as a major conditional use which may or may not be approved by Council after review by Planning Commission.

DETERMINATION OF APPLICABLE LAW:

1. Conditional Uses by definition are detrimental to their surroundings, but with conditions may be made compatible. 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 Use-Major" are transferable from one (1) owner of land to another.

   The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Economic Development Director agreeing to the current terms and conditions before a business license may be issued.
2. Conditional Uses-Major require a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION:

Staff finds that the proposed use is not consistent with the Comprehensive Plan and intent of the MURC-MW Mixed Use Recreation Commercial-Mary Walker zoning district regarding recreational vehicles. Furthermore, a recreational vehicle is not a structure and will deteriorate with time, in disharmony with surrounding land uses. Staff does not recommend approval.

CONCLUSION:

The Planning Commission may:

1. Place Conditions on the use for Compatibility and Recommend that City Council approve the Conditional Use-Major; or
2. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application

2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map
6. City's Exhibit E – Draft Conditional Use-Major Development Order

EXHIBIT 1

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

CONDITIONAL USE-MAJOR HEARING APPLICATION

Hearing Number
GPC. 13-04-CU

TYPE OF REQUEST:		FEE:
Conditional Use – Major	____X____	$250.00

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

Name of Applicant : James T. Lacy

Name of Business: _____

Address: _____ Mailing Address (if different): P.O. Box 2221, Hattiesburg, 39403

Email Address: jameslacy@comcast.net

Phone: 601-582-8916 Cell Phone: 601-466-2000

Reason for request, location and intended use of Property: to allow placement of an RV on Lots 25, 26 & 27 Willis Heights Subdivision #2, PID #87420025.000

ATTACHMENTS REQUIRED AS APPLICABLE:

_____ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
_____ 2. Legal descriptions and street address.
_____ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
_____ 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: [signature]

Date of Application: 10/23/13

FOR OFFICE USE ONLY

Date Received 10/23/13 Verify as Complete BJ

Fee Amount Received $250.00

Initials of Employee Receiving Application BJ

EXHIBIT 1

MAJOR CONDITIONAL USE

Criteria for Approval
Major Conditional Use

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

   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.

   There are other RV's and mobile homes in the area.

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

   No. There are already mobile homes and RV's in the area.

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

   No. We will only be there a few days from time to time. Just one car.

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?

   It already has water and sewer hook-ups.

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

   Yes.

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. It is just an RV and we will only be in it a few days here and there.

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.

EXHIBIT 1

Parcel Information

PIDN: 87420025.000

GISP: 769.32-04-0087.00M

Owner Information

Name: LACY JAMES T & HILDA R

Percent of Ownership: 100

Name2:

Mailing Address: 309 4TH AVE
HATTIESBURG MS 39401

Physical Address: WILLIS DR GAUTIER

Land Information

Section, Township, Range: 32 7S 6W

Acreage: 0.36000001

Street Name: WILLIS DR

Value and Tax Information

Total Assessed Value: 10762

Total Appraised Value: 71740

Improvement Value: 1970

Land Value: 69770

Tax Amount: 1397

SQ. FT: 0

Year Built: 0000

Legal Description

Description: LOTS 25 26 & 27 OF WILLIS HGTS S/D #2 (87M Map769.32-04) DB 92 7-289

Deed Book / Page: 927 / 289

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