QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.

2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney.

3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.

4. Applicant Presentation.

5. Questions directed to Applicant. The applicant should answer any questions by the public, the Planning Commission, or others.

6. Staff Presentation. This includes presentation of the staff report into the official record.

7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.

8. Questions directed to Staff. The staff answers any questions by the public, the Planning Commission, or others.

9. Public Comments. Members of the public should be allowed to make comments regarding the application.

10. Applicant rebuttal/final comments

11. Staff rebuttal/final comments

12. Call for final questions.

13. Close public portion of the hearing.

14. Motion & Deliberation. Planning Commission makes a motion, and debates and deliberates regarding the application and development order.

15. Vote.

16. Close the quasi-judicial proceeding.

CITY OF GAUTIER
STAFF REPORT
REVISED

To: Gautier Planning Commission Chairperson and Members

From: Chandra Nicholson, Economic Development & Planning Director

Date: February 28, 2014 (March 27, 2014 Revised last paragraph of Discussion based on City Attorney Review)

Subject: Consideration of a Property Owner Initiated Rezoning of Property Comprising Approximately 24.18 Acres to MURC-2 Mixed Use Recreation Commercial-2.

REQUEST:

The Economic Development and Planning Department has received a request from Greg Williams dba Dirt, Inc. for a Rezoning of the property generally described as the 24.18 acre parcel north and east of Cambridge Square Subdivision on Martin Bluff Road, PID #82424003.000 to MURC-2 Mixed Use Recreation Commercial-2. The application fee of $300 was paid on December 23, 2014. All public notice requirements have been met.

The applicant is proposing to develop a Recreational Vehicle Park, which is not allowed in the current zoning, R-1 Low Density Residential.

The application has been deemed legally sufficient for planning commission consideration.

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.

Following a February 19th advertised public hearing by the GPC on March 6th, the Ordinance to amend the City's Official Zoning Map will be considered for approval by the City Council on March 18th.

DISCUSSION:

The existing land use designation for the subject property is Low Density Residential. The Comprehensive Plan's Future Lane Use Element (FLUE) establishes the general land use designation for Low Density Residential thus:

> *Low Density Residential—Areas with lots between 9,600 square feet and one acre which contain single family residential dwellings and low-impact civic uses such as small churches or clubhouses and neighborhood parks. Gross density is 4.5 dwelling units per acre.*

The MURC-2 district is described in the UDO thus:

5.3.14 MURC-2, Mixed Use Recreation Commercial-2

Purpose and intent. The Mixed Use Recreational Commercial-2 zoning district serves as a buffer between areas of lower and higher intensity. The MURC-2 zoning district shall apply to areas suited for tourist-oriented development. Specifically, lands which are developed, redeveloped and/or maintained and conserved as areas that accommodate permanent or seasonal single-family detached or multi-family attached residential dwelling units; commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; and tourist-oriented uses including recreation vehicles, travel trailers, seasonal cabins, marinas, dry boat storage, community buildings, public facilities, clubhouses, museums, visual and performance arts building, neighborhood retail commercial goods and services not exceeding 7,000 square feet designed primarily to serve the needs of the Mixed Use Recreational Commercial area, offices, medical clinics, laundries and dry cleaning drop off centers, banks, fitness centers, dinner clubs and restaurants. It is the intent of the MURC-2 zoning district to specifically not allow all non-residential uses to be

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	---	---
MURC -2	None	50	25	45	60	10	7.5	20	24	36	None	3.0	4.0	5.0	70	75	80

located in the district.

Unified Development Ordinance Table 7 Intensity and Dimensional Standards (excerpt)

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DATA AND ANALYSIS:

Property to be Rezoned: PID #82424003.000

Location: Ward 3

Current Zoning of the Request Property: R-1 Low Density Residential

Current surrounding existing land use and zoning:

	Current Land Use	Zoning District
North	Conservation, Vacant	PL Public Land, R-1 Low Density Residential
South	Low Density Residential, Martin Bluff Road	R-1 Low Density Residential
East	Vacant	R-1 Low Density Residential
West	Low Density Residential	R-1 Low Density Residential

Comprehensive Plan Land Use Designation: The subject properties are designated Low Density Residential.

Surrounding Future Land Use Map (FLUM) designations:

	FLUM Designation
North	Conservation, Low Density Residential
South	Low Density Residential
East	Low Density Residential
West	Low Density Residential

Proposed Zoning: MURC-2 Mixed Use Recreation Commercial

Staff finds that the rezoning request for the purpose of the development of a full-service recreational vehicle park is compatible with surrounding properties. Staff finds that the rezoning does not constitute a higher intensity use because as it is currently zoned, the 22± acres of R-1 Single Family Residential Lands would be developed entirely as individual lots. As a recreational vehicle park in a mixed use district, the entire front half of the 22± acres will be utilized exclusively for park amenities such as pool, picnic, clubhouse and playground, with a 50’ green buffer surrounding the entire parcel (see Exhibit 2).

Staff further finds that although the comprehensive plan recommends single family for this area, the MURC-2 Mixed Use Recreation Commercial District is an appropriate buffer in harmony with its surrounds due to a MURC-2 recreational vehicle park located north east of this property, and a higher intensity R-2 apartment complex located to the east, as well as single family residential abutting to the west and public lands to the north.

Lastly, Staff finds the rezoning request is appropriate because the zoning change is not a spot zoning. Specifically, the change does not benefit one property while discriminating against surrounding properties, because there are similar uses in proximity and the proposed rezoning is an appropriate buffer for existing uses as described in the Unified Development Ordinances. Whether an action will be void for impermissible spot zoning is determined by the particular circumstances of each case. Spot zoning has been held to be invalid "when it is primarily for the private interest of the owner of the property affected, and not related to the general plan for the community as a whole." 2 Yokley, *supra* § 13-3. Here, other developments of similar character and intensity are in close proximity. In other words, the rezoning does not constitute spot zoning because it is not arbitrary or discriminatory.

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. Staff's comments are in italics.

A. There was a mistake in the original zoning; **or**

Staff finds no mistake in the original zoning.

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.

Staff finds that the character of the surrounding area has changed to such an extent as to justify rezoning. Martin Bluff Road has become more of a commercial corridor and soon will be widened and include a multi-use pathway. A property just northeast of the subject property has already been rezoned to MURC-2. The Cambridge Square Subdivision has aged, so an adjacent new subdivision may not be desirable at this location. See Exhibit 3 for additional comments made by the applicant.

Staff finds that there is a public need for additional property to be zoned MURC-2 Mixed Use Recreation Commercial-2. The City of Gautier has become known as "Nature's Playground". More and more tourists are coming to the area for nature related activities. With the lack of hotels in the area, mixed use recreation commercial zoning provides alternative options for residents and tourists for long term and short term housing. See Exhibit 3 for additional comments made by the applicant.

FINDINGS / APPROPRIATENESS OF 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.

Based on the Change in the Character of the Neighborhood and the Public Need for additional MURC-2 Zoning Districts, staff recommends that the GPC recommend approval of the rezoning to City Council.

CONCLUSION AND RECOMMENDATION:

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. Find that 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 **AND THEREFORE** recommend that City Council approve the Ordinance to Rezone the subject area to RE Residential Estate; or
2. Recommend that City Council deny the Rezoning.

ATTACHMENTS:

Draft Ordinance

Exhibit 1 – Applicant's Application Dated December 23, 2013

Exhibit 2 – Applicant's RV Park Conceptual Site Plan

Exhibit 3 – Applicant's Project Narratives

Exhibit 4 – Applicant's Jackson County GIS Parcel Data

Exhibit 5 – Applicant's Property Warranty Deed

Exhibit 6 – Applicant's Agent Document

Exhibit 7 – Applicant's Corporation Document

Exhibit A – Location Map

Exhibit B – Existing Zoning Map

Exhibit C – Existing Land Use Map

Exhibit D – Future Land Use Map