

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

Planning Commission

AGENDA

5/5/2021

I. Business Meeting

1. Review and approval of the May meeting agenda
2. Review and approval of the minutes of the February meeting
3. Building Report
4. Planning Report
5. Chair's Report
6. Introductions

II. Public Hearing

1. Presentation of Petitions for Public Hearing

A. Old Business: A petition has been filed by City of Hattiesburg, Applicant, as required in the Land Development Code, Ord. No. 3209, to amend the Land Development Code Section 5 Use Regulations and Conditions, Section 7 Standards of Design, Section 9 Environmental Regulations, and Section 13 Definitions. More specifically, amendments are proposed as they relate to food truck park uses and stormwater management.

B. A petition has been filed by Kenneth Cooley, Owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for certain properties located at 334, 336, 338, and 340 N 25th Avenue (Parcel 2-028J-08-165.00, PPIN 26581, Parcel 2-028J-08-166.00, PPIN 26582, Parcel 2-028J-08-167.00, PPIN 26583, and Parcel 2-028J-08-168.00, PPIN 26584, Ward 4) from Section 4.5.9, B-2 (Neighborhood Business) District to Section 4.5.10, B-3 (Community Business) District.

III. Other Business

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
February 3, 2021**

The Hattiesburg Planning Commission did meet in a regular session on February 3, 2021, at 1:00 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Mark Miller, Chair, presided over the meeting. Due to the ongoing COVID-19 pandemic, CDC recommended social distancing guidelines were observed. Staff utilized GoToMeeting, an online meeting, desktop sharing, and telephone/video conferencing platform to allow Commissioners and petitioners to participate remotely. A quorum was indicated and the attendance was as follows:

Commissioners Present: Dick Conville (via GoToMeeting)
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair
Jeff Keyseear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rhoda A. Pickett (via GoToMeeting)
Rebekah Ray
Kenneth Waites

Commissioners Absent: Ricardo Bryant

Also Present: Andrew Ellard, Director
Jim Gladden, Esq.
Ginger M. Lowrey, AICP, Planning Division Manager
Caroline Miles, Planner
Steve Mitchell, Building Official

Chair Miller declared the meeting of the Hattiesburg Planning Commission open and in session at 1:03 PM.

AGENDA REVIEW

There came the matter of the February 2021 Agenda. A request was made by Chair Miller for a motion to approve the February 2021 Agenda. A motion to approve was made by Commissioner Hinton and seconded by Commissioner Ray.

Commissioners voting aye: Dick Conville (via GoToMeeting)
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair
Jeff Keyseear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rhoda A. Pickett (via GoToMeeting)
Rebekah Ray
Kenneth Waites

Commissioners voting nay: None

MINUTES REVIEW

There came the matter of the January 6, 2021 minutes. Commissioner Ray requested a

grammatical and a formatting correction. Staff noted that Steve Mitchell was not listed as present at the meeting when he was present. A motion was made by Commissioner Ray to approve the January 6, 2021 minutes with corrections and seconded by Commissioner Lockett.

Commissioners voting aye: Dick Conville (via GoToMeeting)
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair
Jeff Keyseear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rhoda A. Pickett (via GoToMeeting)
Rebekah Ray
Kenneth Waites

Commissioners voting nay: None

REPORTS

BUILDING REPORT

Steve Mitchell, Building Official, provided the Building Permit Report for January 2021. Staff emailed copies to the Commissioners prior to the meeting, and physical copies were provided to Commissioners who attended in person.

PLANNING REPORT

There came the matter of the Planning Report by Ginger Maddox Lowrey, AICP. On February 2, 2021, City Council approved the zoning change from R-1C to A-2 at 512 N. Washington Ave. after the applicant appealed the Planning Commission’s recommendation to deny the zoning change.

CHAIR’S REPORT

There came the matter of the Chair’s Report by Chair Miller. He commented that part of the APA Planning Commissioner training in December 2020 discussed “public need” for rezoning in terms of what is consistent with the Comprehensive Plan. He asked Staff to provide more information on the future land use map and use designations.

INTRODUCTIONS

The Commissioners introduced themselves.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item A (Zoning Change), to consider a request that has been filed by Ronald Blackwell, Engineer, and Bennet V. York, Owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a portion of a property located at 156 Cross Creek Parkway (Parcel 051M-11-011.000, PPIN 7622, Ward 3) from Section 4.5.12, B-5 (Regional Business) District to Section 4.5.7, R-3 (Multi-Family Residential) District.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Ronnie Blackwell		Hattiesburg, MS
	Bennett York		Hattiesburg, MS
	Michelle Littlejohn		Hattiesburg, MS
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Ronnie Blackwell presented the request. Chair Miller asked Mr. Blackwell how is there a public need for the rezoning when the Commission approved a rezone for a similar request to the south of the subject property that the applicants failed to develop. Mr. Blackwell stated that after doing preliminary work, they determined that the proposed 84-unit complex was not large enough to support the amenities they planned to offer. Additionally, due to Covid-19, construction costs made the development financially unfeasible.

Dr. Bennett York also spoke on the request. He stated that while the first project was financially unfeasible, this proposed project is a larger development that could support amenities. He could not promise that the new project would be feasible until further preliminary analysis is done, which is not fiscally responsible to undertake until a rezoning had been secured. He further stated that a development on the site would be in the same character as the surrounding Cross Creek apartment complexes.

Michelle Littlejohn presented evidence for public need. She provided data regarding high occupancy rates in the vicinity apartment complexes, the demand for more multi-family house in the Oak Grove School District, specifically the Long Leaf Elementary School, and general demand for multi-family housing in the vicinity.

Chair Miller declared the Public Hearing closed and the Business Meeting open for voting on the request (Item A). Commissioner Hinton stated that she believed that Ms. Littlejohn provided ample evidence that there was a continued public need for this type of zoning in this area of Hattiesburg. Commissioner Dawe made a motion to approve the request on the basis that the character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning. Commissioner Conville seconded the motion. Commissioners attending in person submitted physical voting sheets.

Commissioners voting aye: Dick Conville (via GoToMeeting)
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair
Jeff Keysear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rhoda A. Pickett (via GoToMeeting)
Rebekah Ray
Kenneth Waites

Commissioners voting nay: None

BUSINESS MEETING

Having no further business, Commissioner Hinton made a motion to adjourn the meeting. The motion was seconded by Commissioner Lockett. The meeting was adjourned at 2:23 PM.

Mark Miller, Chair

Ginger Maddox Lowrey, AICP, CFM, Planning Division Manager



**Planning Commission
Case Fact Sheet**

Applicant: City of Hattiesburg

Request: To consider an application to amend the Land Development Code, Ord. No. 3209, to amend the Land Development Code Section 5 Use Regulations and Conditions, Section 7 Standards of Design, Section 9 Environmental Regulations, and Section 13 Definitions.

Applicable Regulations: Section 5 Use Regulations and Conditions, Section 7 Standards of Design, Section 9 Environmental Regulations, and Section 13 Definitions

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of April 23, 2021. Copies of the proposed amendments were provided to stakeholders, who provided no additional comments.

Additional Information: See attached memo outlining the proposed amendments. These amendments serve to create the new use of "Food Truck Park" and establish standards for this use. The amendments also propose to update environmental regulations for the purpose of improvements to the City's Community Rating System (CRS) program.

Basis for Approval: Recommend **APPROVAL** or **DENIAL** of the request to amend the Land Development Code Section 5 Use Regulations and Conditions, Section 7 Standards of Design, Section 9 Environmental Regulations, and Section 13 Definitions.

The Planning Commission may approve, deny, and table at will. Minor, non-substantial changes may be made within a motion to the items presented in these amendments.



Department of Urban Development

Andrew Ellard, Director

601.545.4609 or aellard@hattiesburgms.com

MEMORANDUM

TO: TO ALL IT MAY CONCERN
FROM: ANDREW ELLARD, DIRECTOR OF URBAN DEVELOPMENT;
GINGER M. LOWREY, AICP, PLANNING DIVISION MANAGER
DATE: MARCH 15, 2021
SUBJECT: LAND DEVELOPMENT CODE AMENDMENT PROPOSAL FOR FOOD TRUCK PARKS

Planning Commissioners and all others it may concern, the April 7, 2021 Planning Commission agenda includes a proposal for amendments specifically related to the new use of "Food Truck Park" including Section 5, 7, & 13 of the Land Development Code. Amend Section 9 for the purpose of improvements to the City's Community Rating System (CRS) program. These changes are proposed by City staff due to the demand for the new use and the need for established standards for such developments. This document serves as an explanation of the amendments change-by-change.

Code Section	Change proposed	Reasoning
Section 5.1 Table of Uses	Add "Food Truck Park". "Conditional Use" in B-2, B-3, B-4, I-1, and I-2. "Permitted with conditions" in B-5	Adds new use with appropriate zoning and use type
Add new section to 5.4 for "Food Truck Park" conditions. 5.4.22	Add section for "Food Truck Park" conditions. As 5.4.22 and adjust numbering for all subsections following 5.4 as necessary	Adds section for conditions for "Food Truck Park"
Section 5.4.22.1	Add to read "No part of the active use area of a food truck park, including vendor locations and seating, may be located closer than 300 feet to a lot containing a legal, conforming residential use. This condition does not apply to B-4 or legal, conforming mixed use zones"	Adds conditions for "Food Truck Park".

Section 5.4.22.2	Add to read "Vehicular drive-through service of food and/or beverages shall not be permitted in Food truck parks."	Adds conditions for "Food Truck Park".
Section 5.4.22.3	Add to read "No mobile food vendor or structures associated with the mobile food park use shall be located in a required zoning setback, driveway, utility easement, fire lane, or other site element not designed for the place of a mobile food vendor."	"Adds conditions for "Food Truck Park".
Section 5.4.22.4	Add to read "No less than 2 and no more than 10 individual mobile food vendors are permitted per site. Vendors should be placed no closer than 10 ft to another vendor or structure."	Adds conditions for "Food Truck Park".
Section 5.4.22.5	Add to read "Permanent restroom facilities shall be provided to accommodate the maximum occupancy."	Adds conditions for "Food Truck Park".
Section 5.4.22.6	Add to read "Mobile food vendors must operate from designated mobile vendor sites as denoted on the approved site plan. Mobile food vendors shall not operate from the parking lot of food truck parks."	Adds conditions for "Food Truck Park".
Section 5.4.22.7	Add to read "Each food truck park must provide wastewater disposal site that meets all applicable and relevant plumbing codes for food disposal including grease interceptor and dumpster requirements per 7.9.10. for the maximum number of vendors the site is designed for."	Adds conditions for "Food Truck Park".
Section 5.4.22.8	Add to read "Mobile Food parks may provide temporary water and electrical connections. Permanent connections are not permitted."	Adds conditions for "Food Truck Park".
Section 5.4.22.9	Add to read "A minimum 10% of the lot will be interior landscaping exclusive of required perimeter landscape and landscape islands. One large tree per 500 sq ft of interior landscaping. Above ground landscaping or alternative amenities may be permitted by SDRC. Food Truck Parks in B-4 are excluded from this condition."	Adds conditions for "Food Truck Park".
Section 7 Table 7.12 – Table of Parking...	Amend Use from "food Truck" to "Food Truck Park" and add "Minimum Spaces Required" to read "2 per vendor space"	Adds parking requirement for "Food Truck Parks"

Requirements; Food Trucks		
Section 9.1.3	Amend to read: "Post Development Discharge. Post development discharge rates shall not exceed pre-development discharge rates from any development site excluding single-family residential as deemed appropriate with impervious coverage exceeding 0.49 acres. Engineering detail and documentation including a stormwater plan for the site shall be required at the time of application as specified herein."	Clarify and make consistent with requirements already administered in other Departments and for CRS purposes
Section 9.1.7.1.3	Amend to add to the end of the third bullet "Refer to 9.1.3. for development discharge requirements."	Clarify and for CRS purposes
Table 9.2 Land Disturbance Permit Requirements	Amend (as presented below) to insert as the third row the following text: "0.5 (½) acre to 0.999 acre resulting in impervious coverage per 9.2.1.1"; "Yes"; "SWPPP & Stormwater calculations"; "City"; and amend "Construction Permits (including Notice of Intent & SWPPP) Required" column for "1 acre to 4.999 acres" to read "Small Construction General Permit including SWPPP & Stormwater calculations".	Clarify and make consistent with requirements already administered and for CRS purposes
13.2 Definition – Add "Food Truck Park"	Amend to add "Food Truck Park" to read "A parcel or group of parcels used or developed to accommodate two (2) to ten (10) mobile food vendors to offer food or beverages for sale to the public with seating for customers while possibly accommodating areas on the property for entertainment or recreational opportunities. Also See "Mobile Food Vendor"	Add definition of "Food Truck Park"
13.2 Definition – Add "Mobile Food Vendor"	Amend to add "Mobile Food Vendor" to read "any person or persons who sell food and/or beverages from a permitted vehicle or mobile push cart/stand (also called "food truck" and "mobile push cart") on a consistent basis for a period of more than 15 consecutive or non-consecutive days each calendar year"	Add definition of "Mobile Food Vendor" to LDC consistent with Ord 3286

Table 9.2 Land Disturbance Permit Requirements

Acre(s) Disturbed	Land Disturbance Permit Required from the City	Construction Permits (including Notice of Intent & SWPPP) Required	Submittal and Approval Required by:
Less than ½ acre (21,780 sq. ft.)	Yes	No	City
0.5 (½) acre to 0.999 acre	Yes	No	City
0.5 (½) acre to 0.999 acre resulting in impervious coverage per 9.2.1.1	Yes	SWPPP & Stormwater calculations	City
1 acre to 4.999 acres	Yes	Small Construction General Permit including SWPPP & Stormwater calculations	City
5 acres or greater	Yes	MDEQ Large Construction General Permit	MDEQ

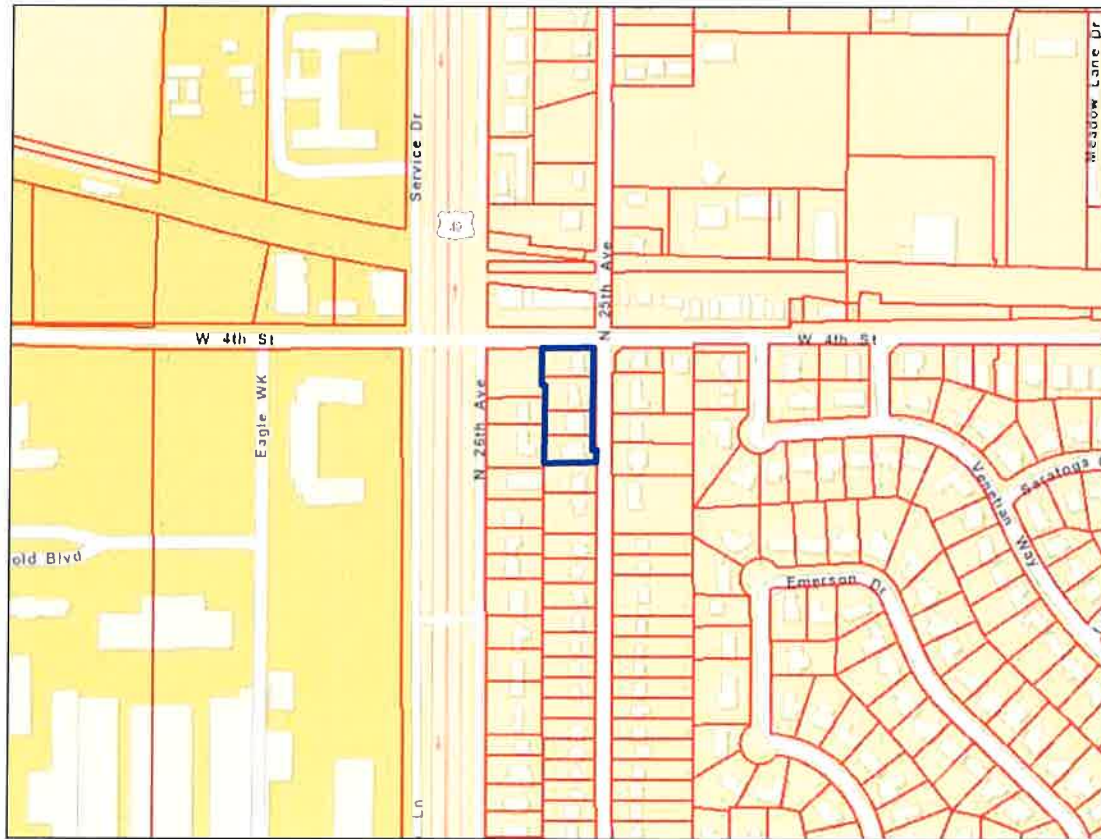
SUBJECT PARCEL: 334,336, 338, 340 N 25th Ave

Kenneth Cooley, Owner

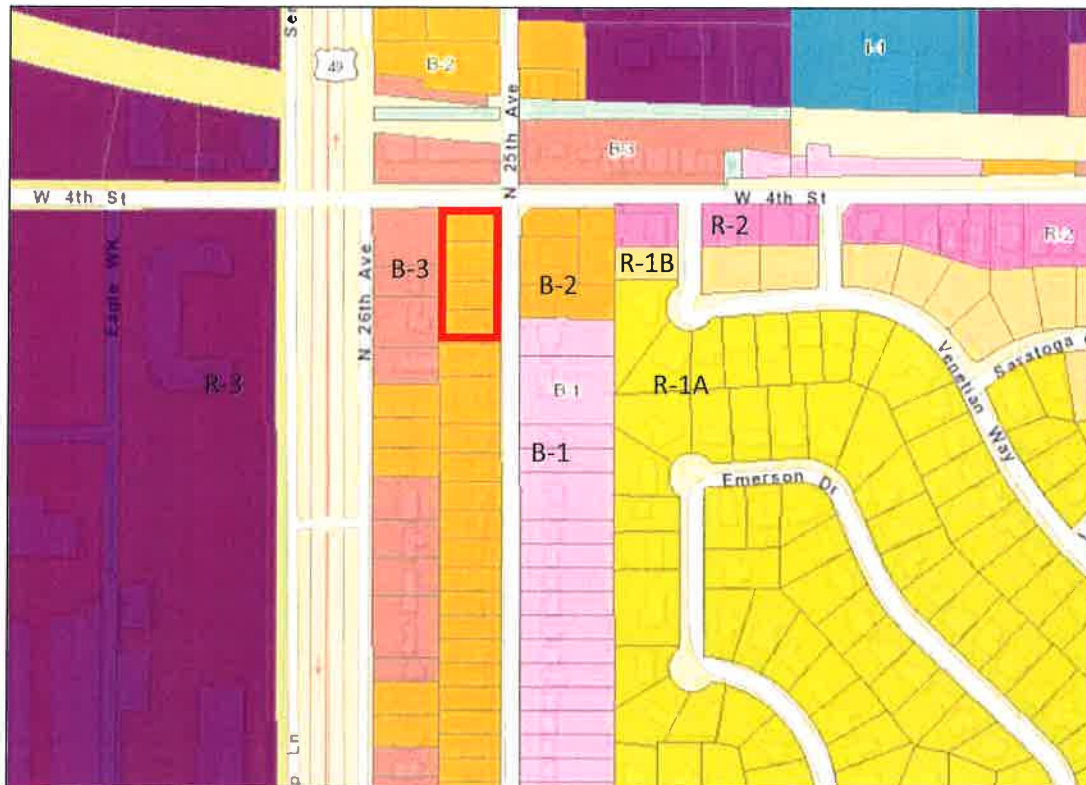
The petitioner requests to change the zoning classification for certain properties located at 334, 336, 338, and 340 N 25th Avenue (Parcel 2-028J-08-165.00, PPIN 26581, Parcel 2-028J-08-166.00, PPIN 26582, Parcel 2-028J-08-167.00, PPIN 26583, and Parcel 2-028J-08-168.00, PPIN 26584, Ward 4) from Section 4.5.9, B-2 (Neighborhood Business) District to Section 4.5.10, B-3 (Community Business) District.



Vicinity Map—Ward 4



Zoning—B-2



Site Aerial



Vicinity Rezone Request History



Legend

- Rezone request B-2 to B-3 **denied** in 2010
- Rezone request B-2 to B-3 **approved** in 2010

SURROUNDING AREA

Northern Direction: B-3 (Community Business) District/ Restaurant and Bar Use



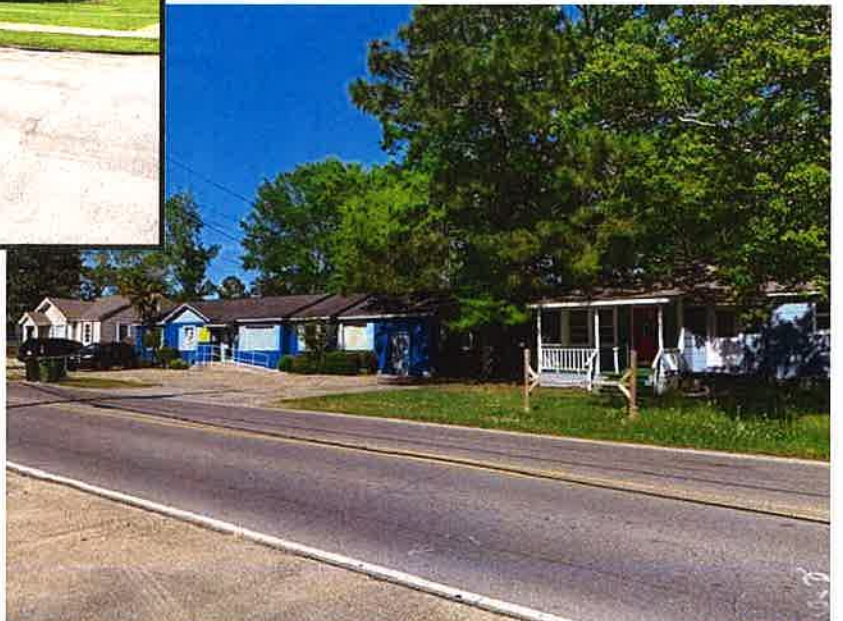
Southern Direction: B-2 (Neighborhood Business)/ Personal Services



Western Direction: B-3 (Community Business)/ Commercial



Eastern Direction: B-2 (Neighborhood Business)/ Professional Offices, Care center, Residential





**Planning Commission
Case Fact Sheet**

Name of Petitioners: Kenneth Cooley, Owner

Address of Property:	Tax Parcel	PPIN:	Ward:
334 N 25 th Ave	2-028J-08-165.00	26581	4
336 N 25 th Ave	2-028J-08-166.00	26582	4
338 N 25 th Ave	2-028J-08-167.00	26583	4
340 N 25 th Ave	2-028J-08-168.00	26584	4

Request: **Zoning Change**

Purpose of Request: To consider an application to change the zoning classification for certain properties located at 334, 336, 338, and 340 N 25th Avenue (Parcel 2-028J-08-165.00, PPIN 26581, Parcel 2-028J-08-166.00, PPIN 26582, Parcel 2-028J-08-167.00, PPIN 26583, and Parcel 2-028J-08-168.00, PPIN 26584, Ward 4) from Section 4.5.9, B-2 (Neighborhood Business) District to Section 4.5.10, B-3 (Community Business) District.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts Established

4.5.9 B-2 Neighborhood Business District: The purpose of the B-2 District is to provide for retail and personal service uses in locations convenient to residential neighborhoods consistent with comprehensive planning policies. This district is consistent with the Neighborhood Business District in the Comprehensive Plan.

4.5.10 B-3 Community Business District: The purpose of the B-3 District is to provide for retail, personal service, and offices in locations with convenient access to the community consistent with comprehensive planning policies. This district is consistent with

the Community Business District in the Comprehensive Plan.

Present Zoning: The parcels is currently zoned B-2 (Neighborhood Business) District

Present Use: Mixed Commercial/Residential

Future Land Use: Community Business District

Surrounding Zoning and Land Use:
North: B-3 (Community Business) District/ Restaurant and Bar Use
South: B-2 (Neighborhood Business)/ Personal Services
East: B-2 (Neighborhood Business)/ Professional Offices, Care center, Residential
West: B-3 (Community Business)/ Commercial

Most Nearly Bounded By (streets): The parcels are most nearly bounded to the north by W 4th Street, to the east by N 25th Avenue, to the south by Quinn Street, and to the west by the US 49 N frontage road. The parcels are accessible by N 25th Ave.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of April 21, 2021.

History / Background: The petitioner met with Staff in Pre-Application to discuss rezoning the subject property for a redevelopment for a mix of commercial uses.

In December 2010, the applicant submitted a B-2 to B-3 rezone request for the four subject properties along with 18 additional properties along N 25th Avenue and the US 49 N frontage road. Acting on the Planning Commission's recommendation, City Council approved the rezoning request of the properties along the US 49 N frontage road but denied the requested zoning changes along N 25th Avenue. See "Vicinity Rezone Request History" map for reference.

Option:

Basis for approval:

- I. There was a mistake in the original zoning
- II. The character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning
- III. Annexation

Rezoning Information (1 page)

One of the following conditions must be met before a rezoning can be recommended.

Check the condition(s) most applicable to your request and explain in writing.

- A. There is a material change in the circumstances and conditions of the neighborhood and area surrounding the petitioned property and there is a public need for the change in question, based on the Comprehensive Plan.
- B. There is a mistake in the original zoning.
- C. Annexation

Detailed explanation of condition(s) most applicable to your request: (Please print or type.)

I am interested in creating a small entertainment district (so to speak) consisting of small Bistros, cafes and a foodcourt (open-air) eatery concept which will consist of walk-ways and outside lighting that will connect all 8 properties as shown on site Plan.