

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

Planning Commission

AGENDA

9/1/2021

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing

A. A petition has been filed by Rob Puckett, Representative, and Puckett Machinery-Hastings Puckett, Owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a portion of a certain property located near 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606, Ward 1) from Section 4.5.3 R-1A (Single-Family Residential) District to Section 4.5.12, B-5 (Regional Business) District.

B. A petition has been filed by Rob Puckett, Representative, and Puckett Machinery-Hastings Puckett, Owner, to request a Conditional Use to allow non-public outdoor storage of heavy equipment and other non-hazardous materials on a gravel surface per LDC 7.12.10.4.iii at 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606; portion of Parcel 2-025I-36-011.00, PPIN 27603, Ward 1).

C. A petition has been filed by Rachel Stanton, Applicant, and A&J Gray Holdings, LLC, Owner, as required in the Land Development Code, Ord. No. 3209, to request a Conditional Use as "School" in R-1A (Single Family Residential) District as defined by the LDC for a certain property located at 321 South 24th Avenue (Parcel 2-028O-08-178.00, PPIN 16677, Ward 4).

D. A petition has been filed by Rebecca Stewart, Representative, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a certain property located at 701 Hall Avenue (Parcel 2-038A-15-036-00, PPIN 12841, Ward 2) from Section 4.5.5 R-1C (Single-Family Residential) District to Section 4.5.8, B-1 (Professional Business) District.

III. Other Business

IV. Adjournment

SUBJECT PARCEL:

Near 6751 Hwy 49

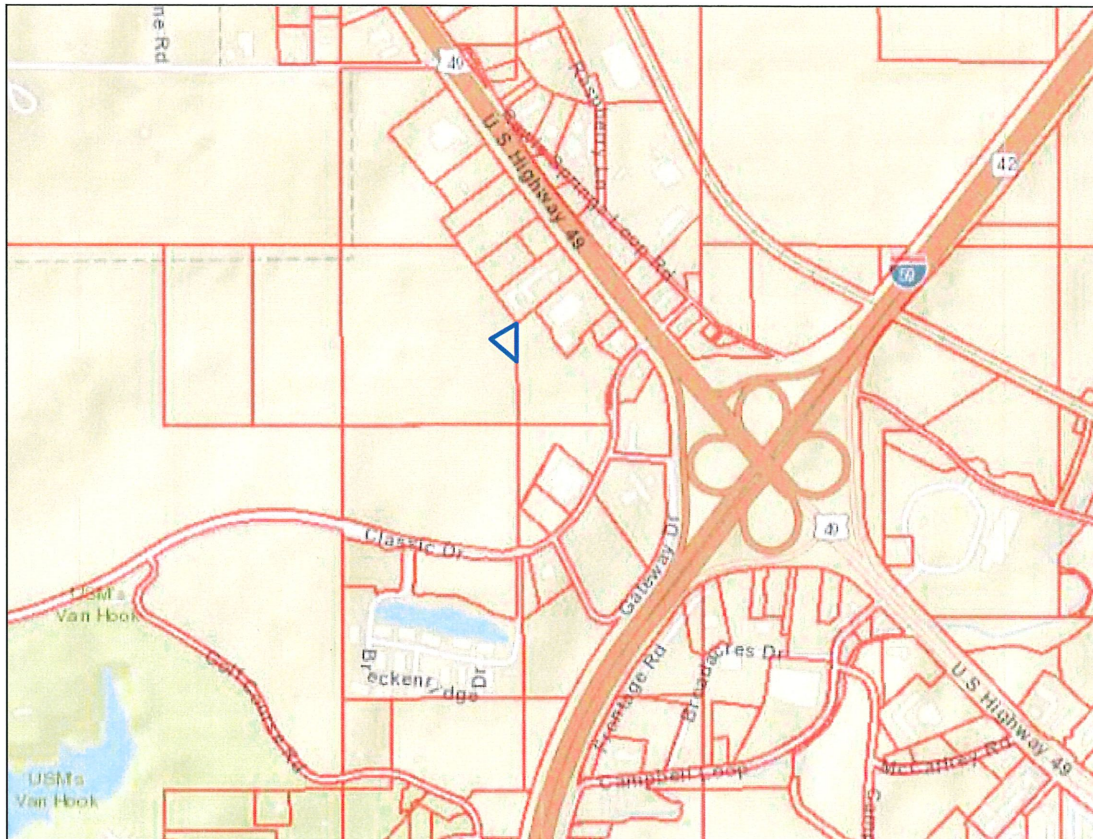
Rob Puckett, Representative, and

Puckett Machinery- Hastings Puckett, Owner

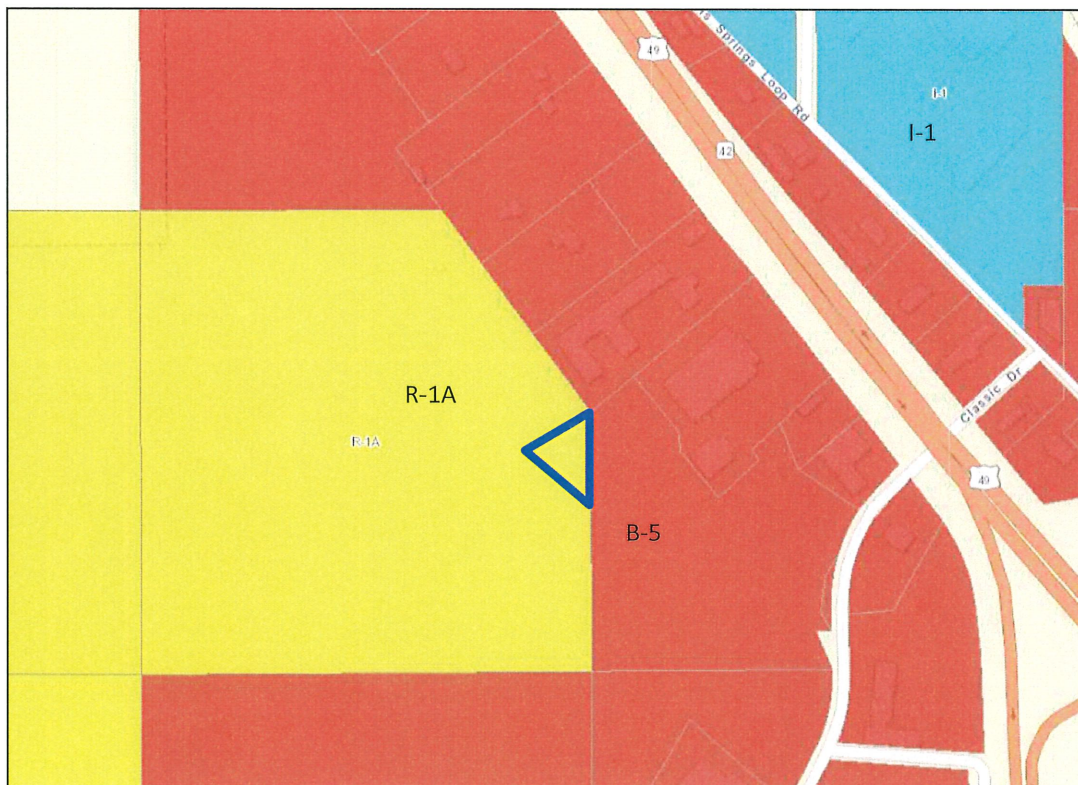
The petitioners request to change the zoning classification for a portion of a certain property located near 6751 Hwy 49 (portion of Parcel 2-0251-36-013.00, PPIN 27606, Ward 1) from Section 4.5.3 R-1A (Single-family Residential) District to Section 4.5.12, B-5 (Regional Business) District.



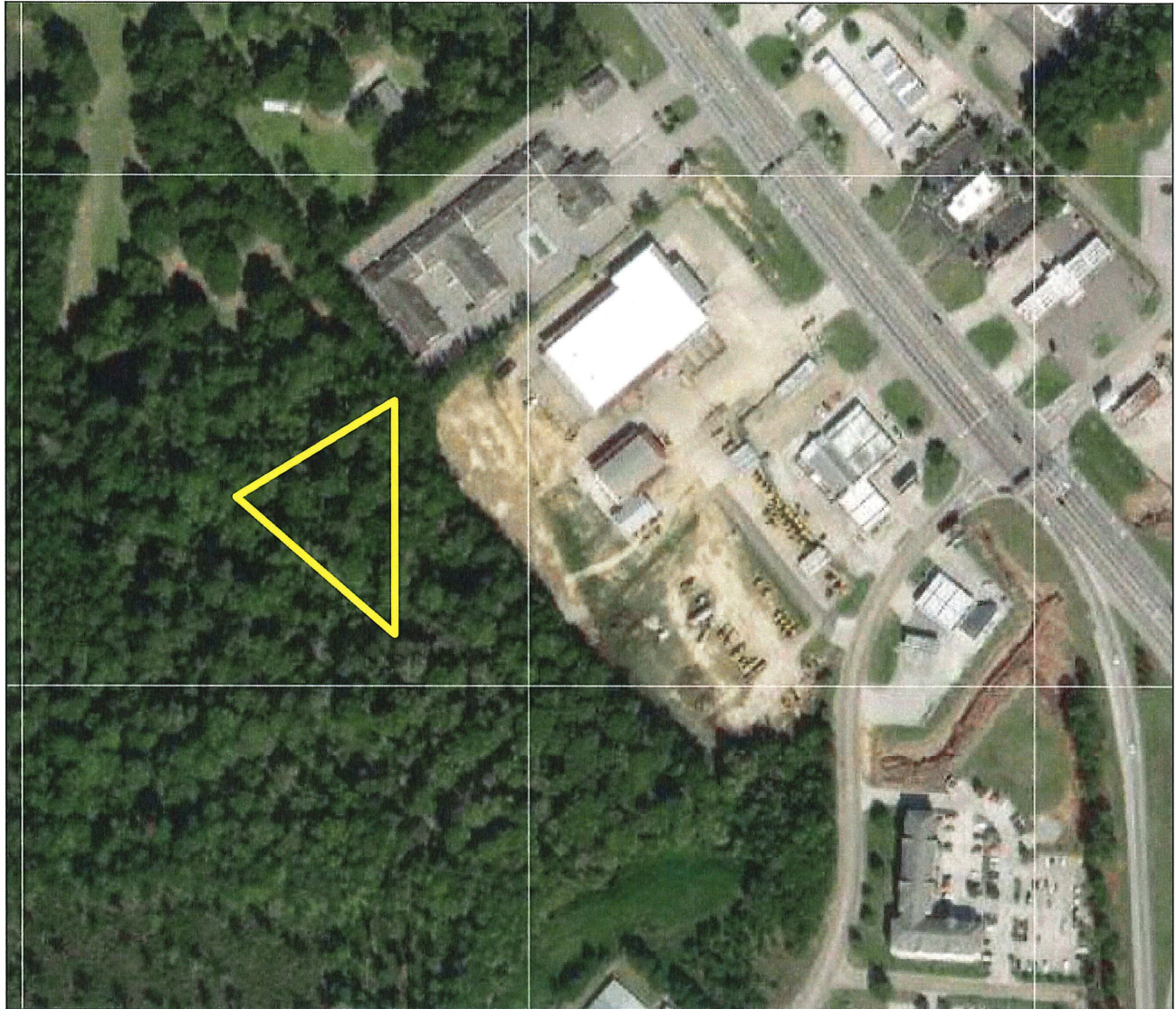
Vicinity Map—Ward 1



Zoning—R-1A

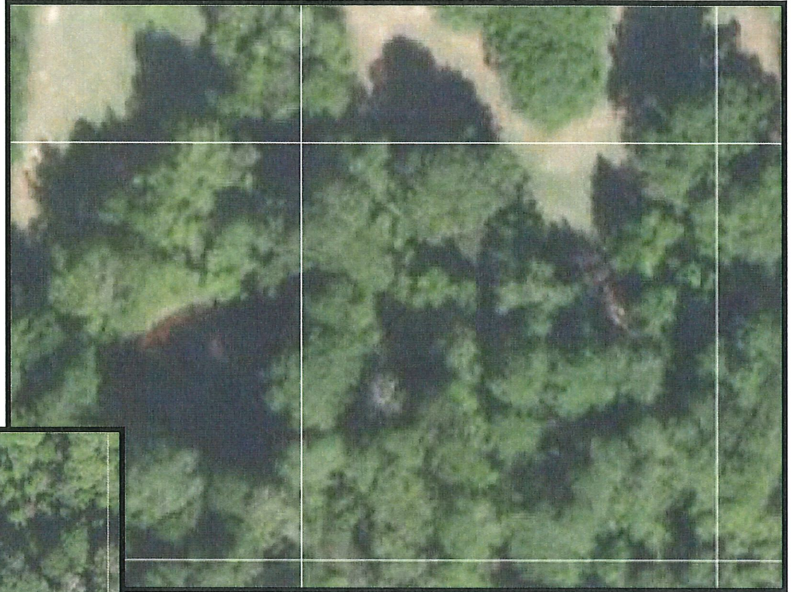


Site Aerial



SURROUNDING AREA

Northern Direction: R-1A (Single Family Residential) District/
Undeveloped



Southern Direction: R-1A (Single Family Residential) District/
Undeveloped



Eastern Direction: B-5 (Regional Business) District/ Machinery and Equipment Sales



Western Direction: R-1A (Single Family Residential) District/
Undeveloped





**Planning Commission
Case Fact Sheet**

Name of Petitioners: Rob Puckett, Representative, and Puckett Machinery- Hastings Puckett, Owner

Address of Property:	Tax Parcel	PPIN:	Ward:
Near 6751 Hwy 49	portion of Parcel 2-025I-36-013.00	portion of 27606	1

Requests: **Zoning Change from R-1A to B-5**

Purpose of Request: To consider an application to change the zoning classification for a portion of a certain property located near 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606, Ward 1) from Section 4.5.3 R-1A (Single-family Residential) District to Section 4.5.12, B-5 (Regional Business) District.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts Established

4.5.5 R-1A Single Family Residential District

The purpose of the R-1A District is to permit single-family residential uses with related recreational, religious and educational facilities. This district is consistent with the Neighborhood Conservation 1 and 2 districts in the Comprehensive Plan. This zoning district encourages protected lower density residential neighborhoods with only compatible supporting institutional uses and open space.

4.5.12 B-5 Regional Business District: The purpose of the B-5 District is to provide for retail, personal and business services, offices, and financial services in locations with convenient access to the region's population consistent with comprehensive planning policies. This district is consistent with the Regional Business

District in the Comprehensive Plan.

Present Zoning: This parcel is currently zoned R-1A (Single-Family Residential) District

Present Use: Undeveloped

Future Land Use: Regional Business Corridor

Surrounding Zoning and Land Use:
North: R-1A (Single Family Residential) District/ Undeveloped
South: R-1A (Single Family Residential) District/ Undeveloped
East: B-5 (Regional Business) District/Machinery Sales
West: R-1A (Single Family Residential) District/ Undeveloped

Most Nearly Bounded By (streets): The parcel is most nearly bounded to the north and east by Highway 49, to the south by Classic Drive. It is not accessible by any public or private streets.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of August 20, 2021. Applicant provided letters of support from the adjacent property owner.

History / Background: The applicant met with staff in Pre-Application to discuss an expansion of the existing Puckett Machinery business on Highway 49. The proposed expansion includes a 5000 sf warehouse addition to the existing Puckett Machinery building, façade improvements, and addition of storage area for the heavy machinery inventory. The expansion also includes the acquisition of a ½ acre portion of the large, un-platted R-1A zoned property to the rear (west) of the business. The proposed for use for the acquired land is to accommodate the outdoor storage area of heavy equipment; equipment is proposed to be stored on the acquired ½ acre and on an adjacent parcel (See Site Plan).

The applicant is also requesting a zoning buffer variance to reduce the 50' required buffer to 10' between the R-1A and B-5 zones, pending the rezone. The subject parcel and adjacent parcel are also part of a conditional use request for outdoor storage on a gravel surface as well as a variance to increase the storage yard area.

The affected parcel will require minor subdivision, which is a staff level process reviewed by the Site Design and Review Committee.

Option: **Basis for approval (Zoning Change):**

- 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.)

The intention is to rezone a 0.51 acre parcel of property from residential to business use. All of the property that has been developed adjacent to the parcel to be rezoned is business use. The parcels zoned residential have not been developed and there are currently no residences on any of the adjacent parcels. Some of the nearby residential zoned property is located in the area of USM's Innovation Park. For these reasons we believe the site should be rezoned under condition A or B.

To Whom it may concern:

I, Nancy Meador Farrar, Meador Properties LLC, am the owner of parcels:

- PPIN 27605 (2-025I-36-007.00)
- PPIN 32314 (2-025I-36-009.00)
- PPIN 27600 (2-025I-36-010.00)
- PPIN 27603 (2-025I-36-011.00)

which are located immediately adjacent to the part of PPIN 27603 (2-025I-36-011.00) and PPIN 27606 (2-025I-36-013.00) recently sold to Puckett Machinery

It is my understanding that Puckett Machinery is requesting a zoning change on part of their property, a variance to reduce the buffer zone to 10 feet, and a conditional use permit to allow gravel parking of their equipment.

I have no objections to this proposed action and support the approval any variances required.

Nancy Meador Farrar
7/12/2021
Signed _____ Date _____

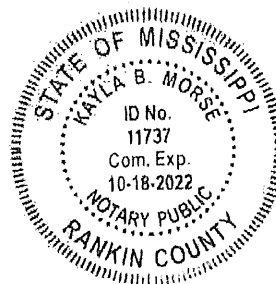
STATE OF MISSISSIPPI
COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the said county and state, on this 12 day of July, 2021, within my jurisdiction, the within named Kayla Morse, who acknowledged that this individual executed the above and foregoing instrument.

Kayla B. Morse

(NOTARY PUBLIC)

My commission expires: 10-18-22



To Whom it may concern:

I, Nancy Meador Farris Hardluck Plantation, Inc., am the owner of parcel:

- PPIN 27606 (2-025I-36-013.00)

which is located immediately adjacent to the part of PPIN 27603 (2-025I-36-011.00) and PPIN 27606 (2-025I-36-013.00) recently sold to Puckett Machinery

It is my understanding that Puckett Machinery is requesting a zoning change on part of their property, a variance to reduce the buffer zone to 10 feet, and a conditional use permit to allow gravel parking of their equipment.

I have no objections to this proposed action and support the approval any variances required.

Nancy Meador Farris
07/12/2021
Signed _____ Date _____

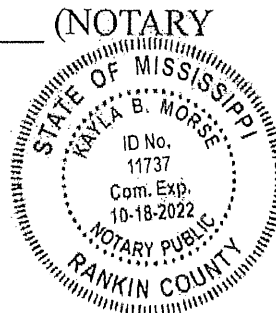
STATE OF MISSISSIPPI
COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the said county and state, on this 12 day of July, 2021, within my jurisdiction, the within named KAYLA MORSE who acknowledged that this individual executed the above and foregoing instrument.

KAROL B. WATSON

(NOTARY PUBLIC)

My commission expires: 10-18-22



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RE-ZONING REQUEST:
AREA CURRENTLY ZONED
R-1A TO BE RE-ZONED B-5

±0.51 ACRES
(±22,056 SF)

HARDLUCK PLANTATION, INC.
PPIN: 27606
COUNTY TAX ID: 2-0251-36-013.00
ZONE R-1A

MEADOR PROPERTIES, LLC
(NORTHGATE INN)
PPIN: 27605
COUNTY TAX ID: 2-0251-36-007.00
ZONE B-5

BUILDING
(STOREFRONT &
WAREHOUSE)
CENTENNIAL PROPERTY
HATTIESBURG, LLC
(PUCKETT MACHINERY Co.)
PPIN: 27604
COUNTY TAX ID: 2-0251-36-008.00
ZONE B-5

PUCKETT MACHINERY COMPANY
PPIN: PART OF 27603
COUNTY TAX ID: PART OF 2-0251-36-011.00
ZONE B-5
PPIN: PART OF 27606
COUNTY TAX ID: PART OF 2-0251-36-013.00
ZONE R-1A

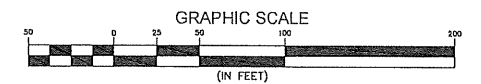
MEADOR PROPERTIES, LLC
(STUCKEY'S)
PPIN: 22314
COUNTY TAX ID: 2-0251-36-009.00
ZONE B-5

MEADOR PROPERTIES, LLC
(STUCKEY'S)
PPIN: 27600
COUNTY TAX ID: 2-0251-36-010.00
ZONE B-5

HARDLUCK PLANTATION, INC.
PART OF PPIN: 27603
COUNTY TAX ID: PART OF 2-0251-36-011.00
ZONE B-5

LEGEND:

- FLOW DIRECTION
- GATE POST
- GUARD POST
- L LENGTH
- MDOT MISSISSIPPI DEPARTMENT OF TRANSPORTATION
- PROPERTY LINE
- PPIN PROPERTY PARCEL IDENTIFICATION NUMBER
- SF SQUARE FEET



RE-ZONING MAP			
PUCKETT MACHINERY COMPANY CITY OF HATTIESBURG FORREST COUNTY, MISSISSIPPI			
sdw Engineering Progress 301 Second Ave., Hattiesburg, MS 39401 (p) 601.544.1821 sdw.com			
Drawn by:	RES/SLS	Checked by:	NMC
Date:	7-20-2021	Scale:	1" = 50'
Drawing No.:	16914	Sheet No.:	1 OF 1

G:\PROJECTS\Puckett Machinery Expansion\16914 CAD Files\16914_Variance Map.dwg, 1 OF 1, 7/10/2021 9:57 AM

ZONING NOTES:

B-5 Regional Business
(LDC Sec. 4.5.12)

Setbacks (LDC Sec. 6.1)

Front 30 Feet Min., 150 Feet Max.
(Complies)

Corner Same as Front
(Complies)

Side 0 Feet Min., 10 Feet If provided
(Complies)

Rear 0 Feet
(Complies)

Buffer 50 Feet adjacent to Agricultural and Residential Zones
(LDC Sec. 7.11.13)

10 Feet Proposed (Does Not Comply)
Variance Requested

Bldg Height 72 Feet or 6 Stories Max.
(LDC Sec. 6.1)

Bldg Floor Ratio 1.5 Max. Area
(LDC Sec. 6.1)

Lot Width 100 Feet Min.
(LDC Sec. 6.1)

Coverage 90% Coverage Max.
(LDC Sec. 6.1)

Use 42% Existing & Proposed (Complies)
Machinery, Tools/Construction Equipment,
Limited Sales & Service - Existing &
Proposed Use (Complies)

Outdoor Storage 50% of Side & Rear Yards Max.
(LDC Sec. 7.12.10.4)

90% Proposed (Does Not Comply)
Variance Requested

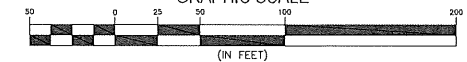
FLOOD NOTE:

The Parcel, as shown hereon, are located within an Areas having a Flood Zone Designation "X", Areas Determined to be Outside the 0.2% Annual Chance of Flood Floodplain, by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map (FIRM) No. 28035C01010, with a Date of Identification of March 2, 2010 for Community No. 280053, in the City of Hattiesburg, Forrest County, Mississippi.

LEGEND:

- EXIST - EXISTING
- - FLOW DIRECTION
- ⊥ - GATE POST (EXIST)
- ⊥ - GUARD POST (EXIST)
- L - LENGTH
- MDOT - MISSISSIPPI DEPARTMENT OF TRANSPORTATION
- PPIN - PROPERTY LINE
- PPIN - PROPERTY PARCEL IDENTIFICATION NUMBER
- SF - SQUARE FEET
- OUTDOOR STORAGE AREA

GRAPHIC SCALE



(IN FEET)

NO.	DATE	DESCRIPTION	BY

VARIANCE MAP

PUCKETT MACHINERY COMPANY
CITY OF HATTIESBURG
FORREST COUNTY, MISSISSIPPI

sdw

Engineering Progress

301 Second Ave., Hattiesburg, MS 39401 | (p) 601.564.1821 | sdw.com

Drawn by: RES/SLS

Checked by: NMC

Date: 07-19-2021

Scale: 1" = 50'

Drawing No.: 16914

Sheet No.: 1 OF 1

OUTDOOR STORAGE AREAS		
Number	Location	Area (sq. ft.)
1	Paved side yard area northwest of warehouse	12,946
2	Paved side yard area southeast of warehouse (excluding access road)	55,516
3	Unpaved side yard area southeast of warehouse (excluding access road)	17,585
4	Paved rear yard area southwest of warehouse	23,551
5	Unpaved rear yard area southwest of warehouse	222,865
Total Storage Area		332,463
Total Side Yard and Rear Yard Area		368,425
Storage Area Percent of Side and Rear Yard Area		90%

VARIANCE REQUEST:
INCREASE ALLOWED OUTDOOR EQUIPMENT STORAGE FROM 50% TO 90% OF TOTAL SIDE & REAR YARDS

VARIANCE REQUEST:
REDUCE REQUIRED BUFFER FROM 50' TO 10'

TOTAL SITE
±10.84 ACRES
(±472,163 SF)

PROPOSED WORK:
CLEAR 1.6 ACRES,
GRADE & INSTALL GRAVEL MACHINE PARKING AREA

PROPOSED WORK:
RECONSTRUCTION OF
STOREFRONT

CENTENNIAL PROPERTY
HATTIESBURG, LLC
(PUCKETT MACHINERY Co.)
PPIN: 27604
COUNTY TAX ID: 2-0251-36-008.00
ZONE B-5

PROPOSED WORK:
WAREHOUSE
ADDITION

MEADOR PROPERTIES, LLC
(STUCKEY'S)
PPIN: 27614
COUNTY TAX ID: 2-0251-36-009.00
ZONE B-5

MEADOR PROPERTIES, LLC
(STUCKEY'S)
PPIN: 27600
COUNTY TAX ID: 2-0251-36-010.00
ZONE B-5

PUCKETT MACHINERY COMPANY
PPIN PART OF 27603 & 27606
COUNTY TAX ID: PART OF 2-0251-36-011.00 & 2-0251-36-013.00
ZONE B-5

MEADOR PROPERTIES, LLC
PPIN: 27603
COUNTY TAX ID: 2-0251-36-011.00
ZONE B-5 (VACANT)

HARDLUCK PLANTATION, INC
PPIN: 27608
COUNTY TAX ID: 2-0251-36-013.00
ZONE B-5 (VACANT)

MEADOR PROPERTIES, LLC
(NORTHGATE INN)
PPIN: 27605
COUNTY TAX ID: 2-0251-36-007.00
ZONE B-5

SUBJECT PARCEL:

6751 Hwy 49

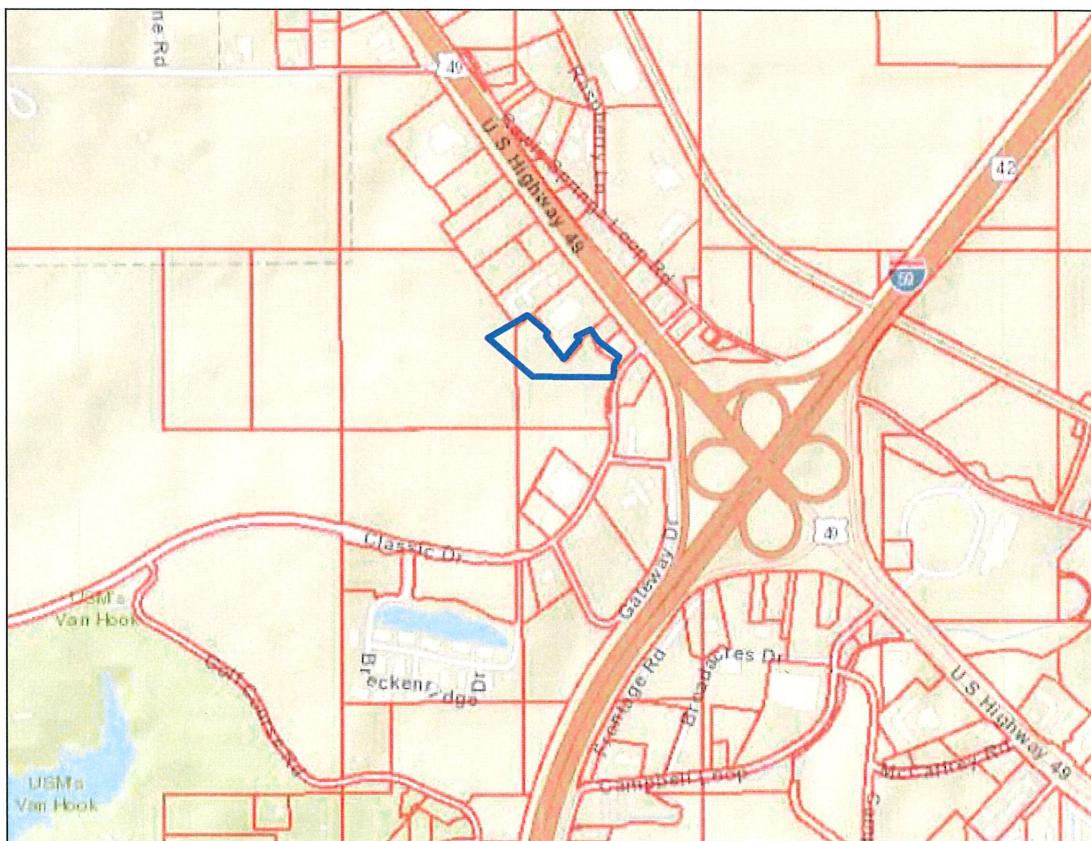
Rob Puckett, Representative, and

Puckett Machinery- Hastings Puckett, Owner

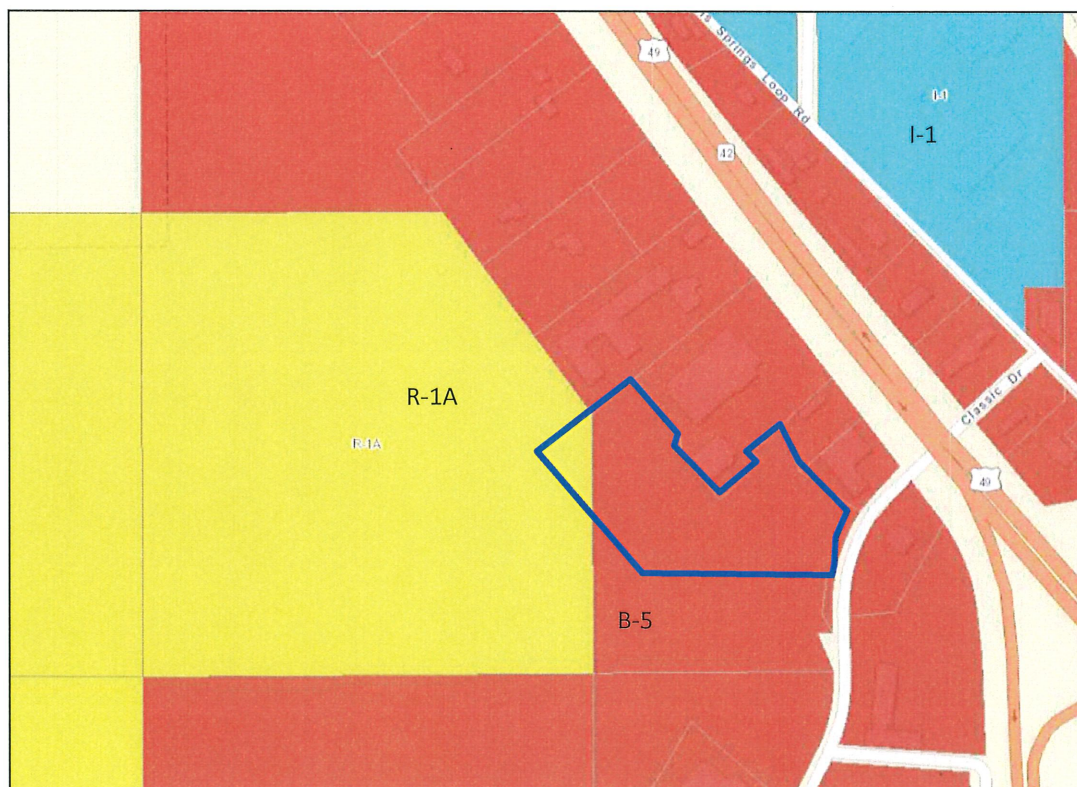
The petitioners request a Conditional Use to allow non-public outdoor storage of heavy equipment and other non-hazardous materials on a gravel surface per LDC 7.12.10.4.iii at 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606; portion of Parcel 2-025I-36-011.00, PPIN 27603, Ward 1).



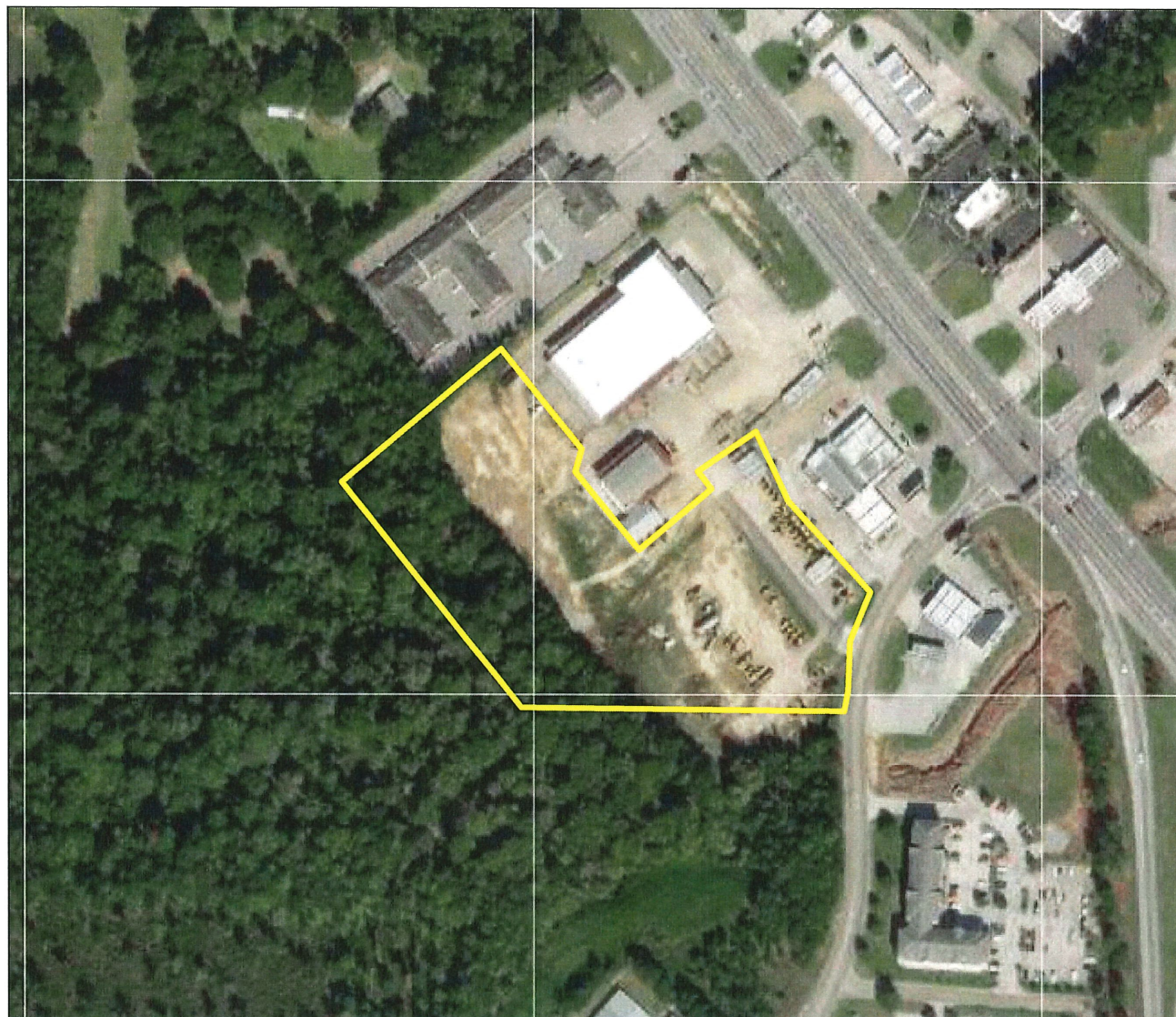
Vicinity Map—Ward 1



Zoning—R-1A/B-5



Site Aerial





**Planning Commission
Case Fact Sheet**

Name of Petitioners: Rob Puckett, Representative, and Puckett Machinery- Hastings Puckett, Owner

Address of Property:	Tax Parcel	PPIN:	Ward:
6751 Hwy 49	portion of Parcels	portion of	1
	2-025I-36-013.00	27606	
	2-025I-36-011.00	27603	

Requests: **Conditional use for gravel surface**

Purpose of Request: To consider an application request a Conditional Use to allow non-public outdoor storage of heavy equipment and other non-hazardous materials on a gravel surface per LDC 7.12.10.4.iii at 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606; portion of Parcel 2-025I-36-011.00, PPIN 27603, Ward 1).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 7 **7.12 Parking Requirements**

7.12.10.4 A maximum outdoor equipment storage space of 50% of the side and rear lot area is allowed for business and industrial equipment and materials if outdoor storage is an accessory to another use on the same lot.

- i. Unless otherwise permitted, commercial outdoor storage areas shall be hard surface only.
- ii. All outdoor storage associated with automotive and tow yard uses shall be hard surface, regardless of zone.
- iii. Dustless gravel maintained so as to be free of overgrowth may be allowed for only non-public outdoor storage space of heavy equipment and non-hazardous materials by right in A-1, I zones and as a Conditional Use

in A-2 and B-5 zones. Any approved gravel storage lot shall be subject to driveway requirements per 7.12.8.3.

Present Zoning: This parcel is currently zoned R-1A (Single-Family Residential) District and B-5 (Regional Business) District.

Present Use: Machinery rental/Undeveloped

Future Land Use: Regional Business Corridor

Surrounding Zoning and Land Use:
North: B-5 (Regional Business) District/ Gas Station
South: R-1A (Single Family Residential) District/ Undeveloped
East: B-5 (Regional Business) District/ Gas Station
West: R-1A (Single Family Residential) District/ Undeveloped

Most Nearly Bounded By (streets): The parcel is most nearly bounded to the north and east by Highway 49, to the south by Classic Drive.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of August 20, 2021. Applicant provided letters of support from the adjacent property owner.

History / Background: The applicant met with staff in Pre-Application to discuss an expansion of the existing Puckett Machinery business on Highway 49. The proposed expansion includes a 5000 sf warehouse addition to the existing Puckett Machinery building, façade improvements, and addition of storage area for heavy machinery inventory. The expansion includes the installation of a gravel surface the outdoor storage area. Staff informed the applicant the gravel surface would require a conditional use for approval. A portion of the site is part of a rezone from R-1A to B-5 (see HPC Agenda Item A).

The LDC was amended in September 2020 to allow gravel surfaces in non-public outdoor storage yards as a conditional use in B-5 zoning.

The applicant is also requesting a zoning buffer variance to reduce the 50' required buffer to 10' between the R-1A and B-5 zones, as well as a variance to increase the storage yard area.

The affected parcels will require minor subdivision, which is a staff level process reviewed by the Site Design and Review Committee.

Option: **Basis for approval (Conditional Use):**

12.3.3.2 Additional Approval Criteria. In addition to the standards [5.4.15], the applicant for a request for the Planning Commission to approve a use shall be required to demonstrate that his/her proposal addresses the following additional requirements, except that the Planning Commission may waive any one or more criteria that it determines are not applicable based upon the expected impact of the proposal.

- i. Determination that adequate public facilities and services will be available concurrent with the impacts of the development as evidenced by letters of sufficiency from utilities and schools and a determination by the city engineer that the available capacity of existing streets can safely provide access to the site.
- ii. The proposed development will be compatible with surrounding uses and will protect adjacent properties through the following measures:
 - Protection of privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and / or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.
 - Protection of use and enjoyment. The proposed plan shall be designed and arranged to have minimal negative impact on the use and enjoyment of adjoining property.
 - Compatible design and integration. The use meets all design criteria required by this Code that apply and is designed to integrate well both on and off site.

Conditional Use (2 pages)

12.3.3.1 Compliance Required. Uses requiring Planning Commission approval, as noted in the Tables of Uses in Section 5 of this Code, shall be approved subject to this Section. Any application for such use must comply with all applicable standards that apply to similar uses and properties in the zoning district in general, the specific conditions listed for that use in Section 5, and the following criteria. Where conflicts exist, the Planning Commission shall determine which criteria apply on a case by case basis.

1. Does this application meet the conditions set forth in Section 5 for the requested use? If yes, please explain.

Dustless gravel storage space is allowable as a conditional use under Section 7.12.10.4.iii of the LDC.

2. Describe the effects the proposed use of utilities and facilities will have on the community.

The proposed use of the property is storage of large equipment . This will not expand the use of utilities

on the site so there should be no effect to the community. The facility is already fenced and gated, and will be an extension of the existing storage off of Classic Drive.

3. Describe how the size of the site is appropriate for the proposed use.

The site is an expansion of the existing facilities at Puckett Machinery. The amount of equipment sales at

Puckett is increasing and has outgrown the existing facility. Most of this area is already leased by Puckett and used for equipment storage but an additional +/-1.6 acres will be cleared and graveled in this expansion.

4. Will there be any additional pedestrian or vehicular traffic generated by the proposed use? Yes

If yes, please explain:

Some additional vehicular traffic will be generated by the increased size of the business. The existing traffic to the business is not high and we would not expect a large increase in traffic.

5. Will there be any elevation in the noise level resulting from this proposed use? No

If yes, please explain:

6. What is the expected number of customers/employees per day? +/-50 customers per day.

+/-37 employees. 8-10 of the employees are field personnel that are dispatched from their homes.

7. Parking Requirements:

Commercial/Industrial: Paved parking will be provided for 31 vehicles, and
2 ADA vehicle(s); with 0 loading spaces.

For more information please reference the Land Development Code Section 12.3.3.2.

SUBJECT PARCEL:

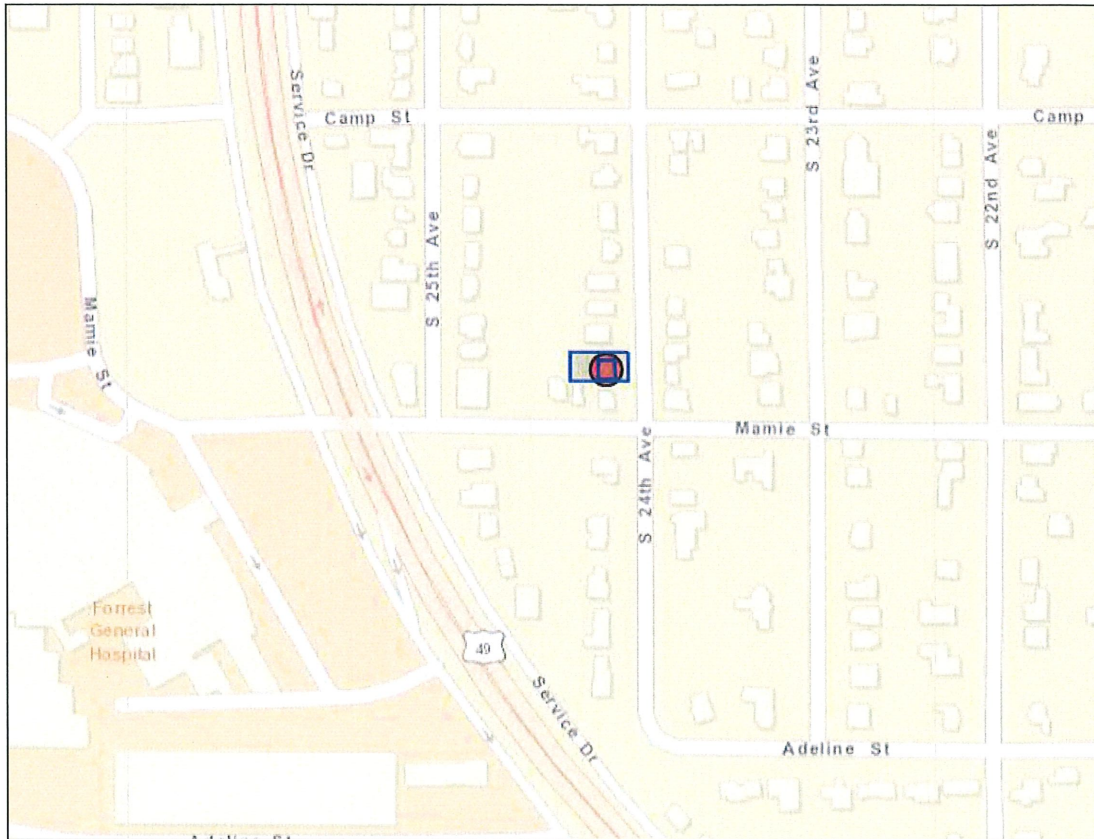
321 S 24th Avenue

Rachel Stanton, Applicant

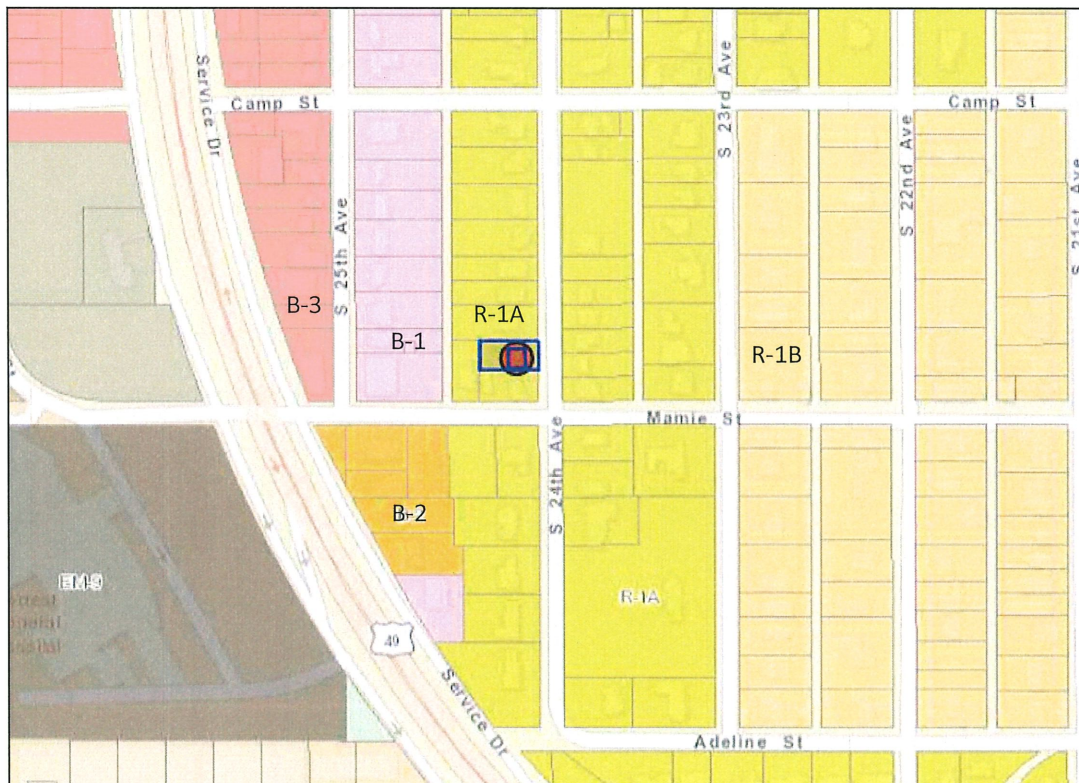
The petitioner requests a Conditional Use as “School” in R-1A (Single Family Residential) District as defined by the LDC for a certain property located at 321 South 24th Avenue (Parcel 2-028O-08-178.00, PPIN 16677, Ward 4).



Vicinity Map—Ward 4



Zoning—R-1A



Site Aerial



SURROUNDING AREA

Northern Direction: R-1A (Single Family Residential) District/
Residential



Southern Direction: R-1A (Single Family Residential) District/
Residential



Eastern Direction: R-1A (Single Family Residential) District/
Residential

Western Direction: R-1A (Single Family Residential) District/
Residential





**Planning Commission
Case Fact Sheet**

Name of Petitioners: Rachel Stanton, Applicant and A&J Gray Holdings, LLC, Owner

Address of Property: 321 South 24th Avenue **Tax Parcel:** 2-028O-08-178.00 **PPIN:** 16677 **Ward:** 4

Requests: **Conditional Use for School in R-1A**

Purpose of Request: To consider an application to request a Conditional Use as a "School" in R-1A (Single Family Residential) District as defined by the LDC for a certain property located at 321 South 24th Avenue (Parcel 2-028O-08-178.00, PPIN 16677, Ward 4).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts Established

4.5.3 R-1A Single Family Residential District

The purpose of the R-1A District is to permit single-family residential uses with related recreational, religious and educational facilities. This district is consistent with the Neighborhood Conservation 1 and 2 districts in the Comprehensive Plan. This zoning district encourages protected lower density residential neighborhoods with only compatible supporting institutional uses and open space.

Present Zoning: This parcel is currently zoned R-1A (Single-Family Residential) District

Present Use: Residential school (illegal nonconforming use)

Future Land Use: Neighborhood Conservation District 1

**Surrounding Zoning
and Land Use:**

North: R-1A (Single Family Residential) District/ Dwelling
South: R-1A (Single Family Residential) District/ Dwelling
East: R-1A (Single Family Residential) District/ Dwelling
West: R-1A (Single Family Residential) District/ Dwelling

**Most Nearly
Bounded By (streets):**

The parcel is most nearly bounded to the north by Camp Street, to the east by S 24th Avenue, to the west by S 25th Avenue, and to the south by Mamie Street. It is accessible by S 24th Avenue and an unnamed public alleyway (to the rear).

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case, as of August 20, 2021.

History / Background:

The applicant met with staff in Pre-Application to discuss a conditional use for a school on the site. The applicant was referred by Code Enforcement after receiving a Notice of Violation for an illegal nonconforming use on the site and failure to apply for a Privilege Tax License.

The applicant stated that she moved into the location in August 2020 and currently has eight enrolled students. She stated that she specializes in teaching learning disabled students with comorbid disorders. While the school is not currently accredited with the State of Mississippi, the applicant is actively working on accreditation requirements, and the school will be eligible for accreditation in 2022.

Staff informed the applicant that schools are a conditional use in R-1A zones. The applicant has on-site parking in the driveway, and the landlord also allows off-site parking on a hard surface parking pad on an adjacent lot. An ADA ramp will need to be added for ADA compliance but otherwise, no exterior changes will be required for site compliance. The building also serves as the applicant's residence.

The property is in the Parkhaven Historic District. Any exterior changes, including the ADA ramp, will require review and approval by the Historic Hattiesburg Conservation Commission.

Option: Basis for approval (Conditional Use):

12.3.3.2 Additional Approval Criteria. In addition to the standards [5.4.15], the applicant for a request for the Planning Commission to approve a use shall be required to demonstrate that his/her proposal addresses the following additional requirements, except that the Planning Commission may waive any one or more criteria that it determines are not applicable based upon the expected impact of the proposal.

- i. Determination that adequate public facilities and services will be available concurrent with the impacts of the development as evidenced by letters of sufficiency from utilities and schools and a determination by the city engineer that the available capacity of existing streets can safely provide access to the site.
- ii. The proposed development will be compatible with surrounding uses and will protect adjacent properties through the following measures:
 - Protection of privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and / or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.
 - Protection of use and enjoyment. The proposed plan shall be designed and arranged to have minimal negative impact on the use and enjoyment of adjoining property.
 - Compatible design and integration. The use meets all design criteria required by this Code that apply and is designed to integrate well both on and off site.

Additional Conditions 5.4.39 Schools.

- | | |
|-----------------|---|
| 5.4.39.1 | Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street. |
| 5.4.39.2 | Schools shall be planned, sized and sited to serve as community assets and to integrate with and complement surrounding development. Whenever possible, large schools on greenfield sites away from city should be avoided. |
| 5.4.39.3 | Truck driving schools with outdoor maneuvering areas shall not be permitted in any residential or mixed use district. |

Conditional Use (2 pages)

12.3.3.1 Compliance Required. Uses requiring Planning Commission approval, as noted in the Tables of Uses in Section 5 of this Code, shall be approved subject to this Section. Any application for such use must comply with all applicable standards that apply to similar uses and properties in the zoning district in general, the specific conditions listed for that use in Section 5, and the following criteria. Where conflicts exist, the Planning Commission shall determine which criteria apply on a case by case basis.

1. Does this application meet the conditions set forth in Section 5 for the requested use? If yes, please explain.

None of the conditions in section 5 apply to this project.

2. Describe the effects the proposed use of utilities and facilities will have on the community.

The necessary utilities and facilities are already in place and will not disrupt the community with the exception of reworking the front porch to meet safety requirements - 2nd railing & height of cement.

3. Describe how the size of the site is appropriate for the proposed use.

The site meets the applicant's requirements by providing a spacious back yard, a main classroom and two office areas.

4. Will there be any additional pedestrian or vehicular traffic generated by the proposed use? yes

If yes, please explain:

Parents will drop off and pick up their children. However, collection times are scattered and off-street parking is available on the site.

5. Will there be any elevation in the noise level resulting from this proposed use? yes

If yes, please explain:

The students will play in the backyard during breaks throughout the day. The backyard is partially fenced with wood & partially fenced with chain link.

6. What is the expected number of customers/employees per day? The expected number of students is a maximum of 10. There is one contracted "employee."

7. Parking Requirements:

Commercial/Industrial: Paved parking will be provided for 2 vehicles, and _____ ADA vehicle(s); with _____ loading spaces.

2 paved parking spots are available on the adjoining property thru an owner agreement. 2 graveled parking spots are available on the property. Additional parking may be constructed on

For more information please reference the Land Development Code Section 12.3.3.2. the property

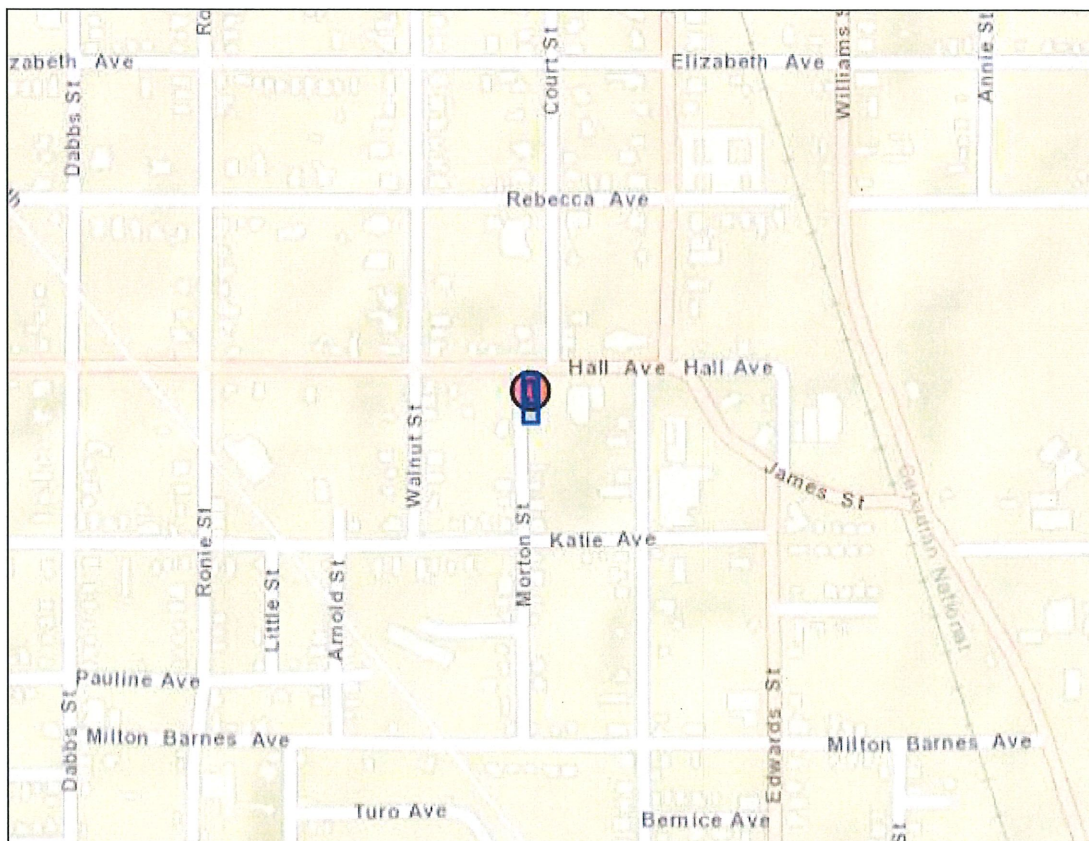
SUBJECT PARCEL:
701 Hall Avenue

Rebecca Stewart, Representative

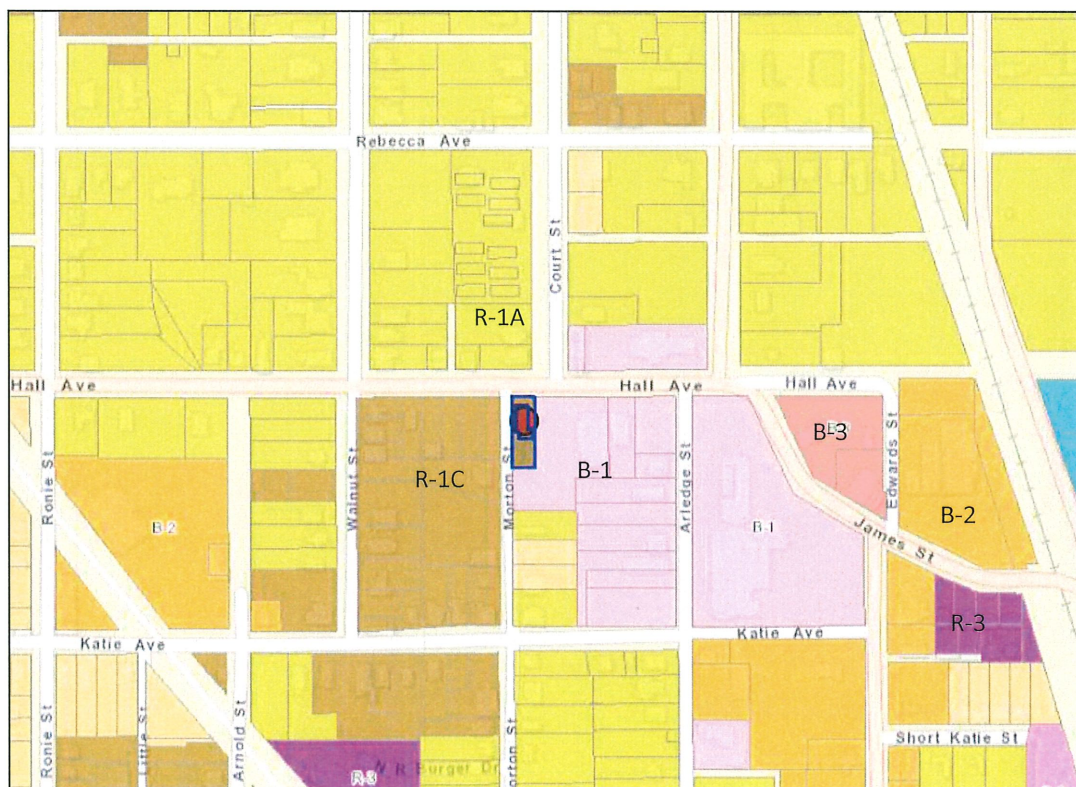
The petitioner requests to change the zoning classification for a certain property located at 701 Hall Avenue (Parcel 2-038A-15-036-00, PPIN 12841, Ward 2) from Section 4.5.5 R-1C (Single-Family Residential) District to Section 4.5.8, B-1 (Professional Business) District.



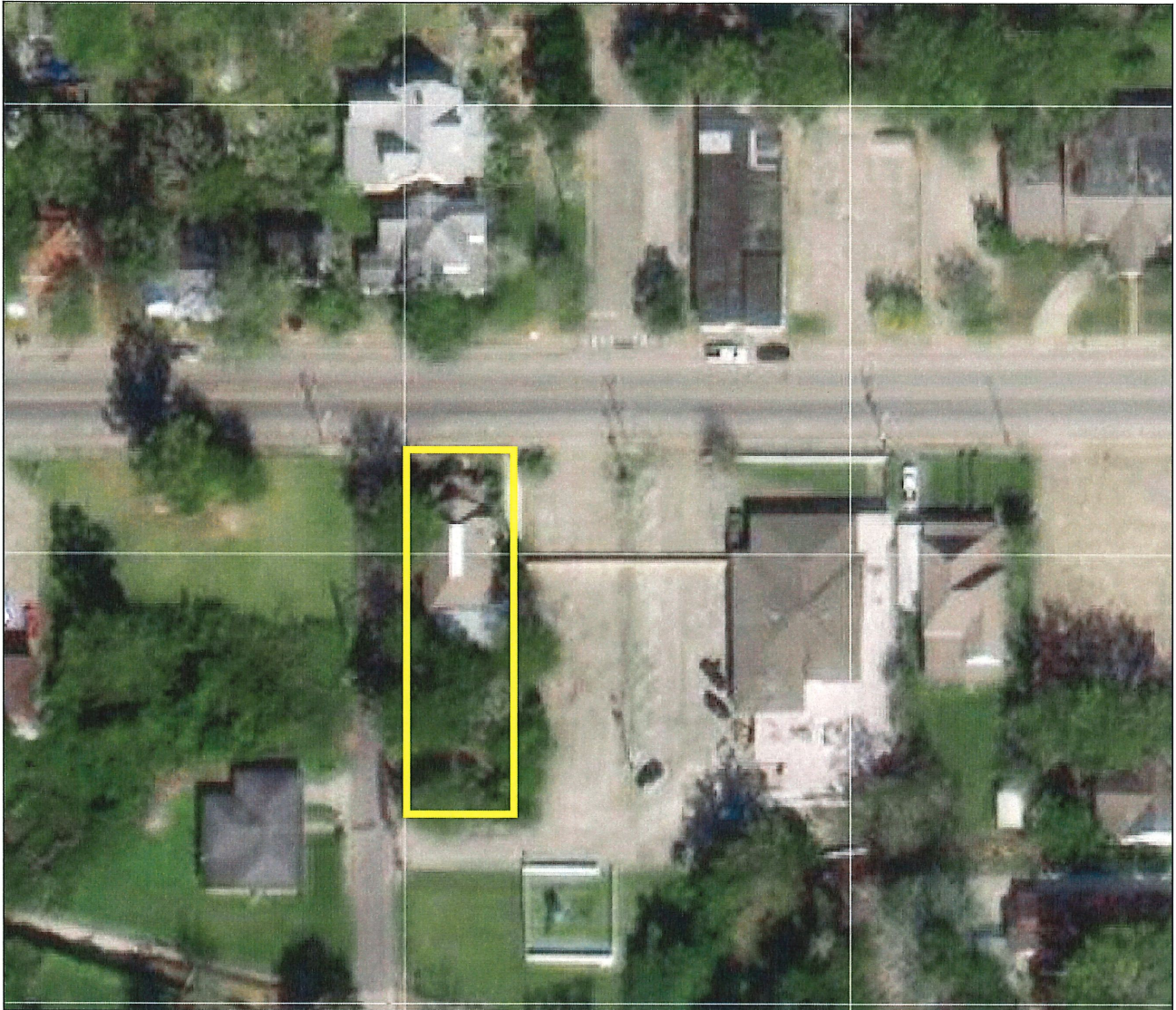
Vicinity Map—Ward 2



Zoning—R-1C



Site Aerial



SURROUNDING AREA

**Northern Direction: R-1A (Single Family Residential) District/
Residential**



Southern Direction: B-1 (Professional Business) District/ Commercial Use



Eastern Direction: B-1 (Professional Business) District/ Commercial Use

**Western Direction: R-1C (Single Family Residential) District/
Undeveloped lot**





**Planning Commission
Case Fact Sheet**

Name of Petitioners: Rebecca Stewart, Representative

Address of Property:	Tax Parcel	PPIN:	Ward:
701 Hall Avenue	2-038A-15-036.00	12841	2

Requests: **Zoning Change from R-1C to B-1**

Purpose of Request: To consider an application to change the zoning classification for a certain property located at 701 Hall Avenue (Parcel 2-038A-15-036.00, PPIN 12841, Ward 2) from Section 4.5.5 R-1C (Single-Family Residential) District to Section 4.5.8, B-1 (Professional Business) District.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts Established

4.5.5 R-1C Single Family Residential District

The purpose of the R-1C District is to permit single-family residential uses with related recreational, religious and educational facilities. This district is consistent with the Neighborhood Conservation 1 and 2 districts in the Comprehensive Plan. This zoning district encourages protected lower density residential neighborhoods with only compatible supporting institutional uses and open space.

4.5.8 B-1 Professional Business District

The purpose of this business district is to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent is to provide compact locations for business offices, medical and dental offices, as well as suburban locations near residential neighborhoods.

Present Zoning: This parcel is currently zoned R-1C (Single-Family Residential) District

Present Use: Unoccupied residence

Future Land Use: Neighborhood Conservation District 1

Surrounding Zoning and Land Use:
North: R-1A (Single Family Residential) District/ Dwelling
South: B-1 (Professional Business) District/ Commercial
R-1C: R-1C (Single Family Residential) District/ Undeveloped
West: B-1 (Professional Business) District/ Commercial

Most Nearly Bounded By (streets): The parcel is most nearly bounded to the north by Hall Avenue, to the east by Morton Street, to the west by Arledge Street, and to the south by Katie Avenue. It is accessible Hall Avenue and Morton Street.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of August 20, 2021.

History / Background: The applicant met with staff in Pre-Application to discuss converting a former residence into an outpatient counseling center for the local domestic abuse shelter. The property is zoned R-1C. Staff informed the applicant the property must be zoned B-1 to allow for the proposed use.

In October 2016, the adjacent property, 705 Hall Avenue, was granted a use permit upon review for a group care facility. Use permits were granted under the previous Land Development Code, Ord. No. 2330. Use permits are similar to the conditional use allowed in the current LDC, Ord. No. 3209, except they are associated with the specific applicant (use permit) rather than the parcel of land (conditional use). The location is still an active group care facility.

The City approved the Hall Avenue and E Hardy Street Overpass Project. This project extends from the intersection of W Pine Street and 6th Avenue to the intersection of E Hardy and Gulfport Streets. The subject property, located on Hall Avenue, is within the project improvement area. The subject property will also be included in the Hall Avenue Corridor overlay project.

There are no proposed exterior changes to the structure. There is ample parking the adjacent lot, which is owned by the same applicant.

Item: D
Rebecca Stewart, Representative
Request for: **Zoning Change R-1C to B-1**

The property is in the Historic Hattiesburg Neighborhood District.
Any future exterior changes will require Historic Hattiesburg
Conservation Commission review.

Option: **Basis for approval (Zoning Change):**

- 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

Domestic Abuse Family Shelter, Inc.

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.

Explanation of conditions most applicable to our request:

1. Change in the Law Enforcement Complex that will open October 2021. This building has been under construction for several years.
2. The new proposed overpass will change the dynamics of the neighborhood.
3. Neighbors across the street from DAFS property are commercial businesses. This includes Jackson's Bail Bonding and Hall-Fairley Funeral Services.
4. We do not have a neighbor on the Morten Street side of the property. Our neighbor on the left facing Hall Avenue is owned by Domestic Abuse Family Shelter, Inc.



THE CITY OF HATTIESBURG

One of America's Great Small Cities!

To Whom it May Concern,

On behalf of the Hattiesburg Police Department, we would like to express our support for the Domestic Abuse Family Shelter, in acquiring property in close proximity of the new Public Safety Complex.

The Shelter is undergoing efforts to have a property re-zoned, from R1C to B1, to fit the needs of their organization. Over the years, the Shelter has been a great partner to the Hattiesburg Police Department in working on domestic violence cases, as well as providing a safe haven for those in need.

Domestic abuse and domestic violence situations are incidents that we see too often, even here in the Hub City. To have an organization like the Domestic Abuse Family Shelter, looking to expand their operations, and need to acquire more space to continue to cater to the needs of victims, only makes their cause even worthier.

Members of the Hattiesburg Police Department support the Domestic Abuse Family Shelter, and their efforts in the re-zoning requests.

Peggy Sealy
Chief of Police
Hattiesburg Police Department