

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

Planning Commission

AGENDA

10/6/2021

I. Business Meeting

1. Review and approval of October meeting's agenda
2. Review and approval of the minutes of the September 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 Pastor Janette L. Furry, Applicant, as required in the Land Development Code, Ord. No. 3209, to close and vacate a portion of an unimproved alley, which is located north of East Hardy Street, south of Jersey Street, east of North Tipton Street, and to the west of Oak Street (between Parcels 2-030L-11-111.00, 2-030L-11-110.00, 2-030L-11-105.00; PPINs 20271, 20260, 20258; Ward 2).

B. A petition has been filed by Daniel Jussely and Rob Tatum, Representatives, and Hub City Lofts 2, LLC, Owner, as required in the Land Development Code, Ord. No. 3209, to request a Conditional Use as "Multi-Family" in B-4 (Downtown Business) District as defined by the LDC for a certain property located at 215 Forrest Street (Parcels 2-029J-10-247.00, 2-029J-10-246.00; PPINs 21816, 21815; Ward 4).

III. Other Business

IV. Adjournment



Department of Urban Development

MEMORANDUM

TO: Hattiesburg Planning Commission
FROM: Planning Staff
DATE: September 24, 2021
SUBJECT: October 6, 2021 – Planning Commission

The Hattiesburg Planning Commission will meet in regular session at 1:00 pm. Wednesday, October 6, 2021 in the dining room of the Jackie Dole Sherrill Community Center.

Due to the ongoing public health concerns of COVID-19, social distancing requirements will be observed. The public and members may attend virtually via GoToMeeting:

<https://www.gotomeet.me/COHPlanningDivision/publichearing>

You can also dial in toll-free using your phone:

United States: +1 (571) 317-3122; Access Code: 630-312-989

The attached Planning Commission public hearing agenda contains two (2) items: one (1) alley closure and one (1) conditional use request.

If unable to attend, or if you know that you will need to recuse yourself from any item, please contact our office prior to the meeting date so we can ensure a quorum.

If you have any questions or need further information, please do not hesitate to call me at (601)545-4599.

Enclosure

cc: Toby Barker, Mayor
Ann Jones, Chief Administrative Officer
Randy Pope, City Attorney
Jim Gladden, Attorney
Ronda Cole, Council Clerk
Andrew Ellard, Director of Urban Development
Wiley Quinn, Code Enforcement Manager
Caroline Miles, Planner
Russell Archer, Historic Planner
Lamar Rutland, Director of Engineering
Andy Parker, City Arborist
Steve Mitchell, Building Official
Nathan Satcher, Planning Office Manager

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
September 1, 2021**

The Hattiesburg Planning Commission did meet in a regular session on September 1, 2021, at 1:05 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 give Commissioners, petitioners, and the public the option to participate remotely. A quorum was indicated and the attendance was as follows:

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

Commissioners Absent: Ricardo Bryant

Also Present: Jim Gladden, Esq.
Caroline Miles, Planner
Steve Mitchell, Building Official
Nathan Satcher, Planning

AGENDA REVIEW

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

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

Commissioners voting nay: None

Commissioners absent for vote: Elayne Lockett

MINUTES REVIEW

There came the matter of the August 4, 2021 minutes. Commissioner Ray emailed staff clerical corrections to the minutes prior to the meeting. A motion was made by Commissioner Pickett made a motion to approve the August 4 minutes, with the corrections. Commissioner Ray seconded the motion.

Commissioners voting aye: Dick Conville
Charles Dawe (via GoToMeeting)

Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair
Jeff Keyseear (via GoToMeeting)
Mark Miller, Chair (via GoToMeeting)
Rebekah Ray
Rhoda A. Pickett
Kenneth Waites

Commissioners voting nay: None
Commissioners absent for vote: Elayne Lockett

REPORTS

BUILDING REPORT

Steve Mitchell, Building Official, provided the Building Permit Report for August 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 Caroline Miles, Planner. On August 17, 2021, City Council approved the conditional use for a bar/club at 915 Dabbs Street (HPC Approval Upheld), approved the zoning change from B-3 to B-2 and conditional use for a detached dwelling at 1512 McInnis Avenue (HPC Approval Upheld), and approved the zoning change from B-5 to B-4 at 309 Mobile Street, (HPC Approval Upheld). Ms. Miles also presented a memo provided by Andrew Ellard, Director, regarding the Planning Commission’s request for the Planning Division to review the zoning along McInnis Avenue east of Gulfport Street.

CHAIR’S REPORT

There came the matter of the Chair’s Report by Chair Mark Miller. Chair Miller expressed empathy for those affected by Hurricane Ida. He sent best wishes to the Lowrey family as they welcome their new baby. He also thanked staff for the electronic agenda packet delivery.

INTRODUCTIONS

The Commissioners introduced themselves.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item A (Zoning Change), to consider a request 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 (a 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.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Hastings Puckett	362 Lake Castle Rd.	Madison, MS
<u>Proponents:</u>	Nicholas Connolly	301 2 nd Ave.	Hattiesburg, MS
<u>Opponents:</u>	None		

Hastings Puckett presented the item. Mr. Puckett stated the Puckett Machinery has been leasing the property to the rear of their building since 1979 for equipment storage space. Earlier this summer, the company was able to purchase the previously rented property from the landlord. In order to square off the property, a triangular portion of property was also purchased from the

same seller. This portion is zoned R-1A. Mr. Puckett further stated the seller, who owns the rest of the R-1A zoned property, had provided a letter of support for the rezone.

Nicholas Connolly spoke in favor of the application. He stated that he had spoken to the owner of the R-1A property, who had told him that he never planned to develop the property for residential use.

Chair Miller declared the Public Hearing closed and the Business Meeting open for voting on the request (Item A). Commissioner Hinton made a motion to approve the request (Item A) based on the criteria that the character of the neighborhood has changed substantially so that rezoning is clearly justified [The business has been a substantial presence for 40 years and needs to expand in a way that is consistent with the Comprehensive Plan] and there is a public need for the rezoning. Commissioner Waites seconded the motion. Ms. Miles conducted a roll-call vote. Commissioners attending in person submitted physical voting sheets as well.

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

Commissioners voting nay: None

There came the matter of Item B (Conditional Use), to consider 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).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Hastings Puckett	362 Lake Castle Rd.	Madison, MS
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Hastings Puckett presented the application and explained the extent of improvements to the existing outdoor storage area. Chair Miller declared the Public Hearing closed and the Business Meeting open for voting on the request (Item B). Commissioner Conville stated that when he visited the site that an employee showed him the rear storage area and provided him with a detailed description of the scope of work including proposed drainage improvements to the site. Commissioner Conville stated that this was a more in-depth project than just “throwing down some gravel” on the site. Commissioner Hinton made a motion to approve the item. Commissioner Pickett seconded the motion. Ms. Miles conducted a roll-call vote. Commissioners attending in person submitted physical voting sheets as well.

Commissioners voting aye: Dick Conville
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)

Amy Hinton, Vice-Chair
Jeff Keyseear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair (via GoToMeeting)
Rebekah Ray
Rhoda A. Pickett
Kenneth Waites

Commissioners voting nay: None

There came the matter of Item C (Conditional Use), to consider a request that 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).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Rachel Stanton	321 S 24 th Ave.	Hattiesburg, MS
<u>Proponents:</u>	Jarrold Gray	104 S 22 nd Ave.	Hattiesburg, MS
	Jamie Elliot	3004 Southaven Dr.	Hattiesburg, MS
<u>Opponents:</u>	None		

Ms. Miles stated for transparency that she lives in the Parkhaven neighborhood, but that she did not feel a conflict of interest in presenting the application. Commissioner Dawe recused himself from the item. Commissioner Conville asked for clarification if the City would be incurring any legal risk if the Planning Commission recommended to approve the conditional use for an unaccredited school. Mr. Gladden stated that that is not a legal issue for the Planning Commission, though there is obviously a legal issue there. Mr. Gladden stated the more appropriate question for the Planning Commission is whether this is an appropriate place for a school, whether it is this applicant or another applicant, as opposed to whether this applicant has met the requirements of other laws.

Rachel Stanton presented the application. She provided a synopsis of her educational background, licensures, and teaching specialty. She stated that she currently has nine students, which is her maximum capacity. Her students’ ages range from ages 11-16. She has one contract employee. Drop off is staggered between 7:10-8:10 and pick-up between 2:45-5:20 so is there typically no parking in the street. On the rare occasion that anyone parks in the street, that person only remains parked in the street for five minutes or less. She stated the backyard is fenced, students are supervised when they are outdoors, and are mindful of the neighbors with noise levels. No more than five students are in the backyard at a time. She further stated the residential setting was conducive to a more relaxed atmosphere that was beneficial to some of her students versus a more a more institutional setting. Commissioner Waites asked what her maximum possible enrollment could be. Ms. Stanton stated nine students, which is her current enrollment.

Jarrold Gray spoke in favor of the application. Mr. Gray is the property owner and his child is one of Ms. Stanton’s students. Mr. Gray stated he owns the 323 S 24th Avenue next door and has permitted overflow parking on that lot as needed. He stated that Rion Snowden, Architect, has agreed to assist Mr. Gray and Ms. Stanton in the design of any required ADA accommodations needed for compliance. He stated that Ms. Stanton has greatly helped his daughter and others and the community.

Jamie Elliott spoke in favor of the application. She stated that her child is one of Ms. Stanton’s students. She stated that Ms. Stanton’s work is needed in the community. Ms. Elliott stated that she has a background in education and a long history working with accreditation and was helping Ms. Stanton in that aspect.

Chair Miller declared the Public Hearing closed and the Business Meeting open for voting on the request (Item B). Commissioner Lockett and Commissioner Keysear both expressed concerns about traffic in the area. Commissioner Keysear stated that his concerns would not prevent him from supporting the conditional use at the site, but he did have reservations about the safety given the use. Commissioner Hinton stated that there were similar small school operations in the vicinity that were able to function with little or no issue. Commissioner Hinton made a motion to approve the item based on Approval Criteria I and II. Commissioner Waites seconded the motion. Ms. Miles conducted a roll-call vote. Commissioners attending in person submitted physical voting sheets as well.

Commissioners voting aye: Dick Conville
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair
Jeff Keysear (via GoToMeeting)
Mark Miller, Chair (via GoToMeeting)
Kenneth Waites

Commissioners voting nay: Rhoda A. Pickett
Rebekah Ray

Commissioners abstaining from vote: Elayne Lockett

Recused: Charles Dawe

There came the matter of Item D (Zoning Change), to consider a request that 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.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Rebecca Stewart	P.O. Box 273	Laurel, MS
<u>Proponents:</u>	None		
<u>Opponents:</u>	Seth Hunter	P.O. Box 2055	Hattiesburg, MS
	Jennifer Shaidnagle	417 Walnut Street	Hattiesburg, MS
	Alex Bilancia	413 Court Street	Hattiesburg, MS
	Sarah Halliwell	415 Court Street	Hattiesburg, MS
	Andrea Saffle	409 Walnut Street	Hattiesburg, MS
	Keri Faulk	514 Walnut Street	Hattiesburg, MS

Rebecca Stewart presented the application. She stated the domestic abuse shelter purchased the property when it came on the market last year in hopes that it could serve as an outpatient counseling location for the domestic abuse shelter. Previously, the shelter offered outpatient counseling at a location on Broadway Drive for the past 38 years. She cited the nice neighborhood and the new law enforcement complex as two reasons why the location is ideal for their counseling center. Commissioner Pickett asked Ms. Stewart to clarify if the property would be residential and if there were security concerns. Ms. Stewart stated that there would be no residential component and there are plans add fencing (pending Historic Conservation

Commission approval) to tie into their fencing next door to further secure the site.

Seth Hunter spoke against the proposal on behalf of the Historic Hattiesburg Neighborhood Association (HHNA). He stated that there had been no successful rezoning in 40-50 years in the Historic Hattiesburg Neighborhood District. He stated that the Future Land Use designation is “Neighborhood Conservation District,” which is inconsistent with B-1 zoning. He stated the Hall Avenue plans are not complete and may make Hall Avenue more residential. He stated the police department has been in existence in the neighborhood for 20 years. He said there was no public need because the applicant has a location elsewhere in the community to provide the service. Mr. Hunter stated the HHNA would like the Commission to table the item to allow the City and applicant time to discuss possible conditional uses (care center home, group home, places of assembly, or civic/cultural/community center) in R-1C that could accommodate the use type. He also stated he would like the rezone denied.

Jennifer Shaidnagle spoke against the petition. She stated she is against the rezoning but would not be opposed to a conditional use.

Alex Bilancia spoke against the petition. He stated he is against the rezoning but is not opposed to conditional uses.

Sarah Halliwell spoke against the petition. She stated that the reason the neighborhood is nice and quiet is because they have kept the businesses out, and she would like to keep it that way.

Andrea Saffle spoke against the petition. She stated that she does not want to see more commercial business along Hall Avenue, especially given the planned improvements along Hall Avenue Overpass.

Keri Falk spoke against the petition. She stated she is against the rezone but would support a conditional use.

Ms. Stewart spoke in rebuttal. She stated she has gone before the HHCC several times for approval for other projects the shelter has had so she is aware of the historic requirements. They have no exterior changes planned for the structure. Regarding Mr. Hunter’s assertion that the need is being fulfilled with their rental location, the shelter no longer leases the outpatient clinic space on Broadway as the building condition had deteriorated and the neighborhood was unsafe to the point that shelter staff no longer felt safe asking patients to go to that location. At current, patients are seen in Laurel or at the shelter. She noted that there were businesses plus the law enforcement complex around them, and stated that she would be open to a conditional use, if one was applicable.

Chair Miller declared the Public Hearing closed and the Business Meeting open for voting on the request (Item D). Commissioner Hinton stated she would like to explore the conditional use options. Commissioner Pickett stated the immediate area has always been business, from the time it was the Methodist Hospital, to the establishment of the nearby mortuary in the mid-80s, up to the current day. She stated this area of Hall Avenue lends itself to business zoning. Commissioner Conville asked if staff discussed any other alternatives such as the conditional uses versus the rezoning. Staff stated they had not. Commissioner Hinton asked staff to elaborate. Staff explained that the outpatient counseling center would fall under a specific use type in the LDC, “medical clinic”, which is not permitted in R-1C but is permitted by right in

B-1 zoning. Commissioner Conville stated that the extent of B-1 on the periphery of the neighborhood does not seem to have harmed the neighborhood in all of its years.

Commissioner Hinton stated that it is likely that if the HHNA had not fought so vigilantly against rezoning then there would likely be more business zoning indicated on the map than what is existing now. Commissioner Ray stated she wanted to thank the audience for their civic engagement. Commissioner Hinton made a motion to deny the request (Item D) based on the criteria that the character of the neighborhood has not changed substantially so that rezoning is clearly justified [Area has maintained a residential nature except for existing businesses] and there is not a public need for the rezoning. Commissioner Lockett seconded the motion. Ms. Miles conducted a roll-call vote. Commissioners attending in person submitted physical voting sheets as well.

Commissioners voting aye: Amy Hinton
Jeff Keysear (via GoToMeeting)
Rebekah Ray (via GoToMeeting)
Elayne Lockett

Commissioners voting nay: Dick Conville
Mark Miller, Chair (via GoToMeeting)
Kenneth Waites
Rhoda Pickett

Commissioners absent from vote: Michael Dickerson (via GoToMeeting)

Commissioner recused: Charles Dawe

The motion did not pass with a majority. Commissioner Waites made a new motion to lay on the table and ask the staff to review alternatives such as conditional uses to report to the Commission. Commissioner Ray seconded the motion.

Commissioners voting aye: Dick Conville
Mark Miller, Chair (via GoToMeeting)
Rebekah Ray (via GoToMeeting)
Kenneth Waites

Commissioners voting nay: Amy Hinton
Elayne Lockett
Jeff Keysear (via GoToMeeting)
Rhoda Pickett

Commissioners absent from vote: Michael Dickerson (via GoToMeeting)

Commissioner recused: Charles Dawe

The motion did not pass with a majority. No further discussion was made.

BUSINESS MEETING

Having no further business, Commissioner Hinton made a motion to adjourn the meeting. The motion was seconded by Commissioner Pickett. The meeting was adjourned at 3:21 PM.

Mark Miller, Chair

Caroline Miles, Planner

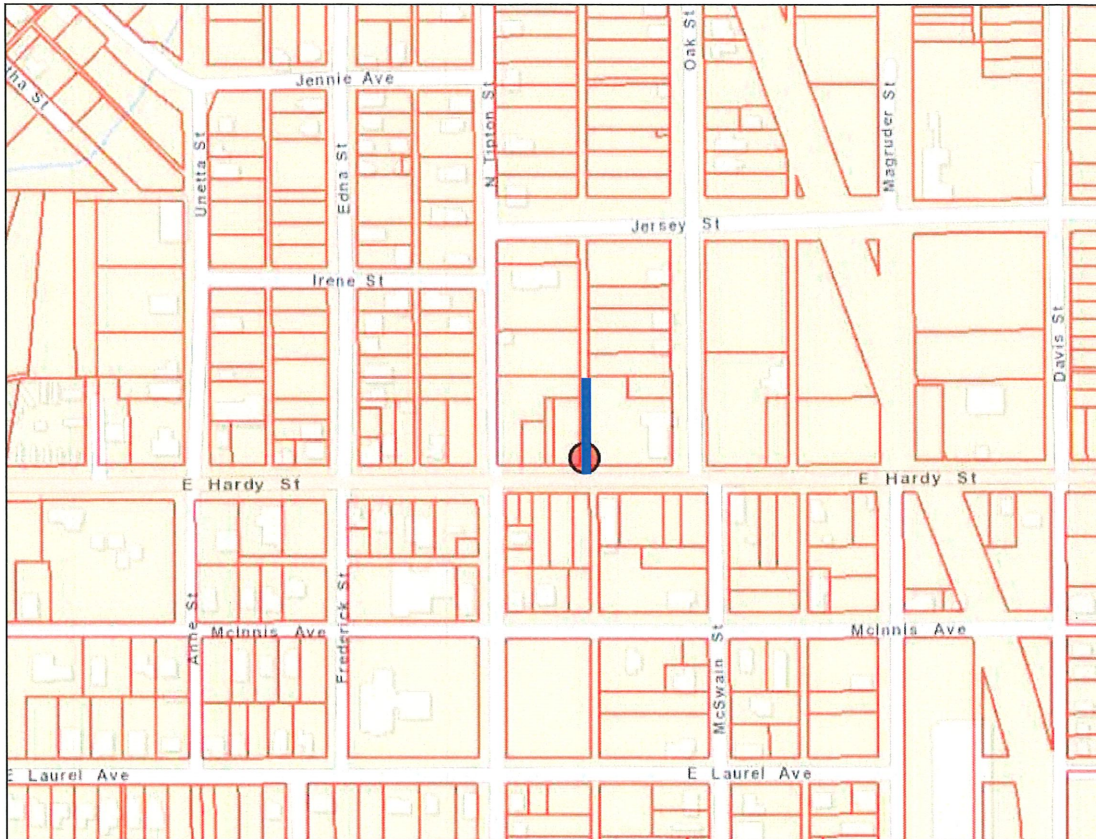
SUBJECT PARCEL:
1208 E Hardy Street

Pastor Janette L. Furry, Applicant

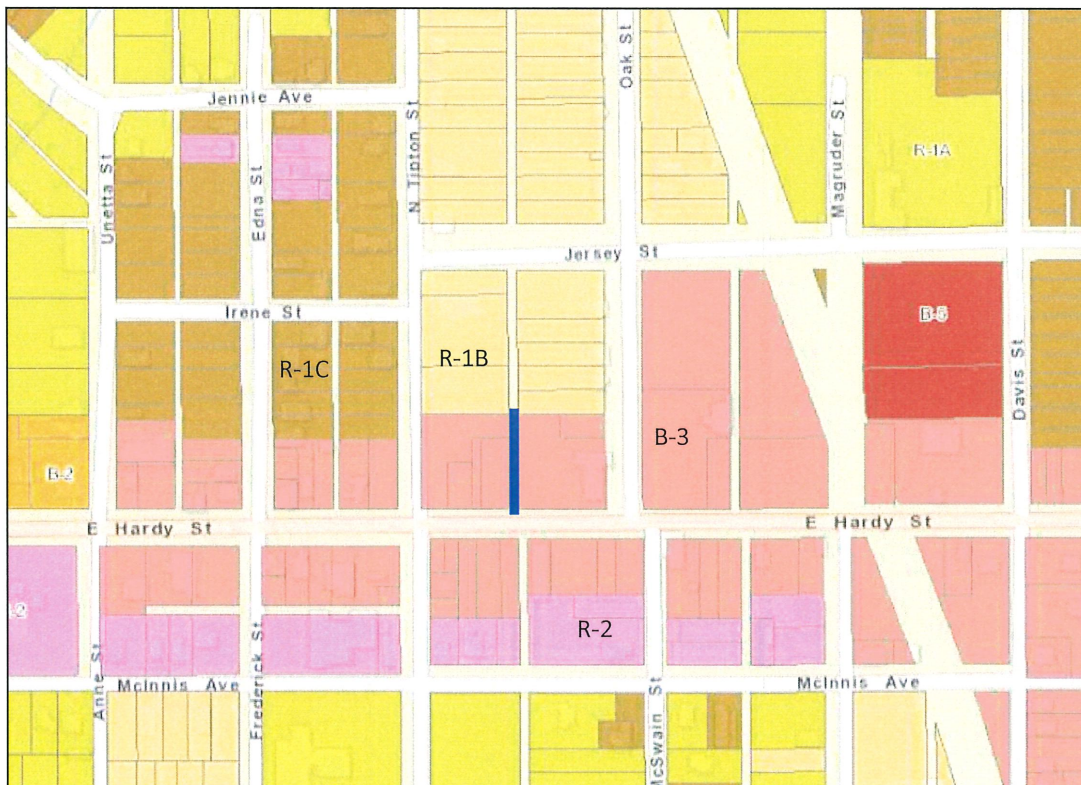
The petitioner requests to close and vacate a portion of an unimproved alley, which is located north of East Hardy Street, south of Jersey Street, east of North Tipton Street, and to the west of Oak Street (between Parcels 2-030L-11-111.00, 2-030L-11-110.00, 2-030L-11-105.00; PPINs 20271, 20260, 20258; Ward 2).



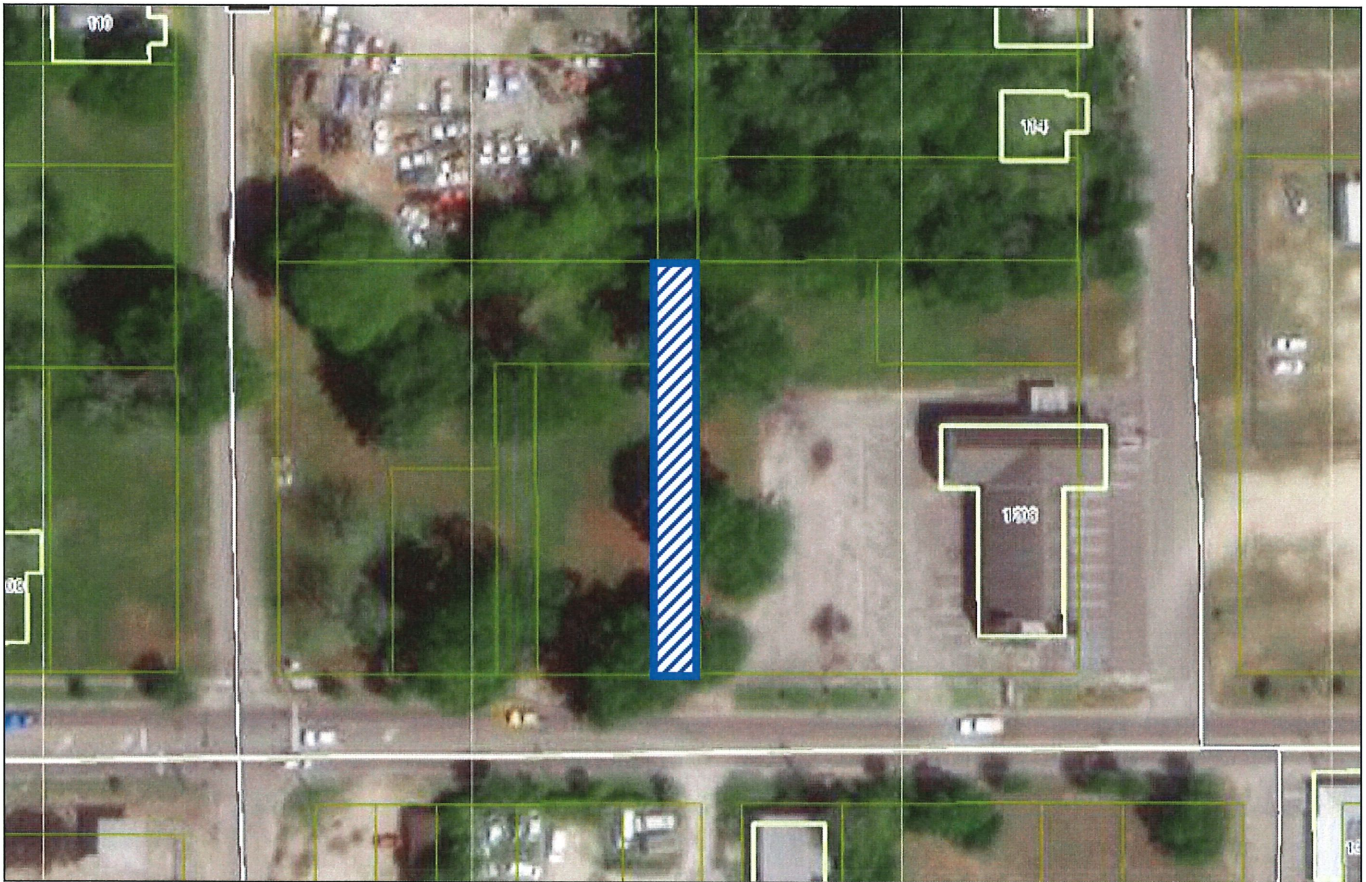
Vicinity Map—Ward 2



Zoning—Right-of-Way

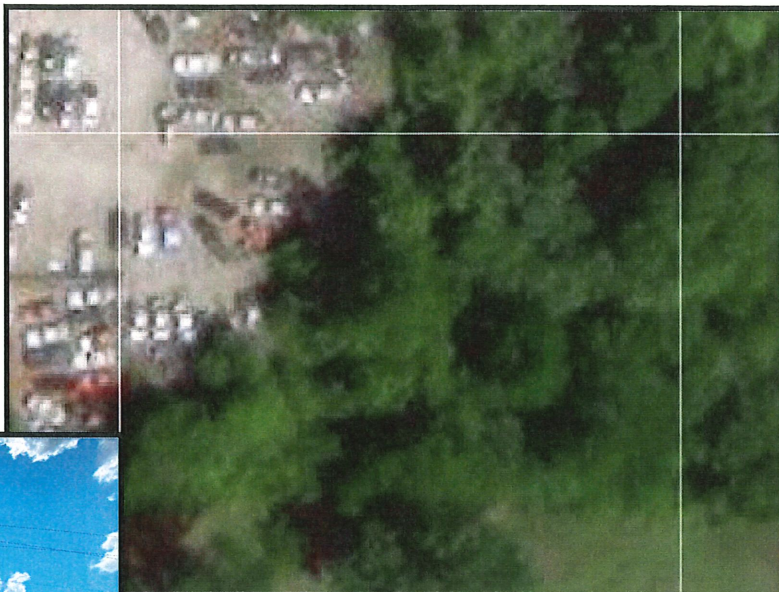


Site Aerial



SURROUNDING AREA

Northern Direction: R-1B(Single Family Residential) District/ Tow yard/Undeveloped



Southern Direction: B-3 (Commercial Business) District/ Commercial Use



Eastern Direction: B-3 (Commercial Business) District/ Church



Western Direction: B-3 (Commercial Business) District/ Undeveloped



**Planning Commission
Case Fact Sheet**

Name of Petitioner: Pastor Janette L. Furry, Applicant

Address of Property:
1208 E Hardy Street

Tax Parcel
2-030L-11-111.00

PPIN:
20271

Ward:
2

Request:

Alley Closure

Purpose of Request:

To consider an application to close and vacate a portion of an unimproved alley, which is located north of East Hardy Street, south of Jersey Street, east of North Tipton Street, and to the west of Oak Street (between Parcels 2-030L-11-111.00, 2-030L-11-110.00, 2-030L-11-105.00; PPINs 20271, 20260, 20258; Ward 2).

Applicant Summary:

See Attached

Applicable Regulations:

SECTION 12.2

Categories of Development Approvals

Legislative Development Approvals – Street closings

Present Zoning:

Public Right of Way

Present Use:

Undeveloped

**Surrounding Zoning
and Land Use:**

North: R-1B (Single Family) District / Tow yard
South: B-3 (Community Business) District / Commercial
East: B-3 (Community Business) District / Church
West: B-3 (Community Business) District / Undeveloped

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

This location is most nearly bounded by Oak Street to the east, Jersey Street to the north, E Hardy Street to the south, and N Tipton Street to the west. It is accessible by E Hardy Street.

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case, as of September 22, 2021.

Approvals from utilities are on file.

History / Background:

The petitioner met with Staff in Pre-Application to discuss the vacation of a portion of the undeveloped alley. Victory Church owns the property on either side of the alley and utilizes the undeveloped lot for outdoor church events.

Option:

Approve or Deny an application to close and vacate a portion of an undeveloped alley, which is located north of East Hardy Street, south of Jersey Street, east of North Tipton Street, and to the west of Oak Street (between Parcels 2-030L-11-111.00, 2-030L-11-110.00, 2-030L-11-105.00; PPINs 20271, 20260, 20258; Ward 2).

Street or Alley Closing, Vacating, Naming or Renaming Information *(3 pages)*

1. Please indicate specific request(s): ☐ Street ☒ Alley
☐ Closing ☐ Vacating ☐ Naming ☐ Re-Naming

2. Current name of street/alley to be closed, vacated, named or re-named:
UNAMED ALLEY

3. Names of all intersecting or bounding streets and/or alleys:
EAST HARDY & JERSEY ST.

4. Tax Block(s) and Lot(s) involved in closing request:
N/A

5. Describe existing development on property adjacent to the street/alley (i.e.: type of land uses, number of occupied dwelling units, business, height of buildings, etc.) And surrounding property within 400 feet.

Type of Land Use of adjacent development	Number of each Type adjacent to development	Maximum height of buildings (stories)	Number of properties immediately affected by change	Number of additional properties within 400 feet
Businesses	0			
Residences	0			
Apartments	0			
Churches/Schools	1			

Any additional Information: _____

5. Describe the effect the proposed change will have on existing development and the transportation system within the affected area.

NONE

6. Have applications for zoning, variance, building permit, or other applications been filed?
_____ Yes X No

If yes, provide reference numbers and dates: _____

7. Acknowledgment of property owners adjacent to the street/alley renaming. Include all names and addresses and a legal opinion or affidavit attesting to the signatures of all owners of record. The affidavit must be sworn to before a notary public or other appropriate official.
(Sample form attached)

Obtain from the City's Engineering Department the legal description of the street/alley or portion thereof to be closed, vacated, named or re-named (need electronic copy)

ATTACH SAMPLE STREET / ALLEY Acknowledgement of Affected residents/business
As PAGE 3

SUBJECT PARCEL:
215 Forrest Street

Hub City Lofts 2, LLC, Owner

The petitioner requests to request a Conditional Use as “Multi-Family” in B-4 (Downtown Business) District as defined by the LDC for a certain property located at 215 Forrest Street (Parcels 2-029J-10-247.00, 2-029J-10-246.00; PPINs 21816, 21815; Ward 4).

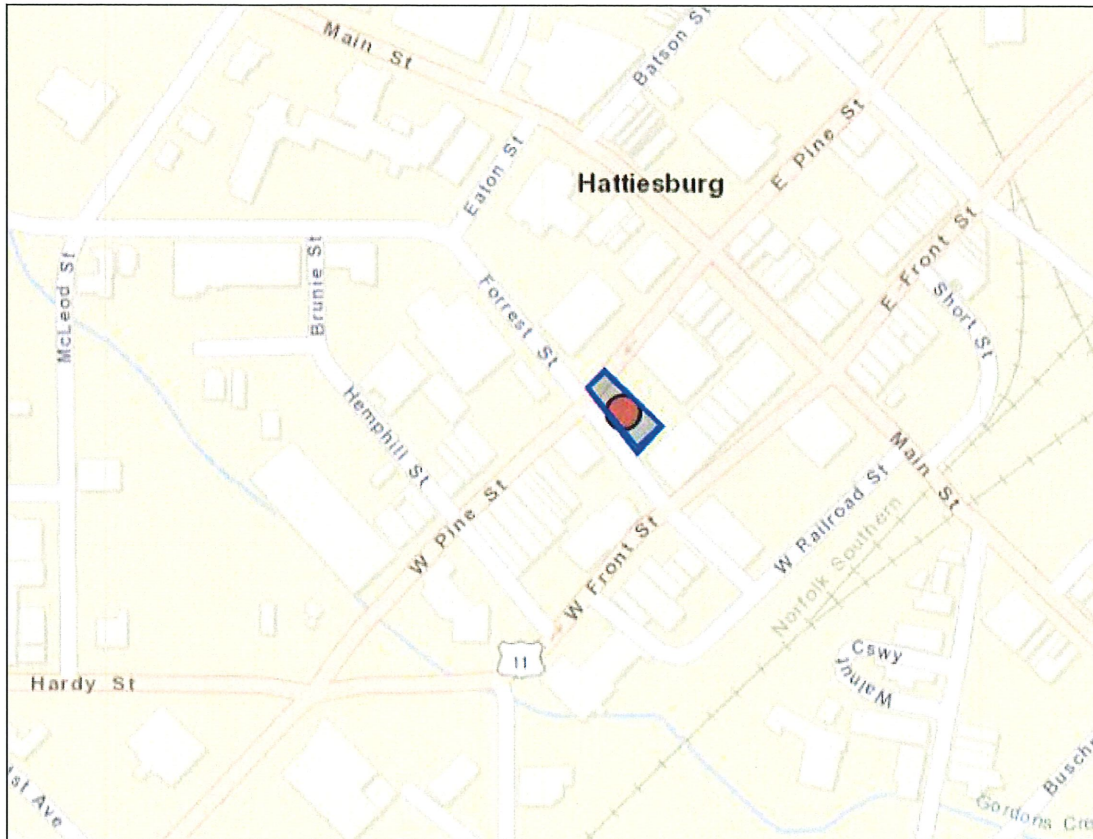


Forrest Street Façade

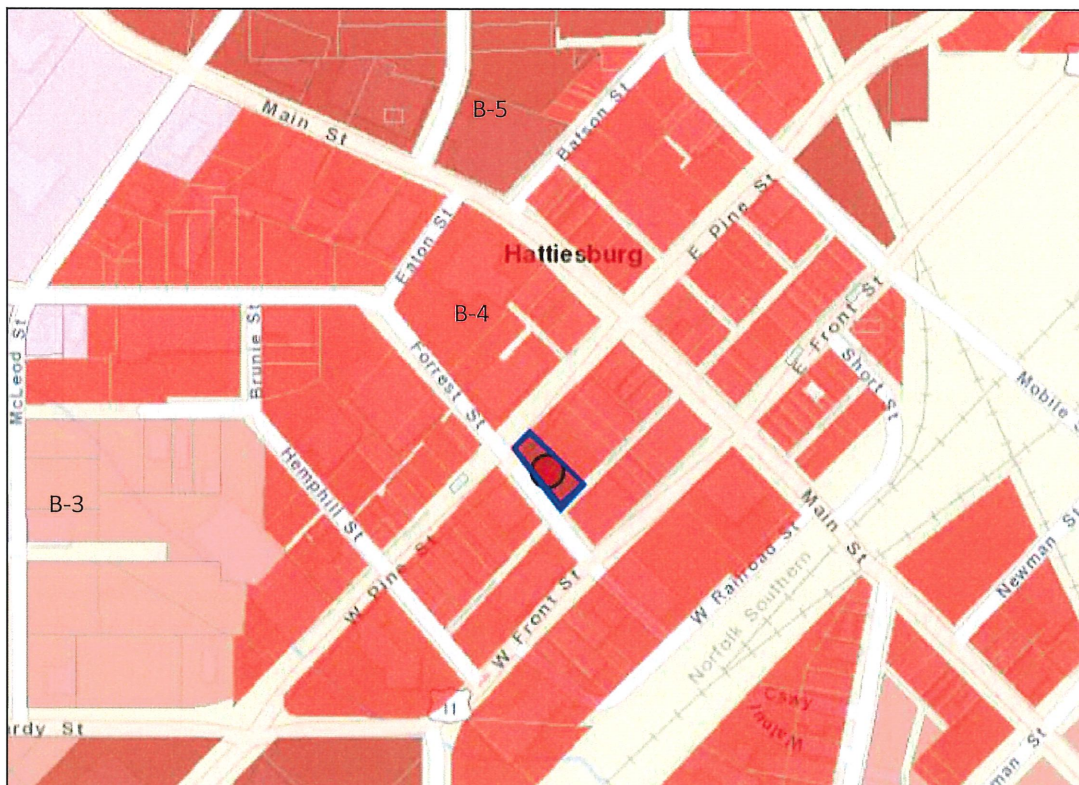
West Pine Façade



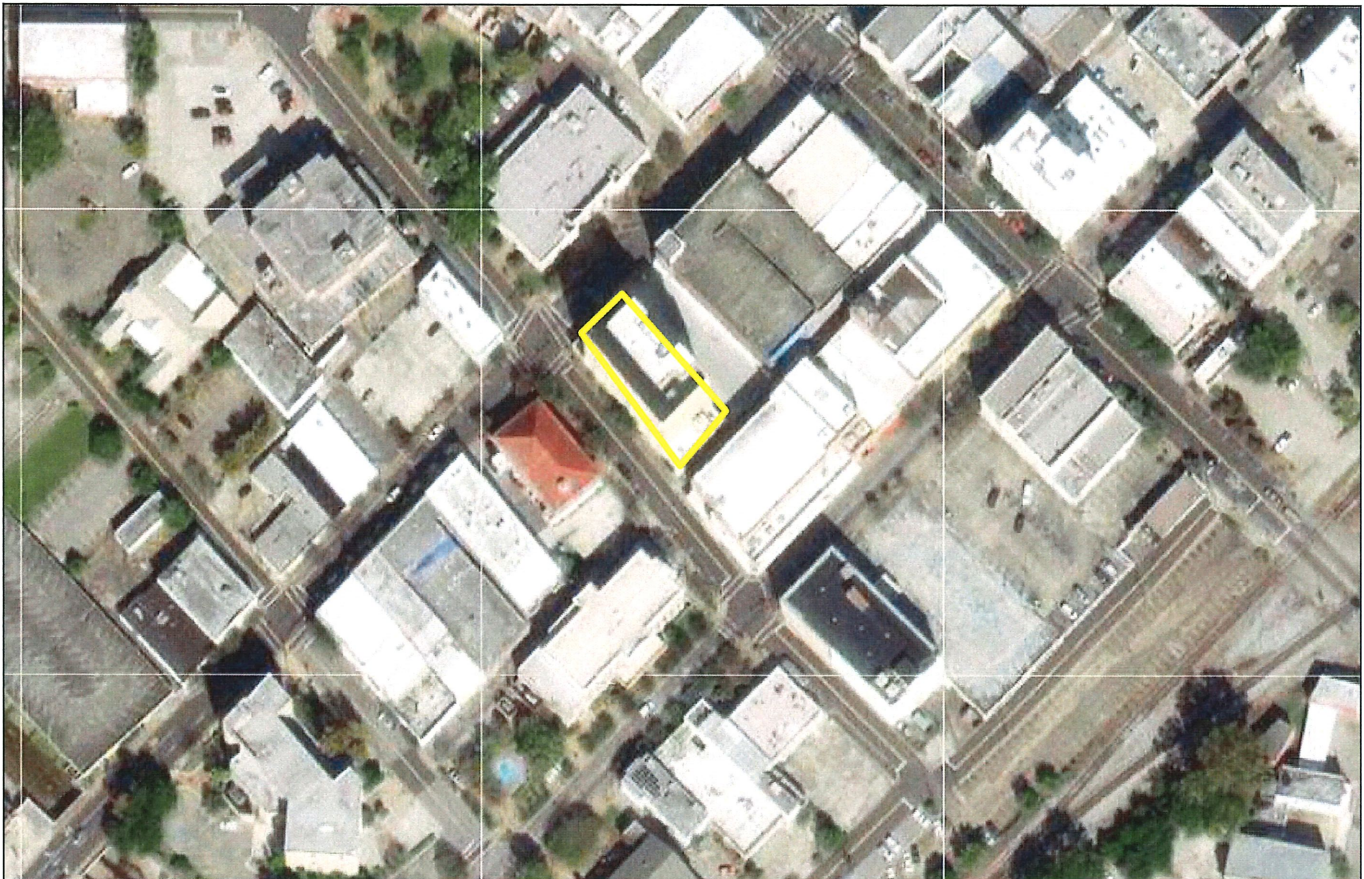
Vicinity Map—Ward 4



Zoning—B-4



Site Aerial



SURROUNDING AREA

Northern Direction: B-4 (Downtown)
District/ Post Office



Southern Direction: B-4 (Downtown)
District/ Civic Building



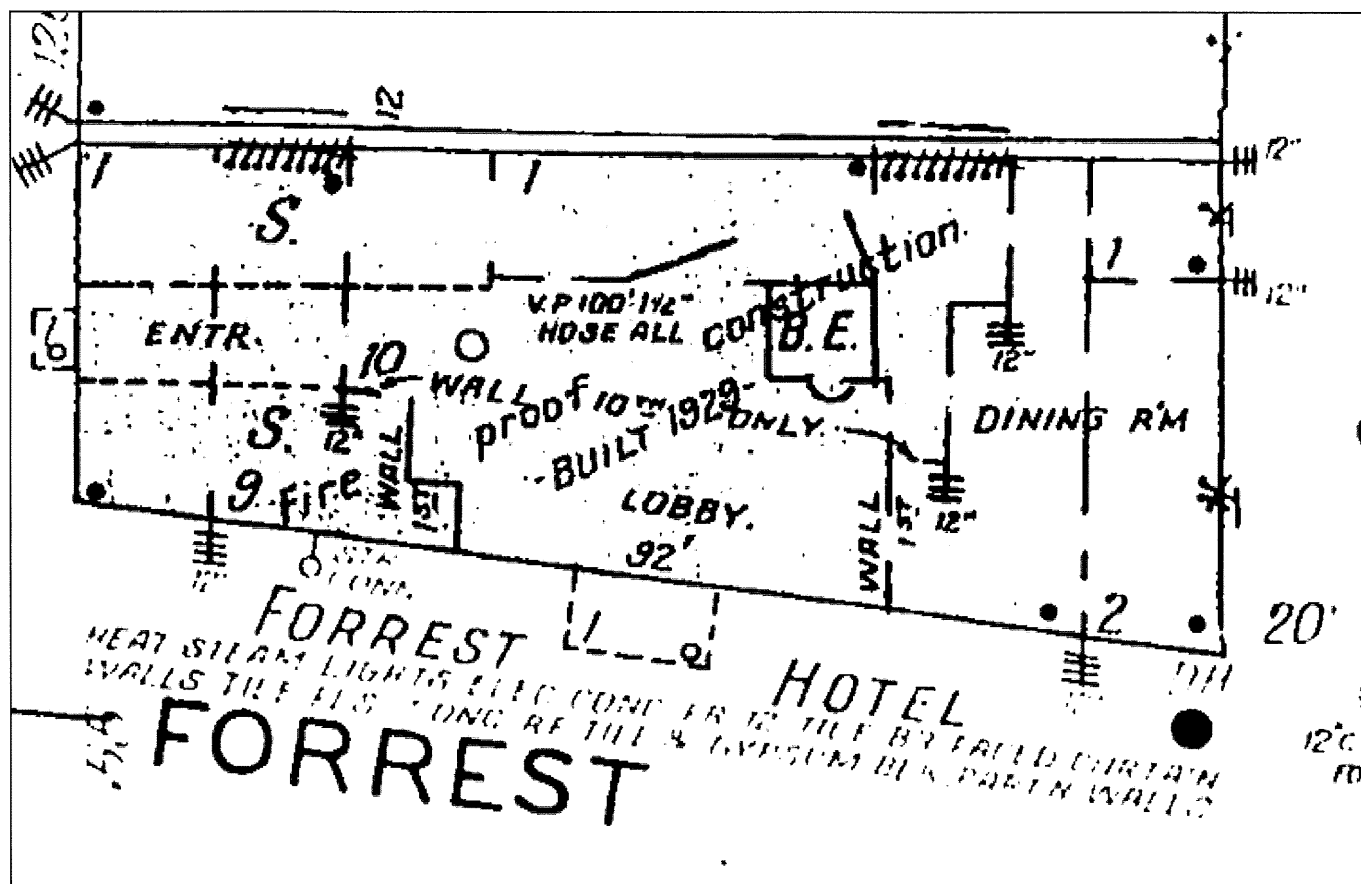
Eastern Direction: B-4 (Downtown)
District/ Theater



Western Direction: B-4 (Downtown)
District/ Mixed Use



1931 Sanborn Map of Forrest Hotel, Provided by Historic Planner



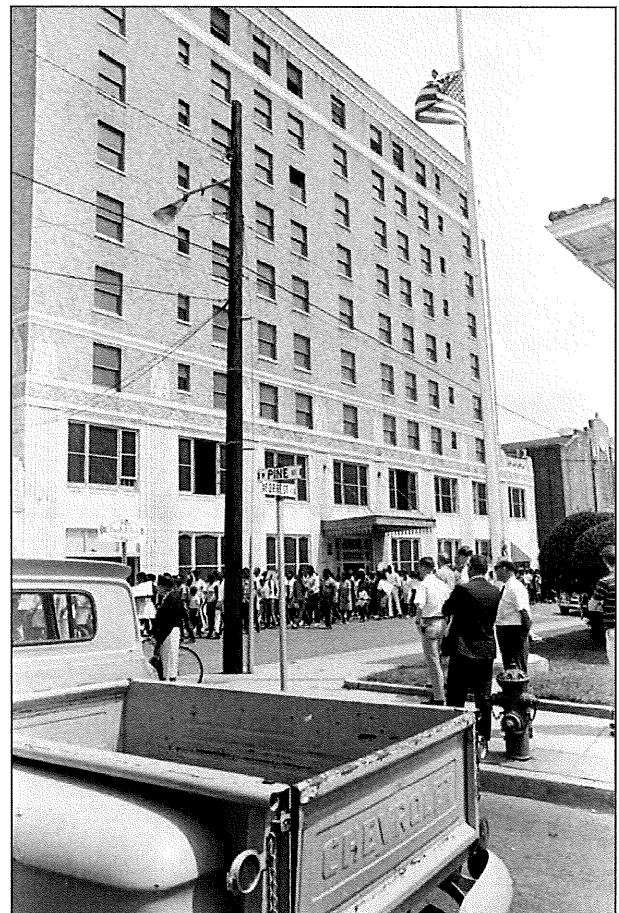
Historic Photos, Provided by Historic Planner



The Diamond Shop at Forrest Towers



Forrest Hotel Coffee Shop, c. 1940s



Forrest Hotel, 1968



**Planning Commission
Case Fact Sheet**

Names of Petitioner: Daniel Jussely and Rob Tatum, Representatives and Hub City Lofts 2, LLC, Owner

Address of Property:	Tax Parcel	PPIN:	Ward:
215 Forrest Street	2-029J-10-247.00	21816	4
	2-029J-10-246.00	21815	

Request: **Conditional Use (Multi-Family Residential)**

Purpose of Request: To consider an application to request a Conditional Use as "Multi-Family" in B-4 (Downtown Business) District as defined by the LDC for a certain property located at 215 Forrest Street (Parcels 2-029J-10-247.00, 2-029J-10-246.00; PPINs 21816, 21815; Ward 4).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts Established

4.5.11 B-4 Downtown District: The Downtown Business District is intended to promote the concentration and vitality of commercial and business uses in the historic central business area of the City and as such, encourages a mixture of complementary uses with a pedestrian orientation. This district is characterized by wall-to-wall and lot-line-to-lot-line development, pedestrian walkways, a vertical mix of uses, upper floor residential uses, and off-street public parking lots.

5.4.18 Additional Conditions for Use:

5.4.18 Dwelling, Two-Family and Multi-Family

5.4.18.1 On infill development sites in residential districts, multi-family buildings shall be designed to blend in with surrounding

single-family residential buildings to the maximum extent practicable with regards to building design, setbacks, driveway and garage design and location, porches, and sidewalks.

5.4.18.2 Site designs shall create a sense of “neighborhood” and shall meet the following requirements:

- i. Buildings shall be sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots.
- ii. An internal vehicular circulation system for private streets, when included, shall be reflective of a single-family residential street system.
- iii. Parking lots shall be located behind buildings, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street, or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district.
- iv. Walkways shall connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.
- v. Plazas, clubhouses, pools, and recreational facilities shall be centrally located, when provided.

5.4.18.3 Building designs that create variety and do not look monotonous if replicated throughout the development shall be required. Such designs shall include the following:

- i. Side and rear building elevations, garages, carports, and all accessory structures shall have the same level of design, aesthetic quality, and architectural detailing.
- ii. Porches, varied rooflines, and varied façade depths shall be provided to create variety and individuality of each building.
- iii. Windows and projecting wall surfaces shall be used to break up larger wall surfaces, establish visual interest and provide visibility of the street and other public spaces encouraging social interaction.
- iv. Protective entry courts, common vestibules, covered breeze ways, or enclosed stair halls shall be used to reduce the number of visible doors, unless designed in a row house or townhouse manner oriented toward the street.
- v. Garages shall be designed to be integrated with the building design or sited so as to avoid long monotonous rows of garage doors and building walls. Garages shall be oriented so that they do not visually dominate the building façade or the streetscape.

Downtown District (Comprehensive Plan 2008-2028)

The Downtown District is the historic central business district. In this district, land uses are promoted that are consistent with the special character and quality befitting the historic center of commerce and public activity. The historic development patterns and building arrangements are promoted and should be reinforced through amendments to the Land Development Code.

› *District Characteristics*

The characteristics of this district include the following: buildings that are constructed to the front property line and share common walls with adjacent buildings; on-street parking areas or shared parking in public lots; mixed land uses, including residential uses, within the same building; a higher percentage of publicly-owned buildings and lands; public parks and small private courtyards and green spaces; and an overall higher density of development.

› *District Land Uses*

The following land uses should be found in this district: various types of retail and service businesses, such as specialty shops and restaurants; anchor businesses, such as grocery stores, that draw residents to the district; public uses, such as city, county, state and federal offices, public parks and community centers; higher density residential uses, including condominiums and second-floor apartments; arts-related businesses, museums and cultural centers; and offices and employment centers.

Present Zoning: This parcel is currently zoned B-4 (Downtown Business) District

Present Use: Vacant Building

Future Land Use: Downtown District

**Surrounding Zoning
and Land Use:**

North: B-4 (Downtown Business) District/ Post Office
South: B-4 (Downtown Business) District/ Civic Building
East: B-4 (Downtown Business) District/ Theater
West: B-4 (Downtown Business) District/ Mixed Use

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

The parcel is most nearly bounded by W Pine Street to the northwest, Forrest Street to the southwest, W Front Street to the southeast, and Main Street to the northeast. The parcel is accessible from W Pine, Forrest Street, and an unnamed alley.

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case, as of September 24, 2021.

The Historic Planner provided a Memo on the Request.

History / Background:

The petitioner met with the Planning Division to discuss the redevelopment of the historic Forrest Towers building as a multi-family development. Staff informed the applicant that while a mix of uses (See LDC 5.4.20, Dwelling, Mixed-Use) on the first floor would allow for multi-family on the upper floors without a conditional use,

full multi-family use in the building without a commercial component, would require a conditional use.

Site and Design Review Committee (SDRC) has approved a site plan for mixed-use on the first floor that meets the 50% minimum requirement for commercial on the first floor. This was accomplished by the applicant by providing a large “white-boxed” commercial space along W Pine Street that could be built-out and by providing live-work convertible units along Forrest Street to be used for office/studio space. The applicant provided 55% commercial space per the approved plan.

Along with this development, the applicant was concurrently approved to redevelop two other buildings, the Davidson Building (the former Regions Bank building) and the Kress Building in Downtown. These buildings meet the LDC Mixed Use requirements (at least 50% commercial on the first floor) and did not require a conditional use for multi-family. The Davidson Building proposed bank/office/apartment space on the first floor, while the Kress Building proposed civic space (only) on the first floor. SDRC recently approved two other downtown mixed-used (commercial/residential) developments, The Ruins and The Komp. An application for a brand new townhome development in the Downtown Historic District has also been filed.

The alley to the rear of the building has recently been developed as a tourism attraction and regional point-of-destination through a partnership between the City of Hattiesburg and the Convention Commission. It houses the Pocket Museum, ever-changing displays of public art, and regular arts and entertainment events.

Mixed-use is encouraged in B-4 zoning due to the nature of the built environment in the historic city center. Pedestrian engagement with the storefronts, a vertical mix of uses with residential found on the upper floors and commerce conducted on the street-level, help to create a sense of place unique to the historic downtown (See LDC 4.5.11).

The property is in the Hub City Downtown Historic District.

Option: **Basis for approval:**

Applicable conditions listed in 5.4.18 Dwelling, Two-Family and Multi-Family

12.3.3.2 Additional Approval Criteria. In addition to the standards [5.4.18], 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.



MAYOR
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COUNCIL - WARD TWO
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COUNCIL - WARD THREE
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COUNCIL - WARD FOUR
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COUNCIL - WARD FIVE
Nicholas Brown

MEMO

September 22, 2021

From: Russell Archer, Historic Preservation Planner

Re: **Forrest Towers Rehabilitation**
215 Forrest St.
Hub City Downtown Historic District

Dear Commissioners,

It is our understanding that the owners of the building commonly known as Forrest Towers (the old Forrest Hotel) are requesting a conditional use to allow for the street level of the building to be used primarily for residential space. The purpose of this memo is to highlight several aspects of the City's *Historic Design Guidelines Manual* that may have a bearing on the above referenced request.

Forrest Towers is in the boundaries of the Hub City Downtown Historic District and is also a "Contributing" resource in the Hub City National Register District (amended 2012). In fact, it is one of the more prominent and recognizable landmarks in downtown Hattiesburg, sitting at high profile corner that was once home to City Hall and Fire Station No. 1.

As a resource within the boundaries of a designated conservation district, Forrest Towers falls under the purview of the Hattiesburg Historic Conservation Commission (HHCC) and, therefore, must adhere to the HHCC's *Historic Design Guidelines Manual*. *Please note that, in cases where the property owners are applying for Historic Rehabilitation Tax Credits, the HHCC typically defers to the Mississippi Department of Archives and History to ensure that the project meets the Secretary of the Interior's *Standards for Rehabilitation*. There are a few exceptions to this policy including significant site changes, lighting, hardscaping, fencing, and signage – all items that require HHCC approval in the form of a *Certificate of Appropriateness*.

Of particular importance in reviewing this proposal are two sections of the Design Guidelines Manual that address "Mixed-use Development" and "Ground Floor Treatment" of buildings within the downtown commercial district. The reference for these sections is at the end of this memo.

Addressing downtown in a broader scope than “bricks and mortar” is based upon the recognition that historic preservation and downtown revitalization efforts are symbiotic and must work in concert to assure any degree of success. For example, significant focus is placed upon pedestrian engagement, which can include everything from accessibility to safety to the aesthetic value of storefronts and vegetation.

Jeff Siegler, a downtown revitalization consultant that was invited by the Downtown Hattiesburg Association to visit the city earlier this year, is among many reputable experts that consistently discourage using the first floor of a downtown building as a residence. Siegler makes the point that “downtowns are the central marketplace of a city...it provides residents a convenient hub to acquire needed goods and services. This is healthy for a city because residents need access to goods and services to remain alive and it provides residents with a common gathering place where they have a chance to interact with one another,” giving that sense of community that is the “glue that holds everyone together”. The downtown must function as the central marketplace for a city to succeed. If the downtown cannot function in that manner and people have no centralized, walkable options for goods and services, they will take their money out of the downtown area and potentially out of their own community.

Historically, the sidewalks of even modest sized cities were thick with citizens perusing display windows, coming in from the sidewalk and taking advantage of a multitude of retail or service-related offerings. Indeed, Forrest Towers in its early decades featured an expansive lobby, a dining room, and two independent retail spaces that drew patrons from W Pine St. and also from the building lobby. In later decades, the building became known for its coffee shop and for businesses like jewelry shops and even political campaign headquarters – its location was ideal for attracting pedestrians from the sidewalk.

The Historic Design Guidelines place a high value on pedestrian engagement as a key component of fostering a vibrant and viable business environment. When street-level spaces are used for purposes that do not engage pedestrians, not only does it negatively impact the aesthetics of commercial blocks (blank walls, dark windows, inadequate lighting) it negatively affects the perception of citizens expecting a vibrant and energetic downtown. In fact, it can create an unwelcoming environment that causes one to question personal safety.

The Historic Design Guidelines Manual addresses this in the following ways:

Section V. Area-Wide Guidelines: Mixed Use Development

Property owners are encouraged to consider combining uses within commercial buildings, for example, using upper floors for housing while lower floors are used for retail or other purposes.

Section VI. Guidelines for Non-Residential Buildings: Ground Floor Treatment

Design ground floor space for retail or other active uses, orienting tenant spaces to the street and maximizing storefronts and entries along the sidewalks to sustain street level interest and promote pedestrian traffic.

Recommended

Locate active uses along the street façade to enhance the building’s relationship to the public realm. Uses may include: lobbies, dining rooms, seating areas, offices, retail stores, community or institutional uses.

Street-level windows should utilize only clear glass for maximum transparency, especially in conjunction with retail and hotel uses. Dark tinted, reflective or opaque glazing is not recommended for any wall opening along street level facades.

A building’s primary entrance, defined as the entrance which provides the most direct access to a building’s main lobby and is kept unlocked during business hours, should be located on a public street or on a courtyard or plaza that is connected and visible from a public street.

Recommended (cont.)

Maintain a pedestrian-oriented scale at the street level, with respect to awnings and canopies, street walls, entrances, windows, doors.

Avoid locating “back of house” or utilitarian uses along street frontage

We are very pleased to hear of the plans to rehabilitate Forrest Towers and return it to a productive use. However, we feel that the long term viability of downtown hinges upon using the tools that are available to us to create the outcomes that will benefit the community as a whole. Reactivation of downtown’s street level spaces for retail will certainly help move us in that direction.

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.

This is an existing structure in B-4 Downtown District. We want the ability to use the ~~present~~ initial floor as multi-family dwelling, which requires a conditional use

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

No additional stress on utilities & facilities

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

This is an existing structure.

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

If yes, please explain:

No, just some additional dwelling units

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? none

7. Parking Requirements:

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

parking already exists

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