Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

Planning Commission

AGENDA

12/1/2021

I. Business Meeting

1. Review and approval of December meeting's agenda
2. Review and approval of the minutes of the November 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 Greg Hodges, Representative, John C. Anglin, Engineer, and Merchants & Marine Bank, Owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a certain property located at 4607 Hardy St (Parcel 051Q-12-001.000, PPIN 21451, Lamar Co., Ward 3) from Section 4.5.13 I-1 (Light Industrial) District to Section 4.5.12, B-5 (Regional Business) District.

B. A petition has been filed by Shannon Wells, Representative, and Wilmut Gas and Oil Company (Spire), Owner, as required in the Land Development Code, Ord. No. 3209, to request a Conditional Use to expand operations of a non-conforming use as "Utility Operation Center" in R-3 (Multi-Family Residential) District as required by the Land Development Code, Section 2.4.4.1, where the total expansion of a non-conforming property is greater than 25 percent shall require a public hearing and Planning Commission approval for a certain property located at 1614 W 4th St (Parcel 2-028H-05-125.00; PPIN 26135; Ward 4).

C. A petition has been filed by Chad Edmonson, Representative, and Trace 4th St. LLC, Owner, as required in the Land Development Code, Ord. No. 3209, to request a Conditional Use as "Restaurant, without Drive-thru" in B-2 (Neighborhood Business) District as defined by the LDC for a certain property located at 1015 N Main St (Parcels 2-029G-03-529.00, 2-029G-03-611.00, 2-029G-03-608.00; PPINs 18827, 18814, 18817; Ward 4).

D. A petition has been filed by Creed Group Communities, LLC, Applicant, and Hulett-Winstead Funeral Home, owner, Cloud Nine Properties, LLC, owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning

classification for a certain property located along N 28th Ave and Northwood Dr (US 49 N service road) (Parcel 2-028B-05-096.00, 2-028B-05-097.00; PPIN 26048, 26051, Forrest Co., Ward 1) from Section 4.5.10 B-3 (Community Business) District to Section 4.5.7, R-3 (Multi-Family Residential) District.

E. A petition has been filed by The City of Hattiesburg, as required in the Land Development Code, Ord. No. 3209, to establish the zoning classification for certain un-zoned properties located along J. Ed Turner Drive (Parcel 052B-03-004.101, 052B-03-004.102, 052B-03-004.103, 052B-03-004.104; PPIN 33783, 33784, 33785, 33786; Lamar Co., Ward 1) Section 4.5.3, R-1A (Residential) District.

F. A petition has been filed by The City of Hattiesburg, as required in the Land Development Code, Ord. No. 3209, to close and vacate a portion of a street, which is located west of Richard Collins Dr., east of Dabbs St, North of Ruby Ave, and South of May Ave (Ward 2).

III. Other Business

IV. Adjournment

MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
November 3, 2021

The Hattiesburg Planning Commission did meet in a regular session on November 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 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
Amy Hinton, Vice-Chair
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett
Kenneth Waites

Commissioners Absent:
Ricardo Bryant
Charles Dawe
Michael Dickerson
Jeff Keyseear

Also Present:
Andrew Ellard, Director
Ginger M Lowrey, AICP, Planning Manager
Jim Gladden, Esq.
Nathan Satcher, Planner

AGENDA REVIEW

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

Commissioners voting aye:
Dick Conville
Amy Hinton, Vice-Chair
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett
Kenneth Waites

Commissioners voting nay: None
Commissioners absent for vote: None

MINUTES REVIEW

There came the matter of the October 6, 2021 minutes. A motion was made by Commissioner Waites to approve the October minutes. Commissioner Ray seconded the motion.

Commissioners voting aye:
Dick Conville
Amy Hinton, Vice-Chair
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett
Kenneth Waites

Commissioners voting nay: None
Commissioners absent for vote: None

REPORTS

BUILDING REPORT

Andrew Ellard, Director, provided the Building Permit Report for October 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 Andrew Ellard. On October 19, 2021, City Council approved the alley closure of an unimproved alley in the 1200 block, north side of East Hardy St (HPC approval upheld) and approved the conditional use for a multi-family building at 214 Forrest St (HPC approval upheld). Mr. Ellard referenced an email previously sent to commissioners regarding "Accessory Dwelling Units" and staff would like to continue that conversation during the other business section of the meeting. Mr. Ellard also made note of staff changes within the Planning Division, where Caroline Miles has left the City of Hattiesburg as a planner, and Nathan Satcher has filled that role. Staff will now be looking to fill the role of Office Manager.

CHAIR'S REPORT

There came the matter of the Chair's Report by Chair Mark Miller. Chair Miller commended the staff on their roles and thanked them for the materials staff has provided over the past few weeks. He also thanked Ms. Lowrey on her return and noted that Ms. Miles had communicated to him details of her new role, which is in keeping with the research she conducted for her master's program in geography. Chair Miller also thanked Mr. Satcher for his work during the staff transitions and congratulated him on the upcoming birth of his child.

Chair Miller, on a personal note, wanted to share that he had just returned from a backpacking trip in the Black Creek Wilderness in South Mississippi, noting that it should be added to the long collection of bragging points for our city.

INTRODUCTIONS

The Commissioners introduced themselves.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item A (Zoning Change), to consider a request filed by Mechanics Row, LLC, Applicant, and the City of Hattiesburg, Owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a portion of a certain property located at 500 E Pine St (Parcel 2-029I-10-064.00, 2-029I-10-077.01; PPIN 15590, 45721, Ward 2) from Section 4.5.12, B-5 (Regional Business) to Section 4.5.11, B-4 (Downtown Business) District.

	Name	Address	City/State
Presented by:	James Ray Polk	707 S 18th Ave	Hattiesburg, MS
Proponents:	Cheryl Fletcher	511 E Pine St	Hattiesburg, MS

Peter Lamens 511 E Pine St Hattiesburg, MS

Opponents: None

James Ray Polk, the representative for Mechanics Row, LLC, presented the application and explained details of the project. Mr. Polk discussed how historically, the land where the proposed rezoning was a densely urban area and how many of the building in the area have been torn down in the 80's, 90's and 2000's. He pointed out various projects in the immediate area are underway or have been completed in the last few years. Mr. Polk noted that the downtown area is now expanding again and returning to the densely urban setting it once was. He argued that the rezoning along with the proposed development would improve the area, anchoring the area with home owners while adding to the commercial vitality of the downtown area.

Commissioner Ray asked for clarification on the name of the project "Mechanic's Row" and how that would play into the development. Mr. Polk responded that the stylistic direction would be more industrial and play on the naming. Commissioner Pickett asked for clarification on parking, where Mr. Polk pointed out the development would have private parking spaces in rear with alley access. Commissioner Hinton asked for clarification of the ownership of the townhomes where Mr. Polk clarified they would be individually owned. Chair Miller asked for clarification on the targeted demographics for the proposed townhomes and asked if there were any planned green spaces, noting that families with children may have a preference for this type of development as opposed to high-rise apartments. Mr. Polk confirmed that each unit will have a private back yard and decks on upper levels. Commissioner Waites asked for clarification on whether there would be homeowners association fees and Mr. Polk inclined that it would be left up to the developers to determine if one is needed. Commissioner Conville posed the question of what indication does the applicant have that there is a public need for this rezone and development downtown, where Mr. Polk stated it offers more variety in housing options that haven't already been met in current and ongoing developments.

Cheryl Fletcher, the owner of Love Birds Bridal Boutique located at 511 E Pine St, spoke in favor of the application, with the caveat that she would have preferred a commercial development, but wasn't necessarily opposed to the residential development. She also stated she had concerns with parking and possible conflicts with the proximity to a nearby venue space for this residential development. Peter Lamens, husband of Cheryl Fletcher, also spoke in favor of the application but also spoke on concerns of safety for children that may occupy these new developments. Mr. Polk responded that the nature of the development and its location will attract buyers that will not see this as a concern and there are other housing options available for those that have concerns with living in this area.

Chair Miller declared the Public Hearing closed and the Business Meeting open for voting on the request (Item A). Chair Miller posed the question to staff if the proposed zoning change is consistent with the master plan. Ms. Lowrey noted that it is within the downtown historic district and Mr. Ellard confirmed that it is consistent with the Future Land Use Plan as a downtown district. Commissioner Conville 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 and there is a public need for the rezoning. Commissioner Waites seconded the motion. Mr. Ellard conducted a roll call vote. Commissioners attending in person submitted

physical voting sheets.

Commissioners voting aye: Dick Conville
Amy Hinton, Vice-Chair
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett
Kenneth Waites
Commissioners voting nay: None

There came the matter of Item B (Conditional Use), to consider a request filed by Mechanics Row, LLC, Applicant, and the City of Hattiesburg, Owner, as required in the Land Development Code, Ord. No. 3209, to request a Conditional Use as "Dwelling, Single-family attached" in B-4 (Downtown Business) District as defined by the LDC for a certain property located at 500 E Pine St (Parcel 2-029I-10-064.00, 2-029I-10-077.01; PPIN 15590, 45721, Ward 2).

	Name	Address	City/State
Presented by:	James Ray Polk	707 S 18th Ave	Hattiesburg, MS
Proponents:	None		
Opponents:	None		

James Ray Polk, the representative for Mechanics Row, LLC, had nothing further to present on this application and thanked everyone.

Chair Miller declared the Public Hearing closed and the Business Meeting open for voting on the request (Item B). Commissioner Hinton made a motion to approve the item. Commissioner Pickett seconded the motion. Chair Miller then posed the vote to the commission. Commissioners attending in person submitted physical voting sheets.

Commissioners voting aye: Dick Conville
Amy Hinton, Vice-Chair
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett
Kenneth Waites
Commissioners voting nay: None

There came the matter of Item C (Conditional Use), to consider a request filed by Father Chelsea "Alexis" Baldwin, Applicant, and Larry Geraldson, Owner, as required in the Land Development Code, Ord. No. 3209, to request a Conditional Use as "Place of Assembly" in R-1C (Single Family Residential) District as defined by the LDC for a certain property located at 416 Barkley Road (Parcel 2-042D-26-008.00, 2-042D-26-007.01, portion of 2-042D-26-007.00; PPIN 6735, 43631, portion of 6733, Ward 5).

	Name	Address	City/State
Presented by:	Father Chelsea "Alexis" Baldwin (Via GotoMeeting)		
Proponents:	None		
Opponents:	None		

Father Chelsea "Alexis" Baldwin, presented the application noting that the staff presentation effectively demonstrated what their intention of the property is. Father Baldwin

stated their congregation is currently renting a property near the University of Southern Mississippi and wanted to purchase a permanent place instead of renting and this property was the best fit for their congregation. Father Baldwin also noted that the property was, as photos showed, designed and operated as a place of assembly. Commissioner Ray asked for clarification on the size of the congregation and Father Baldwin stated it was a rather small group, with only 15 adults and maybe 4 to 5 children at this point.

Chair Miller declared the Public Hearing closed and the Business Meeting open for voting on the request (Item C). Commissioner Hinton made a motion to approve the item. Commissioner Lockett seconded the motion. Chair Miller then posed the vote to the commission. Commissioners attending in person submitted physical voting sheets.

Commissioners voting aye:	Dick Conville Amy Hinton, Vice-Chair Elayne Lockett Mark Miller, Chair Rebekah Ray Rhoda A. Pickett Kenneth Waites
Commissioners voting nay:	None

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item D (Zoning Change), to consider a request filed by Kenneth Moye and Korey Williams, Applicants, and Dorothy Brown, Owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning of certain properties located at 309 E Pine Street (Parcel 2-029J-10-352.00, 2-029I-10-071.00; PPIN 26659, 26660, Ward 2) from Section 4.5.12, B-5 (Regional Business) District to Section 4.5.11, B-4 (Downtown Business) District.

	Name	Address	City/State
Presented by:	Kenneth Moye	(Via GotoMeeting)	
	Korey Williams	(Via GotoMeeting)	
	DeShawn Davis	(Via GotoMeeting)	
Proponents:	Shawn M. Harris	4 Belle Wood Dr.	Hattiesburg, MS
	Andrea Saffle	P.O. Box 150	Hattiesburg, MS
Opponents:	None		

Kenneth Moye, applicant and representative of Calico Station Development presented the application. Mr. Moye pointed out some of the historical uses of the property and how it has been used for industrial and retail purposes. He stated the rezone from B-5 to B-4 would be consistent with the area and cohesive to the downtown business district. He also pointed out it would be consisted with the future land use of the area as downtown business district. Mr. Moye stated they would adhere to the various permitting requirements as they move forward if the rezone is approved. Commissioner Hinton asked for clarification on the proposed food court, asking if they would hire outside vendors or manage the food service aspects themselves. Mr. Moye clarified they would lease out individual spaces for food vendors and their company would manage the space. Commissioner Ray noted safety concerns with the pool and Mr. Moye noted they would adhere to all applicable safety standards and the pool would be a later addition to the project. Korey Williams, applicant and representative of Calico Station Development pointed out

his roles and that he would be responsible for all building compliance concerns and property maintenance issues. He noted that he has experience in maintaining historic buildings in the New Orleans area. DeShawn Davis, representative of the project, noted his role as a property manager and would manage the logistics of the food court. He also noted the level of excitement many within his circles have for this type of development in the downtown area. He also pointed out the need for the rezone for the downtown area.

Shawn M. Harris, board member of the Downtown Hattiesburg Association and Chair of the Board of Adjustment, spoke in favor of the application, specifically on the project and how with all of the upcoming residential developments in downtown Hattiesburg, this project provides a place for residents to hang out. He enthusiastically supported this project and said this would be a great opportunity for businesses where this development could serve as a restaurant incubator. Mr. Harries praised the applicants for their professionalism in their work and his interactions with them. Mr. Harris also wanted to point out that downtown Hattiesburg does not have a problem with parking as there is already plenty of public parking, specifying he does not support the addition of more parking spaces in the downtown area.

Andrea Saffle, president of the Hattiesburg Historic Downtown Association, also spoke in favor of the application, echoing what Mr. Harris had already stated.

Chair Miller declared the Public Hearing closed and the Business Meeting open for voting on the request (Item D). Commissioner Hinton made a motion to approve the request (Item D) based on the criteria 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 Pickett seconded the motion. Chair Miller then posed the vote to the commission. Commissioners attending in person submitted physical voting sheets..

Commissioners voting aye: Dick Conville
Amy Hinton, Vice-Chair
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett
Kenneth Waites

Commissioners voting nay: None

BUSINESS MEETING

Mr. Ellard brought up discussion of the previously introduced topic of Accessory Dwelling Units (ADUs). He asked the commissioners to begin considering how the City of Hattiesburg could begin constructing codes on regulating ADU's as our current Land Development Code does not explicitly address ADU's. He referenced information provided by the American Planning Association on the perspectives of other municipalities on how they have addressed ADU's. The commission brought up several points of concern and questions on how the City would regulate ADU's and staff decided they would work towards forming a sub-committee to explicitly discuss ADU's and continue the conversation with the Planning Commission in a separate forum before bringing any changes to the Land Development Code to the Planning Commission.

Having no further business, Commissioner Ray made a motion to adjourn the meeting. The motion was seconded by Commissioner Pickett. The meeting was adjourned at 2:32 PM

_____
Mark Miller, Chair

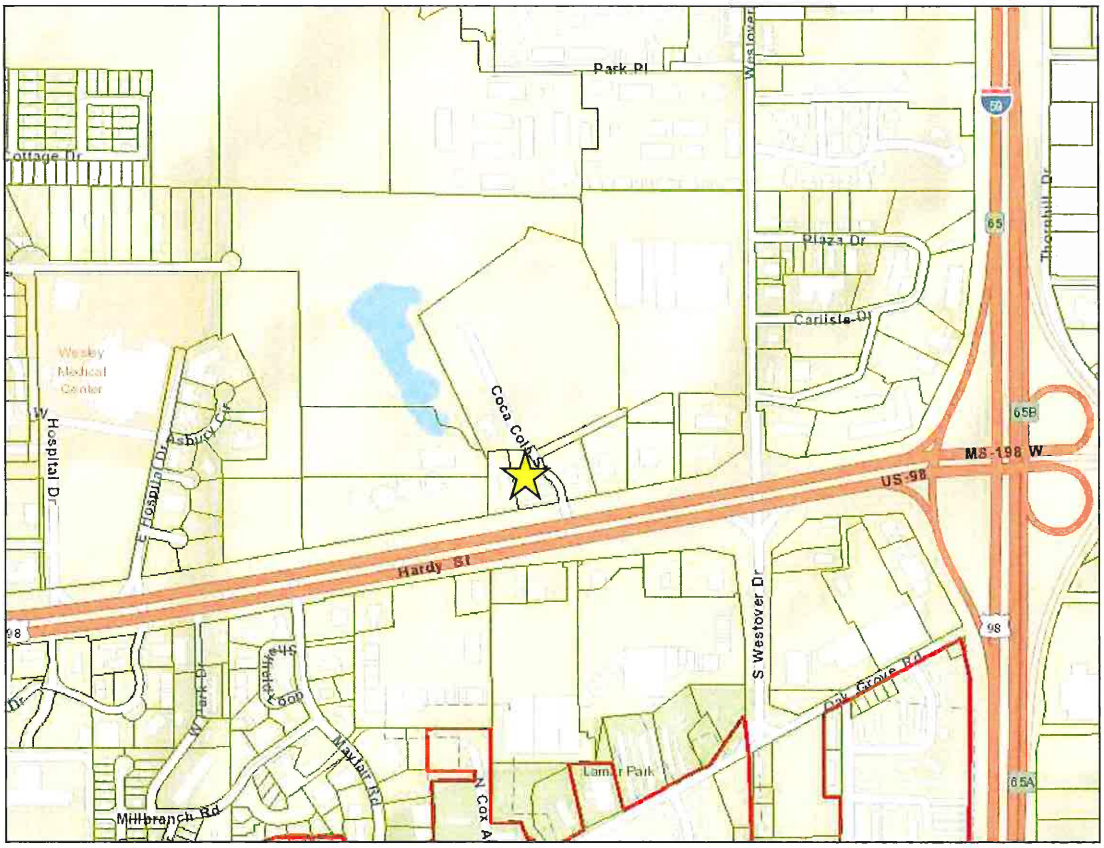
_____
Andrew Ellard, Director of Urban Development

SUBJECT PARCEL:
4607 Hardy St

Greg Hodges, Representative, John C. Anglin, Engineer, and Merchants & Marine Bank, Owner

The petitioners request to change the zoning classification for a certain property located at 4607 Hardy St (Parcel 051Q-12-001.000, PPIN 21451, Lamar Co., Ward 3) from Section 4.5.13 I-1 (Light Industrial) District to Section 4.5.12, B-5 (Regional Business) District.

Vicinity Map—Ward 2



Zoning—B-5

Site Aerial

4501
4501
4501
4501
201
201
200
105
105
4503
4505
4501
4509
4049
4607
4001
4640
4520
4500
4650
4646
4670
4900
4800
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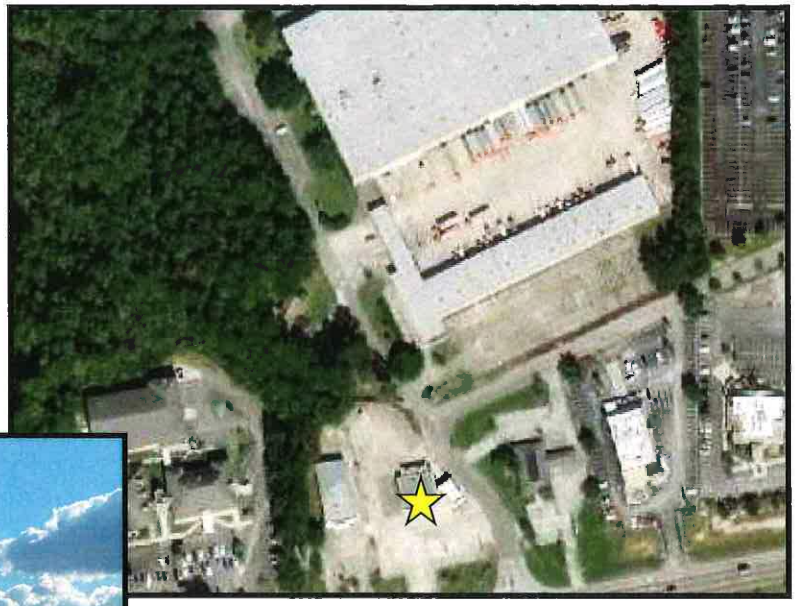
4600

SURROUNDING AREA

Northern Direction: I-1 Industrial

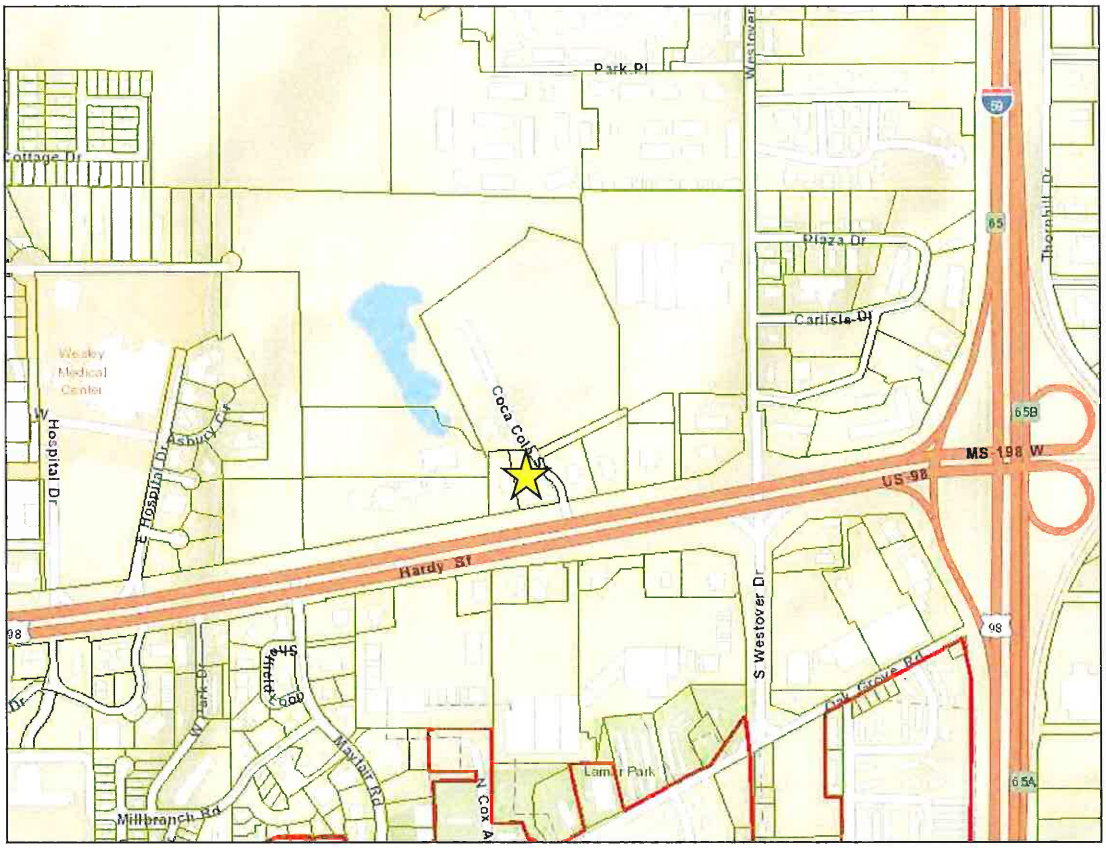


Southern Direction: B-5 Commercial

Eastern Direction: I-1 Commercial

Western Direction: I-1 Commercial

Vicinity Map—Ward 3



Zoning— I-1

Planning Commission
Case Fact Sheet

Name of Petitioners: Greg Hodges, Representative, John C. Anglin, Engineer, and Merchants & Marine Bank, Owner

Address of Property:	**Tax Parcel**	**PPIN:**	**Ward:**
4607 Hardy Street	051Q-12-001.000	21451	3

Request: **Zoning Change from I-1 to B-5**

Purpose of Request: To consider an application to change the zoning classification for certain properties located at 4607 Hardy St (Parcel 051Q-12-001.000, PPIN 21451, Lamar Co., Ward 3) from Section 4.5.13 I-1 (Light Industrial) District to Section 4.5.12, B-5 (Regional Business) District.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 **Zoning Districts Established**

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.

4.5.13 I-1 Light Industrial District. The purpose of the I-1 District is to provide for the development of research, light industrial, office parks, warehouse, and distribution centers consistent with comprehensive planning policies. This district is consistent with the Industry and Corporate Office District in the Comprehensive Plan.

Item: A
Greg Hodges, Representative, John C. Anglin, Engineer,
and Merchants & Marine Bank, Owner
Request for: **Zoning Change I-1 to B-5**

Present Zoning: This parcel is currently zoned I-1 Light Industrial District

Present Use: Commercial

Future Land Use: Regional Business Corridor District

Surrounding Zoning and Land Use:

North: I-1 Light Industrial District / Light Industrial
South: B-5 Regional Business District/ Commercial
East: I-1 Light Industrial District / Bank
West: B-5 Regional Business District & I-1 Light Industrial District / Church

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of November 23, 2021.

History / Background: The applicant met with staff in Pre-Application to discuss redevelopment as a financial institution with drive through services.

Rezoning to B-5 would allow for more consistent development patterns as well as uses along Hardy Street / Hwy 98.

The applicant is a concurrent application before the Board of Adjustment for a Variance from section 6, Table 6.1 "Minimum Front Setback" for B-5, "30 feet", to instead allow a setback of 10 feet for a variance of 20 feet along Coca-Cola Ave.

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 mistake in the original zoning.

B. The character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning.

C. Annexation

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

- B-5 zoning for subject property better fits the land use of properties in this vicinity. (Item B)
- Due to odd shape of lot, subject property could not be developed with setback requirements for I-1 zoning. (Item B)
- Other Similar Property along Hwy 98 Corridor in this vicinity is currently zoned B-5. (Item B)

Merchants & Marine Bank

Neighbor,

I am righting this letter to inform you that Merchants and Marine Bank has purchased the property at 4607 Hardy Street Hattiesburg, MS 39402 at the corner of Coca-Cola Dr. and Hardy Street (PPIN 21451), (currently Scrubs and More). It is our intention to build a new location there for our bank. In doing our due diligence we found that the current property is zoned industrial (I-1). We would like to rezone it to Business (B-5). This will allow us to build a location that will meet the needs of our bank and the community.

In doing our due diligence we are going to adjacent landowners and asking that they sign this letter saying they have no objection to this property being rezoned to B-5. Please Sign below:

Celia Barrett
Name

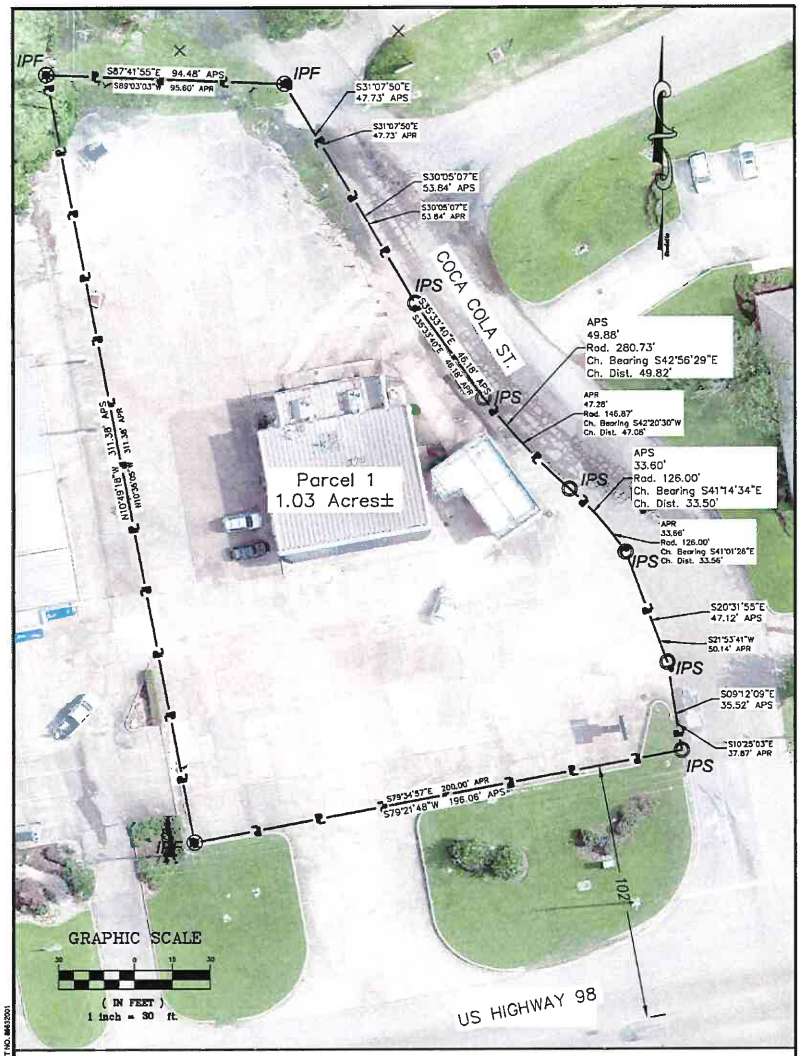
Scrubs N More
Business Name

Celia Barrett
Signature

Thank you and I am looking forward to being you Neighbor.

Greg Hodges | Pine Belt Market President
o 601.336.1119 m 601.520.2145
140 Mayfair Road, Suite 100 | Hattiesburg, MS 39402
greg.hodges@mandmbank.com

mandmbank.com
Member FDIC Equal Housing Lender



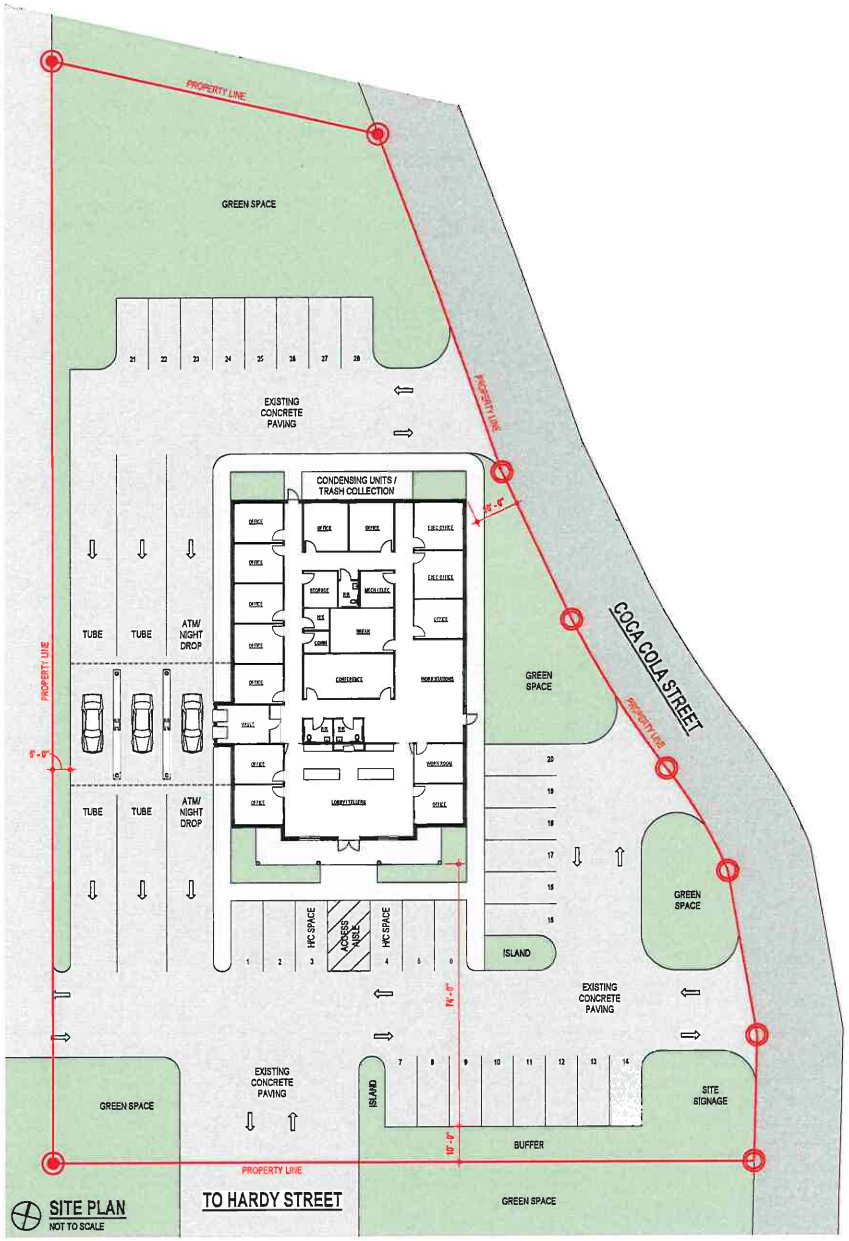
Clearpoint
CONSULTING ENGINEERS, P.A.
6652 US Highway 98 | Hattiesburg, MS 39402
t 601.261.2609 | f 601.261.5573 | clearpointengineers.com

CAD FILE: wood_dale.dwg
CCE PROJECT NO. 9863001

SURVEY FOR
Merchants & Marine Bank
PART OF THE SE 1/4 OF THE NW 1/4 AND A PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 12, T-4-N, R-15-W LAMAR COUNTY, MISSISSIPPI

DRAFT

SCALE: 1" = 30'	BEARINGS DETERMINED BY: GPS - Geodetic
DATE OF SURVEY: 07/08/2021	SURVEYED BY: W. BLACKWELL
CLASS OF SURVEY: B	DRAWN BY: J. BULLOCK



4200 Manta Street, Suite 210
Hattiesburg, Mississippi 39402
PERKINS & WILLIAMSON
ARCHITECTURE, PLLC
Phillip Perkins, Architect
Charlie Williamson, Architect
601-545-2464 Office
601-545-2466 Fax
www.perkinsandwilliamson.com

MERCHANTS & MARINE BANK
HATTIESBURG, MISSISSIPPI BRANCH
4607 HARDY STREET | HATTIESBURG, MISSISSIPPI 39402

SHEET TITLE:
SURVEY & PROPOSED SITE PLAN

PROJECT NO:	21-9506
DATE:	09.15.21
SCALE:	AS NOTED
DRAWN BY:	EH
CHECKED BY:	-
REVISIONS:	

SHEET NO.:
A1

PERKINS & WILLIAMSON ARCHITECTURE, PLLC

SUBJECT PARCEL:
1614 W 4th St.

Shannon Wells, Representative, and Wilmut Gas and Oil Company (Spire), Owner

Request a Conditional Use to expand operations of a non-conforming use as "Utility Operation Center" in R-3 (Multi-Family Residential) District as required by the Land Development Code, Section 2.4.4.1, where the total expansion of a non-conforming property is greater than 25 percent shall require a public hearing and Planning Commission approval for a certain property located at 1614 W 4th St (Parcel 2-028H-05-125.00; PPIN 26135; Ward 4)

Western side of property

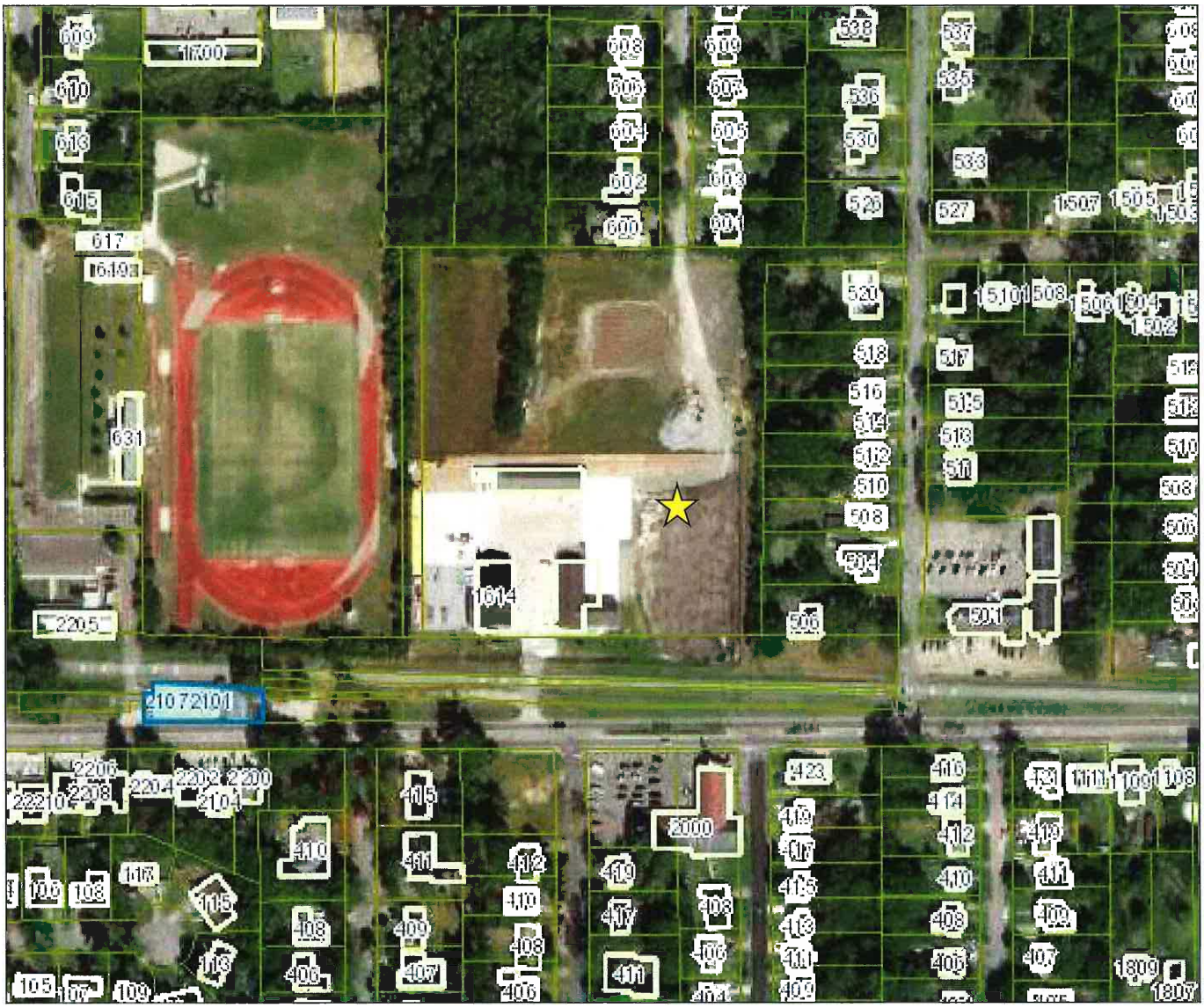
Easter side of property.

Yellow pipes are approximately the same location of expansion.

Vicinity Map—Ward 4

Zoning—R-3

Site Aerial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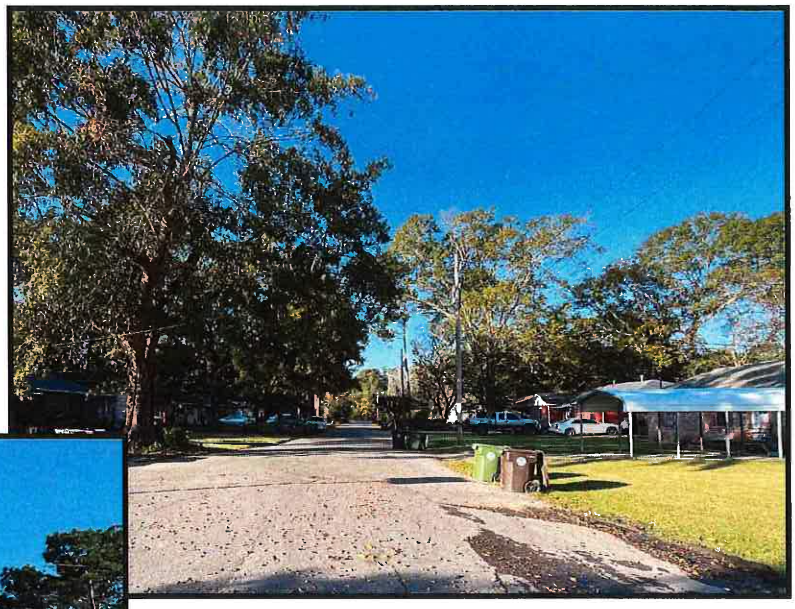
SURROUNDING AREA

Northern Direction: R-1A Residential



Southern Direction: R-1B Residential and Place of Assembly

Eastern Direction: R-3 Institutional, B-1 Office.

Western Direction: R-1A Residential

Planning Commission
Case Fact Sheet

Name of Petitioners: Shannon Wells, Representative, and Wilmut Gas and Oil Company (Spire), Owner

Address of Property:	**Tax Parcel**	**PPIN:**	**Ward:**
1614 W 4th St	2-028H-05-125.00	26135	4

Request: **Conditional Use – Expansion of a non-conforming use**

Purpose of Request: To consider an application to request a Conditional Use to expand operations of a non-conforming use as "Utility Operation Center" in R-3 (Multi-Family Residential) District as required by the Land Development Code, Section 2.4.4.1, where the total expansion of a non-conforming property is greater than 25 percent shall require a public hearing and Planning Commission approval for a certain property located at 1614 W 4th St (Parcel 2-028H-05-125.00; PPIN 26135; Ward 4).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 2.2 **Conformity**

2.4.4 Nonconforming Uses. A legal nonconforming use is a use existing legally at the time of the passage of this Code, or the time of annexation into the City's jurisdiction, which does not by reason of use conform to the regulations of the district in which it is located. A use established after the passage of this Code which does not conform to regulations of the district in which it is located shall be considered an illegal nonconforming use and is a violation of this Code. Legal nonconforming uses of land or structures may continue only in accordance with all of the following provisions.

2.4.4.1 Expansion Prohibited. A one time expansion of 25 percent may be permitted by the Director. Expansion greater than 25 percent shall require a public hearing and Planning

Commission approval. Expansion shall include an intensification of use, a physical expansion that results in increased capacity or activity associated with the use, an extension of the hours of operation or number of days of activity and any similar change in activity or location.

4.5.7 R-3 Multi-Family Residential District: The purpose of the R-3 District is to permit medium and high density residential uses including multi-family, two-family, and single-family structures 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 residential neighborhoods with only compatible supporting institutional uses and open space.

Present Zoning: This parcel is currently zoned R-3 Multi-Family Residential District

Present Use: Light Industrial

Future Land Use: Neighborhood Business Corridor District

Surrounding Zoning and Land Use:
North: R-1A Residential
South: R-1B Residential and Place of Assembly
East: R-3 Institutional, B-1 Office.
West: R-1A Residential

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of November 23, 2021.

History / Background: The applicant met with staff in Pre-Application to discuss further expansion of the light industrial use. The applicant is proposing to install fueling facilities (fueling tanks, pavement access) on the eastern side of the site. This will increase service to existing fleet as well as expand pavement and equipment on site. Visibility of the site is illustrated in the site photos. The approximate location of the expansion is occupied by yellow pipes in the additional site photos.

This site is considered a legal non-conforming site. It is zoned R-3 Multi Family Residential but is a legally existing light industrial use. This site has had a few improvements over the last few years which have now made it impossible to legally expand in any capacity without public review. Sec. 2.4.4.1 allows for a one time 25% expansion for non-conforming uses.

A 2014 building expansion (4-14-475) was calculated at 18.2%. The current expansion's footprint, including the tank pad, would be calculated as at least a 12% expansion and would exceed 25%.

This does not take into consideration the driveway needed to access the fueling site.

A 2019 project (3-19-822) at this address, which included significant improvements to existing facilities and included improvements to paving and drainage, was not considered an expansion.

In 2014 this site was expanded under a different version of our Land Development Code. However, the same restriction on expansion of a non-conforming use was in place and should therefore be relative to this expansion.

The Planning Commission should consider the impacts to the residents, the streetscape, and the Longleaf Trace if further expansions of a light industrial use be permitted within a residentially zoned area. If approved, Planning Commission should consider implementing Conditions to reduce the impact of the expansion.

Option:

12.3.3.2 Additional Approval Criteria. In addition to the standards **[N/A]**, 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.

   Yes, the tanks and additional pavement proposed for the access can be considered as accessory structures since they are related to the general function of the site that has been permitted by the city.

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

   The two tanks proposed to be installed and placed into service are actually double-walled tanks inspected by a third party petroleum company that have been out of service. The gas trucks accessing the tanks are the same type of trucks already being used at the facility (for various operational functions). Because there will be no increase in vehicles caused by the project, there is no anticipated increase in noise or pollution. In addition, the proposed project is located ±114' from adjacent residential property to the East and ±326' from adjacent residential property to the North. Due to these buffers and reasons previously mentioned adverse impacts to the surrounding community are not expected.

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

   Approximately 6600 sq ft of pavement is proposed to be constructed. This is a small quantity of added pavement in comparison with the existing pavement structure located onsite, but is adequate for fuel trucks to properly access the two fuel tanks.

4. Will there be any additional pedestrian or vehicular traffic generated by the proposed use? No

   If yes, please explain:

   The tanks will be accessed by Spire's gas fleet trucks of which are currently operating regularly at the facility.

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

If yes, please explain:

See #2 on page 1

6. What is the expected number of customers/employees per day? _____

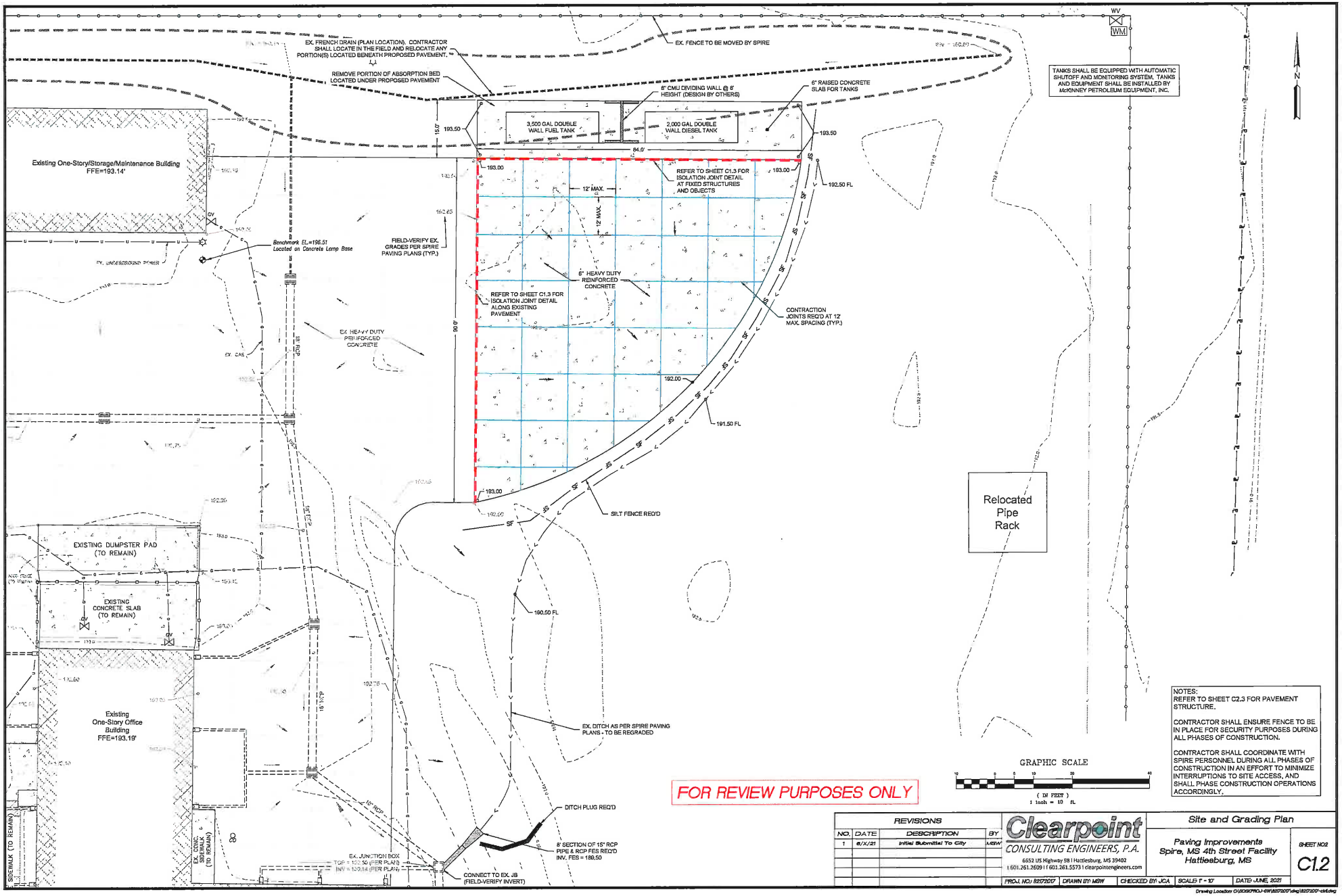
The approximate number of employees working at the facility on a daily basis is 20-25.

The proposed improvements will not cause an increase in this number of employees.

7. Parking Requirements:

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

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

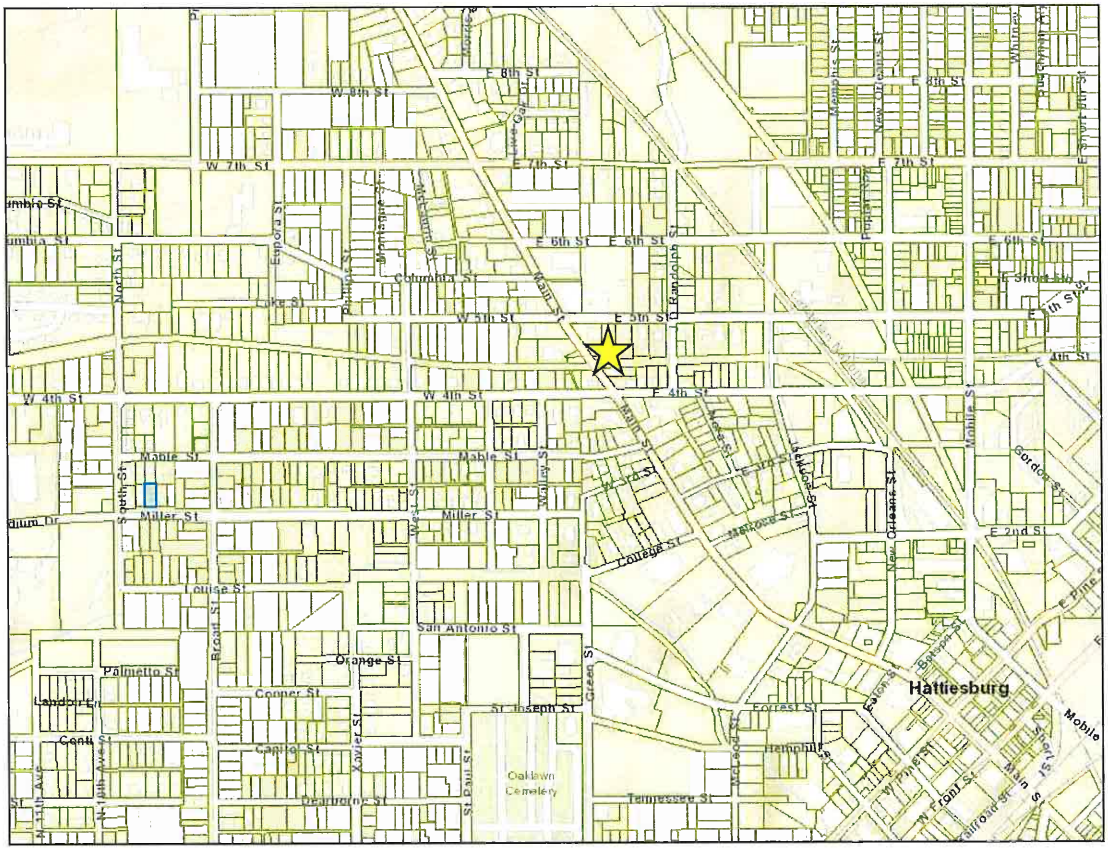

EX. FRENCH DRAIN (PLAN LOCATION). CONTRACTOR SHALL LOCATE IN THE FIELD AND RELOCATE ANY PORTION(S) LOCATED BENEATH PROPOSED PAVEMENT.
REMOVE PORTION OF ABSORPTION BED LOCATED UNDER PROPOSED PAVEMENT
EX. FENCE TO BE MOVED BY SPIRE
6" CMU DIVIDING WALL @ 8' HEIGHT (DESIGN BY OTHERS)
6" RAISED CONCRETE SLAB FOR TANKS
TANKS SHALL BE EQUIPPED WITH AUTOMATIC SHUTOFF AND MONITORING SYSTEM. TANKS AND EQUIPMENT SHALL BE INSTALLED BY McKINNEY PETROLEUM EQUIPMENT, INC.
3,500 GAL DOUBLE WALL FUEL TANK
2,000 GAL DOUBLE WALL DIESEL TANK
Existing One-Story/Storage/Maintenance Building FFE=193.14'
Benchmark EL.=196.51 Located on Concrete Lamp Base
FIELD-VERIFY EX. GRADES PER SPIRE PAVING PLANS (TYP.)
REFER TO SHEET C1.3 FOR ISOLATION JOINT DETAIL AT FIXED STRUCTURES AND OBJECTS
6" HEAVY DUTY REINFORCED CONCRETE
REFER TO SHEET C1.3 FOR ISOLATION JOINT DETAIL ALONG EXISTING PAVEMENT
CONTRACTION JOINTS REQ'D AT 12' MAX. SPACING (TYP.)
EX. HEAVY DUTY REINFORCED CONCRETE
SILT FENCE REQ'D
EXISTING DUMPSTER PAD (TO REMAIN)
EXISTING CONCRETE SLAB (TO REMAIN)
Existing One-Story Office Building FFE=193.19'
EX. DITCH AS PER SPIRE PAVING PLANS - TO BE REGRADED
DITCH PLUG REQ'D
8' SECTION OF 15" RCP PIPE & RCP FES REQ'D INV. FES = 188.50
CONNECT TO EX. JB (FIELD-VERIFY INVERT)
EX. JUNCTION BOX
EX. CONC. SIDEWALK (TO REMAIN)
SIDEWALK (TO REMAIN)
Relocated Pipe Rack
GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft
FOR REVIEW PURPOSES ONLY
NOTES:
REFER TO SHEET C2.3 FOR PAVEMENT STRUCTURE.
CONTRACTOR SHALL ENSURE FENCE TO BE IN PLACE FOR SECURITY PURPOSES DURING ALL PHASES OF CONSTRUCTION.
CONTRACTOR SHALL COORDINATE WITH SPIRE PERSONNEL DURING ALL PHASES OF CONSTRUCTION IN AN EFFORT TO MINIMIZE INTERRUPTIONS TO SITE ACCESS, AND SHALL PHASE CONSTRUCTION OPERATIONS ACCORDINGLY.
REVISIONS
NO. 1 DATE 8/X/21 DESCRIPTION Initial Submittal To City BY MBW
Clearpoint CONSULTING ENGINEERS, P.A.
6652 US Highway 98 | Hattiesburg, MS 39402
t 601.261.2699 | f 603.261.5573 | clearpointengineers.com
Site and Grading Plan
Paving Improvements
Spire, MS 4th Street Facility
Hattiesburg, MS
SHEET NO.2
C1.2
PROJ. NO.: 82072007 | DRAWN BY: MBW | CHECKED BY: JCA | SCALE: 1" = 10' | DATE: JUNE, 2021
Drawing Location: C:\SOS\PROJ-CW\82072007\dwg\82072007-civil.dwg

SUBJECT PARCEL:
1015 Main St

Chad Edmonson, Representative, and Trace 4th St. LLC, Owner

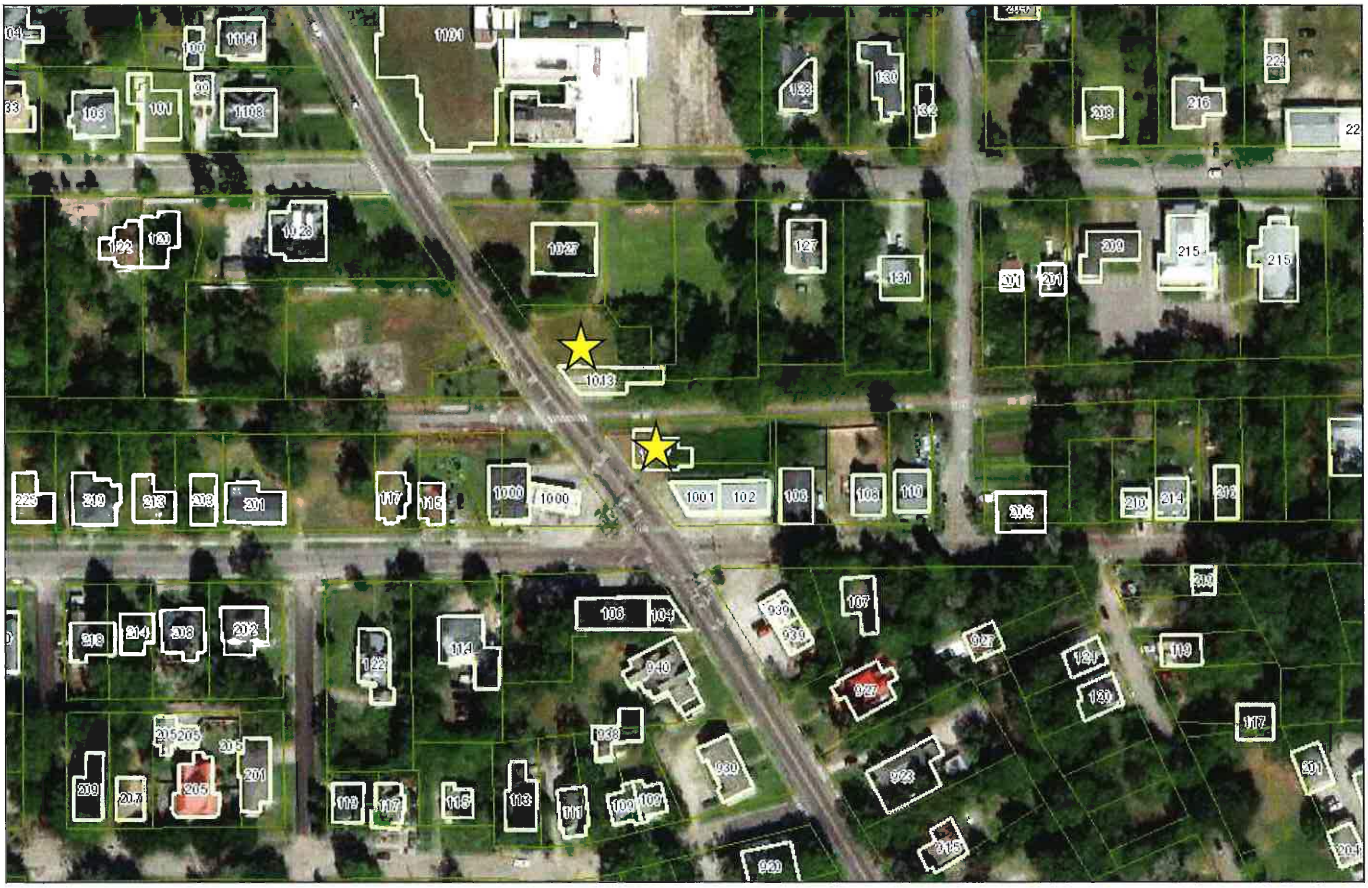
The petitioners request a Conditional Use as "Restaurant, without Drive-thru" in B-2 (Neighborhood Business) District as defined by the LDC for a certain property located at 1015 Main St (Parcels 2-029G-03-529.00, 2-029G-03-611.00, 2-029G-03-608.00; PPINs 18827, 18814, 18817; Ward 4).

Vicinity Map—Ward 2



Zoning- B-2

Site Aerial



SURROUNDING AREA

Northern Direction: B-2
Undeveloped

Southern Direction: B-2 Vacant

Eastern Direction: R-1A

Western Direction: B-2
Undeveloped, Filling station

Planning Commission
Case Fact Sheet

Name of Petitioners: Chad Edmonson, Representative, and Trace 4th St. LLC, Owner

Address of Property:	**Tax Parcel**	**PPIN:**	**Ward:**
1015 Main St	2-029G-03-529.00	18827	2
	2-029G-03-611.00	18814	
	2-029G-03-608.00	18817	

Request: **Conditional Use – "Restaurant, without Drive-thru"**

Purpose of Request: To consider an application to request a Conditional Use as "Restaurant, without Drive-thru" in B-2 (Neighborhood Business) District as defined by the LDC for a certain property located at 1015 Main St (Parcels 2-029G-03-529.00, 2-029G-03-611.00, 2-029G-03-608.00; PPINs 18827, 18814, 18817; Ward 2).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

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.

4.5.3 R-1A 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.

SECTION 5 USE REGULATIONS

5.4.36 Restaurants With and Without Drive-Through Service.
5.4.36.1 All restaurants with drive-through service shall provide a minimum of five stacking spaces associated with each drive through window.
5.4.36.2 No required or intended stacking spaces shall block the safe flow of motoring and pedestrian traffic within the parking lot.
5.4.36.3 Drive-through facilities located closer than 300 feet to a residential use shall operate no earlier than 6:00 a.m. or later than 12:00 a.m.
5.4.36.4 No part of the active use area of a drivethrough restaurant, including the drive through, menu, and window, may be located closer than 300 feet to a lot containing a legal, conforming residential use.
5.4.36.5 All restaurants located within the B-1 and B-2 districts shall be limited to a capacity of 80 seats.
5.4.36.6 All restaurants that abut residential districts shall be screened entirely from view of adjacent residential properties by an opaque fence and/or vegetative screen to a minimum height of six feet. Such screen shall meet the minimum height requirement at the time of issuance of a certificate of occupancy.

TABLE 7.11-2 Zoning Buffer Requirements
B-2 – R-1A required 20' landscaped buffer

Present Zoning: This parcel is currently zoned B-2 Neighborhood Business District

Present Use: Undeveloped

Future Land Use: Neighborhood Business Corridor District

Surrounding Zoning and Land Use:
North: B-2 Neighborhood Business District / undeveloped
South: B-2 Neighborhood Business District/ Longleaf Trace, vacant
East: R-1A Residential / undeveloped
West: B-2 Neighborhood Business District / Longleaf Trace gateway

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of November 23, 2021.

History / Background: The applicant met with staff in Pre-Application to discuss development of the site. Multiple options were discussed. Applicant is seeking a Conditional Use to develop site as a restaurant (snow cone stand) with accessory building or use. Parking will be provided on site with seating and pedestrian connections. Three parcels were included in the application but the development, as proposed, is only on PPINs 18827 and 18814. The Commission may consider reflecting this in their motion.

Option:

12.3.3.2 Additional Approval Criteria. In addition to the standards [**5.4.36**], 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.

Yes. The use will not have more than 80 seats & will have either a fence or vegetative screen between the property & adjacent residential properties.

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

The three parcels are currently abandoned lots. The proposed use of a snow cone stand/commercial building will provide an attractive amenity alongside the Longleaf Trace for the community.

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

The site can adequately fit a small scale commercial development as well as parking for the same. Applicant believes the previous commercial use was much higher density.

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

if yes, please explain:

Yes. The three parcels are currently abandoned lots & this use will restore them to a viable commercial purpose.

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

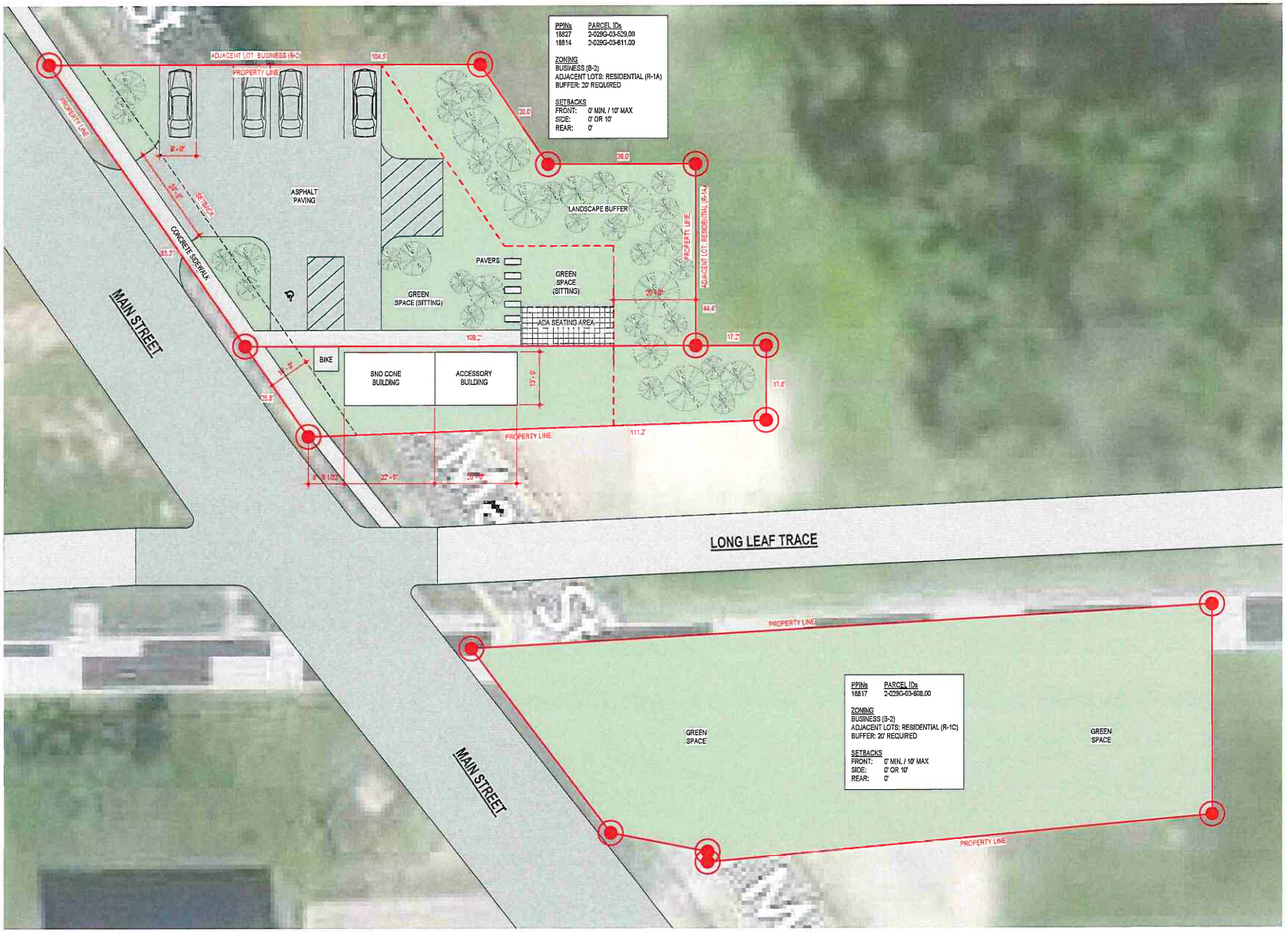
If yes, please explain:
Yes. As abandoned lots, these parcels currently have very little noise associated with them.

6. What is the expected number of customers/employees per day? 50-100.

7. Parking Requirements:

Commercial/Industrial: Paved parking will be provided for 7 vehicles, and 1 ADA vehicle(s); with _____ loading spaces.

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



OVERALL SITE PLAN
SCALE: 3/32" = 1'-0

EDMONSON SNO CONE BUILDING
HATTIESBURG, MISSISSIPPI
MAIN STREET | HATTIESBURG, MISSISSIPPI 39401

SHEET TITLE:
PROPOSED SITE PLAN

PROJECT NO:	21-9506
DATE:	10.25.21
SCALE:	AS NOTED
DRAWN BY:	RS/EH
CHECKED BY:	
REVISIONS:	

SHEET NO.:
A1

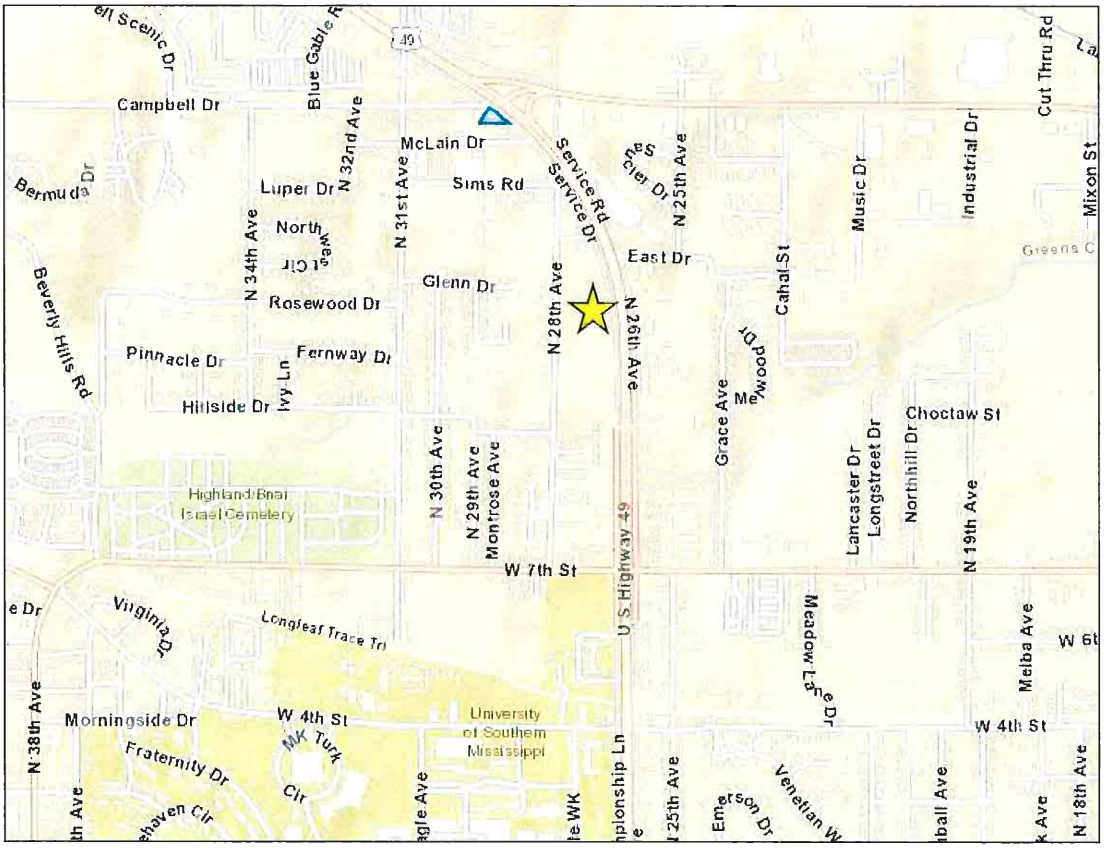
SUBJECT PARCEL:

N 28th Ave and Northwood Dr.

Creed Group Communities, LLC, Applicant, and Hulett-Winstead Funeral Home, owner, Cloud Nine Properties, LLC, owner

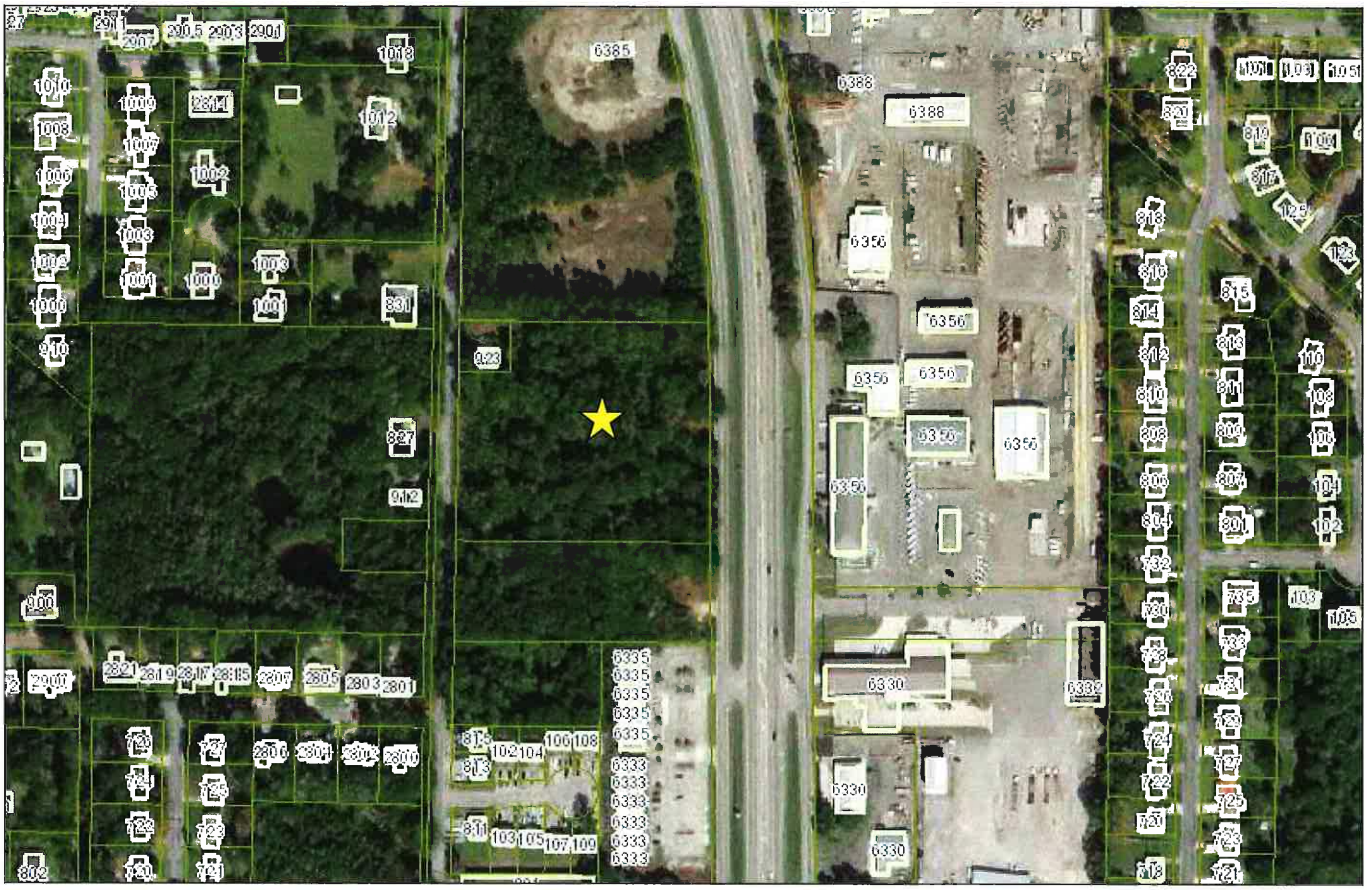
The petitioners request to change the zoning classification for certain property located along N 28th Ave and Northwood Dr (US 49 N service road) (Parcel 2-028B-05-096.00, 2-028B-05-097.00; PPIN 26048, 26051, Forrest Co., Ward 1) from Section 4.5.10 B-3 (Community Business) District to Section 4.5.7, R-3 (Multi-Family Residential) District.

Vicinity Map—Ward 1



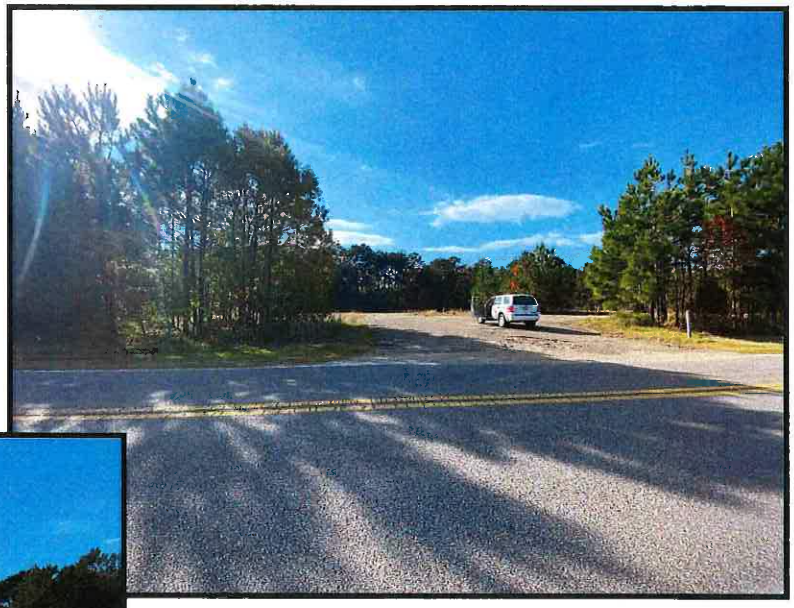
Zoning—B-3

Site Aerial



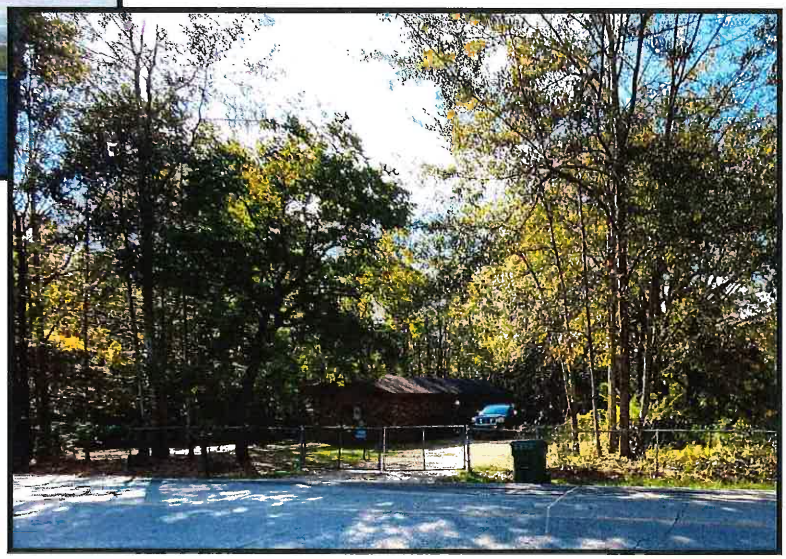
SURROUNDING AREA

Northern Direction: B-5
Undeveloped



Southern Direction: B-3
Undeveloped, Commercial, R-3
Undeveloped

Eastern Direction: B-5—Commercial



Western Direction: R-1A Residential

Planning Commission
Case Fact Sheet

Name of Petitioners: Creed Group Communities, LLC, Applicant, and Hulett-Winstead Funeral Home, owner, Cloud Nine Properties, LLC, owner

Address of Property:	**Tax Parcel**	**PPIN:**	**Ward:**
N 28th Ave and Northwood Dr	2-028B-05-096.00	26048	1
	2-028B-05-097.00	26051	

Request: **Zoning Change from I-1 to B-5**

Purpose of Request: To consider an application to change the zoning classification for a certain property located along N 28th Ave and Northwood Dr (US 49 N service road) (Parcel 2-028B-05-096.00, 2-028B-05-097.00; PPIN 26048, 26051, Forrest Co., Ward 1) from Section 4.5.10 B-3 (Community Business) District to Section 4.5.7, R-3 (Multi-Family Residential) District.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 **Zoning Districts Established**

4.5.7 R-3 Multi-Family Residential District. The purpose of the R-3 District is to permit medium and high density residential uses including multi-family, two-family, and single-family structures 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 residential neighborhoods with only compatible supporting institutional uses and open space.

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.

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.

Present Zoning: This parcel is currently zoned B-3 Community Business District

Present Use: Undeveloped

Future Land Use: Community Business Corridor District and Neighborhood Conservation District 2

Surrounding Zoning and Land Use:
North: B-5 Regional Business District/ Undeveloped
South: B-3 Community Business District & R-3 Multifamily / Undeveloped
East: B-5 Regional Business District/ Commercial
West: R-1A Single Family Residential / Residential

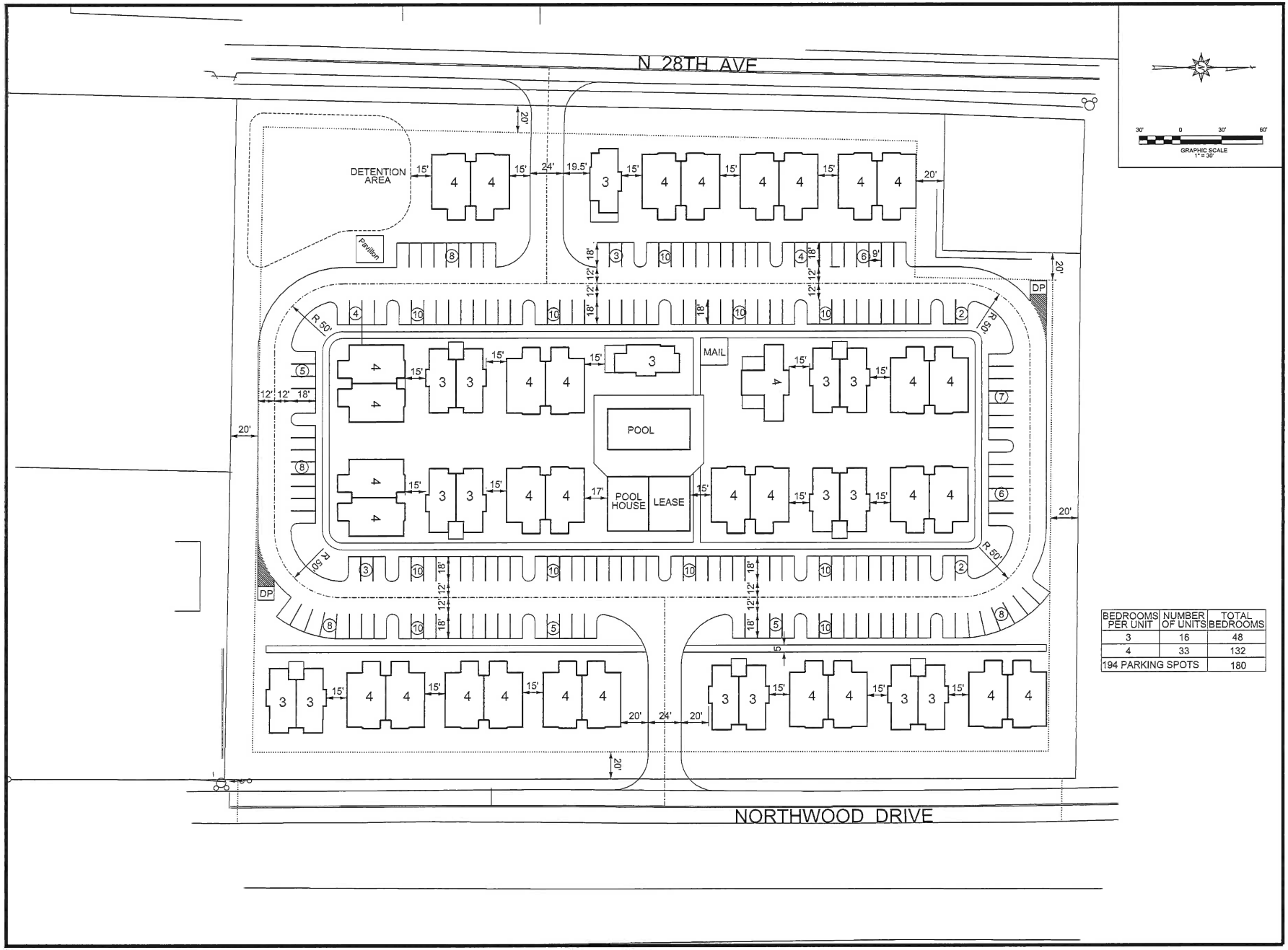
Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of November 23, 2021.

History / Background: The applicant met with staff in Pre-Application to discuss development as a multi-family development.

The applicant has met with neighborhood representatives relative to this request including the Neighborhood Association.

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



BEDROOMS PER UNIT	NUMBER OF UNITS	TOTAL BEDROOMS
3	16	48
4	33	132
194 PARKING SPOTS		180

INSITE ENGINEERING
5800 FELDSPAR WAY
HOOVER, ALABAMA 35244
OFFICE (205) 733-9696
FAX (205) 733-9697
CIVIL / GIS
INFRASTRUCTURE
ENVIRONMENTAL
PLANNING
COMMERCIAL
RESIDENTIAL

IVY ROW AT HATTIESBURG

HATTIEBURG, MS

REVIEW DRAWING
(NOT FOR CONSTRUCTION)

PROJECT INFO:
INSITE JOB No. 21127.00
PLOTTED: 11/12/20

THIS SHEET CONTAINS:
SCHEMATIC LAYOUT

SCALE: 1"= 30'
SHEET X OF x

SC-1

THE DRAWINGS AS INSTRUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROPERTY OF INSITE ENGINEERING, LLC. THEY ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF INSITE ENGINEERING, LLC
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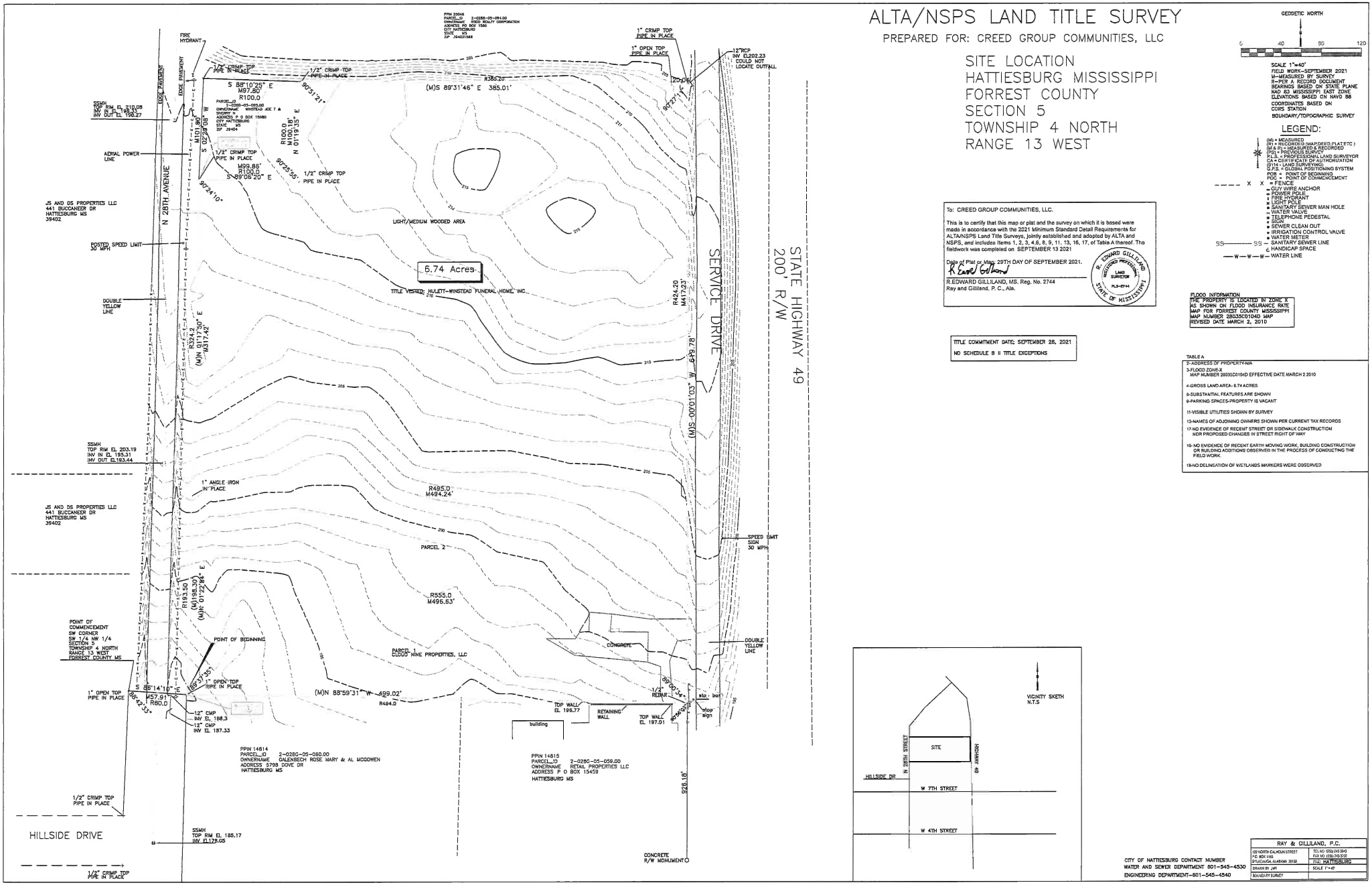
ALTA/NSPS LAND TITLE SURVEY

PREPARED FOR: CREED GROUP COMMUNITIES, LLC

SITE LOCATION
HATTIESBURG MISSISSIPPI
FORREST COUNTY
SECTION 5
TOWNSHIP 4 NORTH
RANGE 13 WEST



GEODETIC NORTH

0 40 80 120

SCALE 1"=40'
FIELD WORK-SEPTEMBER 2021
M-MEASURED BY SURVEY
R-PER A RECORD DOCUMENT
BEARINGS BASED ON STATE PLANE NAD 83 MISSISSIPPI EAST ZONE
ELEVATIONS BASED ON NAVD 88
COORDINATES BASED ON CORS STATION
BOUNDARY/TOPOGRAPHIC SURVEY

LEGEND:

(M) = MEASURED
(R) = RECORDED (MAP,DEED,PLAT,ETC.)
(M & R) = MEASURED & RECORDED
(PSI) = PREVIOUS SURVEY
R.L.S. = PROFESSIONAL LAND SURVEYOR
CA = CERTIFICATE OF AUTHORIZATION
(G114 - LAND SURVEYING)
G.P.S. = GLOBAL POSITIONING SYSTEM
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT

- X = FENCE
- GUY WIRE ANCHOR
- POWER POLE
- FIRE HYDRANT
- LIGHT POLE
- SANITARY SEWER MAN HOLE
- WATER VALVE
- TELEPHONE PEDESTAL
- SIGN
- SEWER CLEAN OUT
- IRRIGATION CONTROL VALVE
- WATER METER
- SS — SS — SANITARY SEWER LINE
- HANDICAP SPACE
- W — W — W — WATER LINE

To: CREED GROUP COMMUNITIES, LLC.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4,6, 8, 9, 11, 13, 16, 17, of Table A thereof. The fieldwork was completed on SEPTEMBER 13 2021

Date of Plat or Map: 29TH DAY OF SEPTEMBER 2021.

R.EDWARD GILLILAND, MS. Reg. No. 2744
Ray and Gilliland, P. C., Ala.

R. EDWARD GILLILAND REGISTERED PROFESSIONAL LAND SURVEYOR PLS-2744 STATE OF MISSISSIPPI

FLOOD INFORMATION
THE PROPERTY IS LOCATED IN ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP FOR FORREST COUNTY MISSISSIPPI MAP NUMBER 28035C0104D MAP REVISED DATE MARCH 2, 2010

TITLE COMMITMENT DATE: SEPTEMBER 28, 2021
NO SCHEDULE B II TITLE EXCEPTIONS

TABLE A
2-ADDRESS OF PROPERTY-N/A
3-FLOOD ZONE/X
MAP NUMBER 28035C0104D EFFECTIVE DATE MARCH 2 2010
4-GROSS LAND AREA- 6.74 ACRES
9-SUBSTANTIAL FEATURES ARE SHOWN
9-PARKING SPACES-PROPERTY IS VACANT
11-VISIBLE UTILITIES SHOWN BY SURVEY
13-NAMES OF ADJOINING OWNERS SHOWN PER CURRENT TAX RECORDS
17-NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION NOR PROPOSED CHANGES IN STREET RIGHT OF WAY
16- NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.
18-NO DELINEATION OF WETLANDS MARKERS WERE OBSERVED

CITY OF HATTIESBURG CONTACT NUMBER
WATER AND SEWER DEPARTMENT 601-545-4530
ENGINEERING DEPARTMENT-601-545-4540

RAY & GILLILAND, P.C.	
121 NORTH CALHOUN STREET P.O. BOX 1163 SYLACAUGA, ALABAMA 35150	TEL NO. (256) 245-3240 FAX NO. (256) 249-3031 FILE: HATTIESBURG
DRAWN BY: JWT	SCALE 1"=40'
BOUNDARY SURVEY	

52

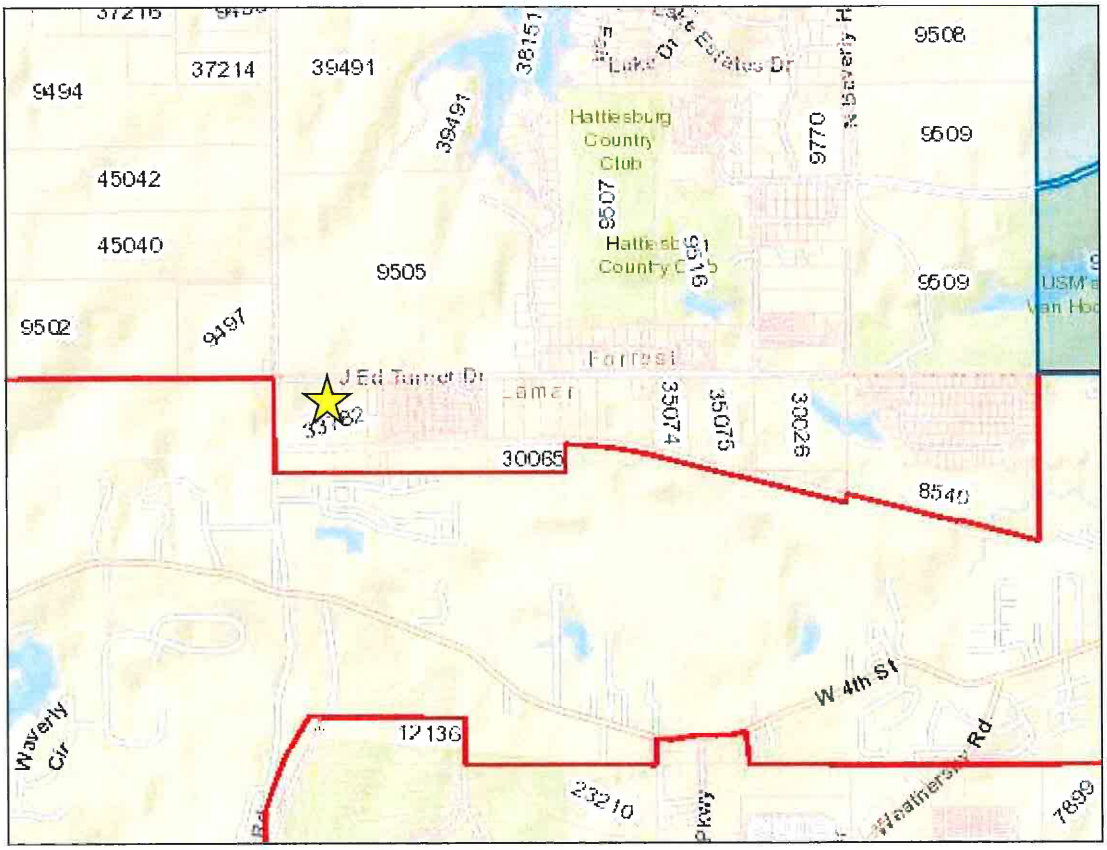
SUBJECT PARCEL:

un-zoned properties located along J. Ed Turner Drive

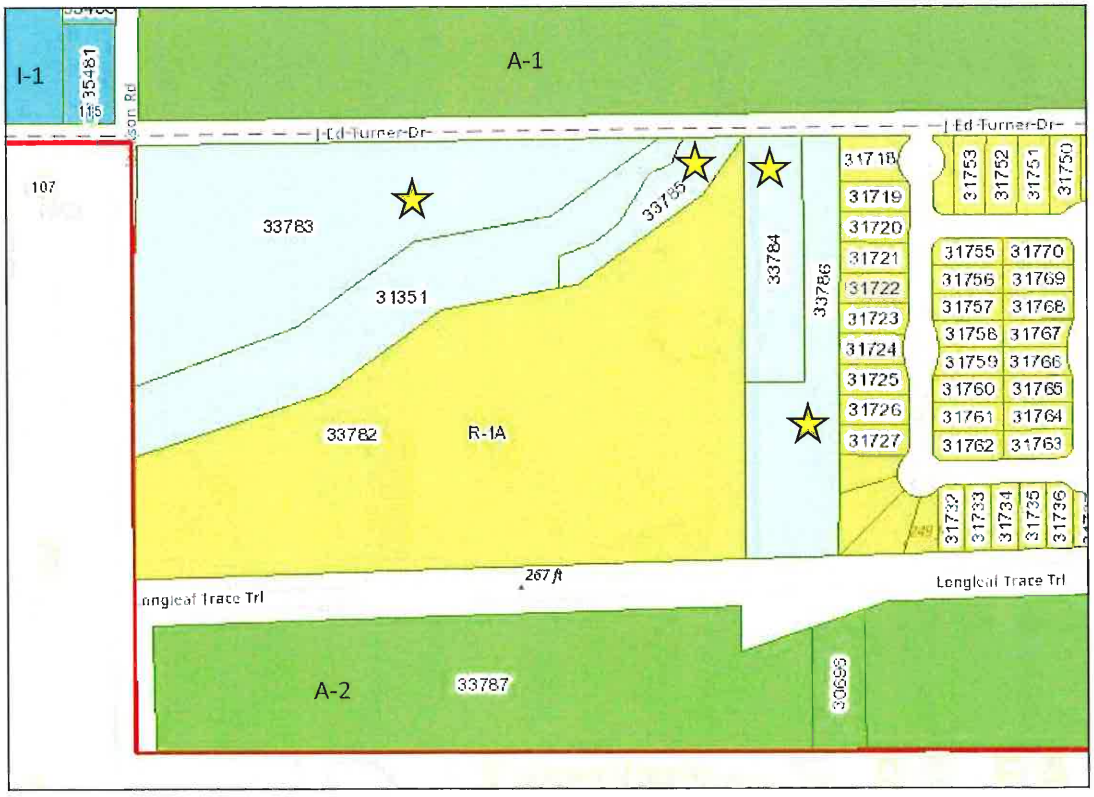
The City of Hattiesburg

The petitioners request to change the zoning classification for certain un-zoned properties located along J. Ed Turner Drive (Parcel 052B-03-004.101, 052B-03-004.102, 052B-03-004.103, 052B-03-004.104; PPIN 33783, 33784, 33785, 33786; Lamar Co., Ward 1) Section 4.5.3, R-1A (Residential) District.

Vicinity Map—Ward 1



Zoning—None



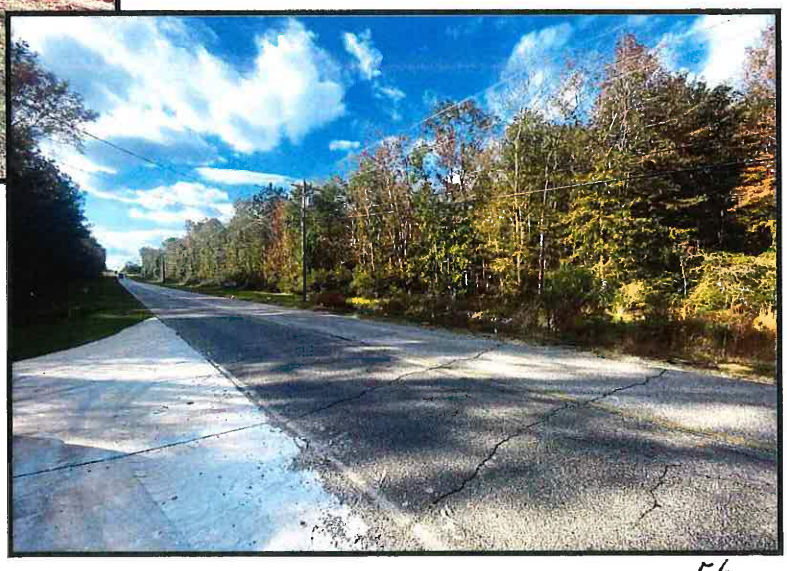
Site Aerial

SURROUNDING AREA

Northern Direction: B-5 (Regional Business) District/ Parking Lot

Southern Direction: Right-of-Way/ Railroad Yard

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



Western Direction: Outside of City Limits

Planning Commission
Case Fact Sheet

Name of Petitioners: The City of Hattiesburg

Address of Property:	**Tax Parcel**	**PPIN:**	**Ward:**
J Ed Turner Road	052B-03-004.101	33783	1
	052B-03-004.102	33784	
	052B-03-004.103	33785	
	052B-03-004.104	33786	

Request: **Zoning Change from I-1 to B-5**

Purpose of Request: To consider an application to establish the zoning classification for certain un-zoned properties located along J. Ed Turner Drive (Parcel 052B-03-004.101, 052B-03-004.102, 052B-03-004.103, 052B-03-004.104; PPIN 33783, 33784, 33785, 33786; Lamar Co., Ward 1) Section 4.5.3, R-1A (Residential) District.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 **Zoning Districts Established**

4.5.3 R-1A 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 not zoned

Present Use: Undeveloped

Future Land Use: Neighborhood Conservation District 2

Surrounding Zoning and Land Use:

North: A-1 General Agriculture/ Undeveloped
South: R-1A Single Family Residential and A-2 Agricultural Residential/ Residential & Undeveloped
East: R-1A Single Family Residential / Residential & Undeveloped
West: Outside of City Limits

Letters or Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case as of November 23, 2021.

History / Background:

Planning staff worked to identify all unzoned parcels within the city in an effort to correct existing zoning errors. The parcels presented were annexed by the City of Hattiesburg. However, zoning was not established at that time. Several other parcels which were annexed at that same time have been zoned individually by property owners. Establishing zoning should typically occur at the same time or soon after property is annexed. This request corrects that error. Remaining parcels will be brought forth in the future. PPIN 31351 is not included in this application due to lack of legal description.

R-1A Single Family Residential zoning is suggested as the appropriate zoning because it is consistent with surrounding zoning and has conservative development impacts. More intense zoning could be sought in the future by developers.

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

MEMORANDUM

TO: PLANNING COMMISSIONERS

FROM: ANDREW ELLARD, DIRECTOR OF URBAN DEVELOPMENT

CC: GINGER LOWREY, PLANNING DIVISION MANAGER

SUBJECT: ZONING CONSIDERATION – UNZONED PARCELS

DATE: 8/19/2021

Planning Commissioners,

The Planning Division staff has undertaken a project to identify any un-zoned parcels in the city limits. In almost all cases, staff was able to identify the correct zoning by reviewing GIS data and determining that zoning was not showing up for technical reasons. In some cases, simple boundary conflicts in the GIS data may result in a property showing as un-zoned; we also found that when properties had been divided, the parent parcel may retain the zoning data but not the newly created parcel(s). These issues were corrected.

There are fewer than 20 remaining un-zoned parcels and most appear to be related to former railroad rights-of-way and other situations that do not create a sense of urgency with regard to zoning.

There are five (5) un-zoned parcels along J Ed Turner Drive and Jackson Road that warrant consideration for zoning given the recent and ongoing development in the vicinity.

The City (Planning) staff recommends – and hereby makes application – for the following PPINs to be zoned as R-1A.

PPINs 33784, 33785, 31351, 33786, and 33783 (all Lamar County)

Contiguous parcels along the south side of J Ed Turner are also zoned R-1A. Other zoning in the immediate area includes A1, A2, and I1, as well as the city limit bordering unincorporated Lamar County.

In full disclosure, I (Andrew Ellard), own and reside on property on J Ed Turner Drive just over one mile away. While I do not believe that the proximity constitutes a conflict of interest in presenting this recommendation, I prefer to make it known to the commission to avoid any perception of conflict.

Thank you,

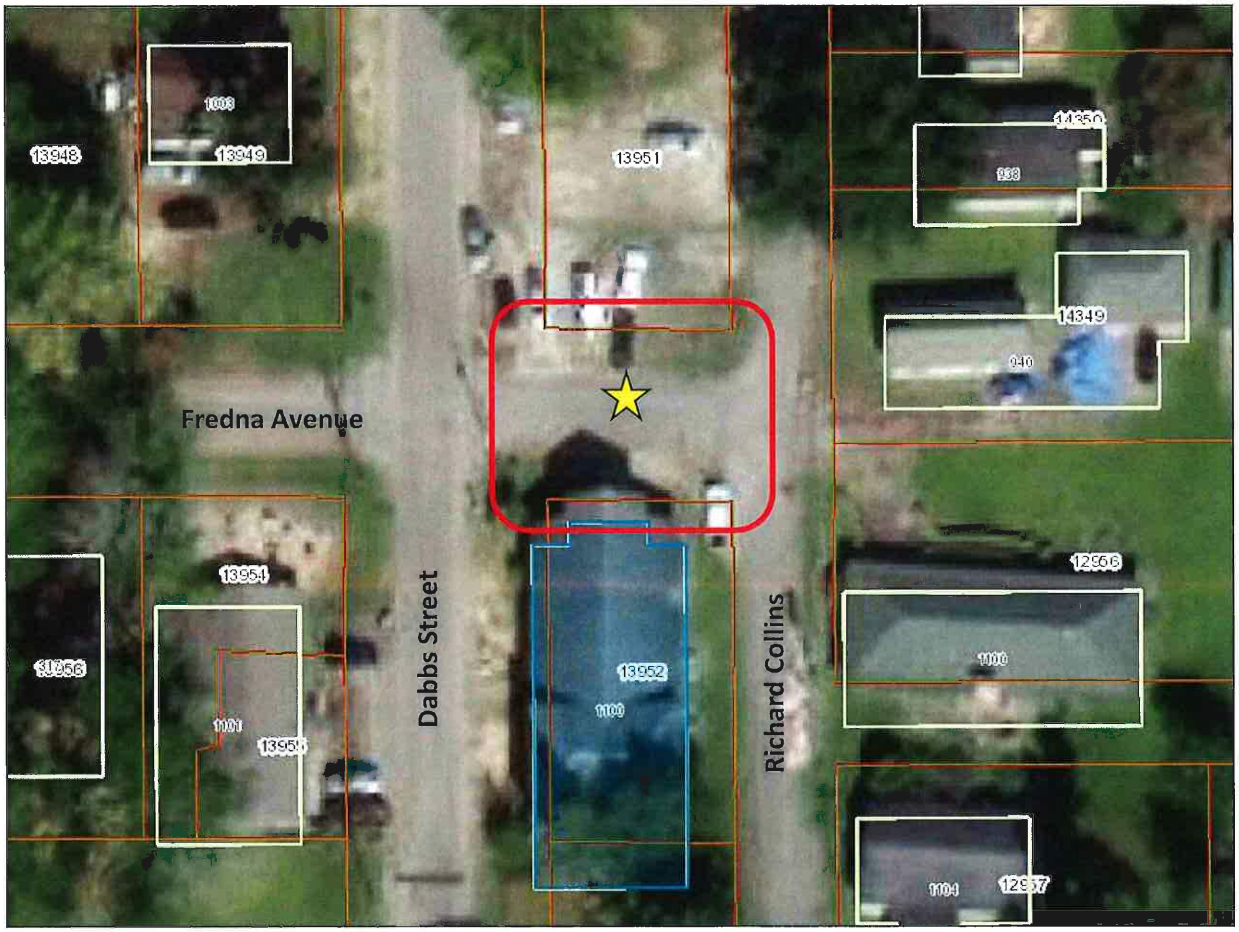
ae

SUBJECT PARCEL:

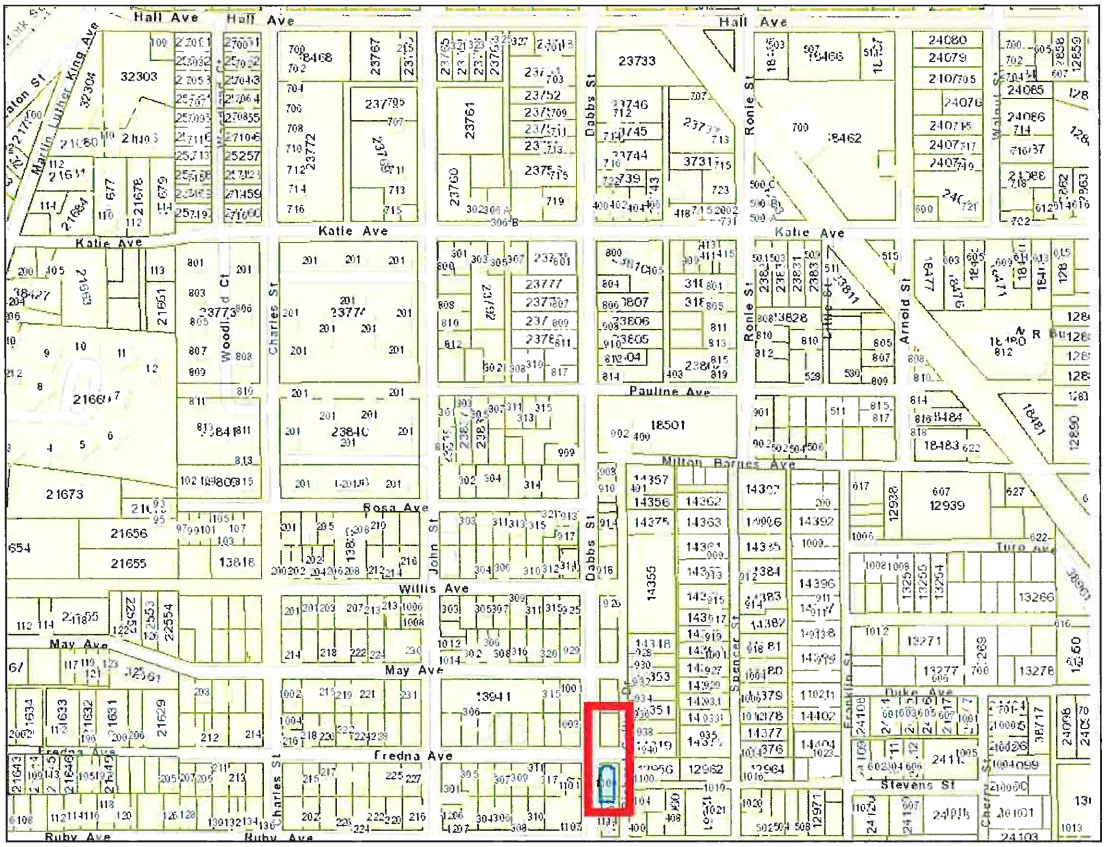
Fredna Avenue

The City of Hattiesburg

To close and vacate a portion of Fredna Avenue, which is located west of Richard Collins Dr., east of Dabbs St, North of Ruby Ave, and South of May Ave (Ward 2).

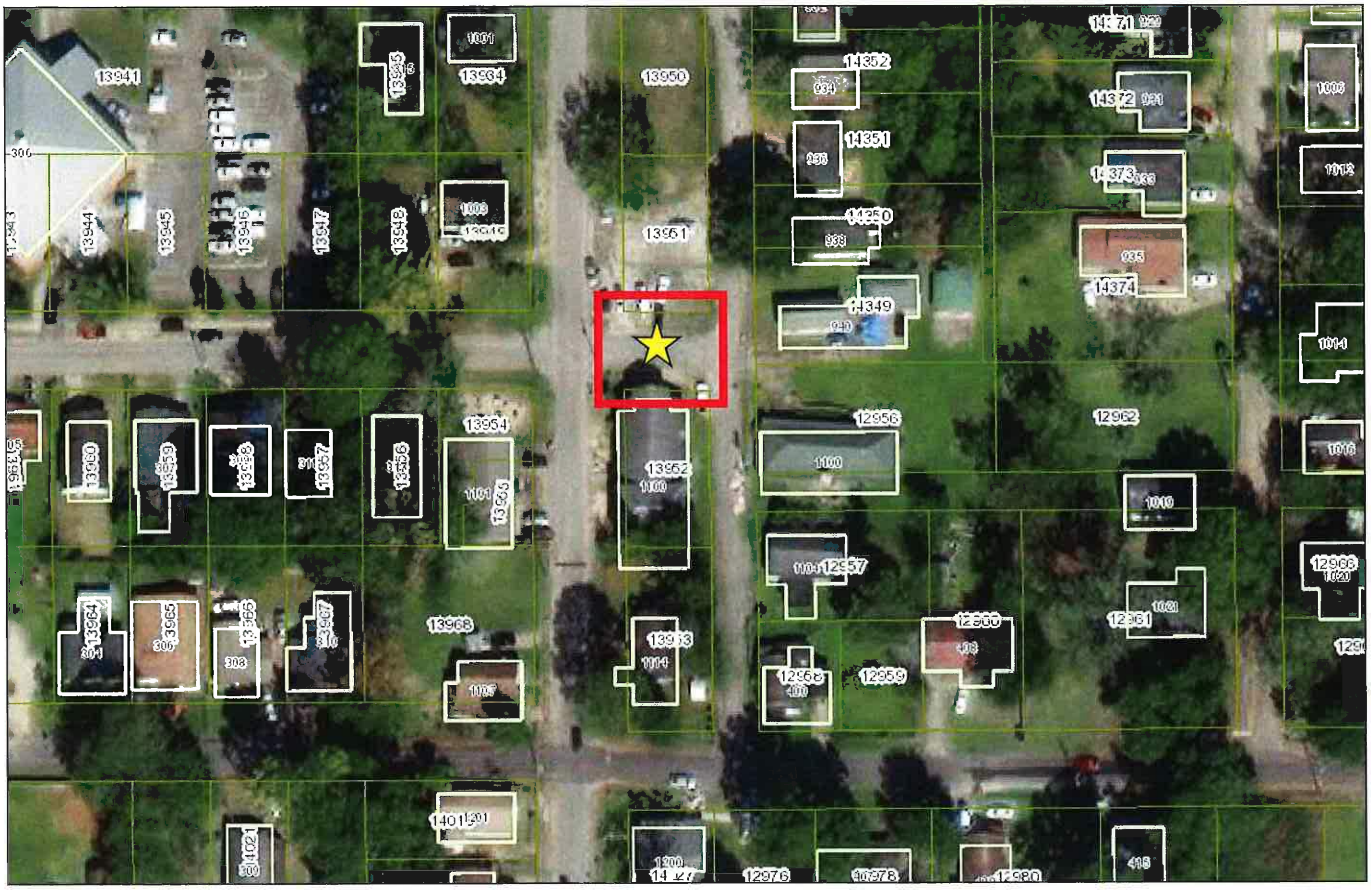


Vicinity Map—Ward 2



Zoning—B-2

Site Aerial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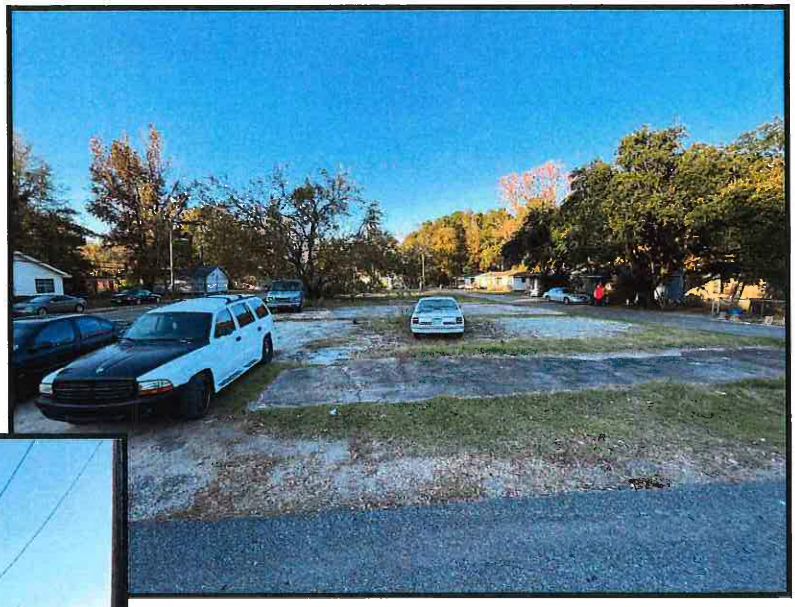
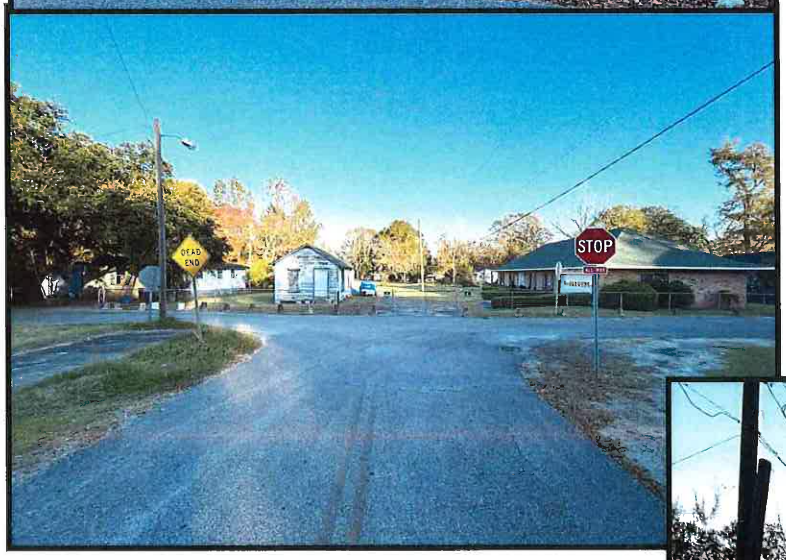
SURROUNDING AREA

Northern Direction: B-2 parking

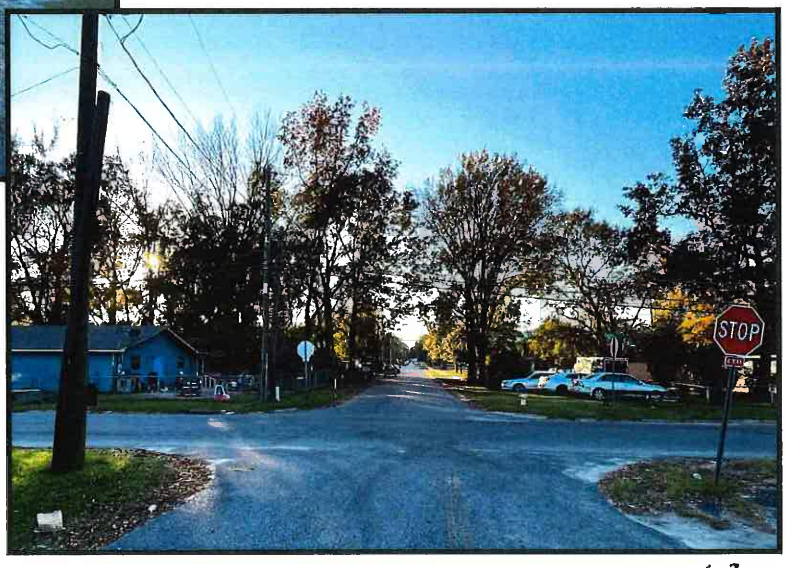


Southern Direction: B-2 former church (City is redeveloping as community center)



Eastern Direction: R-1C Residential

Western Direction: B-2 Residential



Planning Commission
Case Fact Sheet

Name of Petitioner: City of Hattiesburg

Address of Property:	**Tax Parcel**	**PPIN:**	**Ward:**
Fredna Avenue (portion of)			2

Request:	**Alley Closure**
Purpose of Request:	To consider an application to to close and vacate a portion of Fredna Avenue, which is located west of Richard Collins Dr., east of Dabbs St, North of Ruby Ave, and South of May Ave (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: B-2 Neighborhood Business District /Residential South: B-2 Neighborhood Business District / Community Center East: R-1C Single Family Residential / Residential West: B-2 Neighborhood Business District /Residential
Most Nearly Bounded By (streets):	Located west of Richard Collins Dr., east of Dabbs St, North of Ruby Ave, and South of May Ave.
Letters or Concerns stated:	The Planning Division Office has not received any letters or other written communications relative to this case, as of November 24, 2021

Item: F
City of Hattiesburg
Request for: **Street Vacation**

History / Background: This City seeks to vacate a portion of Fredna Avenue in conjunction with redeveloping the former church as a Community Center. The parcel north of the building will be developed as public parking to be used by the community center as well as the neighboring businesses and residents as needed. Community leaders were engaged early in this process. Vacation of this portion of Fredna will allow more space for the development of parking and increase pedestrian safety and connectivity to the new Community Center.

Option: Approve or Deny an application to close and vacate a portion of Fredna Avenue, which is located west of Richard Collins Dr., east of Dabbs St, North of Ruby Ave, and South of May Ave (Ward 2).