

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

Planning Commission

AGENDA

2/2/2022

I. Business Meeting

1. Review and approval of February meeting's agenda
2. Review and approval of the minutes of the January 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 George Coll, Applicant, Adam Nicolosi, Agent, and James Smith, Representative, to request a Conditional Use as a "Warehousing and Distribution" facility in a B-3 (Community Business) District as required in the Land Development Code, Ord. No. 3209, for property located along Oak Grove Road (Parcel 051R-12-089.000, PPIN 11226, Ward 3 near the intersection of Oak Grove Road and S Westover Drive).

III. Other Business

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
January 5th, 2022**

The Hattiesburg Planning Commission did meet in a regular session on January 5th, 2022, 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
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair (via GoToMeeting)
Jeff Keysear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett
Kenneth Waites

Commissioners Absent: Ricardo Bryant

Also Present: Ginger M. Lowrey, AICP, Planning Div. Manager
Jim Gladden, Esq.
Nathan Satcher, Planner
Chris Seese, Planning Office Manager
Steve Mitchell, Building Official

AGENDA REVIEW

There came the matter of the January Agenda. Item A was removed from the January Agenda at the applicants request. A request was made by Chair Miller for a motion to approve the January 2022 Agenda. A motion to approve was made by Commissioner Ray and seconded by Commissioner Pickett.

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

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

Commissioners voting nay: None

MINUTES REVIEW

There came the matter of the December 1, 2021 minutes. A motion was made by Commissioner Ray to approve the minutes. Commissioner Conville seconded the motion.

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

Commissioners voting nay: None

REPORTS

BUILDING REPORT

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

PLANNING REPORT

There came the matter of the Planning Report by Ginger Lowrey, Planning Division Manager. On December 20, 2021, City Council approved the I-1 to B-5 rezone located at 4607 Hardy St (HPC Approval Upheld), approved conditional use for a restaurant without drive-through in a B-2 zone located at 1015 Main St (HPC Approval Upheld), approved B-3 to R-3 rezone for property located along N 28th Ave and Northwood Drive (HPC Approval Upheld), un-zoned parcels being established as R-1A zone on J.Ed Turner drive (HPC Approval Upheld), and the closure of a portion of an alley on Fredna Ave (HPC Approval Upheld). On January 4th,

2022, City Council Denied the conditional use for an expansion of a non-conforming use at 1614 W 4th St (HPC Denial Upheld).

CHAIR’S REPORT

There came the matter of the Chair’s Report by Chair Mark Miller. Chair Miller reminder attendees to be careful with the new COVID variant, as many of his family members have contracted the virus even though they were vaccinated. Chair Miller also discussed the subcommittee that has been formed to further research accessory dwelling units (ADUs) and hopes to continue that conversation in the next few weeks.

INTRODUCTIONS

The Commissioners introduced themselves.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item B (Rezone), to consider a request filed by Reed Nelson, William Drinkwater, and Sheldon Alston (Representatives), as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for certain properties located on Chevy Chase Drive, S. 31st Avenue, S. 30th Avenue, and Lorraine Street as listed: PPIN 20848 Parcel 2-028N-07-075.00, PPIN 20847 Parcel 2-028N-07-074.00, PPIN 20840 Parcel 2-028N-07-059.00, and PPIN 20841 Parcel 2-028N-07-060.00 from Section 2.3 Mixed Use District MX-3 to Section 2.3 Mixed Use District MX-4; PPIN 20846 Parcel 2-028N-07-073.00, PPIN 20845 Parcel 2-028N-07-072.00, PPIN 20844 Parcel 2-028N-07-071.00, PPIN 20843 Parcel 2-028N-07-062.00, and PPIN 20842 Parcel 2-028N-07-061.00 from Section 2.5 Residential Attached District RA-3 to Section 2.3 Mixed Use District MX-4; PPIN 20857 Parcel 2-028N-07-070.00, PPIN 20856 Parcel 2-028N-07-069.00, PPIN 20855 Parcel 2-028N-07-068.00, PPIN 20849 Parcel 2-028N-07-063.00, PPIN 20850 Parcel 2-028N-07-064.00, PPIN 20806 Parcel 2-028N-07-057.00, PPIN 20807 Parcel 2-028N-07-056.00, PPIN 20809 Parcel 2-028N-07-055.00, PPIN 20808 Parcel 2-028N-07-054.00, PPIN 20810 Parcel 2-028N-07-053.00, PPIN 20811 Parcel 2-028N-07-052.00, PPIN 20812 Parcel 2-028N-07-051.00, and PPIN 20822 Parcel 2-028N-07-050.00 from Section 2.5 Residential Attached District RA-3 to Section 2.3 Mixed Use District MX-3, Ward 4.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	William Drinkwater	Illegible	
	Reed Nelson		

	Josh Mars	
<u>Proponents:</u>	Todd Jackson	Hattiesburg, MS
<u>Opponents:</u>	None	

William Drinkwater, Representative, presented the application. He opened that Josh Mars and Reed Nelson have spent a considerable amount of time with City Administration and Officials to ensure that this is a project that City Council would approve. Mr. Drinkwater presented on the function of Jones Companies and how this zoning change would allow for Jones Companies to establish their headquarters in Hattiesburg, MS. Mr. Drinkwater noted the economic impact, public need, and the increased demand for commercial development in Midtown and not residential based on how the area has been developed so far. Commissioner Ray raised concerns about the lack of entertainment aspects of the proposed development, noting an office space provides little for nearby residences. Commissioner Waites asked for clarification on the public need for the project. Mr. Drinkwater noted the tax benefits, economic impact, and how the project resolves challenges to development by means of eliminating parcel ownership fragmentation. Commissioner Pickett noted a recent press conference where this was presented to the public with the Mississippi Governor before the details of a zoning change had been accomplished. Commissioner Conville noted Mr. Drinkwater's Presentation included that the acquisition of property counts as substantial change with a certain intent, and urged the commission to not set the precedence that "deep pockets can undermine the rule of law". Commissioner Conville argued that purchasing a property with intent to redevelop should not count as a substantial change. Reed Nelson, representative of Jones Companies, presented on some details of the site plan that was not addressed in Mr. Drinkwater's presentation, noting the site plan is still conceptual, but the economic impacts are not. Josh Mars, Representative of Jones Companies, spoke and agreed that they did "get the cart before the horse", but shared insight into the complexities of this development as to why that happened. Todd Jackson of the ADP, Proponent, reiterated the positive economic impacts of this project.

Chair Miller declared the Public Hearing closed and the Business Meeting open for voting on the request (Item B). Chair Miller, noted that while the Jones Companies Headquarters is not necessarily what he had envisioned with Midtown, but is comfortable with how this plan is mixing in. Commissioner Dawe noted that the positives outweighed the negatives for this development. Commissioner Keysear made a motion to approve the request

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 Lockett seconded the motion. Mrs. Lowrey conducted a roll call vote. Commissioners attending in person submitted physical voting sheets.

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

Commissioners voting nay: None

Commissioners Abstaining: Rebekah Ray

BUSINESS MEETING

Having no further business, Commissioner Pickett made a motion to adjourn the meeting. The motion was seconded by Commissioner Lockett. The meeting was adjourned at 2:33 PM.

Mark Miller, Chair

Ginger Lowrey, Planning Division Manager



**Planning Commission
Case Fact Sheet**

Names of Petitioner: George Coll, Applicant, Adam Nicolosi, Agent, and James Smith, Representative

Address of Property:	Tax Parcel	PPIN:	Ward:
-Oak Grove Road (Vacant Lot)	Parcel 051R-12-089.000	11226	3

Request: **Warehousing and Distribution**

Purpose of Request: To consider an application to request a Conditional Use as "Warehousing and Distribution" facility in a B-3 (Community Business) District for property located along Oak Grove Road (Parcel 051R-12-089.000, PPIN 11226, Ward 3 near the intersection of Oak Grove Road and S Westover Drive).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts Established

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.

12.3.3.4 Reestablishment Restricted. A legal Conditional Use, as approved by the Governing Authority (City Council), when discontinued or abandoned, shall not be resumed.

Discontinuance or abandonment shall be defined as:

- i. When land used for a legal conditional use ceases to be used in a bona fide manner or a period of six consecutive calendar months;

Item: A
George Coll, Applicant, Adam Nicolosi, Agent,
and James Smith, Representative
Request for: **Conditional Use**

- ii. When a building designed or arranged for a Conditional Use ceases to be used in a bona fide manner as a legal nonconforming use for continuous period of six consecutive calendar months;
- iii. When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a Conditional Use for a period of six consecutive calendar months.

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

Present Use: Undeveloped lot

Future Land Use: Regional Business

Surrounding Zoning and Land Use:

North: B-5 (Regional Business) District – Retail/Shopping Center
South: R-3 (Multi-family Residential) District – Vacant Lot
East: Outside of City Limits – Multi-Family Residential
West: B-3 (Community Business) Professional Offices

Most Nearly

Bounded By (streets):

The parcel is most nearly bounded by Oak Grove Road to the North, Foxgate Ave to the East, and Westover Drive. to the West. The parcel is accessible from Oak Grove Road.

Letters or

Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case as of January 24th, 2022

History / Background:

The petitioner met with the Planning Division to discuss the purchase of the subject property and establishing a warehousing and distribution facility on the site for Mr. Sippi Beverages. The petitioner would like to construct two warehouses on the proposed site; 6,000 ft² and 10,000 ft² facilities, respectively. The petitioner has provided a conceptual site plan for the site, demonstrating the layout of the proposed facilities with ample developable space. As the property is currently zoned B-3, a Conditional Use is required to establish the proposed development on site. During Pre-Application, staff noted the typical zoning buffer requirement for B-3 of 30 ft. While the property to the East is not within the City of Hattiesburg Limits, staff suggested maintaining or adding additional plantings to the 30 ft buffer as the current use of the neighboring property is multi-family residential. This may be added as a Condition by the Commission.

Option: **Basis for approval:**

12.3.3.2 Additional Approval Criteria. 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.

SUBJECT PARCEL:

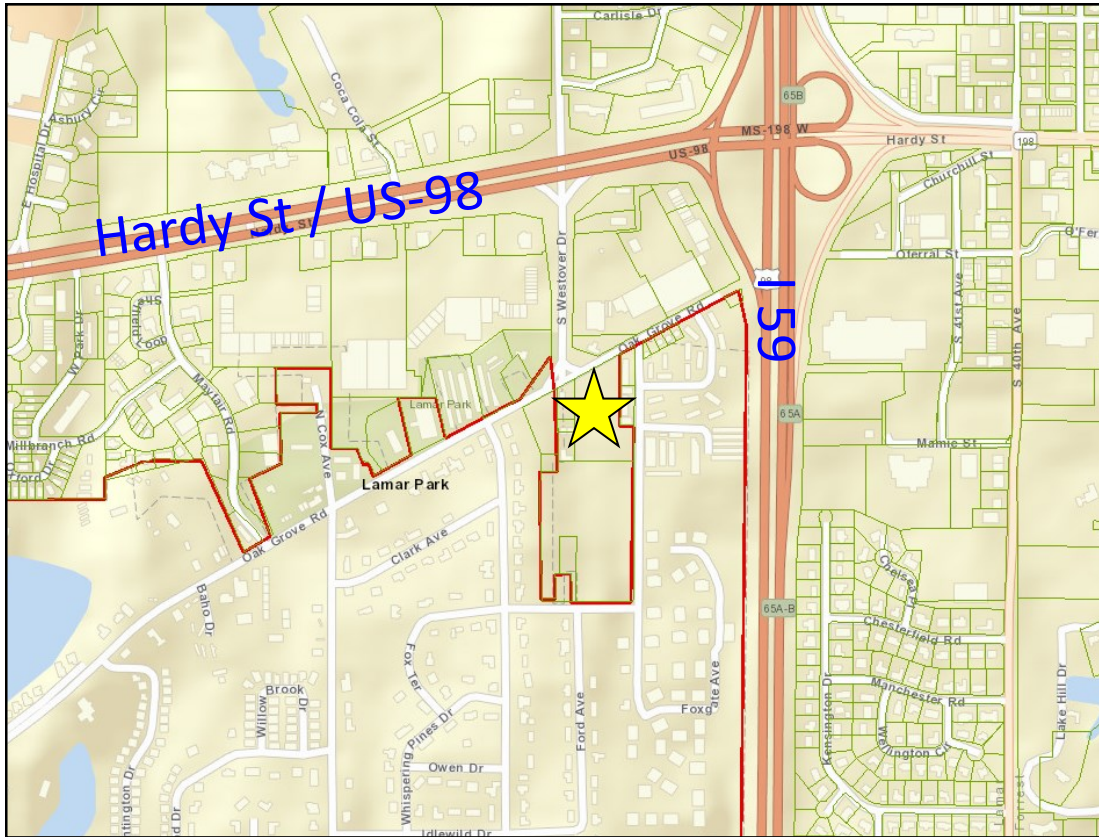
Oak Grove Road (Vacant Parcel)

George Coll, Applicant, Adam Nicolosi, Agent, and James Smith,
Representative

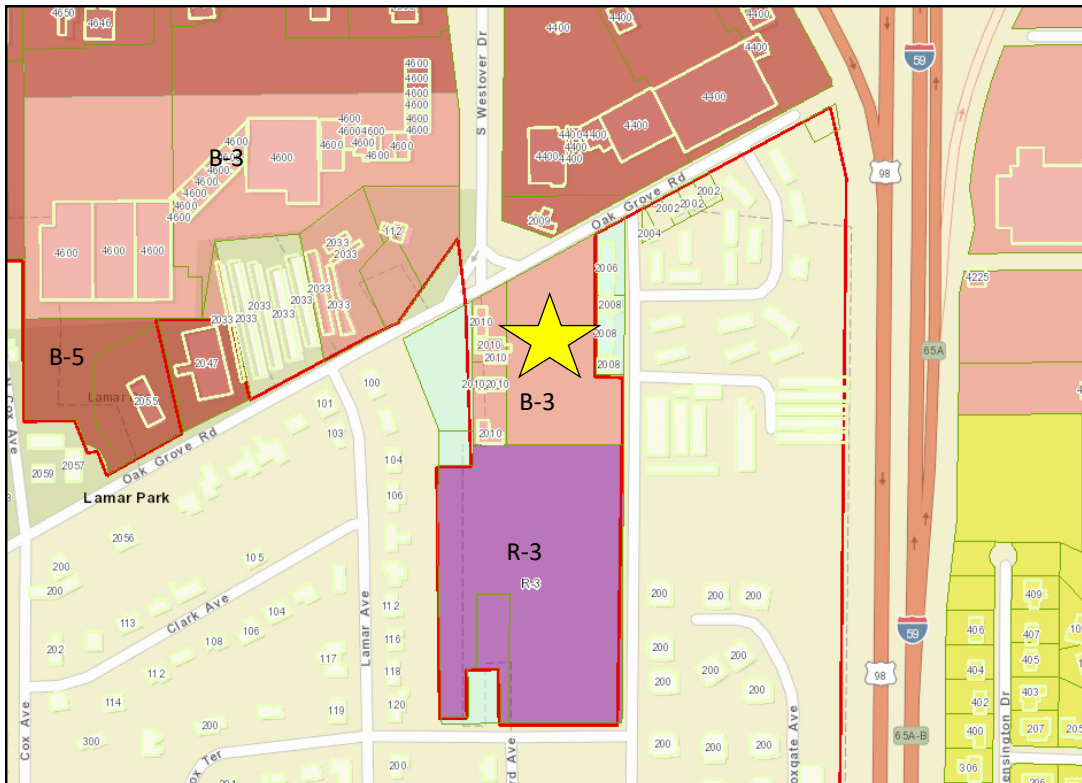
The petitioners request a Conditional Use as “Warehousing and Distribution” facility in a B-3 (Community Business) District for property located along Oak Grove Road (Parcel 051R-12-089.000, PPIN 11226, Ward 3 near the intersection of Oak Grove Road and S Westover Drive).



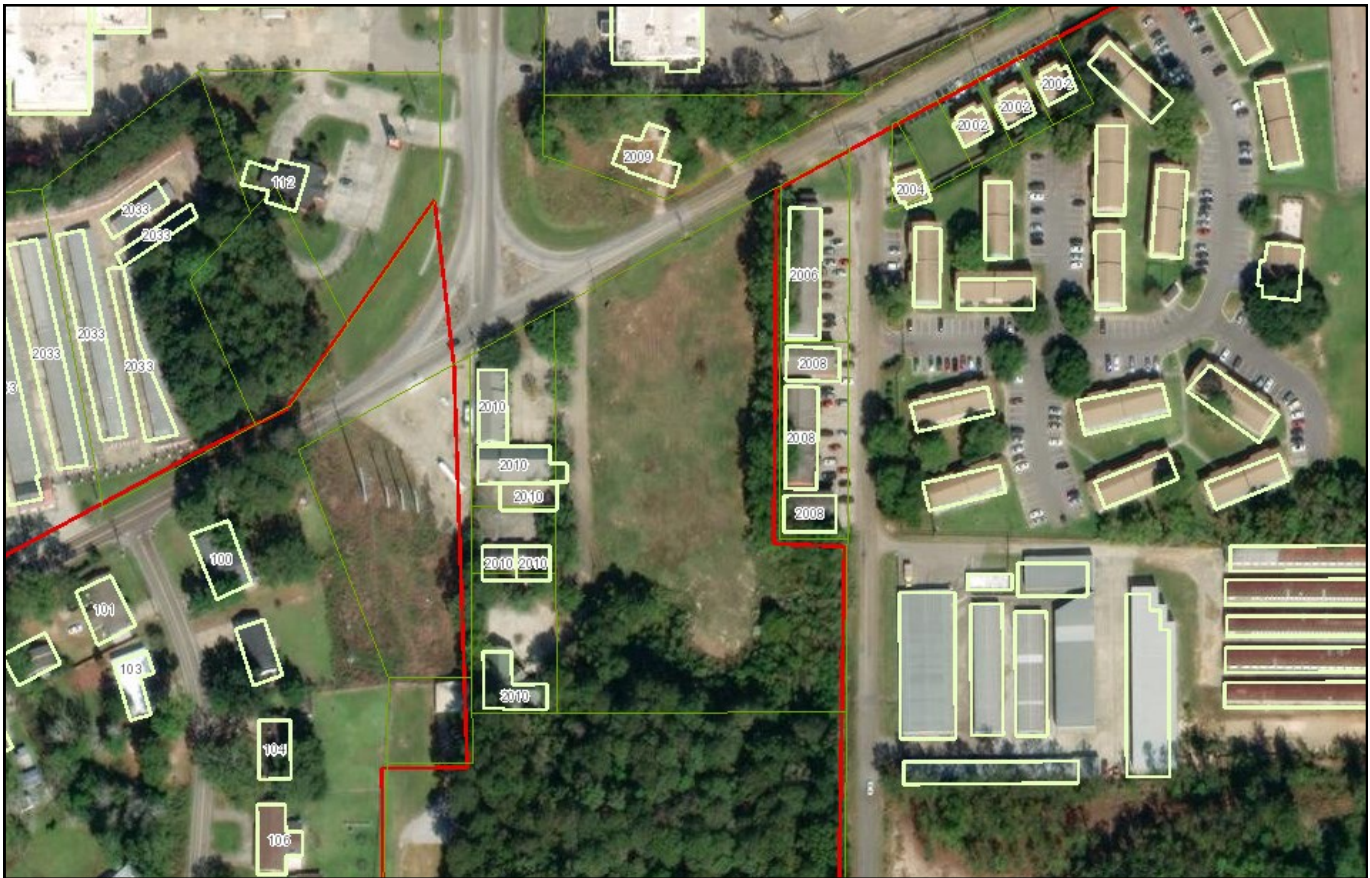
Vicinity Map—Ward 3



Zoning- B-3



Site Aerial



SURROUNDING AREA

Northern Direction: B-5

Retail/Shopping Center



Southern Direction: R-3 Vacant

Eastern Direction: Outside of City Limits / Multi-Family Residential



Western Direction: B-3 Office Spaces

SURROUNDING AREA

**Western Direction: B-3 Office
Spaces**

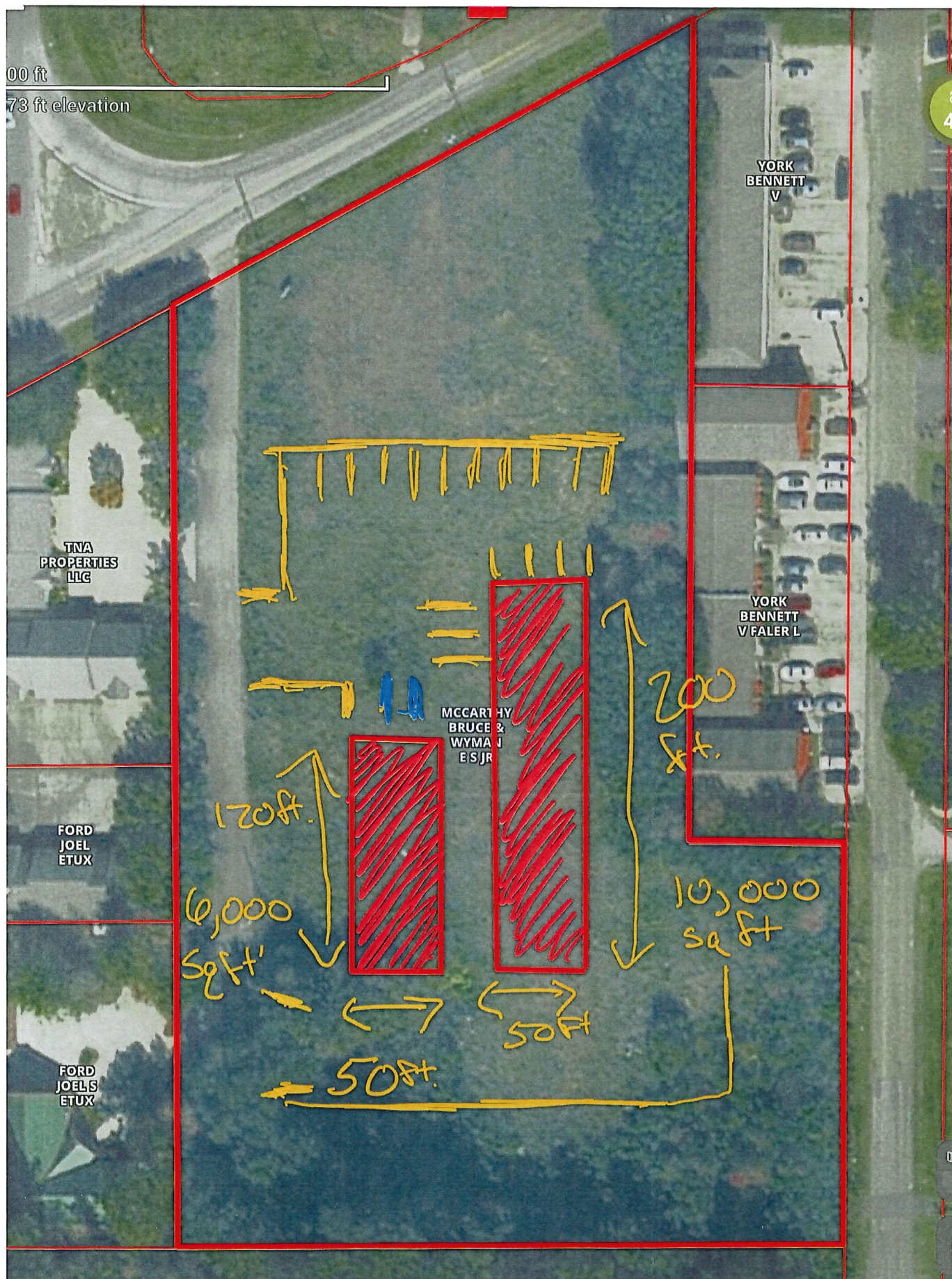


**Eastern Direction: Street view
(Not in City Limits)**

Westover / Oak Grove Road Intersection from site looking northwest



Conceptual Site Plan



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 there are no conditions of use for
warehousing & distribution

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

In our view, there are only positive effects for this
community, in that we are an established reputable company
with normal operating hours and minimal employees with
low traffic in and out.

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

The 3.68 acre lot is sufficient for the size of the
buildings and parking lot and required set backs

4. Will there be any additional pedestrian or vehicular traffic generated by the proposed use? yes
If yes, please explain:

Only minimal traffic could be generated as our staff
is less than 15 total employees with route trucks
arriving once per day for pick-ups and deliveries

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

If yes, please explain:

there is no manufacturing taking place.

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

customers - 0-1. (Business is delivery based)
employees - 12-15.

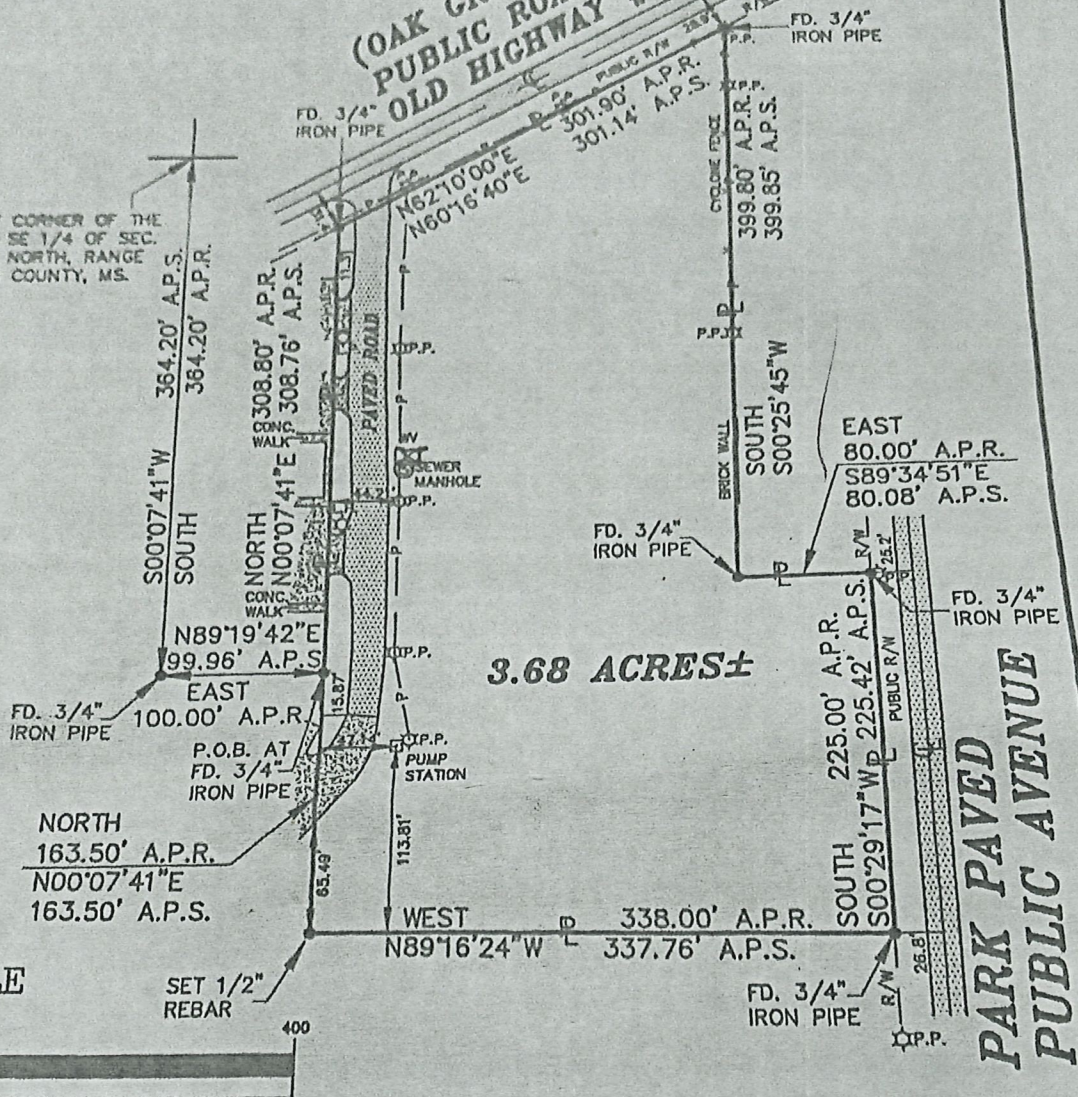
7. Parking Requirements:

Commercial/Industrial: Paved parking will be provided for 15-20 vehicles, and
1-2 ADA vehicle(s); with 2 loading spaces.

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

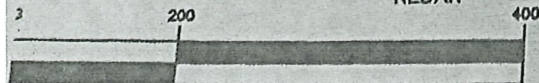
E NORTHWEST CORNER OF THE
1/4 OF THE SE 1/4 OF SEC.
TOWNSHIP 4 NORTH, RANGE
WEST, LAMAR COUNTY, MS.

(OAK GROVE PAVED
PUBLIC ROAD)
OLD HIGHWAY #11



3.68 ACRES±

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

I, THE SURVEYOR, DO HEREBY CERTIFY THAT I HAVE CAUSED A
PLAT OF THE PROPERTY LINES SHOWN ON
THIS SURVEY TO BE TRUE AND CORRECT
TO MY KNOWLEDGE AND BELIEF.

SURVEYOR

BRUCE MCCARTHY

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PROFESSIONAL SURVEYORS
511 SOUTH MAIN STREET
PETAL, MISSISSIPPI 39465
PHONE: (601) 582-1818



SURVEY
CLASSIFICATION

	A
X	B
	C
	D

NOTE: ALL BEARINGS SHOWN
ON THIS PLAT WERE
DERIVED FROM A

X	SOLAR OBSERVATION
	O P S
	RECORD BEARING

REV. BY CHK. BY

DATE:
09-26-03

PARTY CHIEF:
ADAM SMITH

TECHNICIAN:
STEVE AULTMAN

DRAWN BY:
KIM BRELAND

DRAWING NO.:
M26305