

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

Planning Commission

AGENDA

6/1/2022

I. Business Meeting

1. Review and approval of June meeting's agenda
2. Review and approval of the minutes of the April and special called session (May 16) 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 David Lee, owner, Charles Dawe, representative, and Forrest Dungan, Engineer as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for certain properties located south of Lincoln Road (Parcel 056L-23-015.000, PPIN 17642, and Parcel 056L-23-004.000, PPIN 29025 Lamar County, Ward 3) from Section 5.4.10 Community Business District B-3 to Section 5.4.3 Residential District R-1A.

B. A petition has been filed by De'Broski R. Herbert, owner, as required in the Land Development Code, Ord. No. 3209, to request a conditional use for "Horticulture-for profit and research-related" in an I-1 Zone (Light Industrial) for a certain property located at 88 Academy Drive (Parcel 2-042I-36-006.00, PPIN 7069, Forrest County, Ward 5).

C. A petition has been filed by Andy Stetelman, owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a property located at 3207 Hardy St (Parcel 2-028K-07-034.00, PPIN 23004, Forrest County, Ward 3) from Section 5.4.9 Neighborhood Business District B-2 and Section 4.5.7 Multi-Family Residential District R-3 to Section 5.4.10 Community Business District B-3.

III. Other Business

IV. Adjournment



URBAN DEVELOPMENT

PLANNING DIVISION

MEMORANDUM

TO: Hattiesburg Planning Commission
FROM: Planning Staff
DATE: May 9th, 2022
SUBJECT: May 16, 2022 – Hattiesburg Planning Commission – Special Called Meeting

The Hattiesburg Planning Commission will meet in regular session at 1:00 pm. Wednesday, June 1st, 2022 in the dining room of the Jackie Dole Sherrill Community Center. The Planning Commission public hearing agenda contains three (3) items: two (2) zoning changes, and one (1) conditional uses.

The Board of Adjustment will The Hattiesburg Planning Commission will meet in regular session at 3:30 pm. Wednesday June 1st, 2022 in the dining room of the Jackie Dole Sherrill Community Center. The Board of Adjustment public hearing agenda contains two (2) variance requests.

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

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 Kennedy, Council Clerk
Ginger M. Lowrey, AICP, Planning Div. Manager
Wiley Quinn, Code Enforcement Manager
Nathan Satcher, Planner
Russell Archer, Historic Planner
Lamar Rutland, Director of Engineering
Andy Parker, City Arborist
Kevin Bates, Building Official

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
April 6th, 2022**

The Hattiesburg Planning Commission did meet in a regular session on April 6th, 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
Jeff Keysear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett

Commissioners Absent: Ricardo Bryant

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

AGENDA REVIEW

There came the matter of the April Agenda. A request was made by Chair Miller for a motion to approve the February 2022 Agenda. A motion to approve was made by Commissioner Conville and seconded by Commissioner Ray.

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
Rebekah Ray
Rhoda A. Pickett

Commissioners voting nay: None

MINUTES REVIEW

There came the matter of the March 2, 2022 minutes. A motion was made by Commissioner Conville to approve the minutes. 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)
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett

Commissioners voting nay: None

REPORTS

BUILDING REPORT

Steve Mitchell, Building Official, provided the Building Permit Report for March 2022. Staff emailed copies to the Commissioners before the meeting, and physical copies were provided to Commissioners who attended in person.

PLANNING REPORT

There came the matter of the Planning Report by Mrs. Lowrey, Planning Division Manager. On March 22, 2022, City Council approved the rezone request filed by Reed Nelson, William Drinkwater, and Shelton Alston to change the zoning classification for certain properties located on S 30th Ave, S 31st Ave from RA-3 to MX-3 (HPC Approval Upheld). City Council also denied the rezone request filed by Michal Long, Floyd Gray, and Steven Parker to change the zoning classification for certain properties on Classic Drive from A-1, R-3 to R-1B (HPC Denial Upheld). Mrs. Lowrey also noted that Commissioner Kenneth Waites (Ward 1) had

resigned, effective April 1st, 2022 and a new commissioner will be filling his position for the next Planning Commission Meeting. Mrs. Lowrey also noted that Steve Mitchell, Building Official, is retiring and this will be his final Planning Commission meeting.

CHAIR'S REPORT

There came the matter of the Chair's Report by Chair Mark Miller.

INTRODUCTIONS

The Commissioners introduced themselves.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item A (Historic Flood Variance), filed by Stephens Daniel, Applicant, and Carol Drake, Owner as required in the Flood Damage Prevention Ordinance No. 3294, as amended of the City of Hattiesburg, Mississippi, to request a variance from Article 6, Section E, which states that qualifying historic structures may apply for a flood variance from the requirement to elevate or flood-proof the structure, for 100 Hardy St (Parcel No. 2-029O-10-033.00, PPIN 19356, Forrest County, Ward 4).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Stephens Daniel	398 E Main St, St. 209	Tupelo, MS 38804

Proponents: None

Opponents: None

Stephens Daniel, the architect for the project, presented the application. Stephens discussed the historic status of the building and his initial consultation with the City of Hattiesburg and Russell Archer, the Historic Preservation Planner, for the project. He noted the extent of the building renovation, noting the exterior will maintain its existing appearance and some updated landscaping will be done to the site that has been discussed in coordination with the City Arborist, Andy Parker.

Commissioner Hinton asked the question if the variance being requested is the minimum needed to preserve the structure and if any other flood mitigation would be included in the renovations. Stephens noted that mechanical equipment in the basement and at lower grades are being brought up to higher elevations on-site to mitigate any flood risks. Chair Miller then

declared the public hearing portion of this request closed. A motion was made by Commissioner Hinton to approve the request and seconded by Commissioner Lockett. A roll call vote was then conducted.

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
 Rebekah Ray
 Rhoda A. Pickett

Commissioners voting nay: None

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item B and C (Rezone and Conditional Use), filed by Joseph Tatum, owner, Silicon Ranch Corporation, Reagan Farr, Rob Riley, applicant, and Cara Wagner, representative, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a certain property located on Bonhomie Road from Section 5.4.10 Community Business District B-3 to Section 5.4.3 Residential District R-1A and to request a Conditional Use as a “Solar Farm” in R-1A (contingent on zoning change). (Parcel No. 2-041C-28-001.00, PPIN 27685, Forrest County, Ward 5).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Rob Riley	222 2 nd Ave	Nashville, TN 37201
	Gina Brown	222 2 nd Ave	Nashville, TN 37201
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Rob Riley and Gina Brown, representatives of Silicon Ranch Corporation, presented the application. Mr. Riley noted Silicon Ranch Corporation is the owner/operator of the facility. Ms. Brown noted they have been in the City of Hattiesburg with their existing facility for five years and briefly touched on the operational components of their solar facilities. Mr. Brown discussed the details of the proposed expansion and the overall energy output once fully implemented on site. She also commented on having conversations with PCS (Presbyterian Christain School) about how Silicon Ranch could be a better partner to them. Commissioner Conville inquired on how they would access the site, noting accessing from the US Highway 49 side would be less intrusive than

entering from the existing Bonhomie Road entrance. Mr. Riley noted they do not own the utility right-of-way and potential issues with wetlands nearby as to why they would prefer to use their access road from Bonhomie Road.

Chair Miller posed the question of potential redevelopment of the site, questioning what the overall impact to the site would be with concrete pads and structure. Rob Riley noted that there is minimal concrete, as the panels are driven directly into the ground with steel piles and the only location of concrete is for inverter pads. Commissioner Dickerson asked that the applicants expand on the conversations they had with PCS. Ms. Brown noted they had talked about construction timelines and exploring educational partnerships. Commissioner Dickerson noted he had concerns with the increase in traffic in this area, particularly during school hours. Ms. Brown noted construction is slated to begin in June and last for approximately 6 months.

Chair Miller then declared the public hearing portion of the request closed. Commissioner Dickerson reiterated the relationship with PCS and they are not negatively affected by the impact of this development during the construction phase. Commissioner Hinton noted there is an option to add conditions to the conditional use request on the hours of operation. Commissioner Dawe noted his involvement with Vintage Springs, a nearby residential community on Bonhomie Road, and their initial concerns with the proximity of the solar farm and how it would affect property values. He noted he did not believe this project has had any negative impact on nearby property values and was in support of the project.

Commissioner Conville made a motion to approve the rezone request on the basis that the character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning and the motion was seconded by Commissioner Ray. A roll call vote was then conducted.

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
 Rebekah Ray
 Rhoda A. Pickett

Commissioners voting nay: None

Commissioner Hinton then made a motion to approve the conditional use with the condition that the developers observe school zone hours during the construction phase. The motion was seconded by commissioner Lockett. A roll call vote was then conducted.

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
 Rebekah Ray
 Rhoda A. Pickett

Commissioners voting nay: None**PUBLIC HEARING – PLANNING COMMISSION**

There came the matter of Item D (Rezone), filed by Michael McCullum, owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a certain property located on the northeast corner of Dabbs St and Hall Ave (Parcel No. 2-0290-10-303.00, PPIN 18772, Forrest County, Ward 4) from Section 5.4.3 Residential District R-1A to Section 5.4.7 Multi-Family Residential District R-3.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Michael McCullum	609 Ronie St	Hattiesburg, MS
<u>Proponents:</u>	None		
<u>Opponents:</u>	David Halliwell	(None provided)	
	Jerome Brown	609 Dabbs St	Hattiesburg, MS
	Brad Dufrene	(none provided)	

Michael McCullum, the owner, opened with that he is a nearby resident of the proposed development, living in the same neighborhood. He noted that he is proposing a luxury townhome development, similar to the Walthall Condos that had been built nearby in the same neighborhood. He noted that he wanted to work with the community to preserve the integrity of the neighborhood but add value where possible, by adding a variety of housing options in a walkable area of

Hattiesburg. He noted he had spoken with his councilman and the planning staff and was unaware until a few days prior that he would have much opposition to the project. His conversations with his councilman made it seem there may be an opportunity to make changes to the Land Development Code to allow for this type of development without rezoning to R-3. Mr. McCullum asked the item to be tabled until he could have further discussion with the City Planning Staff on changes to the Land Development Code.

Chair Miller noted this is not a usual course of action in the Planning Commission and polled the audience by a show of hands of those who were in favor and in opposition to the proposal. There were a few hands that were raised in favor of the proposal, but a majority in attendance were there in opposition. Michael McCullum again noted that he was a member of the neighborhood and wanted to work together with those in opposition to see how he could add the highest value to their properties. Ginger Lowrey, Planning Division Manager, noted that the city currently does not have any proposals to change the Land Development Code and that there were only open conversations about finding an alternative solution at this time. She noted the city is not presenting anything and didn't know what tool that would be used in the future.

Chair Miller declared the public hearing portion of the meeting open, noting that while public participation is always encouraged, further discussion may be moot at this point, given that he believed the Planning Commission would overwhelmingly support a vote to table the item given the unusual circumstance. He noted that if anyone was completely unsatisfied not having the opportunity to speak on the proposal, to please come forward. He also noted that if the item is presented again in a public hearing, they would have every opportunity to speak on the proposal when it is revisited by the Hattiesburg Planning Commission.

David Halliwell, a nearby resident, came forward to speak not directly in opposition to the proposition since it has changed, but to address the city planners. He felt that if they better understood the neighborhood, they would have better guided the young man (Michael McCullum) to understand the neighborhood's deep opposition to this type of change. He stated that he did not have a solution but offered the planning staff to meet with the neighborhood so they could explain their position. Mr. Halliwell brought up the Bay Street Rezone request, saying that the request was unacceptable and "totally brought upon by the planners" and hoping they could avoid a situation like that request. He noted he has lived in the neighborhood for over 40 years and that if they had talked with them about what they have done to preserve their neighborhood, the planning staff

would have at least told Mr. McCullum that this request “was not gonna fly” and that this request has wasted the neighborhood’s and Mr. McCullum’s time.

Chair Miller then responded on behalf of the planning staff that they and the planning commission are well aware of the deep appreciation of the neighborhood by its residents and that he has full confidence in staff to advise applicants on these types of requests in this area. He shared that staff cannot stop a citizen from presenting an application to the commission, but it is the commission's job to review these items and approve or deny these requests. Mr. Halliwell retorted that he was a member and chair of the planning commission for many years and is well aware of its roles.

Jerome Brown, a resident at 609 Dabbs Street, spoke, saying he wasn’t necessarily opposed to the project but wasn’t aware of the plans for the project. Brad DuFrene, the resident at 401 Rebecca Ave, also spoke up against the proposal, noting that he only learned of the proposal just days before the public hearing and would have appreciated being contacted about the project. He noted that this is Downtown Hattiesburg and not Manhattan, and they should be easy to get in touch with. Chair Miller noted they would have taken that into account were a decision to approve or deny this request was to be made at this hearing. Chair Miller then declared the public hearing portion of the meeting closed and Commissioner Hinter made a motion to table the item. The motion was seconded by Commissioner Pickett. A roll call vote was then conducted to lay on the table Item D.

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
Rebekah Ray
Rhoda A. Pickett

Commissioners voting nay: None

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item E (Text Amendment), filed by the City of Hattiesburg to add and amend the text of the Midtown Form-Based Code, Ord. 3105, so that Section 3.17 C.3.b.v. removes: “Chevy Chase Drive”. Amended text to read: “b. Where more than one street

abuts a lot, all of the street are considered primary streets, except that the following street are designated as side street: i. 30th Avenue ii. Lorraine Street iii. 27th Avenue iv. Adeline Street”.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	City of Hattiesburg (Ginger Lowrey)		

Proponents: None

Opponents: None

There were no comments in the public hearing portion of the meeting and so Chair Miller declared the public hearing closed and opened up the business meeting. A motion was made by commissioner Hinton to approve and seconded by Commissioner Pickett. A roll call vote was then conducted.

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
Rebekah Ray
Rhoda A. Pickett

Commissioners voting nay: None

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item F (Primary use as a Parking Lot) filed by Reed Nelson, Representative, Midtown Montevista LLC, Owner, as required in the Midtown Form-Based Code Section 4.4., to request the use of “Parking lot or garage” as a primary use for certain properties located on Lorraine Street, S. 30th Avenue, and S. 31st Avenue (Parcel 2-028N-07-069.00, PPIN 20856; Parcel 2-028N-07-070.00, PPIN 20857; Parcel 2-028N-07-063.00, PPIN 20849; Parcel 2-028N-07-068.00, PPIN 20855; Parcel 2-028N-07-064.00, PPIN 20850; Ward 3).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Reed Nelson	(No Address Provided)	

Proponents: None

Opponents: None

Reed Nelson, representative of Jones Companies, did not provide a presentation but opened the floor for questions from the commissioners. Commissioner Conville noted that most of the office parks around Hattiesburg have more parking than they will ever use or need. He stated that he did not believe that there would be a need to develop this parking lot. Mr. Nelson stated that Jones' companies have tried to comply with the spirit of the form based code and to strike a balance between what they envisioned their property to be and their neighbors. He also pointed out that they are also seeking a parking reduction variance for the required amount of parking with the board of adjustment. Commissioner Conville also asked about the shift to working from home, and if Jones company was moving in that direction as well. Mr. Nelson noted that while Jones company had made adjustments during the pandemic, their company culture depended on being together physically. They also anticipate their company will employ 130 employees immediately and plan to grow over time and want to ensure they can accommodate their growth. Commissioner Pickett asked if these parking spaces will be restricted on the weekends, and Mr. Nelson noted that the spaces on site would not be restricted as they would be part of the public plaza they plan to develop as part of the site. A letter was submitted in opposition to the parking lot and read by staff. The letter has been included as an attachment to the minutes.

Chair Miller declared the Public Hearing closed and the Business Meeting open for discussion on the Primary Use Request (Item F). Commissioner Hinton made a motion to approve the request. The motion was seconded by Commissioner Lockett. A roll call vote was then conducted.

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
 Rhoda A. Pickett

Commissioners voting nay: Rebekah Ray

BUSINESS MEETING

Having no further business, Commissioner Ray made a motion to adjourn. The motion was seconded by Commissioner Hinton and the public meeting was adjourned at 2:31 PM.

Mark Miller, Chair

Ginger Lowrey, Planning Division Manager

**MINUTES OF THE
SPECIAL CALLED MEETING OF THE
HATTIESBURG PLANNING COMMISSION
May 16, 2022**

The Hattiesburg Planning Commission did meet in a special called session on May 16th, 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
 Jeff Keysear
 Elayne Lockett
 Rebekah Ray
 Rhoda A. Pickett
 Carlos Wilson

Commissioners Absent: Ricardo Bryant
 Luke McNair
 Mark Miller, Chair

Also Present: Ginger M. Lowrey, AICP, Planning Div. Manager
 Jim Gladden, Esq.
 Nathan Satcher, Planner
 Kevin Bates, Building Official
 Ann Jones, Administration
 Betsy Mercier, Administration
 Wiley Quinn, Code Enforcement Division Manager

AGENDA AND MINUTES REVIEW

There came the matter of the May Special Called Meeting Agenda and minutes of the April Meeting. Staff noted that the minutes included were not the correct minutes and two separate sets of minutes would be included in the next report. A request was made by Vice-Chair Hinton for a motion

to approve the May Special Called Meeting 2022 Agenda and to note the minutes included were to be removed. A motion to approve was made by Commissioner Ray and seconded by Commissioner Lockett.

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

Commissioners voting nay: None

REPORTS

PLANNING REPORT

Ginger Lowrey, Planning Division Manager, provided the planning report. She shared and congratulated Kevin Bates, on his newly appointed role of Building Official for the City of Hattiesburg. She also shared that two new commissioners had been appointed by administration, Carlos Wilson and Luke McNair, and looked forward to working with them over their term. In his newly appointed role, Kevin Bates provided the building report for April 2022.

CHAIR'S REPORT

No report was provided by Amy Hinton, Vice-Chair.

INTRODUCTIONS

The Commissioners introduced themselves.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item A (Land Development Code Text Amendment) filed by The City of Hattiesburg, as required in the Land Development Code, Ord. No. 3209, to amend the Land Development Code Section 5 - Use Regulations and Conditions, and Section 10 – Signage, and other sections as it relates to regulating Medical Cannabis. More specifically, new use categories and conditions for uses will be added to Table 5.1 “Table of Uses” and an addition

to the signs section as related to the Medical Cannabis Industry.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	City Staff		
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Ginger Lowrey, Planning Division Manager, presented the application and provided an overview of the proposed changes to the Land Development Code as it related to Medical Cannabis. She noted that Medical Cannabis had been approved by the State of Mississippi and that the City is looking to establish zoning and certain protections for the city with these changes. Ginger noted that the city is looking to establish local licensing fees, but those guidelines are outside of the purview of the Land Development Code and would be administered through a separate process. Commissioners raised a few questions asking for clarification of some sections of the proposal, where staff provided clarifications. Commissioner Conville inquired about the regulation of signage and if existing signage that would not meet the proposed regulations would be brought into compliance. Ann Jones, City Administration, noted there may be some grandfathering in place, but the administration is looking for uniformity. Commissioner Dawe noted his disagreement with grandfathering of the existing imagery, noting it would be a mistake. Commissioner Conville agreed with Dawe, noting it could create issues in enforcement.

Vice-Chair Hinton then declared the public hearing portion of the meeting closed and opened the business meeting. There were additional clarification questions asked by commissioners to staff. Having all questions satisfied, Commissioner Keysear made a motion to approve the Land Development Code Text Amendment which was seconded by Commissioner Lockett. With no further discussion, a roll call vote was then conducted.

Commissioners voting aye: Dick Conville
 Charles Dawe (via GoToMeeting)
 Amy Hinton, Vice-Chair
 Jeff Keysear
 Elayne Lockett
 Rhoda A. Pickett
 Carlos Wilson

Commissioners voting nay: None

Commissioners Abstaining: Rebekah Ray

Commissioners Absent: Michael Dickerson (via GoToMeeting)

BUSINESS MEETING

Having no further business, Commissioner Pickett made a motion to adjourn. The motion was seconded by Commissioner Hinton and the public meeting was adjourned at 1:40 PM.

Mark Miller, Chair

Ginger Lowrey, Planning Division Manager



**Planning Commission
Case Fact Sheet**

Name of Petitioner: David C. Lee, Owner, Charles Dawe, Representative, and Forrest Dungan, Engineer

Address of Property:	Tax Parcel	PPIN:	Ward:
Undeveloped Parcels on Lincoln Road	056L-23-015.000	17642	3
	056L-23-004.000	29025	3

Request: **Zoning Change**

Purpose of Request: To change the zoning classification for certain properties located south of Lincoln Road (Parcel 056L-23-015.000, PPIN 17642, and Parcel 056L-23-004.000, PPIN 29025 Lamar County, Ward 3) from Section 5.4.10 Community Business District B-3 to Section 5.4.3 Residential District R-1A

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.

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.

**SECTION 5
SECTION 6**

**Use Regulations and Conditions
Dimensional Standards and Measurements**

Table 6.1 Dimensional Standards

Table 6.1 Dimensional Standards										
District	Minimum Lot Size in SF/ Width at Setback	Max. Dwelling Units	Max. Floor Area Ratio	Setbacks in feet				Max. Height*	Max. Impervious Surface Lot Coverage	Buffer in Feet
				Min. Front	Max. Front	Min. Side	Min. Rear			
A-1	130,680 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	35%	-
A-2	43,560 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	50%	-
R-1A	10,000/ 50	1 per lot	-	30	-	10	25	35 feet or 3 stories	50%	-
R-1B	7,500/ 50	1 per lot	-	25	-	10	25	35 feet or 3 stories	50%	-
R-1C	5,000/ 50	1 per lot	-	20	-	10	25	35 feet or 3 stories	50%	-
R-2	4,000/ 40	2 per lot	-	20	-	10	20	35 feet or 3 stories	50%	-
R-3	7,500/ 40	17 per acre	-	20	-	5	20	35 feet or 3 stories	50%	-

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

Present Use: Vacant, undeveloped

Future Land Use: Community Business Corridor, Planned **Mixed-Use** District

Surrounding Zoning and Land Use:
North: B-3 Community Business District
South: Outside of City Limits
East: B-3 Community Business District
West: B-3 Community Business District

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of May 17, 2022.

History / Background: The petitioner met with Staff in Pre-Application to discuss a proposed development of a subdivision on unimproved parcels

along Lincoln Road. The petitioners discussed that they had originally started the project as a mixed-use development, but it has since evolved into a different proposal based on market demand, where focus is on single-family residences. The petitioners plan to phase in the development, with the initial phase beginning with the area being considered for a rezone.

Entrances to the subdivision as proposed are from the existing access road (Between Taylor Rental and Hattiesburg Clinic) and would possibly tie in to Windward Lane (outside of city limits). The resulting rezone request will result in two parcels being split-zoned, with property along Lincoln Road remaining a B-3 Zoning and portions behind being zoned to R-1A. After being rezoned, a major subdivision would be required, as well as site plan review. The current plans for the major subdivision would eliminate any split-zoning of the parcels.

Option: Basis for approval (Zoning Change):

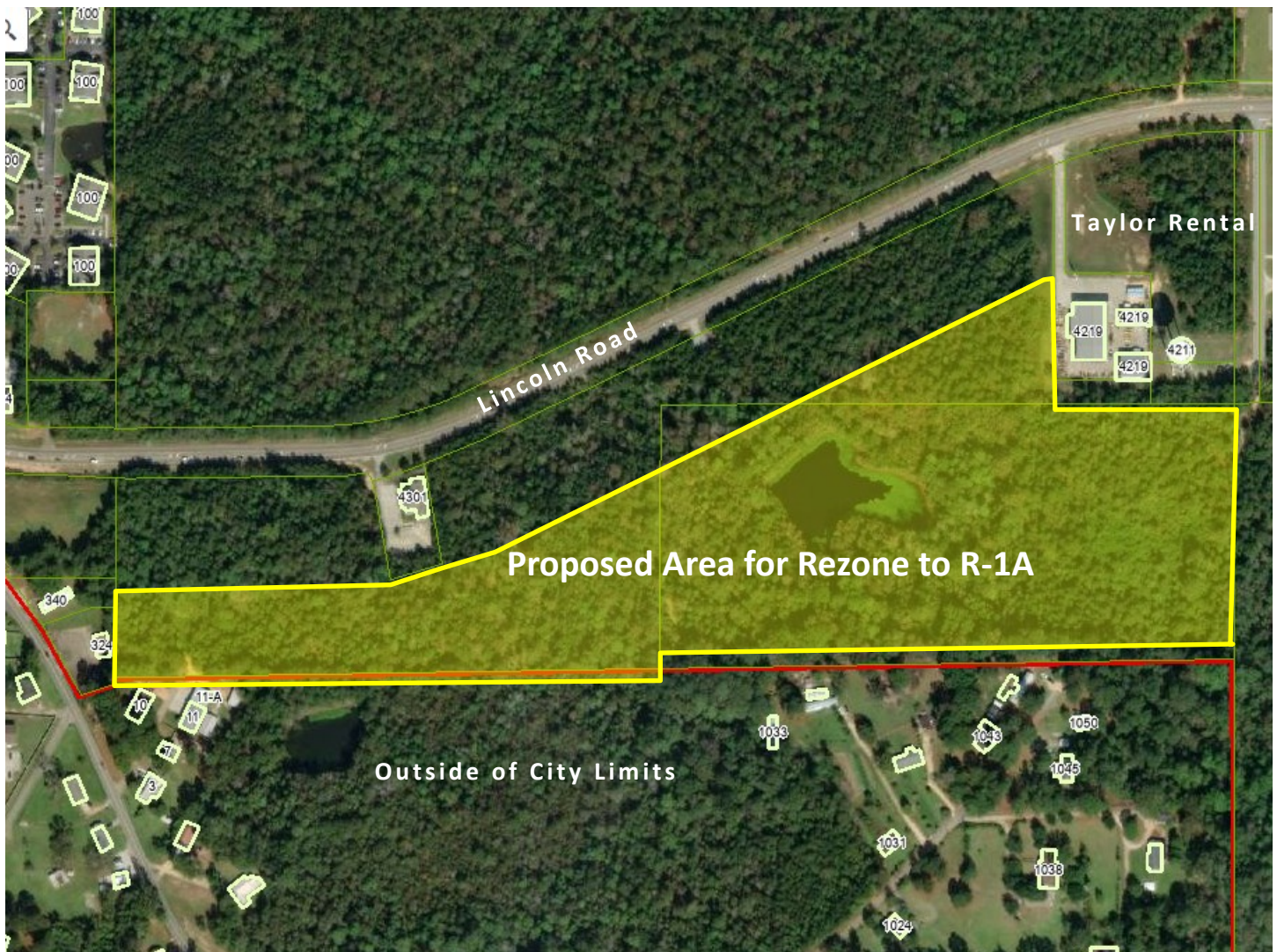
- I. There was a mistake in the original zoning
- II. The character of the neighborhood has changed substantially so that rezoning is clearly justified **and** there is a public need for the rezoning
- III. Annexation

SUBJECT PARCEL:

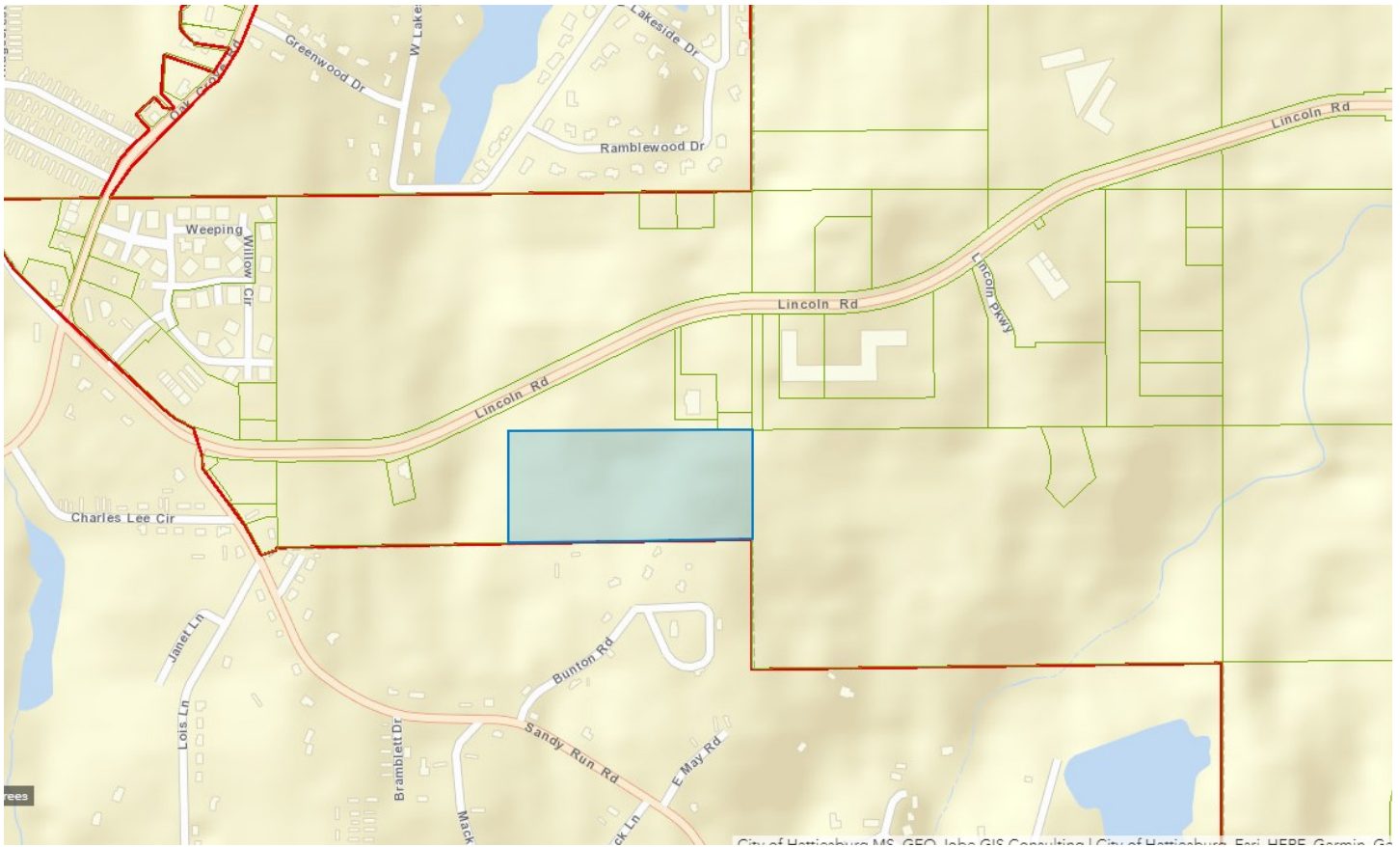
Lincoln Road, Undeveloped Parcels

David C. Lee, Owner, Charles Dawe, Representative, and Forrest
Dungan, Engineer

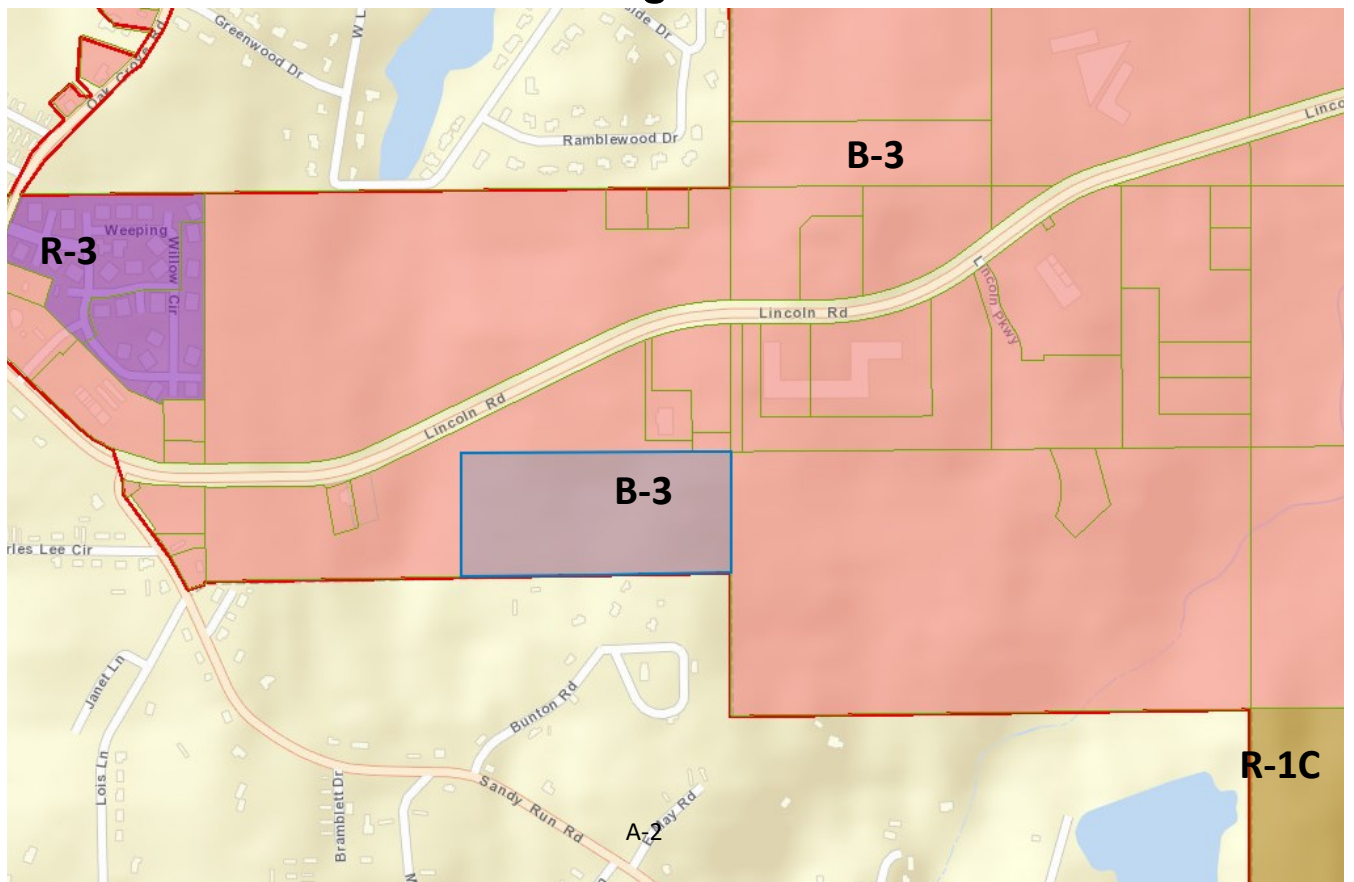
The petitioners request to change the zoning classification for certain properties located south of Lincoln Road (Parcel 056L-23-015.000, PPIN 17642, and Parcel 056L-23-004.000, PPIN 29025 Lamar County, Ward 3) from Section 5.4.10 Community Business District B-3 to Section 5.4.3 Residential District R-1A



Vicinity Map—Ward 3



Zoning—B-3



Site Aerial



SURROUNDING AREA

North: B-3 Community Business District (Undeveloped)



South: Outside of City Limits (undeveloped and residential uses)

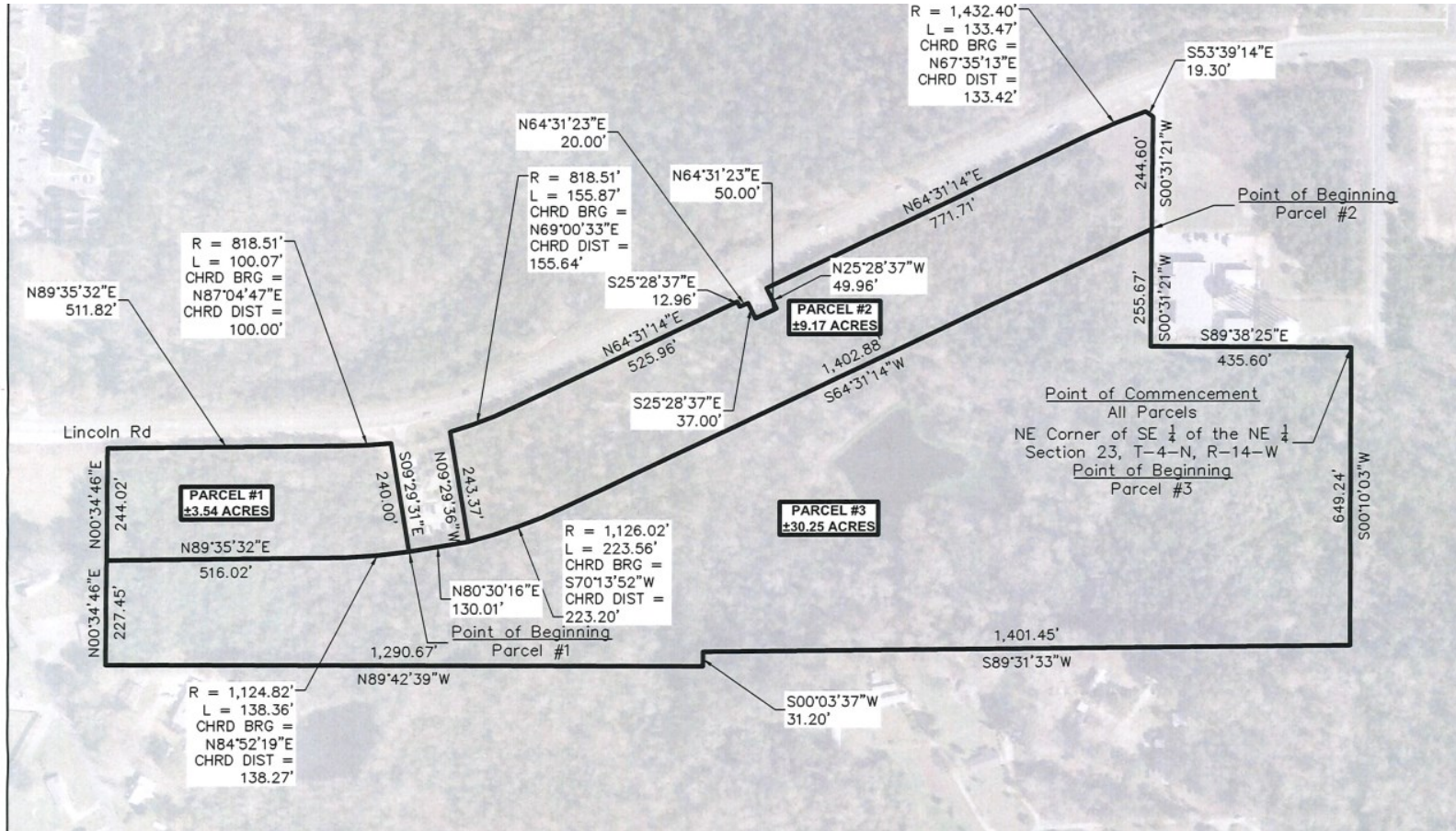
East: B-3 Community Business District



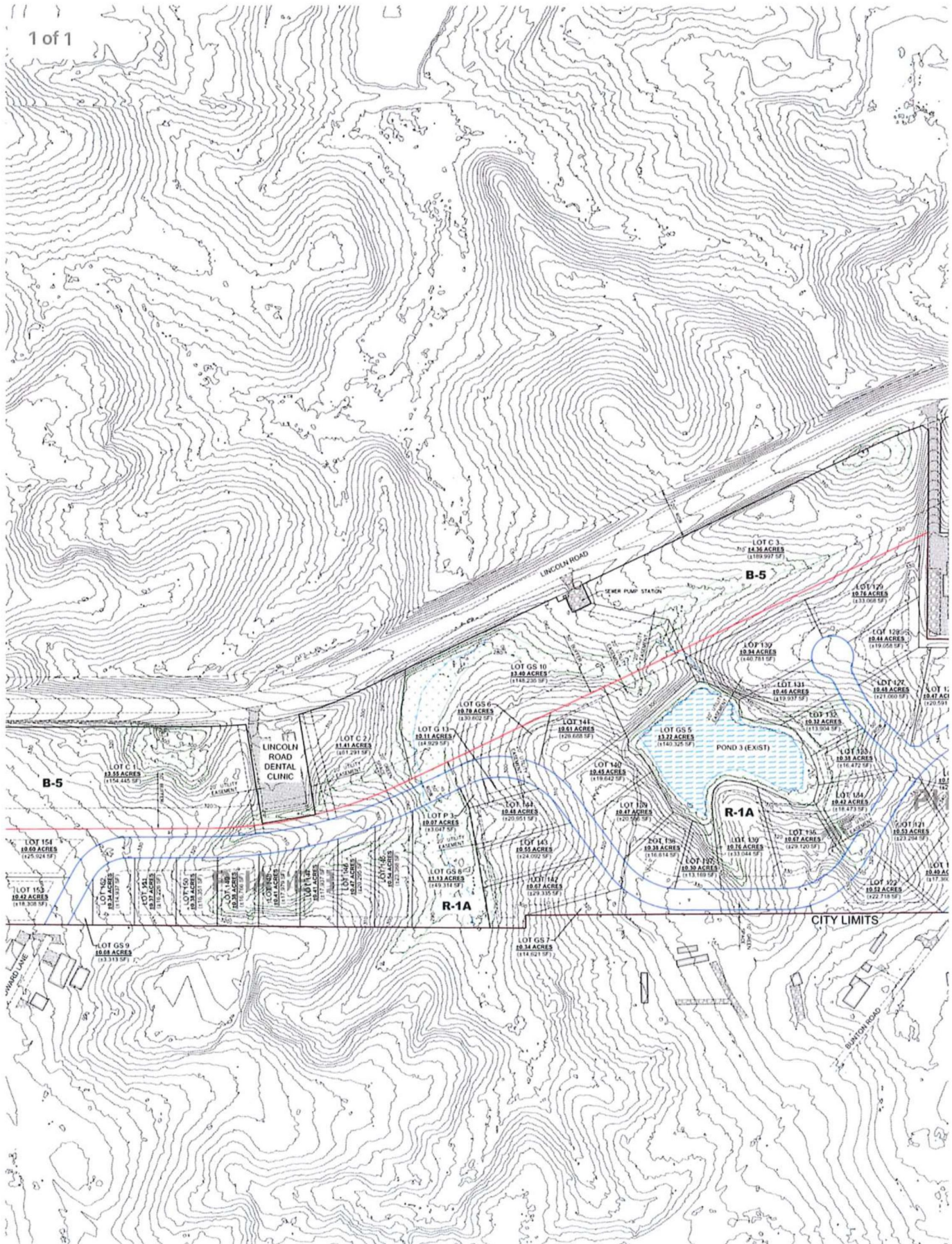
West: B-3 Community Business District (Vacant)



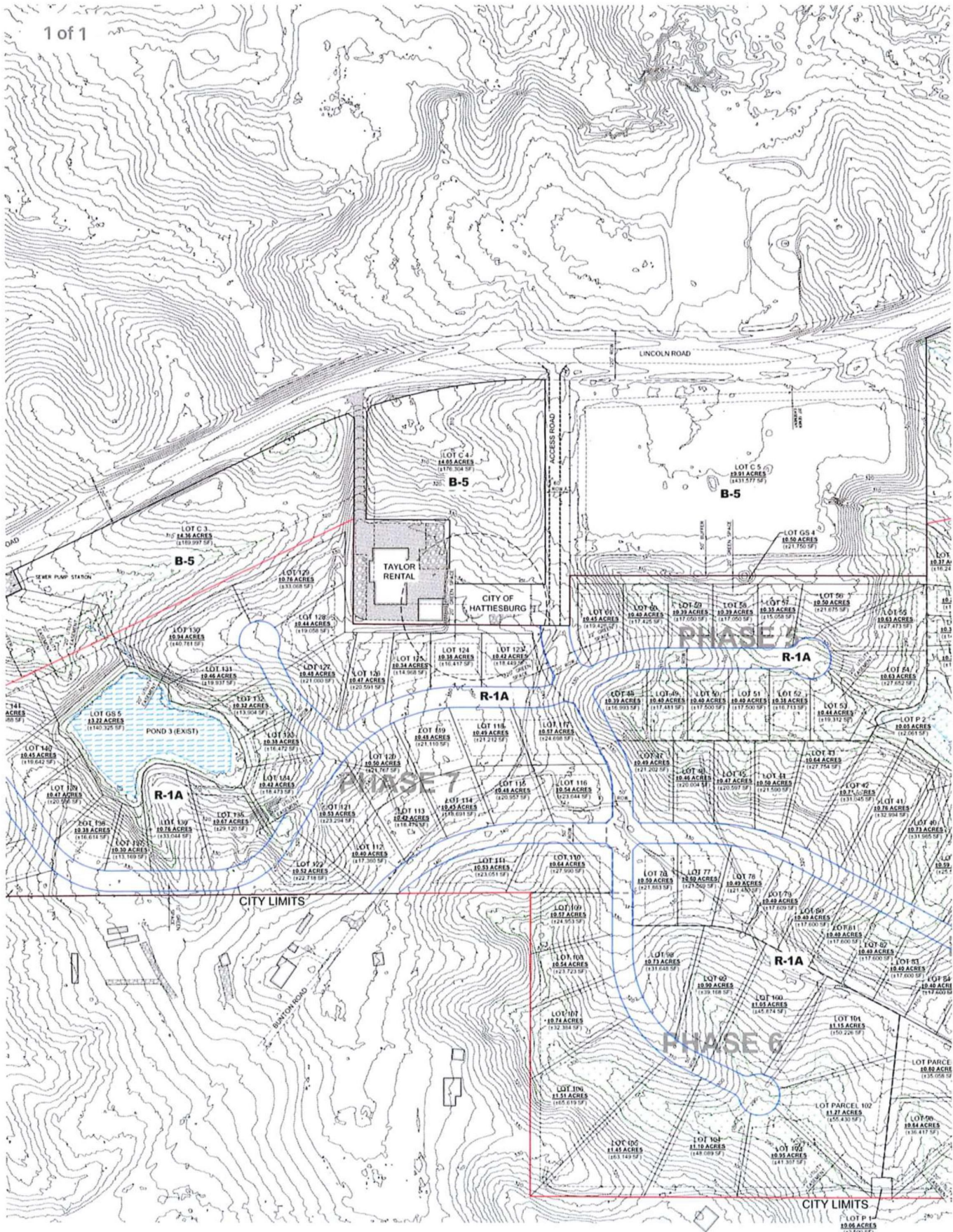
Proposed Area for Rezone

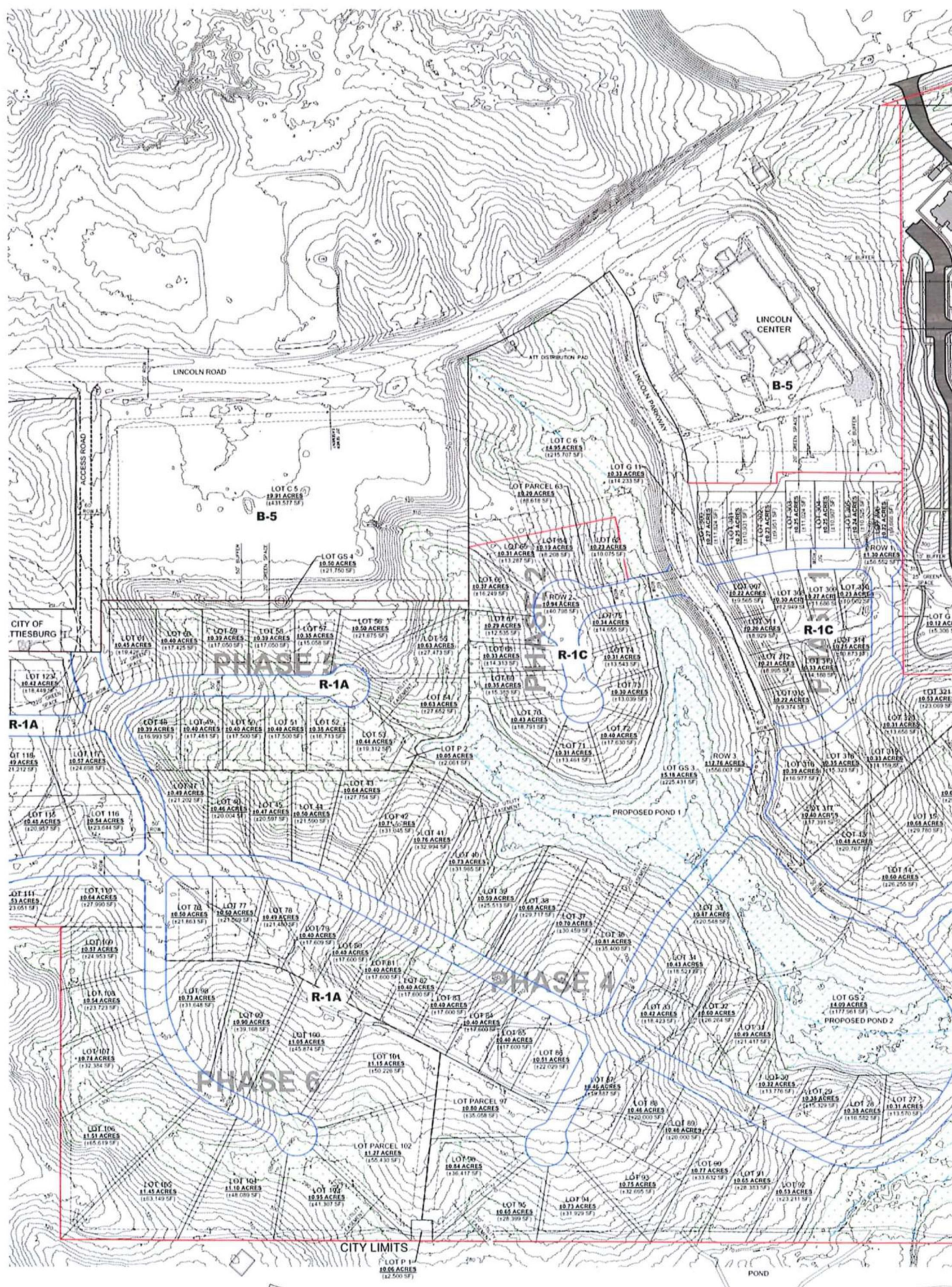


Proposed Subdivision—Page 1

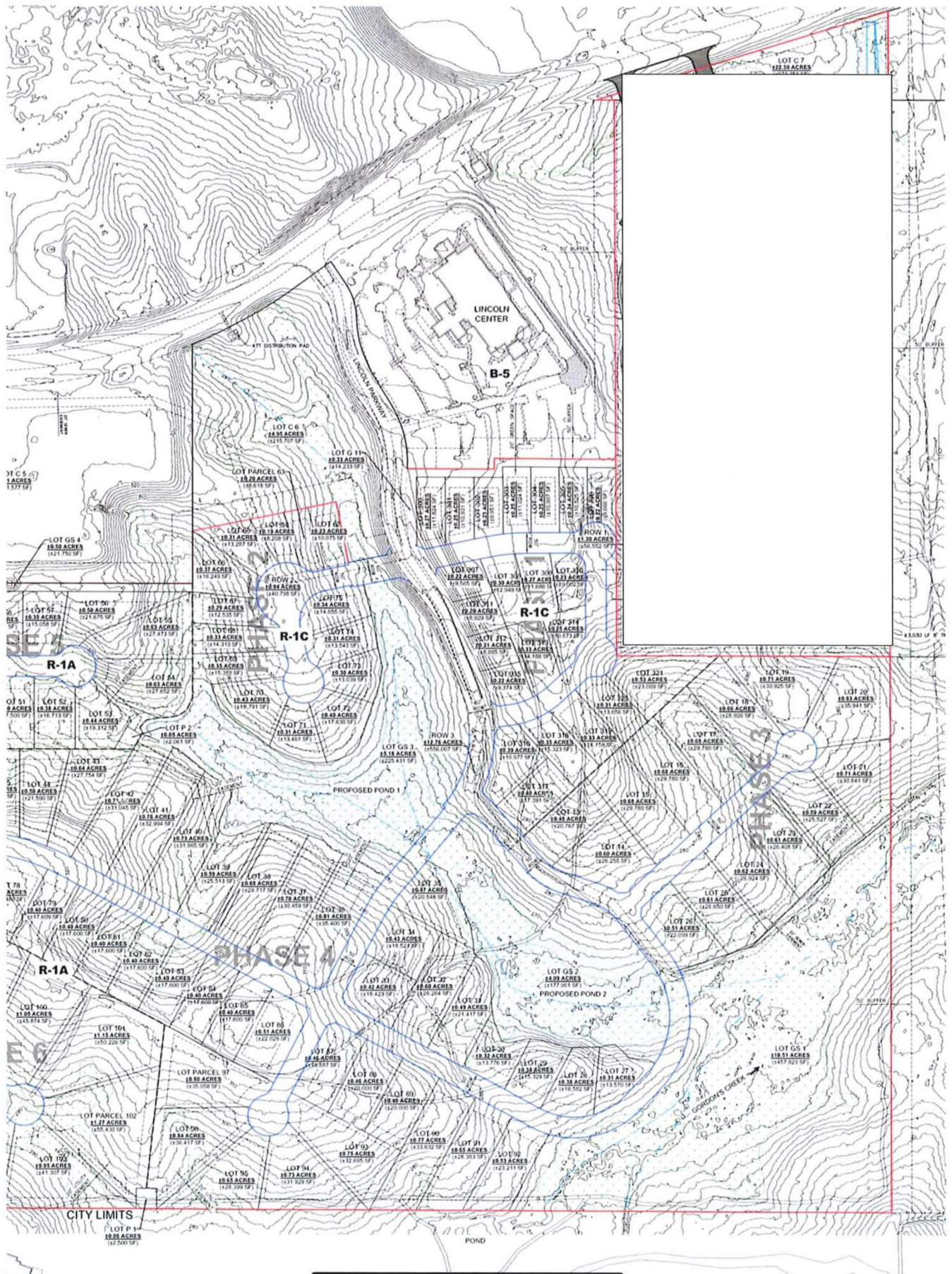


Proposed Subdivision—Page 2





Proposed Subdivision—Page 4



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.)

The character of the neighborhood has changed significantly.

Surveys and wetland studies have been performed and the property's highest and best use has been deemed to be a residential development on land that does not have road frontage on Lincoln Road. Land with road frontage will be primary reserved for commercial use, with the exception of ingress/ egress for the residential development.

The proposed rezoning will allow for a residential development that will supply homes for our community's current and future housing demand.

That said, home sizes will range from 1,400 sq ft on smaller lots to estate homes with over 1 acre lots in different phases of the residential development. Parking will be private and on each of the home's own property. Style of home will vary from town home to single story living, some around water features, street lights will be present as well as appropriate buffers in place between other properties and zoning types.



**Planning Commission
Case Fact Sheet**

Names of Petitioner: De'Broski R. Herbert, owner

Address of Property:	Tax Parcel	PPIN:	Ward:
88 Academy Drive	2-0421-36-006.00	7069	5

Request: **Warehousing and Distribution**

Purpose of Request: To consider an application to request a Conditional Use for "Horticulture-for profit and research-related" in an I-1 Zone (Light Industrial) for a certain property located at 88 Academy Drive (Parcel 2-0421-36-006.00, PPIN 7069, Forrest County, Ward 5).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts Established

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.

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;
- 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 I-1(Light Industrial) District.
Present Use:	Bamboo Farm (refer to history and background) the lot was previously undeveloped
Future Land Use:	Industrial/Corporate Office District
Surrounding Zoning and Land Use:	North: I-1(Light Industrial) District. South: I-1(Light Industrial) District. East: A-1 (General Agricultural) District West: I-1(Light Industrial) District.
Letters or Concerns stated:	The Planning Division Office has not received any letters or other written communications relative to this case as of May 18th, 2022
History / Background:	During routine waste collection, public works noted a large portion of property located at 88 Academy Drive had been cleared and alerted the building division, as there were no permits on file for the work that had been done. The building division notified the applicant of the proper procedures on establishing a commercial operation within the City of Hattiesburg and the applicant worked with staff to meet in a Pre-Application meeting. After meeting with the applicant in a Pre-Application meeting, the applicant shared plans to establish a commercial bamboo farm on the property and provided a site plan for the proposed development. During the meeting, staff were made aware that the applicant had already made a significant investment in bamboo shoots that would need to be planted prior to the public hearing to save the product. Staff and administration worked with the applicant to allow the applicant to plant the bamboo shoots, with the understanding that if the conditional use is not approved the applicant will not be able to move forward with the development. Staff approved the minimum required work allow for the planting of the bamboo shoots. The applicant is currently working with staff on an approvable site plan

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:

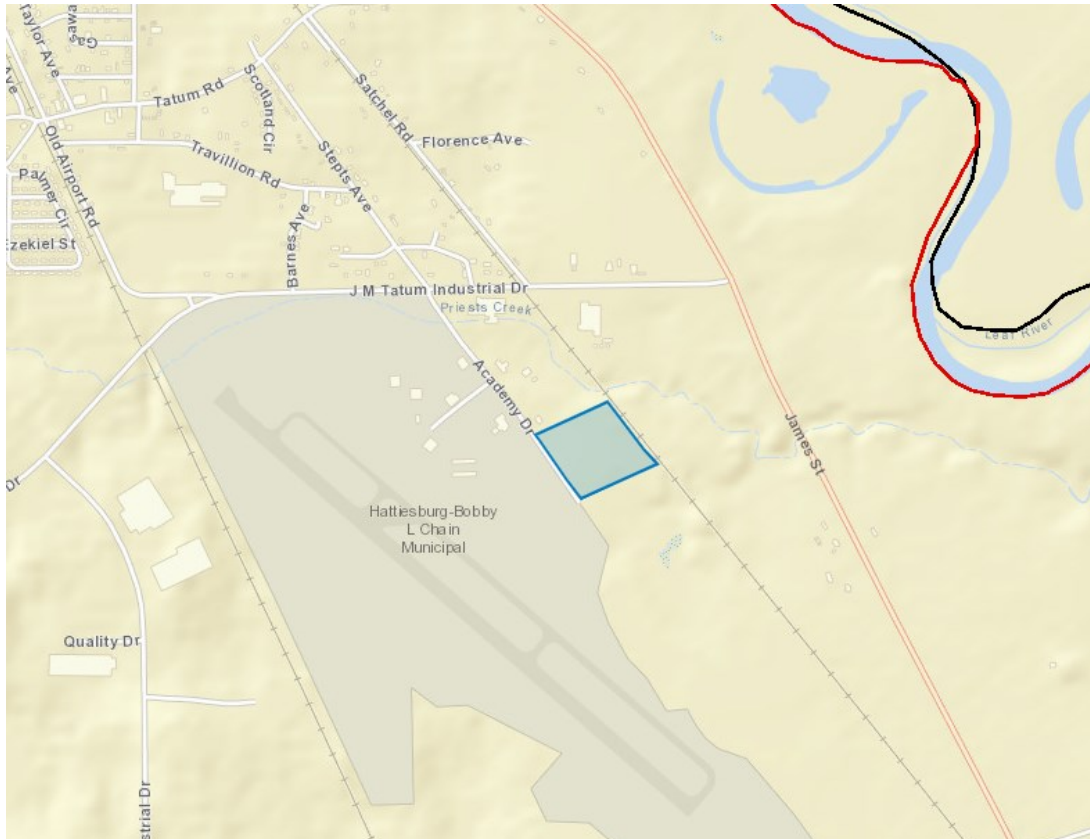
88 Academy Drive

De'Broski R. Herbert, Owner

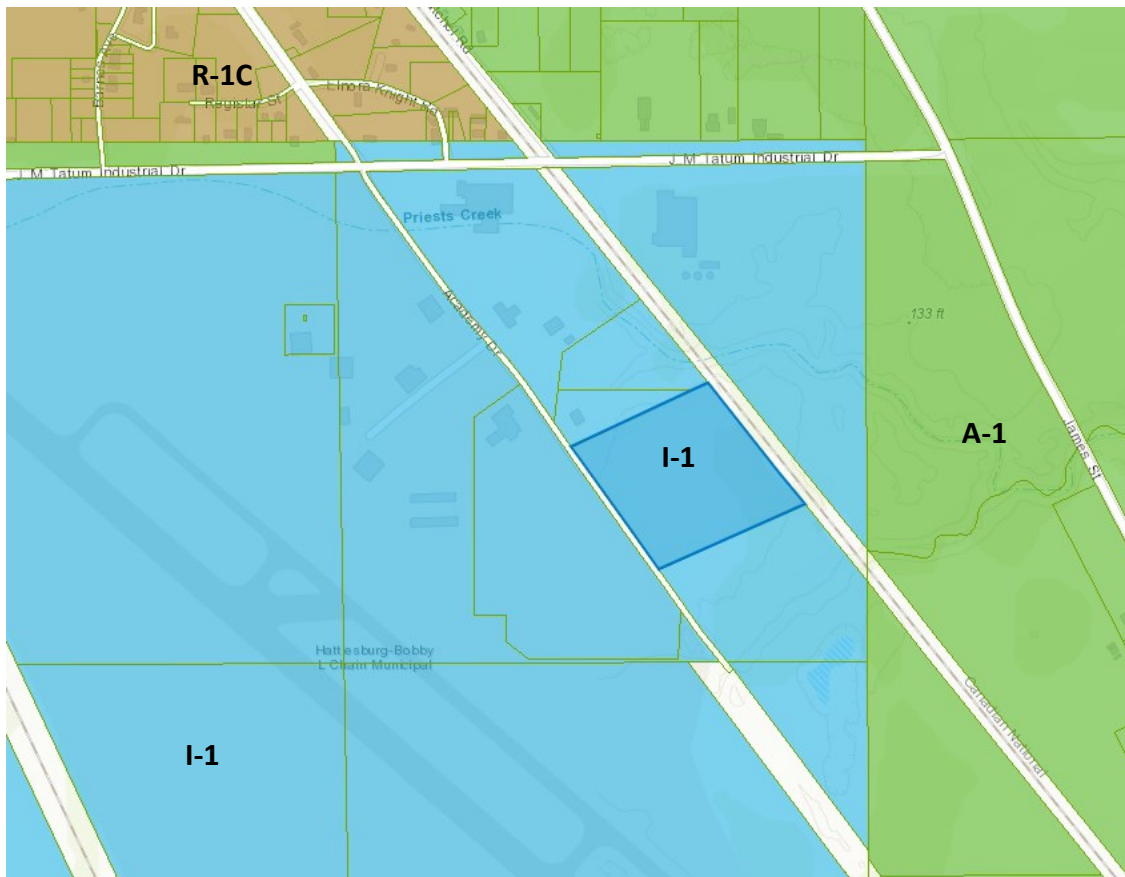
To consider an application to request a Conditional Use for “Horticulture-for profit and research-related” in an I-1 Zone (Light Industrial) for a certain property located at 88 Academy Drive (Parcel 2-042I-36-006.00, PPIN 7069, Forrest County, Ward 5).



Vicinity Map—Ward 5



Zoning I-1



Site Aerial



SURROUNDING AREA

Northern Direction: I-1 Light Industrial

Vacant/Undeveloped



Southern Direction: I-1 Light Industrial— Airport Runway



**Eastern Direction: I-1 Light Industrial
Johnson Controls**



Western Direction: A-1 General Agricultural



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, this is a Commercial Bamboo growing industry involving horticultural research and development

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

In several years we expect to be able to employ 2-5 people. We do not expect any negative impact on the community, only positive impact

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

We need 5-8 Acres of land dedicated to growing bamboo crops

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

We expect light trucks and moderate sized trucks will need to enter the property on a monthly basis - 2-3 trucks per month

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? _____

During the first year I expect 1-2 employees per day

7. Parking Requirements:

Commercial/Industrial: Paved parking will be provided for 3 vehicles, and
_____ ADA vehicle(s); with 2 loading spaces.

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

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

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

SECTION 6

Dimensional Standards and Measurements

Table 6.1 Dimensional Standards

Table 6.1 Dimensional Standards										
District	Minimum Lot Size in SF/ Width at Setback	Max. Dwelling Units	Max. Floor Area Ratio	Setbacks in feet				Max. Height*	Max. Impervious Surface Lot Coverage	Buffer in Feet
				Min. Front	Max. Front	Min. Side	Min. Rear			
A-1	130,680 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	35%	-
A-2	43,560 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	50%	-
R-1A	10,000/ 50	1 per lot	-	30	-	10	25	35 feet or 3 stories	50%	-
R-1B	7,500/ 50	1 per lot	-	25	-	10	25	35 feet or 3 stories	50%	-
R-1C	5,000/ 50	1 per lot	-	20	-	10	25	35 feet or 3 stories	50%	-
R-2	4,000/ 40	2 per lot	-	20	-	10	20	35 feet or 3 stories	50%	-
R-3	7,500/ 40	17 per acre	-	20	-	5	20	35 feet or 3 stories	50%	-

Present Zoning: The parcel is currently split-zoned, with an R-3 zoning on a northern portion of the property and B-2 zoning on a southern portion.

Present Use: Vacant building, previously occupied by Century First Federal Credit Union (formerly Southern Mississippi Federal Credit Union)

Future Land Use: Community Business Corridor

Surrounding Zoning and Land Use:
 North: R-3 Multi-Family Residential
 South: B-3 Community Business
 East: B-3 Community Business
 West: B-3 Community Business

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case as of May 18, 2022.

History / Background:

The petitioner met with administration to discuss rezoning the property to B-3 to better align with the surrounding Hardy Street Corridor. The petitioner noted that the market demand for the area is better served as a B-3.

A change to B-3 is consistent with the majority of properties fronting Hardy Street between Downtown and Hwy 59. The most recent zoning change consistent with this request was 3703 Hardy Street, approximately 1,700 feet to the west.

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

SUBJECT PARCEL:

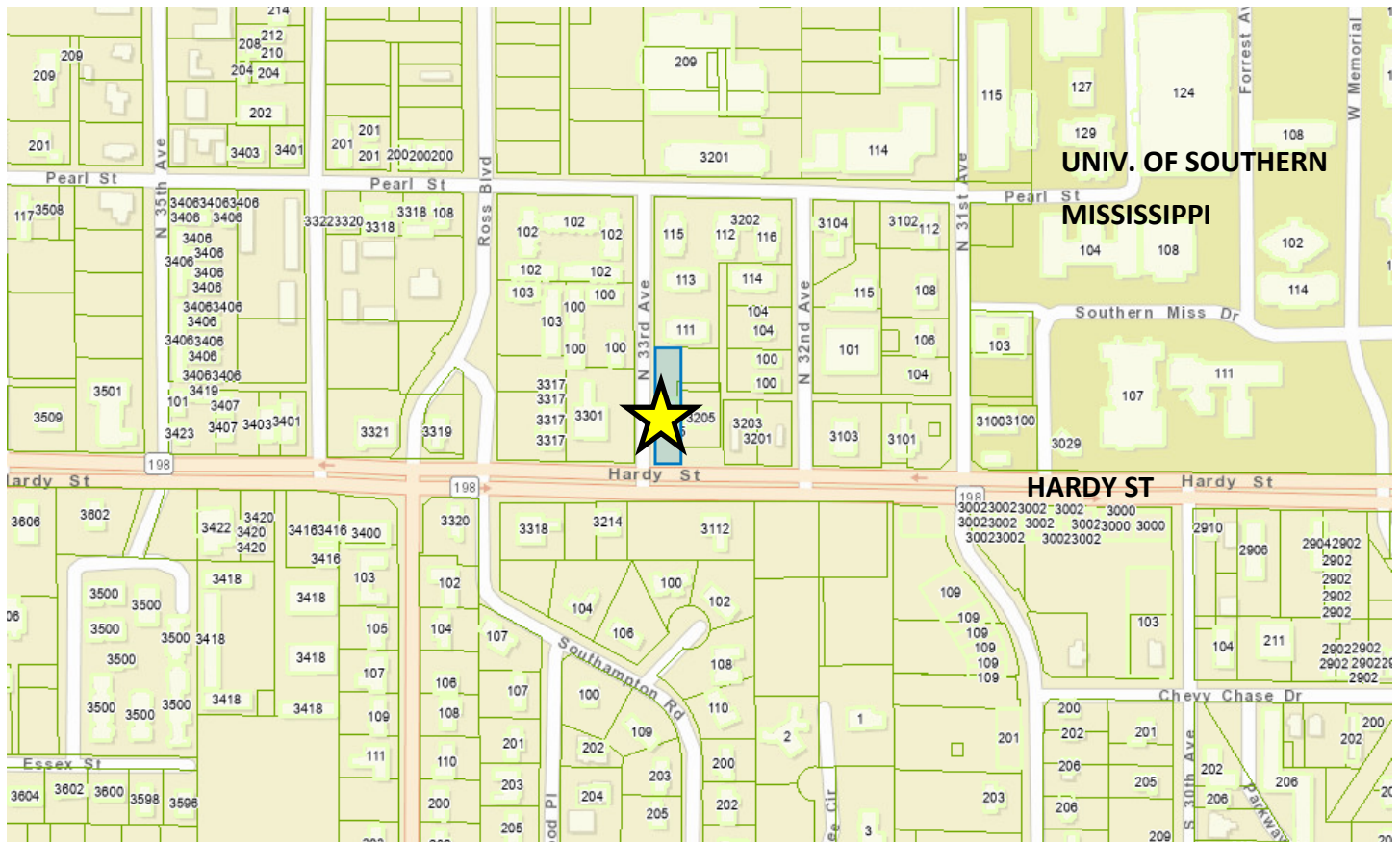
3207 Hardy St

Andy Stetelman, Owner

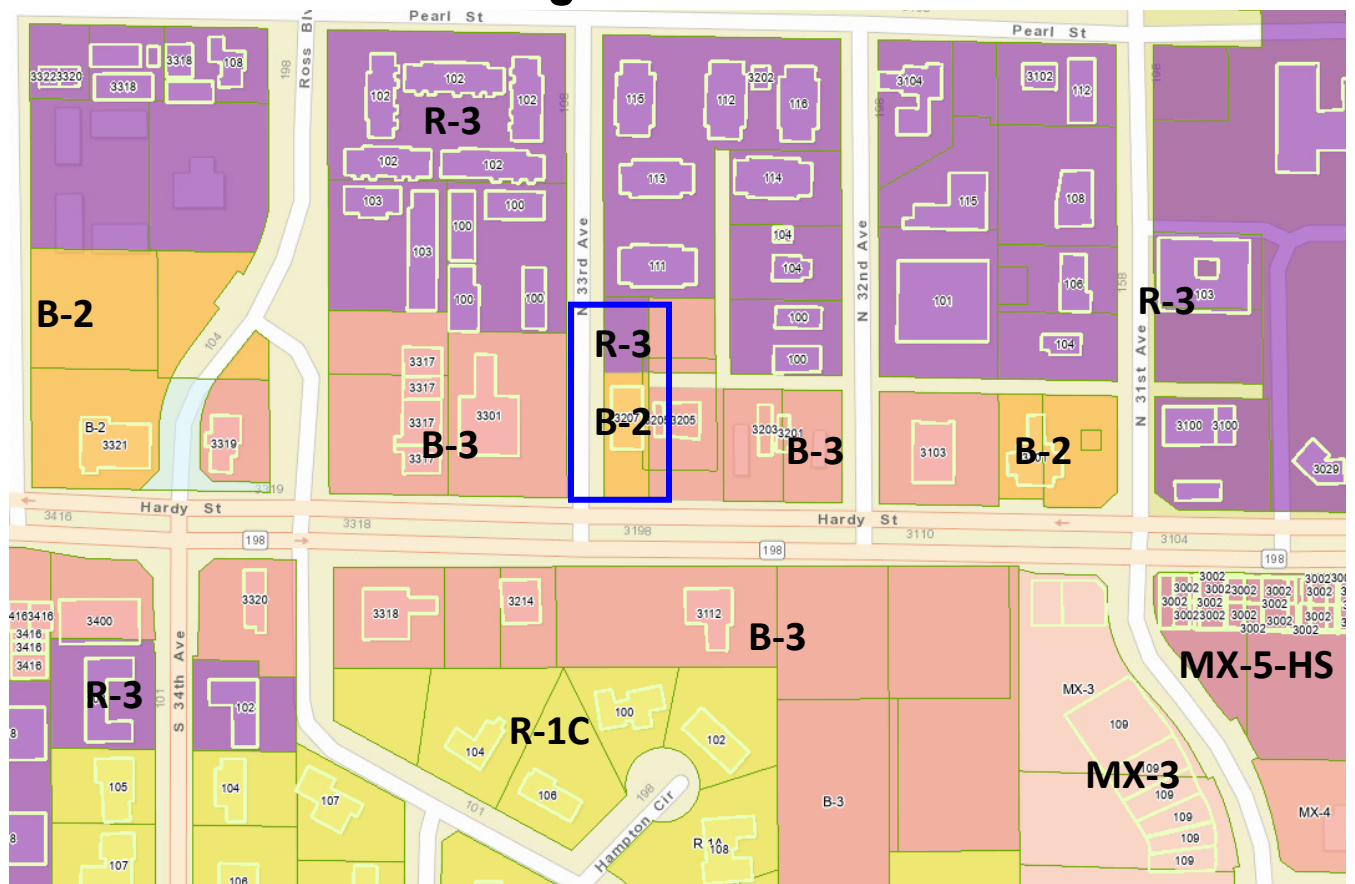
The petitioners request to consider an application to change the zoning classification for a property located at 3207 Hardy St (Parcel 2-028K-07-034.00, PPIN 23004, Forrest County, Ward 3) from Section 5.4.9 Neighborhood Business District B-2 and Section 4.5.7 Multi-Family Residential District R-3 to Section 5.4.10 Community Business District B-3



Vicinity Map—Ward 3



Zoning—R-3 and B-2



Site Aerial



SURROUNDING AREA

North: R-3 Multi Family Residential



**South: B-3 Community Business
Financial Institution**



**West: B-3 Community Business
Financial Institution**

**East: B-3 Community Business
Restaurants**



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.)

Summerville by B-3 & our B-2 class may
be by mistake Area is demanding a
B-3 market as we view this corner
from our experience