



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: Hattiesburg Planning Commission and Board of Adjustment
FROM: Planning Staff
DATE: July 25th, 2022
SUBJECT: August 3rd, 2022 Hattiesburg Planning Commission and Board of Adjustment

The Hattiesburg Planning Commission will meet in regular session at 1:00 pm. Wednesday, August 3rd, 2022 in the dining room of the Jackie Dole Sherrill Community Center. The Planning Commission public hearing agenda contains five (5) items: two (2) zoning changes, two (2) conditional uses, and one (1) preliminary plat approval for a major subdivision.

The Board of Adjustment will **not meet in regular session** for the August hearing as no applications were received.

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

Planning Commission Agenda
Place: Jackie Dole Sherrill Community Center (Dining Room)
Time: 1:00 PM
08/03/2022

I. Business Meeting

1. Review and approval of August meeting's agenda
2. Review and approval of the minutes of the July 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 Akeelah Sartin, applicant, and Aurora Consulting Group, LLC., owner as required in the Land Development Code, Ord. No. 3209, for a major subdivision of properties located at the southeast corner of Barkley Road and Johnston St (Parcel 2-042D-26-012.00, PPIN 6739, and Parcel 2-042D-26-011.00, PPIN 6738, Forrest County, Ward 5).
 - B. A petition has been filed by Kenneth Moye, representative, and Amos Peters Jr., owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for undeveloped properties located at 5530 Old Hwy 42 (Parcel 2-029B-03-346.00, PPIN 18033; Parcel 2-029B-03-347.00, PPIN 18035; Parcel 2-029B-03-348.00, PPIN 18036; Parcel 2-029B-03-349.00, PPIN 15061, Forrest County, Ward 2) from Section 4.5.10 – B-3 Community Business District and Section 4.5.5 R-1C Single-Family Residential to Section 5.4.13 Light Industrial District I-1.
 - C. A petition has been filed by Ryan Bennett, applicant, Julie Mitchell, agent, and Brandon Parker, Representative, as required in the Land Development Code, Ord. No. 3209, to request Planning Commission approval for a “Cannabis Dispensary” adjacent to a residentially zoned property located at 6335 US HWY 49, Suite 40 (Parcel 2-028G-05-059.00, PPIN 14815, Forrest County, Ward 2).
 - D. A petition has been filed by Cory Ferraez, representative, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a property located at 105 & 106 Redus Street (Parcel 2-029C-04-166.00, PPIN 25952; Parcel 2-029C-04-165.00, PPIN 25953, Forrest County, Ward 2) from Section 4.5.12 Regional Business District B-5 to Section 5.4.13 Light Industrial District I-1.

- E. A petition has been filed by Cory Ferraez, representative, as required in the Land Development Code, Ord. No. 3209, to request Planning Commission approval for a "Cannabis Dispensary" adjacent to a residentially zoned property located at 2772 Oak Grove Road (Parcel 056M-23-007.000, PPIN 17344, Lamar County, Ward 3).

III. Other Business

- A. Appeal of City's interpretation of a "front setback" as it relates to site design and of the request to place a "propane filling station" as an accessory structure in the front setback or in the parking lot as proposed at 3706 Hardy Street by Ron Farris, representative, and Eric "Poncho" James, owner.

IV. Adjournment

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

The Hattiesburg Planning Commission did meet in a regular session on July 6th, 2022, at 1:04 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
Elayne Lockett
Rhoda A. Pickett
Amy Hinton, Vice-Chair
Rebekah Ray
Mark Miller, Chair
Carlos Wilson
Jeff Keyseear (via GoToMeeting)
Luke McNair (via GoToMeeting)

Commissioners Absent: Charles Dawe
Michael Dickerson

Also Present: Ginger M. Lowrey, AICP, Planning Div. Manager
Ann Jones, Chief Administrative Officer
Wiley Quinn, Code Enforcement Div. Manager
Jim Gladden, Esq.
Nathan Satcher, Planner
Larran Pickett, Planning Div. Office Manager
Betsy Mercier, Assistant to the Mayor

AGENDA REVIEW

There came the matter of the July Agenda. A request was made by Mrs. Lowrey for a motion to move item “C” to the beginning of the Presentation of Petitions for Public Hearing as it was tabeled

from the previous meeting. A motion to approve the July 6th, 2022 agenda with changes as requested was made by Commissioner Conville and seconded by Commissioner Ray.

Commissioners voting aye: Dick Conville
Amy Hinton, Vice-Chair
Jeff Keyseear (via GoToMeeting)
Elayne Lockett
Luke McNair (via GoToMeeting)
Mark Miller, Chair
Rhoda A. Pickett
Rebekah Ray
Carlos Wilson

Commissioners voting nay: None

MINUTES REVIEW

There came the matter of the June 1, 2022 minutes. A motion was made by Commissioner Conville to approve the minutes. Commissioner Ray seconded the motion.

Commissioners voting aye: Dick Conville
Amy Hinton, Vice-Chair
Jeff Keyseear (via GoToMeeting)
Elayne Lockett
Luke McNair (via GoToMeeting)
Mark Miller, Chair
Rhoda A. Pickett
Rebekah Ray
Carlos Wilson

Commissioners voting nay: None

REPORTS

BUILDING REPORT

Nathan Satcher, planner, provided the Building Permit Report for June 2022 as the Building Official was not present. 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 June 21, 2022, City Council approved the rezone request filed by David Lee, Charles Dawe, and Forrest Dungan to change the zoning classification for a property along Lincoln Road from B-3 to R1-A. City Council also approved a conditional use request filed by De'Broski R. Herbert for "Horticulture-for profit and research-related" activity in an I-1 Zone for 88 Academy Drive. (HPC Approvals Upheld) Mrs. Lowrey also provided updates on the Longleaf Village in the Avenues (25th & 26th Avenues) and Bridging Divides/Building Opportunities (East Hardy Street and Hall Avenue) projects. Stakeholder and public meetings were held for both projects in June. Plans are expected to be presented to Planning Commission and adopted by the end of the year. New planning office manager Larran Pickett was introduced. Commissioner Keysear expressed gratitude for his time as commissioner as this will be his last meeting.

CHAIR'S REPORT

There came the matter of the Chair's Report by Chair Mark Miller. Chair Miller noted that we are a small city and a small community. However, conversations about cases should occur within the public hearing and should not be held outside of the meeting. He also thanked Commissioner Keysear for his service.

INTRODUCTIONS

The Commissioners introduced themselves. New Planning Office Manager Larran Pickett was introduced. Thanks to Keysear at his final meeting as commissioner. Gratitude from Keysear as a commissioner.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item C (Rezone), filed by Andy Stetelman, representative of One Acre, LLC, 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, Ward 1) 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.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Andy Stetelman	3906 Hardy St.	Hattiesburg, MS 39401
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Andy Stetelman, the owner, presented the application. Stetelman discussed the rush of applicants for medicinal cannabis dispensary permits stemming from Ordinance No. 3312 adoption on the 17th of May, 2022. Per the aforementioned Ordinance, zoning for Stetelman's parcel does not permit use as a cannabis dispensary and needs to be rezoned from a B-2 and R-3 to a B-3 to allow for this desired use. Stetelman stated that his former dispensary client backed out of these plans. Robert St. John with "Loblolly Bakery", which would be an expansion of his Midtown corridor concept, would fill in as the new tenant. Stetelman believes the B-3 zoning of his parcel would more aptly fit in on what is presently an "island of B-2". The parcel is surrounded on the east, west, and south by B-3 and would open up additional uses that fit with the current plans without additional public hearings. Commissioner Hinton agreed that Stetelman's statements regarding the parcel seemed consistent with surrounding zoning. Chair Miller posed a reminder to all that this request is a change in use. Although the R-3 parcel is currently a parking lot, a rezone to B-3 would change the use dramatically from residential to a commercial zoning.

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
 Amy Hinton, Vice-Chair
 Jeff Keyseear (via GoToMeeting)
 Elayne Lockett
 Luke McNair (via GoToMeeting)
 Mark Miller, Chair
 Rhoda A. Pickett
 Rebekah Ray
 Carlos Wilson

Commissioners voting nay: None

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item A (Street Renaming - County Drive to “Tommy King Drive”), filed by Barbara Hamilton, Representative, as required in the Land Development Code, Ord. No. 3209, to rename the public street presently known as County Drive to “Tommy King Drive” (beginning at the intersection of William Carey Parkway and ending at the intersection of and Edward Street, Ward 2 and Ward 5).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Barbara Hamilton	710 William Carey Pkwy	Hattiesburg, MS 39401
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Barbara Hamilton, representative of William Carey University Board of Trustees, presented reasoning for this request in that Tommy King has been president for 15 years and has worked with William Carey University for 23 years. This is a request by the trustees of William Carey University as a “gift” to Dr. King. Mrs. Hamilton explained that outreach by William Carey University to surrounding property owners, regarding the name change process, was conducted. Property owners who were not reached either own vacant parcels on County Drive or property addressed to a different street. No opposition from the neighborhood was received during the outreach. Chair Miller commended William Carey University for their outreach. Mrs. Hamilton stated that the Planning Commission’s approval of the Hevelston Drive renaming to William Carey Parkway has made it much easier for people seeking William Carey University, which is in her opinion, a positive impact for William Carey University. Commissioner Pickett made an inquiry regarding the presence of any buildings on campus that are currently named after Tommy King or any former Presidents.

Chair Miller then declared the public hearing portion of the request closed. Commissioner Conville agreed with the sentiments of the other Commissioners that this is an appropriate name change.

Commissioner Ray made a motion to approve the street renaming request and the motion was seconded by Commissioner Lockett. A roll call vote was then conducted.

Commissioners voting aye: Dick Conville
 Amy Hinton, Vice-Chair
 Jeff Keyseear (via GoToMeeting)
 Elayne Lockett
 Luke McNair (via GoToMeeting)
 Mark Miller, Chair
 Rebekah Ray
 Carlos Wilson

Commissioners voting nay: None

Commissioners abstaining: Rhoda A. Pickett

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item B (Conditional Use Request), filed by Quinby Chunn, owner, as required in the Land Development Code, Ord. No. 3209, to request a conditional use for “Horticulture-for profit and research-related” in a B-5 Zone (Regional Business) for a certain property located at 314 E 3rd Street (Parcel 2-029J-10-025.00, PPIN 15714, Ward 4).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Quinby Chunn	2056 Oak Grove Rd.	Hattiesburg, MS

Proponents: None

Opponents: None

Quinby Chunn, the owner, presented the application. He noted that he is a longtime resident of Hattiesburg as well as the business owner of Southern Prohibition Brewery. He noted that he plans to grow organic, luxury, wholesale mushrooms with the intention of using the organic spent waste from the brewery operation. His intention is to improve the appearance of the building with minimal impact to the neighborhood. Chunn noted that little oversight is needed and the site will receive a few small trucks per week for distribution. Chunn believes that this is a great revitalization project for the downtown area. Commissioner Hinton posed the question of who Chunn expects to be the primary market for his product. Chunn stated that his primary market for the mushroom grow facility will be local grocery stores. Chunn also plans to potentially sell directly to consumers. Chair Miller posed the question regarding the topic of odor with spent grains. Chunn noted that his operation will be conducted entirely in the interior of the facility. Chunn noted that

the product will be housed in columns with its components being comprised of a combination of spent grains (10%) and wood chips. Chunn noted that the facility will have a mycologist on staff in the hopes of utilizing larger percentages of spent grains as the operation matures. Chunn noted that the grow rooms will have HEPA air filtration and will need to be climate-controlled so that the product will be unaffected by yeast and other organisms.

Chair Miller then declared the public hearing portion of the request closed. Commissioner Hinton remarked that Quinby Chunn's mushroom grow facility sounds fascinating and noted that it is an interesting use of a vacant building.

Commissioner Hinton made a motion to approve the Conditional Use Request and the motion was seconded by Commissioner Lockett. A roll call vote was then conducted.

Commissioners voting aye: Dick Conville
 Amy Hinton, Vice-Chair
 Jeff Keyseear (via GoToMeeting)
 Elayne Lockett
 Luke McNair (via GoToMeeting)
 Mark Miller, Chair
 Rebekah Ray
 Rhoda A. Pickett
 Carlos Wilson

Commissioners voting nay: None

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 2:04 PM.

Mark Miller, Chair

Ginger Lowrey, Planning Division Manager



URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Name of Petitioner: Akeelah A. Sartin, applicant, Aurora Consulting Group LLC,
property owner

Address of Property:	Tax Parcel	PPIN:	Ward:
Intersection of Barkley Road and	2-042D-26-012.00	6739	5
Johnson St; Southeast Corner	2-042D-26-011.00	6739	5

Request: Preliminary Plat Approval for Major Subdivision

Purpose of Request: To request preliminary plat approval for a major subdivision of properties located at the southeast corner of Barkley Road and Johnston St (Parcel 2-042D-26-012.00, PPIN 6739, and Parcel 2-042D-26-011.00, PPIN 6738, Forrest County, Ward 5).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts Established

4.5.4 R-1B Residential District: The purpose of the R-1B 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 6 Dimensional Standards and Measurements

Akeelah A. Sartin, applicant, Aurora Consulting Group LLC, property owner
Request for: **Preliminary Plat Approval for Major Subdivision**

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 R-1C, Single-Family Residential

Present Use: Vacant, undeveloped

Future Land Use: Neighborhood Conservation District 2

Surrounding Zoning and Land Use:
 North: I-1 Light Industrial District
 South: R-1C Single-Family Residential District
 East: R-1C Single-Family Residential / A-1 Agricultural
 West: R-1C Single-Family Residential

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of July 20, 2022. Staff spoke with a nearby resident/property owner on site who indicated sidewalks would be a welcomed addition, as many nearby residents do not feel safe walking or jogging in the street.

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

Item: A

Akeelah A. Sartin, applicant, Aurora Consulting Group LLC, property owner
Request for: **Preliminary Plat Approval for Major Subdivision**

along Barkley Road. The request is for a preliminary plat for the second phase of Barkley Heights. The proposed subdivision will be ± 2.13 acres with 8 lots approximately 0.27 acres. Each lot will be approximately 121 ft deep by 96 ft wide. The plans currently do not show any shared common space. The original intent was to subdivide only 4 lots and then phase in additional subdivisions later on. With the requirement for a major subdivision triggered, the developer added an additional 4 lots to the proposed subdivision for a total of 8 lots.

The proposed lots comply with the dimensional requirements of the R-1B Zoning District and is phase of a larger subdivision plan by the developer, where future plans show a potential access road to additional lots. The developer discussed that future plans may include an additional 17 units in the future, extending on the proposed plat as presented.

The preliminary plat presented to Planning Commission does not include infrastructure plans, which will be reviewed during site and design review committee. Prior to issuing of permits, site and design review committee approval will be required, contingent upon the major subdivision approval by Planning Commission.

Option:

Approve or deny a preliminary plat for a major subdivision in the City of Hattiesburg.

Subdividing of Lot, Parcel or Tract Information (1 page)

1. Property data: 2-042D-26-011.00 (2.19)
 2-042D-26-012.00 (6.62)
 Parent Parcel / Existing lot/parcel/tract contains 8.81 Square Footage/Acres
 Lot Area Requirement: 92 ft x 120 ft
 Lot Frontage Requirement: 25 feet
 Existing use of lot/parcel/tract Vacant
 To be subdivided into 8 lots/parcels (including parent parcel) – outlined below.

Newly subdivided Parcels	New lot size in square footage (sf) or acres (A)	New lot has public road frontage (yes / no)	New lot has private road frontage (yes / no)	Indicate name of public or private road(s)	Staff - Lot area & frontage requirements comply?	
					Yes	No
1.	.27 A	Y	N	Barkley Road		
2.	.27 A	Y	N	Barkley Road		
3.	.27 A	Y	N	Barkley Road		
4.	.27 A	Y	N	Barkley Road		
5.	.27 A	Y	N	Johnston Road		
6.	.27 A	Y	N	Johnston Road		
7.	.27 A	Y	N	Johnston Road		
8.	.27 A	Y	N	Johnston Road		
9.						
10.						
11.						
12.						
Be sure to include information on the remainder of "existing" lot after splits made – identified as "Parent Parcel"						
Parent Parcel				After splits are made it will be 6.68 Acres left between the remaining 2 parent parcels		
		Total square footage of new lots (verify total matches existing parcel prior to splits)				

Use extra copies of this form if needed for additional lots.

2. Infrastructure required:
 Water/Sewer ___ Gas ___ Electric ___ Telephone ___ Cable ___ Streets ___

SUBJECT PARCEL:

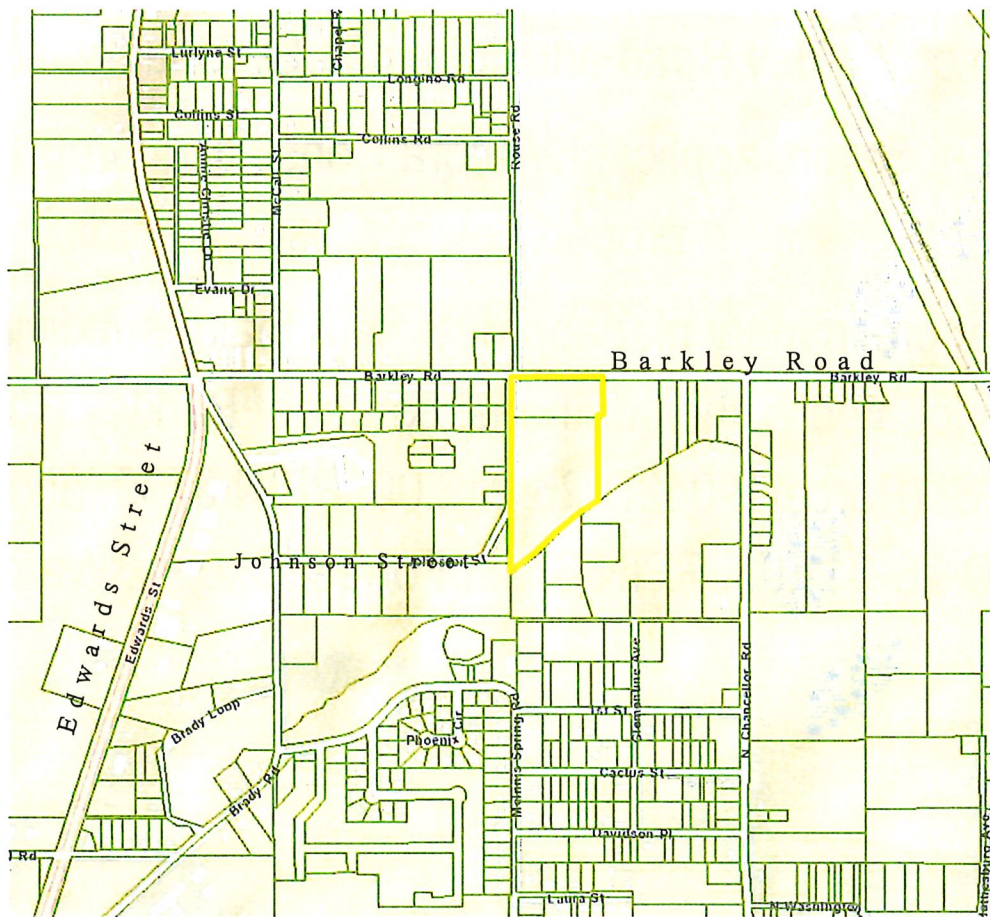
Intersection of Barkley Road and Johnston St (Southeast Corner)

Akeelah A. Sartin, applicant, Aurora Consulting Group LLC,
property owner

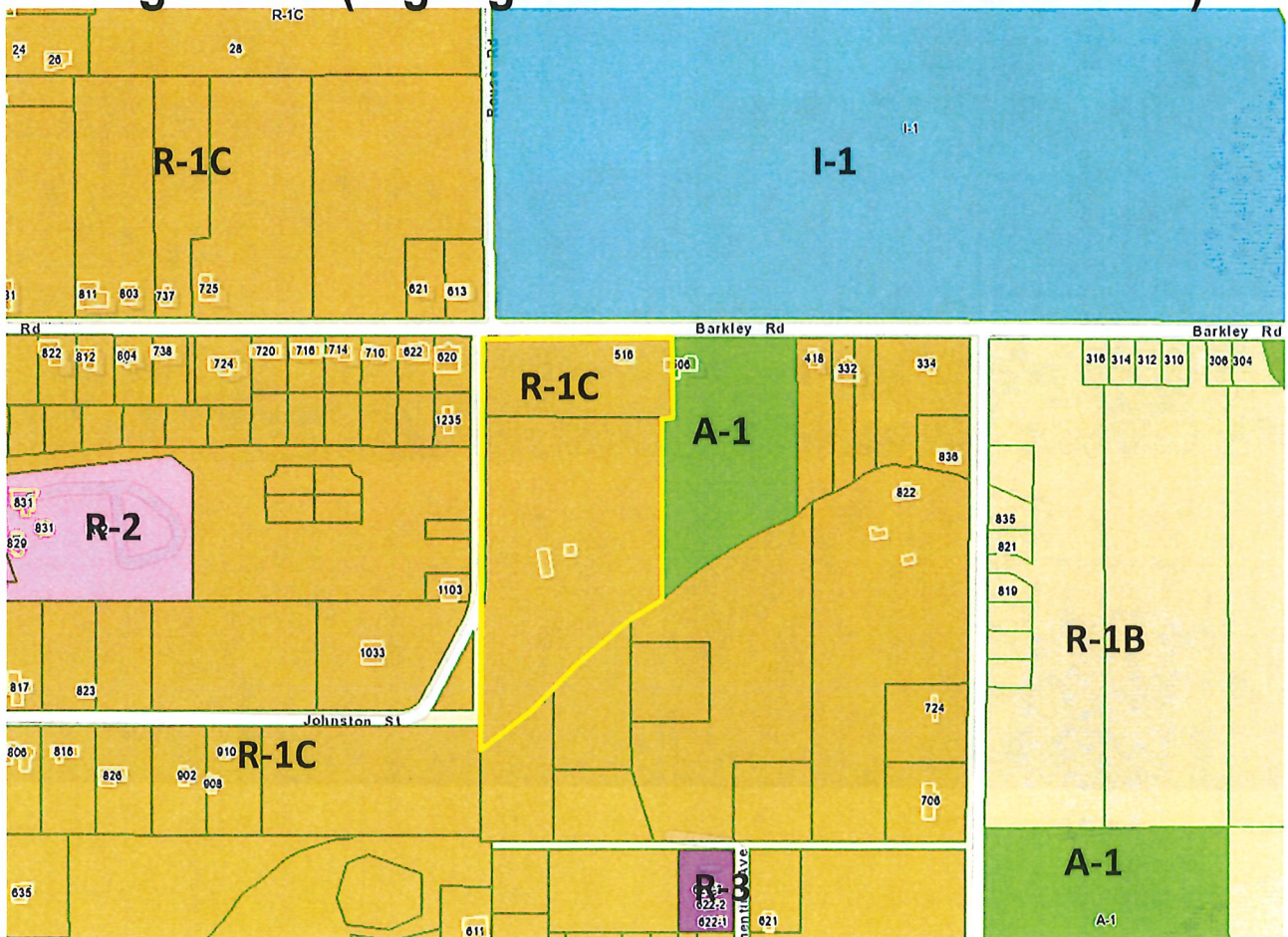
To request preliminary plat approval for a major subdivision of properties located at the southeast corner of Barkley Road and Johnston St (Parcel 2-042D-26-012.00, PPIN 6739, and Parcel 2-042D-26-011.00, PPIN 6738, Forrest County, Ward 5).



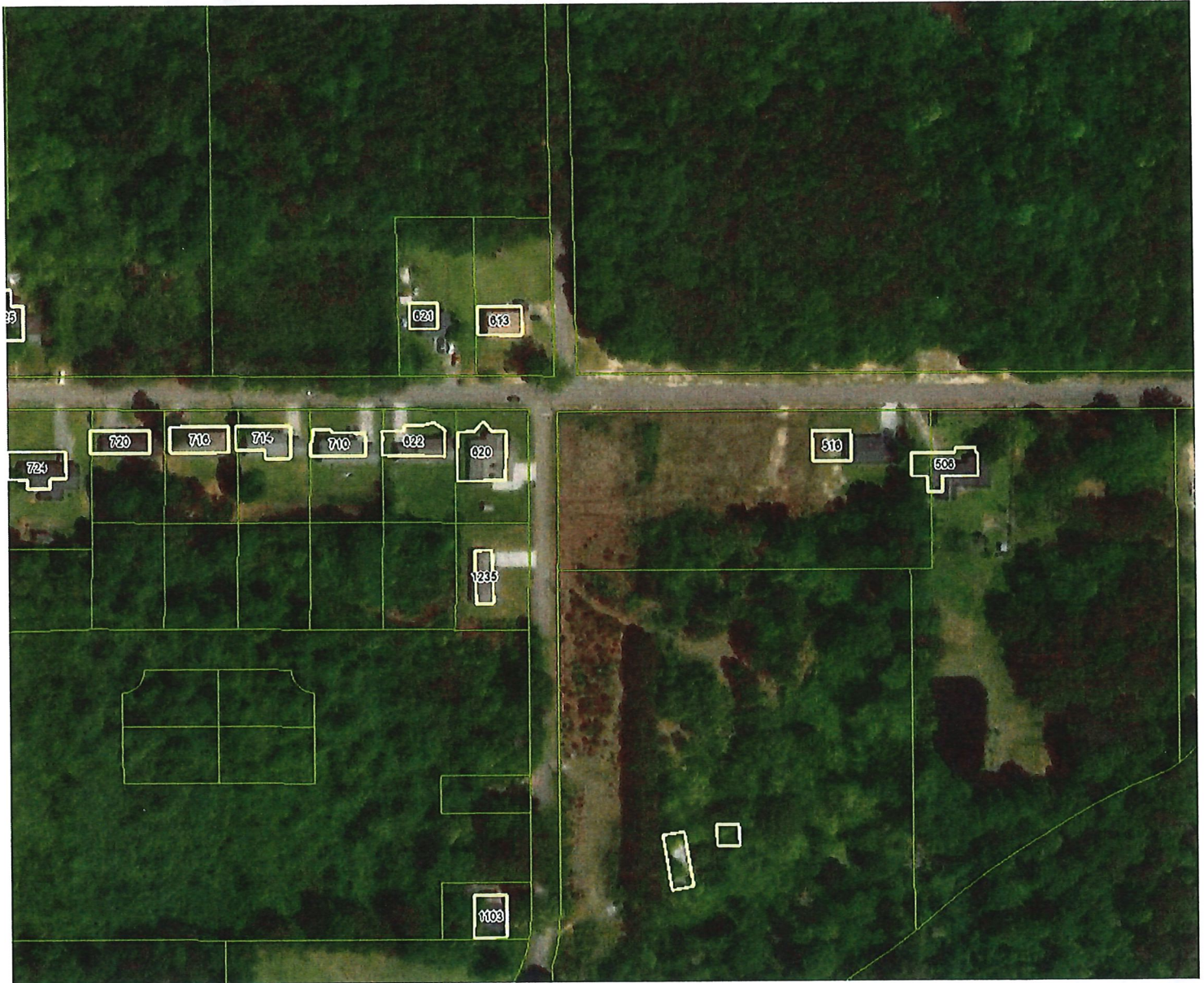
Vicinity Map—Ward 5 (Highlighted Parcels to be subdivided)



Zoning—R-1C (Highlighted Parcels to be subdivided)



Site Aerial



SURROUNDING AREA

**North: I-1 Light Industrial
(Undeveloped)**



**South: R-1C Zoning
Vacant/Undeveloped**



East: R-1C Single-Family homes



West: R-1C Single-Family Homes



SURROUNDING AREA

Street View of Johnson St Facing North



Single-Family home on Johnson St directly across from proposed development

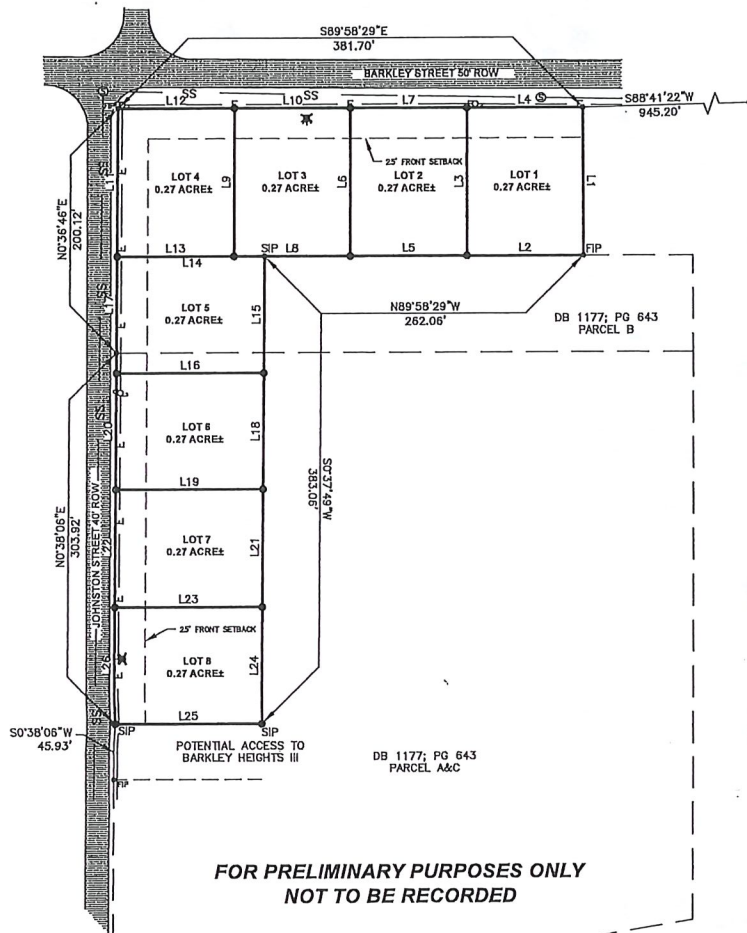


Single-Family home at Northwest Corner of Barkley Road/Johnson St intersection

BARKLEY HEIGHTS II

RECEIVED
JUN 29 2022
BY: *Lu*

TOTAL AREA
2.13 ACRES ±



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

ZONE R-1B
SETBACK - FRONT 25'

SURVEY REFERENCE POINT 1
SPC ZONE: MISSISSIPPI EAST 2301
DATUM: NAD 83
CONVERGENCE ANGLE: -0°13'47"
NORTHING: 650709.08'
EASTING: 846079.49'

SURVEY REFERENCE POINT 2
SPC ZONE: MISSISSIPPI EAST 2301
DATUM: NAD 83
CONVERGENCE ANGLE: -0°13'53"
NORTHING: 650687.46'
EASTING: 845134.54'

LINE	BEARING	DISTANCE
L1	S 00°01'22" E	120.98'
L2	N 89°58'29" W	95.76'
L3	S 00°08'10" W	120.98'
L4	N 89°58'29" W	95.43'
L5	N 89°58'29" W	95.76'
L6	S 00°17'42" W	120.98'
L7	S 89°58'29" E	95.43'
L8	N 89°58'29" W	95.76'
L9	N 00°27'14" E	120.98'
L10	S 89°58'29" E	95.43'
L11	S 00°38'46" W	120.99'
L12	S 89°58'29" E	95.43'
L13	S 89°58'29" E	95.76'
L14	S 89°58'29" E	120.98'
L15	S 00°37'36" W	95.77'
L16	N 89°58'29" W	120.94'
L17	N 00°36'46" E	79.14'
L18	S 00°37'36" W	95.77'
L19	S 89°58'29" E	120.95'
L20	S 00°38'06" W	95.77'
L21	S 00°37'36" W	95.77'
L22	N 00°38'06" E	95.77'
L23	S 89°58'29" E	120.97'
L24	N 00°37'36" E	95.77'
L25	S 89°58'29" E	120.98'
L26	S 00°38'06" W	95.77'

LEGAL DESCRIPTION TOTAL PROPERTY:

A PARCEL OF LAND BEING PART OF THE NW ¼ OF THE NW ¼ SECTION 26, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (BEARINGS ARE BASED ON GRID NORTH)

COMMENCING AT A FOUND NAIL AT THE NE CORNER OF THE NW ¼ OF THE NW ¼ SECTION 26, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI, THENCE RUN S88°41'22"W FOR 945.20' TO A FOUND IRON PIN ON THE SOUTHERN RIGHT-OF-WAY LINE OF BARKLEY STREET FOR THE POINT OF BEGINNING; THENCE RUN S0°01'22"E FOR 120.98' TO A FOUND IRON PIN; THENCE RUN N89°58'29"W FOR 262.06' TO A SET CAPPED IRON PIN; THENCE RUN S0°37'49"W FOR 383.06' TO A SET CAPPED IRON PIN; THENCE RUN N89°58'29"W FOR 120.98' TO A SET CAPPED IRON PIN ON THE EASTERN RIGHT-OF-WAY LINE OF JOHNSTON STREET; THENCE RUN N0°38'06"E ALONG THE SAID RIGHT-OF-WAY LINE FOR 303.92' TO A FOUND IRON PIN; THENCE RUN N0°38'46"E ALONG THE SAID RIGHT-OF-WAY LINE FOR 200.12' TO A FOUND IRON PIN AT THE INTERSECTION OF THE EASTERN RIGHT-OF-WAY LINE OF JOHNSTON STREET AND THE SOUTHERN RIGHT-OF-WAY LINE OF BARKLEY STREET; THENCE RUN S89°58'29"E ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF BARKLEY STREET FOR 381.70' BACK TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 2.13 ACRES MORE OR LESS.

LEGEND & ABBREVIATIONS

FIP - FOUND IRON PIN

● MONUMENT FOUND /SET

○ PROPOSED SET IRON PIN

— E — POWER LINE

— SS — SANITARY SEWER

— U — UTILITY POLE

— A — ASPHALT

NOTES:

- IRON PINS ARE 1/2" X 24" REBAR CAPPED WITH PS #3280 UNLESS OTHERWISE NOTED.
- RECORD SEARCH FOR EASEMENTS RIGHTS-OF-WAY, ETC. AND TITLE OPINION NOT PERFORMED AS PART OF SURVEY.
- ST. STEPHENS PRINCIPAL MERIDIAN.
- STATE PLANE COORDINATES WERE DERIVED FROM THE GULF COAST GEOSPATIAL CENTER ON 5/30/22.

REFERENCE MATERIAL:

- TAX MAPS AND TAX DATA.
- DEED PROVIDED BY CLIENT
- WARRANTY DEEDS ON FILE IN THE FORREST COUNTY CHANCERY CLERK'S OFFICE: DB 1177, PG 643; DB 1249, PG 68; DB 1179, PG 93; DB 1232, PG 393

PREPARED BY

**CASEY L. BENEDICT
SURVEYING**

70 MITCHELL ROAD
Purvis, Mississippi 39475
Phone: (601) 466-3178

P20

BOUNDARY SURVEY

AURORA CONSULTING GROUP, LLC
PART OF THE NW ¼ OF THE NW ¼, SECTION 26,
TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST
COUNTY, MISSISSIPPI.

BEARINGS ORIENTED BY: GPS (GRID NORTH)

SURVEYED BY: CLB

DRAWN BY: CLB

PROJECT #: 1086-001

DRAWING SCALE: 1" = 100'

CLASS OF SURVEY: B

DATE: 6/25/22

I CERTIFY THAT THE INFORMATION
CONTAINED ON THIS PLAT IS TRUE
AND ACCURATE TO THE BEST OF
MY KNOWLEDGE AND BELIEF.

CASEY L. BENEDICT
MS PS No. 3280

Date





URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Name of Petitioner: Kenneth Moye, Representative and Amos Peters Jr., Owner

Address of Property:	Tax Parcel	PPIN:	Ward:
5530 Old Highway 42	2-029B-03-346.00	18033	2
	2-029B-03-347.00	18035	2
	2-029B-03-348.00	18036	2
	2-029B-03-349.00	15061	2

Request: Zoning Change

Purpose of Request: To consider an application to change the zoning classification for undeveloped properties located at 5530 Old Hwy 42 (Parcel 2-029B-03-346.00, PPIN 18033; Parcel 2-029B-03-347.00, PPIN 18035; Parcel 2-029B-03-348.00, PPIN 18036; Parcel 2-029B-03-349.00, PPIN 15061, Forrest County, Ward 2) from Section 4.5.10 – B-3 Community Business District and Section 4.5.5 R-1C Single-Family Residential to Section 5.4.13 Light Industrial District I-1.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts Established

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

4.5.10 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.

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.

SECTION 5 Use Regulations and Conditions

Section 5.4.7 – Conditions for Use Automotive, truck, and small engine maintenance Tow Yards (Impoundment Lots)

5.4.7.1 Display of Vehicles for Sale or Lease.

- i. Vehicles for sale or lease may be displayed in the established front yard provided that no vehicle shall be displayed within fifteen feet of the street right-of way.
- ii. All new display areas shall be paved

5.4.7.2 Outdoor Storage.

- i. A motor vehicle repair, service, body or paint shop which has wrecked, partially dismantled, or inoperative vehicles located on-site shall store these vehicles in an enclosed building or in a separate motor vehicle storage yard that meets the requirements of this ordinance for such yards.
- ii. Storage areas are exempt from the interior landscaping requirements for parking lots. However, the perimeter landscaping requirements of parking lots shall apply to such storage areas
- iii. Storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street

SECTION 7 STANDARDS OF DESIGN

Table 7.11-2 Zoning Buffer Requirements

Table 7.11-2 Zoning Buffer Requirements														
Zones	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1/B-2	B-3	B-4	B-5	I-1	I-2	Buffer Yard Specifications
B-5	50'	50'	50'	50'	50'	50'	50'	-	-	-	-	-	-	Type 50 shall consist of a landscaped area a minimum of 50 feet in width, landscaped as an opaque barrier with 1 large canopy tree (ultimate height 50± feet) and one small ornamental deciduous tree for every 60 lineal feet of buffer yard and 1 medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.
I-1	60'	60'	60'	60'	60'	60'	60'	60'	60'	60'	-	-	-	Type 60 shall consist of a landscaped area a minimum of 60 feet in width, landscaped as an opaque barrier and 1 large canopy tree (ultimate height 50± feet) and 1 small ornamental deciduous tree for every 50 lineal feet of buffer yard and one medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.
I-2	60'	60'	60'	60'	60'	60'	60'	60'	60'	60'	-	-	-	

7.12.10.4.ii All outdoor storage associated with automotive and tow yard uses shall be hard surfaces, regardless of zone.

Present Zoning: Multiple lots are being considered for rezoning in this application. The three southern parcels, one fronting Old Highway 42, are zoned B-3, Community Business. The parcel that is fronting Gussie Street is zoned R-1C.

Present Use: Vacant/undeveloped property

Future Land Use: Community Business Corridor

Surrounding Zoning and Land Use:
 North: R-1C Single-family residential
 South: B-2 Neighborhood Business
 East: B-2 Neighborhood Business / R-1C Single-Family Residential
 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 July 20th, 2022.

History / Background: The property owner met with planning staff for a proposed multi-use development on the parcels. The owner purchased the property with the intention of developing a tire shop, insurance office, and tow yard on approximately 1.7 acres of the property. The property owner was unaware of zoning requirements of the proposed

development, where the primary use for the lot would be a tow yard. Tow yards are only permitted with conditions in an Industrial Zone. The other proposed uses of an insurance office and tire shop are permitted with conditions in the B-3 zoned parcels.

The property is also within a regulated flood zone (Zone AE 100-year) due to its proximity to the Bouie River to the North and its confluence with the Leaf River to the Northeast. Any new development within this zone must adhere to the Flood Damage Prevention Ordinance (Ord. No. 3294). The purpose of the Flood Damage Prevention Ordinance is to minimize private and public losses due to flood conditions in specific areas. This includes elevating any new structure built on the property. Elevation certificates (EC's) must be obtained prior to the issuance of any building permits and additional EC's must be obtained during and after construction. Planning staff have also pointed out the environmental concerns with establishing a tow yard within a flood zone with the property owner.

The petitioner has provided a preliminary site plan, showing the approximate locations of the tow yard and proposed structures. Industrial zones adjacent to residentially zoned parcels require a zoning buffer of 60'. The preliminary site plan shows the development meeting the zoning buffer depth next to the adjacent residentially zoned parcels. However, the area will be required to be landscaped.

Developments in Industrial zones are not subject to any building material design requirements (LDC 7.8)

There is a nearby property (PPIN 15117) to the northeast which was rezoned to industrial by Ord. 2418 on July 21, 1992 for use as a storage yard. The property is currently vacant. At the time, the approval notes that the area had been previously zoned industrial but was rezoned to residential to "keep with the land use at that time" likely referring to a sweeping rezone in the late 80's. Additionally, it noted that the use of a storage yard is consistent with allowable uses in a flood plain. The current flood ordinance does not list compatible uses in a 100-year flood zone. However, industrial uses may not be an ideal use within an area susceptible to flooding.

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

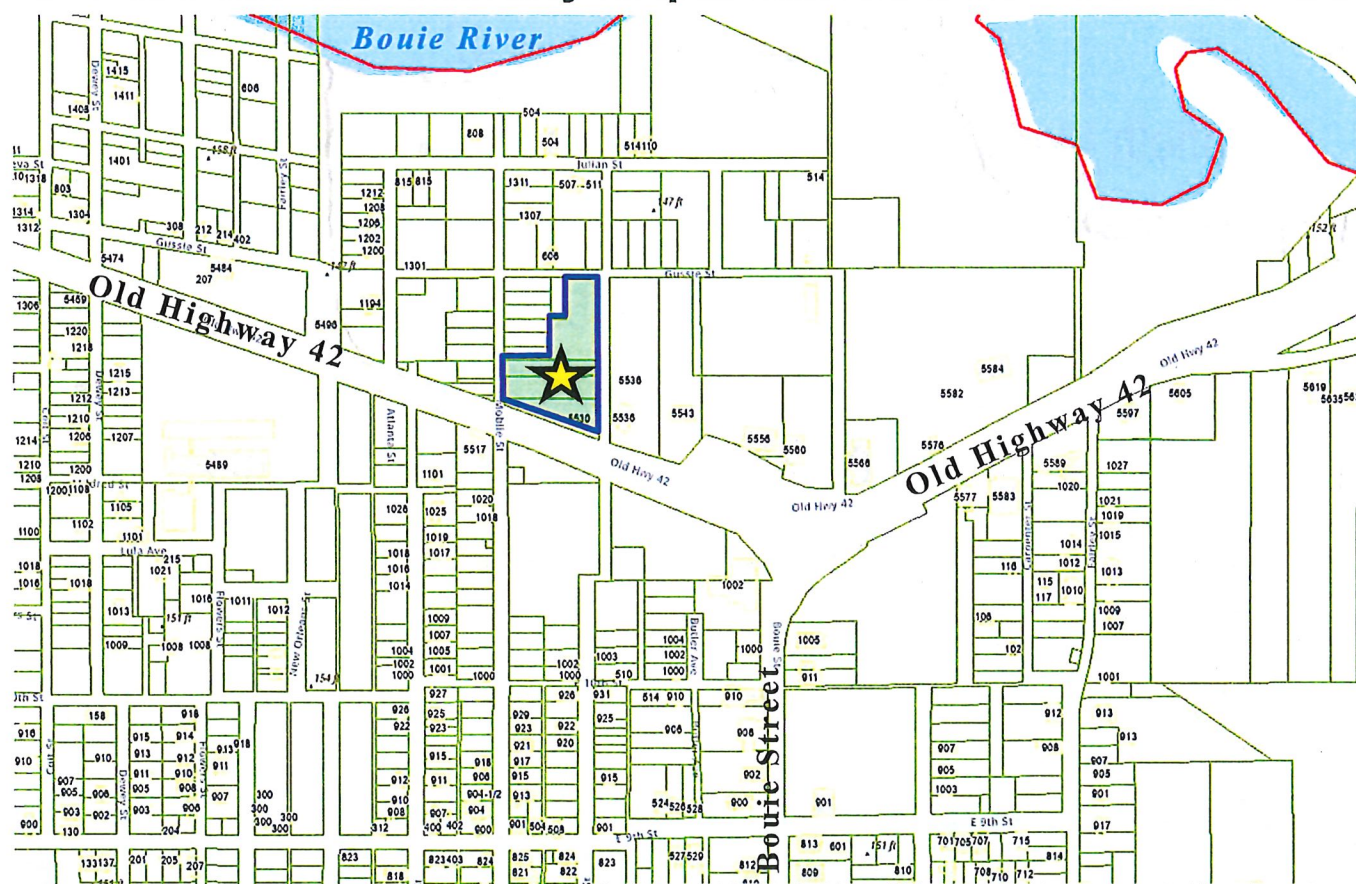
SUBJECT PARCEL:
5530 Old Highway 42

Kenneth Moye, Representative, and Amos Peters Jr., Owner

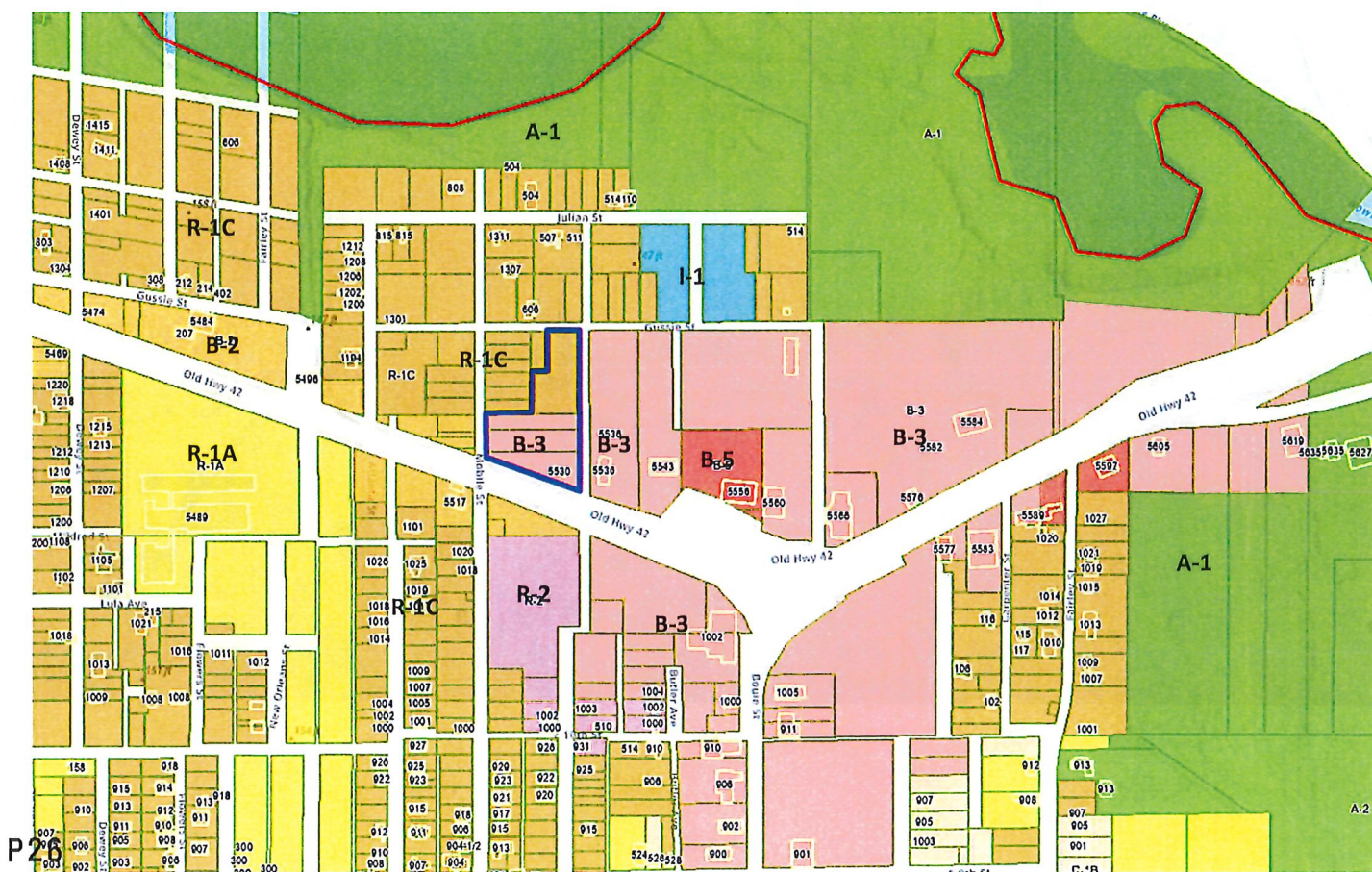
To consider an application to change the zoning classification for undeveloped properties located at 5530 Old Hwy 42 (Parcel 2-029B-03-346.00, PPIN 18033; Parcel 2-029B-03-347.00, PPIN 18035; Parcel 2-029B-03-348.00, PPIN 18036; Parcel 2-029B-03-349.00, PPIN 15061, Forrest County, Ward 2) from Section 4.5.10 – B-3 Community Business District and Section 4.5.5 R-1C Single-Family Residential to Section 5.4.13 Light Industrial District I-1.



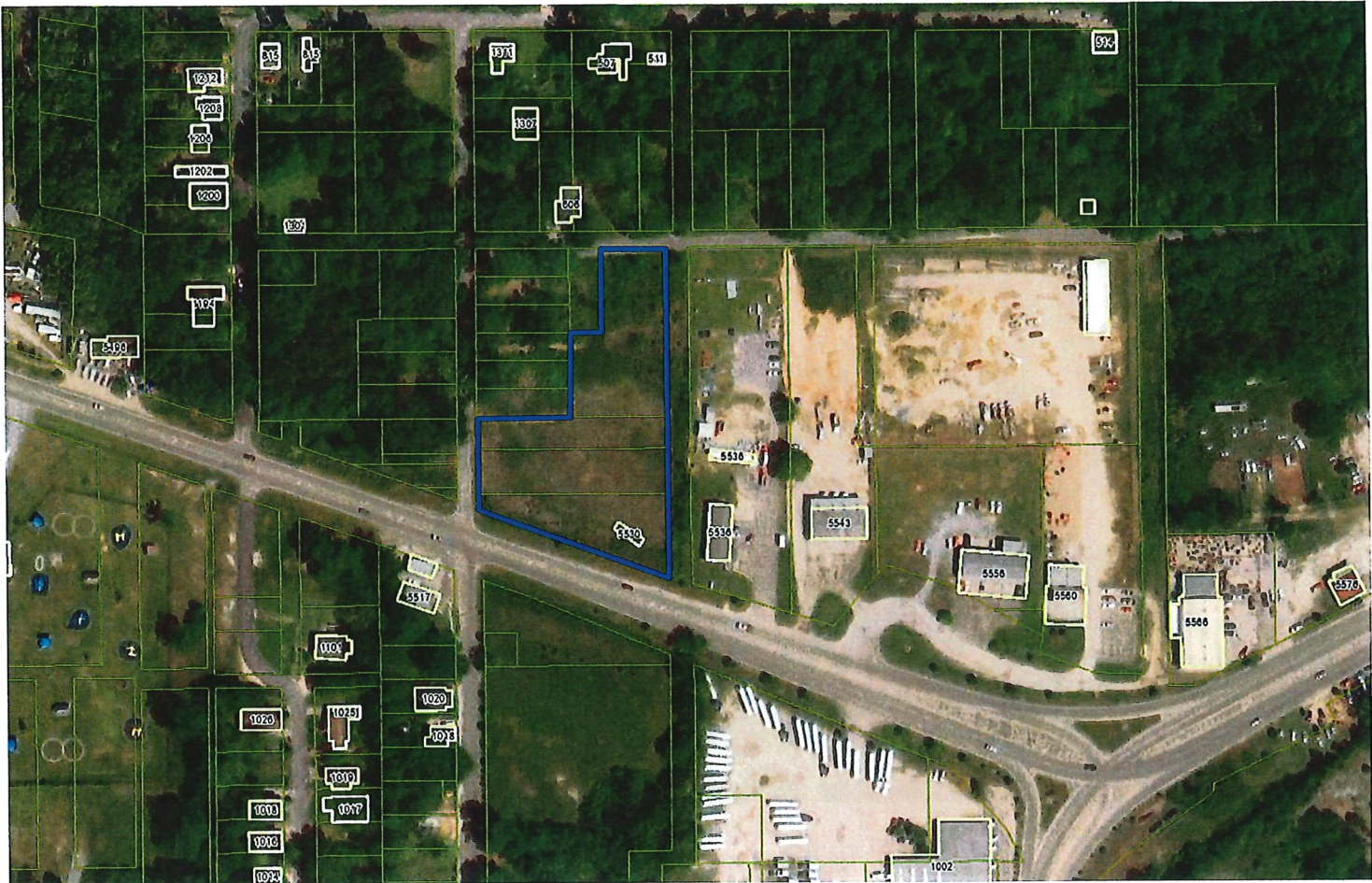
Vicinity Map—Ward 2



Zoning—R-3 and R-1C

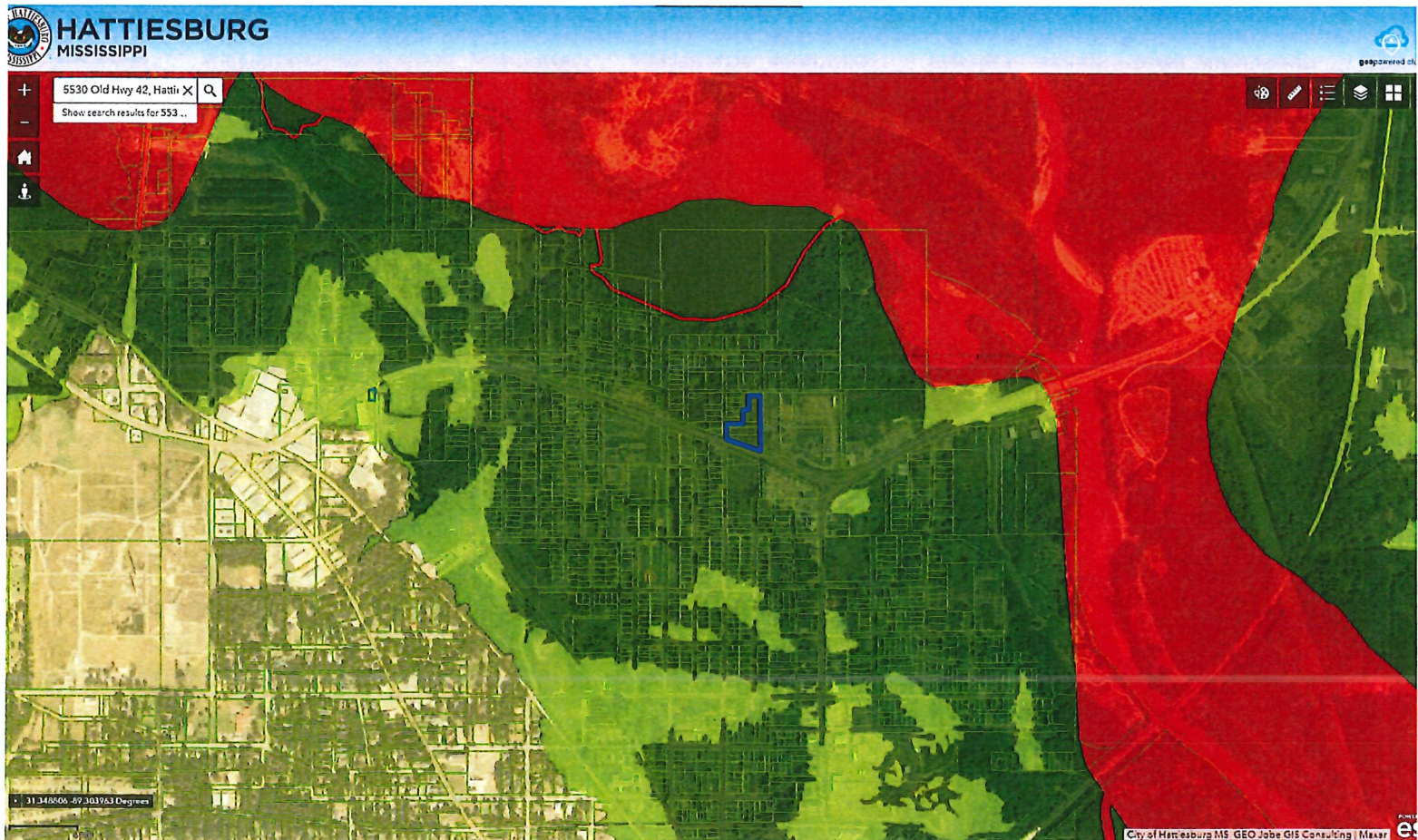


Site Aerial



Flood Zone Map

Property Located within Zone AE-100 Year Flood



Layers

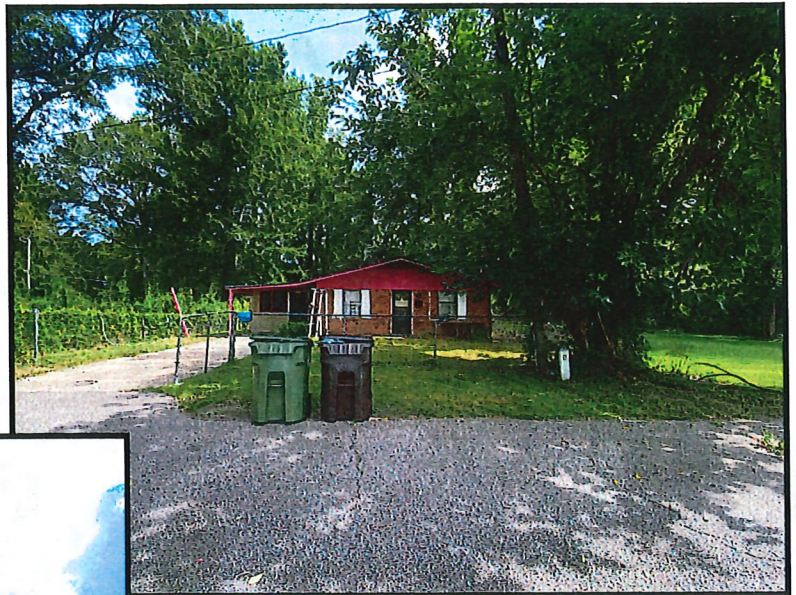
Floodplain

FEMA Flood Zones

- FLOODWAY AREA IN ZONE AE
- ZONE A (100 yr flood - no elevation)
- ZONE AE (100 yr flood w / elevation)
- ZONE SX (500 yr flood)
- ZONE X (No Special Flood Hazard Area)

SURROUNDING AREA

**North: R-1C—Single-Family
Residential**



**North: R-1C Single-Family
Residential (Vacant/Undeveloped)**



**South: B-2 Neighborhood Business
Retail**



**South: B-2 Community Business
Vacant/Undeveloped**



SURROUNDING AREA

**East: B-3 Community Business
Blossom Gas**



**East: B-3 Community Businesses
Blossom Gas (View from Gussie
Street)**

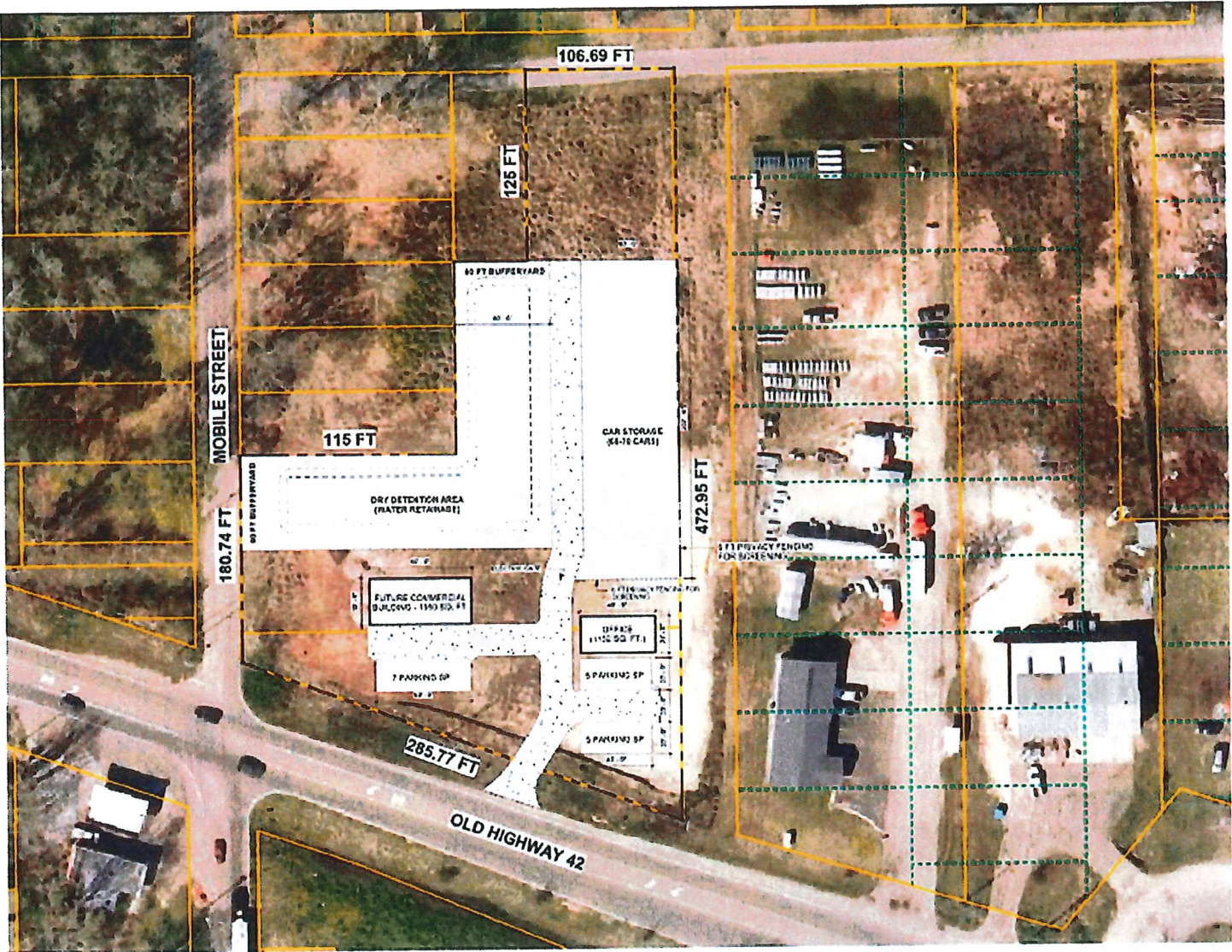


**West: B-2 Neighborhood Business
Vacant/Undeveloped**

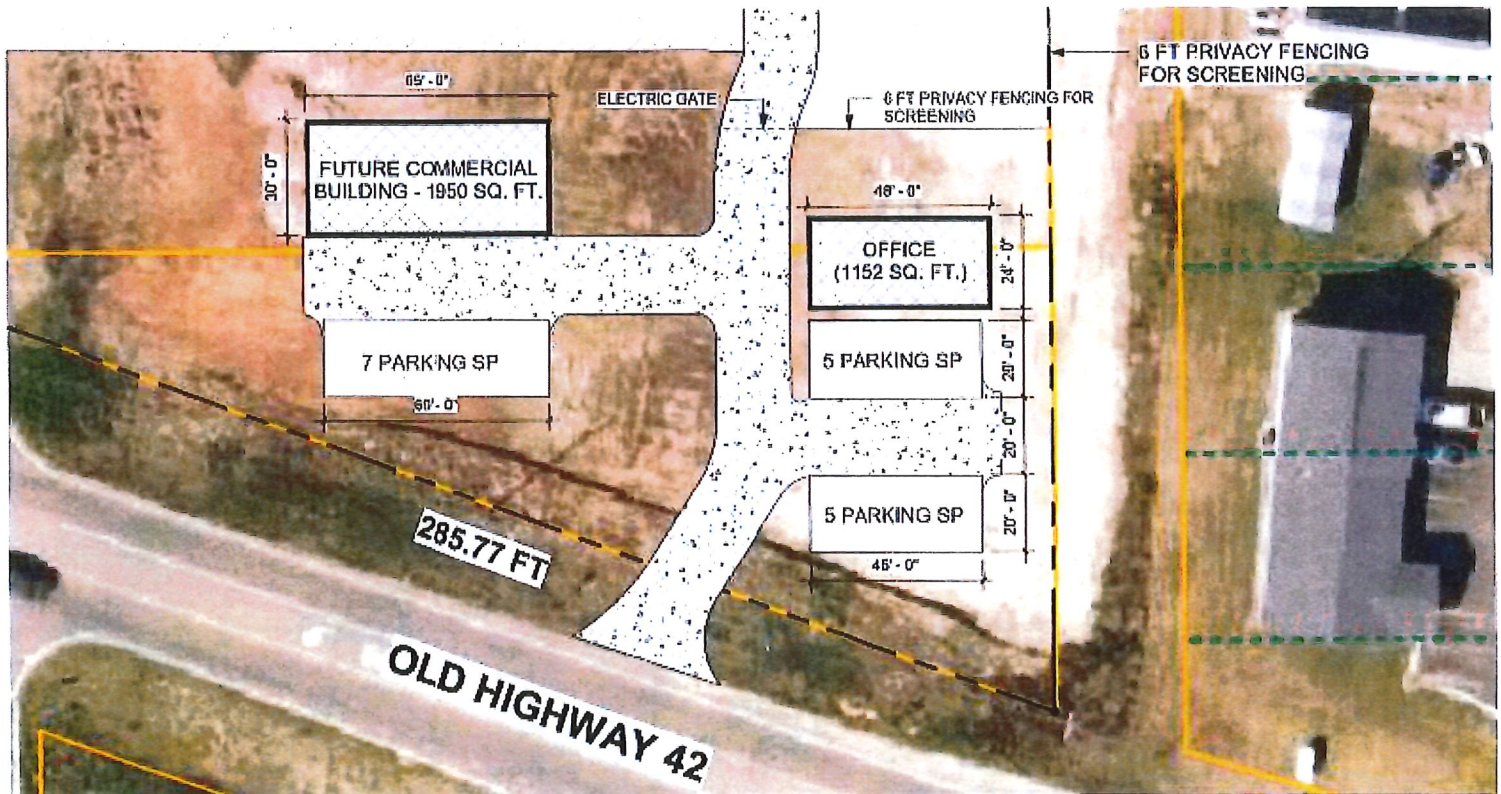
**West: R-1C Single-Family
Residential
Vacant/Undeveloped**



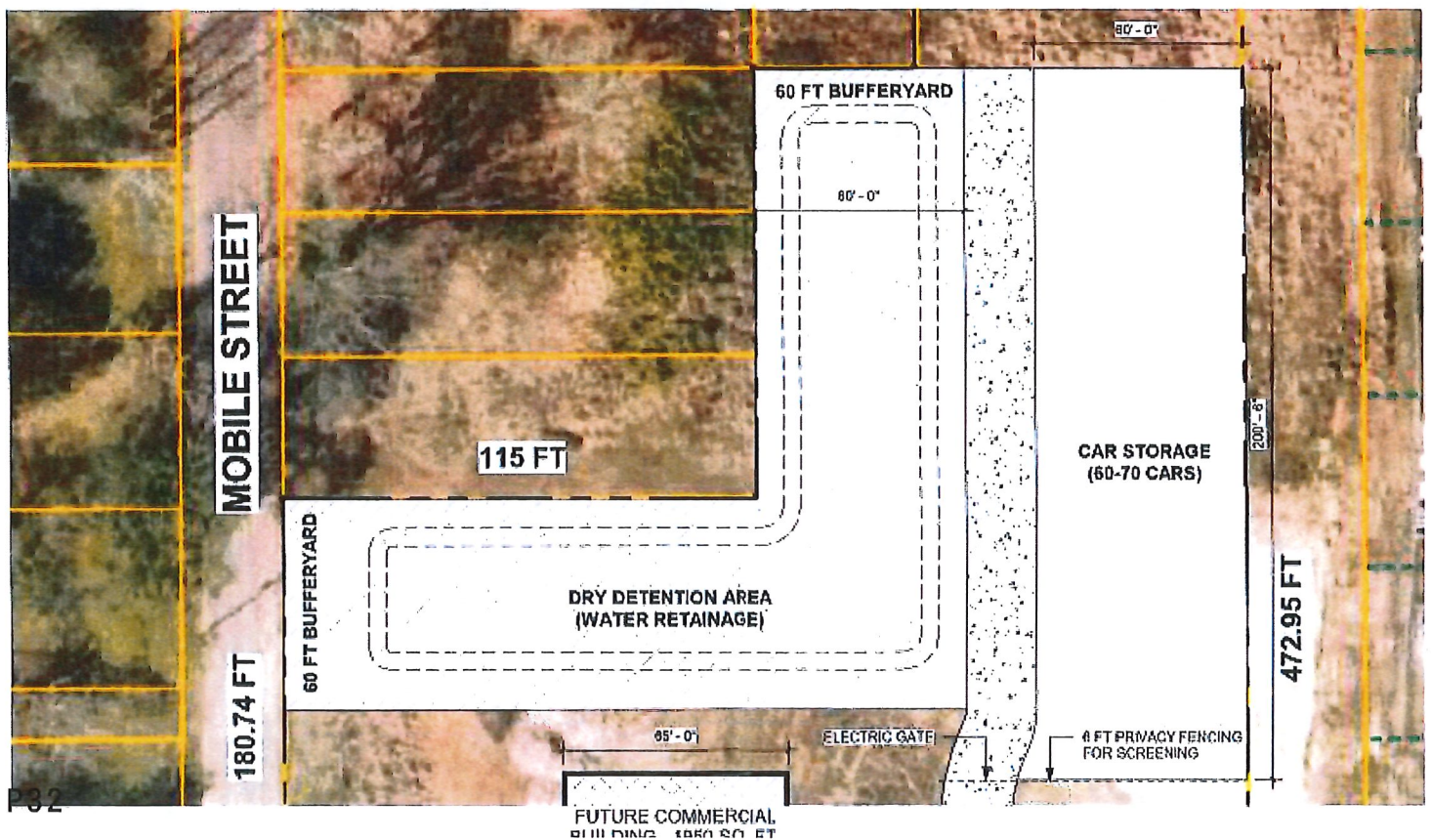
Preliminary Site Plan



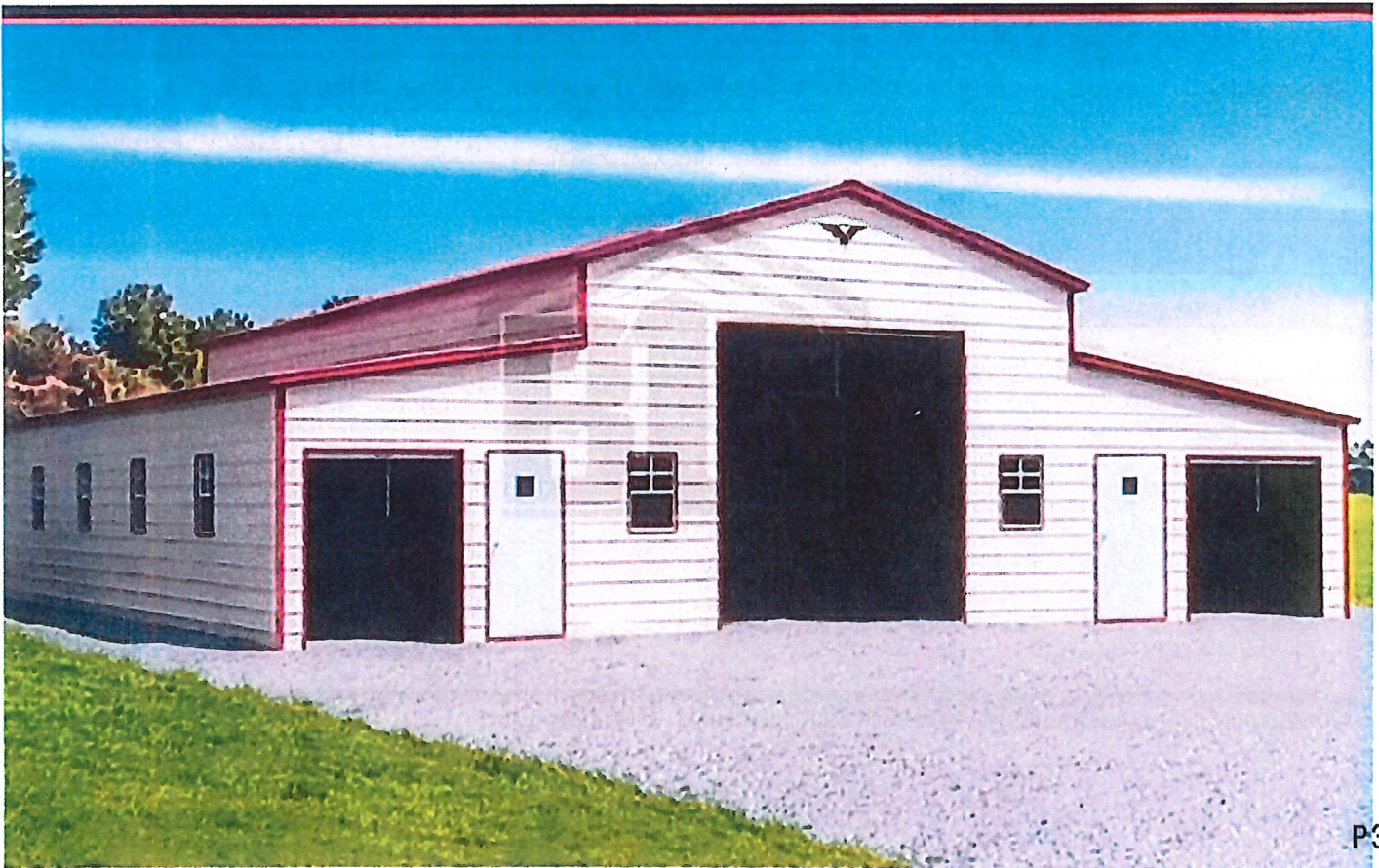
Enlarged Section A



Enlarged Section B



Proposed Building Type and Material (Submitted by Applicant)



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 rezoning of 5530 Old Highway 42 consists of a zoning request change from B-3 (Community Business District) and R-1C to I-1 (Light Industrial). This request is due to the character change of the neighborhood which is prominently a corridor of businesses including heavy duty equipment and services. The proposed highest use for the site is a tow yard, which is permitted in the I-1 district with conditions, as specified in the land use chart of the LDC. The proposed use is consistent with the surrounding land uses of the community. Adjacent to the site is a propane business and across the street is a tank truck transporter and logistic provider which deliver food, fuels, and industrial gasses. Within 800 feet to the west is a wrecker business and 400 feet to the east is another business which has similar uses and business activity as the proposed zoning change. In conclusion, the requested zoning change will be consistent with the land uses in the immediate vicinity and is also in line with the existing I-1 zoned property along Gussie Street, which is within 300 feet of the subject site.



URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Names of Petitioner: Ryan Bennett, applicant, Julie Mitchell, agent, and Brandon Parker, Representative

Address of Property:	Tax Parcel	PPIN:	Ward:
6335 US HWY 49, Suite 40	2-028G-05-059.00	14815	2

Request: **Cannabis Dispensary Approval Next to Residential**

Purpose of Request: To consider an application to request Planning Commission approval for a "Cannabis Dispensary" adjacent to a residentially zoned property located at 6335 US HWY 49, Suite 40 (Parcel 2-028G-05-059.00, PPIN 14815, Forrest County, Ward 2).

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.

SECTION 5

USE REGULATIONS AND CONDITIONS

Cannabis Dispensary Conditions for Use

5.4.12.1 Odor prevention plan to mitigate odor from leaving the building, suite and/or site required for all cannabis related businesses

5.4.12.3 Dispensaries adjacent to residentially zoned properties require Planning Commission approval."

5.4.12.4 Cannabis bi-product or waste shall not be stored outside of the building.

SECTION 10

Signs

10.9.12 No outdoor advertising signs may contain depictions of cannabis plants or cannabis products. This includes an image or visual representation of a cannabis leaf, plant, or the likeness thereof that explicitly suggests or represents a cannabis leaf or plant, or an image that indicates the presence of a product, such as smoke, etc. Nor may any signage be designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.

Present Zoning: This parcel is currently zoned B-5 (Regional Business) District

Present Use: Retail

Future Land Use: Community Businesses Corridor

**Surrounding Zoning
and Land Use:**

North: R-3 – Multi-Family Residential
South: B-3 – Community Business
East: R-3 – Multi-Family Residential
West: B-5 – Regional Businesses

**Letters or
Concerns stated:** The Planning Division Office has not received any letters or other written communications relative to this case as of July 22nd, 2022.

History / Background: Planning Staff met with the the applicant regarding converting their existing retail store REV vape supply store into a cannabis dispensary. The applicant is currently working through the state application requirements, but will need Planning Commission Approval to operate as a cannabis related business adjacent to residentially zoned properties. No exterior changes to the site are proposed and the applicant has an odor prevention plan on file.

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

Ryan Bennett, applicant, Julie Mitchell, agent, and Brandon Parker, Representative
Request for: **Cannabis Dispensary Approval**

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, this location is zoned properly and our odor prevention plan is attached.

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

Located on one of the main highways in the Hattiesburg communities, the proposed location will be able to serve the local communities medical needs in a convenient manor. There will be many patients seeking relief through medical cannabis, and we will be located nearby to Forrest General and many other physicians.

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

With a large parking lot and 2,000 sq. ft. retail store, the size of our site will be able to easily accomodate the projected increase in traffic without crowding.

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

If yes, please explain:

We expect to have an increase of 6-10 vehicles in our parking lot throughout the day.

We currently have enough spaces to accomodate this increase.

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

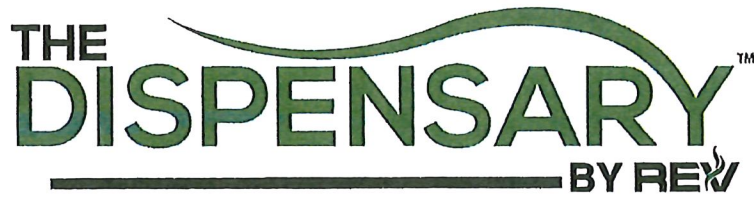
If yes, please explain:

6. What is the expected number of customers/employees per day? We expect to have six (6)
employees per day and 60-80 customers per day.

7. Parking Requirements:

Commercial/Industrial: Paved parking will be provided for 24 vehicles, and
2 ADA vehicle(s); with 1 loading spaces.

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



Odor Prevention Plan

The Dispensary by REV is determined to prevent any and all odors from escaping the premise and interfering with business in nearby areas.

To prevent this, The Dispensary by REV will keep all products in sealed smell proof packaging or smell proof containers.

All products purchased at the Dispensary by REV will be packaged and received by the consumer inside smell proof packaging and can not be opened until the customer has left the shopping premise.

Dispensary customers will not be allowed to use any products sold by The Dispensary by REV inside or outside of the business property.

In addition to this, a Rabbit Air Filter will be used inside the Dispensary premise to clean the air and remove any existing odors inside the Dispensary premise

A no loitering rule is also in place to deter Dispensary customers from staying on the premise while not shopping, to reduce the risk of the use of products on the premise

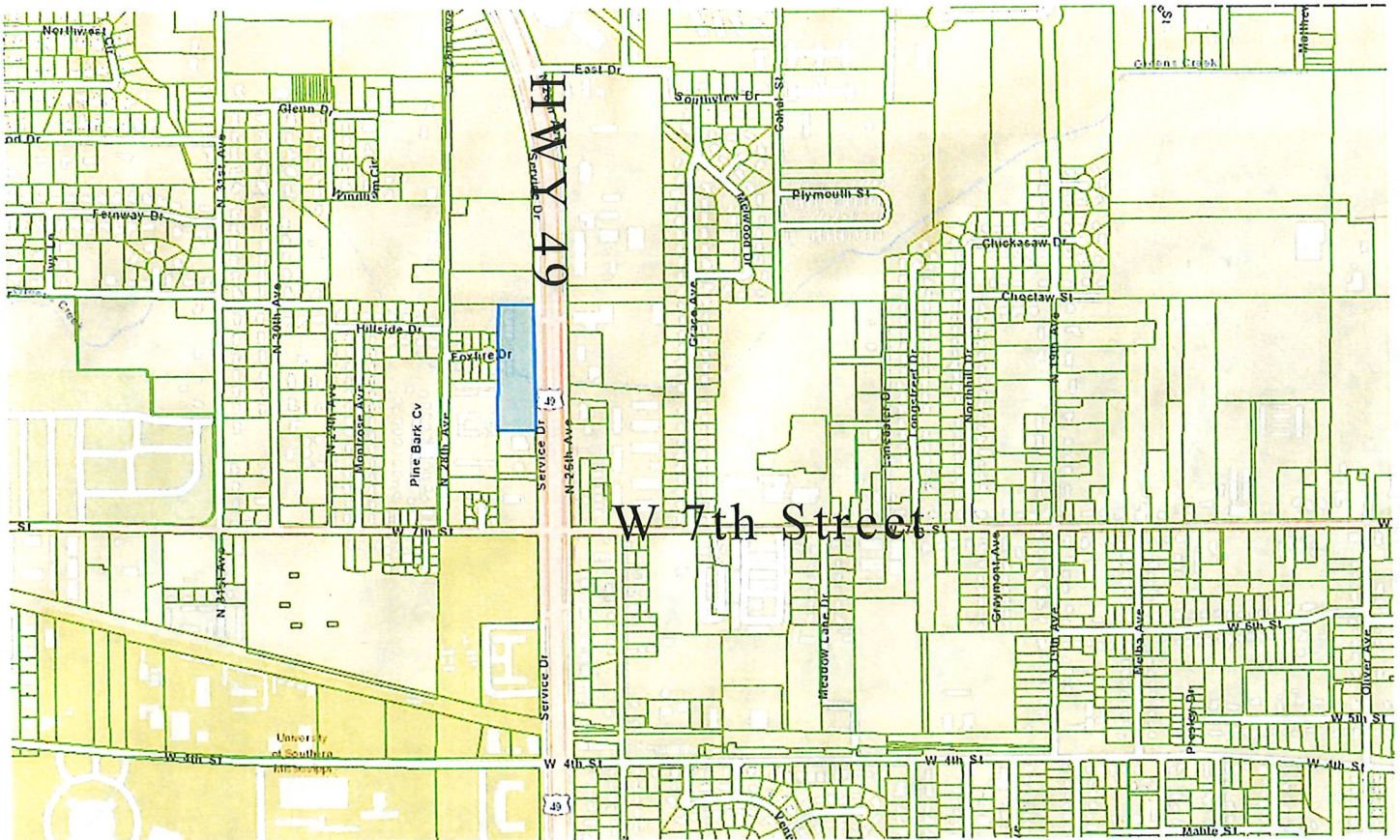
SUBJECT PARCEL:
6335 US HWY 49, Suite 40

Ryan Bennett, applicant, Julie Mitchell, agent, and Brandon Parker, Representative

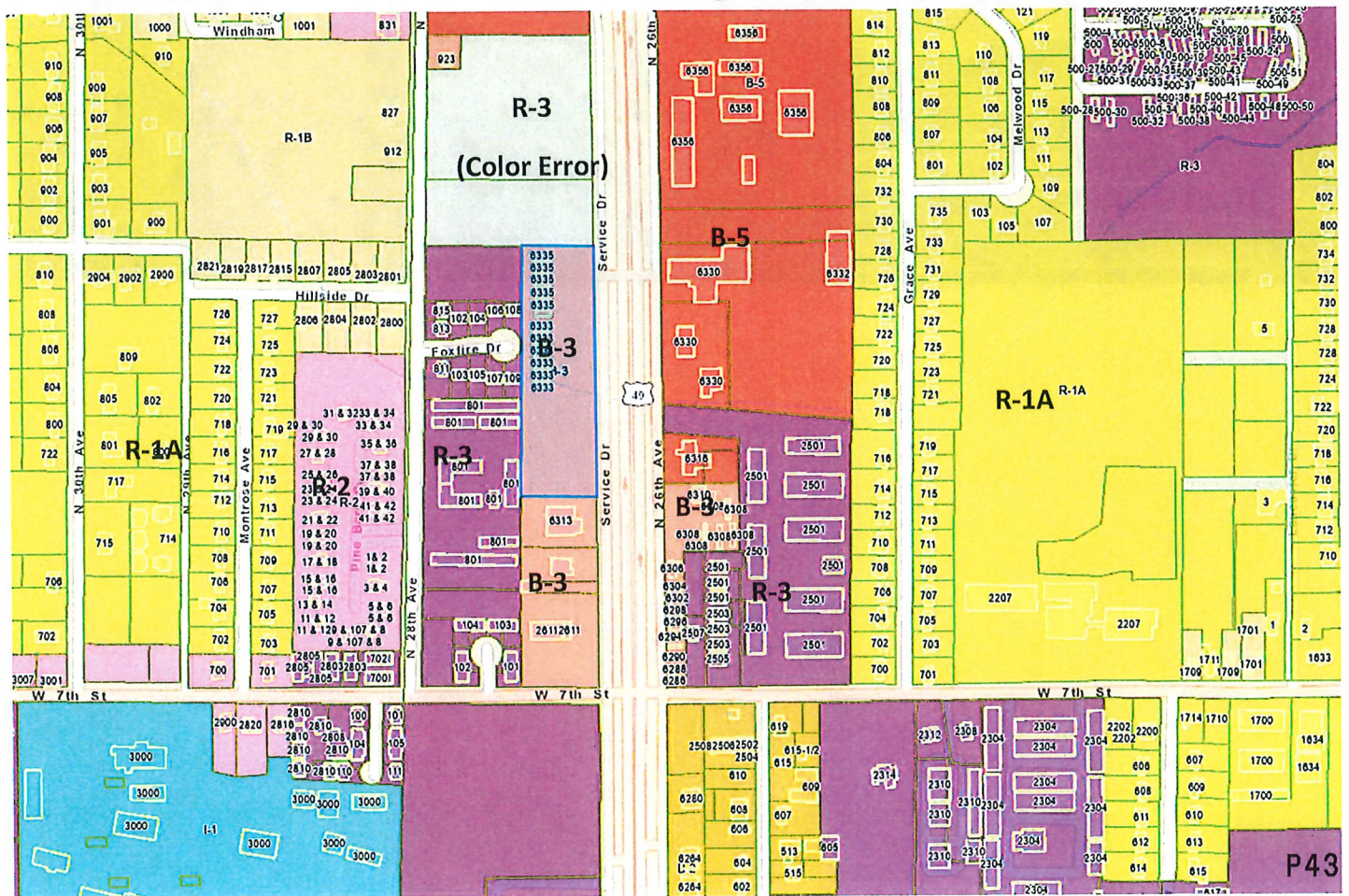
To consider an application to request Planning Commission approval for a “Cannabis Dispensary” adjacent to a residentially zoned property located at 6335 US HWY 49, Suite 40 (Parcel 2-028G-05-059.00, PPIN 14815, Forrest County, Ward 2).



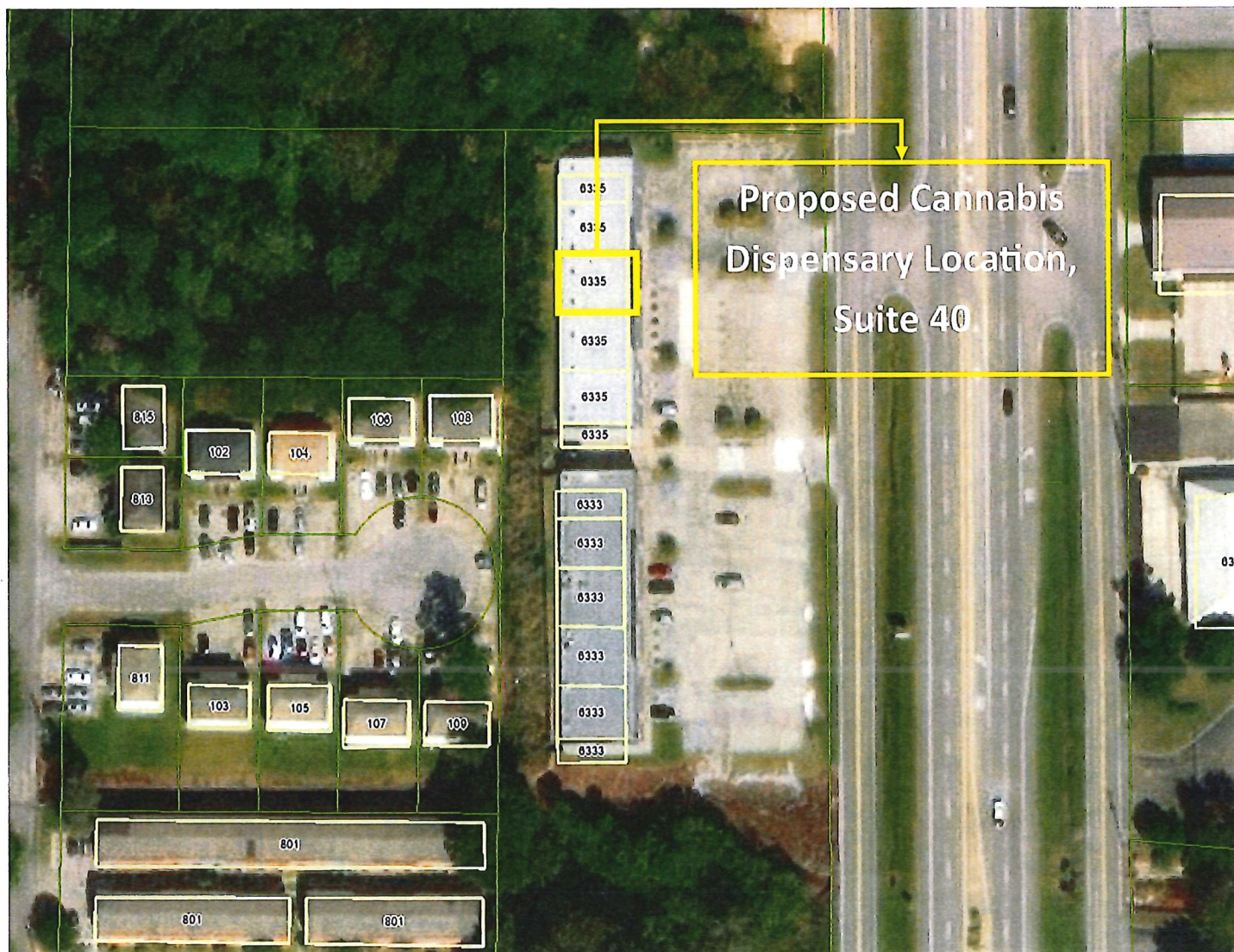
Vicinity Map—Ward 2



Zoning B-3



Site Aerial (Suite Highlighted in Yellow)



SURROUNDING AREA

Northern Direction: R-3 Multi-Family Residential

Vacant/Undeveloped



Southern Direction: B-3 Community Business
Restaurant



Eastern Direction: R-3 Multi-Family Residential
Apartments

Western Direction: B-5 Regional Business

MDOT Regional Office





URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Name of Petitioner: Cory Ferraez, Representative

Address of Property:	Tax Parcel	PPIN:	Ward:
106 Redus St	2-029C-04-166.00	25952	2
	2-029C-04-165.00	25953	2

Request: Zoning Change

Purpose of Request: To consider an application to change the zoning classification for a property located at 105 & 106 Redus Street (Parcel 2-029C-04-166.00, PPIN 25952; Parcel 2-029C-04-165.00, PPIN 25953, Forrest County, Ward 2) from Section 4.5.12 Regional Business District B-5 to Section 5.4.13 Light Industrial District I-1.

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.

SECTION 5 USE REGULATIONS AND CONDITIONS

Cannabis Dispensary Conditions for Use

5.4.12.1 Odor prevention plan to mitigate odor from leaving the building, suite and/or site required for all cannabis related businesses.

5.4.12.3 Dispensaries adjacent to residentially zoned properties require Planning Commission approval.

5.4.12.4 Cannabis bi-product or waste shall not be stored outside of the building.

SECTION 10 Signs

10.9.12 No outdoor advertising signs may contain depictions of cannabis plants or cannabis products. This includes an image or visual representation of a cannabis leaf, plant, or the likeness thereof that explicitly suggests or represents a cannabis leaf or plant, or an image that indicates the presence of a product, such as smoke, etc. Nor may any signage be designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.

Present Zoning:	The parcel is currently zoned B-5, Regional Business District.
Present Use:	Vacant Commercial/Warehouse Structure – Formerly Occupied by SERVPRO and an Auto Repair Facility
Future Land Use:	Community Business Corridor / Neighborhood Conservation District ¹
Surrounding Zoning and Land Use:	North: I-1 Light Industrial South: B-5 Regional Business East: I-1 Light Industrial West: B-5 Light Industrial
Letters or Concerns stated:	The Planning Division Office has received multiple approval letters from neighboring businesses and from the president of the North Main Historic Neighborhood Association.
History / Background:	The petitioner met with Planning staff to discuss rezoning the parcels from B-5 to I-1 for a proposed cannabis cultivation facility. The applicant has noted the existing warehouse would serve the needs of a cannabis cultivation facility as is and would need no exterior site changes for the proposed business operations. The parcels and structures sit at the end of a dead-end street and are bound by a rail-line to the North. Currently, the facility can only be accessed from Main Street. The applicant is also proposing the addition of a Cannabis Transportation business on site. The facility is fenced on all sides. The residential neighborhood to the South is separated from the proposed rezoning by two B-5 parcels, which are currently vacant and undeveloped. The nearest residential property is on E Red Street, on a B-3 Zoned Parcel. The residence is also on a dead-end street, bound by the rail line to the east. The adjacent industrial zoning is separated by a rail line to the northeast.

In 2001 the property was granted a variance (under previous code) for a gravel storage yard as well as a Use Permit Upon Review for a storage yard with the stipulation the site be screened by an 8ft fence. Use Permits were issued to an applicant, not the property.

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.)

See attached Exhibit A.

Exhibit A: Rezoning Information

Brief description of operations for 105-106 Redus Street

Buildings on 105 and 106 Redus Street are located within a private, gated, completely fenced, enclosed and locked area. The proposed property abuts industrial I-1 zoning (currently W A Warren Asphalt Paving) across the railroad track. The total square footage of building 106 where the grow is located is approximately 5400 ft.².

The Microcultivation facility will operate in building 106 under a tier 2 micro cultivation license granted by the MS department of Health and encompass approximately 2000 ft.² of flowering plant canopy.

In order to meet the public utility needs of the facility, Mississippi Power is on standby to install additional kilowatts for lighting, HVAC, dehumidification, etc.

Due to the 100% organic growing practices that will be employed, no additional drainage is necessary in the facility for nutrient runoff (as is the case in traditional indoor hydroponic cultivation). Instead, raised, organic soil flower beds will be employed and hand watered. Water from dehumidification will be recaptured, filtered and reused. All possible organic and sustainable farming practices will be employed.

The facility will include an area for packaging raw cannabis flower, as well as a licensed transportation operation that will transport final product from the site to the license dispensaries in addition to corporate office space for the subsidiaries parent company, FerrCann, Inc.

FerrCann, Inc./Applicant Meets the Rezoning Information Condition B

Condition B is applicable to this Zoning Change: (1) The character of the neighborhood has changed substantially so that rezoning is clearly justified and (2) there is a public need for the rezoning.

The neighborhood, and specifically Redus Street, is a dead-end road that is located in the proximity of many light and heavy commercial operations/businesses. Importantly, these Redus street properties abut an already-zoned/classified I-1 light industrial property, Warren Asphalt Paving. The neighborhood is already zoned B-5 and it has continued to substantially shift towards I-1 properties and businesses so the zoning change from B-5 to I-1 is clearly justified. B-5 is only one classification away from I-1 and the types of businesses surrounding the property warrant rezoning this space away from B-5 to allow FerrCann, Inc.'s small micro cultivation facility to operate.

Regarding public need, FerrCann, Inc. has secured letters of support from the surrounding businesses included with the application. The public and future commercial/industrial companies will benefit from this rezoning to allow more opportunities for scarce industrial space around the North Main area. More I-1 zones in this parcel will benefit the North Main area/community. Further, eventual medical cannabis patients/medicinal community will benefit from multiple cannabis operations on the property by providing high quality products to the market, expanding the tax base in the area, and FerrCann, Inc.'s investments into the property and surrounding areas will continue to improve the business community in the North Main area/district. There is only

one (1) residential property that is separated by a large buffer zone and is the only known residence in the entire business/commercial area. The facility will be secure at all times and provide additional security to the area, and the small cannabis operations will have no impact on drainage/odor on the property.

FerrCann, Inc. and this rezoning application meet the requirement of Condition B because the character of the neighborhood has changed to I-1 type of industry so that rezoning is clearly justified and the public need for more industrial space in this part of the community. Finally, cannabis patients have a need for quality products produced by the cultivation business and safe/secure transport of those products for FerrCann, Inc.'s transportation company.

ODOR CONTROL PLAN
STOK'D GENETICS, LLC
106 Redus Street Micro-Cultivation Facility

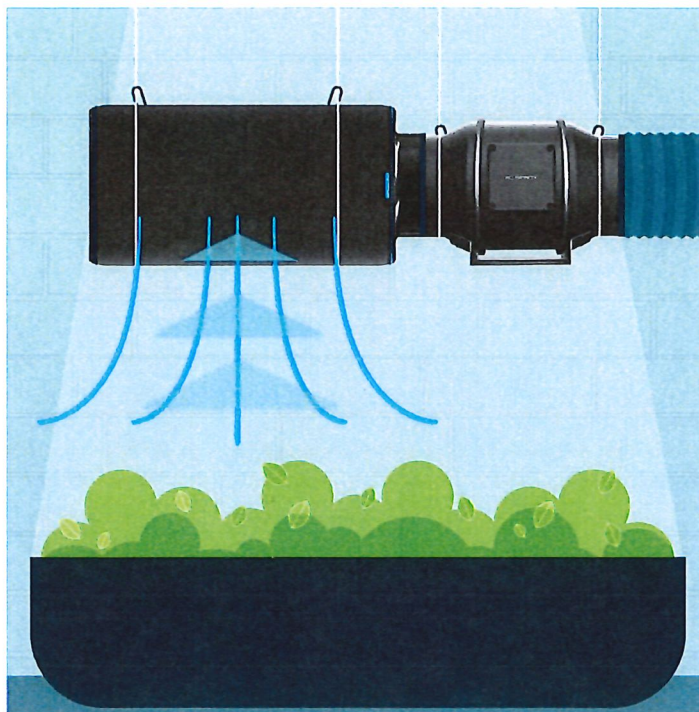
Cannabis is known to have a distinct scent. Cannabis Businesses must be considerate of the community, and a common concern amongst communities is the potential for odor outside the facility. The odor becomes an issue when the air inside the facility leaves the facility.

To ensure no odor is emitted, we must contain and continually filter the air inside the facility. This is accomplished by sealing each room containing cannabis as noted in the facility layout plan, and Stok'd Genetics will use a carbon filtration system to continually scrub the air inside the facility and each room.

Carbon filtration is a method of filtering whereby activated carbon removes impurities using absorption. **This is considered the industry standard in cannabis odor control.** Air is forced through the filter using an inline fan or duct blower.

Carbon filters must be adequately sized to the correct airflow rates and cubic feet of air to be filtered. Filters must be changed periodically. We will utilize filters in each room containing cannabis including flower room, vegetative room, dry/cure room and processing room. Additionally, we will place carbon filters throughout the rest of the facility as needed to control any remaining odor. Filters can be hung from the ceiling or placed upright on the floor.

A photo of a carbon filter is below for the Planning Commission and City Council:



June 17, 2022

David Grover, President
Grover Brothers Restaurant Supply
1500 N. Main Street
Hattiesburg, MS 39401
P: 601.545.3505

To Whom This May Concern:

I am the owner and President of Grover Brothers Restaurant Supply located at 1500 N. Main Street, Hattiesburg, MS 39401. My business is located next to 105 and 106 Redus Street. I have met with the owners of FerrCann, Inc. and Stok'd Genetics, LLC about their project and rezoning request to light industrial use. I am in full support of their business and their rezoning request change from B-5 to I-1 light industrial on the property to allow them to operate. I believe their business will continue to enhance the business community in the north main business district.

Please do not hesitate to contact me if you need anything further.

Sincerely,

A handwritten signature in cursive script that reads "David Grover".

David Grover

June 23, 2022

Tim Brewer, Owner
FSC: Fireplace and Stone Center
1505 N. Main Street
Hattiesburg, MS 39401
P: 601.545.9876

To Whom This May Concern:

I am the owner of Fireplace and Stone Center located at 1505 N. Main Street, Hattiesburg, MS 39401. My business is located next to 105 and 106 Redus Street. I have met with the owners of FerrCann, Inc. and Stok'd Genetics, LLC about their project and rezoning request to light industrial use. I am in full support of their business and their rezoning request change from B-5 to I-1 light industrial on the property to allow them to operate. I believe their business will continue to enhance the business community in the north main business district.

Please do not hesitate to contact me if you need anything further.

Sincerely,


Tim Brewer

June 23, 2022

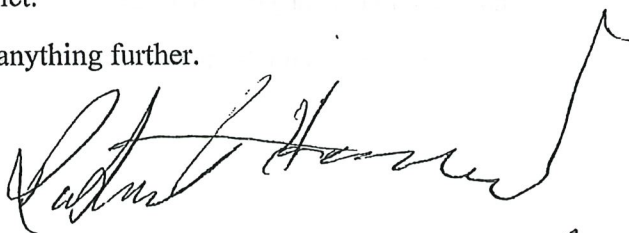
Bob
B&R Auto Repair
1501 N. Main Street
Hattiesburg, MS 39401
P: 601.545.9876

To Whom This May Concern:

I am the owner of B&R Auto Repair located at 1501 N. Main Street, Hattiesburg, MS 39401. My business is located next to 105 and 106 Redus Street. I have met with the owners of FerrCann, Inc. and Stok'd Genetics, LLC about their project and rezoning request to light industrial use. I am in full support of their business and their rezoning request change from B-5 to I-1 light industrial on the property to allow them to operate. I believe their business will continue to enhance the business community in the north main business district.

Please do not hesitate to contact me if you need anything further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Howard".

Robert Howard

Bob

June 24, 2022

Fred Smallwood
Distinctive Doors & Glass
1503 N. Main Street
Hattiesburg, MS 39401
P: 601.544.7730

To Whom This May Concern:

I am the owner of Distinctive Doors & Glass located at 1503 N. Main Street, Hattiesburg, MS 39401. My business is located next to 105 and 106 Redus Street. I have met with the owners of FerrCann, Inc. and Stok'd Genetics, LLC about their project and rezoning request to light industrial use. I am in full support of their business and their rezoning request change from B-5 to I-1 light industrial on the property to allow them to operate. I believe their business will continue to enhance the business community in the north main business district.

Please do not hesitate to contact me if you need anything further.

Sincerely,



Fred Smallwood

June 19, 2022

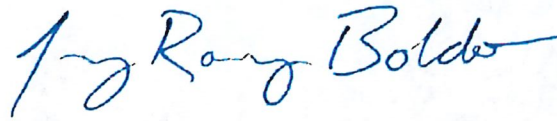
Tom S. Ramirez Boldo, President
North Main Historic Neighborhood Association

To Whom This May Concern:

I am the current President of the North Main Historic Neighborhood Association. 105 and 106 Redus Street borders the North Main Historic Neighborhood Association district. I have discussed with the owners of FerrCann, Inc. and Stok'd Genetics, LLC about their project and rezoning request to light industrial use and I have presented the request to our Association's Board. The Board does not oppose the rezoning request change from B-5 to I-1 light industrial on the property to allow them to operate. The Board believes their business will continue to enhance the business community around the north main business district.

Please do not hesitate to contact me if you need anything further.

Sincerely,



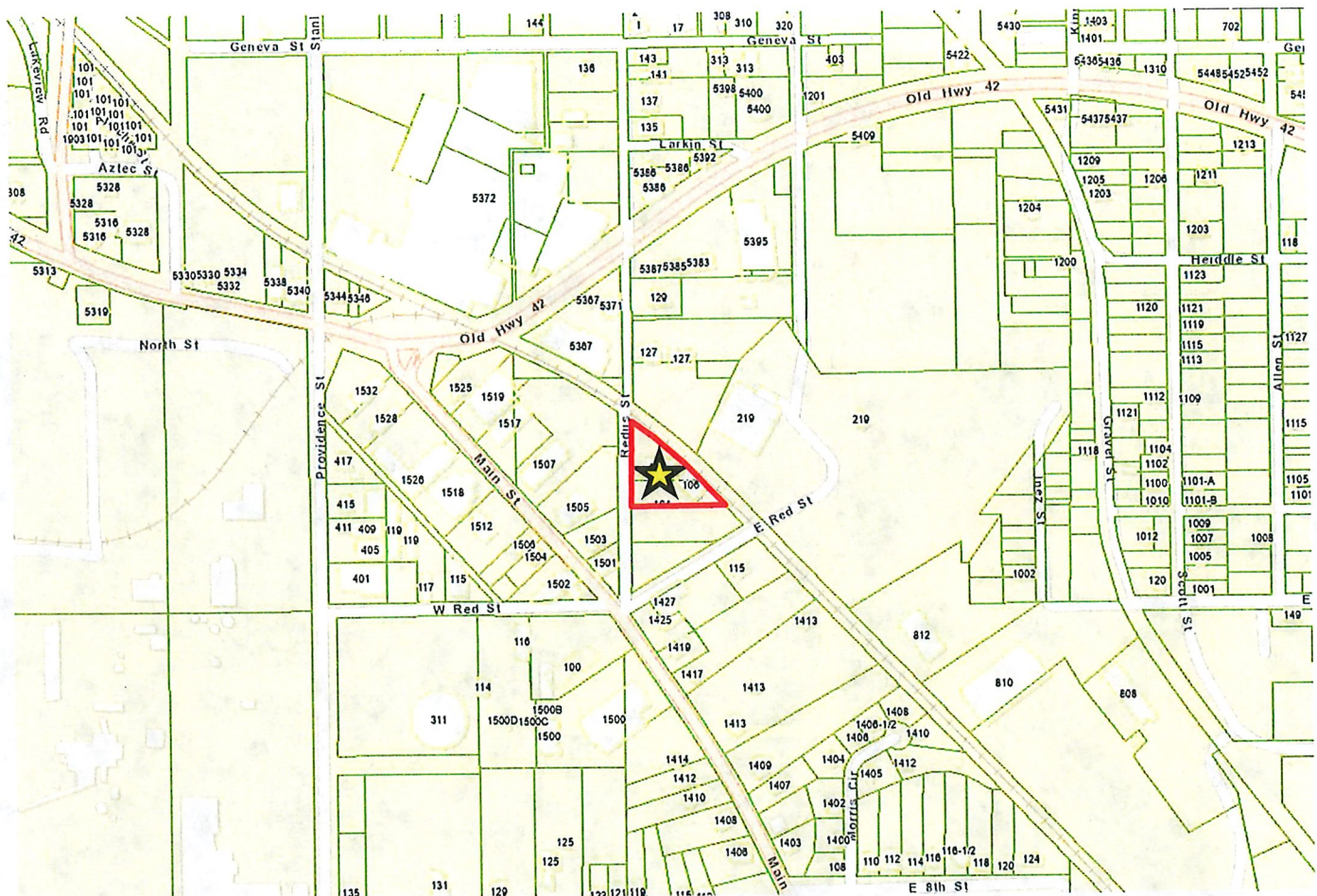
Tom S. Ramirez Boldo

SUBJECT PARCEL:**106 Redus Street****Cory Ferraez, Representative**

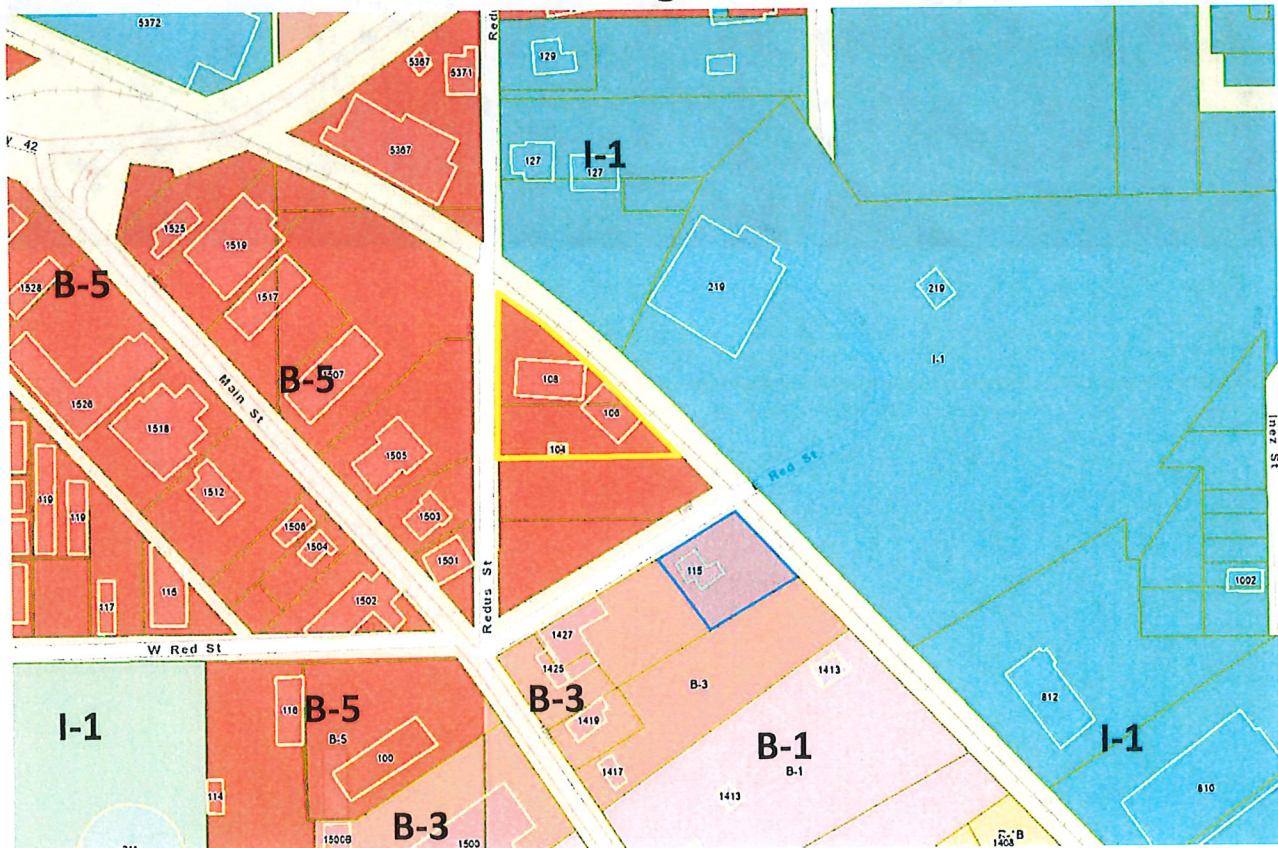
The petitioners request to consider an application to change the zoning classification for a property located at 105 & 106 Redus Street (Parcel 2-029C-04-166.00, PPIN 25952; Parcel 2-029C-04-165.00, PPIN 25953, Forrest County, Ward 2) from Section 4.5.12 Regional Business District B-5 to Section 5.4.13 Light Industrial District I-1.



Vicinity Map—Ward 2



Zoning—B-5



Site Aerial



SURROUNDING AREA

North: I-1 Light Industrial



North: B-5 Regional Business



West: B-5 Regional Business

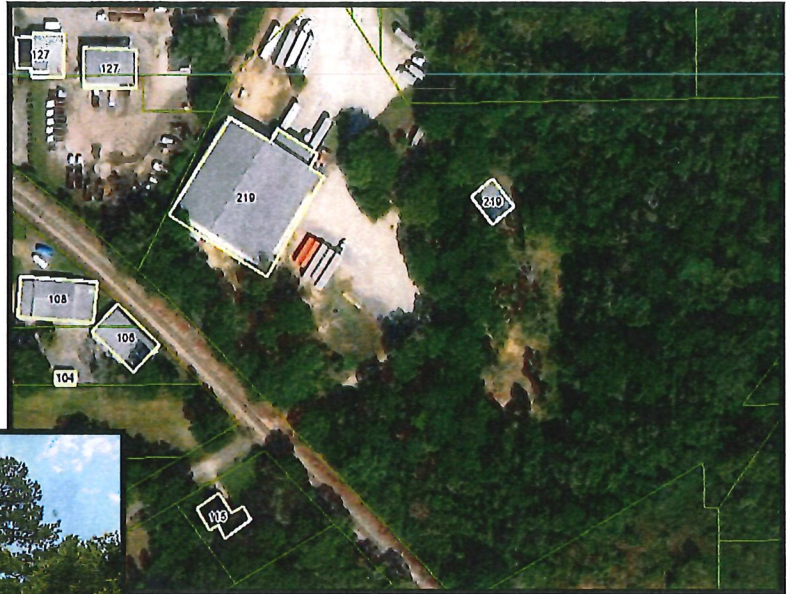
Fireplace & Stone Center

West: B-5 Regional Business



SURROUNDING AREA

East: I-1 Light Industrial



South: B-5—Regional Business



South: B-3—Neighborhood Business
Single-Family Residence (separated by two vacant B-5 Parcels)

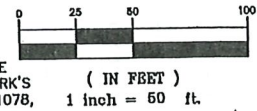
NOTES:

- 1) RECORD SEARCH FOR EASEMENTS, RIGHTS-OF-WAY, ETC. AND TITLE OPINION NOT PERFORMED AS PART OF SURVEY.
- 2) ST. STEPHENS PRINCIPAL MERIDIAN.
- 3) STATE PLANE COORDINATES WERE DERIVED FROM THE GULF COAST GEOSPATIAL CENTER ON 6/21/22.
- 4) THE NORTHERN BOUNDARY LINE FOR LIL TEKNON LEARNING CENTER IS S12°34'44"E 897.35' FROM CENTER OF DOOR OF FUTURE DISTRIBUTION CENTER.

REFERENCE MATERIAL:

1. TAX MAPS AND TAX DATA.
2. DEED PROVIDED BY CLIENT
3. WARRANTY DEEDS ON FILE IN THE FORREST COUNTY CHANCERY CLERK'S OFFICE: DB 1077, PG 570; DB 1078, PG 256; DB 1078, PG 256.

GRAPHIC SCALE



**POINT OF COMMENCEMENT
SURVEY REFERENCE POINT 1**
FOUND RAILROAD SPIKE
NW CORNER
S4, T4N, R13W,
FORREST COUNTY, MS

**POINT OF BEGINNING
SURVEY REFERENCE POINT 2**
FOUND IRON PIN

**REDUS STREET
APPARENT 40'
RIGHT-OF-WAY**

APR - AS PER RECORD

APS - AS PER SURVEY

FIP - FOUND IRON PIN

FMP - FOUND METAL PIPE

● MONUMENT FOUND/SET

○ CHAIN FENCE

— E — POWER LINE

▨ ASPHALT

CURVE DATA:

L - 376.33'
R - 2327.33'
Δ - 9°15'53"
CHORD - 375.92'
S47°49'19"E

CURVE DATA (APR):

L - 376.26'
R - 2327.33'
Δ - 9°15'47"
CHORD - 375.86'
S48°01'15"E

50' RAILROAD
RIGHT-OF-WAY

0.85 ACRE±

OFFICE: N89°11'27"W APS
N89°54'28"W APR

281.58' APS
281.63' APR

3.8'

SURVEY REFERENCE POINT 1

SPC ZONE: MISSISSIPPI EAST 2301
DATUM: NAD 83
CONVERGENCE ANGLE: -0°15'00"
NORTHING: 671932.62'
EASTING: 834200.91'

SURVEY REFERENCE POINT 2

SPC ZONE: MISSISSIPPI EAST 2301
DATUM: NAD 83
CONVERGENCE ANGLE: -0°14'36"
NORTHING: 669820.04'
EASTING: 838146.40'

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING PART OF THE SE ¼ OF THE NE ¼ SECTION 4, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (BEARINGS ARE BASED ON GRID NORTH)

COMMENCING AT A FOUND RAILROAD SPIKE AT THE NW CORNER OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI, THENCE RUN S61°50'01"E FOR 4475.48' TO A FOUND IRON PIN AT THE INTERSECTION OF THE EASTERN RIGHT-OF-WAY LINE OF REDUS STREET AND THE SOUTHERN RIGHT-OF-WAY LINE OF ILLINOIS CENTRAL RAILROAD FOR THE POINT OF BEGINNING; THENCE RUN 376.33' ALONG A CURVE TO THE RIGHT AND THE SAID SOUTHERN RIGHT-OF-WAY LINE OF ILLINOIS CENTRAL RAILROAD TO A FOUND IRON PIN, SAID CURE HAVING A RADIUS OF 2327.33', AN INTERIOR ANGLE OF 9°15'53", AND A CHORD BEARING OF S47°49'19"E FOR 375.92'; THENCE RUN N89°11'27"W FOR 281.58' TO A FOUND ¾" IRON PIPE ON THE EASTERN RIGHT-OF-WAY LINE OF REDUS STREET; THENCE RUN N0°41'07"E 248.45' BACK TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 0.85 ACRE MORE OR LESS.

S12° 34' 39"W
897.51'

NOT TO
SCALE

LIL TEKNON
LEARNING
CENTER
DB 1077
PG 570

W 8TH ST

PREPARED BY

**CASEY L. BENEDICT
SURVEYING**

70 MITCHELL ROAD
Purvis, Mississippi 39476
Phone: (601) 466-3178

BOUNDARY SURVEY

FERRCANN, INC

PART OF THE SE ¼ OF THE NE ¼, SECTION 4, TOWNSHIP
4 NORTH, RANGE 13 WEST, FORREST COUNTY,
MISSISSIPPI.

BEARINGS ORIENTED BY: GPS (GRID NORTH)

SURVEYED BY: CLB

DRAWING SCALE: 1" = 50'

DRAWN BY: CLB

CLASS OF SURVEY: B

PROJECT #: 1089-001

DATE: 6/25/22

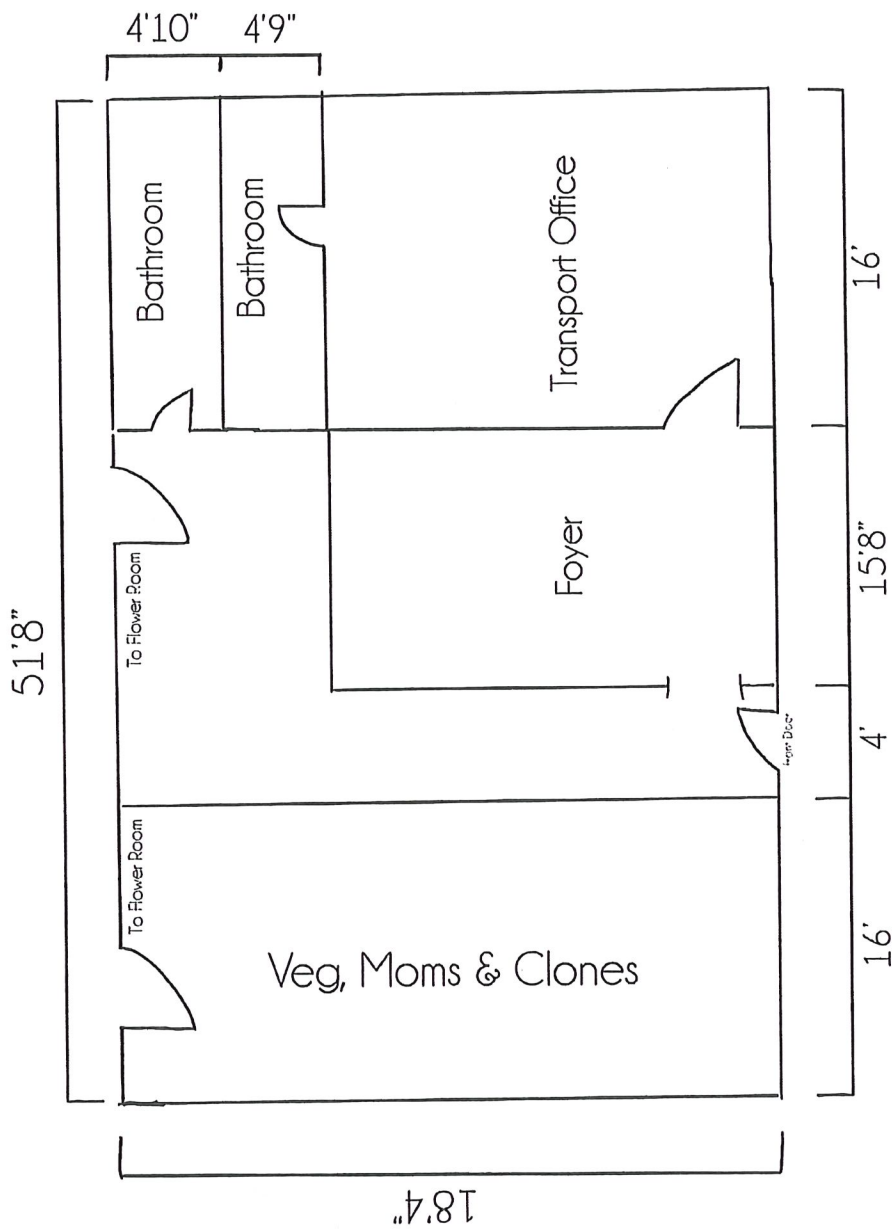
I CERTIFY THAT THE INFORMATION
CONTAINED ON THIS PLAT IS TRUE
AND ACCURATE TO THE BEST OF
MY KNOWLEDGE AND BELIEF.

CASEY L. BENEDICT
MS PS No. 3280

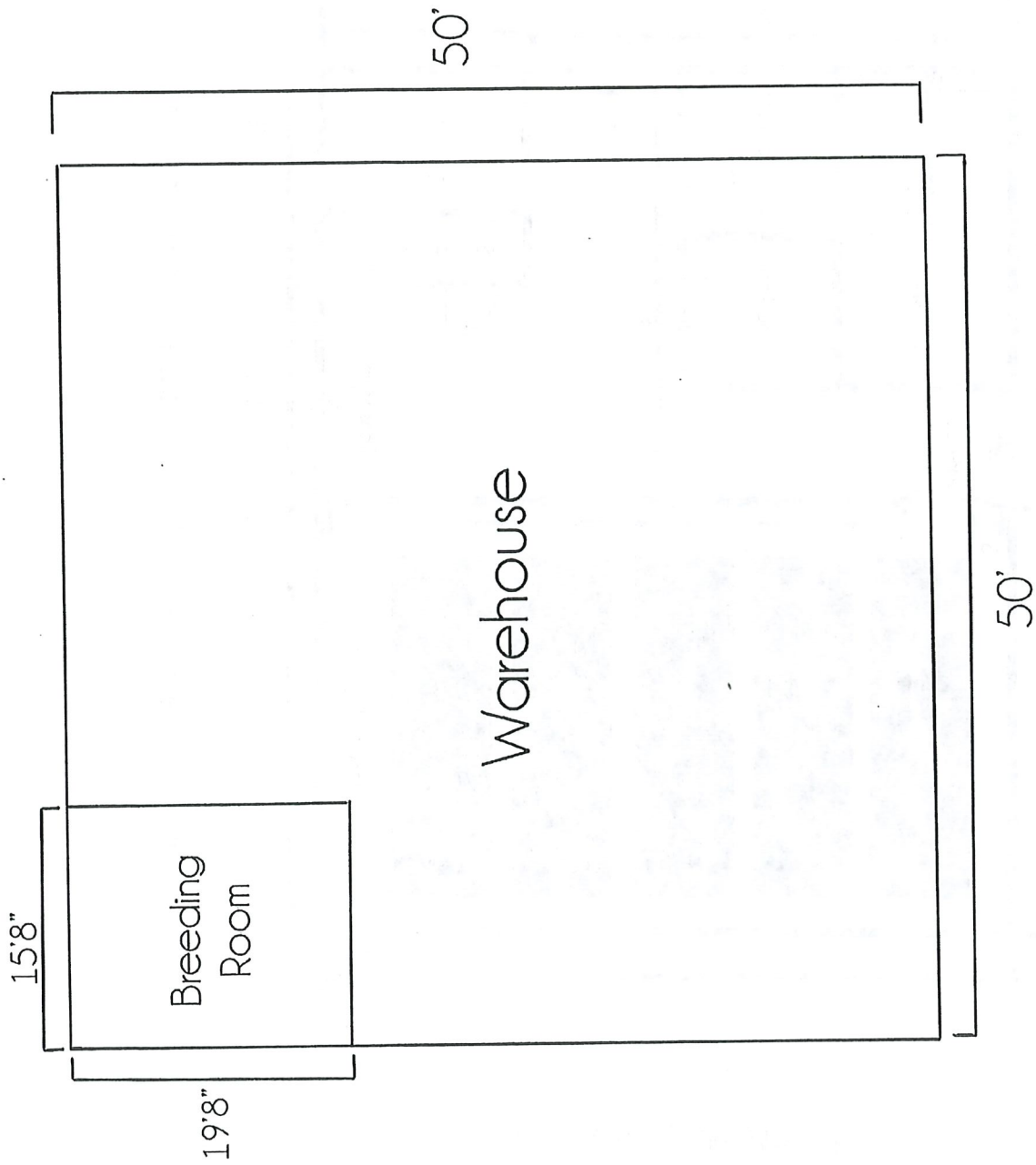
Date



Ferricann Inc. Redus Project

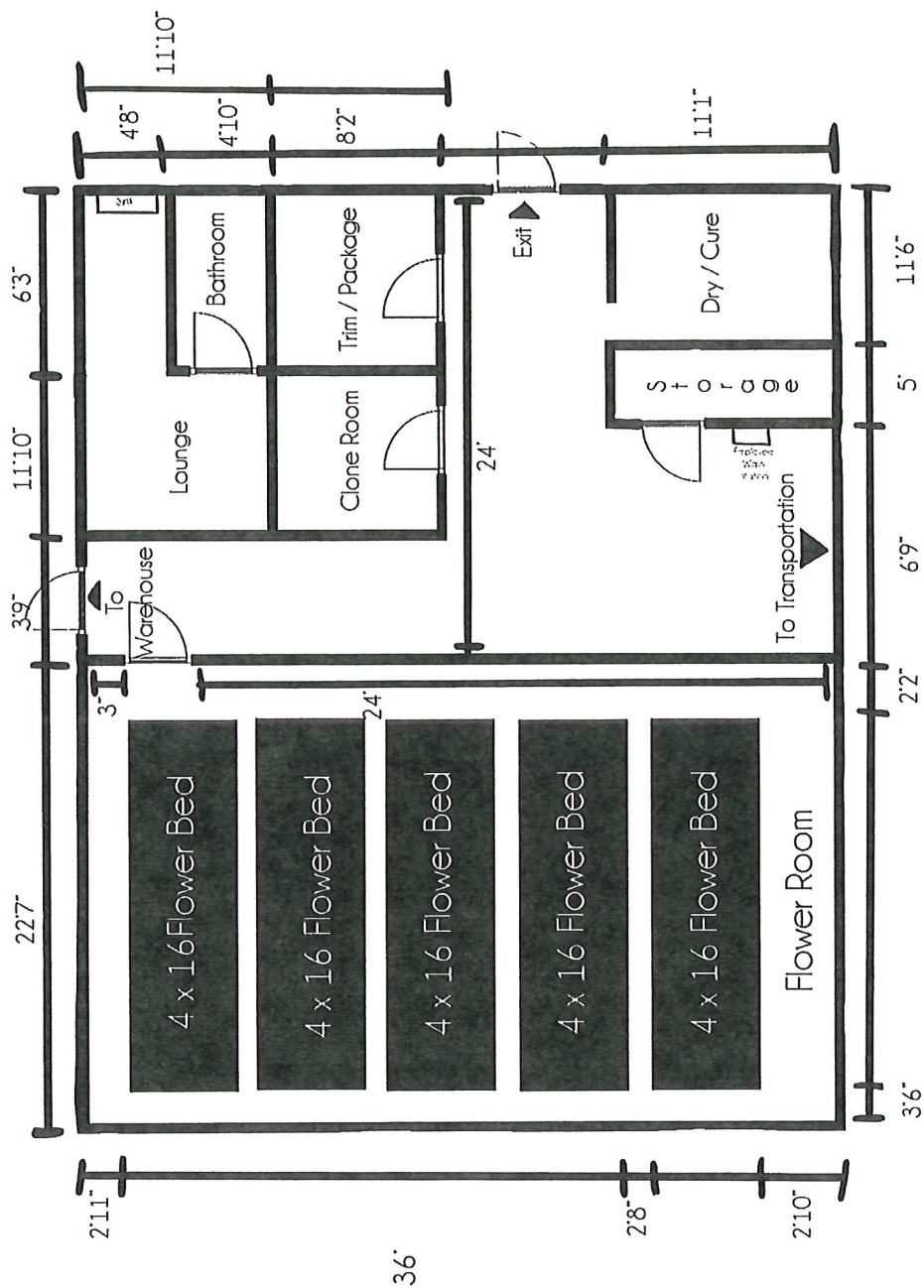


Strictly Confidential — Proprietary Documents of Ferricann, Inc.



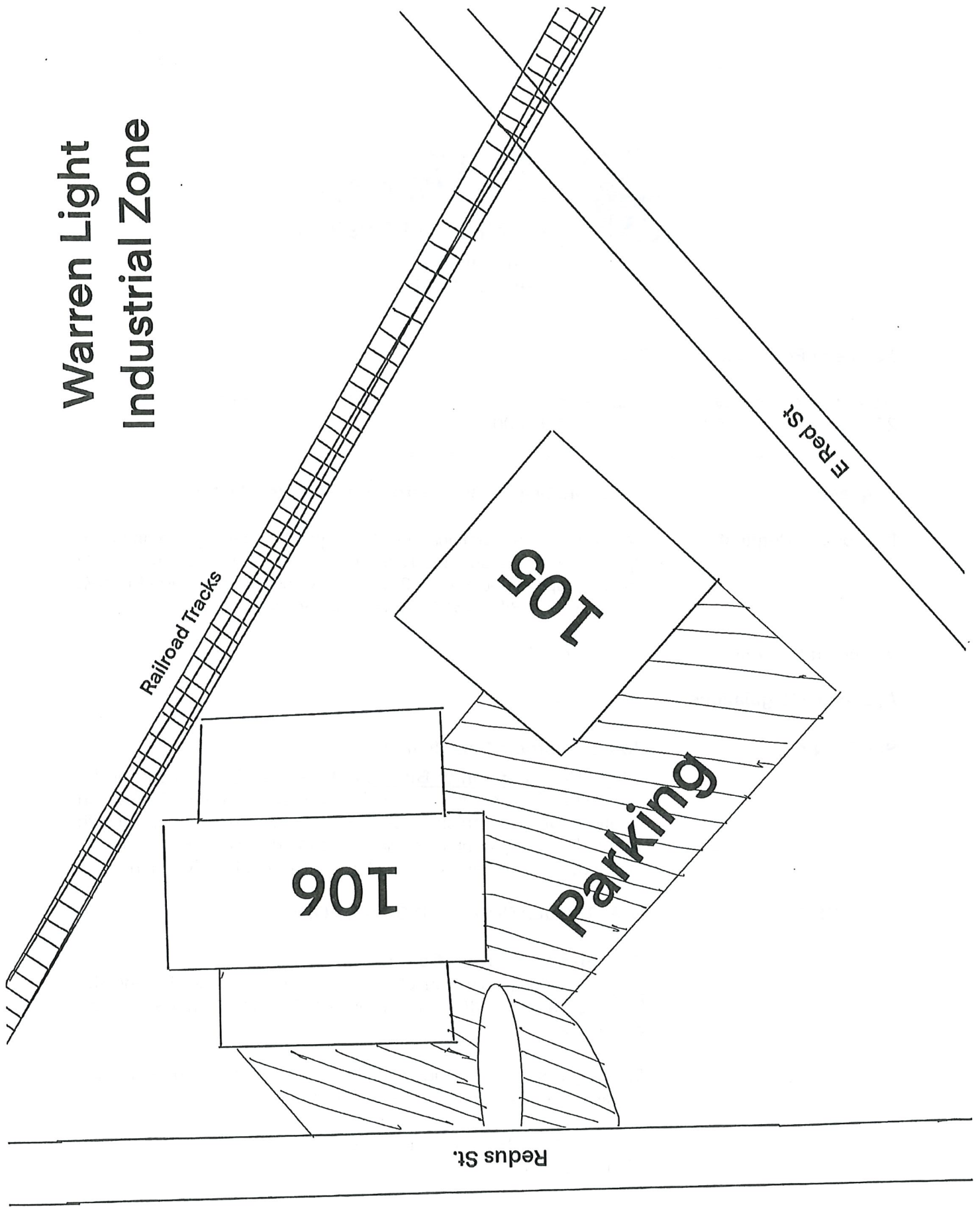
Strictly Confidential – Proprietary Documents of Ferrcann, Inc.

Ferricann, Inc. Redus Project



Strictly Confidential — Proprietary Documents of Ferricann, Inc.

Warren Light Industrial Zone





URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Names of Petitioner: Cory Ferraez

Address of Property:
2772 Oak Grove Road

Tax Parcel
056M-23-007.000

PPIN:
17344

Ward:
3

Request: Cannabis Dispensary Approval Next to Residential

Purpose of Request: To consider an application, to request Planning Commission approval for a "Cannabis Dispensary" adjacent to a residentially zoned property located at 2772 Oak Grove Road (Parcel 056M-23-007.000, PPIN 17344, Lamar County, Ward 3).

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.

SECTION 5

USE REGULATIONS AND CONDITIONS

Cannabis Dispensary Conditions for Use

5.4.12.1 Odor prevention plan to mitigate odor from leaving the building, suite and/or site required for all cannabis related businesses

5.4.12.3 Dispensaries adjacent to residentially zoned properties require Planning Commission approval."

5.4.12.4 Cannabis bi-product or waste shall not be stored outside of the building.

SECTION 10

Signs

Request for: **Cannabis Dispensary Approval**

10.9.12 No outdoor advertising signs may contain depictions of cannabis plants or cannabis products. This includes an image or visual representation of a cannabis leaf, plant, or the likeness thereof that explicitly suggests or represents a cannabis leaf or plant, or an image that indicates the presence of a product, such as smoke, etc. Nor may any signage be designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.

Present Zoning:	This parcel is currently zoned B-3 Community Business District
Present Use:	Vacant
Future Land Use:	Planned Mixed-Use District
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 July 22 nd , 2022.
History / Background:	Planning Staff met with the the applicant regarding establishing a cannabis dispensary at the proposed location. The applicant is currently working through the state application requirements, but will need Planning Commission Approval to operate as a cannabis related business adjacent to residentially zoned properties. No exterior changes to the site are proposed at this time.

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:

Request for: **Cannabis Dispensary Approval**

- 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, Table 5.1, table of uses, was amended to allow "Cannabis Dispensing" as a permitted use in B-3 district. 2022 Oak Grove Rd, Hattiesburg MS 39401 is zoned B-3.

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

Provide retail services for medicinal cannabis products to large expected users/patients in Hattiesburg. Community will benefit from the availability of medicinal products to meet demand + the retail dispensing will not impact or increase the use of utilities from the previous car dealership.

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

Large parking lot available for customers + a small /separate 800 sq. feet retail /office space for the dispensing.

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

If yes, please explain:

Traffic will be slightly increased from the previous car dealership but will be 20-25 people/patients per day depending on demand factors.

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? 20-25 customers per day is expected if consumers are able to obtain medical cannabis cards and the program expenditure user increases.

7. Parking Requirements:

Commercial/Industrial: Paved parking will be provided for 32 vehicles, and 2 ADA vehicle(s); with 2 loading spaces.

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

ODOR CONTROL PLAN
FERRCANN, INC.
2772 Oak Grove Road – FerrCannabis Dispensary, LLC

Cannabis is known to have a distinct scent. Cannabis Businesses must be considerate of the community, and a common concern amongst communities is the potential for odor outside the facility.

However, retail facilities are not a top concern when it comes to odors. Dispensaries only have the product in the vault or in secured packages that cannot be opened in the dispensary nor used in any public space (including on the dispensary premises) pursuant to The Mississippi Medicinal Cannabis Act and Mississippi Department of Revenue regulations. Anything displayed is just a prop; therefore, there is no odor.

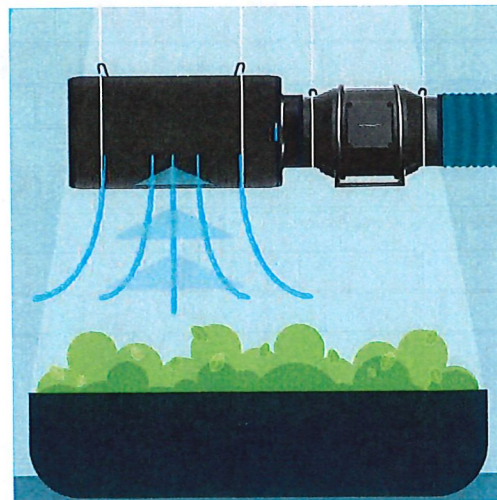
As industry experts note, “[a]ny concerns over retail stores stinking up the neighborhood I think should be minimal, and anything we do for odor mitigation is above and beyond.” “So [Retail has]an exceptionally low impact, but I think we should talk about it because maybe people have concerns or misconceptions about what retail does. So really, it is the manufacturing where odors are generated . . . [not the retail dispensaries].

In an abundance of caution and to ensure no odor is emitted, FerrCann Dispensaries contain and continually filter the air inside the dispensary. When it comes to dispensaries, FerrCann will treat the vault and dispensary rooms where product is located with a carbon filtration system. This is accomplished by sealing each room containing cannabis FerrCann, Inc. will use a carbon filtration system to continually scrub the air inside the dispensary and vault.

Carbon filtration is a method of filtering whereby activated carbon removes impurities using absorption. **This is considered the industry standard in cannabis odor control.** Air is forced through the filter using an inline fan or duct blower.

Carbon filters must be adequately sized to the correct airflow rates and cubic feet of air to be filtered. Filters must be changed periodically. Filters can be hung from the ceiling or placed upright on the floor.

A photo of a carbon filter is below for the Planning Commission and City Council:

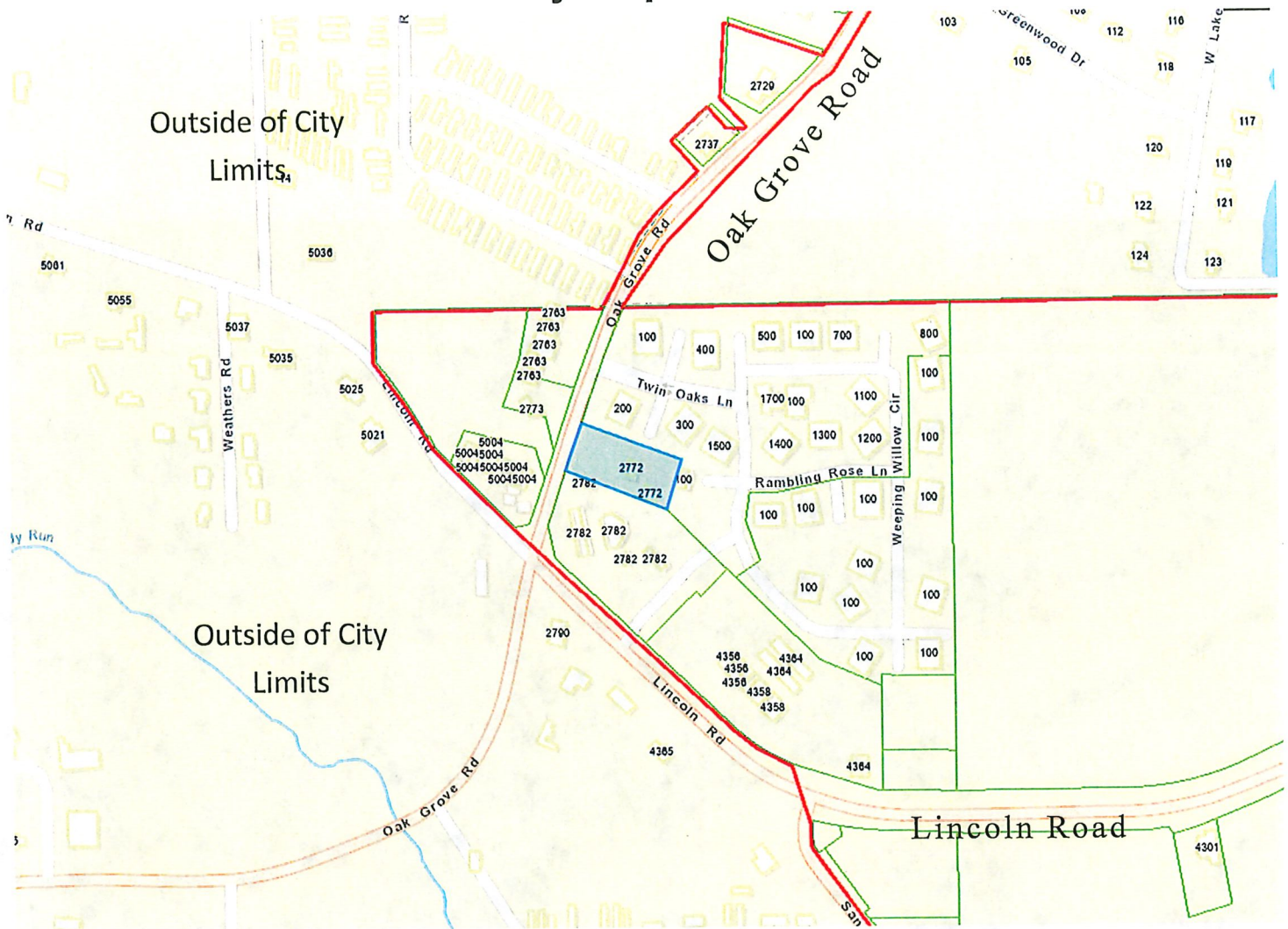


SUBJECT PARCEL:
2772 Oak Grove Road
Cory Ferraez, Representative

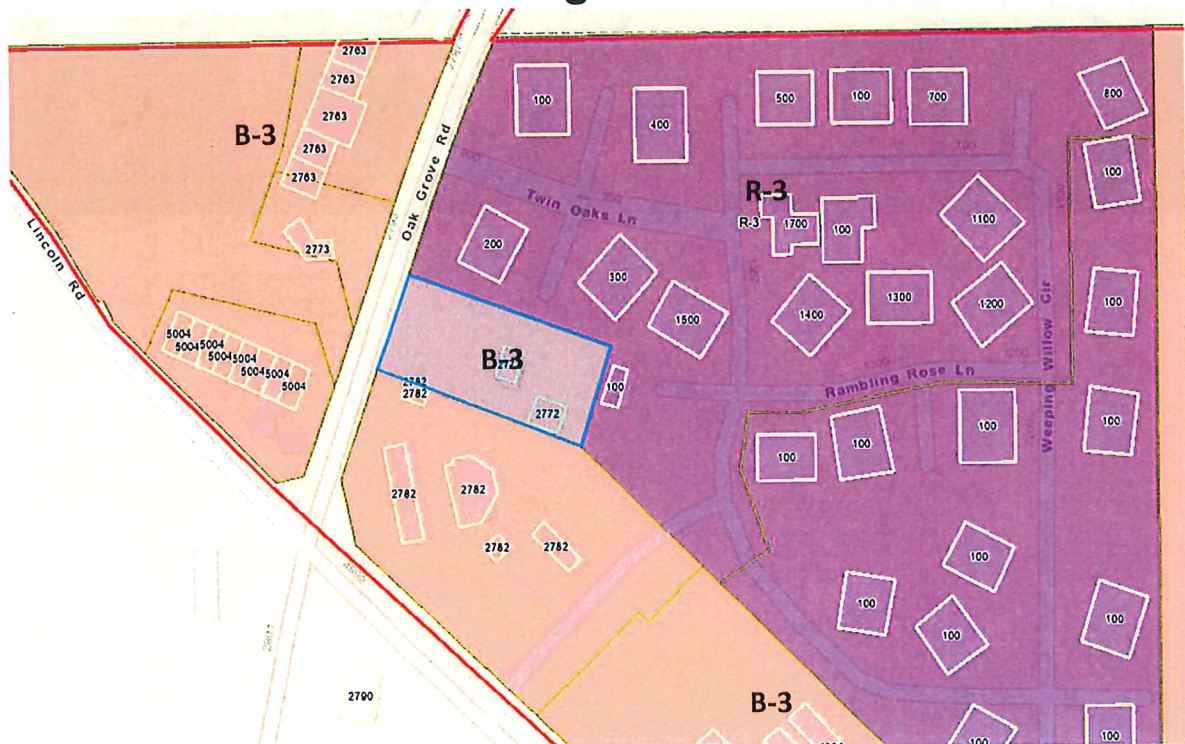
To consider an application, to request Planning Commission approval for a “Cannabis Dispensary” adjacent to a residentially zoned property located at 2772 Oak Grove Road (Parcel 056M-23-007.000, PPIN 17344, Lamar County, Ward 3).



Vicinity Map—Ward 3



Zoning B-3



Site Aerial

