



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: Hattiesburg Planning Commission and Board of Adjustment
FROM: Planning Staff
DATE: September 21st, 2022
SUBJECT: **October 5th, 2022 Hattiesburg Planning Commission and Board of Adjustment**

The **Hattiesburg Planning Commission** will meet in regular session at 1:00 PM, Wednesday, October 5th, 2022 in the dining room of the Jackie Dole Sherrill Community Center. The Planning commission agenda contains one (1) item for a zoning change. A presentation of the Longleaf Village Master Plan Draft will be presented by Orion Planning+Design during the business meeting.

The **Board of Adjustment** will meet in regular session at 3:30 PM, Wednesday, October 5th, 2022 in the dining room of the Jackie Dole Sherrill Community Center. The Board of Adjustment public hearing agenda contains two (2) items for a front setback variance and a zoning buffer variance.

Due to the ongoing public health concerns of COVID-19, the public and members may attend remotely 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

October 5, 2022

Time: 1:00 PM

Place: Jackie Dole Sherrill Community Center (Dining Room)

I. Business Meeting

1. Review and approval of the October meeting's agenda
2. Review and approval of the minutes of the September meeting
3. Building Report
4. Planning Report
5. Chair's Report
6. Introductions

II. Public Hearing

1. A petition has been filed by Mike Bonner, owner, and Max Bonner, applicant, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification of property at 2703 Oak Grove Road from Section 4.5.10 B-3 Community Business District to Section 4.5.12 B-5 Regional Business District (Parcel No. 056E-14-023.000, PPIN 15880, Lamar County, Ward 3).

III. Other Business

1. Presentation of Longleaf Village Master Plan Draft by Orion Planning+Design for the areas of North 25th and 26th Avenues between Hardy Street and West 4th Street.

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION**

September 7th, 2022

The Hattiesburg Planning Commission did meet in a regular session on September 7th, 2022, at 1:00p.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
Luke McNair (via GoToMeeting)
Mark Miller
Rhoda A. Pickett
Rebekah Ray

Commissioners Absent: Carlos Wilson

Also Present: Ginger M. Lowrey, AICP, Planning Div. Manager
Wiley Quinn, Director of Urban Development
Jim Gladden, Esq.
Larran Pickett, Planning Div. Office Manager

AGENDA REVIEW

There came the matter of the September 2022 Agenda. A request was made by Ginger Lowrey to remove Item B, as withdrawn by the applicant, University Mall, LLC., from the agenda. A request was made by Chair Miller for a motion to approve the August 2022 Agenda. A motion to approve was made by Commissioner Ray and seconded by Commissioner Pickett.

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

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

Commissioners voting nay: None

MINUTES REVIEW

There came the matter of the August 3rd, 2022 minutes. Staff made note of a correction to Item E for a Conditional Use Request for a Cannabis Dispensary; the minutes noted the address for that item should have been for 2772 Oak Grove Road. A motion was made by Commissioner Ray to approve the minutes. Commissioner Pickett seconded the motion.

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

Commissioners voting nay: None

REPORTS

BUILDING REPORT

Ginger Lowrey, Planning Division Manager, provided the Building Permit Report for August 2022 as the Building Official was not present. Commissioner Miller requested in the absence of the building official that staff hold the building reports and previous reports not presented by the building official until he is able to attend Planning Commission, as he would be able to provide a better perspective on the reports. 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. Lowrey noted that Wiley Quinn was appointed as the Director of Urban Development the night before and congratulated him on the appointment. Quinn stated his thanks and that he was looking forward to working with Planning Commission. Lowrey noted that all items presented at the August Planning Commission were approved by City Council on August 16, 2022. The items approved were Preliminary Platt Approval for Major Subdivision on Barkley Road, a rezone request for properties located at 5530 Old Highway 42 from R-1C, B-3 to I-1, a rezone request at 105/106 Redus St from B-5 to I-1, and two conditional use requests for cannabis dispensaries at 2772 Oak Grove Road and 6335 US HWY 49.

CHAIR'S REPORT

There came the matter of the Chair's Report by Chair Mark Miller. He noted that he had visited the City of Jackson a few days ago and shared his sympathies toward his fellow Mississippians in Jackson in dealing with their current water crisis.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item A (Rezone From B-2 to B-3), filed by Dennis Pierce, owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a property located at 4 Willow Pointe (Parcel 051L-11-038.000, PPIN 20292; Lamar County, Ward 3) from Section 4.5.9 B-2 Neighborhood Business District to Section 5.4.10 B-3 Community Business District.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Robbie Griffin	23 Liberty Place	Hattiesburg, MS 39402
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Robbie Griffin, representative on behalf of Dennis Pierce, the applicant, presented the application. He stated he is the property manager and leasing agent for the applicant and they have over 105 commercial tenants throughout the City. Griffin noted that Dennis Pierce's father

passed away that morning and so he would be presenting the case in his absence. He noted that the property was primarily developed as a retail center and shared a brief history of the property and development. Griffin noted that several of the tenants on site are now professional medical services and they currently have a medical cannabis dispensary that is looking to occupy one of their units, which requires B-3 zoning and is the primary reason for the rezoning request. Griffin noted that they would like to focus on professional medical services, where medical cannabis would be allowed with the up zone and keep in trend with the current tenants.

Miller noted the odd shape and design of the shopping center and noted that it appears it was built backward, referring to the back side of the building facing Weathersby Road. Griffin noted that Mr. Pierce constructed the building around the same time the mall was being completed and believed another developer was going to build a shopping center across from it, which never happened. Griffin shared that Pierce sold the property at some point and then reacquired it during “COVID” and has since tried to occupy all of the spaces. He noted that they’ve primarily had professional services in the suites and not purely retail. He was uncertain why the property was zoned B-2 with all of the surrounding B-5 zonings. Chair Miller asked for clarification on long-term plans with the change in zoning other than to allow for an additional tenant. Griffin noted there were no long-term plans to change the property and reiterated the change was for the addition of a medical cannabis dispensary.

With Griffin having no further comments, Chair Miller then declared the public hearing portion of the meeting closed. The commissioners discussed the need for the rezone and whether it is specific to the potential tenant or if it is appropriate for the location. Chair Miller noted he had a concern about spot-zoning in that there would be no B-3 nearby and it would create a challenge for the commission in selecting a basis for approval. Lowrey noted that B-3 may be considered a transition between B-5 and B-2. Commissioner Conville noted the expansion of permitted businesses and tenants is a common trend among retail and mall-related commercial properties.

A motion was made by Commissioner Conville to approve the request based on the criteria that the character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for rezoning. Commissioner Lockett seconded the motion. 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
Elayne Lockett
Luke McNair (via GoToMeeting)
Mark Miller
Rhoda A. Pickett
Rebekah Ray

Commissioners voting nay: None

INTRODUCTIONS

The Commissioners introduced themselves.

BUSINESS MEETING

Having no further business, Commissioner Pickett made a motion to adjourn. The motion was seconded by Commissioner Lockett 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: Mike Bonner, Owner, Max Bonner, Applicant

Address of Property: 2703 Oak Grove Road
Tax Parcel: 056E-14-023.000
PPIN: 18550
Ward: 3

Request: **Zoning Change**

Purpose of Request: To consider an application to change the zoning classification of property at 2703 Oak Grove Road from Section 4.5.10 B-3 Community Business District to Section 4.5.12 B-5 Regional Business District (Parcel No. 056E-14-023.000, PPIN 15880, 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.

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

5.4.12.4 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.

SECTION 13

DEFINITIONS

Cannabis – All medical cannabis-related terms referenced herein are as defined by the State of Mississippi. All cannabis-related businesses must be licensed by the state and city before opening.

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

Present Use: Non-medical laboratory

Future Land Use: Community Business Corridor

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

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of September 23rd, 2022.

History / Background: The petitioner met with staff and administration to discuss rezoning the property to B-5 to expand the use of the existing laboratory to allow for the use of a "Cannabis Laboratory" which is currently not permitted in B-3 zoning.

There are no other B-5 zones in the area and the future land use

Item: A
Mike Bonner, Owner, Max Bonner, Applicant
Request for: **Zoning Change**

maps do not plan for the intensity of use that B-5 zoning would allow for. The Planning Commission should consider the impact B-5-related uses may have on Oak Grove Road related to use, access, and traffic.

If the Planning Commission believes the proposed use is appropriate but the zoning is not, it would be appropriate to consider a change to the Medical Cannabis text rather than a change to the zoning.

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

Bonner Analytical Testing Company, located at 2703 Oak Grove Road, request rezoning from B3 to B5 due to material changes of the immediate and surrounding areas and the need for public change.

The immediate area constantly observes high traffic volumes that are not associated to county school systems, university calendar systems, or week-day specific.

These findings clearly indicate that conditions for the traffic flow have changed since the initial zoning which is directly related to the immediate and surrounding areas associated to Oak Grove Road that act as a service road junction to

- a. Hwy 98/Hardy Street by means of Weathersby Rd., Mayfair Rd., and Westover Rd.,
- b. Lincoln Road,
- c. Lincoln Road Extension, and
- d. the Oak Grove community

Material Changes:

- 1) Intersection of Lincoln Road/Lincoln Road Extension and Oak Grove Road has been revamped to include 4-way light system for high throughput traffic.
- 2) Current developments of an expected round-about construction at the 3-way intersection of Weathersby Road and Oak Grove Road to alleviate traffic backup at our facility (approximately 0.15 miles from requested rezoning area).
- 3) Lane widening along Lincoln Road and extensive road construction at the intersection of Lincoln Road and Hedgewood Drive.
 - a. One would expect that a 4-way traffic light system will be installed in the future to address the current traffic flow.
- 4) Vast reconstruction and lane widening on Lamar Road that's expected to bring major land and business developments.
- 5) The continuous land development along Lincoln Road Extension which is directly related to the high traffic throughput of the immediate and surrounding areas.

Public Need:

Cultivating and Micro-Cultivating around the Jackson area and south of the Jackson area have contacted Bonner Analytical requesting their laboratory services.

The key to the testing laboratory is to conduct ALL testing requirements. Providing only specific testing would require additional transshipment to fulfill all state testing requirements, resulting in a significant decrease in turn-around-time that ultimately effects supply chains.

Currently, the only laboratory taking this approach with full ISO certification is Steep Hill Labs in Jackson and will possibly be the only laboratory available for testing when the first crop is ready.

Rezoning Information

Steep Hills owner further acknowledges that there must be more testing labs. Why? Testing is the easy part, the challenge for the laboratory to stay compliant with state and federal law and ISO certification. *Any failure of meeting a single standard will immediately result in a laboratory suspension where regaining eligibility can take several months.*

A scenario of only one testing laboratory where the lab fails to meet a standard could result in a “no-testing” period during crop harvesting. Therefore, all crops would possible be required to be destroyed. Major set-back to the industry!

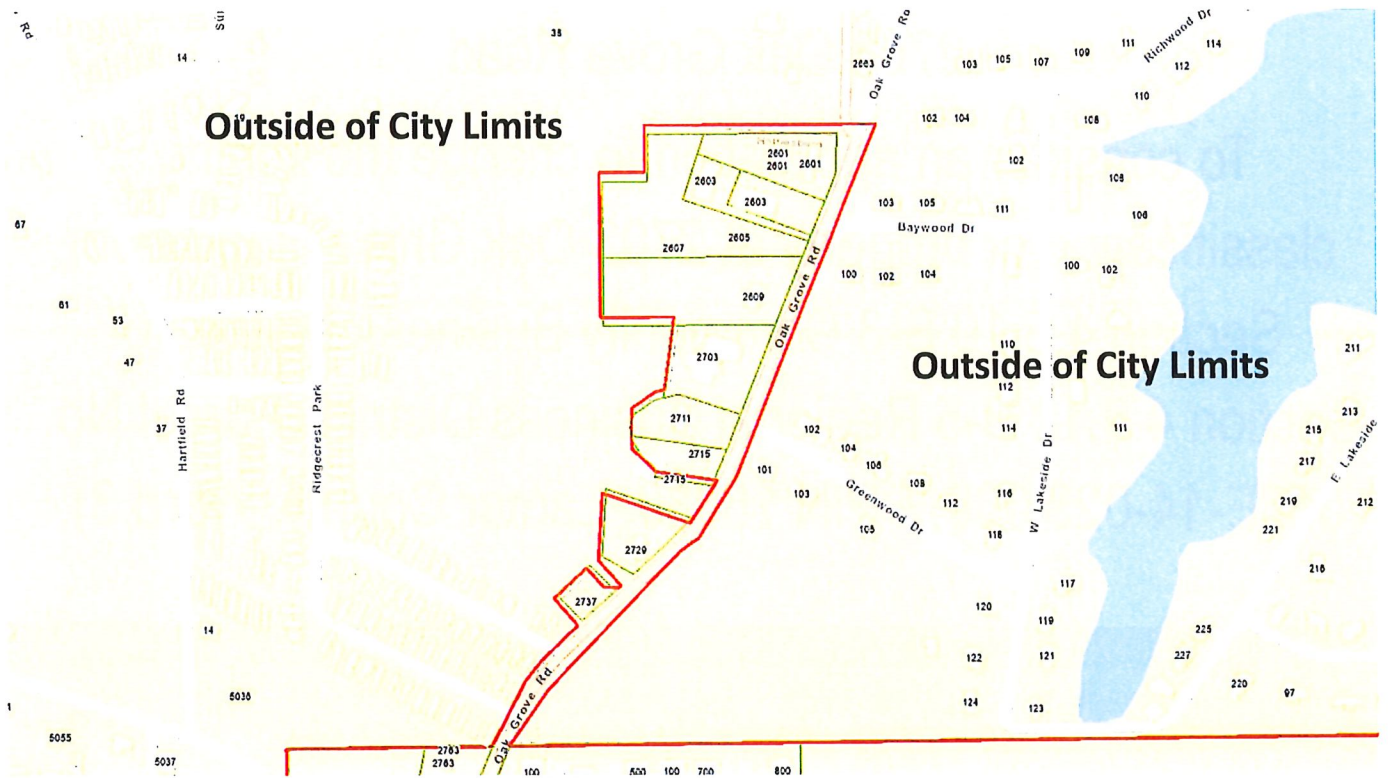
Hattiesburg area consist of two major colleges that both provide undergraduate and/or graduate degrees in forensic science. A forensic based laboratory keeps those graduates in Hattiesburg!!

SUBJECT PARCEL:
2703 Oak Grove Road

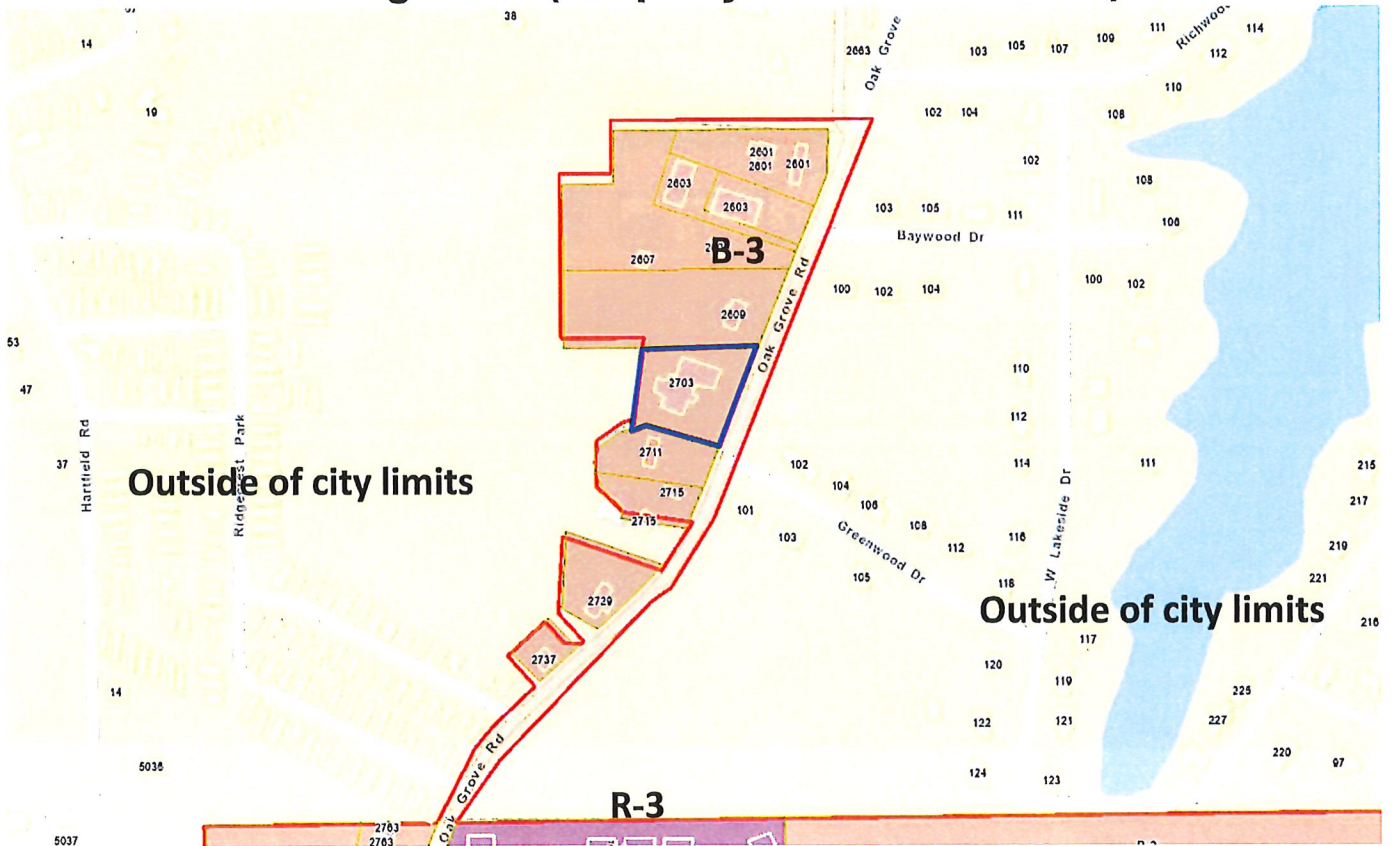
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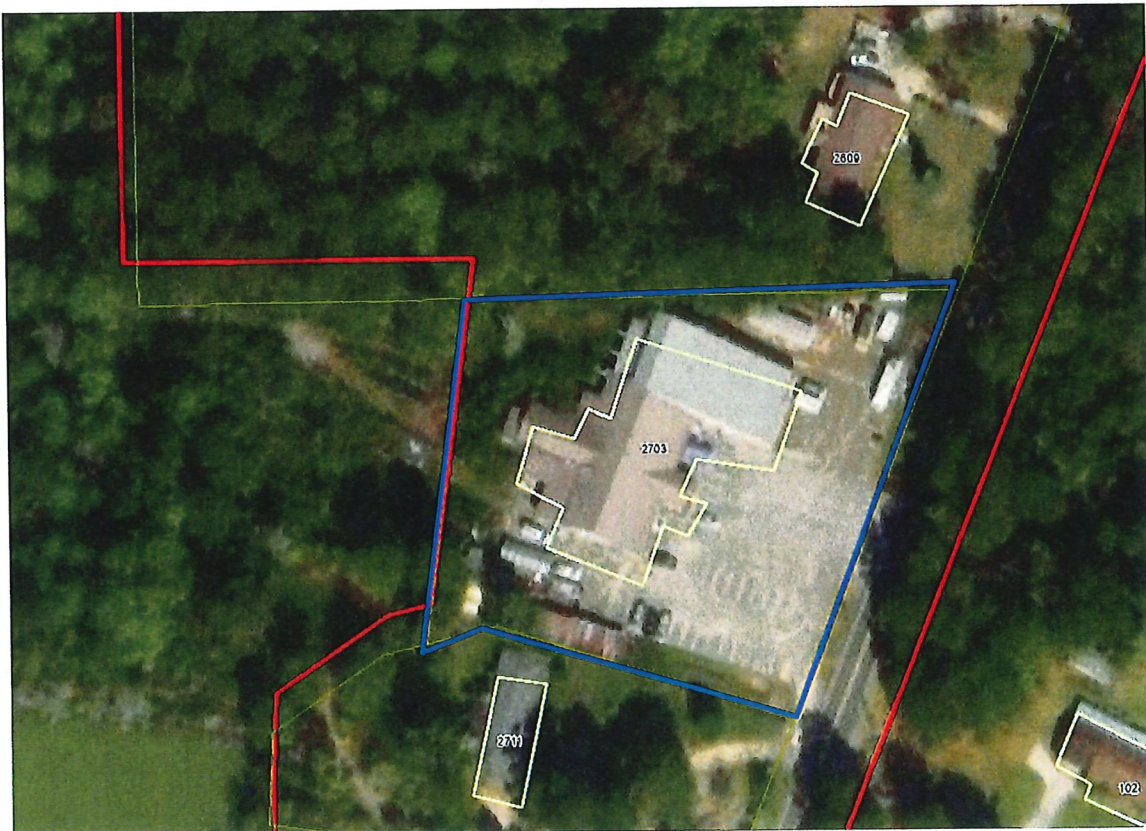


Vicinity Map—Ward 3



Zoning—B-3 (Property Outlined in Blue)





SURROUNDING AREA

North: B-3 Community Business

Legal Non-conforming Single-Family Dwelling



B-3 Community Business

Legal Non-conforming Single-Family Dwelling (potentially vacant)



West: Outside of City Limits

East: Outside of City Limits



SURROUNDING AREA

Streetscape at intersection of Oak Grove Road and Weathersby Road



Streetscape south of Bonner Analytical (facing south)

Approximately 2737 Oak Grove Road



Streetscape south of Bonner Analytical (facing north)

Approximately 2729 Oak Grove Road

Streetscape in front of Bonner Analytical



