

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

Planning Commission

AGENDA

1/4/2023

I. Business Meeting

1. Review and approval of the January meeting's agenda
2. Review and approval of the minutes of the December 2022 meeting
3. Building Report
4. Planning Report
5. Chair's Report
6. Introductions

II. Public Hearing

1. Presentation of Petitions for Public Hearing

A petition has been filed by John P. Scanlon, representative, and Safary Timberlands, LLC, owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a portion of an unimproved property located at the intersection of Jackson Road and the Longleaf Trace from A-2

- A. Agricultural Residential (Section 4.5.2) to B-2 Neighborhood Business District (Section 4.5.9) and to request a conditional use for for "restaurant, without drive-through" in a B-2 Zone (Neighborhood Business District) contingent upon approval of the rezoning request. (Parcel No. 052B-03-004.105; PPIN 33787, Lamar County, Ward 1)

Tabled item from the previous month's agenda: A petition has been filed by the City of Hattiesburg, with the Mayor and Council of the City of Hattiesburg, Mississippi, to adopt an amendment to the "Comprehensive Plan 2008-2028" and to amend the Comprehensive Zoning Ordinance No. 2330, as amended, and to amend the text of

- B. the Midtown Form-Based Code, Ordinance 3105 as amended, of the City of Hattiesburg, Mississippi as follows: To amend the "Midtown Form-Based Code" to establish the "Hattiesburg Form-Based Code" and establish the area and further define, amend, and add regulations for the "Longleaf Village in the Avenues Master Plan."

III. Other Business

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
December 7th, 2022**

The Hattiesburg Planning Commission did meet in a regular session on December 7th, 2022, at 1:02 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Mark Miller, Chair, presided over the meeting. 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)
Jeff Keyseear (via GoToMeeting)
Elayne Lockett
Mark Miller - Chair
Rhoda A. Pickett
Rebekah Ray

Commissioners Absent: Charles Dawe
Amy Hinton, Vice-Chair
Luke McNair
Carlos Wilson

Also Present: Ginger M. Lowrey, AICP, Planning Div. Manager
Nathan Satcher, Planner
Wiley Quinn, Director of Urban Development
Jim Gladden, Esq.
Ann Jones, Chief Administrative Officer
Randy Pope, City Attorney
Kevin Bates, Building Official

AGENDA REVIEW

There came the matter of the December 2022 Agenda. Rebekah Ray made a motion to approve the December 2022 agenda, seconded by Rhoda Pickett.

Commissioners voting aye: Dick Conville
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Jeff Keyseear (via GoToMeeting)
Elayne Lockett

Mark Miller - Chair
Rhoda A. Pickett
Rebekah Ray

Commissioners voting nay: None

MINUTES REVIEW

There came the matter of the November 2nd, 2022 minutes. A motion was made by Rebekah Ray to approve the minutes. Commissioner Pickett seconded the motion.

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

Commissioners voting nay: None

REPORTS

BUILDING REPORT

Kevin Bates, Building Official, provided the Building Permit Report for November 2022. He noted the large increase in commercial building projects was attributed to the Komp Building, a mixed-use redevelopment in the downtown area, as permits were filed for that project in the last month.

PLANNING REPORT

There came the matter of the Planning Report by Mrs. Lowrey, Planning Division Manager. She noted the recommendation of the street renaming of Eagle Drive to “Newhave Drive” and the historic flood variance on 102 Walley Street was upheld by City Council. Planning Commissions recommendation to deny the Conditional Use request for expansion of a parking lot was not upheld, and City Council approved the request.

Mrs. Lowrey also shared that this would be the last Planning Commission meeting she would be leading, as she was resigning from the City of Hattiesburg and her last day would be December 16th.

CHAIR'S REPORT

There came the matter of the Chair's Report. Chair Miller shared his thanks to Mrs. Lowrey for her years of service with the City of Hattiesburg. He shared that many of his friends have been very impressed with the level of planning that the City of Hattiesburg has implemented and hoped that Mrs. Lowrey would continue to provide good things for the City of Hattiesburg in her future endeavors.

INTRODUCTIONS

The Commissioners introduced themselves.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item A (Rezone), filed by William Carey University, owner, Grant Guthrie, representative, and Ben Burnett, representative as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for unimproved properties located at the intersection of Vernon Street and Magnolia Avenue from R-1A: Single-Family Residential, and R-2: Two-Family Residential (Section 4.5.3 and 4.5.6) to R-3: Multi-Family Residential (Section 4.5.7) (R-1A Parcels: 2-038G-15-126.00, 2-038G-15-127.00, 2-038G-15-125.00, 2-038G-15-128.00, 2-038G-15-173.00; PPIN: 13555, 13556, 13557, 13558, 13692; R-2 Zoned Parcels: 2-038G-15-171.00, 2-038G-15-187.00, 2-038G-15-172.00; PPIN: 13684, 13685, 13705, Forrest County, Ward 5).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Dr. Ben Burnett	(no address provided)	
<u>Proponents:</u>	Andrea Saffle	(no address provided)	
<u>Opponents:</u>	None		

Dr. Ben Burnett, president of William Carey University (WCU), presented the application. He noted that the D.O. program (Doctor of Osteopathic Medicine) had grown since

it's initial start and now has a capacity for over 800 students and with the growth of that program, they are in need of expanding residential facilities. Dr. Burnett noted that this is the first expansion by WCU that would be outside their gates [of their campus] and intends to create more housing. If approved, he expects a 100% occupancy rate as soon as they can begin housing students. He also noted that WCU hopes to expand and build more housing facilities if this is approved. The hope is to create residential facilities that are close enough for students to walk to the university. He was hopeful that the project could be completed in time for students entering the semester in August. Dr. Burnett shared that his vision is for William Carey University to eventually connect to downtown Hattiesburg before the end of his presidency.

Chair Miller asked if there had been any outreach in the immediate area. Dr. Burnett clarified that there had not been, as they own the majority of the parcels near the proposed development but WCU had a positive relationship with the neighborhood, which he credits to Dr. King and his work as the previous president. Several commissioners raised the question of what is the master plan for William Carey University for developing this area and Dr. Burnett noted that at this time they do not have a master plan but intend to have one in the future.

Andrea Saffle, Executive Director of the Downtown Hattiesburg Association, spoke in favor of the request and looks forward to seeing William Carey University connecting to the downtown area. She noted other nearby improvements in the area and that what WCU is proposing would improve the neighborhood. Chair Miller then closed the public hearing at 1:36 PM.

Commissioners in their discussion brought up the need for William Carey to have a master plan so they can understand the growth and direction that William Carey is planning for. Commissioner Ray noted the positive impacts of the growth of the D.O. program has been a tremendous contribution to the community. Commissioner Pickett noted there were some multi-family units nearby. Commissioner Ray noted there has been a substantial change in the area and there is a public need for the rezone in a motion to approve the request. Commissioner Dawe seconded the request and a roll call vote was conducted.

Motion to Approve: (8-0) Motion made by Ray, seconded by Dawe
Commissioners voting aye: Dick Conville
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)

Jeff Keysear (via GoToMeeting)
Elayne Lockett
Mark Miller - Chair
Rhoda A. Pickett
Rebekah Ray

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item B (Conditional Use for Restaurant, without drive-through in B-2 Zone), filed by Trace 4th Street, LLC., owner, as required in the Land Development Code, Ord. No. 3209, to request a conditional use for “restaurant, without drive-through” in a B-2 Zone (Neighborhood Business District) for a certain property located at 1001 Main St (Parcel No.: 2-029G-03-609.00, 2-029G-03-608.00; PPIN 18818, 18817 Forrest County, Ward 2).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Chad Edmonson	1202 S 34 th Ave	Hattiesburg, MS
<u>Proponents:</u>	Andrea Saffle	409 Walnut St	Hattiesburg, MS
<u>Opponents:</u>	None		

Before the opening of the public hearing, Commissioner Pickett recused herself for this item and stepped outside of the room.

Chad Edmonson, owner, presented the application. He noted this is a similar request to what he had presented to the Planning Commission a year ago for the property directly to the north of this proposal. His goal is the show what is possible with this development drawing on the proximity to the Longleaf Trace. He noted the challenges on the site in locating the dumpster in the rear, and that the front setback is the only feasible option for this site to maximize its potential. He also pointed out that neighboring properties also have dumpsters that are in the front setback. Chair Miller asked if Mr. Edmonson had any outreach to the surrounding property owners, including the discussion of the location of the dumpster. Edmonson noted that the neighbor directly to the east was glad for there to be new development at that location, but had not explicitly discussed the dumpster with him. Chair Miller also asked if there would be any landscaping to mitigate the effects of a dumpster being located adjacent to a residential property. Edmonson noted wooden fencing would be installed and had suggestions for specific plant

species as a vegetative buffer.

Andrea Saffle spoke in favor of this request and on the efforts of the applicant in his various projects in Downtown Hattiesburg. She noted the Downtown Association is in full support of the request. Chair Miller then closed the public hearing at 2:06 PM. Commissioner Conville noted the courageous efforts of Mr. Edmonson and the redevelopment of this area has a lot of potential in making a big difference in the city. Commissioner Conville made a motion to approve with conditions (noted below). The motion was seconded by Commissioner Ray and a roll call vote was conducted.

Motion to Approve: (7-0-1) with the condition that the dumpster location as shown on site plan presented to Planning Commission (in front setback) be permitted

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

Commissioners voting nay: None

Commissioners abstaining: Rhoda A. Pickett

There came the matter of Item C (Conditional Use for gravel outdoor storage space in B-3 Zone) and Item D (Street Closure), filed by Michael Kent Myatt, owner, and Joel Ford, engineer, as required in the Land Development Code, Ord. No. 3209, to request a conditional use for “gravel outdoor storage space” in a B-3 Zone (Section 7.12.10.4.iii) for a certain property located at 5566 Old Highway 42 (Parcel No.: 2-029A-03-031.00; PPIN 15065 Forrest County, Ward 2) and to close and vacate a portion of an undeveloped street known as “Hill Street”, which is located north of the intersection of Bouie St and Old Highway 42 between 5566 Old Highway 42 and 5560 Old Highway 42 (Ward 2).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Kent Myatt	No Address Provided	
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Kent Myatt, owner of Underwood Outdoor Power, presented the application. His primary reason for both requests is for the expansion of his business, where he needs additional outdoor storage space for the equipment that he sells, which is primarily lawnmowers. The area would not be open to the public or for customers, but only for storage of his equipment. He noted that the expansion plans were also dependent upon the approval of the vacation of the street directly adjacent to him, which had never been developed and is grassed over, which he maintains as a way to test lawnmowers. He noted that DeViney Construction, the property owner directly to the west, had no issues with the street closure and conditional use request and provide letters of approval from their owner. Mr. Myatt also noted that many of the surrounding developments also use and have the same type of surface material as what he is proposing and would not be out of line for what is already existing along that corridor.

Chair Miller proposed that the commission vote on item D first (street closure) as the conditional use request would be dependent upon approval of the street closure. Commissioner Conville made a motion to approve, seconded by Elayne Lockett. A roll call vote was then conducted.

Item D: Street Closure of “Hill Street”

Motion to Approve: (8-0)

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

Commissioners voting nay: None

Commissioners abstaining: None

Commissioner Conville then made a motion to approve Item C, with the condition that visual, vegetative screening at maturity be added along the front portion of the storage area. The motion was seconded by Commissioner Lockett and a roll call vote was then conducted.

Item C: Conditional Use for gravel outdoor storage space in B-3 Zone

Motion to Approve (8-0) with the condition that visual, vegetative screening at maturity be added along front portion of storage area

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

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item E (Amendment to Comprehensive Plan, Midtown Form-Based Code, and establishment and adoption of the Longleaf Village in the Avenues Master Plan), filed by the City of Hattiesburg, with the Mayor and Council of the City of Hattiesburg, Mississippi, to adopt an amendment to the “Comprehensive Plan 2008-2028” and to amend the Comprehensive Zoning Ordinance No. 2330, as amended, and to amend the text of the Midtown Form-Based Code, Ordinance 3105 as amended, of the City of Hattiesburg, Mississippi as follows: To amend the “Midtown Form-Based Code” to establish the “Hattiesburg Form-Based Code” and establish the area and further define, amend, and add regulations for the “Longleaf Village in the Avenues Master Plan.”

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Bert Kuyrkendall	Orion Planning+Design, Consultant for the City	
<u>Proponents:</u>	Chris Miles	328 Emerson Drive	Hattiesburg, MS
	Lisa Fokakis	201 N 25 th St	Hattiesburg, MS
<u>Opponents:</u>	Bryan Hubbard	6186 Hwy 49	Hattiesburg, MS
<u>Other:</u>	Simon Bailey	188 E Capitol St	Jackson, MS

Bert Kuyrkendall, a consultant with Orion Planning+Design and lead for the project, presented the application. He provided the same presentation that was presented to City Council on December 5th, 2022. Chair Miller then opened the floor for public comments at 3:17 PM. Bryan Hubbard, owner of American Signs at the intersection of Quinn and 26th Ave, spoke against the proposed plan. He noted safety concerns in the area and believed that increasing the number of people in the area would not make it safer. He also noted concerns about the addition of bars and restaurants in the area that would attract students from USM. Bryan noted that with

students crossing Highway 49 after drinking, he has concerns for their safety without having an appropriate place for them to cross. He noted that the safety of people in this area should be put first over revenue. Bryan raised questions about the zoning that would be implemented and specifications of how it would affect current buildings. He raised concerns with the proposed parking along HWY 49, in that students would abuse the parking and use it for their own parking needs and then cross the Highway. Simon Bailey, representative, and attorney for the Baker family, who own multiple properties in the study area and raised concerns about the marketability of their properties at the completion of the study and implementation of the zoning. Bailey also submitted a letter to the city that further outlined their position on the proposed plan, and was hopeful that the result would promote reasonable development.

Chris Miles, a resident and property owner on Emerson Drive, spoke in favor of the master plan. He noted that a key component of this development will be a pedestrian connection across US HWY 49 to Quinn Street. He reiterated his support for the project and believed it would raise property values in the area. Lisa Fokakis, a property owner within the study area, supported the plan and noted its location is optimal for this plan. She did raise questions on the timeline for the project and plan and also raised concerns about how pedestrian movements would be addressed in the plan.

Chair Miller noted that these types of projects and their timeline is usually slow and develops at a steady process, but gain momentum over time, unless a large developer comes in and begins a project. Mrs. Lowrey noted that while this project could accommodate large projects, the plan could be scaled down to small sites for individual property owners, where parcel-by-parcel development is possible. Lowrey also noted that planning projects are long range and the plans come to fruition when the community is ready and not on a defined timeline. Bert Kuyrkendall noted that a lot of the feedback received focused on seeing this area develop more organically and drew references to other college towns that have seen similar districts develop. He noted that incremental development does and can happen but there is also the potential for large developers to help start the project. He appreciated the comments from citizens on their concerns for safety and part of the engineering design that the plan is proposing would create safer streets through traffic calming measures. Chair Miller then closed the public hearing at 3:35 PM and noted that the best option for commissioners is to table the request since the final plans were not ready for adoption. Rebekah Ray made a motion to table the request.

Commissioner Conville then spoke to the audience on the process of the development of Midtown, where he served on the citizen advisory committee, and drew parallels to the development of Midtown and this master plan for the 25th and 26th area. Commissioner Lockett seconded the motion and a roll call vote was conducted:

Motion to Table: (7-0)
Commissioners voting aye: Dick Conville
Charles Dawe (via GoToMeeting)
Jeff Keysear (via GoToMeeting)
Elayne Lockett
Mark Miller - Chair
Rhoda A. Pickett
Rebekah Ray
Commissioners voting nay: None
Commissioners abstaining: None
Commissioners not present: Michael Dickerson

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 3:45 PM.

Mark M. Miller, Chair

Ginger Lowrey, Planning Division Manager



**Planning Commission
Case Fact Sheet**

Name of Petitioners: John P. Scanlon, representative, and Safari Timberlands, LLC

Address of Property:
Intersection of Jackson Road and the Longleaf Trace

	Tax Parcel	PPIN:	Ward:
A portion the parcel:	052B-03-004.105	33787	1

Request: **Zoning Change From A-2 to B-2 and Conditional Use Request for Restaurant without drive-through in a B-2 Zone**

Purpose of Request: To consider an application filed by John P. Scanlon, representative, and Safari Timberlands, LLC, owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a portion of an unimproved property located at the intersection of Jackson Road and the Longleaf Trace from A-2 Agricultural Residential (Section 4.5.2) to B-2 Neighborhood Business District (Section 4.5.9) and to request a conditional use for for "restaurant, without drive-through" in a B-2 Zone (Neighborhood Business District) contingent upon approval of the rezoning request. (Parcel No. 052B-03-004.105; PPIN 33787, Lamar County, Ward 1).

Applicant Summaries: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts Established

4.5.2 A-2 Agricultural Residential District: The purpose of the A-2 Agricultural District is to permit low density single-family residential development along with restrictive agricultural uses. This district is consistent with the Rural Residential / Agricultural District in the Comprehensive Plan. The district is intended to encourage and protect large lots, open space

John P. Scanlon, representative, and Safari Timberlands, LLC
Request for: **Zoning Change From A-2 to B-2 and Conditional Use Request for Restaurant**

and low density population.

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

SECTION 5

Table 5.1 Table of Uses																
Use		Additional Use Conditions Cross Reference														
		Agricultural			Residential				Business				Industrial			
■	Permitted	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	
□	Permitted with conditions															
◆	Conditional Use															
×	Not Permitted															
Restaurant, without drive-thru		×	×	×	×	×	×	×	◆	◆	□	□	□	□	□	5.4.36

5.4.36 – Conditions for Use for Restaurant without Drive-Through

5.4.36.5 All restaurants located within the B-1 and B-2 districts shall be limited to a capacity of 80 seats.

5.4.36.6 All restaurants that abut residential districts shall be screened entirely from view of adjacent residential properties by an opaque fence and/or vegetative screen to a minimum height of six feet. Such screen shall meet the minimum height requirement at the time of issuance of a certificate of occupancy.

Present Zoning: The parcel is currently zoned A-2

Present Use: Vacant / Undeveloped

Future Land Use: Neighborhood Conservation District 2

Surrounding Zoning and Land Use:
North: R-1A Single-Family Residential (across from Longleaf Trace)
South: Outside of City Limits
East: A-2 General Agricultural
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 December 21st, 2022.

John P. Scanlon, representative, and Safari Timberlands, LLC
Request for: **Zoning Change From A-2 to B-2 and Conditional Use Request for Restaurant**

History / Background:

The applicant met with staff in Pre-Application to discuss the development of a bike shop/bike retail store with an added coffee shop/restaurant component. The intent of the applicant is to integrate in with the Longleaf Trace and provide additional amenities that complement its uses. The current zoning does not allow for said uses and requires a commercial zoning. Staff discussed zoning options, where B-2 or B-3 would meet the minimum zoning requirements for the intended uses. The minimum zoning required for the intended uses is a B-2, but requires a conditional use for the restaurant component. A B-2 Zoning is considered less impactful and less intensive use than a B-3 zone, and reduces the number of allowable uses compared to a B-3 or higher zoning.

The applicant is only seeking to rezone a portion of the parcel (PPIN 33787), approximately 2 acres and intends to leave an easement on the southern portion of the property for future connectivity into the eastern portion of the parcel. The applicant has provided a conceptual site plan and architectural renderings for the proposed development which is included in this report. Planning Commission should consider the justification of a commercial zone at this intersection of Jackson Road and Longleaf Trace. This

The conditional use request is contingent upon approval of the zoning change to B-2. Planning Commission should consider the approval criteria for a conditional use request (listed below) as it relates to this development.

Option (A):

Approve or Deny

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

Conditional Use Request

Option (B):

Approve or Deny.

12.3.3.2 Additional Approval Criteria. In addition to the standards [5.4.36], the applicant for a request for the Planning Commission to approve a use shall be required to demonstrate that his/her proposal addresses the following additional requirements, except that the Planning Commission may waive any one or more criteria that it determines are not applicable based upon the expected impact of the proposal.

Request for: **Zoning Change From A-2 to B-2 and Conditional Use Request for Restaurant**

- i. Determination that adequate public facilities and services will be available concurrent with the impacts of the development as evidenced by letters of sufficiency from utilities and schools and a determination by the city engineer that the available capacity of existing streets can safely provide access to the site.

ii. The proposed development will be compatible with surrounding uses and will protect adjacent properties through the following measures:

- Protection of privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and / or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.
- Protection of use and enjoyment. The proposed plan shall be designed and arranged to have minimal negative impact on the use and enjoyment of adjoining property.
- Compatible design and integration. The use meets all design criteria required by this Code that apply and is designed to integrate well both on and off site.

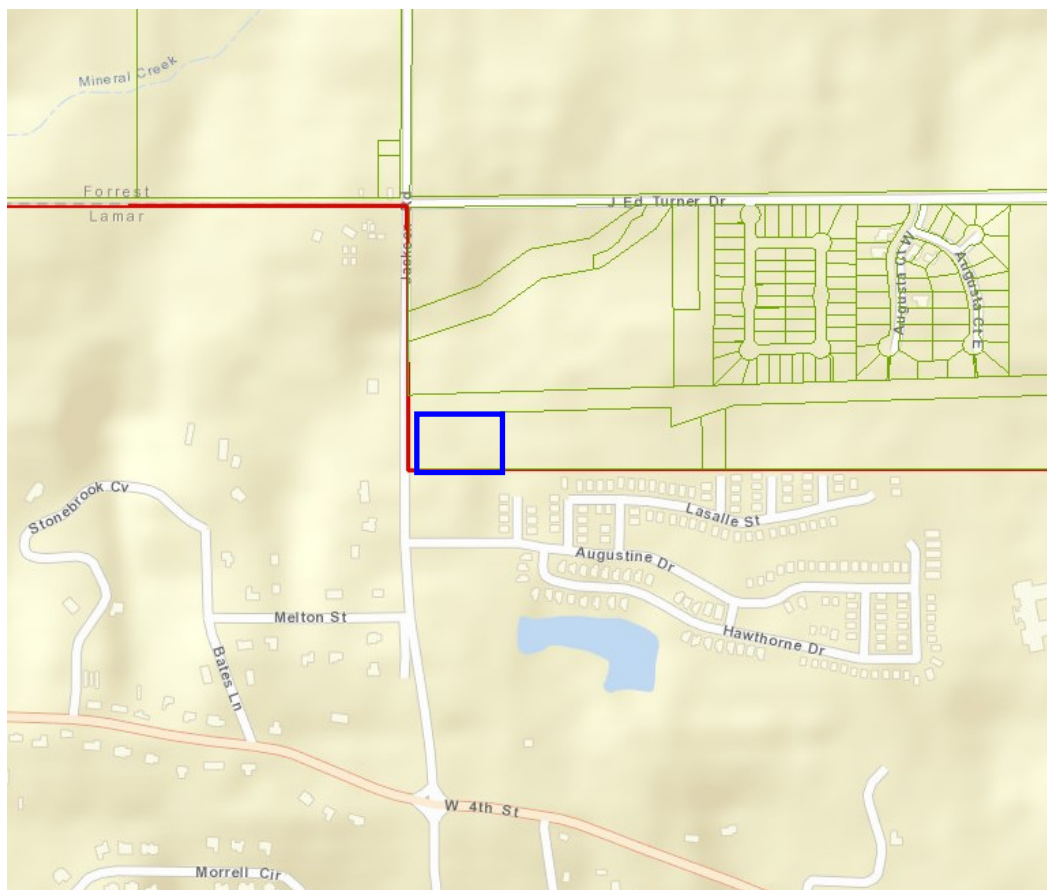
SUBJECT PARCEL:

Intersection of Jackson Road and Longleaf Trace

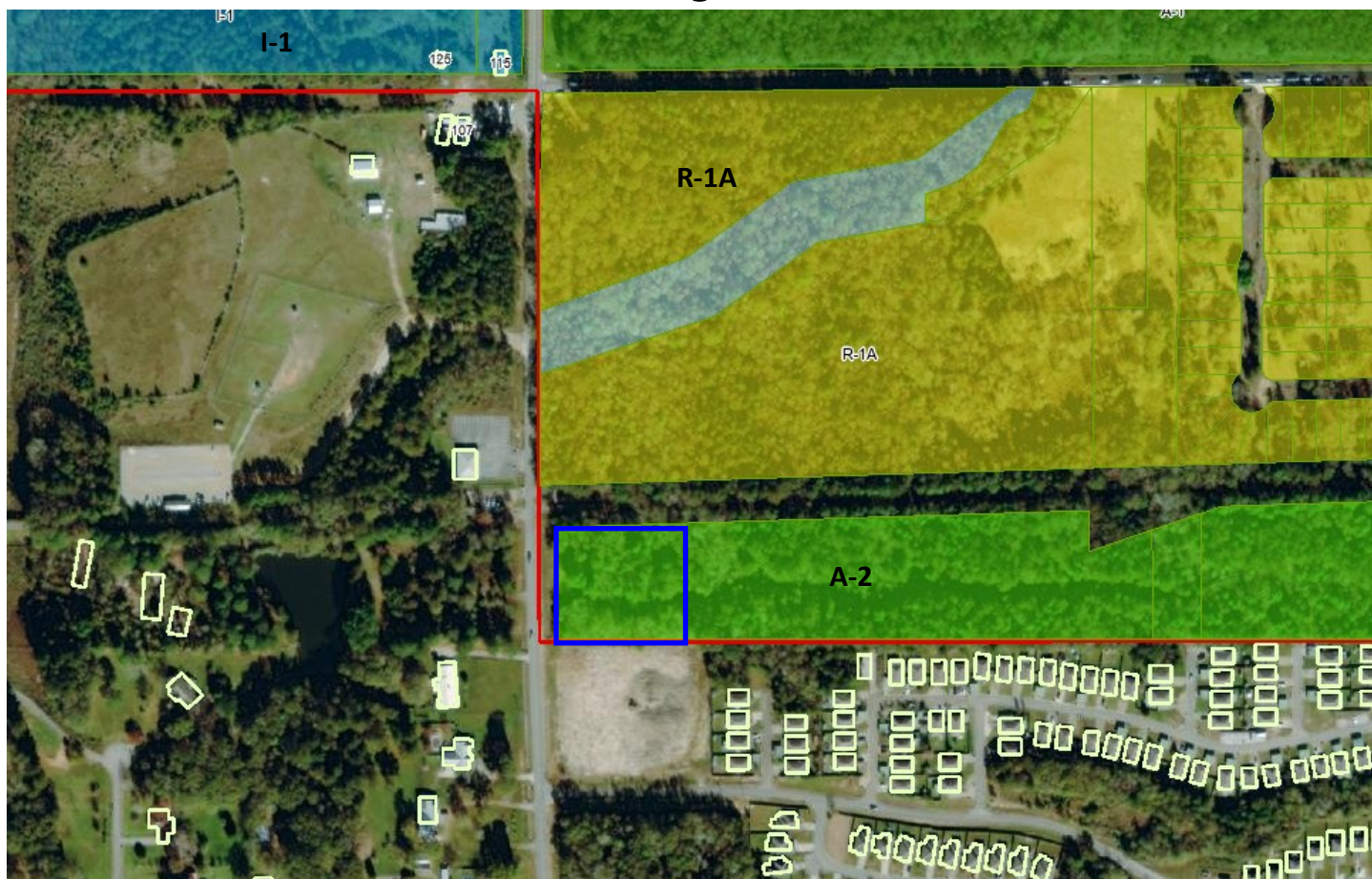
John P. Scanlon, representative, and Safari Timberlands, LLC, owner
The petitioners request to change the zoning classification for a portion of an unimproved property located at the intersection of Jackson Road and the Longleaf Trace from A-2 Agricultural Residential (Section 4.5.2) to B-2 Neighborhood Business District (Section 4.5.9) and to request a conditional use for for “restaurant, without drive-through” in a B-2 Zone (Neighborhood Business District) contingent upon approval of the rezoning request. (Parcel No. 052B-03-004.105; PPIN 33787, Lamar County, Ward 1).



Vicinity Map—Ward 1



Zoning—A-2



Site Aerial



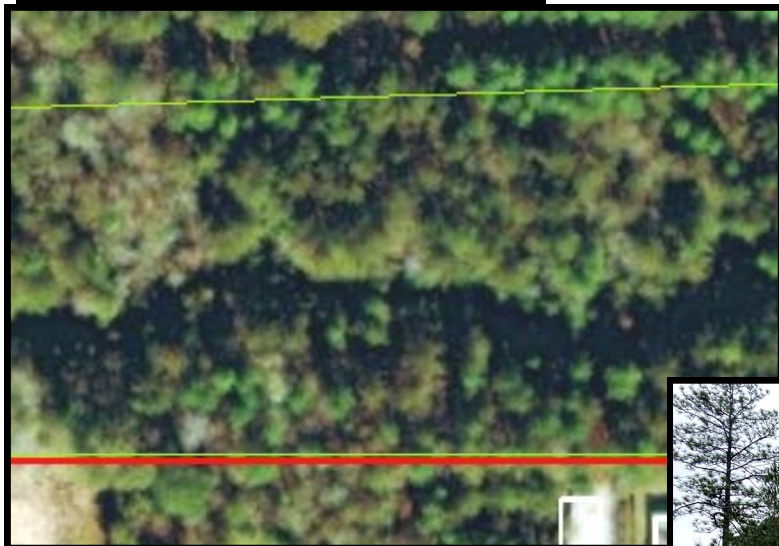
SURROUNDING AREA

Northern Direction: R-1A

Single-Family Residential



Southern Direction: Outside of City Limits



Eastern Direction: A-2 Agricultural Residential—Undeveloped

Western Direction: Outside of City Limits



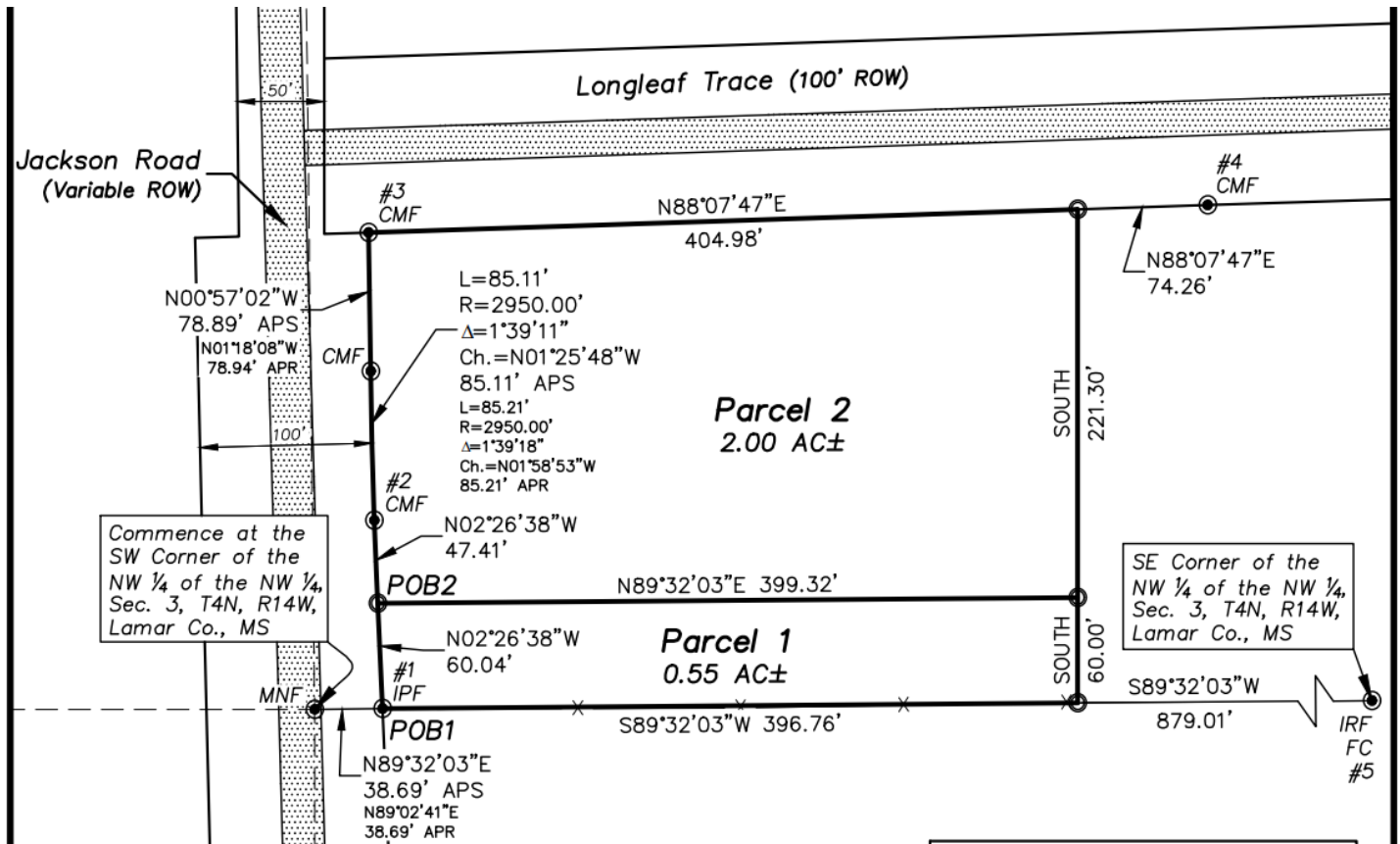
SURROUNDING AREA

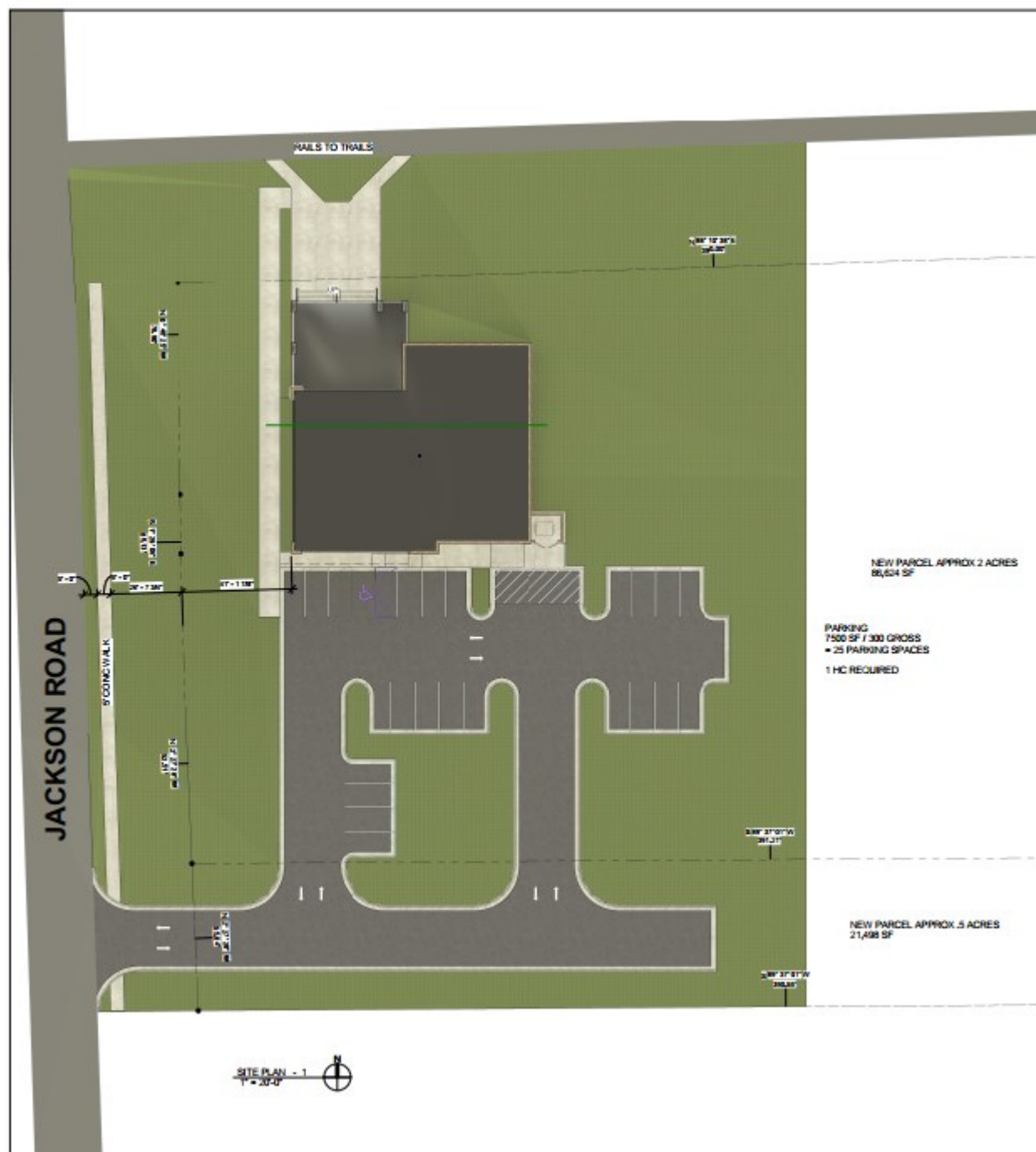
**Longleaf Trace / Jackson Station
Facing West**



**Intersection of Longleaf Trace and
Jackson Road (Subject parcel on
right)**

Portion Requested for Rezone (partial of whole parcel)





Proposed Floor Plan



Conceptual Elevations



Conceptual Elevations



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 material change in the circumstances and conditions of the neighborhood and area surrounding the petitioned property and there is a public need for the change in question, based on the Comprehensive Plan.
- B. There is a mistake in the original zoning.
- C. Annexation

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

There are two related requests coming before the Planning Commission regarding the proposal for this property - a rezoning request to B-2, and a conditional use request for a restaurant without a drive-thru, which would be located inside a bike shop (with bike repairs and a retail space of less than 10,000 sq. feet).

Although the proposal would be light commercial, it would exist more in the nature of a neighborhood amenity. The request would be to rezone 2.55 acres (of the 9.35-acre parcel), .55 of which would be for the new access road to the south of the parking lot.

There have been both changes in the character of the neighborhood as well as a public need for this proposed use which would justify the site currently zoned A-2, Agricultural Residential, to be re-zoned to B-2, Neighborhood Business.

These include:

- Longleaf Trace rails-to-trails project
- Re-alignment of Jackson road
- Development of nearby neighborhoods
- No bike shops or restaurants near Longleaf Trace

BEFORE THE PLANNING COMMISSION
OF THE CITY OF HATTIESBURG, MISSISSIPPI

IN THE MATTER OF THE REZONING
AND CONDITIONAL USE REQUESTS
OF CERTAIN LANDS SITUATED IN
HATTIESBURG, LAMAR COUNTY MISSISSIPPI

WARREN HOOD

PETITIONER/APPLICANT

**MEMORANDUM SUPPORTING APPLICATIONS
FOR REZONING and CONDITIONAL USE**

COMES NOW Warren Hood, hereby submits this, his Memorandum Supporting Applications for Rezoning and Conditional Use related to a proposed bicycle shop with a restaurant (without drive-thru) and requests the Hattiesburg Planning Commission to recommend to the City Council to approve both requests.

INTRODUCTION and BACKGROUND

Petitioner/Applicant Warren Hood brings two related requests to the Hattiesburg Planning Commission regarding the proposal for 2.55 acres of real property – 1) a rezoning request from A-2, “Agricultural Residential District,” to B-2, “Neighborhood Business District;” and 2) a request for a conditional use permit on the same property for a restaurant without a drive-thru, which would be located inside a bicycle shop (with bike repairs and a retail space of less than 10,000 square feet).

The subject property is 2.55 acres of a larger tract of 9.35 acres owned by Safari Timberlands, but on which the Applicant Mr. Hood has an option to purchase.¹ The subject property is located on the southwest corner of the intersection of Jackson Road and the Longleaf

¹ Both Mr. Hood and Safari have provided signed affidavits included within the application requesting and supporting the rezoning.

Trace and was annexed into the City in October 2007. The survey submitted shows 2.55 acres (of the 9.35-acre parcel), including a .55-acre “Parcel 1,” which will be for the new access road to the south of the parking lot; the two-acre “Parcel 2,” shows the primary proposed bike shop.

In preparing this Memorandum, the undersigned counsel for Warren Hood reviewed the following documents:

- Hattiesburg Land Development Code, adopted in 2017, updated in 2020.
- Hattiesburg Zoning Map
- 2008-2028 Hattiesburg Comprehensive Plan
- Longleaf Trace website – History of the Trace page (<https://www.longleaftrace.org/history-of-the-trace>)
- Pearl & Leaf Rivers Rails-to-Trails Recreational District, 11th Annual Progress Report, Dec. 6, 2018
- 2045 Metropolitan Transportation Plan for the Hattiesburg-Petal-Forrest-Lamar Metropolitan Planning Organization, December 2020
- Metropolitan Planning Organization Urbanized Area Boundaries (map)
- Lamar County Comprehensive Plan, 2018
- 2010 Zoning Ordinance of Lamar County, as amended in 2019 and 2022
- Lamar County Zoning Map
- Google Earth historical satellite imagery

In the City’s 2008 Comprehensive Plan, the property and surrounding area are designated as “Neighborhood Conservation District 2” on the Future Land Use Map. However, in ways, the rezoning and use requested are collectively somewhat of a new and unlisted use, springing from the development of the Longleaf Trace. Mr. Hood respectfully requests that this Commission recommend to the City Council that it rezone the property and issue a conditional use permit, granting both requests.

THE LONGLEAF TRACE and CYCLING

It is impossible to consider either of Mr. Hood’s requests for this particular piece of property without also considering the existence of the Longleaf Trace and Cycling. Indeed, the development of the Longleaf trace is largely what gives rise to a change in character of the

neighborhood and a public need supporting the zoning change, as well as to the circumstances which make this property appropriate for the requested conditional use.

Well known to anyone living or working in the Pine Belt, the Longleaf Trace was completed in 2000 as a Rails-to-Trails conservancy project, constructed along a portion of the abandoned line of the Mississippi Central Railroad. (Longleaf Trace website – History of the Trace page; <https://www.longleaftrace.org/history-of-the-trace>).

The Longleaf Trace is a part of the Pearl & Leaf Rivers Rails-to-Trails Recreational District, a governing authority and joint venture of the counties of Forrest, Jefferson Davis, and Lamar and the municipalities of Bassfield, Hattiesburg, Prentiss, and Sumrall, created by the authority granted in MS Code Section 55-25-1 et seq. Member counties and municipalities support the district through a one fourth (1/4) mill tax levy on all taxable property in those counties and municipalities comprising the district, for the purpose of providing economic development and multiple recreational opportunities, while improving the quality of life for their citizens.

(History of the Trace webpage; <https://www.longleaftrace.org/history-of-the-trace>.) “In the early 1990’s work began to remove the tracks between Prentiss and Hattiesburg, paving the way for today’s trail. Beginning at the gateway in Hattiesburg near The University of Southern Mississippi, the Longleaf Trace traverses through five communities for 44 miles of nature-filled fun and challenge.” (History of the Trace webpage; <https://www.longleaftrace.org/history-of-the-trace>.) The stated purpose of the Trace is for both residents and visitors to enjoy.

Although the Longleaf Trace has been in use for many years now, just since the time the subject property was annexed into the City in 2007, much has occurred in the continuing development of the Longleaf Trace including the following:

- 2008 – Trail reaches an “estimated 50,000 uses annually with estimated out-of-area uses of 5,000 and out of state uses of 1,000.”
- 2008 – Preliminary design of the Phase III trail extension to Downtown Hattiesburg nears completion and design comments are requested.

- 2010 – “Use of the Longleaf Trace continues to grow; uses are now estimated to be 75,000 annually, with 15,000 from out of area, and approximately 2500 from out of state.”
- 2014 – Contract awarded for Phase III; “Annual use of the Trace continues to grow at an unexpected rate. Current usage is estimated at greater than 150,000 uses annually.”
- May 2016 – Phase III, constructed under contract by the City of Hattiesburg, was opened for public use.
- October 2016 – The district’s Board of Directors by resolution named the recently constructed Phase III the “Johnny L. DuPree Downtown Link.”

(Pearl & Leaf Rivers Rails-to-Trails Recreational District, 11th Annual Progress Report, Dec. 6, 2018; [5bfc6e_1cc2b71ebbd43368663853b58171624.pdf \(longleaftrace.org\).](#))

The Longleaf Trace has for years been a part of the City’s long-term planning. The City’s Comprehensive Plan notes that “the planned extension of the Longleaf Trace will allow users of the multi-use trail to access the park by bicycle from more distant locations in the city.” (Comprehensive Plan, 116.) The Comprehensive Plan also includes the Trace within its contemplated community facilities, listing as one of its implementation actions: “Promote pedestrian and bicycle connections south of the Longleaf Trace Rails-to-Trails to several activity nodes, including Downtown Hattiesburg, William Carey University, Library of Hattiesburg, Petal and Forrest County, Hattiesburg Zoo at Kamper Park, 28th Avenue medical district, and the University Mall.” (Comprehensive Plan, Chapter 9, “Community Facilities and Services,” 189.)

The planned implementation actions in the Comprehensive Plan specifically refer to those policies and procedures promulgated by the Hattiesburg-Petal-Forrest-Lamar Metropolitan Planning Organization, also known as the “HPFL-MPO,” or sometimes merely “MPO.” The subject land of these requests is entirely within the MPO planning area, and bicycling is a central

part of the MPO plans. In its own Metropolitan Transportation Plan, the MPO assigns a weight of 17 percent to “Bicycle and Pedestrian Benefits,” to prioritizing its roadway capacity projects (tied with highest percentage along with congestion reduction, benefit cost ratio, and safety benefits). (2045 MPO Metropolitan Transportation Plan, 26.) The Plan notes: “In addition to bicycle and pedestrian improvements included with planned roadway projects, the region will continue to fund stand-alone bicycle and pedestrian projects.” (2045 MPO Metropolitan Transportation Plan, 43.) The Plan continues: “While the MTP does not identify specific bicycle and pedestrian projects, the MPO will encourage local agencies to make improvements along the high-priority bicycle and pedestrian corridors.” (2045 MPO Metropolitan Transportation Plan, 43.)

In fact, Objective 1.1 contained in the Plan is to “Improve mobility and access across the region for pedestrians and bicyclists.” (2045 MPO Metropolitan Transportation Plan, 19.) The Plan identifies certain implementation strategies. “Redesign Key Corridors and Intersections – This plan has identified “major corridors that should be redesigned to be safer, more efficient, and more accessible to bicyclists and pedestrians . . . found in the list of non-capacity roadway projects.” (2045 MPO Metropolitan Transportation Plan, 24.) Notably, the Plan includes as another implementation strategy: “Rapidly Expand Biking and Walking Infrastructure – There were frequent comments from public input advocating for better walking and biking conditions. The MPO should encourage more bicycle and pedestrian projects and encourage bicycle and pedestrian improvements as part of planned roadway projects.” (2045 MPO Metropolitan Transportation Plan, 24.)

These policies of the City, the Pearl & Leaf Rivers Rails-to-Trails Recreational District, and the MPO all reflect a changing landscape both literally and figuratively as it relates to cycling. This changing landscape gives rise to Mr. Hood's two requests.

REZONING REQUEST

A. Legal Requirements.

Mississippi law is clear that the burden of proof rests upon the party seeking a zoning change "to show that the character of the neighborhood had changed to such an extent that it justified rezoning and that there was a public need for rezoning the property." *Bd. of Aldermen v. Conerly*, 509 So. 2d 877, 884 (Miss. 1987). "Unless the evidence is clear and convincing as to those requirements, the action of a rezoning board has been held to be arbitrary, capricious and discriminatory." *Id.*

"In order to have property rezoned, the applicant must establish by clear and convincing evidence that the character of the neighborhood has changed since the date of the last request for rezoning and that a public need exists for rezoning." *City of Jackson v. Aldridge*, 487 So. 2d 1345, 1346-47 (Miss. 1986). "There is no bright-line rule as to what constitutes sufficient evidence of change in a neighborhood's character or public need. However, there must be enough evidence for the zoning board to reach an informed decision." *Gardner v. City of Tupelo*, 76 So. 3d 204, 207-08 (Miss. Ct. App. 2011) (internal citations omitted).

In rezoning requests, "if there has been a change in the neighborhood and if there is a public need therefor, evidence to support it should not be difficult to produce." *Id.* at 886. "To support on appeal a reclassification of zones, the record at a minimum should contain a map showing the circumstances of the area, the changes in the neighborhood, statistics showing a

public need, and such further matters of proof so that a rational, informed judgment may be formed as to what the governing board considered.” *Id.* “When there is no such proof in the record we must conclude there was neither change nor public need.” *Id.*

Regarding any rezoning request, “[m]aterial to this examination are new or additional facts which have occurred since original zoning.” *Cloverleaf Mall, Ltd. v. Conerly*, 387 So. 2d 736, 738 (Miss. 1980). Thus, the principal timeframe in which Mr. Hood focuses his analysis is since 2007, when the property was annexed into the City, just one year before the City enacted its current Comprehensive Plan.

The hallmark of the exercise of judicial power is the enforcement of primary rules. Here, for example, we require adherence to the rule that no change in zoning classification may be made absent either a mistake in the original zoning or a change in circumstances in the neighborhood and a public need for the rezoning. To be sure, ***these rules are flexible, partaking more of the character of principles than rules.***

Woodland Hills Conservation Asso. v. Jackson, 443 So. 2d 1173, 1181 (Miss. 1983) (emphasis added).

“Evidence that nearby property has been rezoned supports a finding by the city council there has been a material or substantial change in the neighborhood since the inception of the comprehensive zoning plan.” *McWaters v. Biloxi*, 591 So. 2d 824, 827 (Miss. 1991) (citing *Martinson v. City of Jackson*, 215 So.2d 414, 418 (Miss. 1968)).

In rendering the municipal order, the Mayor and Board of Alderman were authorized to consider the statements expressed by all the landowners at the hearing, as well as to call upon their own common knowledge and experience in their town. It is manifest that the Mayor and Board took into consideration all statements, both sworn and unsworn, and their common knowledge and familiarity about their small community, in reaching their decision. We believe this method to be sound and practical, and courts should respect such findings unless they are arbitrary, capricious and unreasonable.

Board of Aldermen of Town of Bay Springs v. Jenkins, 423 So. 2d 1323, 1327-28 (Miss. 1982).

See also *Broadacres, Inc. v. Hattiesburg*, 489 So. 2d 501, 504 (Miss. 1986); *Jackson v. Aldridge*, 487 So. 2d 1345, 1347 (Miss. 1986).

In *Broadacres*, the Court found that Hattiesburg had reviewed the evidence introduced at the hearing and made a finding based on the evidence “that there was a public need for the change in question and that a material change had occurred in the circumstances and conditions of the neighborhood,” resulting in a rezoning of 16.5 acres from R-1 to C-2. 489 So. 2d at 503.

B. The Change in Character of the Neighborhood and Public Need Support Rezoning.

As is evident, the most central fact to both the change in the character of the neighborhood and to the public need justifying the rezoning is the development of the Longleaf Trace and increased popularity of cycling, already described in detail in this Memorandum; there are other changes in need, as well, however. The purpose of the B-2 District stated in the Land Development Code is to provide for retail and personal service uses in locations convenient to residential neighborhoods consistent with comprehensive planning policies. This area would be appropriate for 2.55 acres of the proposed commercial use. In addition to the development of the Longleaf Trace, a number of other amenities have developed over the years, both inside and outside the city limits, as a portion of unincorporated Lamar County is nearby to the west and south of the subject property. Those include:

- Longleaf Trace Jackson Road Station
- Tuffburg Mountain Bike Trailhead between 2013 and 2018
- Breland Community Center
- Hub City Humane Society
- Fields of Barktopia
- Jackson Road re-aligned and extended (between 2012 and 2013)
- Gravel Pit Road re-aligned
- Acadia Oaks / Augustine Drive neighborhood

- Longleaf Trace Elementary School

In addition, the volume of both cycling and motor vehicle traffic has been increasing over time. One can also see on a map that the Acadia Oaks / Augustine Drive neighborhood, although located in the County, was built so that there are several hundred feet between the street entrance and the first house, likely by design to allow for light commercial development along the corridor Jackson Road.

There is also a public need as bike and pedestrian traffic along Longleaf Trace increases. There are currently no bike shops or restaurants near Longleaf Trace, and for a cyclist to travel to the nearest option currently, he or she would have to cross the busy Highway 98 – not a reasonable option when on a bike. Additionally, the City certainly has a need for an expanded tax base within its limits, and not all of the surrounding area is developed; much of it is vacant and unused. Although it would be a small amount, the proposed use would generate more tax not only from sales but also as the property itself and surrounding properties increase in value from this added neighborhood amenity. Mr. Hood requests the City to grant the rezoning.

C. The Rezoning Comports with the Comprehensive Plan.

Further, the rezoning request is in conformance with the Hattiesburg Comprehensive Plan. “[A]lthough a zoning ordinance or amendment creates in the center of a large zone a small area or a district devoted to a different use, it is not spot zoning if it is enacted in accordance with a comprehensive zoning plan.” *Ridgewood Land Co. v. Simmons*, 243 Miss. 236, 251-52, 137 So. 2d 532, 538 (1962). See also *Thomas v. Bd. of Supervisors*, 45 So. 3d 1173, 1188 (Miss. 2010); *Hall v. City of Ridgeland*, 37 So. 3d 25, 42 (Miss. 2010); *McWaters v. Biloxi*, 591 So. 2d 824, 829 (Miss. 1991) (to avoid spot zoning, the change must be in harmony with comprehensive

plan). “When the validity of a rezoning ordinance is at issue, one test for arbitrariness is to look at the rezoning in the context of the comprehensive plan ***as the same may have evolved and been amended.***” *Woodland Hills Conservation Asso. v. Jackson*, 443 So. 2d 1173, 1181 (Miss. 1983) (emphasis added). “Where the reclassification does no substantial violence to the growth scheme of the comprehensive plan and varies in no major respect from zoning classifications in the surrounding area, it will generally not be disturbed on judicial review. ‘Spot zoning,’ on the other hand, is generally condemned.” *Id.*

The proposed use is in a way not expressly contemplated by the Comprehensive Plan, making it somewhat of a new use brought about by the development of the Longleaf Trace and popularity of cycling; however, the proposed use certainly does not substantial violence to the Comprehensive Plan’s growth scheme, nor does the proposed use vary in any major respect from surrounding uses. The B-2 District in the City’s adopted zoning regulations is consistent with the Neighborhood Business District in the Comprehensive Plan. (Hattiesburg Land Development Code, Section 4, p. 25.) The proposed use therefore does implement the goals and strategies of the Comprehensive Plan and adopt its purposes.

Because the area is so close to unincorporated Lamar County, it is helpful to look at the Comprehensive Plans of both the City and the County. Unlike many comprehensive plans which typically list areas simply as commercial or residential, Hattiesburg’s Comprehensive Plan includes certain designations of neighborhood districts. The Comprehensive Plan designates this area as “Neighborhood Conservation District 2 – Suburban Neighborhoods.” The Comprehensive Plan describes it as “primarily a residential district located in conventional subdivisions,” with large tracts of land “platted as single-family residential neighborhoods,” but also listing certain non-residential uses such as schools, churches, and neighborhood parks.

(Hattiesburg’s Comprehensive Plan, Chapter 7, “Land Use and Development,” 95.) The characteristics of the district include lower density uses and lots “with front and side yards with standard depths,” as well as “a lower overall density of development than downtown or historic neighborhoods.” (Hattiesburg’s Comprehensive Plan, Chapter 7, “Land Use and Development,” 95.) Clearly, the proposed use as more of a neighborhood amenity does no substantial violence to the Comprehensive Plan’s growth scheme nor varies in any major respect from surrounding uses, making it very much in compliance with the City’s Comprehensive Plan.

Regarding Lamar County’s Comprehensive Plan, the Future Land Use Plan shows nearby areas outside the City as general commercial; in more detail, the Zoning Ordinance shows three different nearby classifications. In addition to being near a PH zone, or “patio homes residential,” some areas are in the County zone GC-2, or “General County 2,” where permitted uses include shops, repair shops, and body shops. (Lamar County Zoning Ordinance, Art. VI, Section 501.1.) Others are zoned MX, or “mixed use,” the purpose of which is to “[e]ncourage a mix of uses in which non-residential development generates revenues and creates jobs, shopping and entertainment opportunities for residents, while residential development generates 24-hour vitality in support of the commercial uses.” (Lamar County Zoning Ordinance, Art. XX, Section 2000.) In an MX zone in the County, permitted uses include retail – “commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures” – and full-service restaurants. (Lamar County Zoning Ordinance, Art. XX, Section 2001.)

Clearly a bike shop and small restaurant would be in harmony with such nearby zones and uses. Because the proposed zoning comports with both the City and the County Comprehensive Plans, Mr. Hood requests the City grant his rezoning.

D. Conditional zoning is an alternative option for the City.

In the event the City wishes to have an alternative option outside of a standard rezoning, conditional zoning is available. “[C]onditional zoning describes the situation in which a municipality rezones on condition that a landowner perform a certain act prior to, simultaneously with, or after the rezoning,” in contrast with what is known as unconstitutional “contract zoning.” *Old Canton Hills Homeowners Ass’n v. Mayor & Jackson*, 749 So. 2d 54, 58-59 (Miss. 1999) (quoting *Dacy v. Vill. of Ruidoso*, 114 N.M. 699, 702, 845 P.2d 793, 796 (1992)). In the event that a developer fails to comply with the terms of a conditional zoning agreement, the process would simply go back to “point zero.” *Id.* If the City desired, it could grant the zoning conditionally, with the condition being that Mr. Hood develop his land as promised in his application; if that condition is not met, the rezoning could be revoked. In any event, Mr. Hood respectfully requests the City grant the rezoning.

CONDITIONAL USE REQUEST

The proposed use is for a new bike shop for both rental and retail which would also offer food service at a restaurant counter. Within a B-2 zone, the contemplated retail would be permitted; the conditional use sought is “Restaurant, without drive-thru, as a part of a proposed bike shop (less than 10,000 sq. ft.) with repair.” The restaurant would have far fewer than 80 seats for food customers and the parcel does not currently immediately abut developed residential property; however, screening and design suggestions from the Planning Commission and the City are welcome. Additionally, under section 12.3.3.2 of the Land Development Code, adequate public facilities are available, and the proposed development will be compatible with surrounding uses.

The proposed use is for a bike shop, including a repair shop, of less than 10,000 square feet which would include a restaurant with no drive-thru. The concept is to have a place along the Longleaf Trace multi-purpose trail where those who use the trail could stop either to enjoy a cup of coffee or a light menu, or to have access to a cycling retail center and bike shop. Thus, it is hoped this use would generate additional pedestrian and bicycle traffic, both from users of the Trace, as well as those who reside nearby. The use would also involve some automobile traffic, but drivers of cars are not intended to be the sole customers of the proposed use.

Although the proposal would be light commercial, the shop and restaurant would exist more in the nature of a neighborhood amenity. As noted in the application, the proposed zoning classification is B-2, Neighborhood Business, with this conditional use request. Table 5.1 in the Land Development Code, the Table of Uses, shows that all of the uses applicable to the proposed development may exist in a B-2 zone. Table 5.1 lists 1) Restaurant without drive-thru as a conditional use; 2) Retail of less than 10,000 sq. feet as permitted, with conditions, and 3) Repair Shop (small appliance, shoes, excluding gas engines) as permitted outright.

Regarding the effect the proposed use's utilities and facilities have on the community, Mr. Hood has been in communication with City Engineering about the possibility of connecting to nearby centralized utilities along J. Ed Turner Drive, at the farthest. Mr. Hood is amenable to connecting to centralized sewer if legally permissible and economically feasible. This should not be a detriment to the utilities in use by the surrounding community.

The size is appropriate for the proposed development and use. Although the proposal would be light commercial, it would exist more in the nature of a neighborhood amenity on a relatively small, 2-acre area. Though the rezoning request is for 2.55 acres (of the 9.35-acre parcel), .55 acres of that would be for the new access road to the south of the parking lot. The

proposed use will be compatible with surrounding uses and will have minimal adverse impact on adjacent properties. There is no elevation in the noise level expected.

While a retail bike shop and repair shop, together with a small restaurant, there would be a handful of employees needed, and it is hoped that such an amenity within the City of Hattiesburg along the Longleaf Trace would benefit the area as well as those using the multi-purposes trail. Mr. Hood respectfully requests the Planning Commission to grant his rezoning.

CONCLUSION

The City should grant this rezoning request because of the change in character of the neighborhood and the public need, and the City should issue the conditional use permit as the proposed use is compatible with the surrounding area and would make a great addition as a neighborhood amenity.

Respectfully submitted, this the 22nd Day of December 2022.

/s/ John P. Scanlon
John P. Scanlon, MS Bar No. 101943
Mills, Scanlon, Dye & Pittman
Attorneys for Warren Hood

CERTIFICATE OF SERVICE

I, John P. Scanlon, attorney for the Applicant Warren Hood hereby certify that I did submit this Memorandum via electronic mail to Nathan Satcher, City Planner for the City of Hattiesburg.

Submitted, this the 22nd Day of December 2022.

/s/ John P. Scanlon
John P. Scanlon, Esq.
MS Bar No. 101943

OPPOSITION TO REZONING AND CONDITIONAL USE

JACKSON ROAD AND LONGLEAF TRACE INTERSECTION AND ADJACENT AREA

John and Krista Eye

Abstract

In review of the application submitted to the Hattiesburg Planning Commission involving the 2.55 acre parcel adjacent to Jackson Road and the Longleaf Trace, it is our position such a rezoning would adversely and unnecessarily impose negative health and safety conditions in the neighborhood with additional congestion in an area that lacks the necessary infrastructure of sidewalks, traffic control, safe speed limit, and security measures to safely sustain a business operation that will bring in additional traffic, both automobile and pedestrian. The applicant has not provided significant evidence that indicates a change in character and a public need for the zone change. The arguments given are speculative and not supported with facts or statistics. A valid argument can be made this request is "spot zoning", creating an "island" of commercial activity that will conflict with the existing zones and the Comprehensive Plan that identifies this area as low density, residential – not commercial.

We respectfully ask the Planning Commission to reject this application on the grounds that clear and convincing evidence has not been provided by the requestors to justify over-riding the health and safety interests in the existing zone approved by the Planning Commission and City Council. We are not anti-growth, we support smart, controlled development that enhances the safe, low density residential neighborhood in which we chose to invest.

Standing and Precedence

Zoning is a mechanism used by municipalities to provide stability for landowners so their investments are protected from actions that cause harm to the character of their neighborhood and negatively affect the market value of their property. Landowners seek out properties in concert with their lifestyles and rely on zoning ordinances to provide a level of assurance their investment(s) will be secure. Without zoning protections, potential residents are more likely to avoid the city and choose the county where the taxes are lower. It makes financial sense for the City of Hattiesburg to take zoning ordinances seriously and resist the temptation of short-term growth at the expense of long-term depreciation.

The residents near Jackson Station are serious about the character of their neighborhood and have chosen to invest in a low density, low crime, residential environment. Exclusively, single family homes with large lots stretch along J Ed Turner Drive and into Augusta Court and Lake Estates, many if not most within 6000 feet of the proposed zoning change. Commercial development in the middle of this residential area will have a significant effect on these property owners and city decision-makers should acknowledge the financial interests of the residents before approving requests that are compromising to the future of the neighborhood.



In 2019, Safari requested and received (despite the opposition of many) over 40 variances for R-1A lots along J Ed Turner Drive but to date no significant construction has been realized and the property appears to be up for sale. Therefore, many of the promises and assurances made to the landowners involving the characteristics of this subdivision are likely gone but the financial benefit to Safari remains.

Additionally, the property in question (on Jackson Road) has recently gone before the Planning Commission in March of 2018 in an application for commercial B-3 zoning (see attached minutes) submitted by Sims and Robinson. In that report the property was listed as unzoned. Their request was not approved because of "substantial opposition from the neighborhood and public and outstanding questions were raised regarding plans, traffic, and infrastructure." A conditional use request was also not approved for the same reasons; both votes were unanimous.

Application is Silent on Health, Safety, and Welfare

Grounded in state law and carried through the Comprehensive Plan and the Land Development Code is the role of city planning to ensure the health, safety, and welfare of its residents through zoning, planning, and subdivision regulation. Safety is mentioned dozens of times in both the Comprehensive Plan and Land Development Code. In fact, the Land Development Code begins outright in Section 1.1 defining the intent and purpose of the document to "promote the health, safety, and welfare of the citizens of the City of Hattiesburg", (p. 7). However, any reference to health, safety, and welfare is noticeably absent in the Safari application, despite the high congestion and traffic levels already there.

There is not adequate infrastructure in the proposed location to safely support a commercial establishment. The road is narrow and uneven, the speed limit is 40 mph, (above J Ed Turner and 4th Street), and there are already numerous intersecting driveways that carry vehicular and pedestrian traffic over a very short stretch of road. There are no sidewalks to carry pedestrians to and from Acadia Oaks and sewer access may be problematic. Large trucks travel through the area at 40+ mph and create a dangerous situation for everyone. Adding a place of business in this location will only add more congestion to an already unsafe space.



Commercial Activity Brings Crime

By introducing commercial enterprises in a residential zone there is strong evidence crime will increase in the neighborhood. This is supported by research published in the *University of Pennsylvania Law Review* where the authors found that “zoning is substantially associated with crime rates”, “residential zoning is associated with substantially lower crime than commercial zoning or mixed-use zoning”, and “commercial areas are responsible for more crime than other areas” (Anderson, et. al, 2013, p. 38). In another study, published in the *Journal of Economics*, the researchers found that “land use is a major determinant of street crime patterns” and “commercial activity leads to substantially higher street robbery and assault rates, particularly in more walkable neighborhoods” (Twinam, 2017, p. 118). Opening the door to what at first appears to be a benign request for an isolated bike shop and restaurant will likely turn into a proliferation of commercial activity that undermines the low density, low crime, residential character of the neighborhood.

Change in Character of the Neighborhood and Public Need

The arguments brought by the applicants that the character of the neighborhood has changed significantly to justify a zone change are weak at best. They cite the popularity of the Longleaf Trace, but they do not provide evidence of the need for a bike shop or restaurant directly on the route. Moore’s Bike Shop is only a couple blocks from the Trace and access to other commercial services are available less than 3 miles away along 4th Street.

More speculation in the application includes how “several hundred feet between street entrance and the first house” (on Jackson Road) will likely “allow for light commercial development.” But in *Gardner v. Tupelo*, 76 So. 3d 204, 207 (Miss. 2011), the court held “that the potential for future development does not constitute evidence of a change in a neighborhood’s character.” Put another way, promises often do not materialize when it comes to zoning requests, so a healthy dose of skepticism is necessary when it comes to zone change requests.

The applicants seem to be asserting that properties in the area have been rezoned recently. But most if not all the neighborhood parcels have been zoned only once. Some plots along J Ed Turner were unzoned for years after annexation, but it would be a stretch to consider, for these purposes, an initial zoning to be a rezone and therefore evidence of a change in character. In *Cockrall v. Panola County Bd. of Supervisors*, 950 so. 2d 1086, 1090 (Miss. 2007), the court held that “There is a strong presumption, recognized repeatedly by the Mississippi Supreme Court, that comprehensive zoning ordinances that are adopted or amended by local governing authorities are well planned and meant to be permanent.” And since the zones of most of the lots along J Ed Turner have been recently initially zoned, it is difficult to assert the character of the neighborhood has changed in only a few years. Rezoning a property that only recently has been initially zoned in this circumstance would be arbitrary and capricious.

An erroneous claim of neighborhood change by the applicants is the list of examples provided on p. 38-39, beginning with the Longleaf Trace Jackson Road Station. Construction outside the municipality has no bearing on the legislative process for zoning and even if it did, these properties are compatible with their respective zones so no substantial change is realized. In *Cloverleaf v. Conerly*, 387 So. 2d 736, 740 (Miss. 1980), the court found that “It is also well established that the use of property in accordance with an original zoning plan is not a material change of conditions which authorizes rezoning.” Simply adding a building here or there, especially when it is in compliance with the zone, does not constitute substantial change. In *Wright v. Mayor & Commissioners of Jackson*, 421 So. 2d 1219, 1222 (Miss. 1982), the court found the appellees failed to meet the burden of proof for a zone change stating: “The only change of any consequence in the neighborhood was a doubling of an already existing industrial zone to the northwest of the subject property. Another change, the construction of a fire station, was a compatible construction within the residential or commercial areas and does not constitute a substantial change.” So again, using the Longleaf Trace (and the other examples listed) to justify a zone change on a property zoned only a few years ago lacks logic and validity. Put another way, when Safari’s land on Jackson Road was zoned A-2 just a short time ago, the standard process was used to consider the appropriate zone. To come right back now and consider the change from 2007, well before the last time this property was zoned, is clever but not justifiable.

Summary

The applicants for this zone change have not met the burden of proof required by law. No facts have been provided as to the need for a bike repair shop or restaurant, only a reaffirmation that the Long Leaf Trace is popular. The request is silent on how the project will address the health, safety, and welfare of motorists and pedestrians in the area, a top priority within the Comprehensive Plan and Land Development Code. Furthermore, creating a commercial “spot zone” will negatively impact the low density, low crime, residential character of the neighborhood, a place where hard working taxpayers have invested their life savings in their homes and properties. For the same reasons, the conditional use request should also be denied.

Notes

James M. Anderson, John M. MacDonald, Ricky Bluthenthal and J. Scott Ashwood+ (February, 2013). Reducing Crime by Shaping the Built Environment with Zoning: An Empirical Study of Los Angeles. *University of Pennsylvania Law Review*, 161, 699. <https://advance-lexis-com.lynx.lib.usm.edu/api/document?collection=analytical-materials&id=urn:contentItem:57X5-GWK0-02BN-10G2-00000-00&context=1516831>.

Twinam, T. (2017). Danger zone: Land use and the geography of neighborhood crime. *Journal of Urban Economics*, 100, 104–119. <https://doi.org/10.1016/j.jue.2017.05.006>

Satcher, Nathaniel

From: Satcher, Nathaniel
Sent: Friday, December 30, 2022 4:53 PM
To: Satcher, Nathaniel
Subject: FW: Zoning change opposition

From: jnjmiles <jnjmiles@bellsouth.net>
Sent: Friday, December 30, 2022 10:57 AM
To: planning <planning@hattiesburgms.com>
Subject: Zoning change opposition

To: Planning commission

I wish to add my opposition to the zoning change request detailed in HPC Minute Book 7, pages 4 & 5 in the area of Jackson Road and J Ed Turner Dr. I concur with and support the items already submitted in opposition to the zoning request and would like to emphasize that the realignment of Jackson Rd., has already subjected the area and its residents to unwanted heavy traffic problems.

Thank you

John Miles
1067 Lake Estates Dr.
Hattiesburg

12.3.3.1 Compliance Required. Uses requiring Planning Commission approval, as noted in the Tables of Uses in Section 5 of this Code, shall be approved subject to this Section. Any application for such use must comply with all applicable standards that apply to similar uses and properties in the zoning district in general, the specific conditions listed for that use in Section 5, and the following criteria. Where conflicts exist, the Planning Commission shall determine which criteria apply on a case by case basis.

1. Does this application meet the conditions set forth in Section 5 for the requested use? If yes, please explain.

Yes. The site is currently zoned A-2, Agricultural Residential, but the proposed zoning classification is B-2, Neighborhood Business, with this conditional use request. Section 5, which contains Table 5.1, the Table of Uses, shows that all of the uses applicable to the proposed development may exist in a B-2 zone. Table 5.1 lists 1) Restaurant without drive-thru as a conditional use; 2) Retail of less than 10,000 sq. feet as permitted, with conditions, and 3) Repair Shop (small appliance, shoes, excluding gas engines) as permitted outright.

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

The applicant is in touch with City Engineering about the possibility of connecting to nearby centralized utilities which are thought to be along J. Ed Turner Drive, at the farthest. Septic tanks were considered in early discussions, but Applicant would be amenable to connecting to centralized sewer if legally permissible and economically feasible. This should not be a detriment to the utilities in use by the surrounding community.

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

The size is appropriate for the proposed development and use. Although the proposal would be light commercial, it would exist more in the nature of a neighborhood amenity on a relatively small, 2-acre area. The related rezoning request is to rezone only 2.55 acres of the 9.35-acre parcel, but .55 of that would be for the new access road to the south of the parking lot. The use would have minimal impact on The proposed development will be compatible with surrounding uses and will have minimal adverse impact on adjacent properties, though Applicant will consider screening and design suggestions from the Planning Commission and the City.

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

If yes, please explain:

The proposed use is for a bike shop, including a repair shop, of less than 10,000 square feet which would include a restaurant with no drive-thru. The concept is to have a place along the Longleaf Trace multi-purpose trail where those who use the trail could stop either to enjoy a cup of coffee or a light menu, or to have access to a cycling retail center and bike shop. Thus, it is hoped this use would generate additional pedestrian and bicycle traffic, both from users of the Trace, as well as those who reside nearby. The use would also involve some automobile traffic, but drivers of cars are not intended to be the sole customers of the proposed use.

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? _____

While a retail bike shop and repair shop, together with a small restaurant, there would be a handful of employees needed, and it is hoped that . Such an amenity within the City of Hattiesburg along the Longleaf Trace would benefit the area as well as those using the multi-purposes trail.

7. Parking Requirements:

Commercial/Industrial: Paved parking will be provided for 23 vehicles, and
1 ADA vehicle(s); with 1 loading spaces.

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

OPPOSITION TO REZONING AND CONDITIONAL USE

JACKSON ROAD AND LONGLEAF TRACE INTERSECTION AND ADJACENT AREA

John and Krista Eye

Abstract

In review of the application submitted to the Hattiesburg Planning Commission involving the 2.55 acre parcel adjacent to Jackson Road and the Longleaf Trace, it is our position such a rezoning would adversely and unnecessarily impose negative health and safety conditions in the neighborhood with additional congestion in an area that lacks the necessary infrastructure of sidewalks, traffic control, safe speed limit, and security measures to safely sustain a business operation that will bring in additional traffic, both automobile and pedestrian. The applicant has not provided significant evidence that indicates a change in character and a public need for the zone change. The arguments given are speculative and not supported with facts or statistics. A valid argument can be made this request is "spot zoning", creating an "island" of commercial activity that will conflict with the existing zones and the Comprehensive Plan that identifies this area as low density, residential – not commercial.

We respectfully ask the Planning Commission to reject this application on the grounds that clear and convincing evidence has not been provided by the requestors to justify over-riding the health and safety interests in the existing zone approved by the Planning Commission and City Council. We are not anti-growth, we support smart, controlled development that enhances the safe, low density residential neighborhood in which we chose to invest.

Standing and Precedence

Zoning is a mechanism used by municipalities to provide stability for landowners so their investments are protected from actions that cause harm to the character of their neighborhood and negatively affect the market value of their property. Landowners seek out properties in concert with their lifestyles and rely on zoning ordinances to provide a level of assurance their investment(s) will be secure. Without zoning protections, potential residents are more likely to avoid the city and choose the county where the taxes are lower. It makes financial sense for the City of Hattiesburg to take zoning ordinances seriously and resist the temptation of short-term growth at the expense of long-term depreciation.

The residents near Jackson Station are serious about the character of their neighborhood and have chosen to invest in a low density, low crime, residential environment. Exclusively, single family homes with large lots stretch along J Ed Turner Drive and into Augusta Court and Lake Estates, many if not most within 6000 feet of the proposed zoning change. Commercial development in the middle of this residential area will have a significant effect on these property owners and city decision-makers should acknowledge the financial interests of the residents before approving requests that are compromising to the future of the neighborhood.



In 2019, Safari requested and received (despite the opposition of many) over 40 variances for R-1A lots along J Ed Turner Drive but to date no significant construction has been realized and the property appears to be up for sale. Therefore, many of the promises and assurances made to the landowners involving the characteristics of this subdivision are likely gone but the financial benefit to Safari remains.

Additionally, the property in question (on Jackson Road) has recently gone before the Planning Commission in March of 2018 in an application for commercial B-3 zoning (see attached minutes) submitted by Sims and Robinson. In that report the property was listed as unzoned. Their request was not approved because of “substantial opposition from the neighborhood and public and outstanding questions were raised regarding plans, traffic, and infrastructure.” A conditional use request was also not approved for the same reasons; both votes were unanimous.

Application is Silent on Health, Safety, and Welfare

Grounded in state law and carried through the Comprehensive Plan and the Land Development Code is the role of city planning to ensure the health, safety, and welfare of its residents through zoning, planning, and subdivision regulation. Safety is mentioned dozens of times in both the Comprehensive Plan and Land Development Code. In fact, the Land Development Code begins outright in Section 1.1 defining the intent and purpose of the document to “promote the health, safety, and welfare of the citizens of the City of Hattiesburg”, (p. 7). However, any reference to health, safety, and welfare is noticeably absent in the Safari application, despite the high congestion and traffic levels already there.

There is not adequate infrastructure in the proposed location to safely support a commercial establishment. The road is narrow and uneven, the speed limit is 40 mph, (above J Ed Turner and 4th Street), and there are already numerous intersecting driveways that carry vehicular and pedestrian traffic over a very short stretch of road. There are no sidewalks to carry pedestrians to and from Acadia Oaks and sewer access may be problematic. Large trucks travel through the area at 40+ mph and create a dangerous situation for everyone. Adding a place of business in this location will only add more congestion to an already unsafe space.



Commercial Activity Brings Crime

By introducing commercial enterprises in a residential zone there is strong evidence crime will increase in the neighborhood. This is supported by research published in the *University of Pennsylvania Law Review* where the authors found that “zoning is substantially associated with crime rates”, “residential zoning is associated with substantially lower crime than commercial zoning or mixed-use zoning”, and “commercial areas are responsible for more crime than other areas” (Anderson, et. al, 2013, p. 38). In another study, published in the *Journal of Economics*, the researchers found that “land use is a major determinant of street crime patterns” and “commercial activity leads to substantially higher street robbery and assault rates, particularly in more walkable neighborhoods” (Twinam, 2017, p. 118). Opening the door to what at first appears to be a benign request for an isolated bike shop and restaurant will likely turn into a proliferation of commercial activity that undermines the low density, low crime, residential character of the neighborhood.

Change in Character of the Neighborhood and Public Need

The arguments brought by the applicants that the character of the neighborhood has changed significantly to justify a zone change are weak at best. They cite the popularity of the Longleaf Trace, but they do not provide evidence of the need for a bike shop or restaurant directly on the route. Moore’s Bike Shop is only a couple blocks from the Trace and access to other commercial services are available less than 3 miles away along 4th Street.

More speculation in the application includes how “several hundred feet between street entrance and the first house” (on Jackson Road) will likely “allow for light commercial development.” But in *Gardner v. Tupelo*, 76 So. 3d 204, 207 (Miss. 2011), the court held “that the potential for future development does not constitute evidence of a change in a neighborhood’s character.” Put another way, promises often do not materialize when it comes to zoning requests, so a healthy dose of skepticism is necessary when it comes to zone change requests.

The applicants seem to be asserting that properties in the area have been rezoned recently. But most if not all the neighborhood parcels have been zoned only once. Some plots along J Ed Turner were unzoned for years after annexation, but it would be a stretch to consider, for these purposes, an initial zoning to be a rezone and therefore evidence of a change in character. In *Cockrall v. Panola County Bd. of Supervisors*, 950 so. 2d 1086, 1090 (Miss. 2007), the court held that “There is a strong presumption, recognized repeatedly by the Mississippi Supreme Court, that comprehensive zoning ordinances that are adopted or amended by local governing authorities are well planned and meant to be permanent.” And since the zones of most of the lots along J Ed Turner have been recently initially zoned, it is difficult to assert the character of the neighborhood has changed in only a few years. Rezoning a property that only recently has been initially zoned in this circumstance would be arbitrary and capricious.

An erroneous claim of neighborhood change by the applicants is the list of examples provided on p. 38-39, beginning with the Longleaf Trace Jackson Road Station. Construction outside the municipality has no bearing on the legislative process for zoning and even if it did, these properties are compatible with their respective zones so no substantial change is realized. In *Cloverleaf v. Conerly*, 387 So. 2d 736, 740 (Miss. 1980), the court found that “It is also well established that the use of property in accordance with an original zoning plan is not a material change of conditions which authorizes rezoning.” Simply adding a building here or there, especially when it is in compliance with the zone, does not constitute substantial change. In *Wright v. Mayor & Commissioners of Jackson*, 421 So. 2d 1219, 1222 (Miss. 1982), the court found the appellees failed to meet the burden of proof for a zone change stating: “The only change of any consequence in the neighborhood was a doubling of an already existing industrial zone to the northwest of the subject property. Another change, the construction of a fire station, was a compatible construction within the residential or commercial areas and does not constitute a substantial change.” So again, using the Longleaf Trace (and the other examples listed) to justify a zone change on a property zoned only a few years ago lacks logic and validity. Put another way, when Safari’s land on Jackson Road was zoned A-2 just a short time ago, the standard process was used to consider the appropriate zone. To come right back now and consider the change from 2007, well before the last time this property was zoned, is clever but not justifiable.

Summary

The applicants for this zone change have not met the burden of proof required by law. No facts have been provided as to the need for a bike repair shop or restaurant, only a reaffirmation that the Long Leaf Trace is popular. The request is silent on how the project will address the health, safety, and welfare of motorists and pedestrians in the area, a top priority within the Comprehensive Plan and Land Development Code. Furthermore, creating a commercial “spot zone” will negatively impact the low density, low crime, residential character of the neighborhood, a place where hard working taxpayers have invested their life savings in their homes and properties. For the same reasons, the conditional use request should also be denied.

Notes

James M. Anderson, John M. MacDonald, Ricky Bluthenthal and J. Scott Ashwood+ (February, 2013). Reducing Crime by Shaping the Built Environment with Zoning: An Empirical Study of Los Angeles. *University of Pennsylvania Law Review*, 161, 699. <https://advance-lexis-com.lynx.lib.usm.edu/api/document?collection=analytical-materials&id=urn:contentItem:57X5-GWK0-02BN-10G2-00000-00&context=1516831>.

Twinam, T. (2017). Danger zone: Land use and the geography of neighborhood crime. *Journal of Urban Economics*, 100, 104–119. <https://doi.org/10.1016/j.jue.2017.05.006>

Request for: **Adoption of Longleaf Village in the Avenues Master Plan
And adoption of “Hattiesburg Form-Based Code”**



**Planning Commission
Case Fact Sheet**

Name of Petitioners: City of Hattiesburg

Request: Adopt an amendment to the “Comprehensive Plan 2008-2028” and to amend the Comprehensive Zoning Ordinance No. 2330, as amended, and to amend the text of the Midtown Form-Based Code, Ordinance 3105 as amended, of the City of Hattiesburg, Mississippi as follows: To amend the “Midtown Form-Based Code” to establish the “Hattiesburg Form-Based Code” and establish the area and further define, amend, and add regulations for the “Longleaf Village in the Avenues Master Plan.”

Summary: The Longleaf Village in the Avenues is a Master Plan project established to engage the public and key stakeholders and work with the Planning Division staff to create a vision document for the areas of North 25th and 26th Avenues between Hardy Street and West 4th Street. The outcome of the project is to create a master plan reflective of the City’s Comprehensive Plan 2008-2028 and to promote Smart Growth principles, urban design standards, economic revitalization, and/or enhancement. It will also aim to reduce conflicts of incompatible land uses; stabilize and improve property values; promote more transportation options; and encourage safe, convenient, attractive, sustainable, healthy neighborhoods and districts.

At the time of this report, the master plan and text amendments related to the Longleaf Village in the Avenues are not available. They will be distributed digitally as soon as available and hard copies will be available at the public hearing. The item will remain on the agenda.

Option: **Approve, Deny, or Table** the application to amend the Midtown Form-Based Code to establish the “Hattiesburg Form-Based Code” and establish the area and further define, amend, and add regulations for the “Longleaf Village in the Avenues Master Plan.”



LONGLEAF VILLAGE in the AVENUES Master Plan





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EXECUTIVE SUMMARY

The City of Hattiesburg identified this strategic area at the crossroads of the City for reinvestment, exploring a vision for how it can become a vibrant hub in the City's neighborhood and urban network. Critical to the process was a robust public engagement effort to gauge interest in the growth of the Longleaf Village area and to understand the vision of stakeholders and neighbors into what this space can become. Through this visioning process the following themes and strategies emerged.



Opportunity

In addition to being located at the most active crossroads of the City, the Village is adjacent to major employment and educational anchors, and multiple vibrant neighborhoods. The market and housing analysis in this study revealed strong demand for a wide range of development types, including retail, residential, and mixed-use development. Also of great importance is that this area serves as a major visual gateway to the City for visitors and forms an image of how the City is



Vibrancy

Feedback from public and stakeholder outreach indicated a strong desire for this district to become a vibrant and walkable destination for students, residents and visitors. The master plan that emerged embraced this goal by incorporating complete street elements, building forms that are hospitable to street life, and open spaces that enable the development of community. The master plan and resulting form-based code will enable a mix of uses and incremental development that can encourage the development of local businesses.



Safety

The desire for a safer neighborhood permeated discussions and online input, and became a driving force in the master plan design development. Major concerns regarding mobility safety included creating safer means for pedestrians and bicyclists to cross Highway 49, providing north/south bicycle/pedestrian facilities running in and through the district, and calming cut-through traffic on N 25th Avenue and its cross streets. Many public safety concerns on the northern end of the Village surfaced in the engagement process. This master plan places a strong emphasis on activating and enlivening public areas to augment safety along the Longleaf Trace, W 4th Street, and N 25th Avenue areas.

PROJECT PURPOSE/SCOPE

The purpose for this project is to create a master plan to establish a vision for future development of the area bounded by Hardy Street on the south, the Longleaf Trace on the north, Hwy 49 on the west, and the properties bordering N. 25th Avenue on the east in terms of both public infrastructure and expectations for private development. The goals guiding this project included:

- Reflect the objectives of the City Comprehensive Plan
- Engage stakeholders and the public
- Utilize smart growth principles
- Promote transportation options
- Revitalize the local economy
- Protect adjacent established residential neighborhoods
- Encourage safe, convenient, attractive, sustainable, and healthy neighborhoods and districts

10 Principles of Smart Growth

- 01 Mix Land Uses
- 02 Take Advantage of Compact Building Design
- 03 Create a Range of Housing Opportunities and Choices
- 04 Create Walkable Neighborhoods
- 05 Foster Distinct Communities with a Strong Sense of Place
- 02 Preserve Open Space
- 06 Direct Development Toward Existing Communities
- 07 Provide a Variety of Transportation Choices
- 08 Make Development Decisions Predictable, Fair and Cost Effective
- 09 Encourage Community and Stakeholder Collaboration



To ensure a thorough planning process with broad support, the following initiatives were incorporated into the master planning process. The City engaged the services of Orion Planning + Design to lead this effort who also partnered with Neel-Schaffer to analyze mobility and infrastructure needs for the area.



Analysis of background information such as previous plans, current zoning requirements, utility and other infrastructure needs, demographic and other data



Market analysis to gauge the potential for retail, housing and other development



Public engagement plan to gather input from stakeholders and the public at large through online and in-person meetings



Conceptual urban design of the project area including development types and density, and transportation facilities



Zoning code recommendations to be able to implement the master plan vision



Implementation strategies including infrastructure and potential funding mechanisms



PUBLIC ENGAGEMENT PROCESS

In order to develop a plan that understands the concerns and aspirations of stakeholders in and around the project area and draws creative ideas from the general public, a public engagement strategy was employed that was both broad reaching and also targeted. Multiple strategies were employed to achieve these goals.



Project Web Page

A web page was established on the City’s website that provided links for the online survey, announced input meetings, and provided general project information. Social media posts were also utilized to reach the public and guide them to the website and project activities.



Online Survey

An online survey was conducted that received input from over 300 respondents—the results of which can be viewed to the right and on the following pages.



Open House Workshop

During design week the general public was invited to an open house workshop to engage with the planning team at various stations, reviewing preliminary project findings and initial designs and providing direct input.



Stakeholder Meetings

Small group meetings were held with residents and property and business owners in the project area, neighborhood representatives, and transportation, economic development and other strategic stakeholders to understand the current challenges facing the district and to draw out visions and goals for establishing a vibrant area.



Online Plan Review

This draft master plan will be posted online for public download and review.



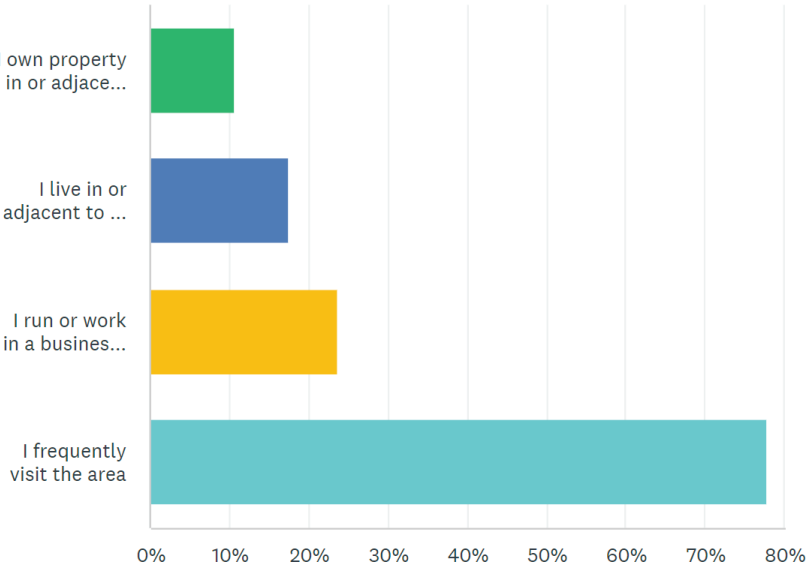
Public Hearing

The draft plan was presented to the Planning Commission which also served as the public hearing for the project results, providing another opportunity for public input.

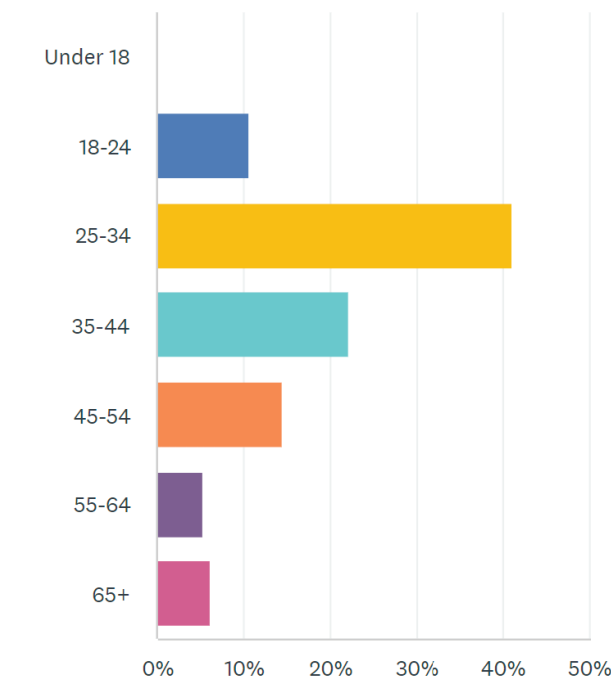
What is your general impression of this area?



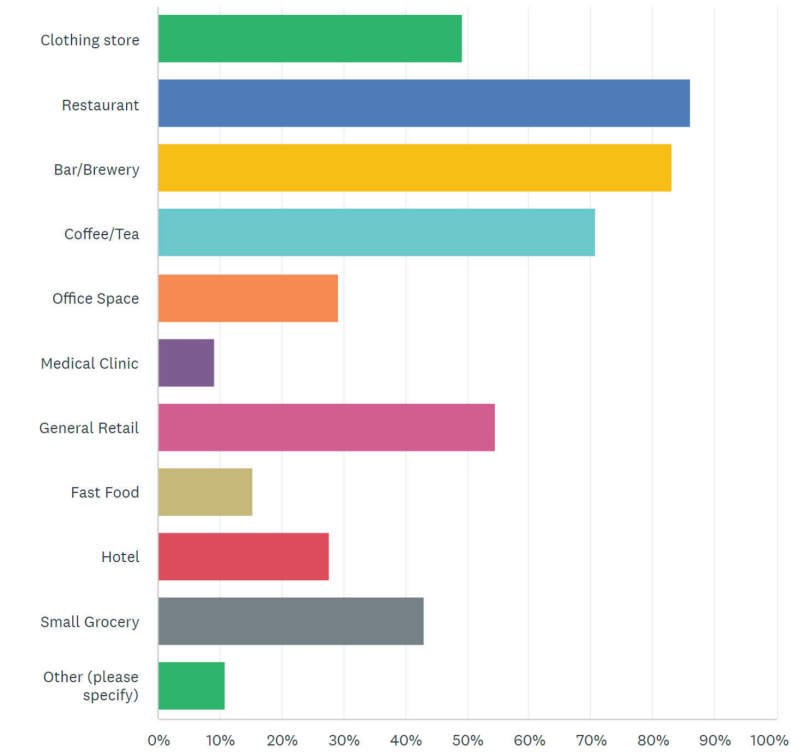
Chose any that apply



My Age:



What types of business offerings would you like to see in the district?



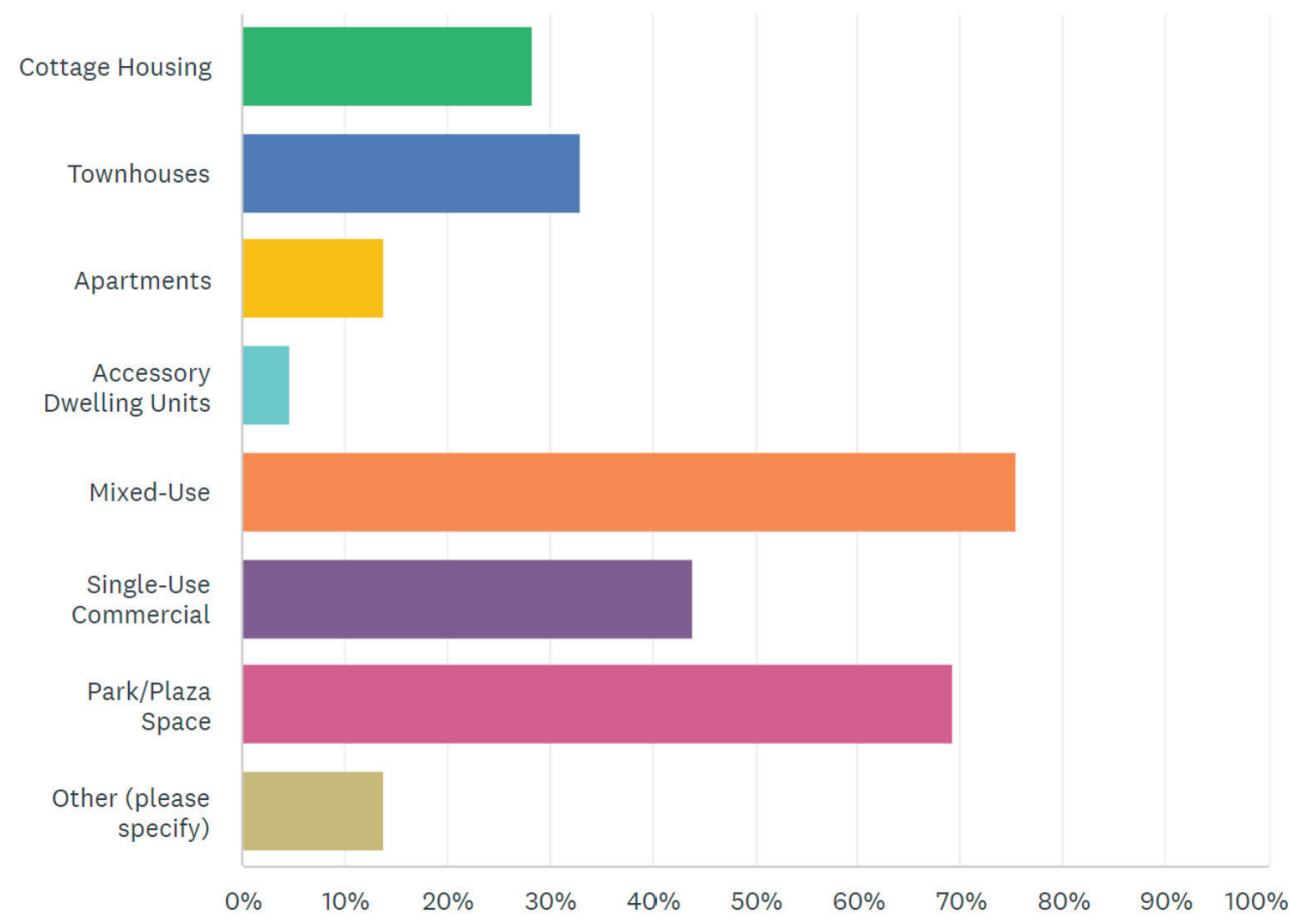
Stakeholder Meeting



Open House Workshop



What future development types would you like to be considered in the project area?





Cottage Housing



Townhouses



Apartments



ADU



Mixed-Use



Single-Use Commercial



Park/Plaza

DISCOVERY FINDINGS

Discovery Overview

The discovery process was a key element of this plan to uncover existing physical and social conditions and examine previous planning efforts to build a robust understanding of the contextual limitations and opportunities. The project team and city planning staff invested time researching previous city plans and documents, meeting with area stakeholders, conducting a full walking audit of the project site, learning the history of the area, and connecting with neighborhood partners and institutions. This due diligence process helped ensure that the master plan is built on a solid foundation of previous planning efforts and is realistic in its understanding of the site challenges and opportunities.

Previous Plans

The City of Hattiesburg Comprehensive Plan (2008), identified the Highway 49 and Hardy Street corridors for proposed corridor plans/studies to enable commercial and residential revitalization. Also the Hardy St./Hwy 49 intersection is identified as an important internal city gateway for focus on improvement. The MPO Pathways Master Plan (2015) calls for bicycle facilities on N 25th Avenue, and for an east/west bicycle boulevard on Quinn Street. The Hardy Street Corridor Plan (2013) provides mixed-use planning concepts for the properties adjacent to Hardy Street, and for bicycle and pedestrian facilities along the corridor. The Midtown in Motion Master Plan (2013) and resulting form-based code serve as an excellent model for the City to pursue a walkable, mixed-use district.

Mobility

The walking audit revealed the extent of sidewalk discontinuity, the poor condition of existing sidewalks including ADA nonconformities, and the abundance of wide driveway cuts that create a broken pedestrian experience. The lack of walking and biking connection from the area to the Longleaf Trace was also apparent and a frequent comment from stakeholders in the district and surrounding neighborhoods. East/west pedestrian connectivity is severely hindered by traffic volume and speeds on Hwy 49. Vehicle access to the site is challenging from Hardy Street and W 4th Street, and there are vehicle speeding issues from cut-through traffic on N 25th Avenue.

Utilities and Stormwater

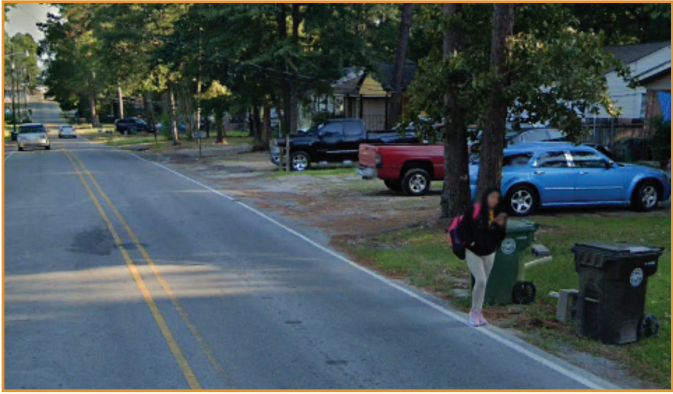
A key infrastructure issue brought to the project team's attention by City staff is the condition of a sewer main that runs north/south between N 25th Ave and N 26th Ave, that the City is looking to replace and potentially relocate. This will factor into not only city infrastructure plans but also interaction with private development plans in the northern sector of the district. From the walking audit the design team also noted water service line irregularities in the area surrounding the creek running east/west. Also the stormwater roadside ditch that runs between N 26th Ave and Hwy 49 has significant erosion issues, especially near drainage structure inlet and outlet locations.



A No continuous curb or sidewalk on N 26th Ave.



B Billboard in empty Village Green lot



C No pedestrian facilities on N 25th Ave between Quinn St and W 4th St.



D Folk trail crossing of Hwy 49 at Quinn St.



E Deep roadside ditch between Hwy 49 and N 26th Ave.



F Erosion at culvert crossings



G Existing failing sewer line mid-block area



H Tree canopy along Gordon Creek Branch



I No pedestrian facilities on W 4th St



J Back alley dead space fronting Longleaf Trace



K Broken and discontinuous sidewalks along south end of N 25th Ave



L Multiuse pathway from USM campus



M Challenging crossing experience for pedestrians at Hardy St and Hwy 49



N Backside outdoor patio space at Glorybound



O Cameday pedestrian campus activity



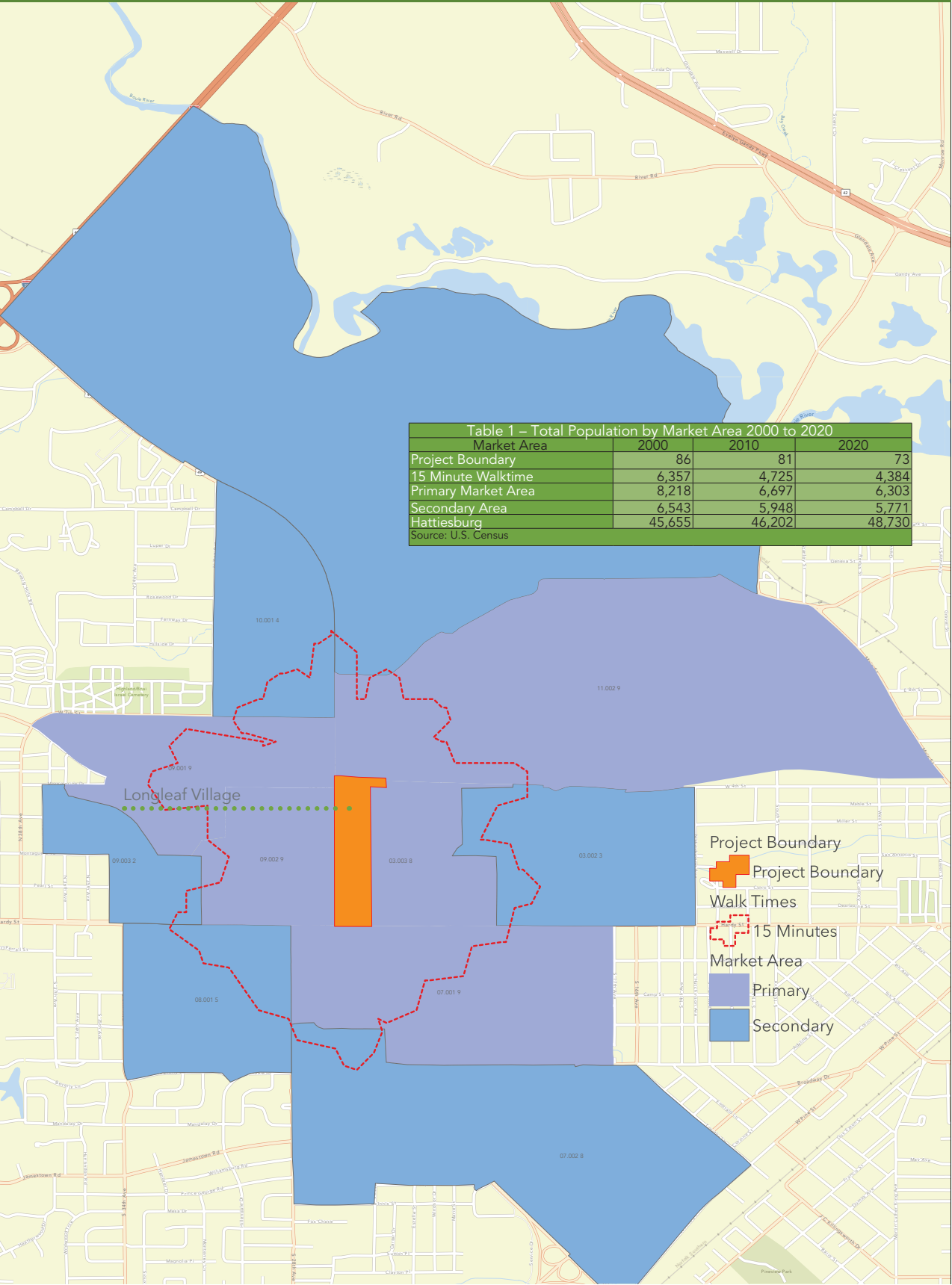
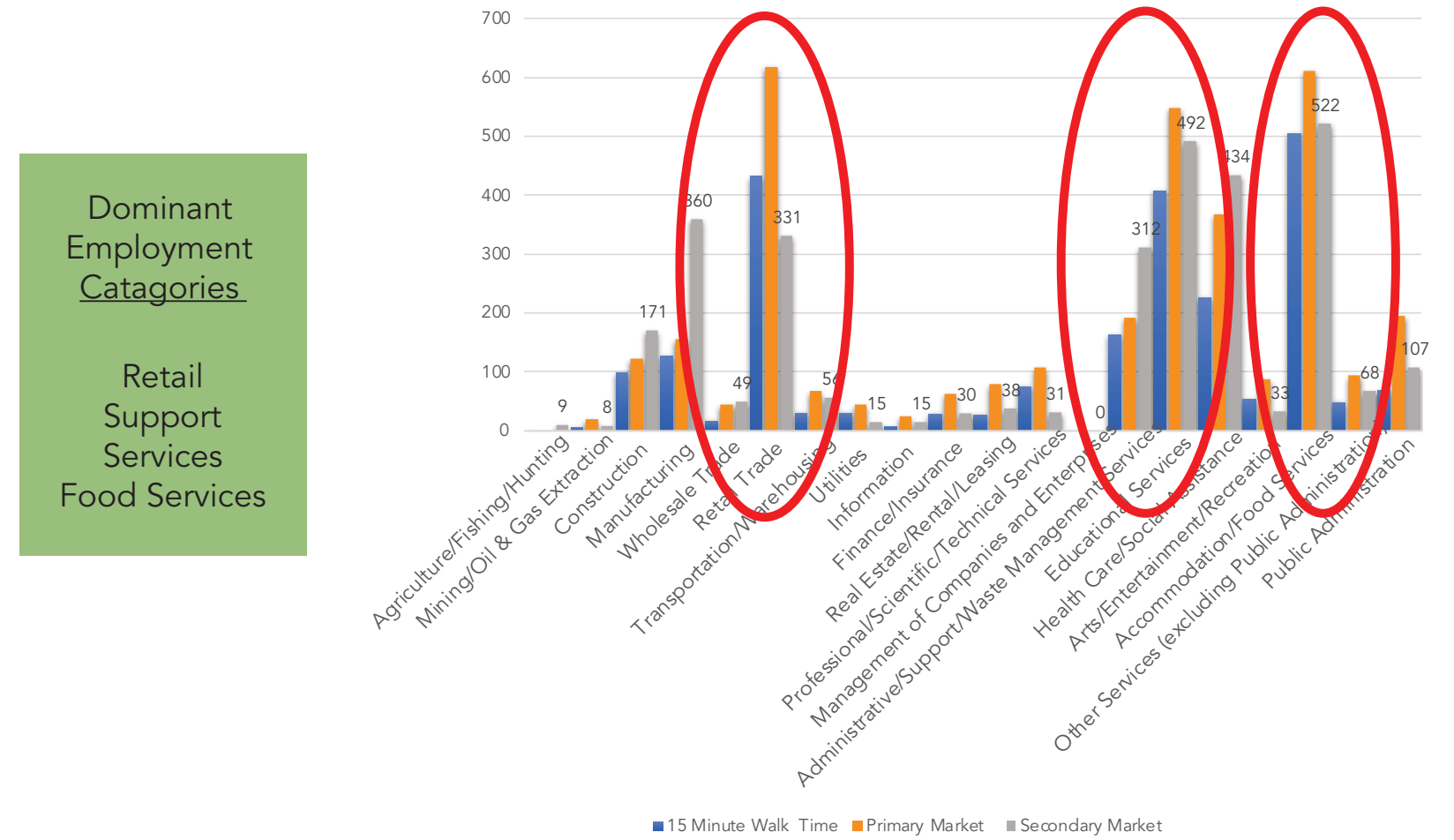
P Continuous driveway frontage and no sidewalks on north end N 25th Ave

MARKET ANALYSIS

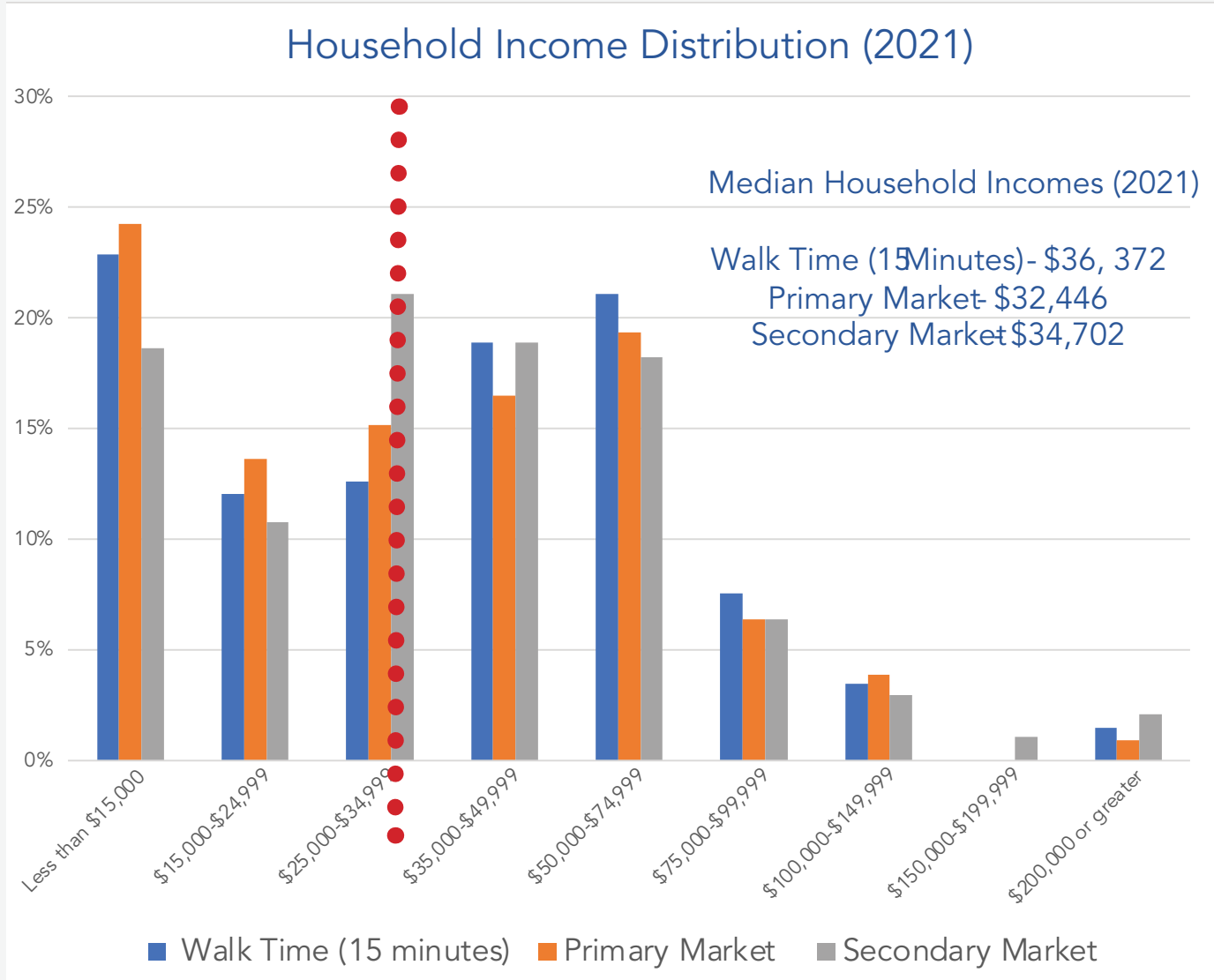
The market analysis for the Longleaf Village in the Avenues area examines local demographic, employment, housing and commercial data to better understand the existing market and future development potential. The analysis served as a guiding framework for master plan design decisions, along with stakeholder and public engagement feedback.

The market influence area was based on the census tracts contained or bordered by the 15-minute walkshed from the district. The 15-minute walkshed is contained by the distance an average person can walk within 15 minutes, which is 3/4 mile. The primary market area is mostly contained by the walkshed, and the secondary area includes census tracts that primarily border it. According to census data the residential population in the primary market area has decrease by 23% in the past 20 years, while the City's population has increased by 7%. The main employment of residents in the market area (primary and secondary) includes retail, education and healthcare services, and food services.

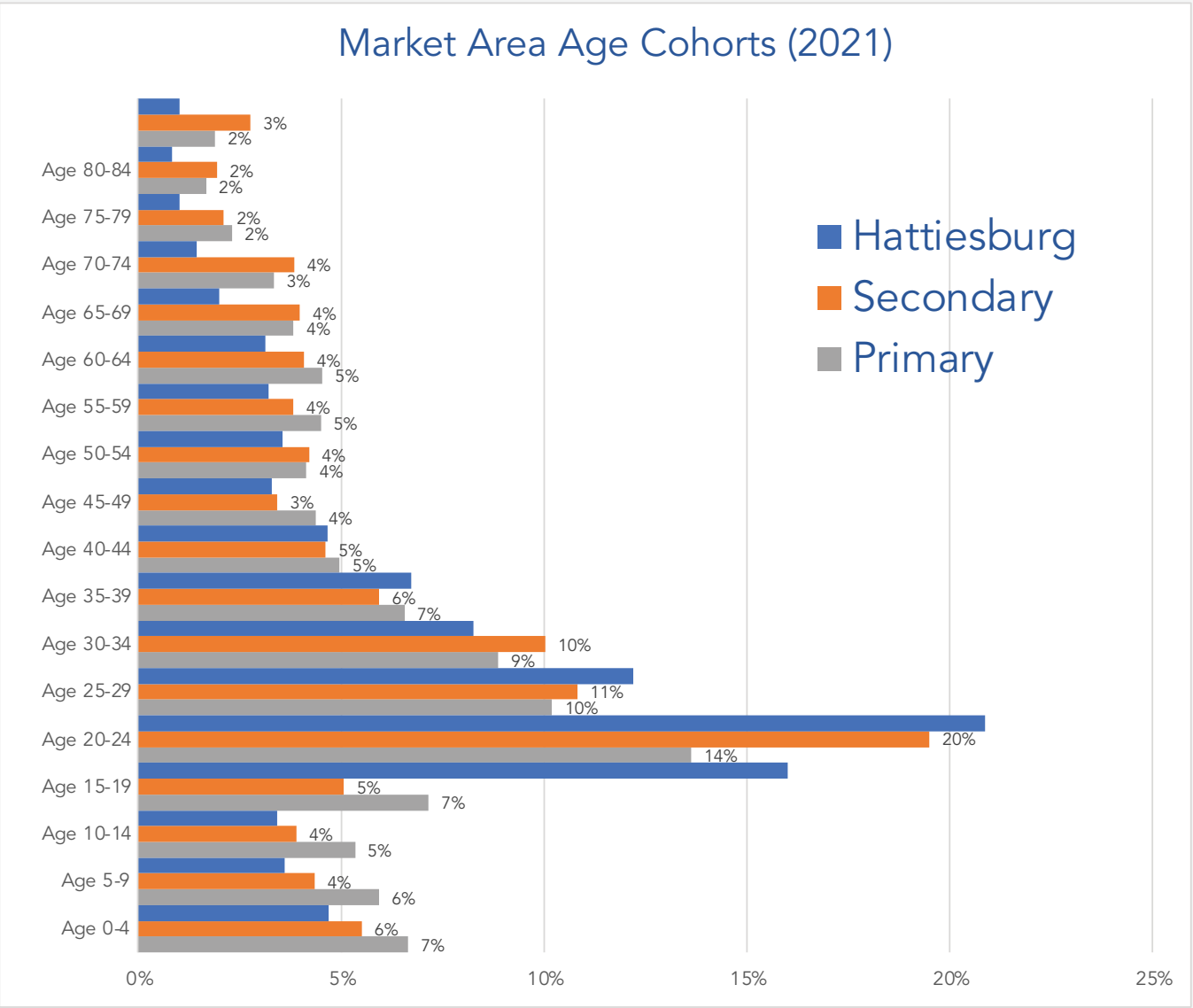
Industry of Employed Persons by Market Area (2019)



The typical age of residents in the market area skews very young, with the median age of 26. This heavily influenced the master plan design to prioritize the planning of a district that will attract younger people for both retail and residential development. The median income in the market area is \$32,446, with a large contingent group earning less than \$15,000 per year, and very few earning more than \$75,000 per year. This is also indicative of the heavy influence of the university student and young single population. A breakdown of primary demographic categories is explored on the next page.



Median Age by Market Area (2020)	
15 Minute Walktime	24.1
Primary Market Area	25.6
Secondary Area	30.4
Hattiesburg	30.6
Source: U.S. Census	



Market Area Segmentation

Midtown Singles

- Millennials on the move—single, urban.
- Millennials seeking affordable rents in apartment buildings.
- Work in service and unskilled positions, usually close to home or public transportation.
- Single parents with very young children.
- Embrace the internet, for social networking and downloading content.
- From music and movies to sports, streaming media fills their lives.
- Brand-savvy shoppers select budget-friendly stores.

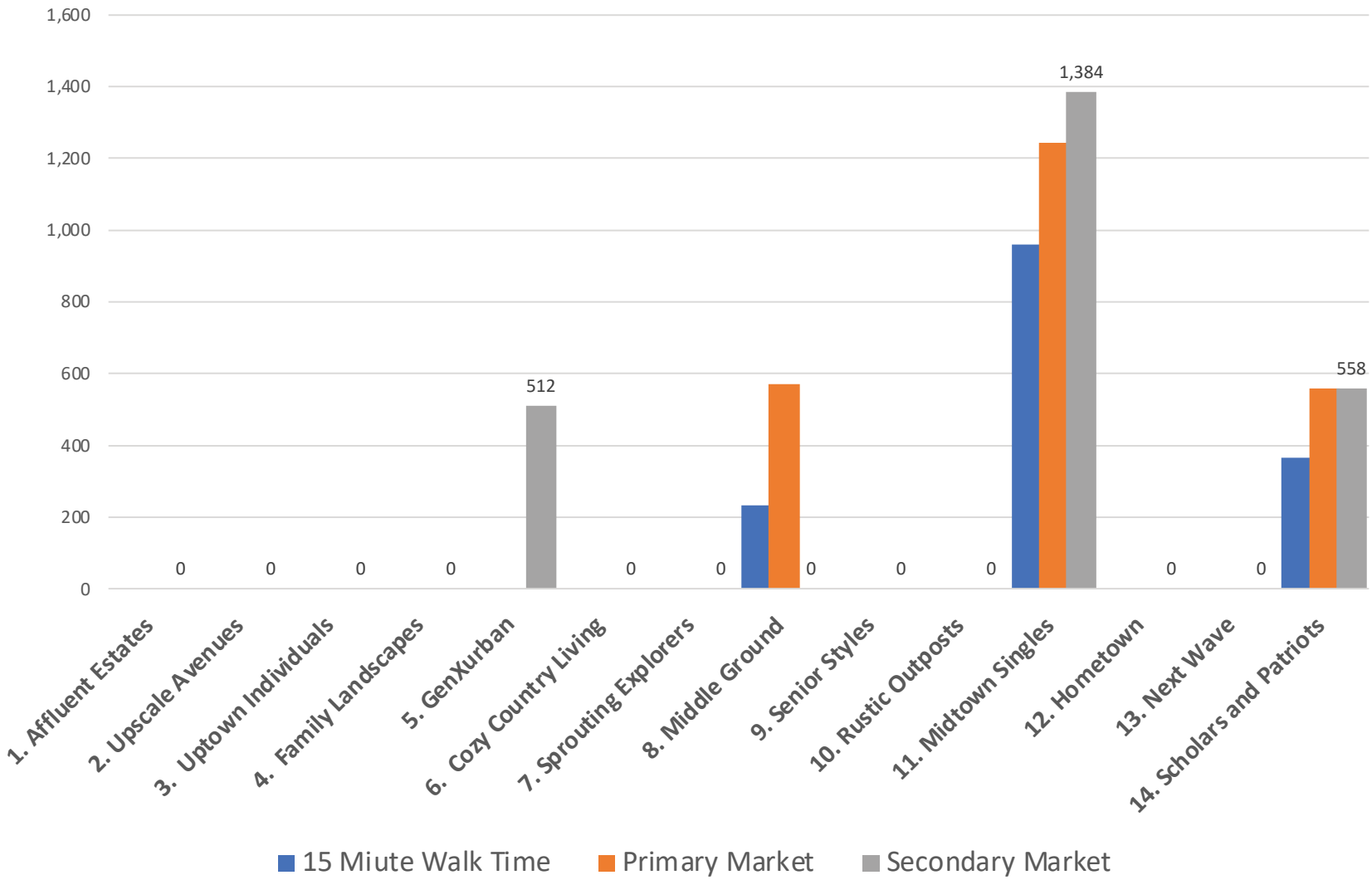
Scholars and Patriots

- Population is transitional in nature.
- Highly mobile, recently moved to attend school or serve in military.
- The youngest market group, with a majority in the 15- to 24-year-old range.
- Renters with roommates in non-family households.
- For many, no vehicle is necessary as they live close to campus, military base, or jobs.
- Fast-growing group with most living in apartments.
- Part-time jobs help to supplement active lifestyles.

Middle Ground

- Lifestyles of thirtysomethings.
- Millennials in the middle: single/married, renters/homeowners, middle class/working class.
- Urban market mix of single-family, town home, and multi-unit dwellings.
- Majority of residents attended college or attained a college degree.

Market Segmentation by Life Mode

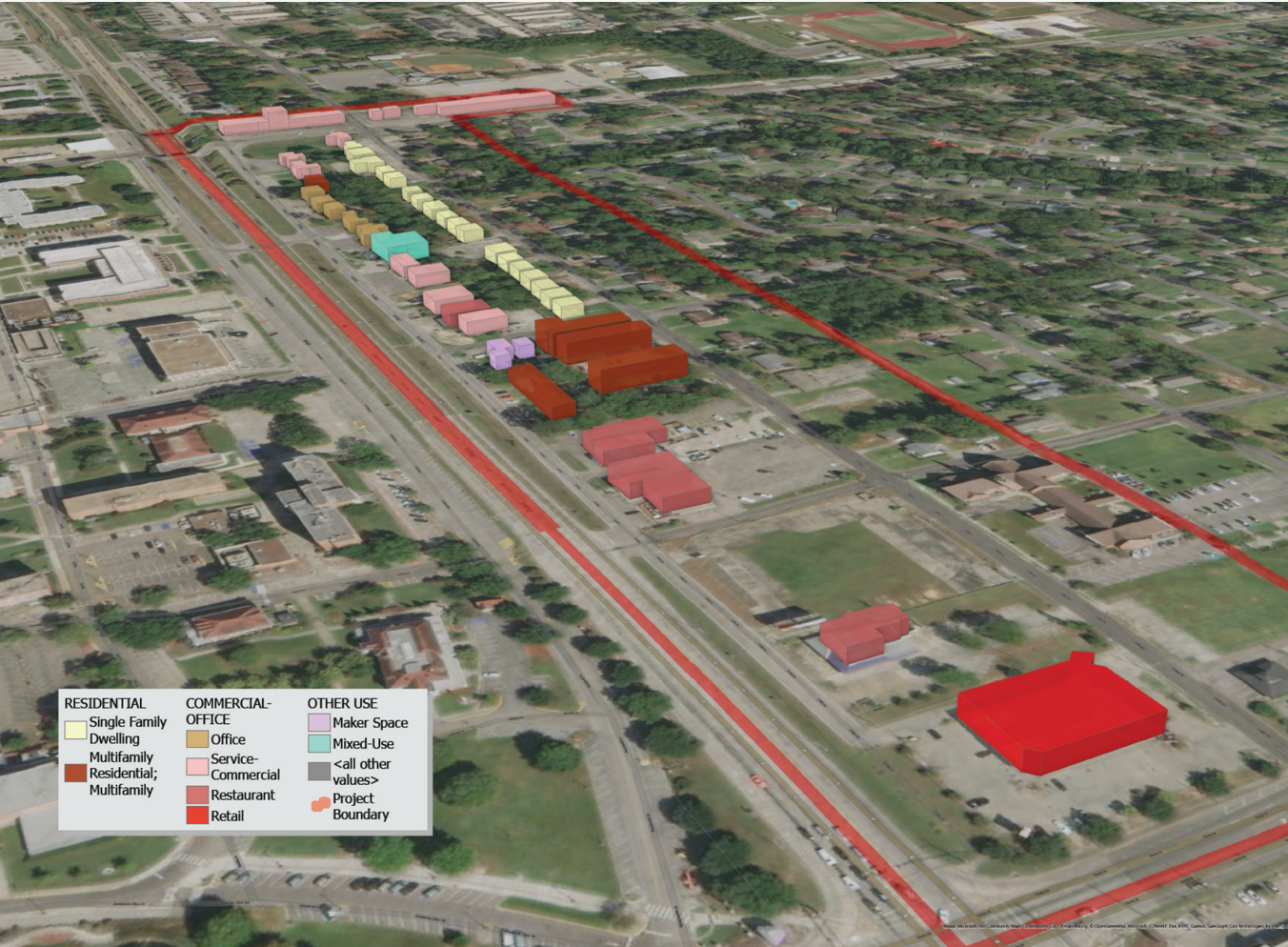


The district buildout capacity chart breaks down the comparison between existing building square footage in the district and potential development square footage based on low and medium-density levels, indicated by floor-area ratios (FAR) of 0.25 and 0.50. The space demand forecast projects retail demand from the primary and secondary market areas at current conditions, and also projected demand induced by the creation of new housing and the gradual transformation of the district into a retail and entertainment destination for a larger market. The master plan design takes this space demand forecast into account by providing approximately 75,000 SF of retail space and 150 residential units.

District Buildout Capacity			
Floor Area Ratios	Buildout Capacity for Total Plan Area (SF)	Existing Buildings in Plan Area (SF)	Remaining Buildout Capacity (SF)
Buildout Capacity @ .5 FAR	547,579	157,675	389,904
Buildout Capacity @ .25 FAR	273,790	157,675	116,115
Source: Project Analysis			

Space Demand Forecast		
Demand Scenario	Projected Demand (SF)	Master Plan Provision (SF)
Retail Demand (current conditions and assumptions)	10,000 - 20,000+	
Design Induced Retail Demand	30,00 - 60,000+	75,000
Housing Demand (attached and upper floor units)	100 - 200+	150
Source: Project Analysis		

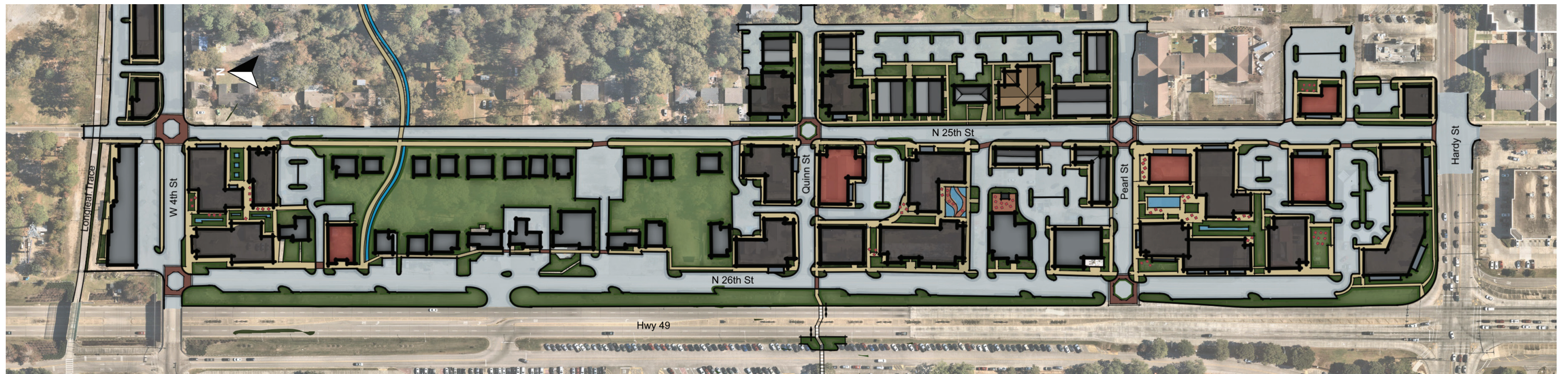
Current Retail Demand
• Clothing
• Jewelry, Luggage, Leather Goods
• Office Supplies
• Gift Stores
• Specialty Food Stores
• Specialty Food Service, Prepared Foods
Source: Project Analysis



The current retail demand is characterized less by big box or regional commercial uses and more by smaller locally based and specialty stores. There is a strong correlation between these and the retail types that emerged from the public engagement surveys survey.

ILLUSTRATIVE MASTER PLAN

The master plan illustrated below and on the following pages displays the urban design work culminating from the discovery findings, public and stakeholder input, and market analysis phases of the Longleaf Village in the Avenues planning process. The conceptual design was developed during planning week in a charrette process which enabled constant feedback from city staff, stakeholders and developers, and with the public in the design open house workshop. The plan is not intended to convey an exact development blueprint, but instead to illustrate the types of development that can occur in the district. The design shows a mix of new and existing buildings, but new development is expected to occur incrementally over a long period of time. The likely sequence of redevelopment will occur with vacant properties developing first, followed by smaller building expansions or replacements. Because the district is very large (30+ Acres) it is expected that the different sectors of the district will display varying development types and densities. The next sections highlight those sectors in more detail.



Hardy St./Hwy 49 Anchor

With strong visibility from the Hardy St/Hwy 49 crossroads, proximity to the University of Southern Mississippi student life and gameday activities, and relative distance from neighborhood housing, the southern end of the Longleaf Village district is poised to become the activity and entertainment hub for the area. The master plan envisions higher density mixed-use development in this sector with taller building heights and potential for larger student-oriented housing developments. Master plan aspects to this sector include:

- Angle parking on both sides of N 26th Ave (similar to the frontage road parking on the USM side of Hwy 49) to facilitate heavy parking demands
- A new Village Green in homage to the historic development on the site that can provide a social hub to the Village, outdoor space for restaurants and breweries, and venue for music and events
- Opportunity for multiple-story student apartments
- Tree-lined sidewalks on N 26th and N 25th Avenues to provide an inviting pedestrian experience
- Opportunity for development of vacant lots, redevelopment of larger parking lots, and eventual replacement of existing buildings to maximize the investment opportunity at this highly-visible city hub



Village Center

The area around Quinn Street is poised to become the center of the Longleaf Village in the Avenues, a neighborhood hub that serves the Village and the Longleaf Heights-Avenues neighborhood. Master plan highlights include:

- » Stepped-down density and building heights to transition to adjacent neighborhoods
- » Retail opportunities for neighborhood commercial uses such as coffee shops, specialty grocery and retail, and small-scale service businesses
- » Residential development opportunities: second floor condos/flats, garden apartments and attached/detached townhouses
- » Retail and mixed-use development on N 26th Ave to take advantage of Hwy 49 visibility
- » On-street parallel parking and parking lots tucked away behind buildings to create pedestrian-friendly streetscapes
- » Bicycle/pedestrian hub at Quinn St and N 25th Ave with sidepath on 25th connecting to Longleaf Trace and Quinn St bicycle boulevard connecting to the Avenues neighborhoods to the east
- » Incremental lot-by-lot growth in this sector with new development, adaptive reuse of existing buildings, and building expansions



Longleaf/4th St.

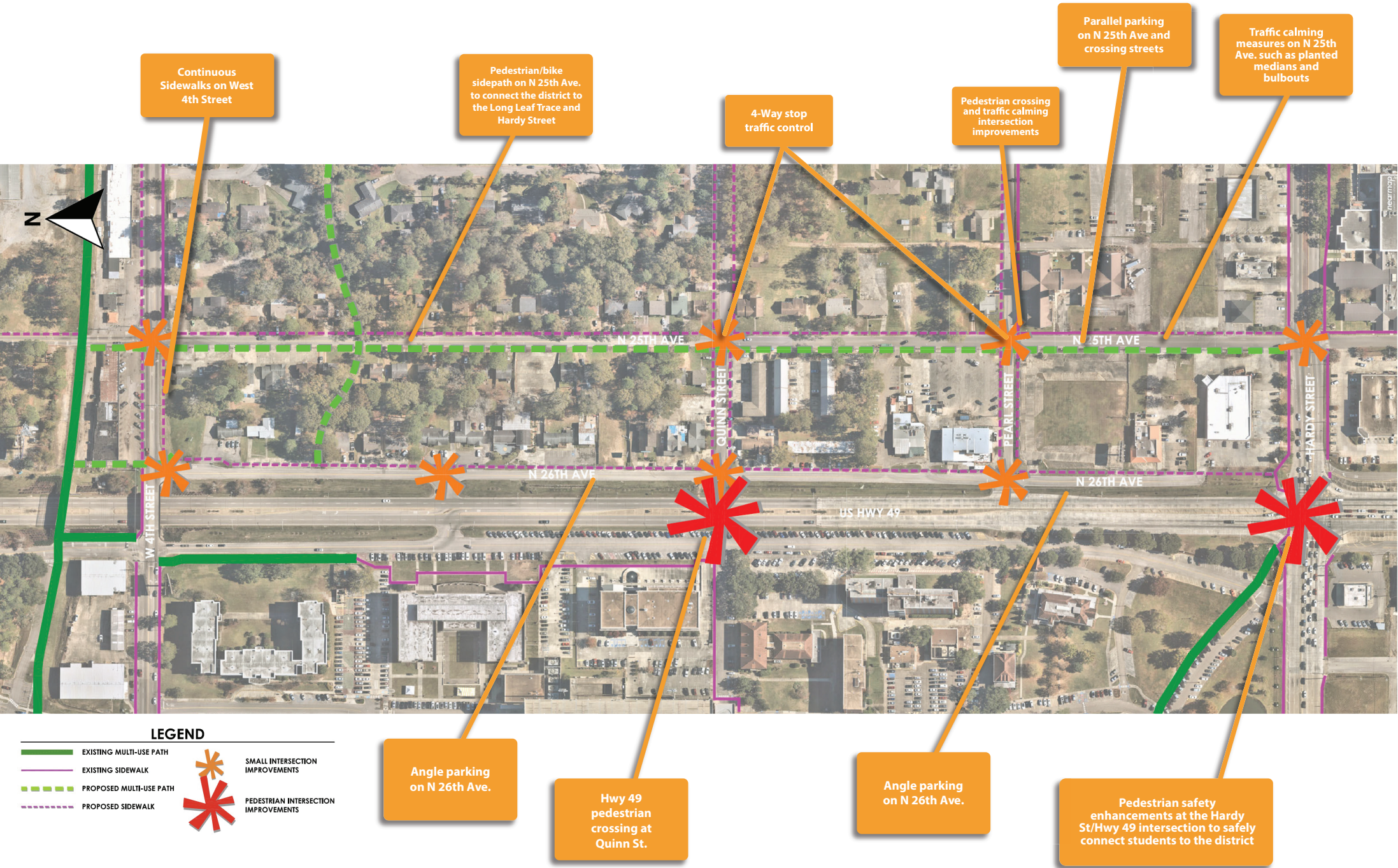
The development opportunities on the north end of the Village are defined by proximity to the Longleaf Trace which is a recreational amenity in itself and also provides safe and comfortable access to USM. The frontage on W 4th Street also provides opportunity for retail/mixed-use development. Master plan features include:

- Medium density mixed-use development with residential flats over retail to create active pedestrian corridors and enhance the retail opportunities on W 4th St
- Multimodal sidepath on N 25th Ave to provide direct connection to the Longleaf Trace
- Tree-lined sidewalks and on-street parking on W 4th St
- Manage curb-cuts on N 25th and N 26th Avenues with new development to facilitate safe pedestrian experience
- Provide active building frontage to the Longleaf Trace to take advantage of retail/restaurant opportunities and enhance safety on the trace



MOBILITY

As discussed in the Discovery Findings, the project site is currently difficult to access and move around in, which has served to hinder its full economic and livability potential. This plan seeks to improve mobility in and around the Village for all modes of movement: walking, biking, transit, driving, and movement of goods.



Landscaped Median



Stamped Crosswalks



On-Street Parking



Multimodal Sidepath



Complete Street Sections

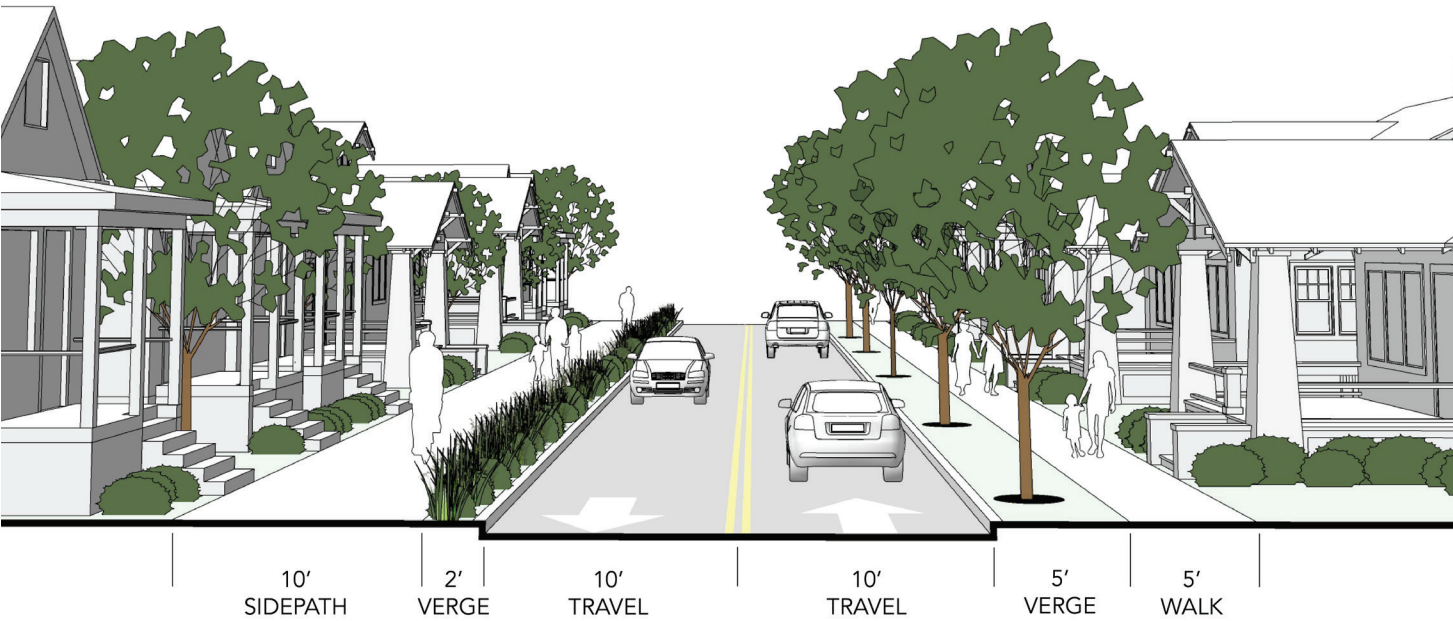
Re-envisioning the thoroughfares in the district as complete streets is crucial to transforming the Village into an accessible, walkable neighborhood.

North 25th Avenue

The primary feature on 25th Avenue is a multi-use pathway on the west side of the street that will connect to the Longleaf Trace to the north. The path will be the primary route to walk and bike in and around the Village, and will become a means for social engagement in the district. Another feature on 25th is the addition of on-street parking on the west side of the street from Quinn Street to Hardy Street. This can be done without removing existing curb, which enhances constructibility.



North 25th Avenue
From Hardy St. to Quinn St. (looking north)

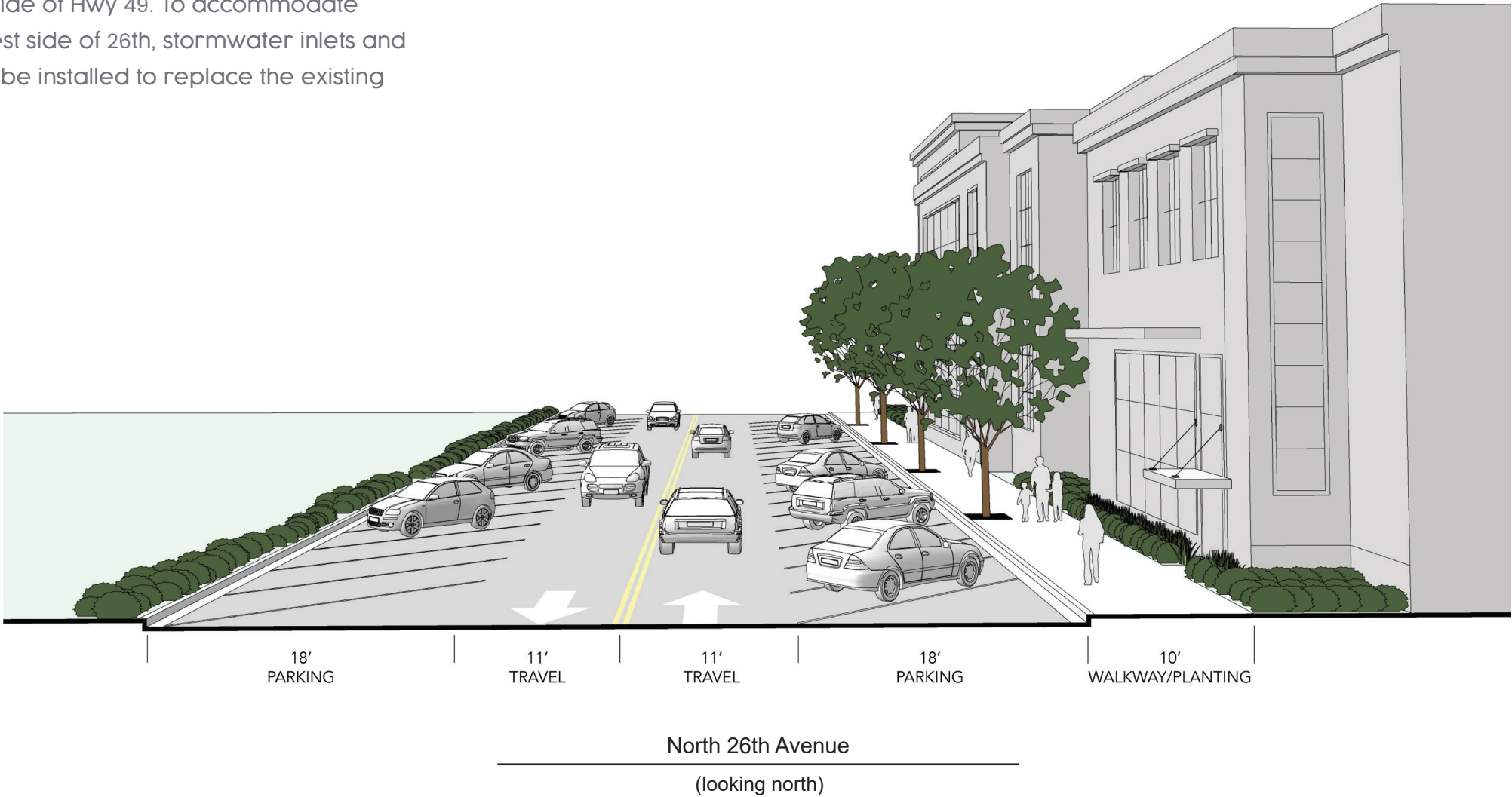


North 25th Avenue
From Quinn St. to W 4th St. (looking north)

Complete Street Sections

North 26th Avenue

26th Avenue currently serves as the frontage road to Hwy 49, and primary vehicular access to the businesses fronting the highway. The proposed street section acknowledges that by providing angle parking on both sides of the street, similar to the section of the frontage road on the USM side of Hwy 49. To accommodate parking on the west side of 26th, stormwater inlets and pipes will need to be installed to replace the existing



Complete Street Sections

Quinn and Pearl Streets

Quinn and Pearl Streets are secondary streets with typical mixed-use street sections consisting of on-street parallel parking, and wide sidewalks with tree wells.



Quinn Street and Pearl Street
(looking east)

West 4th Street

West 4th will be transformed into a complete street with sidewalks on both sides, street trees and pedestrian lighting, and on street parking on the south side of the street.

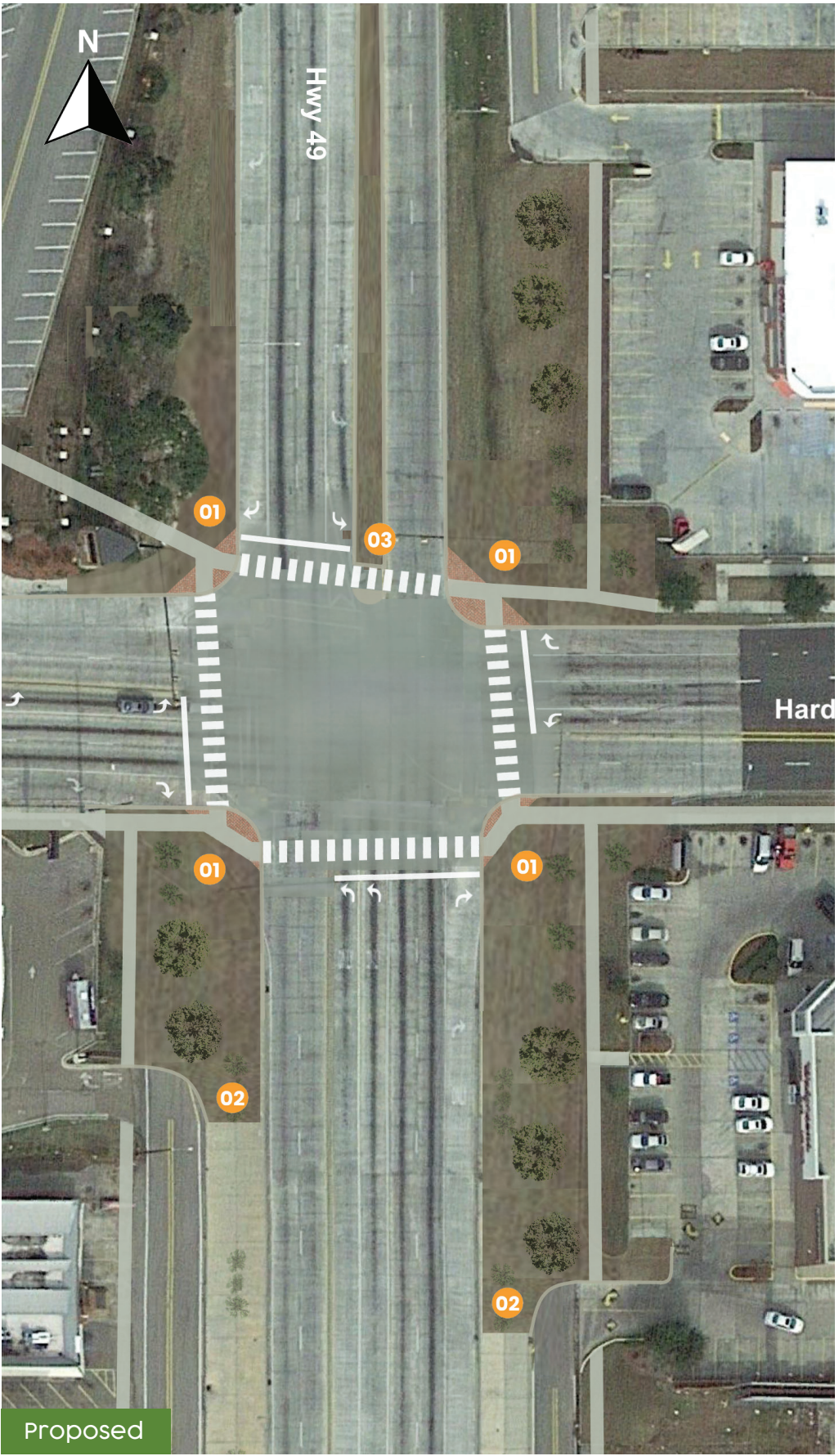
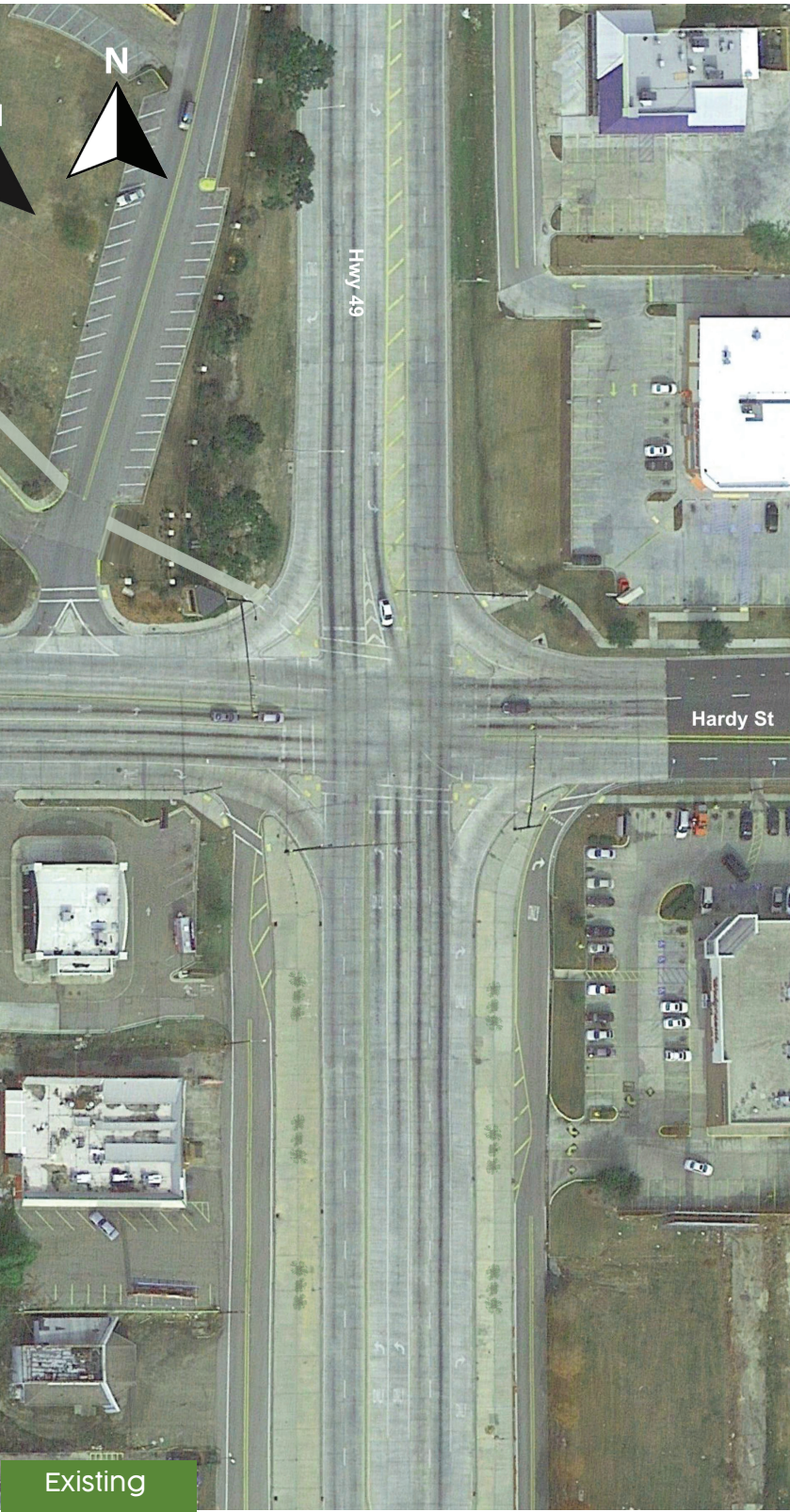


West 4th Street
(looking east)

Hardy Street/Highway 49 Crossing

The intersection of Hardy Street and Highway 49 serves as the primary crossroad intersection of the City and handles a significant volume of vehicle traffic, but is also a crucial walking and biking crossing point, connecting USM and Midtown to the Longleaf Village area and all of the Avenues Neighborhoods. The current intersection geometry facilitates quick vehicle movements, but poses serious safety risks to anyone trying to cross the street on foot. The right-turn slip lanes pose the greatest threat since drivers are typically looking in the direction of traffic to be able to merge in, and not looking in the direction of the pedestrian trying to cross. Even when drivers see the pedestrians, they are much less likely to yield to them.

- 01 Channelized slip lanes are replaced with conventional turn lanes
- 02 The Hwy 49 frontage road on the south side of the intersection is stopped at the commercial driveways before it reaches the intersection, improving pedestrian and vehicular circulation
- 03 Median pedestrian refuge is provided for pedestrians crossing Hwy 49



Longleaf Trace and W 4th Street Crossings

The Longleaf Trace connection is the best pedestrian and bicycle crossing of Highway 49 in the entire city from a traffic conflict perspective. However many stakeholders expressed concerns about public safety in this area, especially when using the trail at night. This rendering shows how safer space can be created by enlivening the trail side of the businesses on W 4th Street by transforming the dead alley space into outdoor patio and activity areas. This can be done with relatively inexpensive applications of tables/umbrellas, string lighting, planters, and mural art.

On the West 4th Street side pedestrian access can be created by adding sidewalks on both sides of the street to the east of the bridge.



Quinn Street Crossing

The two constructed east-west crossings of Highway 49 (W 4th St/Longleaf Trace and Hardy St.) are separated by a distance of ½ mile. From a walkability perspective this an excessive distance, ensuring long walking times and the tendency for people to attempt dangerous uncontrolled mid-block crossings. In the master planning process, four options were explored to help address this current condition.



Opt.1:

No Change. In the no-change option the crossings at Hardy Street and W 4th Street would be improved with the goal of motivating pedestrians and cyclists to cross at those locations instead of attempting mid-way crossing



Opt 2:

Hybrid Beacon. Pedestrian Hybrid Beacons are FHWA-approved treatments that have been applied successfully at high traffic volume locations across the country. The lights stay dark until activated by a pedestrian wanting to cross. At that point the lights flash red and then turn solid red, requiring drivers to come to a full stop. Additional improvements would include high-visibility crosswalks and a raised curb pedestrian safe haven in the median. The hybrid beacon application is recommended for this project due to it's implementability from a project cost and permitting standpoint.



Opt 3:

Pedestrian Bridge. A pedestrian bridge at Quinn Street or Pearl Street would completely separate walkers and bicycle riders from the traffic level to provide safe crossing. Negative aspects include high cost and the tendency for pedestrians to perform a more convenient at-grade crossing. Elevators or very long ramp systems would be required to ensure the crossing is ADA accessible.



Opt 4:

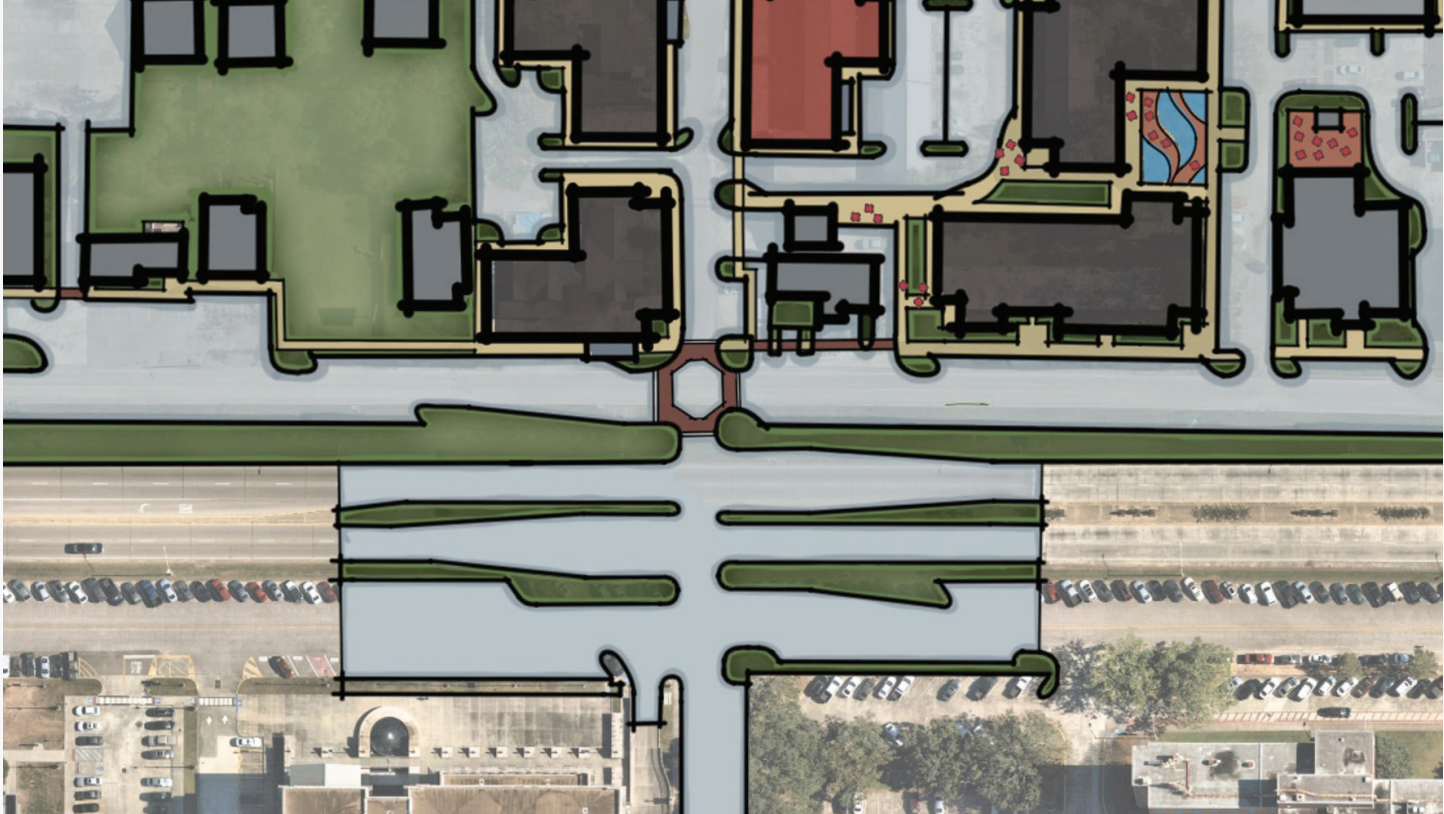
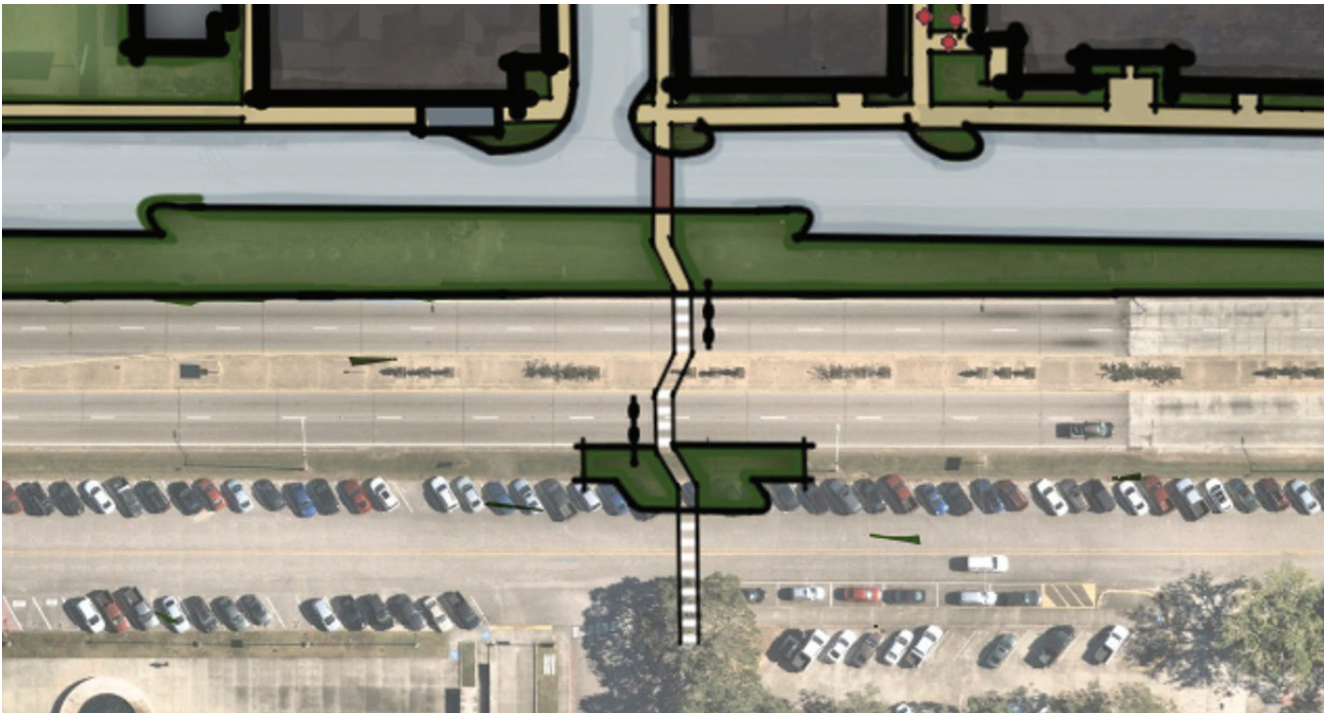
Street Crossing. A traffic signal controlled street crossing would connect Quinn Street to College Drive, and would facilitate pedestrian crossings and also vehicle access to both sides of Hwy 49. Downsides could include increasing vehicle cut-through traffic in the adjoining neighborhood and the necessity to coordinate signal timing with nearby intersections on Hwy 49.



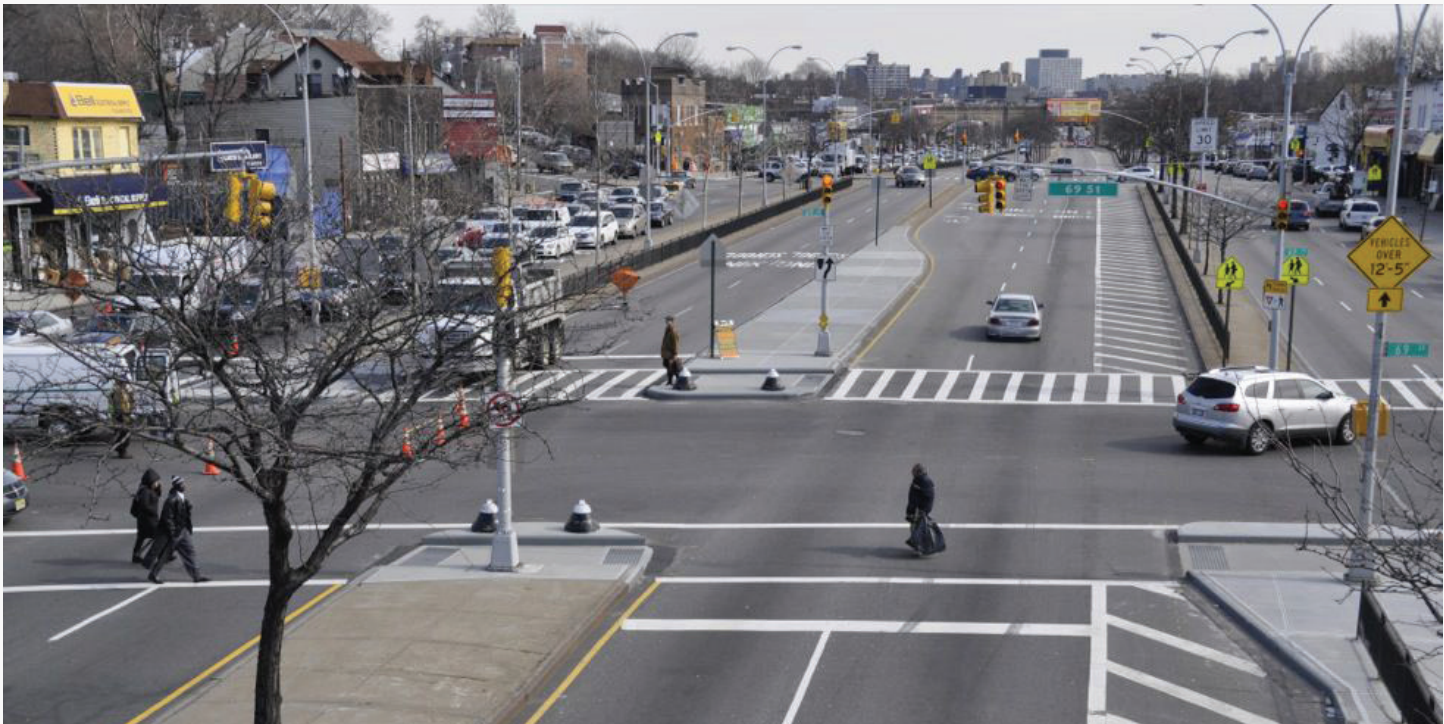
Opt 1: No Change



Opt 3: Pedestrian Bridge (credit: Lofts at Mercer Landing)



Opt 2: Pedestrian Hybrid Beacon (credit: FHWA)



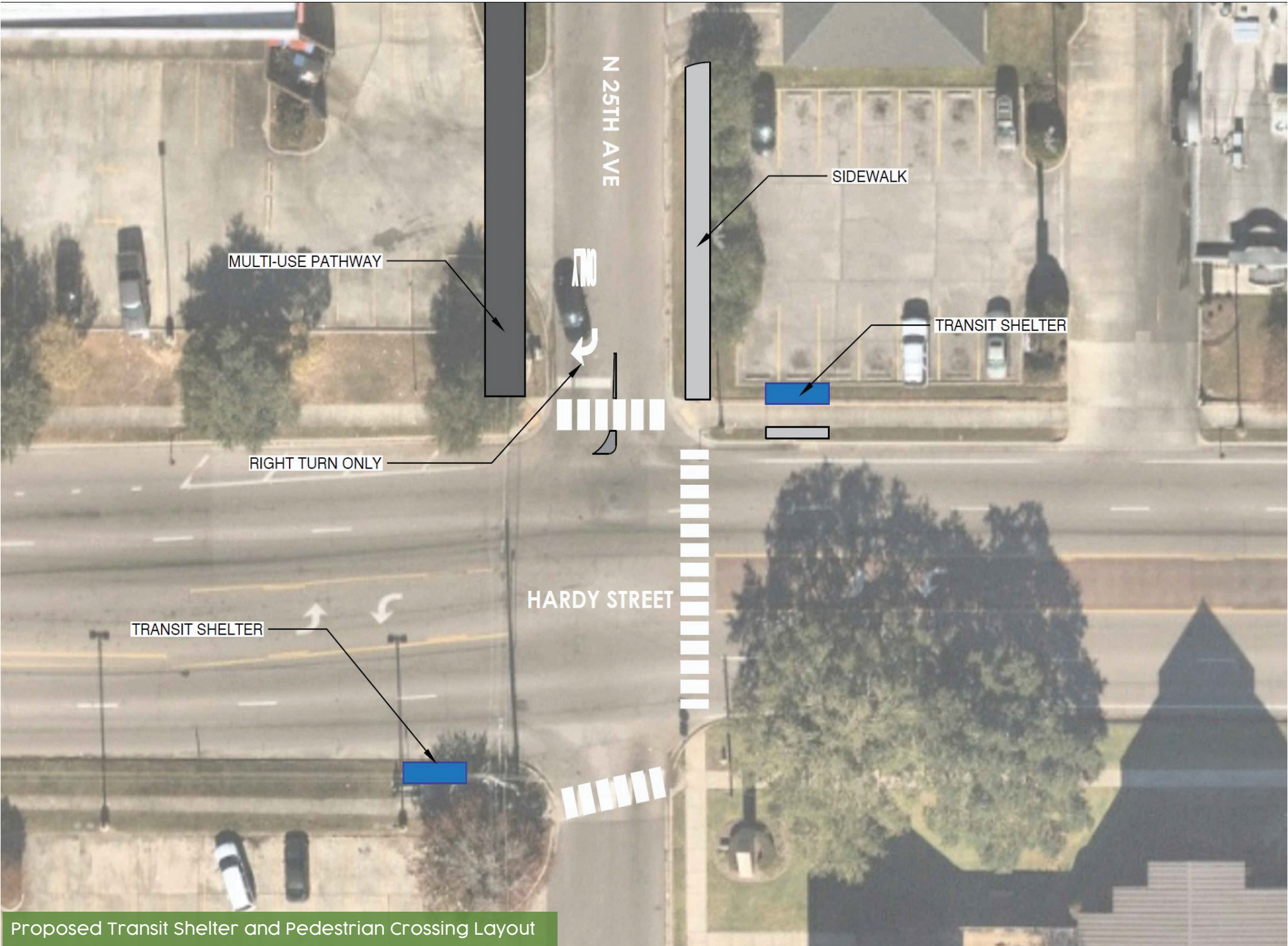
Opt 4: Street Crossing (credit: NACTO)

Transit Access

Longleaf Village has the great advantage of access to an existing bus fixed route on Hardy Street. Bus shelters should be installed at the two stops in the district and crossing improvements implemented on Hardy Street to facilitate access and encourage use.



Rapid Flashing Beacon (credit FHWA)



Proposed Transit Shelter and Pedestrian Crossing Layout

IMPLEMENTATION PLAN

Plan implementation is the ultimate goal of this master planning process. This section will highlight key implementation components such as new zoning recommendations, project prioritization, and economic development strategies.

Economic Development Strategies

Two economic development strategies are highlighted in this master plan to incentivize new development and redevelopment, Tax Increment Financing (TIF) and tax abatement.

Tax Increment Financing (TIF) is an economic development tool that authorizes local governments to promote economic development using revenues from future funding streams. Under TIF, a governing body makes public improvements in a defined, eligible project area with the intent of stimulating economic development. As the anticipated development occurs, the value of the property increases within the district, as do revenues generated from property taxes paid by the owners. The local government then uses the tax revenue increases generated by the incremental increase in property tax values to pay for the associated improvements. Public improvements that can be eligible for TIF funding include public parking, streetscaping and lighting, pedestrian and bicycle facilities, alley construction, and other projects on public property or ROW.

Under a TIF plan, a local district is designated, and a plan is created identifying the eligible improvements to be made and authorizing the issuance of a TIF bond to pay for the cost of improvements. Once the TIF plan is executed, bonds are paid through the incremental increase in tax revenue from the TIF district. Tax increment financing (TIF) is authorized by 21-45 of the Mississippi Code. This Longleaf Village in the Avenues master plan is intended to be designated as a redevelopment plan for a TIF, and the TIF boundary is defined by the map exhibit on this page.

A tax abatement is another economic development strategy that could be utilized to incentivize development in the Longleaf Village in the Avenues district. Exemption from municipal ad valorem taxes, with the exception of school taxes, may be granted for certain structures in central business districts, historic preservation districts, business improvement districts, urban renewal districts, redevelopment districts, or on historic landmarks. Exemptions may be granted after an area is so designated by the municipality as eligible, the project is completed, and application is made by the person, firm or corporation seeking the exemption. The authority is provided under section 17-21-5 of the Mississippi Code.

Implementation Projects

The implementation matrix on the following page details specific projects and initiatives that will be crucial to implement the mater plan vision. The project types include policy, mobility and utility. The policy projects can be implemented by City staff or consultants, and it is the goal of this plan that the district rezoning be accomplished concurrently with the adoption of the master plan. Funding opportunities for the mobility projects includes TIF bonding, grants through MDOT such as TAP, RAISE, and STBG, direct City funding and direct construction by private development.



Implementation Projects

Project	Type	Scope	Description	Phase
Rezone District	Policy	Districtwide	Apply form-based code zoning designations to properties in the district to enable dense mixed-use and cottage development	1
Establish TIF District	Policy	Districtwide	Establish TIF designation for LVA district to enable infrastructure investment	1
Form Based Code Review Committee	Policy	Districtwide	Add stakeholder(s) to FBC Review Committee (converted from Midtown Development Review Committee)	2
Establish CBD	Policy	Districtwide	Expand City’s Central Business District to project area to enable tax abatement for new development	2
Traffic Calming Measures on N 25th Ave	Mobility	N 25th Ave. from Hardy St. to Quinn St.	All-way stops at Pearl St. and Quinn St.; stripe out bulb-outs and on-street parking on west side of street; stripe out traffic diverter at Hardy St. with flex posts	2
Quinn Street Bicycle Boulevard	Mobility	Quinn St. and Milelr St. from N 26th Ave. to Main St.	Create bicycle boulevard with branding/wayfinding signage, traffic calming measures, and repair of pedestrian bridge at creek	2
Sewer Main Replacement	Utility	From Quinn St. to W 4th St.	Replace sewer main currently behind lot lines, mid-block between 25th Ave and 26th Ave	3
Multimodal Sidepath	Mobility	N 25th Ave. from Hardy St. to Longleaf Trace	10' sidepath for walking and biking on the west side of W 25th Ave., connecting the Longleaf Trace on the north to Hardy St. on the south	3
Hybrid Beacon Pedestrian Crossing	Mobility	Hwy 49 Crossing from Quinn St. to College Dr.	Pedestrian crossing, pavement markings, concrete median safe haven, pedestrian hybrid beacon	3
Hardy St. Transit Shelters and Ped Crossing and Rapid Flashing Beacon	Mobility	N 25th Ave. and Hardy St. Intersection	Sidewalk improvements, transit shelters with concrete platform, pedestrian pavement markings, rapid flashing beacon	3
Pedestrian Intersection Improvements	Mobility	8 Intersections in District	Intersection bulbouts, stamped concrete crosswalks, spot medians, landscaping	3
Hardy St. and Hwy 49 Pedestrian Intersection Improvement	Mobility	Hardy St. and Hwy 49 Intersection	Conversion of channelized right turns to conventional, high-visibility crosswalks, revision of frontage roads on south side, pedestrian refuge islands	3
Stormwater Main	Utility	N 26th Ave. from Pearl St. to W 4th St.	Replace roadside ditch between N 26th Ave. and Hwy 49 with stormwater pipe and inlet system	3

Zoning Recommendations

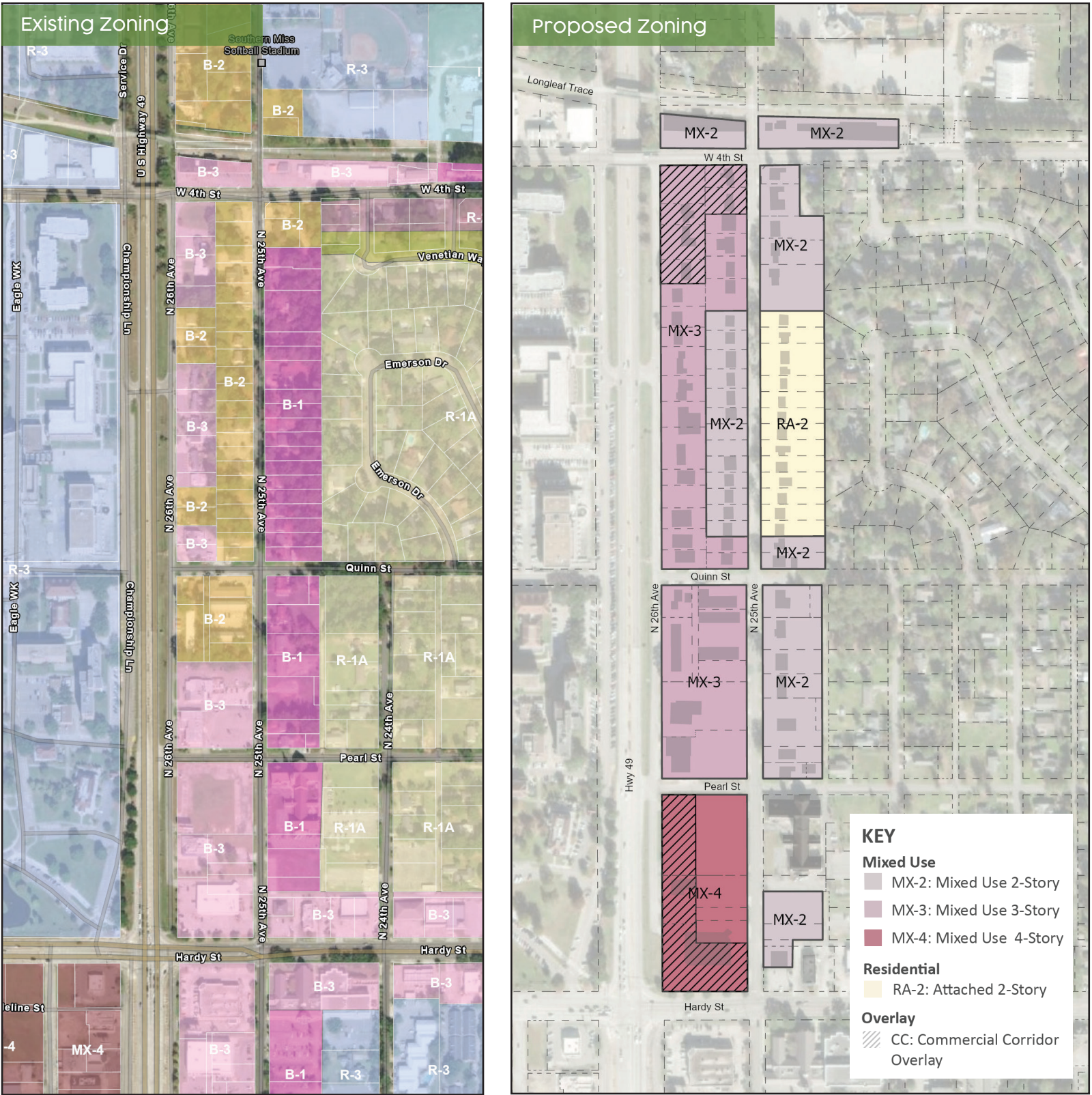
An important goal of this master plan is the provision of implementation tools to enact the new vision for the district. Establishing a zoning code that will enable walkable mixed-use development is one of the most important steps in achieving this vision.

The current conventional zoning is very restrictive by strictly regulating types of land uses and requiring wide separation gaps between buildings and from the street. In order to implement the walkable mixed-use development illustrated in this master plan, a form base code is needed that deals more with the form and placement of buildings and less with the uses within those buildings. There are many advantages of form based code over conventional Euclidian zoning:

- Mixed-use buildings (different uses within the same building) are allowed
- Residential development can be built close to commercial development because they fit together by meeting the same form requirements
- Setbacks are reduced that enables development to utilize more of the lot footprint
- Parking requirements are reduced, freeing up more land for development
- On-street parking is counted toward parking requirements, and off-street parking is located to the rear of the lot behind buildings
- Alleys or rear access drives are encouraged to provide rear parking connectivity
- Lot size requirements are reduced which encourages small-scale incremental development
- Building massing, window coverage and other form based requirements ensure consistent quality of development for adjacent properties
- Reduced requirement of landscape buffers

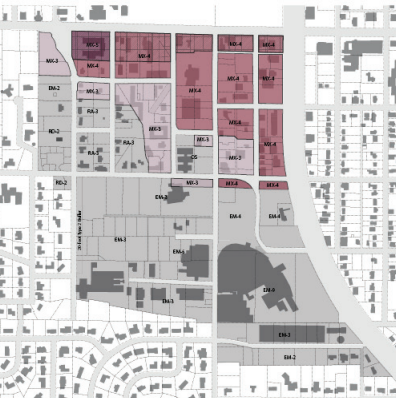
As opposed to developing a brand new form based code for this district, this plan recommends adaptation of the current Midtown Form Based Code to be applied to the Long Leaf Village in the Avenues district. There are many advantages to utilizing the existing code:

- Instead of complicating the existing code by adding more zoning categories, the zoning code is able to remain streamlined
- Developers and City staff are already accustomed to the Midtown Form Based Code
- By modifying the Midtown Form Based Code to be less restricted to a certain district of the city, the city will have a flexible tool to implement form based code in other districts and corridors in the future



DISTRICTS | Sec. 2.3. Mixed Use Districts (MX-3, -4, -5)

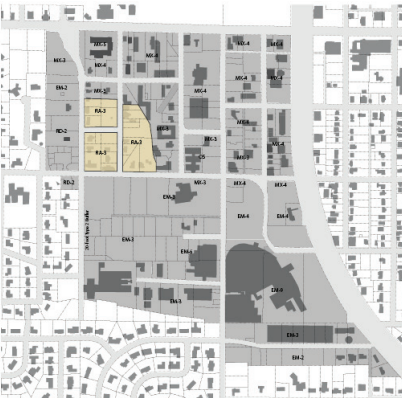
Sec. 2.3. Mixed Use Districts (MX-2, -3, -4, -5)
The MX- Districts are intended to accommodate a mix of compatible commercial, employment and higher-density residential in a pedestrian-friendly and walkable environment.



- A. Permitted Building Types**
- Mixed Use Building
 - Shopfront Building
 - General Building
 - Civic Building
 - Apartment Building
 - Apartment Court
 - Garden Apartment
 - Stacked Flat
 - Townhouse
 - Cottage Court
 - Detached House

DISTRICTS | Sec. 2.5. Residential Attached District (RA-3)

Sec. 2.5. Residential Attached District (RA-2, -3)
The RA Districts are intended to accommodate a mix of medium-density detached and attached residential in a pedestrian-friendly and walkable environment.



- A. Permitted Building Types**
- Mixed Use Building
 - Shopfront Building
 - General Building
 - Civic Building
 - Apartment Building
 - Apartment Court
 - Garden Apartment
 - Stacked Flat
 - Townhouse
 - Cottage Court
 - Detached House

Sec. 3.2. Building Types Allowed by District | BUILDING TYPES

Sec. 3.2. Building Types Allowed by District
Building types are allowed by district as set forth below.

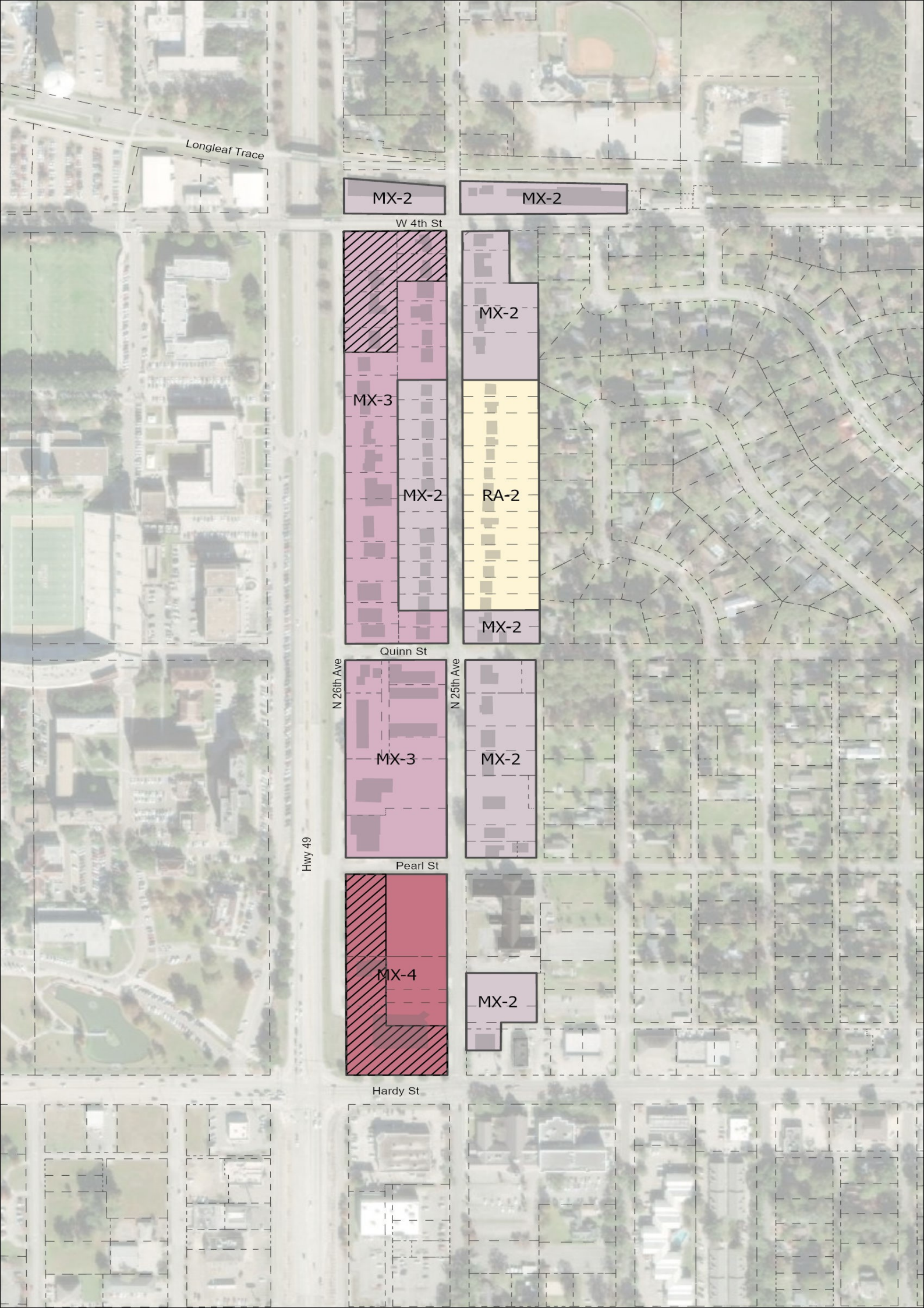
BUILDING TYPE	Mixed Use (MX-2, -3, -4, -5)	Comercial Corridor Overlay (-CC)	Employment (EM-2, -3)	Employment (EM-4, -6, -9)	Residential Attached (RA-2, -3)	Residential Detached (RD-2)
Mixed Use Building	P	P				
Shopfront Building	P	P				
General Building	P	P	P	P		
Civic Building	P	P	P	P	P	P
Apartment Building	P		P			
Apartment Court	P		P			
Garden Apartment	P		P		P	
Stacked Flat	P		P		P*	
Townhouse	P		P		P	
Cottage Court					P	P
Detached House					P	P

Key: P = Permitted Blank Cell = Not Permitted
* In RA, a stacked flat is only allowed on a lot located at the intersection of two public streets.

- Relatively minor updates and revisions are recommended to be made to the Midtown Form Based Code in order to apply it to the Longleaf Village in the Avenues (LVA) area, and also to enable application to other corridor and neighborhood node focal points in Hattiesburg in the future. A cursory summary of recommended revisions to the Form Based Code document include:
- Revise title and all subsequent references from "Midtown Hattiesburg Form-Based Code" to "Hattiesburg Form-Based Code"
 - Rebrand "Midtown Development Review Committee" to "Form-Based Code Committee" and add member(s) from LVA area
 - Section 1.1: Add reference to LVA Master Plan
 - Sec. 2.2: Add map of LVA zoning districts

- Sec. 2.3: Add LVA map; Add MX-2 to title
- Sec. 2.6: Add LVA map to RD-2
- Sec. 3.2 and 2.1: Revise Hardy Street Corridor Overlay to Commercial Corridor Overlay
- Sec. 4.5.E: Remove restaurants from drive-through list
- Sec. 5.1: Add parking discounts for shared parking, bicycle and transit
- Sec. 5.4: Add required street light fixture for LVA area
- Sec. 6.2: Add LVA street map
- Sec. 6.3: Add street sections: W 4th St., N 25th Ave., N 26th Ave., Pearl St., and Quinn St.





Longleaf Trace

MX-2

MX-2

W 4th St

MX-2

MX-3

MX-2

RA-2

MX-2

Quinn St

N 26th Ave

MX-3

N 25th Ave

MX-2

Hwy 49

Pearl St

MX-4

MX-2

Hardy St



Longleaf Trace

W 4th St

N 26th Ave

Quinn St

N 25th Ave

Pearl St

Hardy St

Hwy 49

Alan W. Perry
Counsel
aperry@bradley.com
601.592.9903 direct



December 30, 2022

VIA U.S. MAIL

Mr. Mark Miller
Chair of Planning Commission
City of Hattiesburg
200 Forrest Street
Hattiesburg, MS 39401

RE: Baker-Eagle Properties, LP

Dear Mr. Miller:

I represent Baker-Eagle Properties, LP and the Baker Family's property interests in Hattiesburg, some of which are located in the Longleaf Village area for which this Commission is considering zoning changes. We still have not seen a final draft of those proposed changes, but we are assuming the changes will be consistent with the presentations made earlier by the outside consulting group, Orion. As in prior communications, I will refer to all proposed changes in the law as the "Master Plan."

Most recently, we submitted a requested modification to the Master Plan applicable to our property to the City Attorney on December 16. However, that modification was rejected by the City Planning staff. This letter supplements and further explains our position with respect to the proposed Master Plan's adoption.

For the reasons set forth below, we request the Commission make the following addition to the proposed Master Plan (the "Additional Provision") specific to the parcel commonly referred to as "Village Green":

In addition, alternatively, Parcel Number 2-028J-08-202.00 (PPIN 016173) is permitted to have either a single-story or multi-story building with either one primary occupant/tenant or multiple occupants/tenants with a parking lot, provided that the building abuts the west property line without setback as contemplated by the form-based code.

The reasons for this Additional Provision are as follows:

We believe that this addition will make the proposed Master Plan more consistent with the views expressed by members of this Planning Commission that the Master Plan should not cause any property owner to "sweat bullets" over having to make any changes right away or having to build a new building right away. As we noted at the last Planning Commission meeting, the Bakers are sweating bullets at the difficulty of finding another buyer when that

buyer is required to build a multi-story building or buildings on this parcel, without parking, when this parcel is surrounded by relatively new commercial single-tenant/single-story buildings with their own parking that are unlikely to change for many years.

This parcel is the only vacant lot of any size included within the proposed Master Plan. Unlike the other commercial income-producing properties within the proposed Master Plan's footprint, this lot is vacant. It is vacant because it was the site of Village Green, an income-producing property destroyed by a tornado in 2013.

The Master Plan, if adopted, would prevent the anticipated use of this vacant property for commercial activity to a far greater extent than it does as to other adjoining properties. Indeed, prior to the proposed Master Plan surfacing, we had received substantial offers to purchase the property. A restaurant project was discussed with, and rejected by, City planning staff. However, it became clear that the staff believed that the proposed Master Plan (which was already in the works but in preliminary stages) would not allow such a use. Shortly after our discussions concerning the restaurant project, a moratorium was placed in effect for the affected area. Of course, we do not know all the reasons the moratorium was imposed, but it appears to us that it might have been designed to prevent our sale and any development of the property pending the adoption of the proposed Master Plan.

We have had several serious discussions about other projects, in addition to the proposed restaurant project, which we believe would have produced a substantial amount of money. Since the proposed Master Plan became public knowledge, and in light of the moratorium, there has been no interest by any purchaser.

In an attempt to improve the situation, we seek a compromise: the inclusion of the Additional Provision quoted above. In addition to what is allowed under the Master Plan, this Additional Provision will allow a one-story structure to be placed on this property against the west property line so that it fits within the general parameters of this form-based code.

This compromise may very well "jump-start" the development. This Master Plan project, even if it is ultimately successful, may take many, many years to develop in the absence of some early adoption by some property owner. Few buyers would want to be the first to develop a multi-story building in this location based on a hope of some variance. We believe we are unlikely to find a purchaser willing to develop a multi-story building on this property in the near future—with the uncertainty presented as to how and when the adjoining properties will be renovated or rebuilt under these same restrictive rules. There is no assurance when the other adjoining property owners will renovate in accordance with the Master Plan—but they would do so more quickly if this vacant property is developed.

Thus, we believe that this Additional Provision will help the Longleaf Village area develop much sooner in the general manner set out in the Master Plan. If we can develop our property in a way that generally complies with the proposed Master Plan—with frontage along the west side of this property—it may become the anchor that spurs other development along this eastside of Highway 49.

All of us are limited in our ability to predict when this area will be reconstructed to carry out the intent of the proposed Master Plan. We fear that the redevelopment will be slow, given the substantial change involved and the lack of easy walking access to the area. It is, of course, possible that the development may develop more quickly than we expect, and it is possible that there may be a developer who wishes to pay a fair price for this property. Moreover, there is the possibility and a hope that in the course of implementing the proposed Master Plan that the appropriate City authorities will allow sufficient variances and latitude to allow this vacant property to be attractive to a potential purchaser. However, at this point, it is difficult to establish with any degree of certainty what our client will suffer as a result of this proposed Master Plan.

That said, adopting the Master Plan with the Additional Provision we request above is the best way to reduce the likelihood of potential disputes in the future, short of maintaining the status quo. Assuming the proposed Master Plan is to be adopted, our requested Additional Provision would be the minimum of what our client would likely need to seek in the future to make any reasonable use of this property.

We appreciate your consideration of these comments and ask the Planning Commission to include the Additional Provision quoted above in any adoption of the proposed Master Plan. We also want to express our appreciation to the City staff for their courtesy in talking and meeting with us and the Bakers in person and by phone and allowing us to express our concerns.

Thank you.

Sincerely,



Alan W. Perry

cc: Dick Conville
Charles Dawe
Michael Dickerson
Amy Hinton
Jeff Keysear
Elayne Lockett
Luke McNair
Randy Pope
Rhoda A. Pickett
Rebekah Ray
Carlos Wilson



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: To all it may concern
FROM: Nathan Satcher, Planner II
DATE: January 3rd, 2023
SUBJECT: Midtown Form-Based Code Amendment and Renaming

Planning Commissioners and all others it may concern, the January 4th, 2023 Planning Commission agenda will include a proposal to amend the “Midtown Hattiesburg Form-Based Code” to encompass the forthcoming Longleaf Village in the Avenues (LLVA) Master Plan in addition to the area known as “Midtown”. These changes will widen the scope of the existing Form-based code to the LLLVA area and beyond as appropriate. This document serves as an explanation of the amendments.

Code Section	Change proposed	Reasoning
Title	Amend title to read: “Hattiesburg Form-Based Code” Remove reference to “Midtown” and replace with Hattiesburg as appropriate.	Broaden the scope of the code to utilize form-based design elsewhere in Hattiesburg.
Contents	Remove “Midtown” from titles as approved in following text amendments including to Section 2.2, 2.3, 3.15, 6.2, & 7.1., footers, etc. as needed. Amendments include Ord 3192 (text amendment), 3193 (zoning change) 3311 (Text amendment)	Update
Contents	Add list of amendments with adoption dates	Update
Section 1.1.A	Amend to end section “... and Longleaf Village in the Avenues Masterplan”	Broaden the scope
Section 1.1.B	Amend to end section “...Longleaf Village Masterplan and other future designated areas”	Broaden the scope

Section 1.2.L	Amend to read "Ensure adequate transitions from form-based development to adjacent residential neighborhoods."	Broaden the scope
Section 1.3.A	Amend to read: "The Form based Code applies to all property identified in this code as designated in Sec. 2.2. Form-Based Code Zoning Maps.	Broaden the scope
Section 1.4.A.1	Amend to read "Except as provided in Sec 1.4.C below, upon the effective date of each Form-Based Code map..."	Clarify multiple maps and effective dates
Section 2.1.A.2	Amend to add a new "a" as "MX-2 has a maximum building height of 2 stories." and renumber as needed	Add new MX zone for lower density maximum
Section 2.2	Add to rename 2.2 as "Form-Based Code Zoning Maps" and add subsection 2.2.A as "Midtown Form-Based Code Zoning Map" and add subsection 2.2.B as "Longleaf Village in the Avenues Form-Based Code Zoning Map". Both maps to include adoption date.	Add new Form-based code map to include Longleaf Village in the Avenues and provide opportunity of future expansion
Section 2.2 map legend	Amend map legend to include: "MX-2: Mixed use 2-story" as a Mixed-use zone.; Rename "-HS: Hardy Street Overlay" as "-CO: Corridor Overlay"	Include new zone and rename Overlay to broaden the applicability
Section 2.3	Amend to add "MX-2" to the list of Mixed-Use Districts	Include new zone
Section 2.5	Amend to add zoning district "RA-2" to Residential Attached.	Including new zone
Section 2.3 through 2.7	Remove zoning maps from each section	Zones are now applicable to other areas. These will be both redundant (map is in Sec 2.2) and

		would miss other areas.
Section 3.2	Add District "RA-2" and add allowable building types and add note: "In RA-2, the maximum building height for all allowable building types is 2 stories)	Update building types allowed by district chart with the addition of RA-2 Zone
Section 3.3.3.A	Add District MX-2 with a maximum building height of 2 stories	Update chart for addition of Mx-2 Zone
Section 3.15.1	Amend to edit title as "-CO: Corridor Overlay"	Rename Overlay to broaden applicability
Section 3.15.1.H	Amend to read "The required BTZ may be reduced to accommodate no more than one 24' driveway"	Increase max driveway width
Section 3.17.C.3	Amend to add Quinn Street and Pearl Street to this list of "side streets"	Include side street designation for LVA
Section 3.17.D.1.h	Amend "handicap" to ADA	Correction
Section 3.17.L.4	Amend to read "Glass is considered transparent where it has a visual light transmittance of 50% or higher and external reflectance of less than 15%."	Amend prohibitive transparency requirements.
Section 3.17.L.5	Amend to read "Windows cannot be made opaque by window treatments, including by signage, except by operable sunscreen devices within the conditioned space. Window tinting and interior affixed window shades that create a permanently opaque condition are prohibited. Shopfronts should be designed to be clearly visible and provide a space for display of business."	Clarify regulations for windows to encourage active use of windows, prevent blocking windows internally.
Section 4.2.B	Amend to read "Where a use is determined not to be similar to any listed use, approval by Planning Commission as a Conditional Use is required prior to establishment of that use."	Allow Conditional Use approval

		for uses not listed
Section 4.4 Permitted Use Table	Amend "Use Standards" to read "Use Conditions" as needed throughout Code	Edit language for consistency with standard practice
Section 4.4 Permitted Use Table	Amend "PC = Planning Commission review required" to read "CU – Conditional Use" and "PC" to read "CU" throughout	Edit language for consistency with standard Planning Commission actions
Section 4.4 Permitted Use Table	Amend to read "L = Use permitted subject to use conditions specified in cross-reference""	Edit language for consistency with standard practice
Section 4.5.E.1	Amend to change spelling of "Drive-Thru" to Drive Through" throughout (including 5.1.E)	Correction
Section 4.5.E.1	Amend to read "An accessory facility that allows customers to be served while sitting in a vehicle, typically associated with banks, pharmacies and dry cleaners. Drive throughs are not permitted for restaurants or related food service."	Remove ability to develop drive through restaurants within form-based zones to focus design on pedestrian oriented experiences.
Section 5.1.B.1	Amend to remove text and table and to read "Refer to Land Development Code Table 7.12 - Table of Parking Requirements for parking calculations."	Reduce parking requirements by making them consistent with LDC
Section 5.1.B	Add section to read: 4. Parking Discounts. a. Shared Parking. Parking space discounts may be applied to developments that share parking with facilities serving other uses according to the following chart:	Add parking discounts for

		Residential	Lodging	Office	Retail	Institutional	multiple uses on one site.
	Residential	0%	10%	30%	20%	30%	
	Office	30%	50%	0%	20%	50%	
	Retail	20%	30%	20%	0%	30%	
	Institution	30%	20%	50%	30%	0%	
	b. Shared parking discounts are applied before multi-modal (bicycle, pedestrian and transit) discounts c. To apply shared parking discounts for facilities on separate parcels, a legal agreement between property owners guaranteeing access to and use of designated parking areas is required. d. Bicycle. One car parking space may be discounted for every bicycle parking space required. e. Pedestrian. If the development connects via new or existing sidewalks to an established sidewalk grid that links multiple land uses (i.e. commercial, residential, office), a 10% discount may be applied. f. Transit. If the development is located within a ¼ mile radius of an established transit stop, a 10% discount may be applied.						
Section 5.1.C.2.c	Remove						Remove restriction on location of remote parking based on the boundary of the map. Restriction of distance from business remains.
Section 5.1.E.3	Amend to read “Where allowed, all drive through areas, including but not limited to stacking lanes, trash receptacles, drive up windows and other objects associated with the drive-thru area, must be located to the side or rear of the building. Drive through windows and lanes may not be placed between the primary street and the associated building.						Remove text related to food service
Section 5.1.E.5	Amend to remove “pickup”						Broaden applicability of code
Section 5.1.E.5	Amend “queuing” to read “stacking”						Amend wording
Section 5.1.G.1.a	Amend to remove “under paragraph 2”						Remove unnecessary language

Section 5.1.I.3	Amend to read "S. 27 th Avenue"	Clarify language
Section 5.2.B.5.a & 5.2.G.1.b	Amend to replace "Midtown" with "Hattiesburg" as throughout the code	Broaden applicability of code
Section 5.3.A.2	Amend "Sec. 95" to "Sec. 10"	Correct reference
Section 5.3.A.2	Amend subsection to read as follows: a. Sec 10.1.1 General Description; b. Sec. 10.2 Permit Required for Signs; c. Sec. 10.4 Temporary Signs, including Banners, Requiring Permit; d. Sec. 10.5 Certain Permanent and Temporary Signs Exempt.; e. Sec. 10.7 Method of Measurement; f. 10.8 Sign Design (unless otherwise guided in this code); g. Sec. 10.9 Prohibited Signs; h. 10.10 General Sign Standards Applying to All Zones.; i. Sec. 10.11 Maintenance of Signs; j. Sec. 10.12 Unlawful Cutting of Trees and Shrubs; and k. Sec. 2.4.6, Nonconforming Signs.	Correct references
Section 5.3.F	Amend to allow "Ground Sign, Large" in EM -2, -3 as "Allowed on sites with Hwy 49 frontage"	Expand availability of Ground Sign, Large
Section 5.3.F	Amend to allow "Ground Sign, Small" and "Wall Sign" as "Allowed for permitted non-residential uses" in Open Space	Expand availability of Ground Sign, Small
Section 5.3.R Standards A	Amend to read "Area of all ground story windows and doors covered by signs (max combination of all windows and doors per wall covered by window signs). Units with multiple exterior walls shall calculate each wall surface and signage maximum independently."	Clarify interpretation
Section 6.1.C	Amend to read "All streets must be constructed with sidewalks, street trees, Pedestrian scale lighting, bike facilities, medians, travel lanes and on-street parking as illustrated for each specific street type, unless an alternative is approved by Urban Development."	Add "pedestrian scale lighting" and change approval to Urban Development from Engineering

Section 6.1.B.1	Amend “the Future Street Map” to read “the Future Street Maps”	Broaden applicability
Section 6.2	Amend title of 6.2 to read “Sec. 6.2. Future Street Maps” and add subsection 6.2.A “Midtown Future Street Map” as existing in code with original adoption date noted as 7-2-2013.	Add new map to include Longleaf Village Area
Section 6.2	Add new street map as presented in Longleaf Village in the Avenues Master Plan	Add Future Street Map for LVA area
Section 7.1.A	Amend to rename “Midtown Development Review Committee” as “Form-Based Code Development Review Committee” or “FBC-DRC” throughout section and code as appropriate.	Rename review committee
Section 7.1.B	Amend to add text “Appointee designated by the City Administration”	Clarify appointment
Section 7.1.B	Amend to add the following to the list: City Arborist, ADA advocate, Longleaf Village in the Avenues (LVA) appointee	Add committee members to be more inclusive as well as consistent with traditional site plan review procedures
Section 7.1.E	Amend to replace “Section 37, Application Procedure” with “LDC Sec. 12.5 Administrative Development Approvals; Process.”	Correct reference
Section 7.2.C	Amend text “Sec. 40” to read “Sec. 12.4.1”	Correct reference
Section 7.3.B.4	Amend text to add to the end ..”as a Conditional Use”	Clarify and correct action
Section 7.3.B 6.b	Amend text to add “privilege tax license, or equivalent” after “certificate of occupancy”.	Clarify and Correct procedure
Section 8.2	Amend section to read “The following terms are defined for the purpose of this Code. Terms not defined in this Code may be defined in LDC Sec. 13, Definitions, of the Land Development Code. In such case, the definition contained in LDC Sec. 13 of the Land Development Code should be used. If there is a conflict between a definition in LDC Sec. 13 and this Code, the	Correct reference to LDC

	definition in this Code must be used. Definitions for uses are listed in Sec. 4.5. Use Definitions.”	
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