

HATTIESBURG
PLANNING COMMISSION
PUBLIC HEARING AGENDA
SPECIAL CALLED MEETING
February 15th, 2023



DEPARTMENT OF URBAN DEVELOPMENT
PLANNING DIVISION



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: Hattiesburg Planning
FROM: Planning Staff
DATE: February 14th, 2023
SUBJECT: February 15th, 2023-Hattiesburg Planning Commission Special Called Meeting

The Hattiesburg Planning Commission will meet in regular session at 1:00 PM, Wednesday, February 1st, 2023 in the dining room of the Hattiesburg Train Depot Community Room, 308 Newman Street, Hattiesburg, MS 39401. The Planning commission agenda contains two items: a rezone request and a conditional use request. These two items were tabled at the February 1st, 2023 Hattiesburg Planning Commission Meeting.

The public and members may attend remotely via GoToMeeting:

<https://www.gotomeet.me/COHPlanningDivision/publichearing>

You can also dial in toll-free using your phone:

United States: +1 (571) 317-3122; Access Code: 630-312-989

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Place: Hattiesburg Train Depot Community Room

308 Newman Street, Hattiesburg, MS 39401

Time: 1:00 PM

Planning Commission

AGENDA

2/15/2023

I. Business Meeting

1. Review and approval of February 15th, 2023 - Special Called Meeting's agenda.
2. Review and Approve February 1st, 2023 Meeting Minutes.
3. Planning Report
 - A. Addressing Remaining Unzoned Parcels in the City of Hattiesburg
4. Chair's Report
5. Introductions

II. Public Hearing

1. Tabled Item from February 1, 2023 Planning Commission - A petition has been filed by John P. Scanlon, representative, and Safari Timberlands, LLC, owner, as required in the Land Development Code, Ord. No. 3209, to establish the zoning classification for a portion of an unimproved property located at the intersection of Jackson Road and the Longleaf Trace to B-2 Neighborhood Business District (Section 4.5.9). (Parcel No. 052B-03-004.105; PPIN 33787, Lamar County, Ward 1)
2. Tabled Item from February 1, 2023 Planning Commission - A petition has been filed by John P. Scanlon, representative, and Safari Timberlands, 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) contingent upon approval of the request to establish the zoning. (Parcel No. 052B-03-004.105; PPIN 33787, Lamar County, Ward 1)

III. Other Business

IV. Adjournment

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

February 1st, 2023

The Hattiesburg Planning Commission did meet in a regular session on February 1st, 2023, at 1:00 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: Charles Dawe (via GoToMeeting)
Amy Hinton, Vice-Chair
Dick Conville
Jeff Keysear
Elayne Lockett
Luke McNair
Mark Miller - Chair
Rhoda A. Pickett
Rebekah Ray
Michael Dickerson (via GoToMeeting)
Carlos Wilson (via GoToMeeting)

Commissioners Absent:

Also Present: Nathan Satcher, Planner
Wiley Quinn, Director of Urban Development
Jim Gladden, Esq.
Kevin Bates, Building Official
Russell Archer, Historic Planner

AGENDA REVIEW

There came the matter of the January 2023 Agenda. Commissioner Ray made a motion to accept the agenda, seconded by Commissioner Hinton. All members present were in favor.

MINUTES REVIEW

There came the matter of the January 4th, 2023 minutes. Commissioner Ray made a motion to approve, seconded by Commissioner Hinton. All members present were in favor of the changes.

support, all of which were provided to the members of the Planning Commission and are on file in the Planning Office at City Hall.

Jim Gladden answered questions about the conditional use and that if approved any substantial changes by the restaurant would require new site plan approval.

John Scanlon, representative for the case and attorney for Mr. Hood, is looking to establish the zoning for one partial part of the property. Currently, they do not own the property and will purchase and develop it upon approval. The applicant will run the bicycle shop. Initially, the applicant thought it was a rezone and upon review it was discovered to be an unzoned property. They then supplemented their application to coincide with legal requirements for the unzoned property. Since the property was unzoned, there is no window in to view change.

Unique to the property is that it has Lamar County jurisdiction to its west and south and that it has Hattiesburg to its north and west. 1,000 feet from the property is an industrially zoned area.

Activity along the trace is increasing. The Comprehensive Plan has an emphasis on bike paths, pedestrian paths, and connectivity along the Longleaf Trace. The public had a lot of input on the Comprehensive Plan. Also, the idea that the zoning is static and that there are ways to allow change, and that the Comprehensive plan and state law recognize this.

The zoning to the west with Lamar County has permitted uses such as shops, barns, car sheds, truck repair shops, sawmills, hunting clubs, body shops, auto salvage yards, septic tank yards, tattoo parlors, and several other non-neighborhood desirable uses. To the south is a mixed-use district that encourages 24-hour vitality, economic incentives, and merchandise sales. The restaurant is limited in capacity and is mostly a few bar stools. The applicant emphasized that as long as your project does not harm the comprehensive plan and does not vary in great detail, then it is considered by law to be in harmony with the Comprehensive Plan. Exhibit submitted of a petition with 180 signatures was added to the case file to be on record.

Chair Miller had questions about the nature of the applicant's outreach to the surrounding area. Mr. Scanlin replied that Mr. Hood had reached out to several people that had submitted objection letters. Mr. Scanlin then stated that he had reached out to every single person that had submitted a letter of objection except 1 that came in late the previous afternoon. Emails were sent to several opponents. Other outreach was sent to supporters.

Lindsey Morris for the Shadow Ridge country club supports the development of the bike shop. States that the area is lacking parking and safety and this is supported.

John Eye Speaker spoke about the enjoyment of the trace but that this is not a good location for the area. He referenced the Comprehensive Plan and stated that long-term decisions are made based on the maps within it. Concerns about the remaining property and the property to the north. Discussed that this could be the first of many changes, which could lead to more rezoning.

Jeff Hammond believes this is a family and quality of life risk. He believes that commercial development will sacrifice home and family.

Jeff Scanlin spoke again about the Comprehensive Plan's guiding principles. He handed out an exhibit map detailing the objector's location as compared to the location of the project, also noting that the industrially zoned property is closer than any of the objectors. He noted that the supreme court looks at objectors and their standing about the proposed changes.

Chair Miller then closed the public hearing portion of the meeting. He then stated that he was bludgeoned by the legal arguments and had concerns about the vote and if it could be used as a precedent for other areas. He mentioned the idea of possibly tabling the project and looking at the bigger picture down the road. Questions were asked about inaction and the unzoned property. Nathan Satcher responded that it could force the city to establish zoning in the near future. Commissioner Ray made a motion to table the item with the understanding that they would try and move expeditiously as possible which was seconded by Commissioner Lockett. The discussion was brought up that the rest of the parcel would be unzoned. A roll call vote was then conducted.

Commissioners Voting Aye: Charles Dawe (via GoToMeeting)

Amy Hinton, Vice-Chair

Dick Conville

Jeff Keyseear

Elayne Lockett

Luke McNair

Mark Miller - Chair

Rhoda A. Pickett

Rebekah Ray

Michael Dickerson (via GoToMeeting)

Carlos Wilson (via GoToMeeting)

Chair Miller asked if he had any retail intentions. Mr. Winstrom stated that the learning experience of the development process and that he purchased the building before knowing that there are zoning issues. He stated retail is not his core business model for this location. He stated that if he doesn't get the conditional use he may have to implement retail for this site. Chair Miller asked if this was appropriate for Hardy Street versus a highway and interstate area. Mr. Winstrom stated that this was the best option available.

Commissioner McNair asked if you were not to be granted the conditional use, would they proceed with retail? Mr. Winstrom stated he wouldn't have any other choice.

Commissioner Conville asked about the volume of truck traffic. Mr. Winstrom said the normal routine of box trucks a week and from time to time an 18-wheeler that would from time to time be heading out of state or overseas.

David Coghlan spoke about being employed by Mr. Winstrom and that he has done everything in his power to keep vaping away from children. They have helped to transition smokers and pass laws to keep vaping out of children's hands. Doesn't believe the site is set up for retail. Commissioner Conville asked about his current location, to which he responded that he was in Oak Grove on highway 11.

Jessica Thurmond spoke about Mr. Winstrom and that his products have improved her way of life. She stopped smoking and reduced her medication quantity. Mr. Conville asked about which products what was most helpful to which she responded that CBD and vaping had been most helpful.

Victoria Morgan spoke about the vape products helping her manage physical and mental health difficulties.

Commissioner Dawe had to leave the meeting.

Anna Fullan spoke about CBD products and the company steering her away from the use of vape products.

James Moore spoke on behalf of an advocates group and that he lost his son to an overdose and that he found paraphernalia in his room at various times. The city had closed these paraphernalia shops. Moore then changed that the city should not allow a conditional use as their current shop had violated the paraphernalia laws.

Michael Gilpin spoke that he questioned the medical benefits of the items presented.

Mary Dryden spoke about the facility not meeting with the neighborhood character.

Mark M. Miller, Chair

Nathan Satcher, Planner II



URBAN DEVELOPMENT

PLANNING DIVISION

MEMORANDUM

TO: To all it may concern
FROM: Nathan Satcher, Planner II
DATE: February 7th, 2023
SUBJECT: Remaining Unzoned Parcels in the City of Hattiesburg

In December of 2021, the City of Hattiesburg and Planning Staff worked to identify all unzoned parcels in the City of Hattiesburg. Multiple parcels were identified at that time, but the City was only able to move forward with 4 of the identified parcels and the zoning for those parcels was established at that time. Establishing zoning should typically occur at the same time or soon after the property was annexed, and the City was trying to correct the error in not establishing zoning. After a case to rezone a parcel directly on Jackson Road was set for public hearing in January of 2023, staff discovered a clerical error had been made in the Zoning Map and Geographic Information System (GIS), where that parcel had a zoning of A-2 applied to the parcel. The item was then removed from the agenda and was brought before the Hattiesburg Planning Commission in February 2023 with the corrected request and public notices. The request is only for a portion of the unzoned parcel, and would leave the remaining ±6 acres of the parcel unzoned. Planning staff will move forward in the next few months on recommending zones for the remainder of that parcel and any other remaining parcels in the City of Hattiesburg that have not been zoned through annexation, regardless of the outcome of the request to rezone the partial parcel on Jackson Road.



**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: Establish the zoning B-2 and Conditional Use Request for Restaurant without drive-through in a B-2 Zone

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

Applicant Summaries: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts Established

4.5.9 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.

John P. Scanlon, representative, and Safari Timberlands, LLC
Request for: **Establish Zoning to B-2 and Conditional Use Request for 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 if it were to be approved.

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

Note: This item previously appeared on the January 2023 Agenda to change the zoning of the parcel. Staff later discovered that the zoning had never been established following its annexation into the City of Hattiesburg and it was removed from the January agenda and noticed and posted as establishing the zoning for the parcel for the February agenda.

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.

- 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

SUBJECT PARCEL:

Intersection of Jackson Road and Longleaf Trace

John P. Scanlon, representative, and Safari Timberlands, LLC, owner The petitioners request to establish the zoning classification for a portion of an unimproved property located at the intersection of Jackson Road to B-2 Neighborhood Business District (Section 4.5.9) and to request a conditional use for “restaurant, without drive-through” in a B-2 Zone (Neighborhood Business District) contingent upon approval of the rezoning request.



Site Aerial



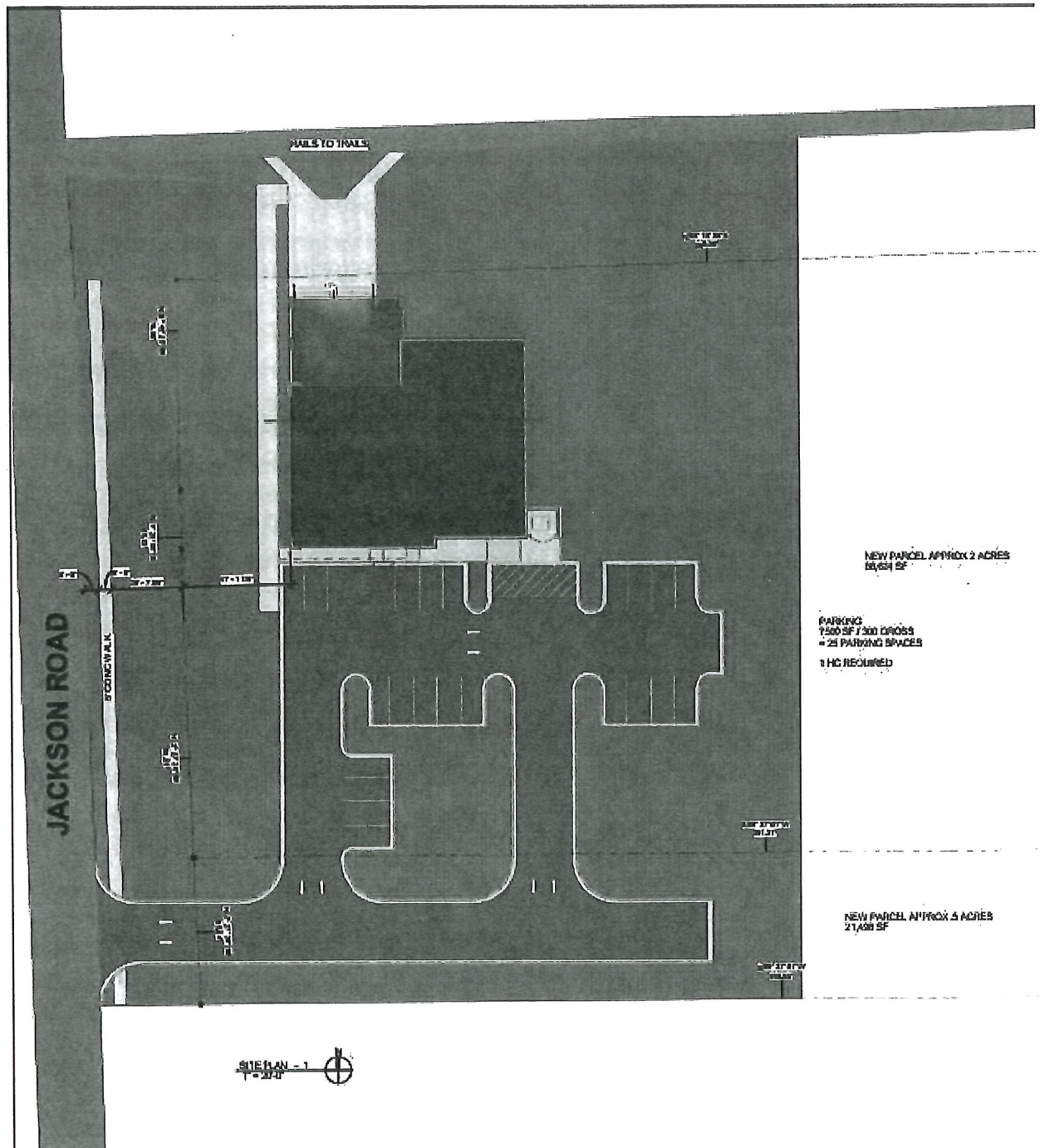
SURROUNDING AREA

**Longleaf Trace / Jackson Station
Facing West**



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

Conceptual Site Plan (not approved in site plan review)



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

Conditional Use (2 pages)

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

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

Yes. 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.

