



**Monday, March 20, 2023
4:00 PM**

**City Council
Monday Meeting Agenda**

**Council Chambers
200 Forrest Street**

Call to Order

Public Hearing

- 1. 2023-199** Hold public hearing for appeal filed by Bill Wikstrom, to appeal the Hattiesburg Planning Commission's action on the petition filed by Bill Wikstrom, owner, to request a conditional use for "Product wholesale" in a B-3 Zone for a property located at 1601 Hardy Street. The Planning Commission Recommended to Deny on February 1st, 2023.

Agenda Review

Citizens' Forum

Meeting Recess



Memorandum

To: Mayor Toby Barker and Members of City Council

From: Cory Long, Planning Administrator

cc: Wiley Quinn, Urban Development Director

Date: Monday, March 20, 2023

Re: Hold public hearing for appeal filed by Bill Wikstrom, to appeal the Hattiesburg Planning Commission's action on the petition filed by Bill Wikstrom, owner, to request a conditional use for "Product wholesale" in a B-3 Zone for a property located at 1601 Hardy Street. The Planning Commission Recommended to Deny on February 1st, 2023
File Number: 2023-199
Minute Book #

Summary

Recommendation Statement

Please place this on the March 20, 2023 City Council meeting for consideration.

SUBJECT PARCEL:

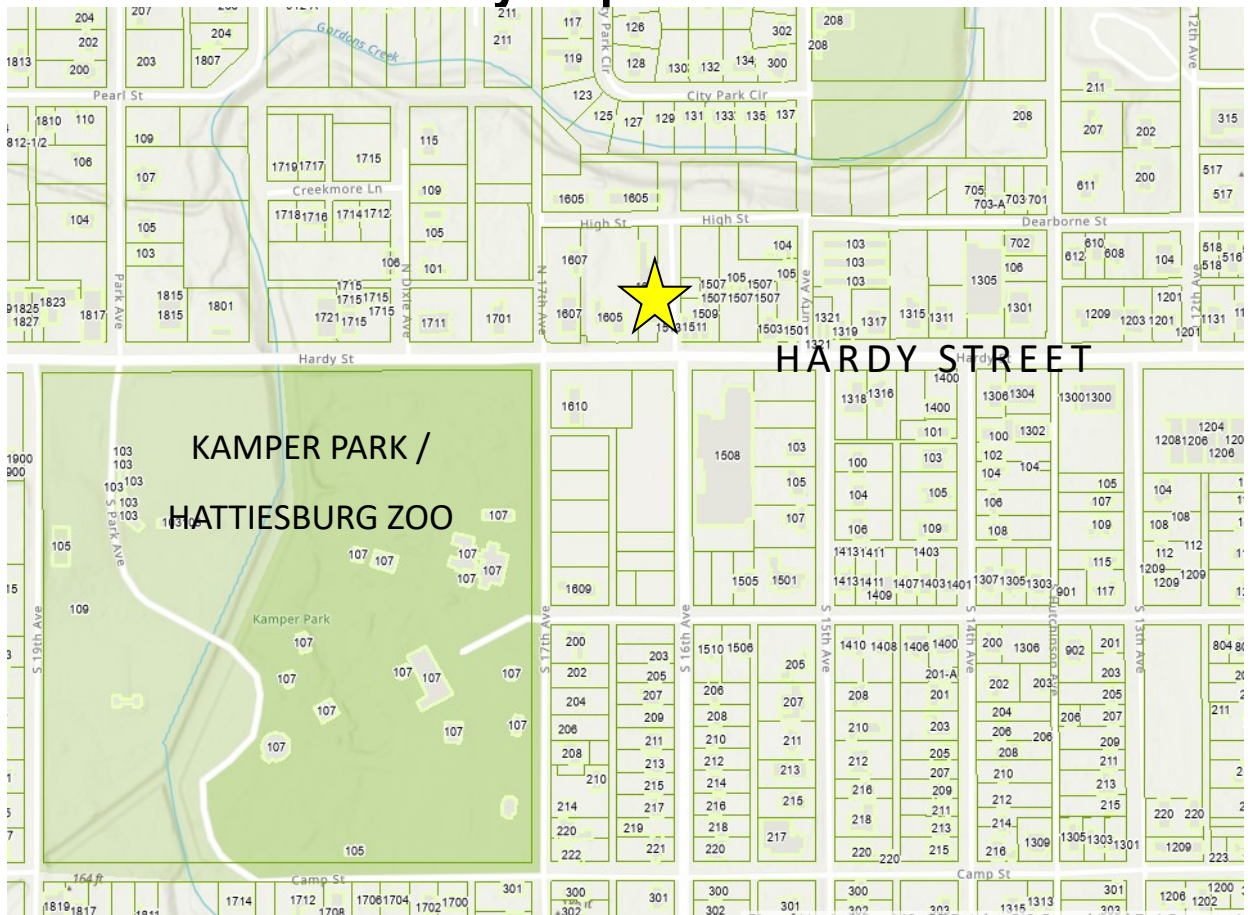
1601 Hardy Street

Bill Wikstrom, Owner

To request a conditional use for “Product wholesale” in a B-3 Zone (Community Business District) for a property located at 1601 Hardy Street.



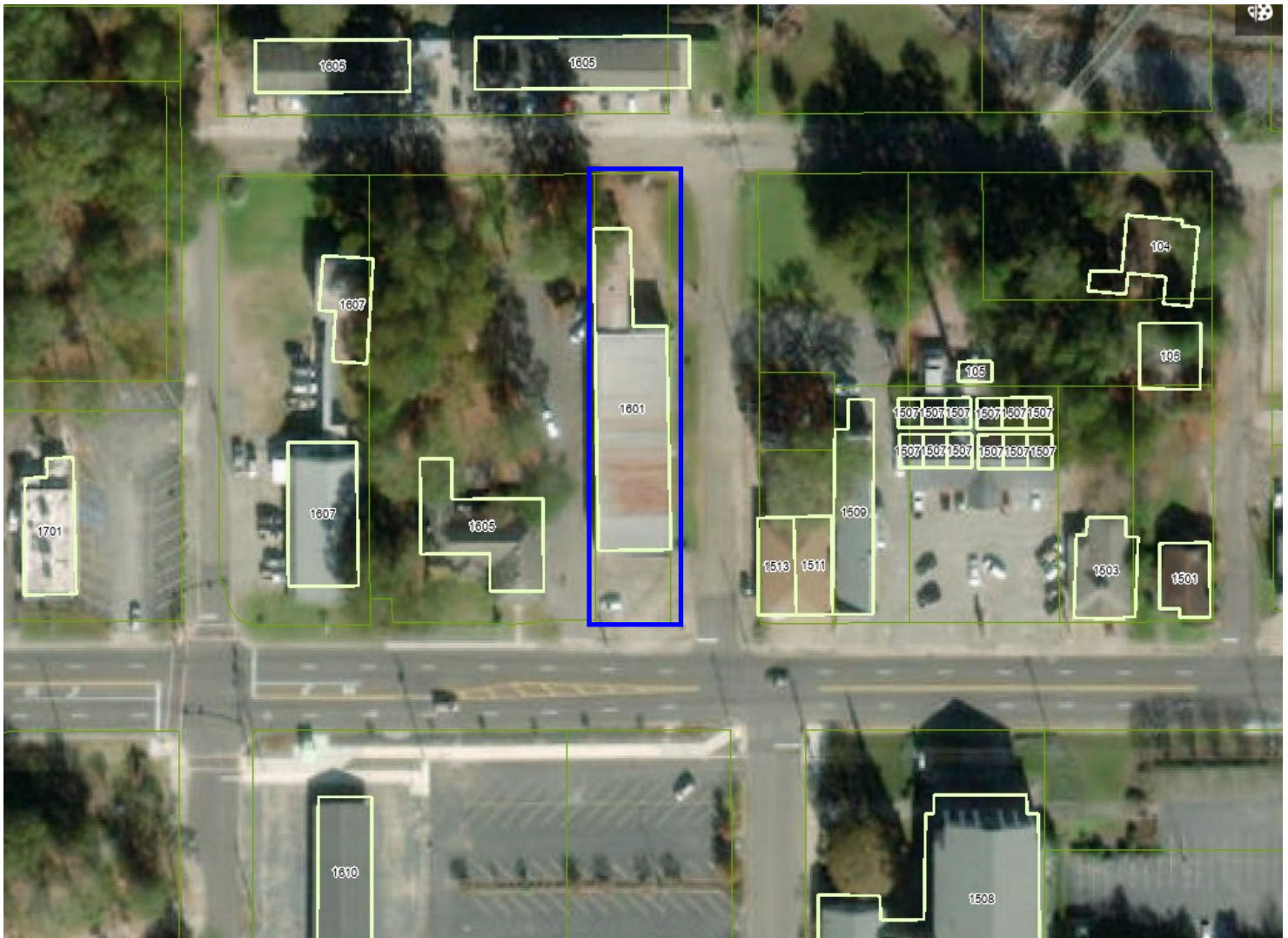
Vicinity Map—Ward 4



Zoning- B-3



Site Aerial



SURROUNDING AREA

Northern Direction: R-3

Multi-Family Residential



Southern Direction: R-1B

Hardy Street Baptist Church



Eastern Direction: B-3

Retail/Office Space



Western Direction: B-3

Murky Waters Restaurant





**Planning Commission
Case Fact Sheet**

Name of Petitioner : Bill Wikstrom

Address of Property: 1601 Hardy Street	Tax Parcel 2-029L-09-204.00	PPIN: 14220	Ward: 4
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Request: **Conditional Use – “Restaurant, without Drive-thru”**

Purpose of Request: To request a conditional use for “Product wholesale” in a B-3 Zone (Community Business District) for a property located at 1601 Hardy Street.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 **4.5.10 B-3 Community Business District.** The purpose of the B-3 District is to provide for retail, personal service, and offices in locations with convenient access to the community consistent with comprehensive planning policies. This district is consistent with the Community Business District in the Comprehensive Plan.

SECTION 5 USE REGULATIONS

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															
Product wholesale			×	×	×	×	×	×	×	×	×	×	×	×	×	-

Request for: **Conditional Use – “Product wholesale”**

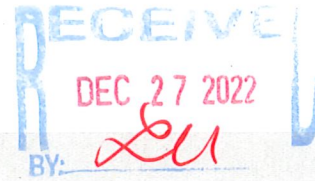
Present Zoning:	This parcel is currently zoned B-3 Community Business District
Present Use:	Vacant Building
Future Land Use:	Neighborhood Business Corridor District
Surrounding Zoning and Land Use:	North: R-3 Multi-Family Residential South: R-1B Single-Family Residential / B-3 Community Business District East: B-3 Community Business District West: B-3 Community Business District
Letters or Concerns stated:	The Planning Division Office has not received any letters or other written communications relative to this case as of January 24, 2022. We have had multiple citizens contact us in regard to the nature of the request.
History / Background:	The applicant met with staff in Pre-Application to discuss the change of use of the site. The applicant is the owner of Paradigm Vape Operations and purchased the building with the intention of expanding his business operations and consolidating it into one building. The proposed business operations included retail, product wholesale, and a production, bottling, and processing facility for electronic cigarette liquid cartridges. In our current Land Development Code, the processing facility component would require an Industrial Zoning, and staff and administration advised the applicant that an industrial zoning request on this corridor would unlikely be approved. Knowing that an up zone to an I-1 would unlikely be approved, the applicant removed the processing component of the business and intends to use the building for product wholesale, retail, and office space for his employees. Wholesale establishments are primarily engaged in selling and distributing merchandise to other commercial users; it is not considered general commercial use. The applicant did not propose any external site changes to the property for the proposed product wholesale or retail component, and minimal interior changes during the Pre-Application meeting.

Option: 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: **Conditional Use – “Product wholesale”**

- 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.



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.

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

If yes, please explain:

SEE ATTACHED

5. Will there be any elevation in the noise level resulting from this proposed use? _____

If yes, please explain:

NONE.

6. What is the expected number of customers/employees per day? _____

SEE ATTACHED

7. Parking Requirements: SEE ATTACHED

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

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

Conditional Use

1. Yes. According to the Hattiesburg Land Development Code (Sep 2022) for a type B-3 Zoned Parcel, Product Wholesale is an approved use with a conditional use caveat being the public hearing process.
2. Little to no adverse effect is anticipated on the local community. The existing facility operated as a furniture store for many, many years. The proposed operation of the building will not alter the delivery or receiving traffic types and will utilize the existing methods of product movement with conventional shipping providers like fedex, ups, and usps. No hazardous or explosive materials, heavy machinery, or noise generating equipment will be utilized, delivered, or shipped from this business, nor will any burden be placed on the city that would require additional resources.
3. The existing facility is a two story, 15,000 SF structure sitting on approximately .33 acres. As mentioned in response to question 2, the use of the site will not be altered. The existing receiving and shipping delivery routes used for the reception and shipping of retail stock will simply be utilized for the shipping and receiving of retail stock in addition to stock that will be shipped to retailers upon order. The full 15,000 SF will not be dedicated wholesale, but rather split up into Retail / Wholesale / Business Operations and offices.
4. The building will partially operate as a retail store, so typical retail traffic is to be expected, not different from what the previous use would have experienced. Per the requirements of the Land Development Code, the application for Conditional use for product wholesale, so concerning that use, there will be a few full-time personnel working regular business hours, and, as mentioned above site use will also be similar in operations to the previous occupancy and will not produce any sizeable increase in traffic. The traffic and shipping frequency expectations are a few box trucks per month on the wholesale side via UPS, FEDEX, and USPS just like any other small business to manage the wholesale product circulation.
5. None.
6. Upon beginning operations a, 7 person staff is anticipated, and additional personnel would be added if operations grow, however, it is unexpected that more than 10 total staff would ever be necessary.
7. No Change / Existing to Remain. (There are 10 paved spaces at the store front and potential for additional off-street parking along Mississippi Avenue if needed.)