



**Monday, April 3, 2023
4:00 PM**

**City Council
Monday Meeting Agenda**

**Council Chambers
200 Forrest Street**

Call to Order

Public Hearing

1. **2023-231** Hold public hearing for the appeal filed by John Eye, to appeal the Hattiesburg Planning Commission's action on the petition filed by John Scanlon, representative, and Safari Timberlands, LLC., 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 and to request a conditional use for "restaurant, without drive-through" in a B-2 Zone contingent upon approval of the request to establish the zoning. The Planning Commission Recommended to Approve on February 15, 2023.

Agenda Adjustments - Add Policy Item #16 at the request of the Administration as follows:

16. **2023-232** Adopt a Resolution appointing Marybeth Bergin as City Engineer and Director of Transportation and Engineering.

Agenda Review

Citizens' Forum

Work Session

1. **2023-229** Records Management Program, presented by Tim Barnard, Director of Local Government Records Office, Mississippi Department of Archives and History.
2. **2023-230** Hattiesburg Salutes Veterans, Liberty Tree and Wreaths Across America Program, presented by Mary Dryden.

Meeting Recess



**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.

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															
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 does not have an established zoning

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 received multiple statements from neighboring residents voicing their concerns in regard to the rezoning request. Those letters are included in this report.

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. 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

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

John P. Scanlon, representative, and Safari Timberlands, LLC

Request for: **Establish Zoning to B-2 and Conditional Use Request for Restaurant**

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.

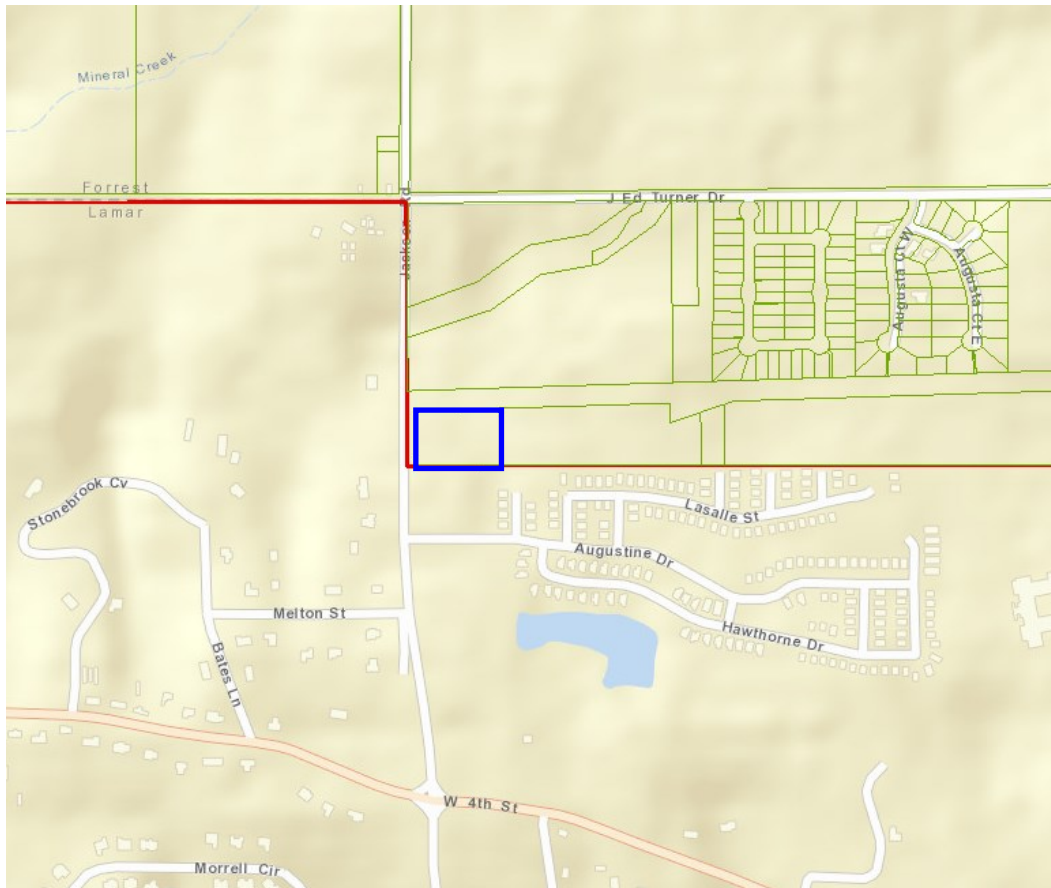
SUBJECT PARCEL:

Intersection of Jackson Road and Longleaf Trace

John P. Scanlon, representative, and Safari Timberlands, LLC, owner The petitioners request to 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.



Vicinity Map—Ward 1



Surrounding Zoning (Subject parcel for request not zoned)



Site Aerial



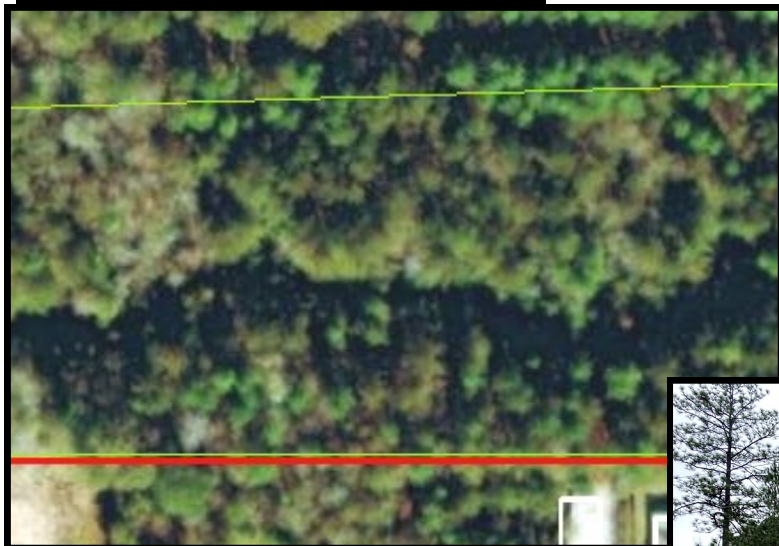
SURROUNDING AREA

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



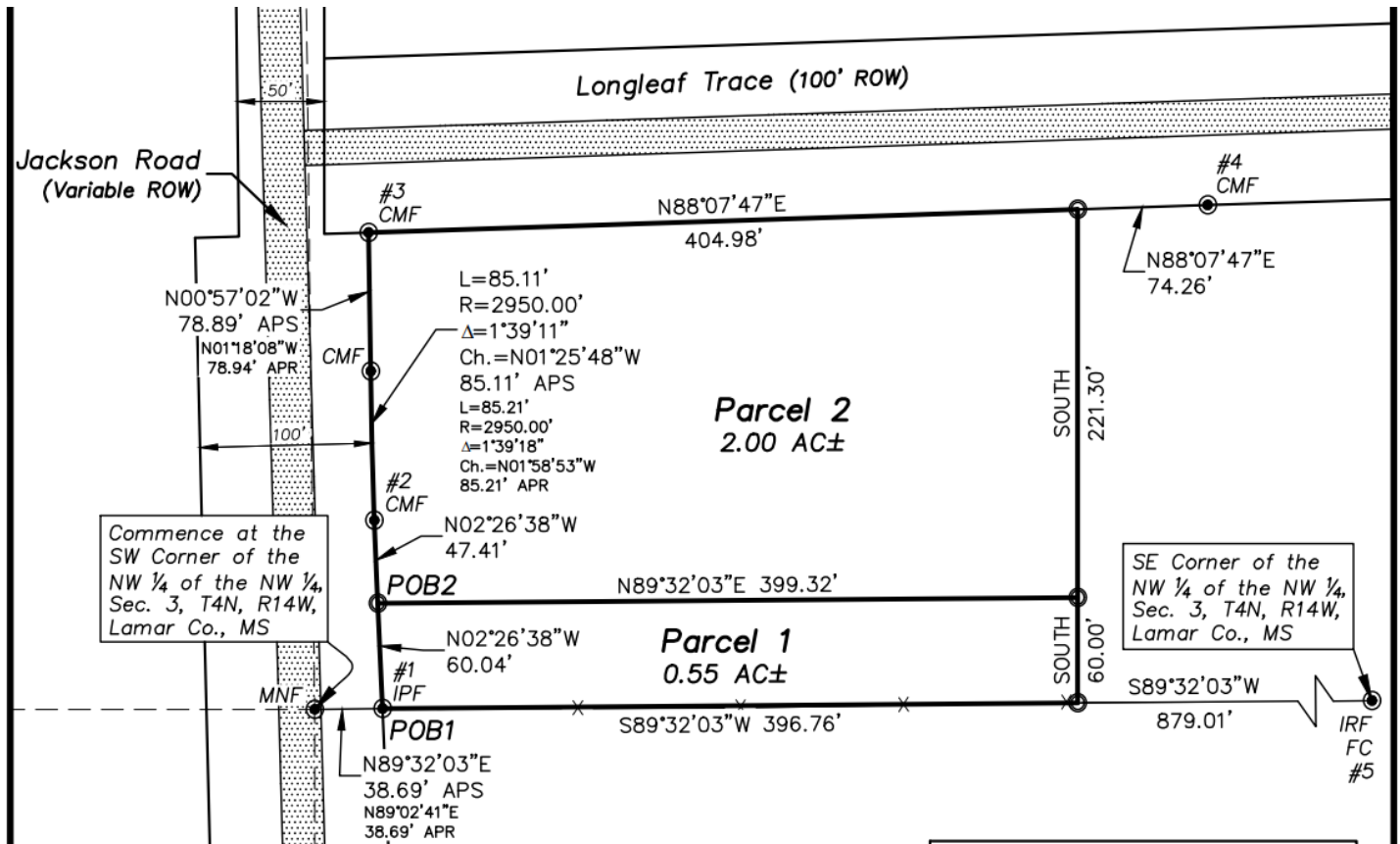
SURROUNDING AREA

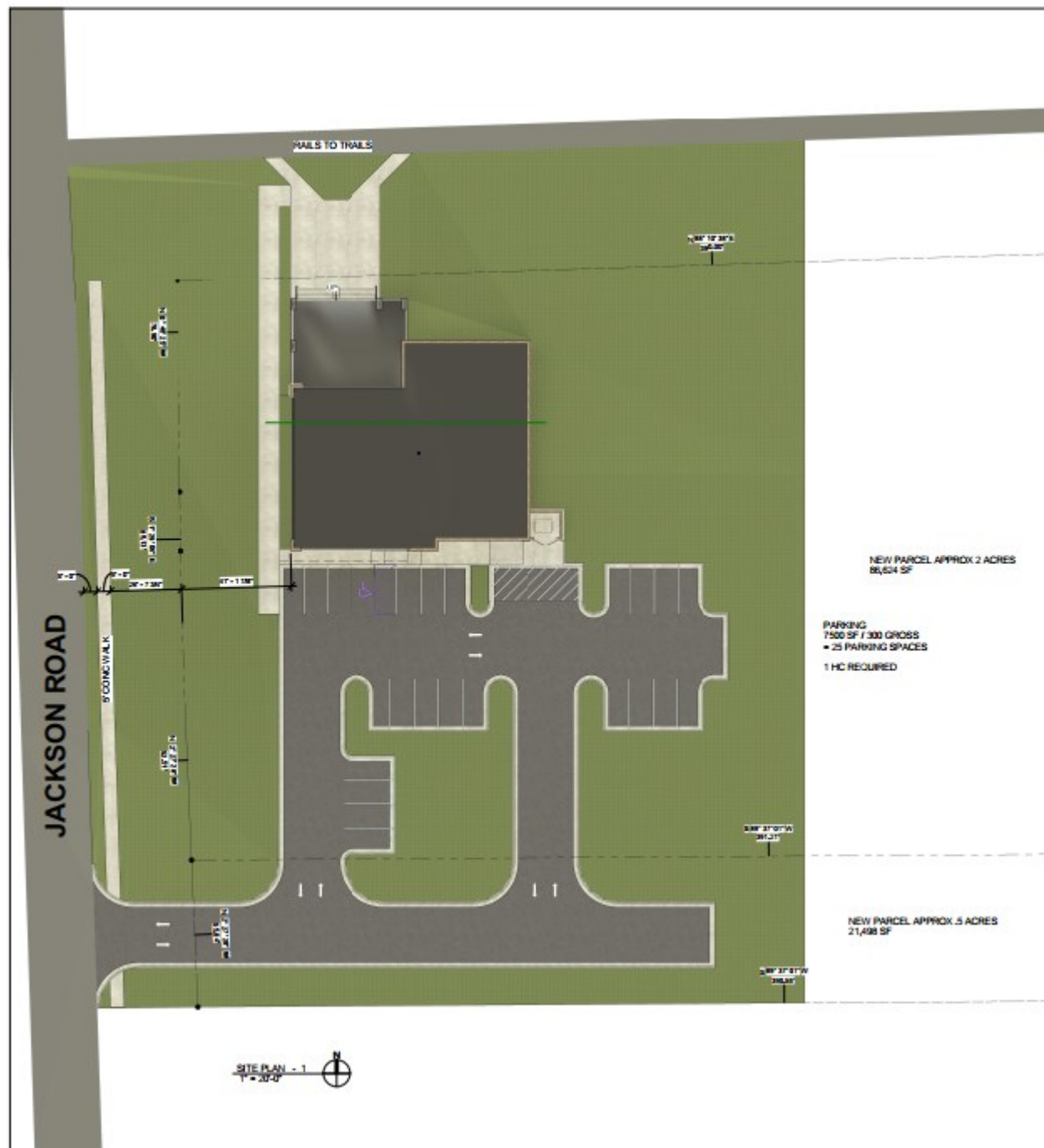
**Longleaf Trace / Jackson Station
Facing West**



**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

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.



Memorandum

To: Mayor Toby Barker and Members of City Council
From: Ann Jones
cc:
Date: Monday, April 3, 2023
Re: Adopt a Resolution appointing Marybeth Bergin as City Engineer and Director of Transportation and Engineering.
File Number: 2023-232
Minute Book #

Summary

Adopt a Resolution appointing Marybeth Bergin as City Engineer and Director of Transportation and Engineering.

Recommendation Statement

I recommend that this item be added to the Council Agenda for consideration.

Please place this on the April 3, 2023 City Council meeting for consideration.

RESOLUTION

RESOLUTION FOR APPOINTING DIRECTOR OF TRANSPORTATION AND ENGINEERING FOR CITY OF
HATTIESBURG

WHEREAS, Section 21-8-23 of the Mississippi Code of 1972, as annotated and amended, provides that a department director shall be appointed by the Mayor of the City of Hattiesburg, Mississippi, and confirmed by an affirmative vote of a majority of the City Council present and voting: and

WHEREAS, Marybeth Bergin is appointed by the Mayor and is recognized by the Council as a qualified and proper person to fulfill the duties of the Director of Transportation and Engineering:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HATTIESBURG:

Section 1. That Marybeth Bergin be and is hereby confirmed to serve as Director of Transportation and Engineering to fulfill the duties as defined by Section 21-8-23 of the Mississippi Code of 1972 as annotated and amended.

Section 2. That public interest and necessity requiring same, this Resolution shall become effective immediately.

The above and foregoing Resolution, after having been first reduced to writing, was introduced by Council Member _____, seconded by Council member _____, and was adopted by the following vote, to-wit:

YEAS:

NAYS:

The President thereby declared the motion carried and the Resolution adopted, this the 4th day of April, A.D., 2023.

(SEAL)

ATTEST:

ADOPTED:

CLERK OF COUNCIL

PRESIDENT

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the 4th day of April, A.D., 2023.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

Mary Elizabeth Bergin

852 Gayle Street
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251.208.2970

8838 N Lamhatty Ln
Daphne, AL 36526
mbbergin3@gmail.com
251.209.9656

Education

AUBURN UNIVERSITY - AUBURN, ALABAMA
Bachelor of Civil Engineering
December 2003

Professional Experience

CITY OF MOBILE, TRAFFIC ENGINEERING DEPARTMENT – MOBILE, ALABAMA

Assist Traffic Engineering Director (August 2011 - Present)

- Oversight of the maintenance of the City's traffic signals, streetlights, traffic calming, signs, and striping
- Plan review for planning commission, board of adjustment, site development, and capital projects
- Project design and construction management for department led capital projects
- Assist with general department functions including budgeting, procurement, and personnel matters

NEEL-SCHAFER, INC. – BILOXI, MISSISSIPPI

Project Engineer (August 2005 – July 2011)

- Perform traffic studies for private development and public agencies
- Project design and construction management for traffic signal upgrades, street lighting improvements and sign replacement projects
- Data management for storm debris removal for City of Biloxi following Hurricane Katrina

COMPREHENSIVE ENGINEERING SERVICES – ORLANDO, FLORIDA

Engineer Intern (February 2004 – July 2005)

- Assist with traffic studies and traffic analysis reports
- Develop geometric designs for roadway improvements associated with traffic study recommendations
- Participate in the production of roadway and traffic control plans, including signing and pavement marking plans and lighting plans
- Perform various plans checking activities as part of quality control activities for specific projects

GULF POWER COMPANY – PENSACOLA, FLORIDA

Environmental Affairs Co-op Student (January 2001 – August 2002)

- Assist with annual stack testing and quarterly audits of the Continuous Emission Monitoring Systems
- Maintenance and operations of the ambient air monitoring sites located around the three plants
- Assist with reporting pertaining to annual requirements by the government, such as TRI and EIA-767

Professional Certifications and Awards

- Registered Professional Engineer in Alabama
- Certified Professional Traffic Operations Engineer
- Certified Alabama Planning and Zoning Official
- Alabama Section ITE Transportation Engineer of the Year 2021

Professional Memberships and Activities

- Institute of Transportation Engineers (ITE) – Alabama Section, Past President
- Gulf Region Intelligent Transportation Society (GRITS) – President (2023)
- International Municipal Signal Association (IMSA) – Member
- City of Daphne Planning Commission – Chairperson

References

Available upon request