

HATTIESBURG
PLANNING COMMISSION
PUBLIC HEARING AGENDA

May 3rd, 2023



DEPARTMENT OF URBAN DEVELOPMENT
PLANNING DIVISION



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: Hattiesburg Planning Commission and Board of Adjustment
FROM: Planning Staff
DATE: April 24th, 2023
SUBJECT: **May 3rd, 2023 - Hattiesburg Planning Commission and Board of Adjustment**

The Hattiesburg Planning Commission will meet in regular session at 1:00 PM, Wednesday, May 3rd, 2023 in the dining room of the Jackie Dole Sherrill Community Center. The Planning commission agenda contains four items: an alley abandonment, a conditional use, major subdivision, and rezoning requests.

The Board of Adjustment will meet in regular session at 3:30 PM, Wednesday, Wednesday, May 3rd, 2023 in the dining room of the Jackie Dole Sherrill Community Center. The Board of Adjustment public hearing agenda contains one item: a front setback variance request.

The public and members may attend remotely via GoToMeeting:

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

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

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

If you have any questions regarding the agenda or need information related to the virtual meeting option, please do not hesitate to call the Planning Division at (601)-545-4599 or email at planning@hattiesburgms.com.

Additionally, the Planning Commission, Board of Adjustment, and Hattiesburg Conservation Commission Agendas and Agenda Packets are now being published online at <http://www.hattiesburgms.com/council/>. Or Scan the QR below using your smartphone:



Planning Commission Agenda
Place: Jackie Dole Sherrill Community Center (Dining Room)
Time: 1:00 PM
May 3rd, 2023

I. Business Meeting

1. Review and approval of May meeting's agenda
2. Review and approval of the minutes of the March 1st, 2023 Planning Commission Meeting
3. Building Report
4. Planning Report
5. Chair's Report
6. Introductions

II. Public Hearing

- A. A petition has been filed by Earl Clayburn, owner, as required in the Land Development Code, Ord. No. 3209, to close and vacate an undeveloped alley, which is located north of Lurlyne Street and East of Edwards Street between 1924 Edwards Street and 9 Lurlyne Street (Forrest County, Ward 5).
- B. A petition has been filed by Gerry & Jennifer Mallory representative for Jimmie Jones, owner, as required in the Land Development Code, Ord. No. 3209, to request a conditional use for "Lodging – bed and breakfast inn" in an R-1A Zone (Residential District) for a property located at 416 Bay Street, (Parcel No. 2-029P-10-286.00; PPIN 19204, Forrest County, Ward 4).
- C. A petition has been filed by Hunter Andrews representative for Graham Development, LLC, owner, as required in the Land Development Code, Ord. No. 3209, to request a Major Subdivision in a B-5 Zone (Regional Business District) for a property located at Lamar Boulevard and Highway 98, (Parcel No. 052Q-10-044.000, 052Q-10-044.002, 055B-15-001.000; PPIN 24497, 37027, 12113 Lamar County, Ward 3).
- D. A petition has been filed by Constance Burnside representative for Bengie Leatherwood, owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification from an A-1 Zone (Agricultural District) to an A-2 (Agricultural Residential District) for a property located at 496 N. Hattiesburg Avenue, (Parcel No. 2-042D-26-104.00; PPIN 6760, Forrest County, Ward 5).

III. Other Business

IV. Adjournment

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

March 1st, 2023

The Hattiesburg Planning Commission did meet in a regular session on March 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 (via GoToMeeting)
Elayne Lockett
Luke McNair (via GoToMeeting)
Mark Miller - Chair
Rhoda A. Pickett
Rebekah Ray
Michael Dickerson (via GoToMeeting)

Commissioners Absent: Carlos Wilson

Also Present: Nathan Satcher, Planner II
Wiley Quinn, Director of Urban Development
Jim Gladden, Esq.
Kevin Bates, Building Official
Cory Long, AICP, Planning Manager
Andrea Garcia, Planner I

AGENDA REVIEW

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

MINUTES REVIEW

REPORTS

BUILDING REPORT

Kevin Bates, Building Official, provided the Building Permit Report for February 2022. He shared that there was an increase in permits valuation due apartment complexes, which was mostly due to the new Ivy Row developments located on Hwy 49. Also, there was a slight increase in commercial, single-family residential buildings, and roofing permits.

PLANNING REPORT

There came the matter of the Planning Report by Nathan Satcher, Planner. He shared that the Jackson Rd case was appealed and will be brought to City Council for an additional public hearing on April 3rd. The conditional use request for 1601 Hardy St has also been appealed and will go to City Council for a public hearing on March 13. Cory Long, planning manger, noted that the staff is still exploring a court reporter to document and provide the meeting minutes.

CHAIR'S REPORT

There came the matter of the Chair's Report. Chair Miller noted that last year an ADU subcommittee was formed to explore ways to create a legal path for Accessory Dwelling Units and that Planning Commission needs to revisit the committee.

INTRODUCTIONS

The Commissioners introduced themselves.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Items A-1 & A-2 (Change Zoning for 709 Mamie Street and 350 S 11th Ave) presented by Robin L. Roberts. Nathan Satcher first presented that the applicant requested a change of zoning classification for 350 S 11th Ave, from R-1B (Single-Family Residential) to R-3 (Multi-family Residential). The same was requested for the property located at 709 Mamie Street, changing from R-1B to R-2 zone (Two-Family Residential). Both properties are located within the Oaks Historic District.

The property at 350 S 11th Ave was built and used as a 4-plex, and the one at 709 Mamie St had been converted to a duplex in the past but both have been vacant for more than 6 months.

When the current Land Development Code was adopted, both properties were considered legally non-conforming. According to the code, if the use of the properties is discontinued for more than 6 months, these are required to meet the current standards of the zoning district, and therefore cannot be used for multi-family, two-family structures as currently zoned.

Then Satcher presented the Future Land Use map from The Comprehensive Plan, which identifies this area as a Neighborhood Conservation District 1. There are also a few two-family and multi-family residences constructed in this area that adhere to the character of the surrounding neighborhood. Both properties are also located near the corridor districts Hardy St Neighborhood Business, as well as West Pine Regional and Broadway Drive Community Businesses. Additionally, both properties are located near the Hardy Street Neighborhood Business District, as well as West Pine Regional and Broadway Dr. Business District.

The representative Robin L. Roberts appeared on behalf of the property owner Michael Albanese and initiated the public meeting by explaining a brief history of the property. He stated that the 709 Mamie St property would be rebuilt as a duplex if the R-2 zoning is approved, while the property at 350 S 11th Ave would be used legally as a 4-plex structure if rezoned to R-3.

In addition, he confirmed that both properties had lost their non-confirming use status, and he is seeking to get back to their original zoning. Either the properties should be remodeled and fixed up to liveable conditions, or they should be torn down. He also mentioned that there are other multi-family residential structures in the area.

In her comments, Commissioner Hinton said the 350 S 11th Ave property has been vacant for more than 20 years, and asked why the applicant is not considering building a single-family home instead of keeping it as a rental property. Mr. Roberts replied that from an investor standpoint, such a decision would mean financial loss. Chair Miller then declared the public hearing portion of the meeting closed at 1:44 PM.

After that, Commissioner Hinton suggested using both structures as single-family homes instead of rental properties, stating that multi-family rental properties were not compatible with the neighborhood's current character. Commissioner Dowe expressed his concerns to the Commissioners about the 4-plex at 350 S 11th Ave, stating that investors would not be interested in this property if a rezoning is not possible and this would lead to decay.

Commissioner Hinton made the motion to deny the zoning change petition for 709 Mamie St (item A-1), on the basis that there is no public need for that type of housing in the

neighborhood. Commissioner Lockett seconded the motion. A roll call vote was then conducted. The motion failed to be approved and the change of zoning was denied by a vote of 7 to 2.

Commissioners Voting Aye:

Amy Hinton, Vice-Chair
Rebekah Ray
Mark Miller – Chair
Elayne Lockett
Michael Dickerson
Charles Dawe
Jeff Keyseear

Commissioners Voting Nay:

Dick Conville
Luke McNair

Another motion was made by Commissioner Hinton to deny the zoning change for 350 S 11th Ave (item A-2), seconded by Commissioner Lockett. The motion failed to be approved and the change of zoning was denied by a vote of 7 to 2.

Commissioners Voting Aye:

Amy Hinton, Vice-Chair
Rebekah Ray
Mark Miller
Elayne Lockett
Michael Dickerson
Charles Dawe
Jeff Keyseear

Commissioners Voting Nay:

Dick Conville
Luke McNair

There came the matter of Item B (Rezone Request and Preliminary Platt Approval for J ED Turner Road/Classic Drive intersection) presented by Jonathan Krebs. Nathan Satcher stated that the case was a combination request for rezoning one R-1B parcel and a portion of another parcel zoned R-1A. Both parcels would be rezoned to A-2 and be part of a

request to approve a Preliminary Plat for a Major Subdivision.

The Comprehensive Plan identifies this area as a Neighborhood Conservation District 2, which is characterized as “low-density or moderate-density single-family residences; building lots with front and side yards, with standard depths and an overall lower density of development than downtowns or historic neighborhoods”. The A-2 Zoning of the property, is more in line with the Rural Residential/Agricultural District of the Comprehensive Plan, which is characterized as “sparsely developed residential lands or undeveloped lands. Properties in this district are expected to transition from undeveloped or very low-density residential lands to large estate residences or suburban neighborhood residential developments”.

Then the conditional issues were discussed. Satcher mentioned that the maximum length of a minor street would be more than 400 ft in this subdivision, due to the topographical conditions and property access limitations. Additional expansions for the property were not presented. Planning Div. Manager, Cory Long stated that the right-of-way proposed exceeds the requirements; the width of the right-of-way needs to be taken into consideration in the future.

Jonathan Krebs, the owner of the property discussed, initiated the public meeting expressing his interest in creating the subdivision on unimproved parcels and establishing his home in the area. The proposed subdivision will be $\pm$ 46.49 acres with 16 lots ranging in size from 1 to 3.8 acres; this will include a green space with a lake and a pathway that connects to the Longleaf Trace.

Commissioner Hinton asked if Pipeline Rd would be paved and Mr. Krebs stated that paving the road was part of a request made by the Planning Division, and that he is currently looking into paving the exit of the neighborhood. Since sanitation trucks and school buses are expected to use this road, Krebs will explore options for resolving the issue.

Erick Weill, a resident of J ED Turner Rd, spoke in favor of the proposal. In support of the proposal, he emphasized that the buffer zone between the subdivision and Longleaf Trace was a good idea. Chair Miller then closed the public hearing portion of the meeting.

Commissioner Pickett questioned the staff about the need for sidewalks in this area that connect to the Longleaf Trace. Satcher stated these are not required on an A-2 zone, however, a common pathway that connects the development to the Longleaf Trace has already been constructed. A question was raised by Commissioner Conville regarding the existing car path. Mr. Krebs mentioned that the primary car path is intended to extend across the front of all the

properties, which corresponds to the old railroad that ran through the city.

Commissioner Pickett then asked about the square footage of the houses; Satcher answered that it was up to the subdivision to determine what the minimum size requirement for homes should be. A motion was made by Commissioner Hinton to approve the zone change for both parcels to A-2, stating that the growth of Longleaf Trace has changed the character of the area. The same motion was made for the third item and the Preliminary Platt for the subdivision was approved.

Commissioners Voting Aye:

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

Commissioners Voting Nay: None

Commissioners Absent: Michael Dickerson (via GoToMeeting)

BUSINESS MEETING

Having no further business, Chair Miller made a motion to adjourn, and the public meeting was adjourned at 2:46 PM.

Mark M. Miller, Chair

Cory Long, AICP, Planning Division Manager

HPC May Item: A
Earl Clayburn, Applicant
Request for: **Alley Closure**



**Planning Commission
Case Fact Sheet**

Name of Petitioner: Earl Clayburn, Applicant

Address of Property:	Adjacent Tax Parcels	PPIN:	Ward:
North of Lurlyne St, next to 1024 Edwards St	2-038P-22-061.00	6401	5
	2-038P-22-060.00	9667	5
	2-038P-22-058.00	9668	5
	2-038P-22-059.00	9669	5

Request: **Alley Closure**

Purpose of Request: To consider an application to close and vacate an alley located on the north of Lurlyne St, near the intersection of Edwards St and Lurlyne St (Ward 5).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 12.2

Categories of Development Approvals

Legislative Development Approvals – Street closings

Present Zoning: B-2 and R-1C

Present Use: Residential Area

**Surrounding Zoning
and Land Use:**

North: B-2 Neighborhood Business District (Vacant/SFR Home)
South: B-2 Neighborhood Business District (SFR Home)
East: R-1C Single-Family Residential District (SFR Home)
West: B-2 Neighborhood Business District (SFR Home)

**Most Nearly
Bounded By (streets):**

Located north of Lurlyne Street, south of Dixie Pine Rd, east of Edwards St, and west of McCall St

HPC May Item: A
Earl Clayburn, Applicant
Request for: **Alley Closure**

Letters or

Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case, as of April 24th, 2023.

History / Background:

The applicant seeks to close an alley located next to his property at 1024 Edwards St. The alley directly fronts Lurlyne Street, and is not paved, where the applicant has been maintaining the vegetative growth on the alley. This alley is encompassed by four different lots; in order to make this request, the applicant purchased the three properties surrounding this alley (PPIN: 6401, 9668 and 9669), one of them being his own home (PPIN 9667). After vacating the alley, the applicant seeks to collapse all parcels into one parcel, where the remaining parcel will contain only one dwelling unit and smaller accessory structures.

Option:

Approve or Deny an application to close and vacate a portion of an alley located on the north of Lurlyne St, near the intersection of Edwards St and Lurlyne St (Ward 5)

Street or Alley Closing, Vacating, Naming or Renaming information (3 pages)

1. Please indicate specific request(s):
☐ Street ☒ Alley
☒ Closing ☒ Vacating ☐ Naming ☐ Re-Naming

2. Current name of street/alley to be closed, vacated, named or re-named:

Unnamed North of Lurlyne Street, East of Edwards St.

3. Names of all intersecting or bounding streets and/or alleys:

Lurlyne Street

4. Tax Block(s) and Lot(s) involved in closing request:

PPINS 9669, 9668, 9667, 6401

5. Describe existing development on property adjacent to the street/alley (i.e.: type of land uses, number of occupied dwelling units, business, height of buildings, etc.) And surrounding property within 400 feet.

Type of Land Use of adjacent development	Number of each Type adjacent to development	Maximum height of buildings (stories)	Number of properties immediately affected by change	Number of additional properties within 400 feet
Businesses	0			
Residences	1			
Apartments	0			
Churches/Schools	0			

Any additional Information: _____

5. Describe the effect the proposed change will have on existing development and the transportation system within the affected area.

NONE

6. Have applications for zoning, variance, building permit, or other applications been filed?
_____ Yes _____ X No

If yes, provide reference numbers and dates: _____

7. X Acknowledgment of property owners adjacent to the street/alley renaming. Include all names and addresses and a legal opinion or affidavit attesting to the signatures of all owners of record. The affidavit must be sworn to before a notary public or other appropriate official.
(Sample form attached)

- O Obtain from the City's Engineering Department the legal description of the street/alley or portion thereof to be closed, vacated, named or re-named (need electronic copy)
↳ City to provide

ATTACH SAMPLE STREET / ALLEY Acknowledgement of Affected residents/business
As PAGE 3

STREET/ALLEY CLOSING
STREET RENAMING

ACKNOWLEDGMENTS OF AFFECTED RESIDENTS OR BUSINESSES

RECEIVED
MAR 09 2023

PRESENT NAME: _____

PROPOSED NAME: _____

BY: David Sineby

CHECK ONE: ☒ PROPERTY OWNERS LIST ☐ BUSINESS OWNERS LIST

INCLUDE ALL NAMES, ADDRESSES, CITY TAX PARCEL NUMBERS AND A LEGAL OPINION OR AFFIDAVIT ATTESTING TO THE SIGNATURES OF ALL OWNERS OF RECORD.

PLEASE PRINT OR TYPE

NAME	ADDRESS	PPIN # or TAX PARCEL #	APPROVE	DENY	SIGNATURE
David Sineby	1924 EDWARDS ST	6401	X		David Sineby
EARL CLAYBURN	1924 EDWARDS ST	9664	X		Earl Clayburn
EARL CLAYBURN	1924 EDWARDS ST	9668	X		Earl Clayburn
EARL CLAYBURN	1924 EDWARDS ST	9669	X		Earl Clayburn
Dean Brimmgale	1930 Edwards St	6397			

Request to vacant all of the platted 20-foot-wide alley in Block 1 of the W. A. Collins Addition Subdivision located in the NW 1/4 of the SE 1/4 of Section 22, T-4-N, R-13-W, Forrest County, MS.

SUBJECT PARCEL

Alley Vacation/Street Closure– Lurlyne Street

Earl Clayburn, Applicant and Owner

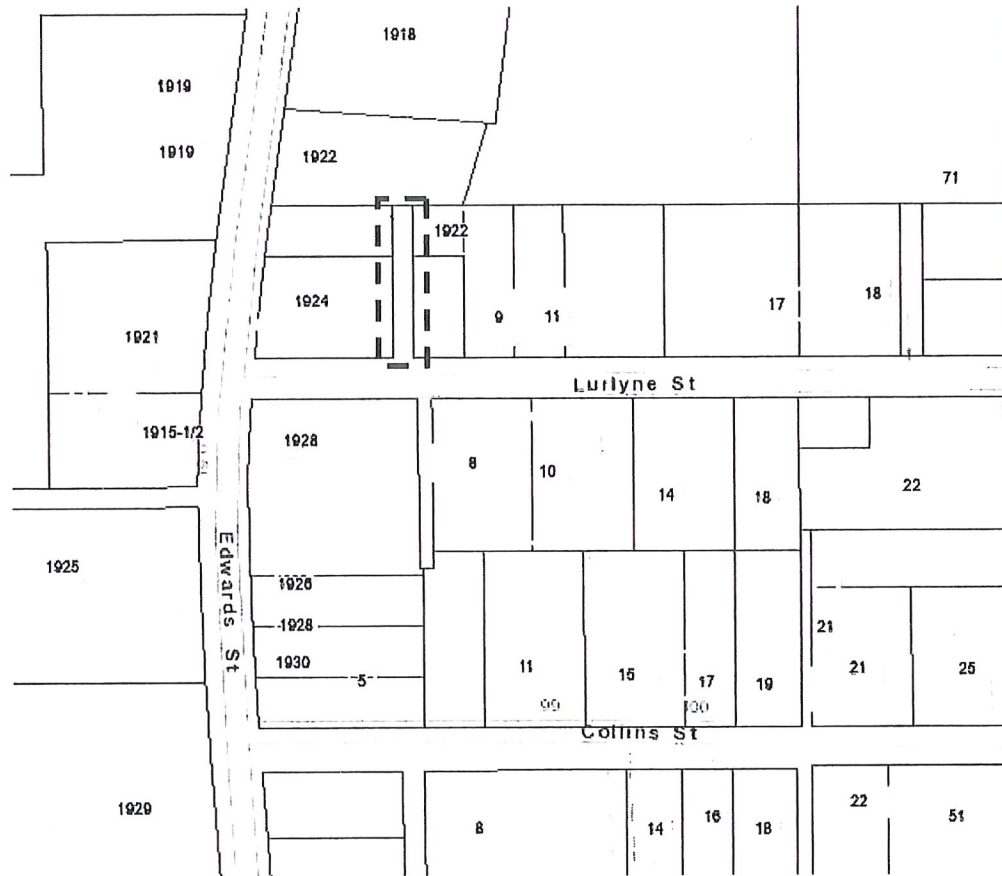
The applicant requests a street/alley closure north of Lurlyne Street that involves multiple parcels located at 1924 Edwards Street:

-PPINs: 9667 (B-2 zone), 9668, 9669 (R-1C) and

-One unaddressed parcel, PPIN: 6401 (B-2)

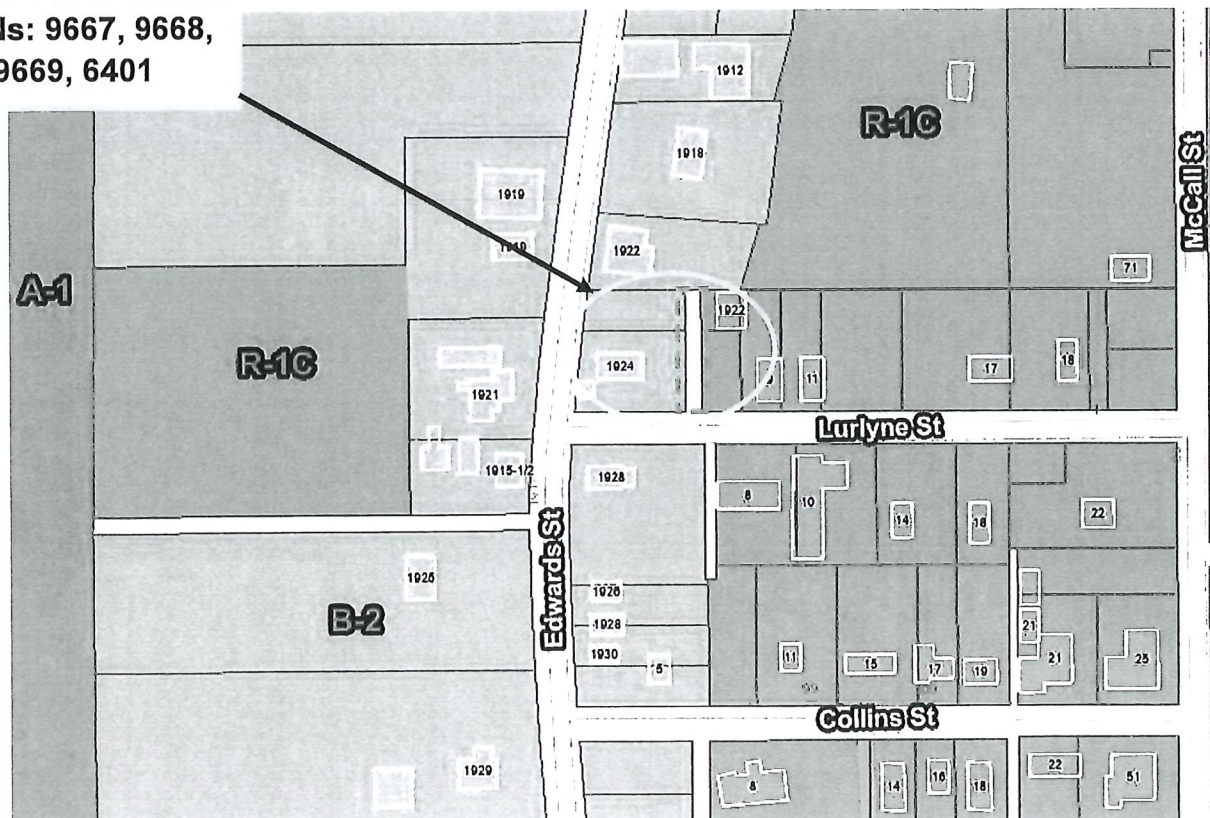


Vicinity Map—Ward 5

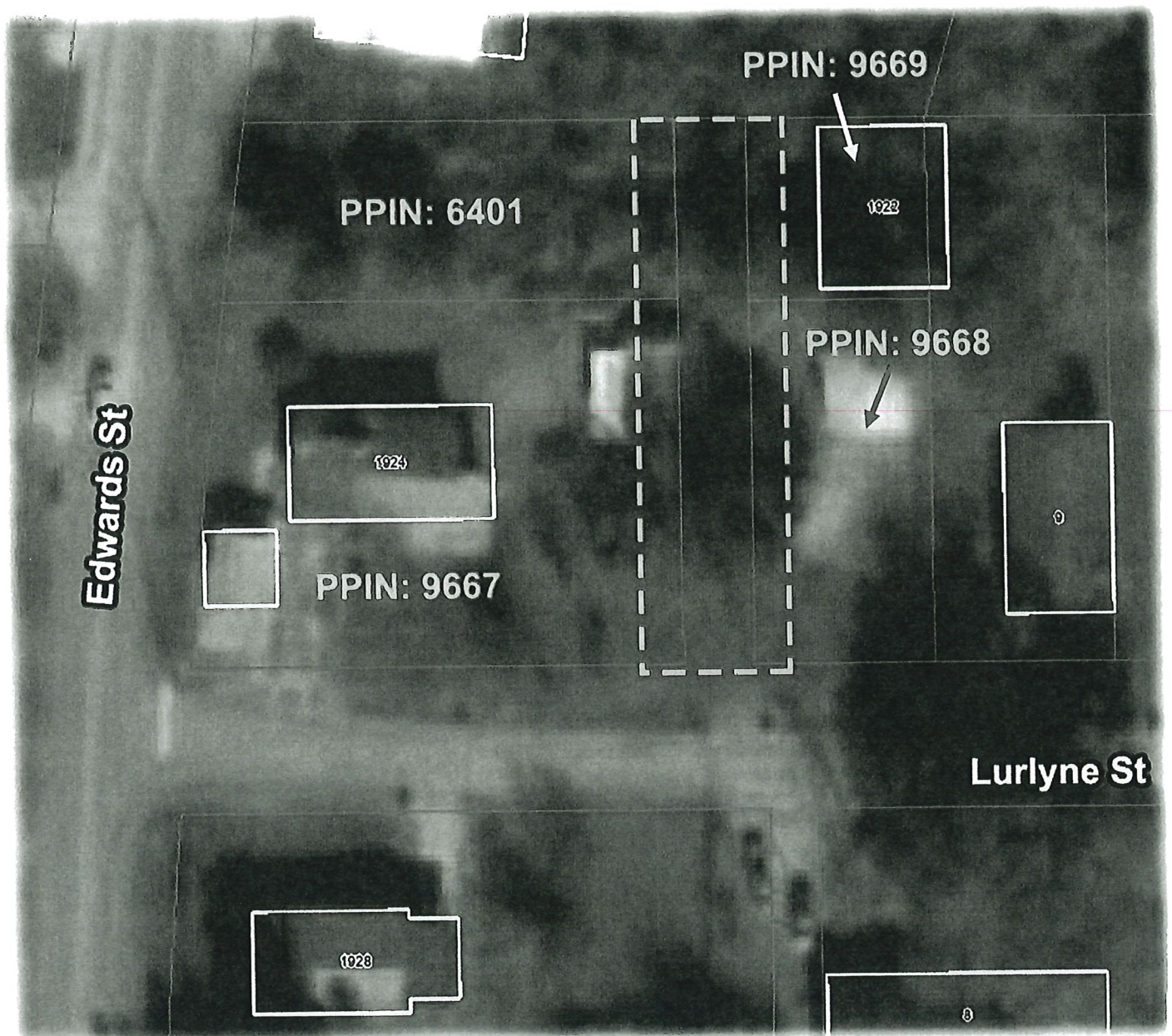


Surrounding Zoning

PPINs: 9667, 9668,
9669, 6401



Site Aerial



Surrounding Area

Northern and Southern Directions: B-2 (Neighborhood Business District)



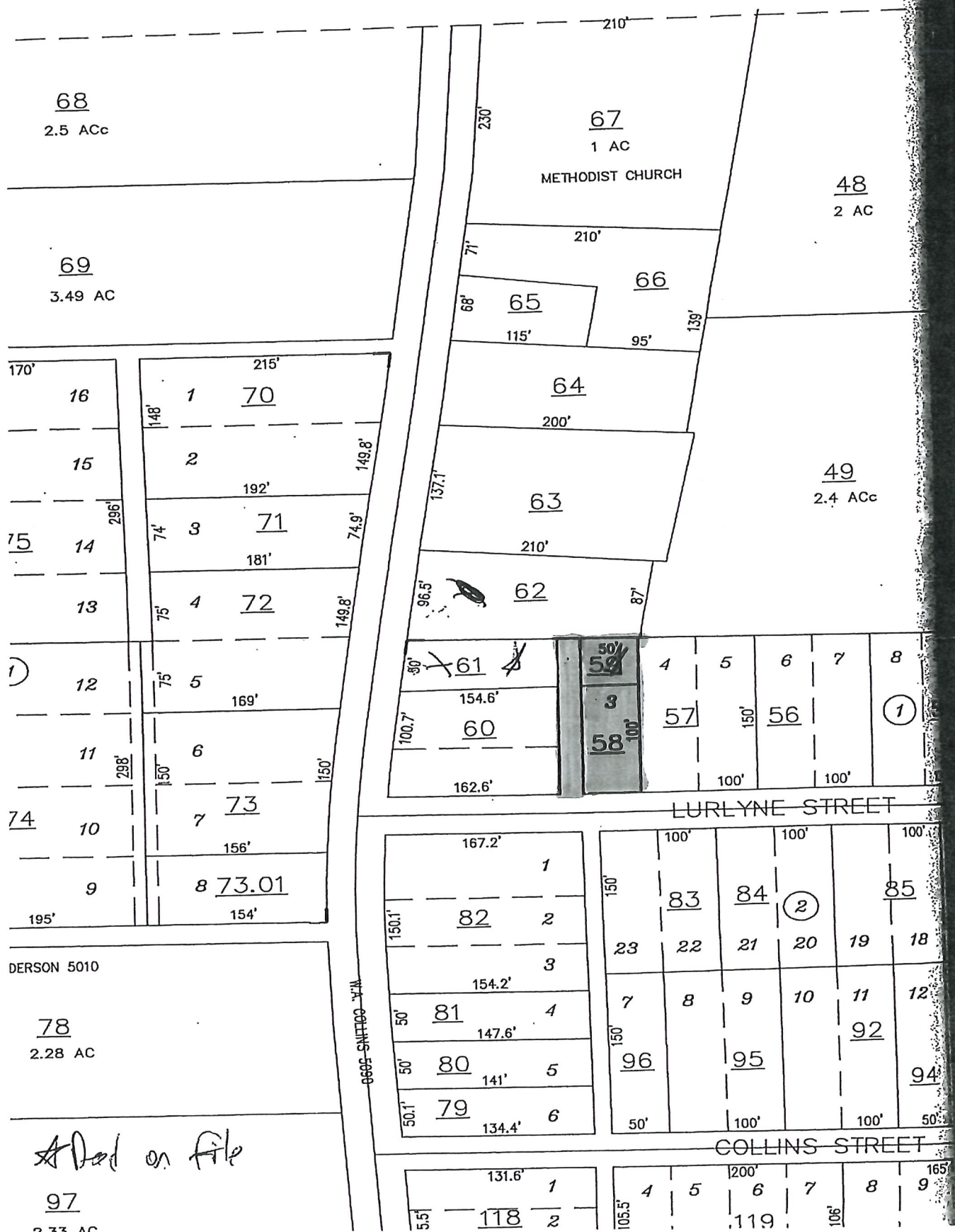
Surrounding Area

Eastern Direction R-1C (Single-Family Residential District)



Western Direction B-2 (Neighborhood Business District)





HPC May Item: B
Gerry and Jennifer Mallory, Applicants; Jimmie Jones, Owner
Request for: **Conditional Use**



URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Name of Petitioner: Gerry and Jennifer Mallory, Applicants and Jimmie Jones, Owner

Address of Property:
416 Bay St

Tax Parcel
2-029P-10-286.00

PPIN:
19204

Ward:
4

Request:

Purpose of Request:

Conditional Use - Bed and Breakfast Inn

To consider an application to request a Conditional Use as "Bed and Breakfast Home" facility in a R-1A (Single Family Residential) zone for property located at 416 Bay St (Parcel 2-029P-10-286.00, PPIN 19204, Ward 4).

Applicant Summary:

See Attached

Applicable Regulations:

SECTION 4

Zoning Districts Established

4.5.3 R-1A Residential District. The purpose of the R-1A District is to permit single-family residential uses with related recreational, religious and educational facilities. This district is consistent with the Neighborhood Conservation 1 and 2 districts in the Comprehensive Plan. This zoning district encourages protected lower density residential neighborhoods with only compatible supporting institutional uses and open space.

12.3.3.4 Reestablishment Restricted. A legal Conditional Use, as approved by the Governing Authority (City Council), when discontinued or abandoned, shall not be resumed.

Discontinuance or abandonment shall be defined as:

i. When land used for a legal conditional use ceases to be used in a bona fide manner or a period of six consecutive calendar months;

ii. When a building designed or arranged for a Conditional Use ceases to be used in a bona fide manner as a legal nonconforming use for continuous period of six consecutive calendar months;

iii. When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a Conditional Use for a period of six consecutive calendar months.

SECTION 5

5.4.8 Conditions for Use – Bed and Breakfast Home/Inn

5.4.8.1 Meals and Alcohol.

- i. The establishment shall serve breakfast only to registered guests of the establishment. The price of breakfast shall be included in the room rate.
- ii. Food services may only be provided to overnight guests of a Bed and Breakfast facility or to the guests at a commercial meeting.
- iii. The proprietor shall meet all the requirements and seek approval by the County Health Department prior to serving meals.
- iv. Serving alcohol to overnight and commercial meeting guests is allowed. The proprietor must meet all requirements of the Mississippi Alcohol Beverage Control Commission as governed by the standards set forth under Section 67-1-5 of the Mississippi Code of 1972, as amended, in order to serve alcohol at a bed and breakfast facility.

5.4.8.2 Location. A Bed and Breakfast Home should be located in a property located within an existing local or National Register historic district, in a property listed in the National Register of Historic Places, a designated National Historic Landmark, or a property designated a Mississippi Landmark with the Mississippi Department of Archives and History. This requirement may be waived by the planning commission and the city council.

5.4.8.3 Residency required. A Bed and Breakfast Home shall be the permanent residence or the owner of the establishment. A Bed and Breakfast Inn shall be the permanent residence of the owner of the establishment or resident manager.

5.4.8.4 Commercial meetings. Commercial meeting privileges are considered an accessory use to the Bed and Breakfast Home, and will be granted in the following manner:

- i. Commercial meeting privileges shall be permitted on a case-by-case basis if the physical conditions of the property—size of the property, size of the residence, buffering of activities and parking areas, volume of traffic on adjacent streets—are adequate to accommodate a commercial land use. It shall be the burden of the applicant to prove that all requirements of this ordinance can be met, and that the proposed use will not have a negative impact on the safety, welfare and convenience of neighboring properties.
- ii. The facility used for commercial meetings shall comply with all applicable standards under the International Fire Code adopted by the City of Hattiesburg. The square footage of assembly space and the number or capacity of people therein who will be attending such commercial meetings must be submitted in writing to the Planning Division with the permit application.

5.4.8.5 Guest Book. All Bed and Breakfast Homes shall maintain

a guest book for overnight guests and for commercial meetings. It should include dates of stay, origin of visitors, and the dates of commercial meeting. The guest book may serve as evidence in the event that the bed and breakfast or commercial meeting privilege is in question.

5.4.8.6 Insurance. Each person having a permit under this ordinance shall carry general liability insurance in the minimum amount of \$500,000.00 covering such operation. Proof of insurance shall be kept on file in the Tax Department of the City of Hattiesburg.

5.4.8.7 Compatibility. Each application for a Bed and Breakfast shall be accompanied by clear and convincing evidence that there will be no substantial interference with the health, safety and welfare of the general public, as well as, the character and integrity of the surrounding residential area. In addition, a bed and breakfast facility shall not promote the commercialization of residential neighborhoods.

5.4.8.8 Parking.

i. No more than two off-street parking spaces shall be provided in the front yard.

ii. Off-street parking must be within 300 feet of the facility, and proof of such parking (lease agreement, site plan, etc.) must be provided to the Department of Urban Development at the time of application.

iii. The Planning Commission may require the screening of parking (landscaping, fencing, etc.) as a condition of approval.

On-street parking will be acceptable on a case-by-case basis depending on individual neighborhood parking conditions and site limitations or characteristics.

iv. A maximum of one parking space for every three commercial meeting attendees as permitted by the Fire Code shall be provided.

v. Spaces required for commercial meetings shall be surfaced according to the standards set forth under the Residential Buildings section of the Historic Hattiesburg Design Guidelines Manual.

5.4.8.9 Rooms. Overnight guest accommodations shall be in the principal structure only, except that the Planning Commission must authorize the use of pre-existing accessory structures or outbuildings in residential districts. Such may be approved if it can be demonstrated to the satisfaction of the commission that the accessory buildings or structures proposed had been used previously as residences, and if the use of the same would not infringe on neighboring residents' privacy and the use and enjoyment of adjacent properties.

HPC May Item: B
Gerry and Jennifer Mallory, Applicants; Jimmie Jones, Owner
Request for: **Conditional Use**

5.4.8.10 Signs. One (1), non-illuminated freestanding sign shall be permitted at bed and breakfast facilities in residential zoning districts. Signs must meet the guidelines set forth under Section 10. All other banners or flags used for advertisement or Bed and Breakfast identification purposes are prohibited. Signs identifying bed and breakfast facilities in nonresidential zoning districts shall be erected according to the requirements of the individual district.

Present Zoning: The parcel is currently zoned R-1A (Single Family Residential) in the Hattiesburg National Register District (Historic District).

Present Use: Ross House (Single-Family Home)

Future Land Use: Neighborhood Business Corridor

Surrounding Zoning and Land Use:
North: R-1A Single-Family Residential
South: R-1A/R-1B Single-Family Residential
East: R-1A Single-Family Residential
West: R-1A Single-Family Residential

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of April 24th, 2023.

History / Background: The petitioners met with the Planning Division in November, 2022 to discuss a change of use of the subject property (Ross Building) and establish a Bed and Breakfast Home on the site. In addition to B&B, the petitioner discussed hosting small events for B&B guests. Staff discussed other potential expansion options for the site, but would have required a rezoning to accommodate the additional uses.

As the property is currently zoned R-1A, a Conditional Use is required to establish the proposed development on site (LDC 5.4.8). The property is located within the Hattiesburg National Register District and all exterior changes to the site must be approved by the Hattiesburg Historic Conservation Committee.

Conditional Uses are a means of provided flexibility in permitted uses of a specific zoning district. Conditional uses allow a community to review certain uses that may be similar in nature to the permitted uses, but can have impacts beyond those of the anticipated uses of a zoning district. Planning Commission can add conditions to the approval to ensure compatibility and mitigate any impacts, such as conditions for parking and hours of operation. Overly vague or ambiguous conditions should be avoided.

HPC May Item: B

Gerry and Jennifer Mallory, Applicants; Jimmie Jones, Owner

Request for: **Conditional Use**

Option: **Basis for approval:**

12.3.3.2 Additional Approval Criteria. 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 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.

Yes, The property is in a historic district, will serve breakfast to guests, comply with Health Dep. MABCC codes. Owner will live on site (manager). Required parking will be provided and Events will not adversely impact the community. 5 rooms will be provided for overnight guests.

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

The Band B will contribute increased vitality to the community, as will events. There will be little impact to the currently light flow of vehicle traffic.

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

At 7200 sq ft inside and a .55 acre lot, this property will easily accommodate 5 nightly guests or small (50 or fewer persons) events on the grounds.

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

If yes, please explain:

The Band B will generate some increased vehicle and pedestrian traffic, but with a low key clientele. Small events could generate increased traffic, but there are ample places to park.

5. Will there be any elevation in the noise level resulting from this proposed use? NO

If yes, please explain:

Any events using music or singing will use only minimal amplification, particularly during evening hours.

6. What is the expected number of customers/employees per day? The Bed and Breakfast will have no more than 16 people on site. On a case by case basis some events will have up to 50 people using primarily the piazza and the garden/yard

7. Parking Requirements:

Commercial/Industrial: Paved parking will be provided for 3 vehicles, and 1 ADA vehicle(s); with 1 loading spaces.

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

SUBJECT PARCEL:

416 Bay Street

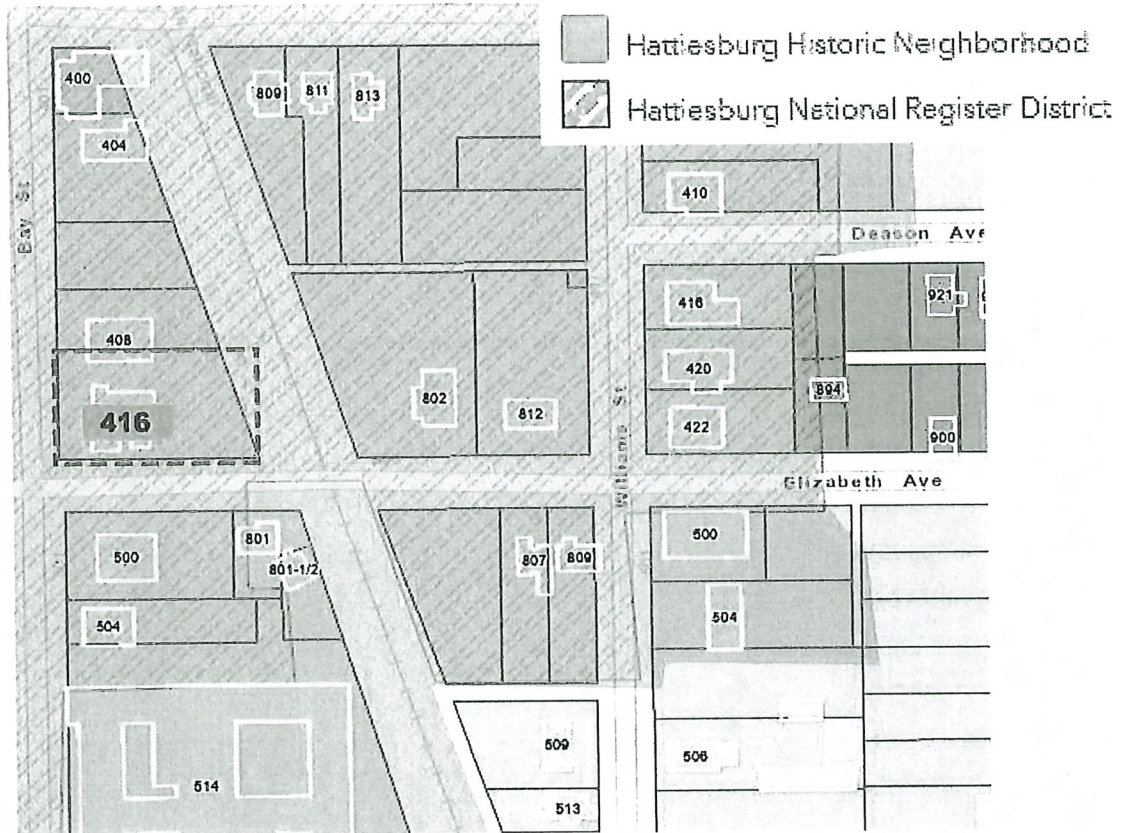
Jimmie Jones (owner), Gerry and Jennifer Mallory (applicants).

The applicants request a Conditional Use as “Bed and Breakfast Home” in a property located at 416 Bay St.

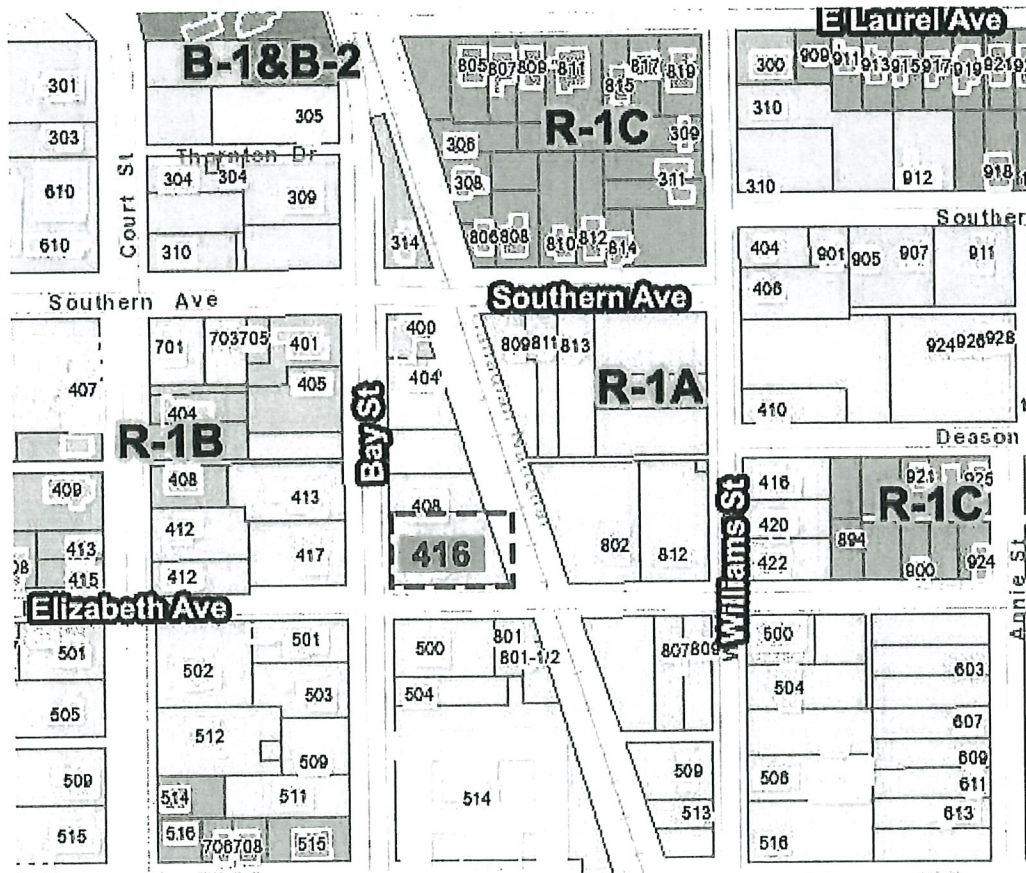
Property is currently zoned as R-1A (Single-Family Residential) (PPIN 19204, Forrest County, Ward 4).



Vicinity Map—Ward 4



Surrounding Zoning



Site Aerial



Surrounding Area

Northern and Southern Directions: R-1A, Single-family Residential

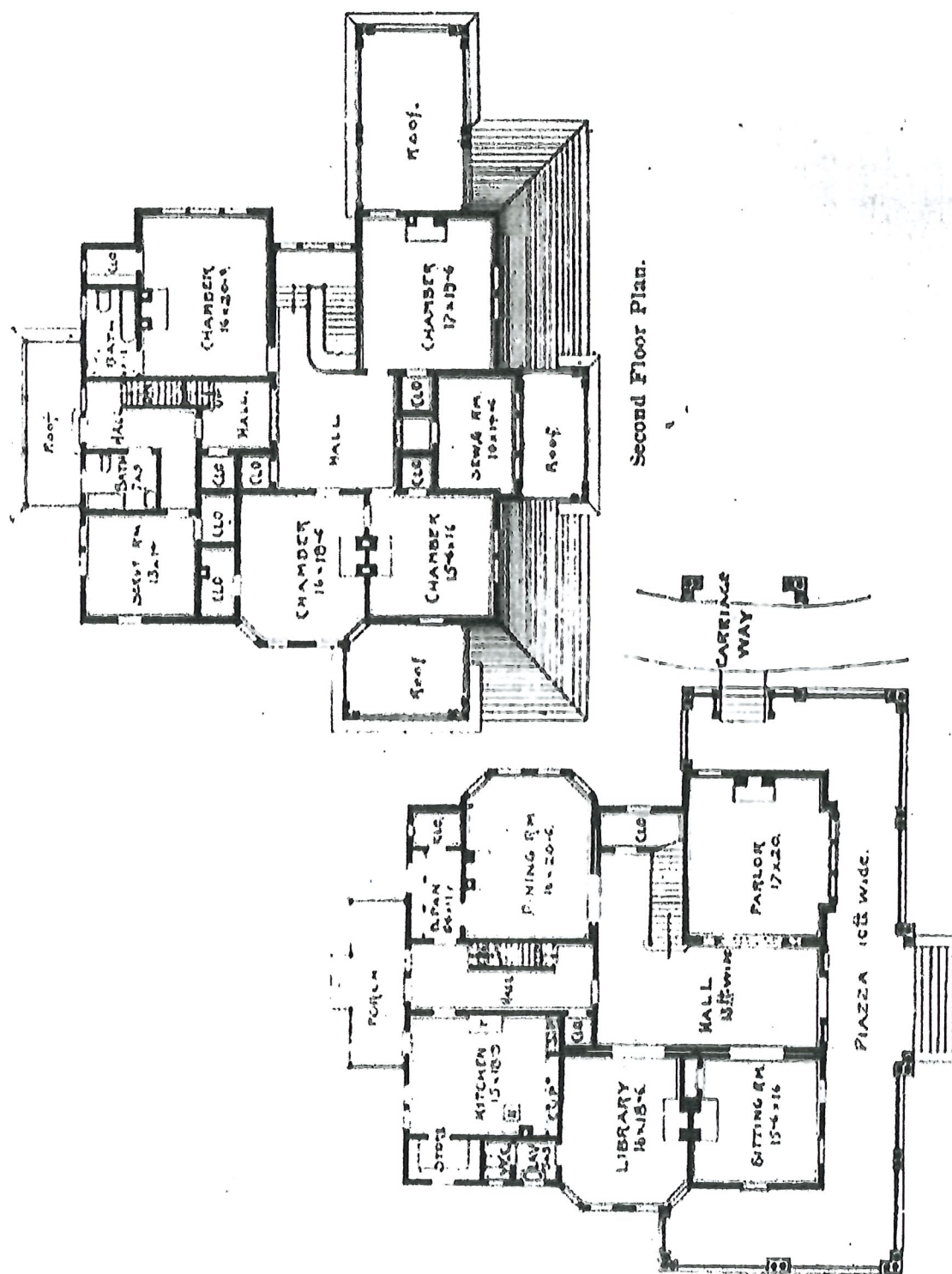


Eastern and Western Direction: R-1A, Single-family Residential

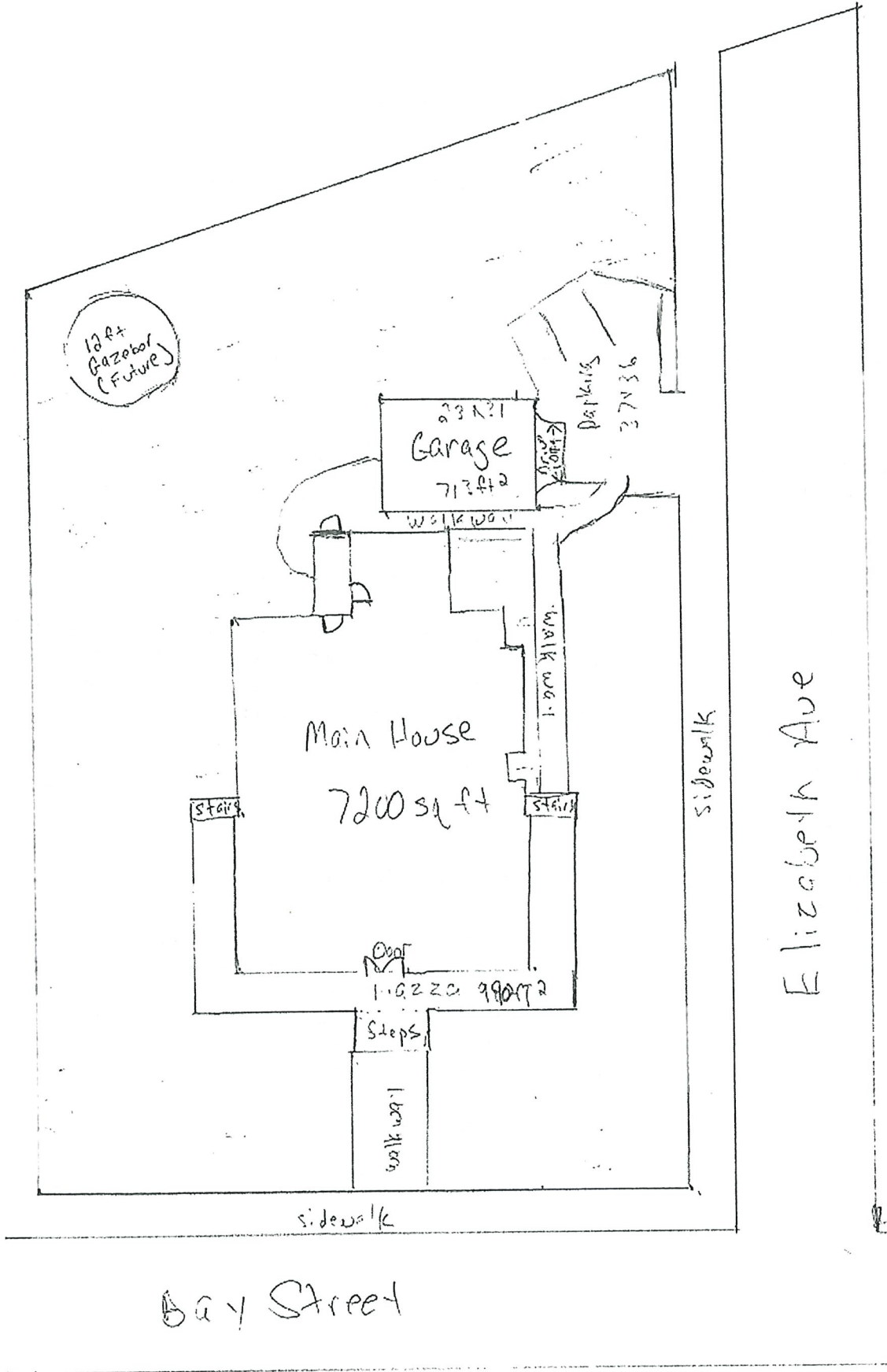


Bay St and Elizabeth Ave Intersection

Floor Plan



Site Plan (no immediate proposed changes)



HPC Item: C

Hunter Andrews, Applicant, Jason Graham, Owner

Request for: **Preliminary Plat Approval for Major Subdivision and Road Construction**



URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Name of Petitioner: Hunter Andrews, Applicant, Jason Graham, Owner

Address of Property:	Tax Parcel	PPIN:	Ward:
Near Hwy U.S 98 and Lamar Blvd,	052Q-10-044.000	24497	3
next to 6222 US HWY 98.	055B-15-001.000	12113	3

Request: Preliminary Plat Approval for Major Subdivision

Purpose of Request: To request preliminary plat approval for a major subdivision and construction of a road located near HWY U.S 98 and Lamar Boulevard (Parcel 052Q-10-044.000, 055B-15-001.000; PPIN 24497, 12113 Lamar County, Ward 5).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts Established

B-5 Regional Business District: The purpose of the B-5 District is to provide for retail, personal and business services, offices, and financial services in locations with convenient access to the region's population consistent with comprehensive planning policies. This district is consistent with the Regional Business District in the Comprehensive Plan.

Applicable Regulations:

SECTION 6 Dimensional Standards and Measurements

HPC Item: C

Hunter Andrews, Applicant, Jason Graham, Owner

Request for: **Preliminary Plat Approval for Major Subdivision and Road Construction**

Table 6.1 Dimensional Standards

Table 6.1 Dimensional Standards										
District	Minimum Lot Size in SF/ Width at Setback	Max. Dwelling Units	Max. Floor Area Ratio	Setbacks in feet				Max. Height*	Max. Impervious Surface Lot Coverage	Buffer in Feet
				Min. Front	Max. Front	Min. Side	Min. Rear			
B-5	No minimum/ 100	-	1.50	30	150	0 or 10	0	72 feet or 6 stories	90%	50

SECTION 8.3

Street Design Standards

SECTION 11

Administration and Enforcement

11.10.1.8 Subdivision Violations. The owner of a subdivision shall not transfer title to any lot in such subdivision until such time as the final plat has been approved by the appropriate authority as outlined in this Code and duly recorded in the office of the Chancery Clerk of Forrest County or Lamar County, Mississippi. Transfers prior to such approval and recording shall be deemed a violation of this Code and shall be subject to any and all remedies available to the City.

11.10.1.9 Recording Violations.

The Chancery Clerks of Forrest County and Lamar County, Mississippi shall not receive, file or record a plat of a subdivision within the jurisdiction of this Land Development Code without prior approval of the appropriate authority as outlined in this Code. Plats recorded prior to such approval shall be deemed unlawful and invalid

SECTION 12

Process and Procedures

Categories of Development Approvals

12.3.2 Preliminary Plat Approval for Major Subdivisions

12.3.2.1 Approval Criteria.

- Conformance with the Hattiesburg Comprehensive Plan.
- Conformance with the standards of the zoning district.
- Conformance with other standards and requirements of this Code and other City policies and regulations.
- Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision.
- Determination that the project will have little or no adverse or negative impacts upon the natural environment.

HPC Item: C
Hunter Andrews, Applicant, Jason Graham, Owner
Request for: **Preliminary Plat Approval for Major Subdivision and Road Construction**

12.3.2.4 Final Plat.

- i. No Significant Change. Final plats of major subdivisions that are substantially the same as the approved preliminary plat, as determined by the Site and Design Review Committee, shall be approved administratively.
- ii. Significant Change. Final plats that exhibit any significant deviation from the approved preliminary plat, as determined by the Site Plan Review Committee, shall require approval by the Planning Commission.

12.3.2.5 Recording.

In order to be an official and legal plat, the final approved plat must be recorded along with all applicable covenants, deed restrictions and property owners' association documents with the Chancery Clerk of Forrest or Lamar County, as appropriate. The City Engineer shall ensure that the City records this information in a timely fashion.

Present Zoning: The undeveloped parcel is currently zoned B-5, Regional Business District

Present Use: Vacant, undeveloped

Future Land Use: Regional Business Corridor

Surrounding Zoning and Land Use:
North: R-1A Residential District
South: B-5 Regional Business District
East: B-5 Regional Business District / R-3 Multi-Family Residential District
West: B-5 Regional 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 April 24th, 2023

History / Background: The petitioner met with Staff in Pre-Application to discuss a proposed development of a subdivision on unimproved parcels Near Hwy U.S 98 and Lamar Blvd. The applicant originally presented the plan as a minor subdivision which was approved administratively and was granted preliminary approval of the road design to intersect the major subdivision. Since approval, the applicant has designated multiple phases of the development that triggers the need for a major subdivision.

The subdivision will be a commercial subdivision, where two drive-through quick service restaurants have already been reviewed for the Highway 98 Frontage, and the city is currently reviewing plans for a third drive-through quick service restaurant on Highway 98.

HPC Item: C

Hunter Andrews, Applicant, Jason Graham, Owner

Request for: **Preliminary Plat Approval for Major Subdivision and Road Construction**

The applicant has proposed two common areas on the subdivision that would serve as the primary location for multi-tenant signs. The quick-service restaurants for the site that have been discussed for this subdivision have all proposed establishing their own freestanding signs, including pole signs, which have a maximum height of 35 feet, and up to 400ft² of allowable signage.

The site has already been cleared and utilities have been placed in a portion of the development, including sidewalks, stormwater infrastructure, and water lines. Street trees are required for the development of new streets in the Right-of-Way and development of private commercial sites requires trees along the frontage of the property. The applicant has also indicated that stormwater detention areas for the site will be left up to each individual development in lieu of a master stormwater detention/retention area. With each site having to mitigate their own stormwater, this could create further site constraints for each site if each site has to create and maintain individual stormwater retention/detention ponds for their site.

Planning Commission should consider the existing pattern of development along the Highway 98 Corridor and how the proposed subdivision aligns with the surrounding area. The commission can also table and request additional information, plans, traffic impact studies, environmental studies, as deemed necessary before granting approval for this major subdivision.

Option:

Approve or deny a preliminary plat for a major subdivision in the City of Hattiesburg.

Planning Commission must deem that all of the following approval criteria must be met before granting approval for the Preliminary Plat for a Major Subdivision:

12.3.2 Preliminary Plat Approval for Major Subdivisions

12.3.2.1 Approval Criteria.

- i. Conformance with the Hattiesburg Comprehensive Plan.
- ii. Conformance with the standards of the zoning district.
- iii. Conformance with other standards and requirements of this Code and other City policies and regulations.
- iv. Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision.
- v. Determination that the project will have little or no adverse or negative impacts upon the natural environment.

Subdividing of Lot, Parcel or Tract Information (1_page)

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains 30.95 acres Square Footage/Acres

Lot Area Requirement: none (per B-5 zoning)

Lot Frontage Requirement: 100' at setback (per B-5 zoning)

Existing use of lot/parcel/tract vacant/road construction

To be subdivided into 8 lots/parcels (including parent parcel) – outlined below.

Newly subdivide d Parcels	New lot size in square footage (sf) or acres (A)	New lot has public road frontage (yes / no)	New lot has private road frontage (yes / no)	Indicate name of public or private road(s)	Staff - Lot area & frontage requirements comply?	
					Yes	No
1.	1.00 AC	YES	NO	U.S. HIGHWAY 98		
2.	0.91 AC	YES	NO	U.S. HIGHWAY 98 & HATTIESBURG MARKET PLACE (PROPOSED)		
3.	0.02 AC	YES	NO	U.S. HIGHWAY 98 & HATTIESBURG MARKET PLACE (PROPOSED)		
4.	0.21 AC	YES	NO	LAMAR BOULEVARD & HATTIESBURG MARKET PLACE (PROPOSED)		
5.	7.24 AC	YES	NO	SERVICE ROAD AT FIRE DEPARTMENT & HATTIESBURG MARKET PLACE (PROPOSED)		
6.	19.62 AC	YES	NO	U.S. HIGHWAY 98, LAMAR BOULEVARD & HATTIESBURG MARKET PLACE (PROPOSED)		
7.	1.95 AC	YES	NO	U.S. HIGHWAY 98, LAMAR BOULEVARD & HATTIESBURG MARKET PLACE (PROPOSED)		
8.						
9.						
10.						
11.						
12.						
Be sure to include information on the remainder of "existing" lot after splits made – identified as "Parent Parcel"						
Parent Parcel	30.95 AC	YES	NO	U.S. HIGHWAY 98 & LAMAR BOULEVARD		
		Total square footage of new lots (verify total matches existing parcel prior to splits)				

Use extra copies of this form if needed for additional lots.

2. Infrastructure required:

Water/Sewer X Gas X Electric X Telephone X Cable X Streets X

SUBJECT PARCEL:

Hattiesburg Market Place

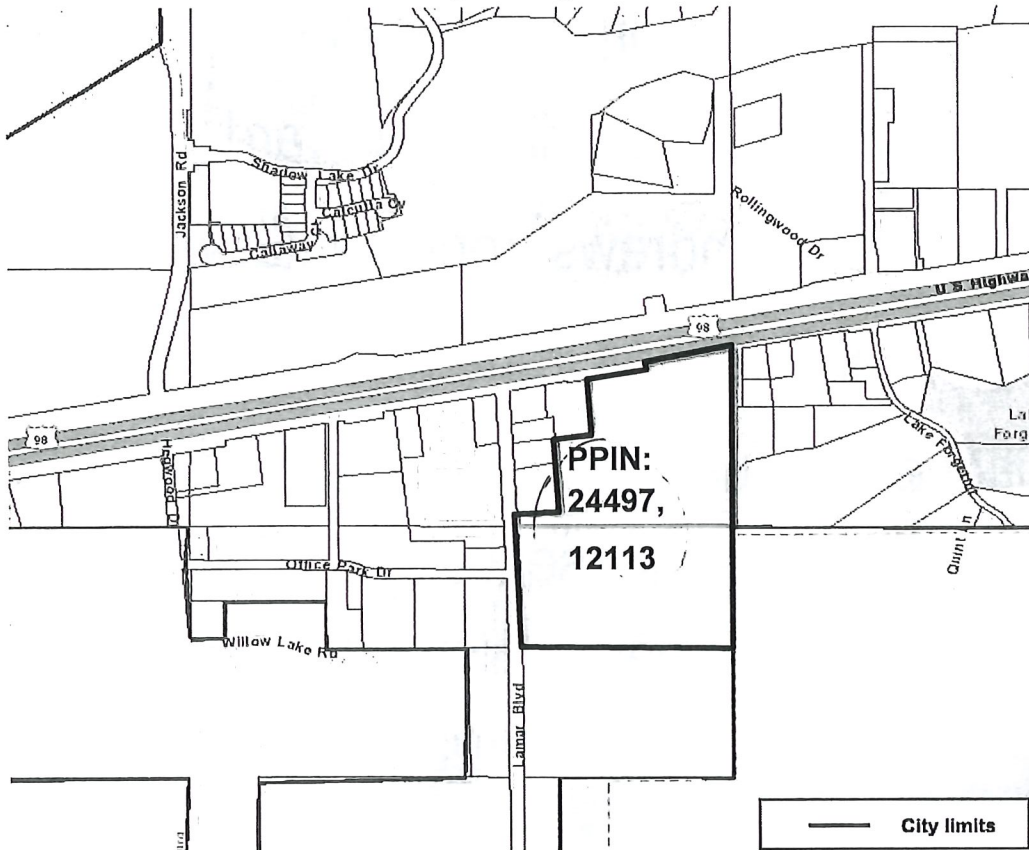
(Near HWY U.S 98 and Lamar Boulevard, PPIN: 24497)

Hunter Andrews, representative,
and Jason Graham, owner.

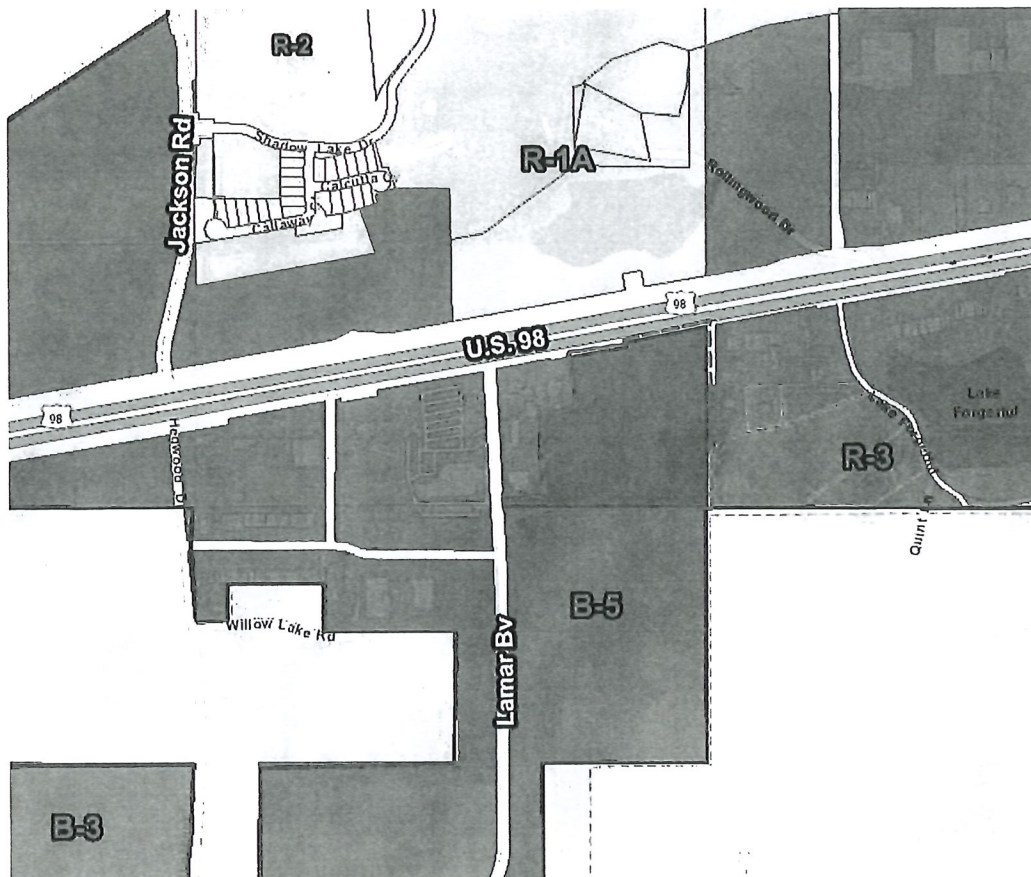
The petitioners request the subdivision of a 30.95 acre
lot located near the intersection of HWY U.S 98 and
Lamar Boulevard.



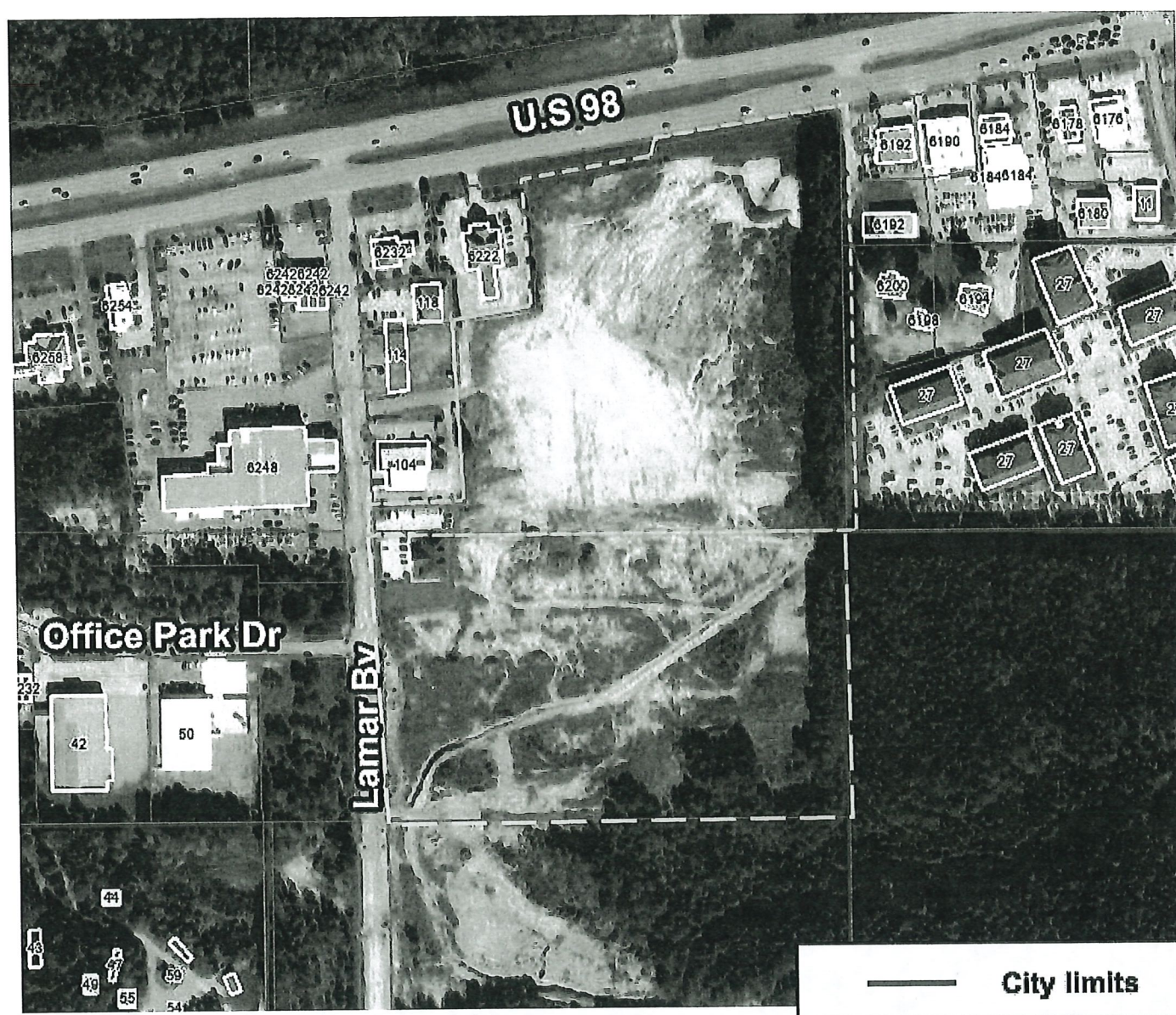
Vicinity Map—Ward 3



Surrounding Zoning

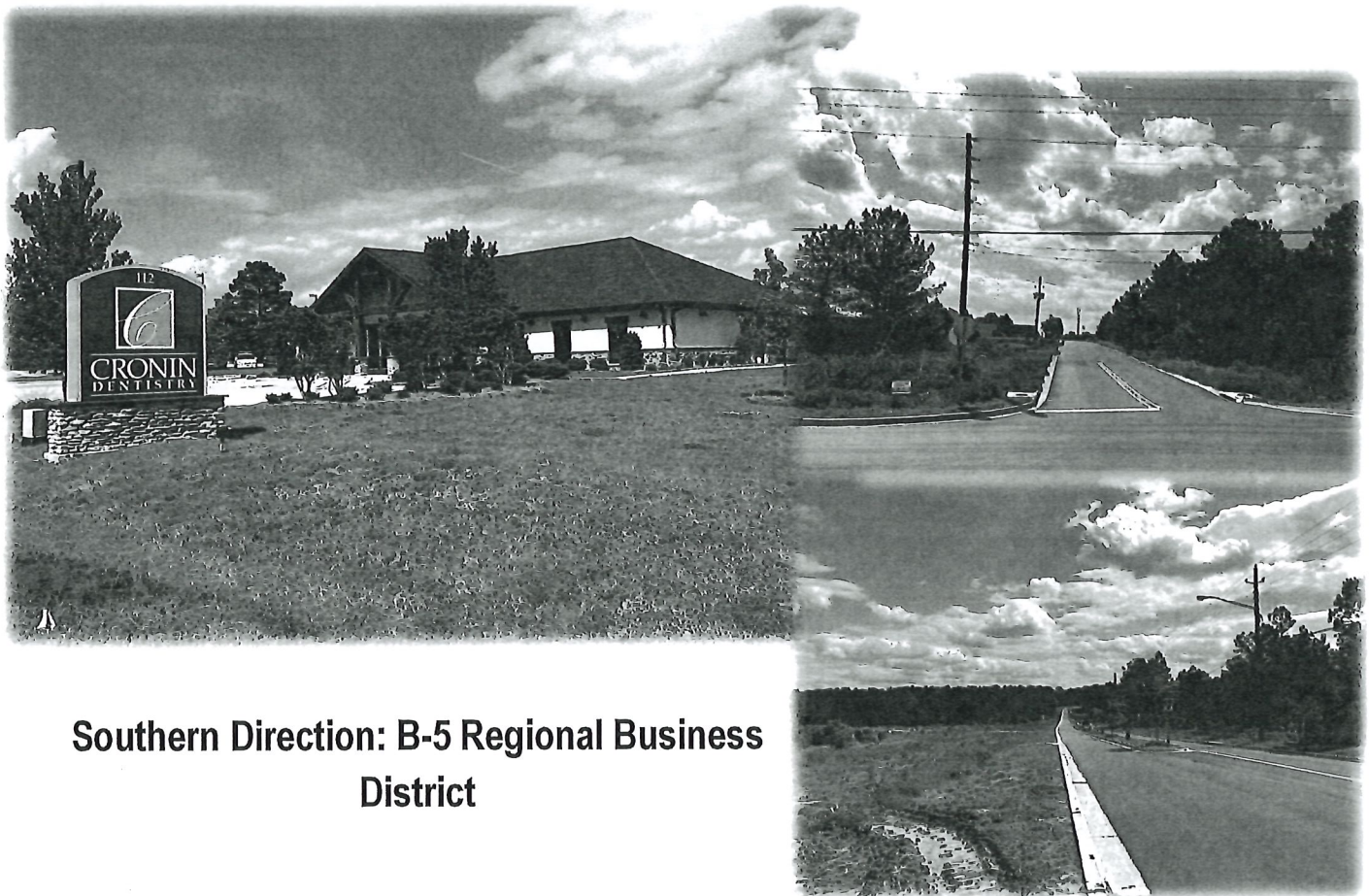


Site Aerial



Surrounding Area

Northern Direction: R-1A Single-Family Residential (Shadow Ridge)

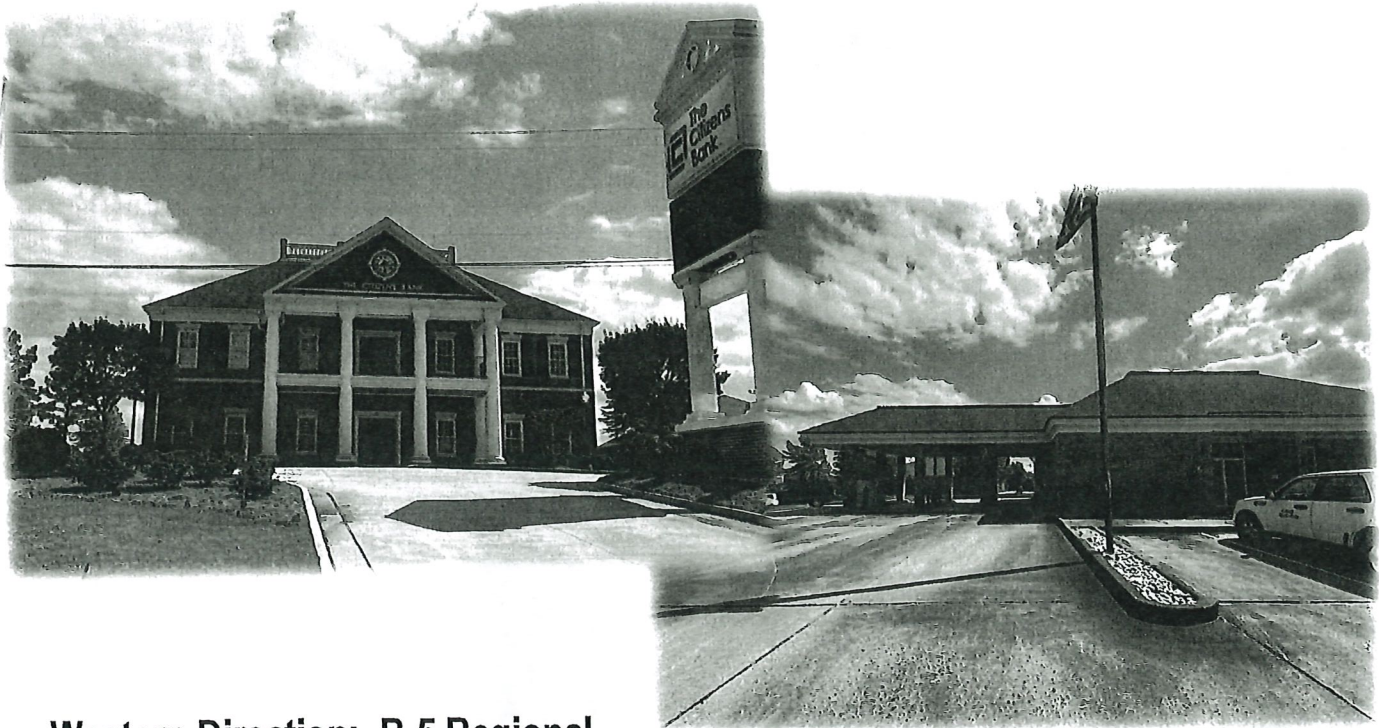


Southern Direction: B-5 Regional Business District



Surrounding Area

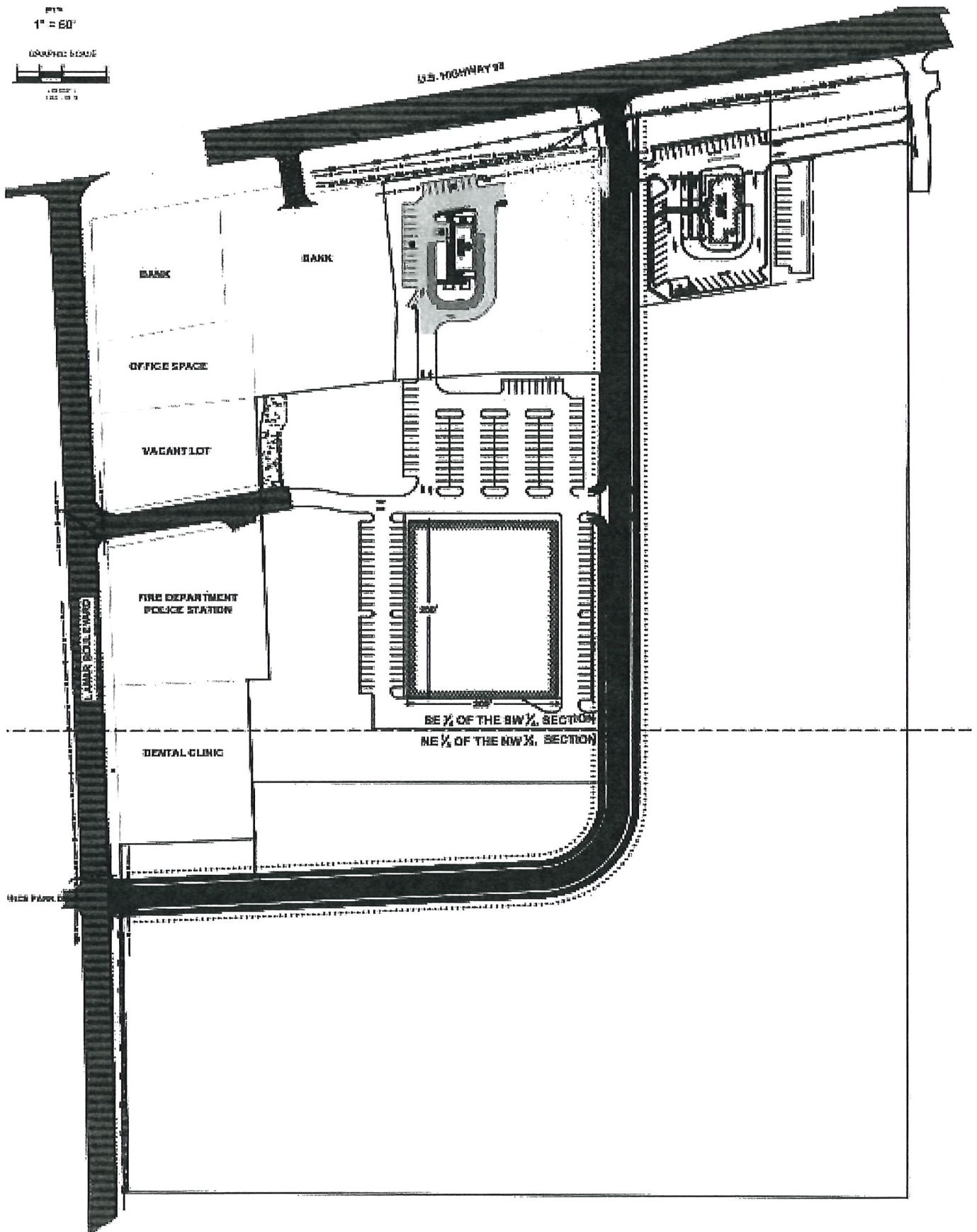
Eastern Direction: B-5 Regional Business District



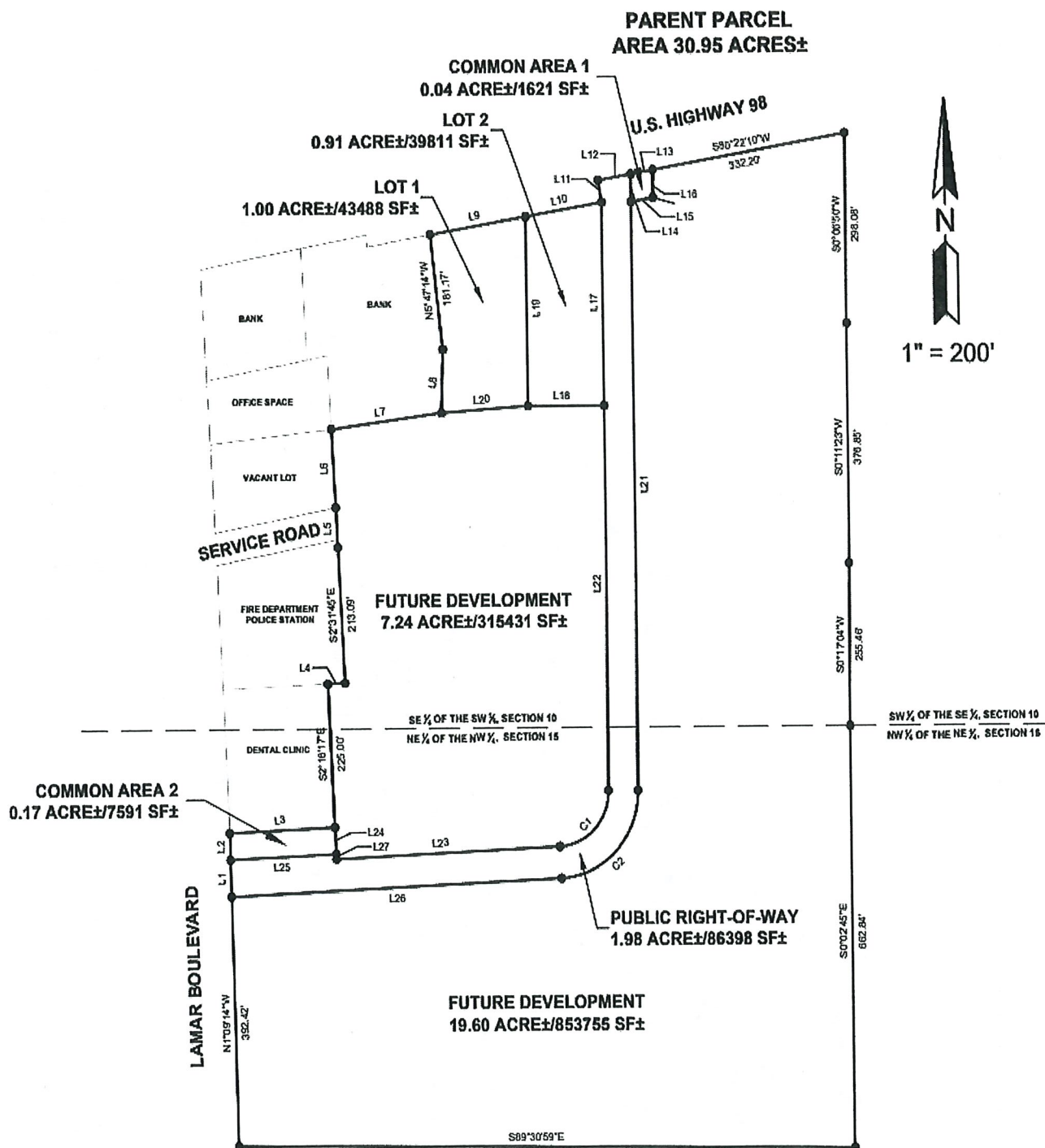
Western Direction: B-5 Regional
Business District



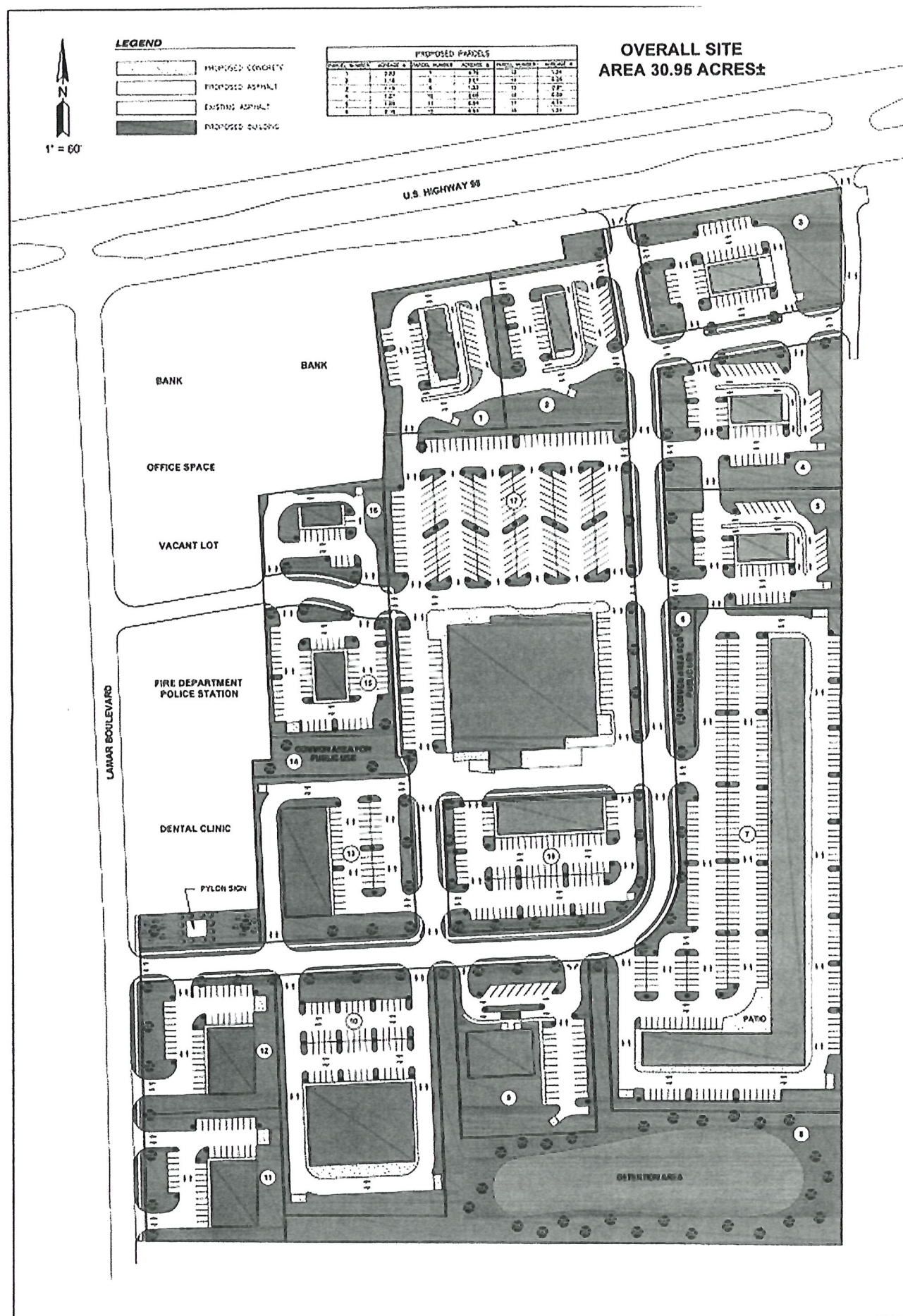
Proposed Master Plan (not approved in site plan review)



Proposed Site Plan (not approved in site plan review)



Conceptual Master Plan (not reflective of current plan)



HPC May 2023: Item D
Constance Burnside, Applicant, and Bengie Leatherwood, Owner
Request for: **Zoning Change From A-1 to A-2**



URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Name of Petitioners: Constance Burnside, Applicant, and Bengie Leatherwood, Owner.

Address of Property:	Tax Parcel	PPIN:	Ward:
496 N Hattiesburg Ave	2-042D-26-104.00	6760	5

Request: Zoning Change of one parcel from A-1 to A-2

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts Established

4.5.1 A-1 Agricultural District: The purpose of the A-1 Agricultural District is to permit agricultural uses and low-density residential development. This district is consistent with the Rural Residential / Agricultural District in the Comprehensive Plan. The district is intended to encourage and protect rural uses from urbanization until such is warranted and the appropriate change in district classification is made.

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 and low-density population.

SECTION 5

Use Regulations

Table 5.1 Table of Uses															
Use		Agricultural		Residential			Business				Industrial		Additional Use Conditions Cross Reference		
■	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														
Dwelling, manufactured (mobile) home		□	□	*	*	*	*	*	*	*	*	*	*	*	5.4.19

Present Zoning: The parcel is currently zoned A-1

Present Use: Occupied Residential Structure

Future Land Use: Neighborhood Conservation District 2

Surrounding Zoning and Land Use:
 North: A-1 Agricultural District
 South: R-1C Single Family Residential District
 East: A-1 Agricultural District
 West: R-1C Single-Family Residential District

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of April 24th, 2023.

History / Background: The applicant purchased a mobile home to be placed on their property located at 496 N Hattiesburg Ave. The applicant worked with a mobile home dealer to have a mobile home placed on the lot, where after placing the mobile on the lot, the applicant then became aware of the regulations for the A-1 zoning district and permitting process.

The lot, currently zoned A-1, is approximately 4.6 acres in size. The lot currently already has a single-family dwelling on the property, where A-2 zoning does not allow for multiple single-family dwellings to be located. Agricultural zoning, does however, allow for the placement of mobile homes, so long as they meet the basic minimum requirements of our code. The applicant is seeking a rezone of the property to A-2 so they can split the lot to create two legal conforming lots. A-2 zoning requires a minimum of 1 acre lots, where A-1 requires 3 acres. If approved, the applicant would then be required to subdivide the property before the city could approve the mobile home on the lot. The subdivision of the property would be considered a minor subdivision and is a staff-level approval.

HPC May 2023: Item D

Constance Burnside, Applicant, and Bengie Leatherwood, Owner

Request for: **Zoning Change From A-1 to A-2**

Option: **Basis for approval (Zoning Change):**

- I. There was a mistake in the original zoning
- II. The character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning
- III. Annexation

Rezoning Information (2 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 mistake in the original zoning.
- B. The character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning.
- C. Annexation

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

The area has 5 acres and we would like to put a mobile home on the property. The area has changed and we need for it to be rezoned to accomodate multiple homes on the property.

SUBJECT PARCEL:

496 N Hattiesburg Ave

Constance Burnside, applicant, and Bengie
Leatherwood, owner.

The petitioners request to change zoning classification of 496 N Hattiesburg Ave from A-1 (Agricultural District) to A-2 (Agricultural Residential District). PPIN: 6760, Parcel: 2-042D-26-104.00 (Forrest County, Ward 5).



Vicinity Map—Ward 5



Surrounding Zoning



Site Aerial



Surrounding Area

Northern and Southern Directions: A-1 (Agricultural District) and R-1C (Single Family Residential District, undeveloped)



N Hattiesburg Ave and Croon St intersection (A-1)

Eastern and Western Directions: A-1 (Agricultural District) and R-1C (Single Family Residential District)



Mobile home placed on same lot the applicant proposes to rezone and subdivide lot

