

HATTIESBURG
PLANNING COMMISSION
PUBLIC HEARING AGENDA

June 7th, 2023



DEPARTMENT OF URBAN DEVELOPMENT
PLANNING DIVISION



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: Hattiesburg Planning Commission and Board of Adjustment
FROM: Planning Staff
DATE: May 30th, 2023
SUBJECT: June 7th, 2023 - Hattiesburg Planning Commission and Board of Adjustment

The Hattiesburg Planning Commission will meet in regular session at 1:00 PM, Wednesday, June 7th, 2023 in the dining room of the Jackie Dole Sherrill Community Center. The Planning Commission agenda contains three items: a conditional use, a major subdivision, and a flood variance.

The Board of Adjustment will meet in regular session at 3:30 PM, Wednesday, Wednesday, June 7th, 2023 in the dining room of the Jackie Dole Sherrill Community Center. The Board of Adjustment public hearing agenda contains two items: a fence height variance, and a side 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. Or Scan the QR below using your smartphone:



Planning Commission Agenda

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

June 7th, 2023

I. Business Meeting

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

II. Public Hearing

- A. Tabled Item from May Agenda: 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).
- B. Sherry Cox Underwood, owner, and Casey Benedict, Representative, and Allen Russell, Representative, request approval for a preliminary plat for a major subdivision for the Woodhaven Lake Estates Subdivision located off of Richburg Road (Parcel No.: 2-040C-30-041.00, 2-025P-36-007.03, 2-040E-30-022.00, and 2-040F-30-008.00; PPIN 6989, 7006, and 7014, Forrest County, Ward 5, and Parcel: 057H-25-002.000, 057H-25-006.000, and 057H-25-007.000 PPIN: 4953, 24642, and 24643, Lamar County, Ward 5).
- C. A petition has been filed by the City of Hattiesburg to request a Flood Variance per Article 6, Section E of the Flood Damage Prevention Ordinance (No. 3294)., which states that qualifying historic structures may apply for a flood variance from the requirement to elevate or floodproof the structure, for a structure located at 526 Forrest St (Hawkins Elementary School, Parcel No.: 2-029J-10-135.00; PPIN: 21838, Forrest County, Ward 4).

III. Other Business

IV. Adjournment



URBAN DEVELOPMENT

PLANNING DIVISION

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HPC May Item: A
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:

Conditional Use - Bed and Breakfast Home

Purpose of Request:

To consider an application to request a Conditional Use as "Bed and Breakfast Home/Inn" facility in an 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

HPC May Item: A
Gerry and Jennifer Mallory, Applicants; Jimmie Jones, Owner
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Use for a period of six consecutive calendar months.

SECTION 5

Use Regulations

5.4.8 Bed and Breakfast Home; Bed and Breakfast 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 of 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,

HPC May Item: A

Gerry and Jennifer Mallory, Applicants; Jimmie Jones, Owner

Request for: **Conditional Use**

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, the origin of visitors, and the dates of commercial meetings. 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

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

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.

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:
Surrounding Zoning
and Land Use:**

Neighborhood Business Corridor

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 May 24th, 2023.

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

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.

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.

SUBJECT PARCEL:

416 Bay Street

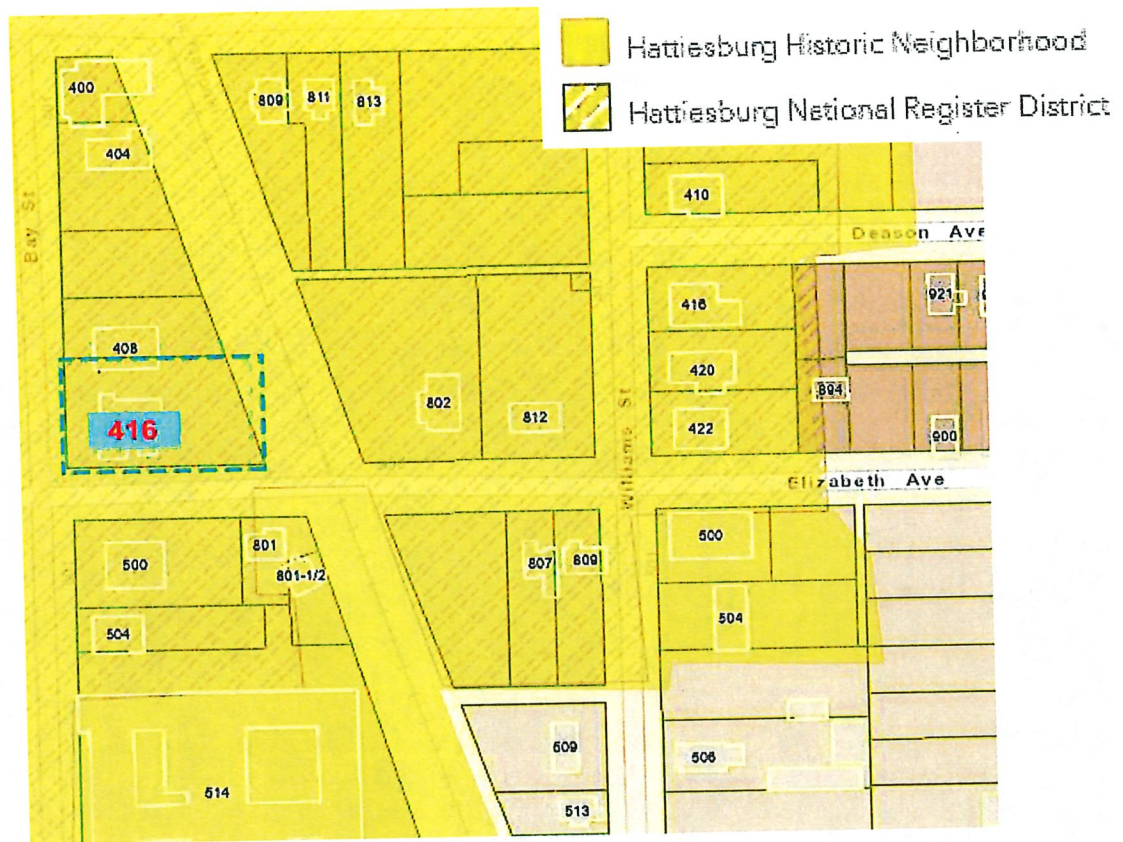
Jimmie Jones (owner), Gerry and Jennifer Mallory (applicants).

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

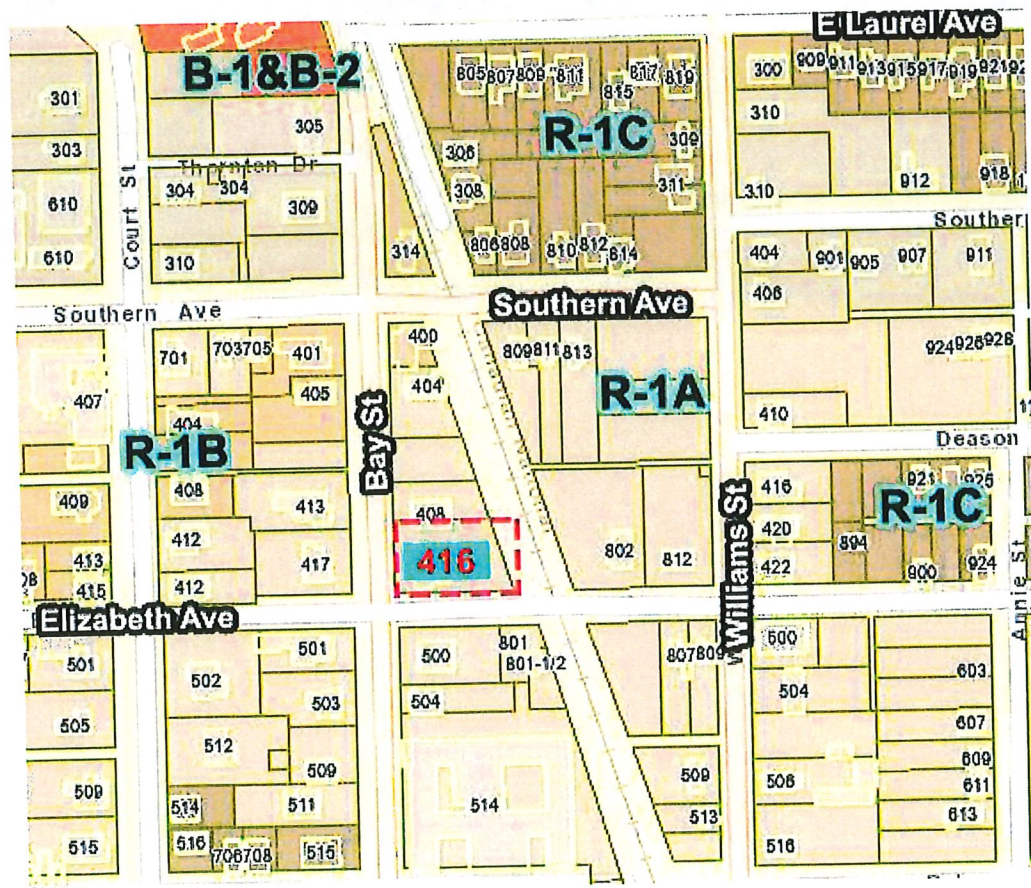
Property is currently zoned as R-1A (Single-Family Residential) (PPIN 19204, Forrest County, Ward 4).



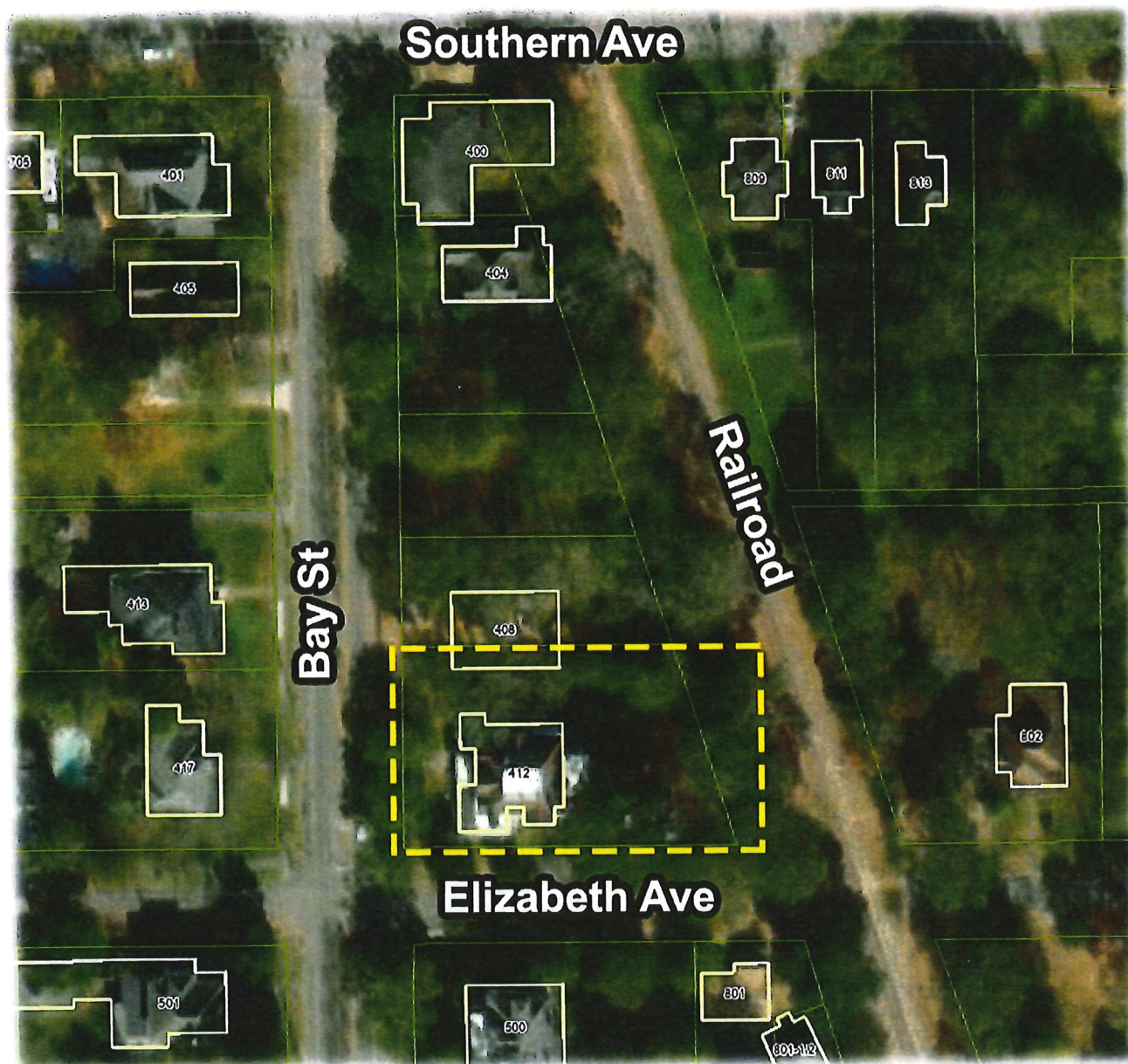
Vicinity Map—Ward 4



Surrounding Zoning



Site Aerial



Surrounding Area

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

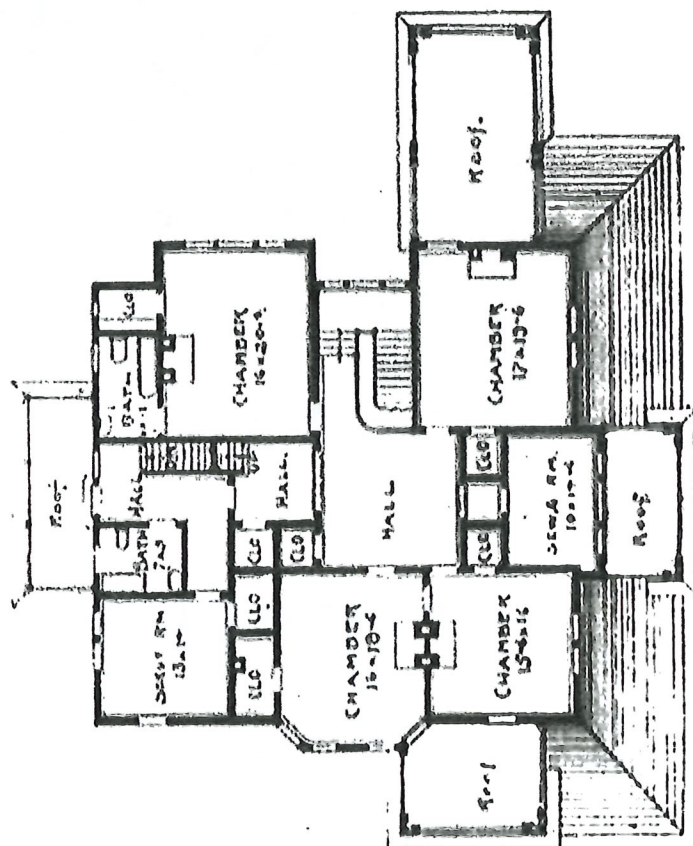


Eastern and Western Direction: R-1A, Single-family Residential

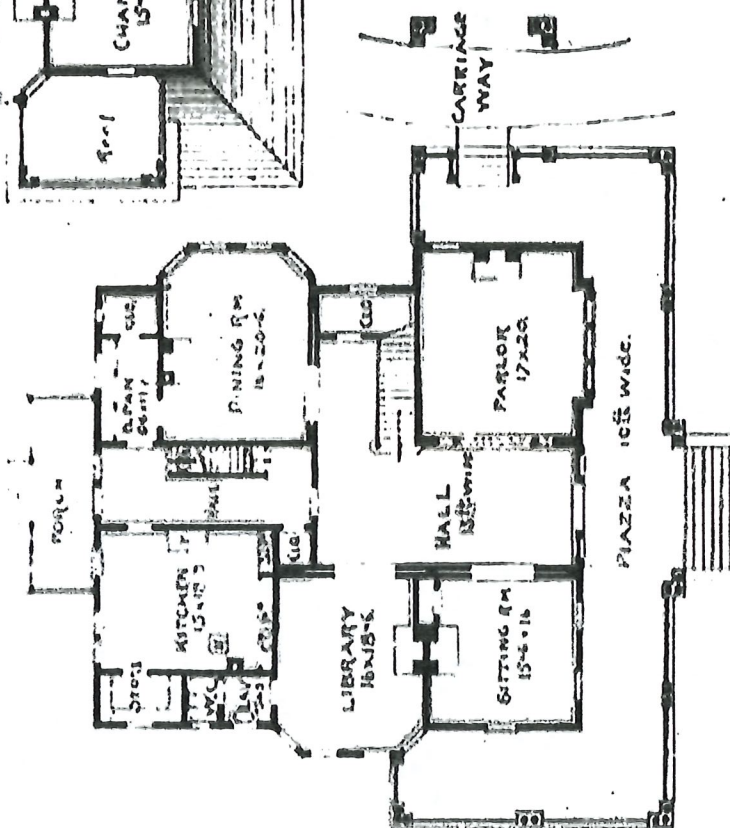


Bay St and Elizabeth Ave Intersection

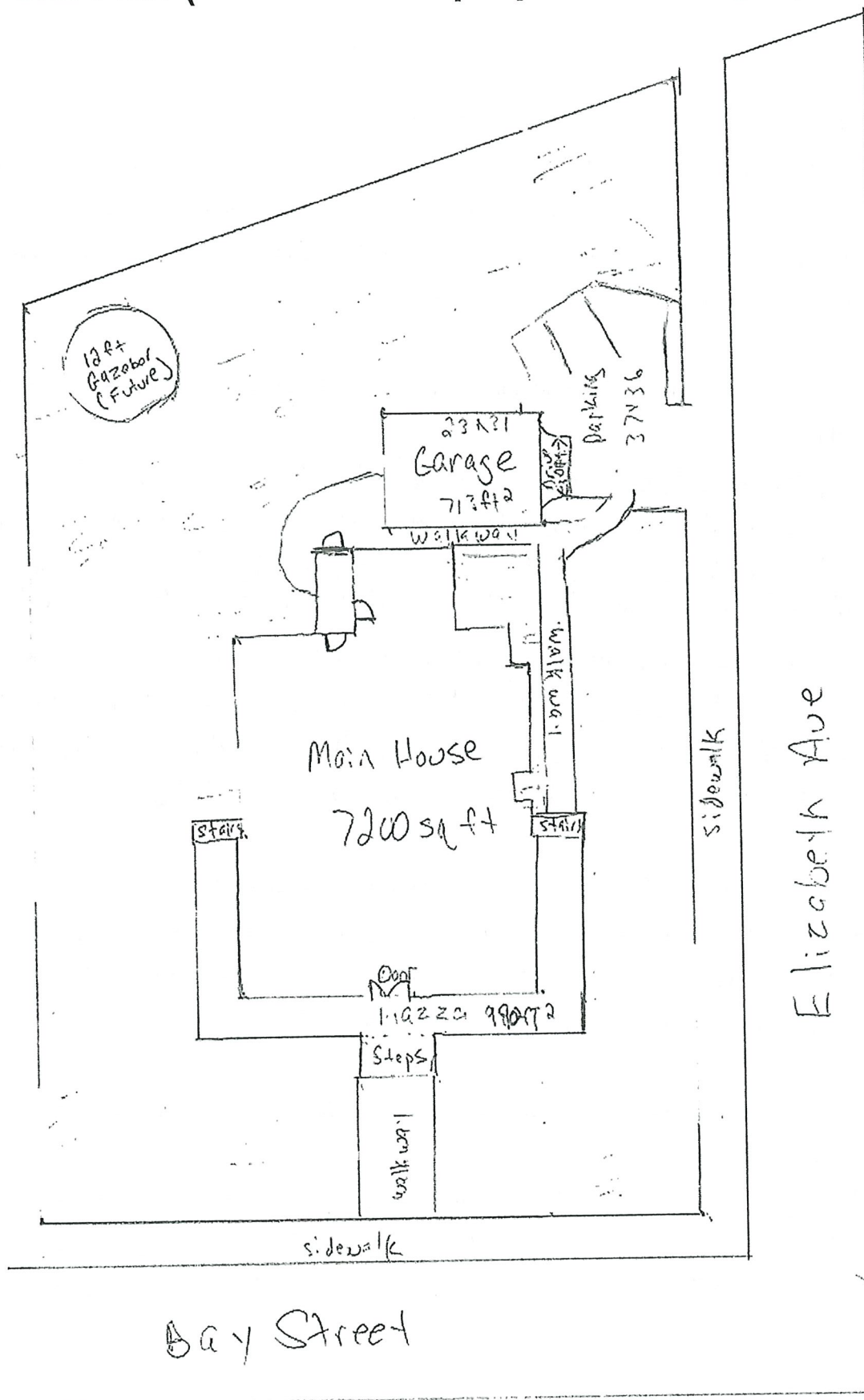
Floor Plan



Second Floor Plan.



Site Plan (no immediate proposed changes)



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 over night 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 night 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.

HPC Item: B
Casey Benedict, Representative, Sherry Cox Underwood, Owner
Request for: **Preliminary Plat Approval for Major Subdivision**



URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Name of Petitioner: Casey Benedict, Representative, Sherry Cox Underwood, Owner

Address of Property:	Tax Parcel	PPIN:	Ward:
Off of Richburg Rd	2-040C-30-041.00	6989	5
Forrest County Parcels	2-040E-30-022.00	7006	5
	2-040F-30-008.00	7014	5
Lamar County Parcels	057H-25-002.000	4953	5
	057H-25-006.000	24642	5
	057H-25-007.000	24643	5

Request: **Preliminary Plat Approval for Major Subdivision**

Purpose of Request: To request preliminary plat approval for a Major Subdivision for the Woodhaven Lake Estates Subdivision located off of Richburg Road (Parcels: 2-040C-30-041.00, 2-025P-36-007.03, 2-040E-30-022.00, and 2-040F-30-008.00; PPIN 6989, 7006, and 7014, Forrest County, Ward 5, and Parcels: 057H-25-002.000, 057H-25-006.000, and 057H-25-007.000 PPIN: 4953, 24642, and 24643, Lamar County, Ward 5).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts Established

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.

HPC Item: B
Casey Benedict, Representative, Sherry Cox Underwood, Owner
Request for: **Preliminary Plat Approval for Major Subdivision**

SECTION 6

Dimensional Standards and Measurements

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			
R-1A	10,000/ 50	1 per lot	-	30	-	10	25	35 feet or 3 stories	50%	-

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.

12.3.2.4 Final Plat.

HPC Item: B

Casey Benedict, Representative, Sherry Cox Underwood, Owner

Request for: **Preliminary Plat Approval for Major Subdivision**

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 parcels are currently zoned R-1A, Residential District

Present Use: Major Residential Subdivision, Lakewood Estates

Future Land Use: Neighborhood Conservation District

Surrounding Zoning and Land Use:
North: A-1 Agricultural District
South: B-5 Regional Business District / A-1 Agricultural District
East: B-5 Regional Business District
West: B-3 Community Business District / A-1 Agricultural District

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

History / Background: An application to build a new single-family home through a lot split started a review of this development. The subdivision started around the early 1980's on the border of Lamar and Forrest Counties though it was never formally platted, and eventually annexed into the City in 1992. Significant undivided land exists and this Major Subdivision plat will allow all of the proposed lots to be sold along platted lot lines without further Land Development Code Reviews.

Roadways and infrastructure have already been in place since the development of the subdivision. The streets and roads have already been conveyed to the City of Hattiesburg, where they have been maintained by the City. No new streets are included as part of this major subdivision. The final subdivision of the remaining undeveloped parcels are included as part of the major subdivision. The remaining lots to be subdivided include approximately 68 acres to be subdivided into 86 new lots. Each of the lots will meet the

HPC Item: B

Casey Benedict, Representative, Sherry Cox Underwood, Owner

Request for: **Preliminary Plat Approval for Major Subdivision**

minimum 10,000ft² lot dimensional requirement for the R-1A zoning. The existing properties within the subdivision were divided by using metes and bounds and not through a formal subdivision. If the Woodhaven Lake Estates Subdivision is adopted, each lot will have a lot of record.

The subdivision spans across Forrest and Lamar County, where if approved by City Council, the applicant will be required to file the major subdivision plat with both counties as part of the final approvals.

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.

SUBJECT PARCEL:
Woodhaven Lake Estates Subdivision
(Off of Richburg Road)

Casey Benedict and Allen Russell, Representatives,
Sherry Cox Underwood, Owner.

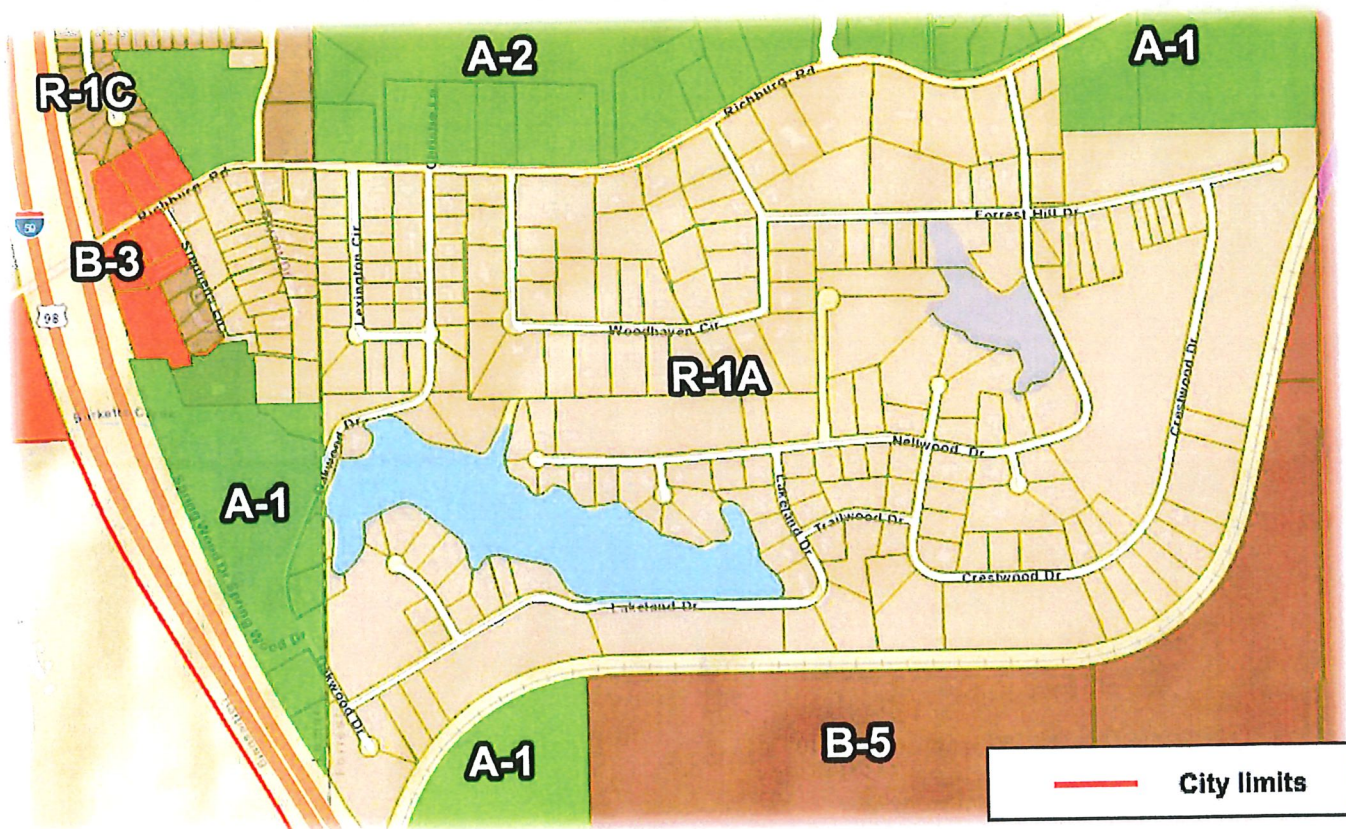
The petitioners request approval for a preliminary plat for a major subdivision for the Woodhaven Lake Estates Subdivision located off of Richburg Road (Parcels: 2-040C-30-041.00, 2-025P-36-007.03, 2-040E-30-022.00, and 2-040F-30-008.00; PPIN 6989, 7006, and 7014, Forrest County, Ward 5, and Parcels: 057H-25-002.000, 057H-25-006.000, and 057H-25-007.000 PPIN: 4953, 24642, and 24643, Lamar County, Ward 5).



Vicinity Map—Ward 5



Surrounding Zoning



Site Aerial



Surrounding Area

Northern Direction: A-1 Agricultural District (Residential Units)



Southern Direction: R-1A
Residential District

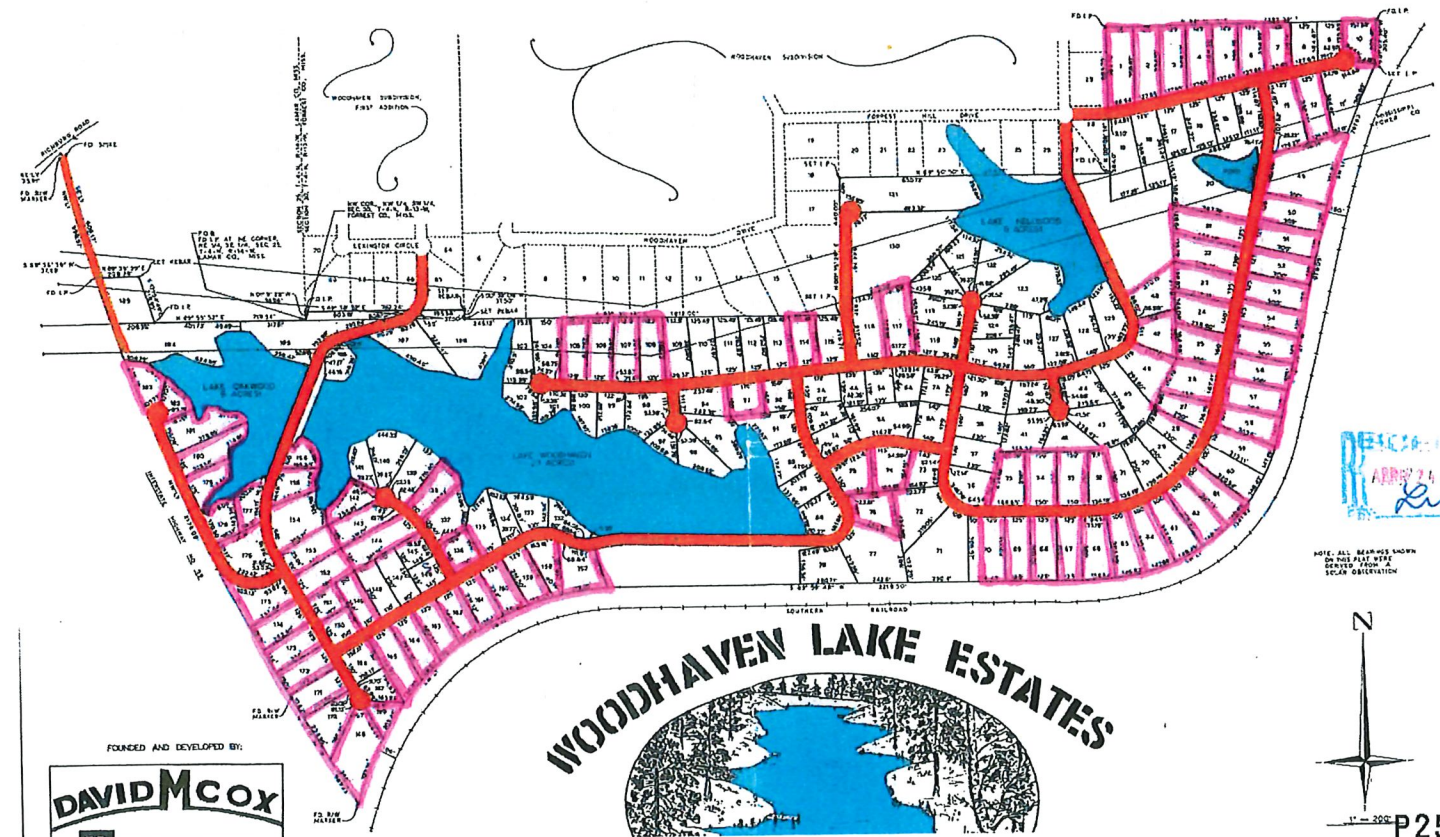
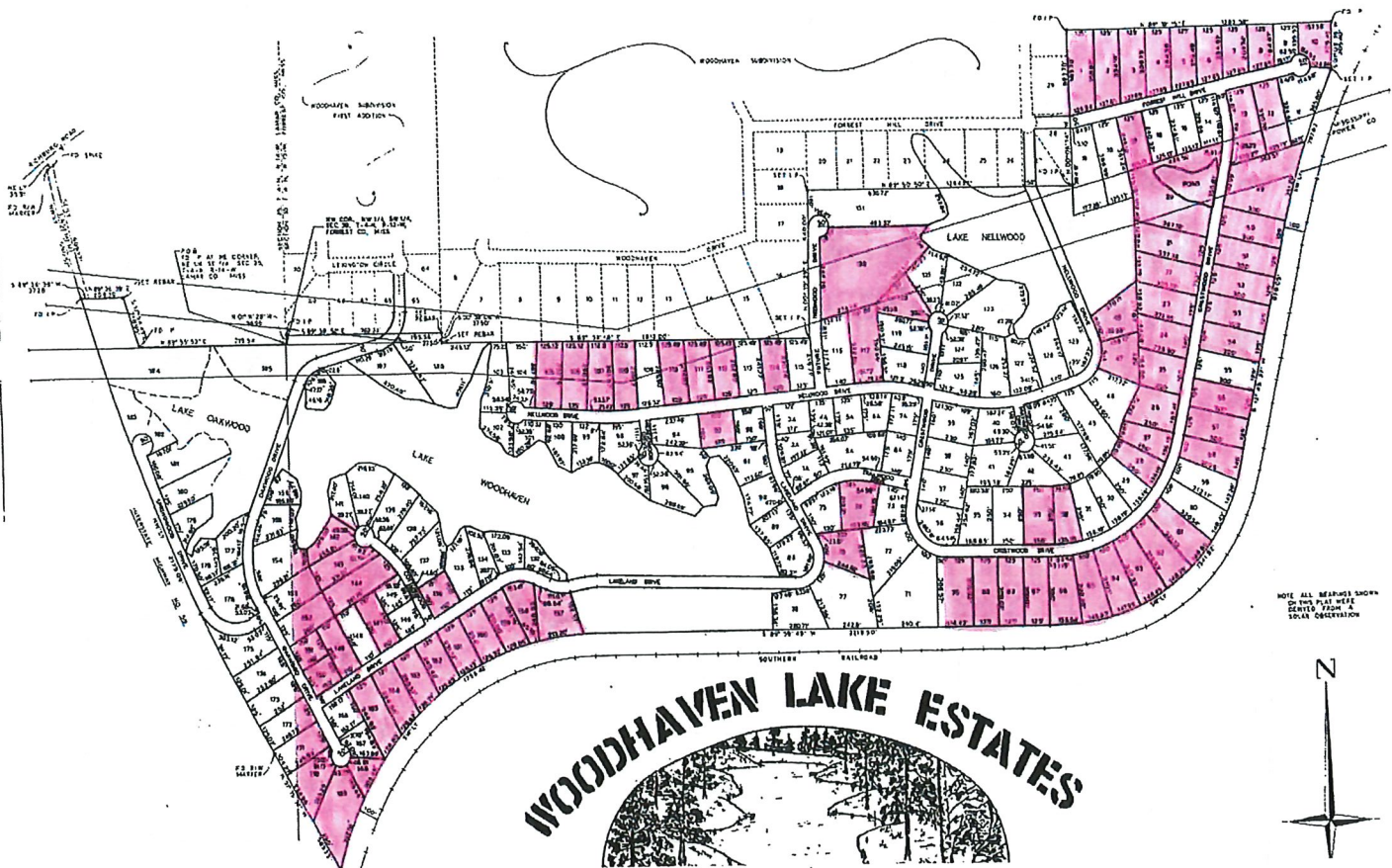


Surrounding Area

Eastern and Western Direction: R-1A Residential District



Proposed Master Plan (not approved)



NOTE: ALL BEARINGS SHOWN ON THIS PLAN WERE DERIVED FROM A SOLAR OBSERVATION

RECEIVED
APR 24 2023
K

NOTE: ALL BEARINGS SHOWN ON THIS PLAN WERE DERIVED FROM A SOLAR OBSERVATION



FOUNDED AND DEVELOPED BY:
DAVID M COX

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

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains 68 Square Footage/Acres

Lot Area Requirement: ± 10,000 sqft

Lot Frontage Requirement: _____

Existing use of lot/parcel/tract Single family houses

To be subdivided into 86 lots/parcels (including parent parcel) – outlined below.
 ✓ Please see attached MAP

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.						
2.						
3.						
4.						
5.						
6.						
7.						
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						
		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 ___ Gas ___ Electric ___ Telephone ___ Cable ___ Streets ___

Item: C
City of Hattiesburg
Request for: **Historic Flood Variance**



**Planning Commission
Case Fact Sheet**

Name of Petitioner: City of Hattiesburg

Address of Property:
526 Forrest St

Tax Parcel
2-029J-10-135.00

PPIN:
21838

Ward:
4

Request: **Historic Flood Variance** from the Flood Damage Prevention Ordinance

Purpose of Request: To request a variance from Article 6, Section E, which states that qualifying historic structures may apply for a flood variance from the requirement to elevate or flood proof the structure, for a structure located at 526 Forrest St (Hawkins Elementary School, Parcel No.: 2-029J-10-135.00; PPIN: 21838, Forrest County, 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.

CODE OF ORDINANCES, CHAPTER 10, ARTICLE 6, SECTION E

See attached Ordinance Excerpt

Item: C
City of Hattiesburg
Request for: **Historic Flood Variance**

Present Zoning: The parcel is currently zoned R-1A, Residential District

Present Use: Elementary School

Future Land Use: Downtown District

Surrounding Zoning and Land Use:
North: R-1A, Single-Family Residential District
South: R-1A, Single-Family Residential District / B-3, Community Business District
East: R-1A, Single-Family Residential District
West: R-1A, Single-Family Residential District

Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case as of May 26th, 2023.

History / Background: Repairs have been proposed for this structure. The building is constructed below the Base Flood Elevation (BFE) established by FEMA and it is appraised at \$9.38 million with a repair valuation of \$9 million. The Flood Damage Prevention Ordinance defines this as a substantial improvement to the facility (improvements made that exceed 50% of the structures value). A structure in a hazardous flood zone that proposes Substantial Improvement must come into compliance with the Flood Damage Prevention Ordinance or may apply for a variance from these requirements if qualifying. Staff consulted with MEMA and FEMA to confirm that.

This applicant has met the requirements of Chapter 10. Article 6. Section E. 1-3 as a "Bona-fide Historic Structure". Planning Commission approval is required for "Flood Variances" See the included Flood Ordinance for guidance.

The Base Flood Elevation is 156.8'. This is the estimated level of water in a 100-year flood event. The elevation of the building's first floor is 154.8' plus a lower basement. A compliant building would need an elevation of at least 156.8' or be floodproofed or be provided relief from the code through a Historic Flood Variance. Hawkins Elementary is considered a critical facility as an elementary school. Flood variances should be granted when the minimum NFIP standards cannot be met because of special circumstances to the site.

The issuance of this variance will not result in an increase in flood levels during the base flood discharge, as the renovations are on the interior of the site. In this situation, staff believe that the granting of a historic flood variance for Hawkins Elementary outweighs the hardship created by meeting the Flood Damage Prevention Ordinance and recommends approval.

Option: Approve or Deny

SUBJECT PARCEL:

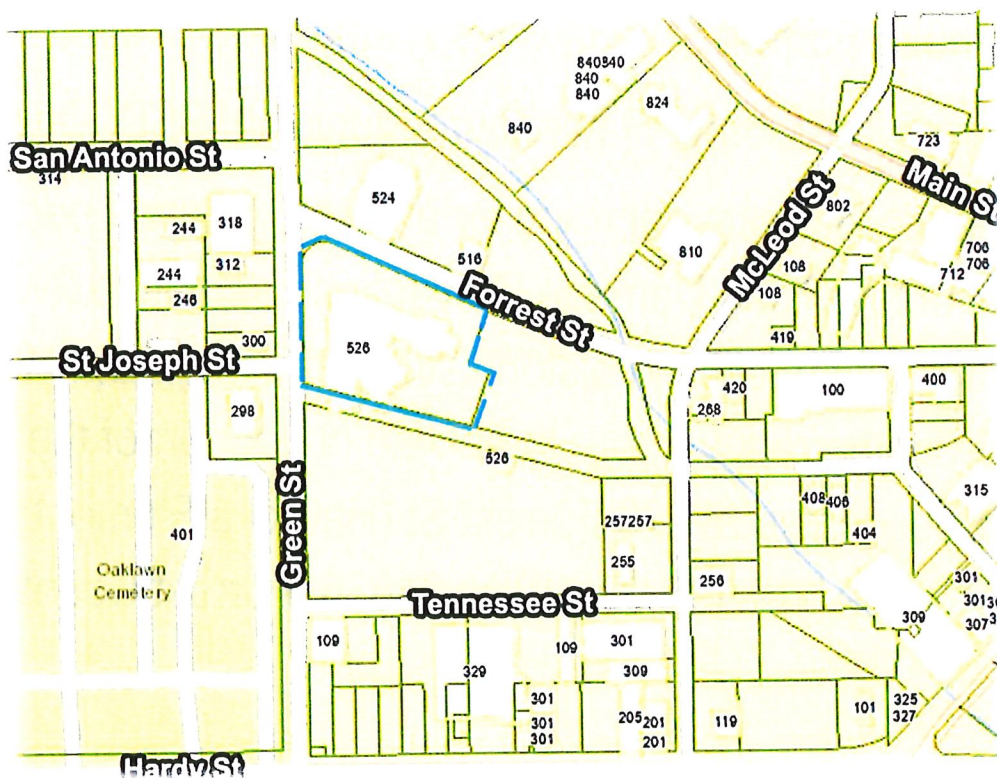
526 Forrest St—Hawkins Elementary School

City of Hattiesburg, Hattiesburg Municipal SSD, Owner

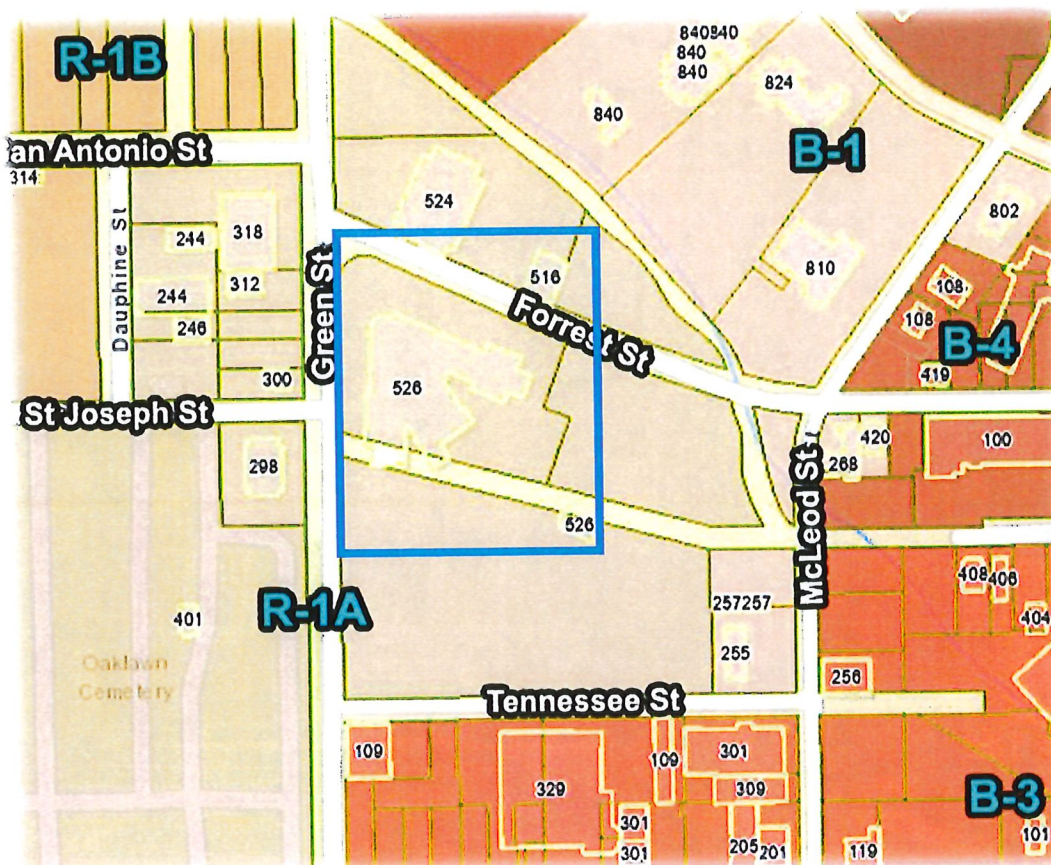
The petitioner requests approval for a Flood Variance per Article 6, Section E of the Flood Damage Prevention Ordinance (No. 3294), which states that qualifying historic structures may apply for a flood variance from the requirement to elevate or floodproof the structure, for a structure located at 526 Forrest St (Hawkins Elementary School, Parcel No.: 2-029J-10-135.00; PPIN: 21838, Forrest County, Ward 4).



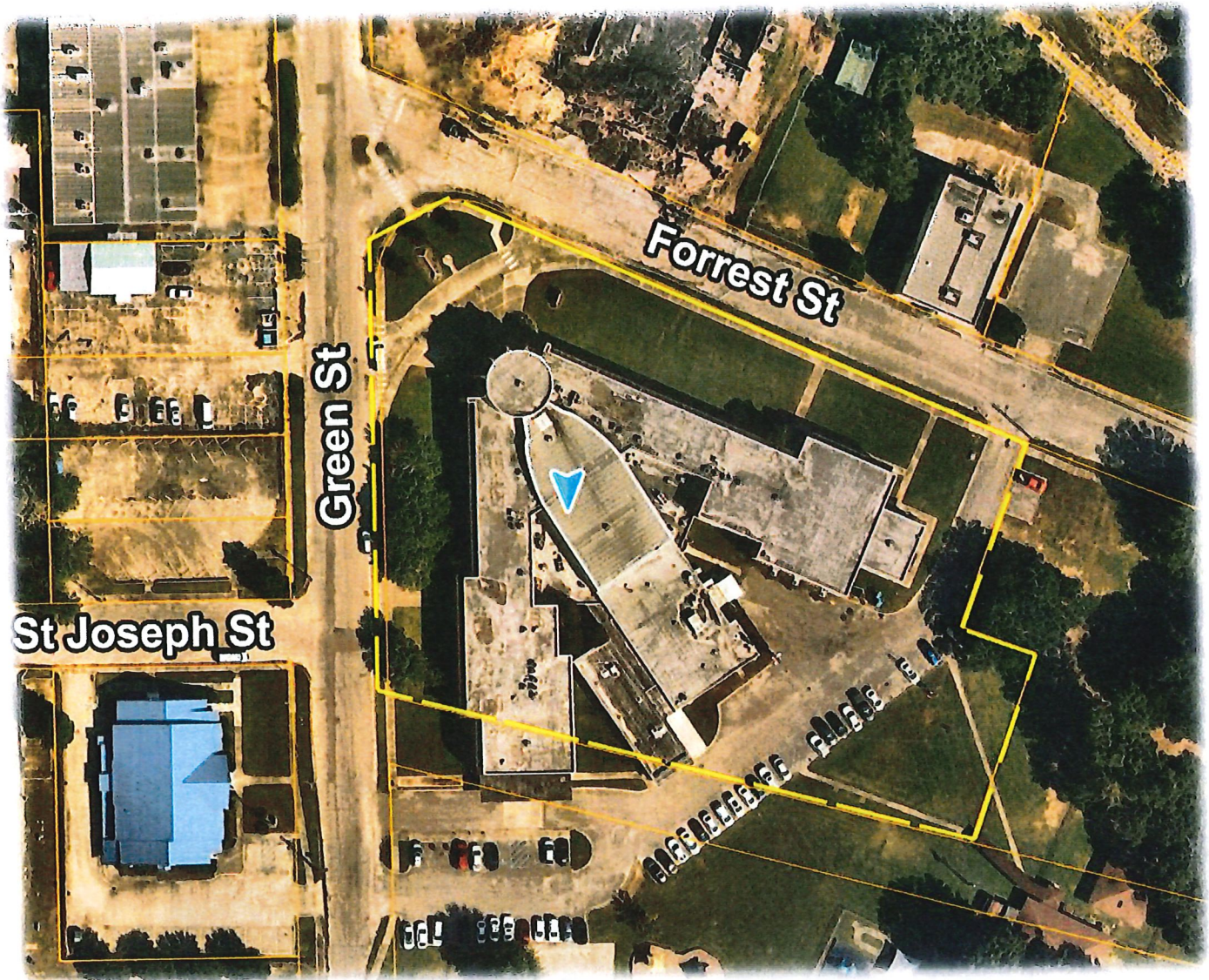
Vicinity Map—Ward 4



Zoning—R-1A



Site Aerial



Surrounding Area

Northern Direction: R-1A Residential District



Southern Direction: R-1A Residential District



Surrounding Area

East and Western Directions: R-1A
Residential District



Flood Zone Map



Note: Floodways and Zone AE are regulated flood zones

Floodplain

FEMA Flood Zones

- FLOODWAY AREA IN ZONE AE
- ZONE A (100 yr flood - no elevation)
- ZONE AE (100 yr flood w / elevation)
- ZONE SX (500 yr flood)
- ZONE X (No Special Flood Hazard Area)