

Planning Commission Agenda
Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

10/4/2023

I. Business Meeting

1. Review and approval of October meeting's agenda
2. Review and approval of the minutes of the September meeting
3. Building Report
4. Planning Report
- A. [Map of October 2023 Agenda Items](#)
5. Chair's Report
6. Introductions

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. Tabled from September 2023 Planning Commission: Ming Ming Lin, representative, Martin Tovrea, architect, and Beverly Land, LLC., owner, request approval for a rezoning request from B-3 (Community Business) to a Planned Mixed-Used Development (PMU-PD) as an extension of the existing development known as the "Village at the Beverly", which is located on Old Airport Road in Forrest County, Ward 5. The Planned Mixed-Use Development will be known as "Village at the Beverly III". (PPIN 29647 Parcel No.: 2-041H-27-017.00).
 - B. Casey Benedict, representative, requests to rezone a portion of a major subdivision known as "Woodhaven Lake Estates" from A-1 to R-1A. The portion of the subdivision in the request is a portion of the existing subdivision located in Lamar County, Ward 5. (PPINs: 4953, 24642, 24643).
 - C. Hastings Puckett, owner, and Ron McMaster, Engineer, and Cole Goza, Engineer, request a conditional use for an outdoor commercial storage space maintained with dustless gravel for a property located at 7128 Highway 49(PPIN 9216, 9237, Forrest County, Ward 1).
 - D. The City of Hattiesburg requests to vacate and close a portion of South 16th Avenue, starting at its intersection with Hardy Street and ending at its intersection of Concart Street. Said street is located in Forrest County, Ward 4, in the City of Hattiesburg.
 - E. The City of Hattiesburg requests to amend the Land Development Code, Ord. No. 3209, and make changes to Sections 1, 5, 7, 9, 10, 11, 12, and 13. More specifically for the purpose of amending language as it related to the intent and purpose of the

code, allowable land uses and conditions for use, standards of design, environmental regulations, sign regulations, administrative and enforcement regulations, subdivision regulations, and definitions. This is an abbreviated summary of the topics addressed in the proposed amendment, and interested parties are encouraged to contact City Hall to review the proposed amendment in its entirety.

III. Other Business

IV. Adjournment



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: Hattiesburg Planning Commission and Board of Adjustment
FROM: Planning Staff
DATE: September 26th, 2023
SUBJECT: **October 4th, 2023 - Hattiesburg Planning Commission and Board of Adjustment**

The Hattiesburg Planning Commission will meet in regular session at 1:00 PM, Wednesday, October 4th, 2023 in the dining room of the Jackie Dole Sherrill Community Center. The Planning Commission agenda contains five items: two zoning changes, a conditional use request, a street closure request, and a request to amend and make changes in the Land Development Code (Ord. No. 3209).

The Board of Adjustment will meet in regular session at 3:30 PM, Wednesday, Wednesday, October 4th, 2023 in the dining room of the Jackie Dole Sherrill Community Center. The Board of Adjustment public hearing agenda contains four items: a building height/landscaping requirement, zoning buffer, minimum lot size, and a request for the maximum allowed open space/fence height variance requests.

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](tel:+15713173122); [Access Code: 630-312-989](tel:+1630312989)

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 published online at <https://hattiesburgms.portal.civicclerk.com/>

Or Scan the QR below using your smartphone:



**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
September 6th, 2023**

Board Members Roll Call:

Members Present:

1. Amy Hinton, Vice Chair
2. Rebekah Ray
3. Rhoda Pickett
4. Elayne Lockett
5. Dick Conville
6. Jeff Keyseear
7. Carlos Wilson
8. Charles Dawe (Online)

Members Absent:

1. Michael Dickerson
2. Luke McNair
3. Mark Miller, Chair

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Planner II
3. Jim Gladden, Esq.
4. Kevin Bates, Building Official
5. Wiley Quinn, Director of Urban Development
6. Andrea Garcia, Planner I
7. Bri Hogge, Planning Manager.

Vice Chair, Hinton, declared the Hattiesburg Planning Commission meeting open and in session at 1:00 p.m.

AGENDA REVIEW

There came the matter of the August 2023 Agenda. Item D was removed from the agenda at the request of the Planning Staff. Commissioner Ray made a motion to accept the amended agenda, seconded by Vice Chair Hinton. All members present were in favor.

Motion:

Made by Commissioner Ray

Second:

Made by Vice Chair Hinton

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		
Rhoda Pickett	X		
Elayne Lockett	X		
Dick Conville	X		
Jeff Keyseear	X		
Carlos Wilson	X		
Charles Dawe (Online)	X		

MINUTES REVIEW

For August 2nd, 2023 minutes, Commissioner Pickett made a motion to approve with spelling corrections and Commissioner Lockett seconded this motion.

Motion:

Commissioner Pickett

Second:

Commissioner Lockett

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		
Rhoda Pickett	X		
Elayne Lockett	X		
Dick Conville	X		
Jeff Keyseear	X		
Carlos Wilson	X		
Charles Dawe (Online)	X		

BUILDING REPORT

Kevin Bates, Building Official, provided the Building Permit Report for August 2023.

PLANNING REPORT

There came the matter of the Planning Report by Nathan Satcher, Senior Planner, and Cory Long, Planning Manager.

CHAIR'S REPORT

The Vice-Chair did not have a report for the meeting.

INTRODUCTIONS

Commissioners and staff introduced themselves.

PUBLIC HEARING – Planning Commission

Item A:

Dennis Pierce, owner, requests approval for a preliminary plat for a major subdivision as an extension of The Cottages of Turtle Creek, located on Methodist Boulevard in Lamar County. The extension will be known as “Cottages at Turtle Creek: Phase IV”, located in Lamar County, Ward 3. (PPIN 7898, 7899, and 13368; Parcel No.: 051L-11-001.000, 051K-12-006.000, and 051L-11-040.000).

Discussion and Vote:

The planning staff introduced the case. Vice Chair Hinton opened the public hearing portion of the meeting. Mr. Denis Pierce, the applicant, came to speak on behalf of the case and explained the project. When the Public Hearing portion of the meeting was opened by Vice Chair Hinton, nine residents came to speak in opposition to the case. An exhibit with signatures by residents opposing the subdivision was entered into the record. There were primarily concerns raised over the amount of traffic, noise, and street safety that could be affected by the construction process. It was also recommended by citizens to look for additional road entrances so that the construction crew would not be able to access their neighborhood in the future. Commissioner Conville made the motion to approve the preliminary plat under the following conditions:

1. Plat Conditions, & Restrictions – add to the plat the following notes:
 - a) The common area(s) parcel's ad valorem tax value shall be assessed to each lot owner on a prorated basis as part of each lot owner's total assessment.
 - b) The common area(s) of this subdivision shall be owned and maintained by the owner's, commercial owner's association, and/or by the property owner(s) of the lots. In the event any lot becomes subdivided into additional lots or individual site plans, said site plans conforming to the city's Land Development Code, each property owner shall own their pro rata share, by area percentage of their lot, of the common areas.
2. Streets - Street identifications and traffic control signs/markings shall be installed by the developer to City specifications.
3. Utilities - Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) are to be installed underground.
4. Bonds – Bonds, in a form satisfactory to the City Engineer and the City Attorney, will be required as follows:

a) Performance bond – Acceptance of the plat before the street and infrastructure are completed will require a bond based on the developer's engineer's estimated cost of unfinished work, verified by the staff engineer, plus 10% until complete. Renewed annually and adjusted for inflation.

b) Maintenance – Upon acceptance of the plat and the completion of streets and infrastructure a bond in the amount of 5% of the total cost of all work must be remitted to the city for the duration of 1 year.

5. A temporary construction road to be required for all grading, clearing, and construction of structures to be created and used that does not have any common entrance with the existing subdivision and that Hamlet Drive cannot be used as a construction entrance.

Commissioner Wilson seconded this motion.

Presented by:

Denis Pierce

Proponents:

1. Danielle Pierce

Opponents:

1. John Hurt
2. Richard Nuss
3. Pat Hicks
4. Bill Youngblood
5. Diana Little
6. Beth Mitchell
7. Murial Anderson
8. Tom Bates
9. Marsha Hester

Motion:

Made by Commissioner Conville

Second:

Made by Commissioner Wilson

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray		X	
Rhoda Pickett	X		
Elayne Lockett	X		
Dick Conville	X		
Jeff Keyseear		X	
Carlos Wilson	X		

Charles Dawe (Online)	X		
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Item B:

Ming Ming Lin, representative, Martin Tovrea, architect, and Beverly Land, LLC., owner, request approval for a Planned Mixed-Used Development as an extension of the existing development known as the “Village at the Beverly”, which is located on Old Airport Road in Forrest County, Ward 5. The Planned Mixed-Use Development will be known as “Village at the Beverly III”. (PPIN 29647 Parcel No.: 2-041H-27-017.00).

Discussion and Vote:

The planning staff introduced the case. Vice Chair Hinton opened the public hearing portion of the meeting. Mr. Ming Ming Lin, the applicant, came to speak on behalf of the case explained the project and invited the Commissioners to raise questions. A letter of concern regarding the site design was submitted by Ginger Lowrey as an exhibit. Commissioner Conville inquired about the requirements for Planned Mixed-Use developments, asserting that the commercial and residential components of this project were not properly integrated. Commissioner Keysear expressed concern over the approval of the project, stating that this does not provide an adequate basis for future PMU developments. As a result, he made a motion to table this item, stating that alternative options for this project could be explored. This motion was seconded by Commissioner Lockett. A roll call vote was then conducted.

Presented by:

Mr. Ming Ming Lin

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Commissioner Keysear

Second:

Made by Commissioner Lockett

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		
Rhoda Pickett	X		
Elayne Lockett	X		
Dick Conville	X		

Jeff Keyseear	X		
Carlos Wilson			ABSTAINED
Charles Dawe (Online)	X		

Item C:

Safari Timberlands, LLC, owner, and Jeff Diamond, representative, and Mark Willie, representative, request approval for a preliminary plat for a major subdivision located on J. Ed Turner Road in Lamar County. The proposed name of the subdivision is “Mandalay Villas of Graystone”, located in Lamar County, Ward 1. (PPIN 31718, 31719, 31720, 31721, 31722, 31723, 31724, 31725, 31726, 31727, 31728, 31729, 31730, 31731, 31732, 31733, 31734, 31735, 31736, 31737, 31738, 31739, 31740, 31741, 31742, 31743, 31744, 31745, 31746, 31747, 31748, 31749, 31750, 31751, 31752, 31753, 31754, 31755, 31756, 31757, 31758, 31759, 31760, 31761, 31762, 31763, 31764, 31765, 31766, 31767, 31768, 31769, 31770).

Discussion and Vote:

The planning staff introduced the case. Vice Chair Hinton opened the public hearing portion of the meeting. Mr. Jeff Diamond, the applicant, came to speak on behalf of the case and presented renderings for this proposal. He also introduced an exhibit, showing a modified plat that reduced the number of developable lots down to 42 (from 44), and added more common area. Questions regarding the lot sizes, driveway entrance and stormwater were raised by Commissioners Conville, Ray and Keyseear. Vice Chair Hinton expressed appreciation to the applicant for his intention to bring the subdivision into compliance with the current Land Development Code. A question was made to Staff by Commissioner Keyseear regarding bonds and their purpose, and staff responded the conditions in place with the bonds assure the infrastructure is completed in various ways. Commissioner Wilson made a motion to approve the modified plat entered as an exhibit with conditions (outlined below) and seconded by Commissionr Conville.

The following conditions were added with approval:

1. Plat Conditions, & Restrictions – add to the plat the following notes:

a) The common area(s) parcel’s ad valorem tax value shall be assessed to each lot owner on a prorated basis as part of each lot owner’s total assessment.

b) The common area(s) of this subdivision shall be owned and maintained by the owner’s, commercial owner’s association, and/or by the property owner(s) of the lots. In the event any lot becomes subdivided into additional lots or individual site plans, said site plans conforming to the city’s Land Development Code, each property owner shall own their pro rata share, by area percentage of their lot, of the common areas. Such maintenance shall be performed so as to ensure that the common area operates in accordance the City’s Land Development Code and Property Maintenance Code. Such maintenance shall include, but not be limited to repair of structures, and maintenance of sign tenants, and maintenance of the property.

The city shall have a “right of access” to use the drives, parking areas, and yards of this property to make inspections of the common areas to ensure that said maintenance has been properly performed. In the event that the property owner(s) have not properly performed maintenance on the facilities, to the extent that the facility(s) poses a threat to public health, safety, or welfare, the city shall retain the right to perform emergency repairs to the facility. The cost of any such repairs will remain the responsibility of the property owner(s) and may be added as a lien on the next year’s tax bill.

2. Streets - Street identifications and traffic control signs/markings shall be installed by the developer to City specifications.

3. Utilities - Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) are to be installed underground.

4. Bonds – Bonds, in a form satisfactory to the City Engineer and the City Attorney, will be required as follows:

a) Performance bond – Acceptance of the plat before the street and infrastructure are completed will require a bond based on the developer’s engineer’s estimated cost of unfinished work, verified by the staff engineer, plus 10% until complete. Renewed annually and adjusted for inflation.

b) Maintenance – Upon acceptance of the plat and the completion of streets and infrastructure a bond in the amount of 5% of the total cost of all work must be remitted to the city for the duration of 1 year.

5. Invalid Plat - Abandon Mandalay Villas of Graystone Subdivision plat with Lamar County as it is not recognized by the City of Hattiesburg as valid.

Commissioner Wilson made a motion to approve the Major Subdivision plat without additional conditions. This motion was seconded by Commissioner Conville. All present voted in favor of approving the request, except for Commissioner Lockett, who was absent.

Presented by:

Mr. Jeff Diamond

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Commissioner Wilson

Second:

Made by Commissioner Conville

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		

Rhoda Pickett	X		
Elayne Lockett			ABSENT
Dick Conville	X		
Jeff Keyseear	X		
Carlos Wilson	X		
Charles Dawe (Online)	X		

Item E:

Tabled from August 2023 Planning Commission: Bennett V. York, owner, and Ronald T. Blackwell, engineer, request approval for a preliminary plat for a major subdivision located along Cross Creek Parkway in Lamar County, Ward 3 (PPIN 7622, 38013; Parcel No.: 051M-11-011.000, 051M-11-011.011).

Discussion and Vote:

Vice Chair Hinton made a motion to take from the table this item. Commissioner Conville seconded this motion. The planning staff reintroduced the case. Mr. Ronnie Blackwell, the applicant came to speak on behalf of the proposal. Neither the applicant nor the staff were asked any questions. Vice Chair Hinton made a motion to approve the request, seconded by Commissioner Ray. The vote passed unanimously.

Presented by:

Mr. Ronnie Blackwell

Proponents:

2. None

Opponents:

2. None

Motion:

Made by Vice Chair Hinton

Second:

Made by Commissioner Keyseear

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		
Rhoda Pickett	X		
Elayne Lockett			ABSENT
Dick Conville	X		
Jeff Keyseear	X		

Carlos Wilson	X		
Charles Dawe (Online)	X		

OTHER BUSINESS

No items were presented as other business.

Adjournment:

The meeting was adjourned at 4:06 p.m.

Motion:

Made by Vice Chair Hinton

Second:

Made by Commissioner Conville

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		
Rhoda Pickett	X		
Elayne Lockett			ABSENT
Dick Conville	X		
Jeff Keysear	X		
Carlos Wilson	X		
Charles Dawe (Online)	X		

Amy Hinton, Vice Chair

Cory Long, AICP, Planning Division Manager

September 2023 HPC Item: B

Ming Ming Lin, Representative, Martin Trovea, Architect, Beverly Land LLC, Owner

Request for: **Approval for Planned Mixed-Used Development**



URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Names of Petitioner: Ming Ming Lin, Representative, Martin Trovea, Architect, Beverly Land LLC, Owner

Address of Property:
Old Airport Rd

Tax Parcels/Ward:
2-041H-27-017.00

PPIN:
29647

Ward:
5

Request:

Approval for Planned Mixed-Used Development

Purpose of Request:

To request **approval for a Planned Mixed-Used Development** as an extension of the existing development known as the "Village at the Beverly", which is located on Old Airport Road in Forrest County, Ward 5. The Planned Mixed-Use Development will be known as "Village at the Beverly III". (PPIN 29647 Parcel No.: 2-041H-27-017.00).

Applicant Summary:

* See Attached *

Applicable Regulations:

SECTION 4

Zoning Districts Established

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

PMU Planned Mixed-Use District (Proposed): The Planned Mixed-Use District is created to provide a regulatory framework for permitting mixed-use development projects in areas designated as mixed-use within the official Comprehensive Plan and any other specific plans subsequently approved. Specifically, the Planned Mixed-Use District serves to:

- Provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties.
- Encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape, and

- size; and to provide for a maximum amount of open space.
- Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure.
- Encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or topography.

SECTION 4.19.1

PMU Planned Mixed-Use District.

4.19.1.2 Eligibility. Eligibility for rezoning to a PMU is based on the City of Hattiesburg Comprehensive Plan as well as other specific plans adopted by the City. Areas generally eligible for rezoning to a Planned Mixed Use District are indicated as Neighborhood Business, General Business, and Planned Unit Development on the Future Land Use Map.

4.19.1.3 District Types. When requesting a rezoning to a new PMU district, the applicant must identify which Comprehensive Plan Area, or areas, applies. Each request for rezoning to a PMU must demonstrate substantial conformance with the characteristics, acceptable land uses and minimum project size as indicated in table 4.6-1.

4.19.1.4 Zoning Map Designation. If approved, all requests for a PMU rezoning shall carry the map designation of PMU along with the abbreviation for the Comprehensive Plan Area it is intended to implement. Abbreviations shall be as follows:

- PMU - NB (Neighborhood Business)
- PMU - GB (General Business)
- PMU - PD (Planned Unit Development)

4.19.1.5 District Regulations.

- i. Permitted Uses. There are no permitted uses in the PMU district.
- ii. Conditional Uses. All uses within a PMU are conditioned upon review and approval of a detailed site plan and other schematics required to prove consistency with specific regulations within this Code as well as the intent of the Comprehensive Plan. While use-specific conditions shall apply, other conditions required to mitigate incompatibilities and address site-specific conditions as imposed by the applicant or required by City Council shall apply and be binding.
- iii. Conditional uses within a PMU shall conform to the acceptable uses list for the Comprehensive Plan Area that is applicable; however, customary accessory uses shall also be permitted as conditional uses. Uses not substantially similar to the uses listed, as determined by the Director, shall be prohibited.
- iv. All requests for rezoning to a PMU-PD shall be accompanied by a detailed site plan indicating specific uses for each phase, parcel and structure. The site plan and the list of uses must conform to all applicable requirements of the LDC as well as rezoning application

requirements and shall, once approved, be binding on the property.

v. All requests for rezoning to any PMU except PMU-PD shall be accompanied by sufficient information to determine compliance with all applicable requirements of this Code. However, site plans and specified uses presented as part of the rezoning process shall not be binding on the property if the rezoning is approved and shall be prominently noted as such on any materials presented as part of a public process. Any property configuration or use that is consistent with the characteristics and acceptable uses for the Comprehensive Plan Area indicated shall be permitted upon review and approval by the Site and Design Committee as part of a zoning permit request.

vi. Mix of Uses Required. The PMU District is specifically intended to contain and support a mix of acceptable uses including residential, commercial, office and open spaces located within a walkable and bikable neighborhood.

vii. Change of Use. Subsequent to approval of a PMU-PD District, any change of use shall be reviewed and approved by the Director. Any requested change that is not substantially consistent with the approved plan shall require the applicant to submit a request for plan amendment. Such revision shall be reviewed and approved by the City Council following the same procedures and requirements for rezoning except that the Director may exempt any site plan requirements deemed inapplicable to the request. All changes of use in any other PMU District shall be reviewed and approved by the Site Design and Review Committee prior to issuance of a zoning permit.

viii. Dimensional Standards. The following dimensional standards shall apply to the PMU district unless otherwise approved by City Council as part of a site specific development plan. Any exception to these standards must be shown on the site plan and requested by the applicant in their presentation to the Council including an explanation for the exception. Any exception granted may require the applicant to incorporate conditions or design mitigation strategies imposed by the Council. Such conditions or strategies shall be presented by the Council and agreed to by the applicant prior to the action to rezone.

ix. Open Space. Open space shall be allocated, designed and maintained as an integral part of all PMU District areas. Open space shall be required as follows:

x. At its discretion, the City Council or Site and Design Committee, whichever has authority to approve the plan, may approve a decrease in the amount of required open space when the plan includes unique design features or amenities that achieve an especially attractive and desirable development such as, but not limited to, terraces, sculptures, water features, preservation and enhancement of unusual natural features, or landscape sculpture

(i.e., areas that are intensely landscaped). Open space may be held in common by a property owners association, dedicated to the City for use as a public amenity, or donated to a land conservationancy where it will be held and maintained for the intended use. Permanent ownership and maintenance responsibility of open space by the City is subject to approval by the City.

xi. Design Standards. All uses within a PMU district shall be subject to specific design standards as detailed in Section 6 Design Standards in addition to any other standards stipulated in adopted area plans. Where conflicts between standards exist between the two, standards in the adopted plan shall prevail.

xii. Design Mitigation. When submitting any application for rezoning to a PMU or any zoning permit request within an existing PMU, the applicant shall make a particular effort to mitigate potential incompatibilities with adjacent zoning districts. Such mitigation measures may include: the addition or increase of buffers, landscaping, open space, and screens; decreasing intensity, structure height, or bulk; reducing the amount of parking and restricting loading, solid and liquid waste collection (e.g. dumpsters, grease pits, and recyclable materials) adjacent to the perimeter; restricting access to local streets; and integration of other relevant design features that helps to merge the districts into a cohesive whole. Mitigation measures integrated into the application at time of submittal that exceed the standards of this Code shall be noted as binding conditions imposed by the applicant.

SECTION 11

Administration and Enforcement

11.2 City Council

11.2.9 Decide all requests for site and building design approval for properties located within a PMU district.

11.6 Site and Design Review Committee

11.6.2 Decide all requests for site and building design approval for properties located outside a designated historic district or PMU district

Present Zoning:	The undeveloped parcel is currently zoned B-3 Community Business District
Present Use:	Vacant / Undeveloped
Future Land Use:	Neighborhood Conservation District 1 and Community Business Corridor

**Surrounding Zoning
and Land Use:**

North: B-3 Community Business District
South: B-3 Community Business District / R-3 Multi-Family Residential District
East: B-3 Community Business District
West: B-3 Community Business District

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case as of August 25th, 2023.

History / Background:

The Village at the Beverly was originally approved as a Planned Unit Development (PUD) under the previous Land Development Code, Ord. 2330, and additions and amendments since the adoption of the current code have approved expansions and amendments as Planned Mixed Use-Planned Developments. The original PUD was approved in August of 2013 by City Council. The current request is for the third and final phase of the Planned Mixed-Use Development.

Phase 1 of the development included 52 rental units, which was completed in 2016. Phase 2 was comprised of 40 rental units and completed in 2022. Phase three includes 30 rental units and a 2,000ft² commercial building. The final phase of the development also includes the addition of several amenities for residents, including a half-basketball court, a walking/jogging trail around a water feature, a fitness center, and a community business center. The proposed architectural style of the development will match the design and style of the existing buildings constructed in phase I and II.

The commercial component is a required part of a Planned Mixed-Use Development and must be included in the third phase of the development. The commercial space proposed includes 4 commercial spaces that are 500 ft² each, where the applicant is proposing they could be used for light retail. At this time, the applicant does not have a specified use for each of the commercial spaces. Staff suggests that the uses be limited to the permitted uses of a B-3 zoning district, which is consistent with the underlying zone for the area and the future land use designation as a Community Business Corridor. Staff also suggest including a timeline for when the commercial component is to be completed to guarantee the requirements of the PMU district are met in a reasonable timeframe. A memo from the previous Director of Urban Development has been included in this report, outlining the request to establish the development as a PMU, which included the requirement of a commercial or mixed-use type use as originally intended to make the whole of the development consistent with the PMU district.

Option: Recommend **approval** or **denial** of the request for a PMU-PD at 15 Airport Rd.

Conditions to consider with an approval:

1. **Mixed-use requirement** – The commercial or mixed-use component of the PMU must be completed at the same time as the residential component. The final Certificate of Occupancy for Phase III shall not be issued until the completion of commercial structures as shown on the site plan are complete.
2. **Allowable uses** – The commercial structures shall have the following uses that are allowed by right and do not need additional approval of the City Council. Any site changes or uses that are not as listed below will require conditional use approval as outlined in the requirements of the PMU District. The uses shall follow the definitions and requirements of table 5.1 of the Land Development Code and all other applicable codes and requirements:
 - a. Civic/Cultural/Community Center
 - b. Fitness Centers
 - c. Gallery, Museum, and Library
 - d. Medical or dental office
 - e. Other Professional Office
 - f. Personal and Professional Services, excluding tattoo parlors
 - g. Places of Assembly not otherwise listed in the table of uses
 - h. Restaurant, without a drive-through
 - i. Retail <10,000 ft²

SUBJECT PARCEL

Village at the Beverly — Planned Mixed-Used Development

Ming Ming Lin, Representative, Marin Tovrea, Architect

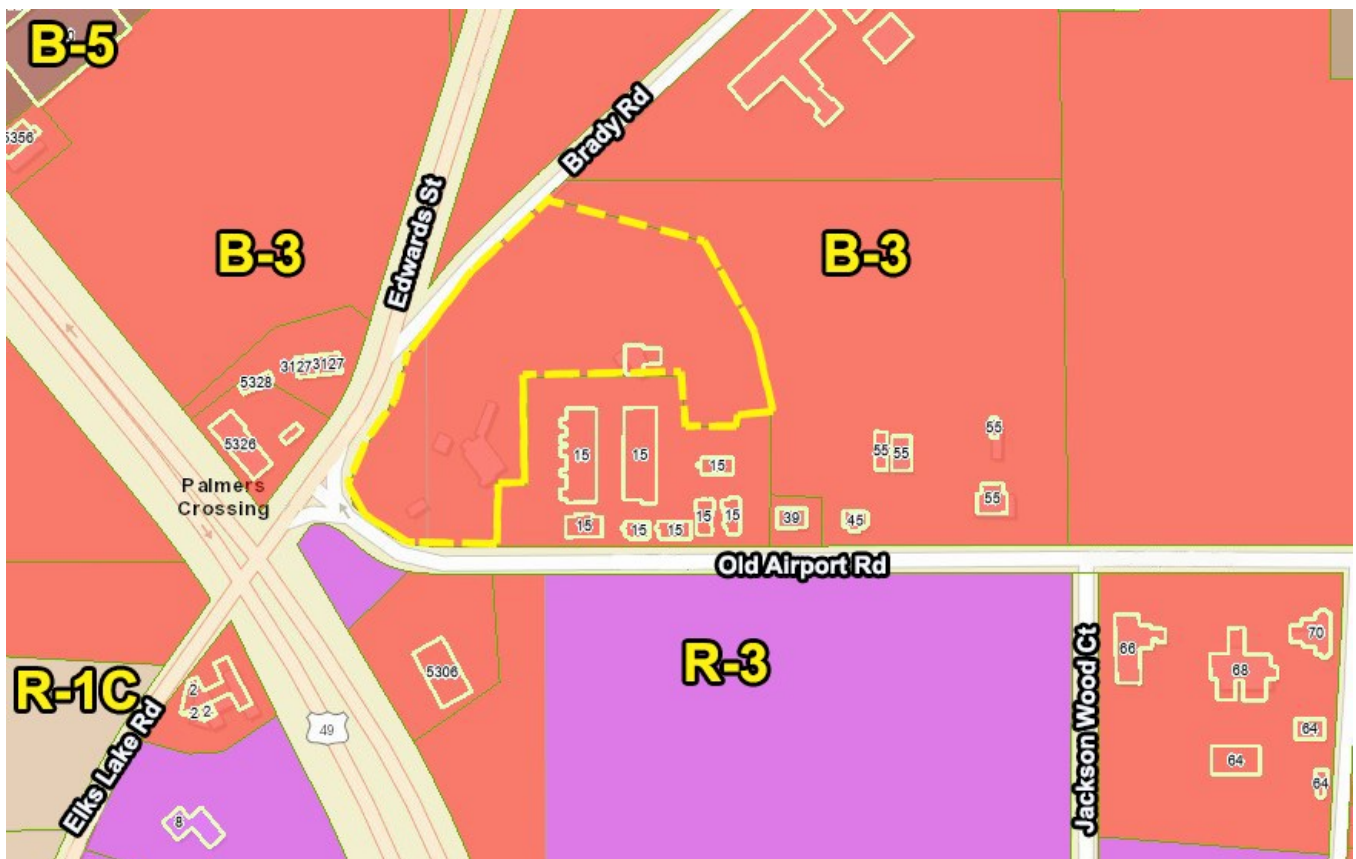
The petitioners request approval for a Planned Mixed-Used Development as an extension of the existing development known as the “Village at the Beverly”, which is located on Old Airport Road in Forrest County, Ward 5. The Planned Mixed-Use Development will be known as “Village at the Beverly III” (PPIN 29647 Parcel No.: 2-041H-27-017.00).



Vicinity Map: Ward 5



Zoning: B-3



Site Aerial



Site Aerial

Northern Direction: B-3 Community Business



Southern Direction: B-3 Community Business and R-3 (vacant)



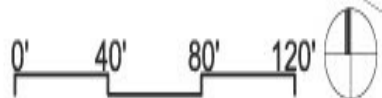
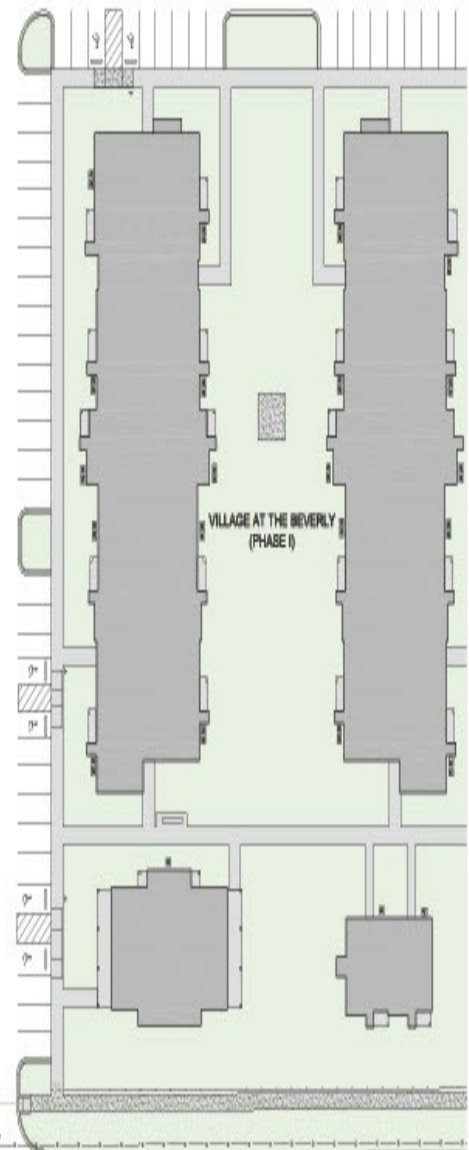
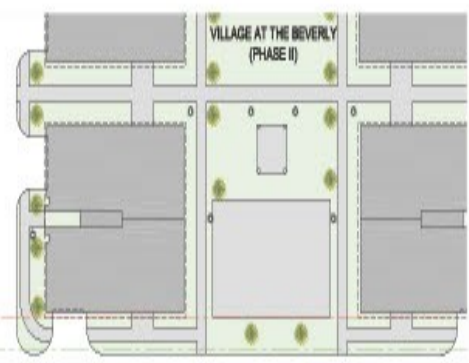
Site Aerial

East and Western Directions: B-3 Community Business



Preliminary Plat







Village at the Beverly III - Vicinity Map





July 31, 2023

City of Hattiesburg
200 Forrest Street
Hattiesburg, MS 39401

RE: Village at the Beverly III – Planned Mixed-Use Planned Unit Development

To the City of Hattiesburg,

Village at the Beverly III is a proposed mixed-use development located at the site of the former Beverly Drive-In Theater on Edwards Street and Old Airport Road in Hattiesburg, Mississippi. The project implements Phase 3 of a multi-phased community impact strategy to create a holistic affordable community. Phase 1 consisting of 52 rental units was completed in 2016. Phase 2 consisting of 40 rental units was completed in 2022. Phase 3 continues to create high-quality affordable housing and appropriate amenities and will introduce complementary commercial space. The Phase 3 project consists of 30 affordable rental units housed in 2 buildings and a 2,000SF commercial building constructed at a neighborhood appropriate scale for Palmer's Crossing.

Village at the Beverly aligns with the intent of a Planned Mixed-Use -Planned Unit Development zoning to efficiently transform a vacant site into a coherent community of affordable housing and commercial space through arrangement of buildings, roads, and amenities. The site, in accordance with sections 4.19.1 and 4.19.1.5 regarding Planned Mixed-Use in the Hattiesburg Land Development Code, will be compactly laid out to complement the existing phases and adjacent properties. Village at the Beverly III will provide a variety of amenities including a community clubhouse, a business center, a fitness center, a walking/jogging path, a playground, a half basketball court, and gazebo as amenities for residents. Walking pathways, roads and parking connect the whole site such that tenants can easily access the commercial uses and amenities of the multi-phased site. The commercial space will be located toward the prominent corner of Old Airport Road and Edwards Street with physical and visual access. This location takes into consideration the rest of Edwards Street, Old Airport Road, and US-49 junction where other commercial uses are positioned.

Village at the Beverly is focused on creating safe, healthy, affordable housing in a traditional neighborhood setting. All Village at the Beverly III units will be affordable to residents with incomes at 60% of the area median income or less. Village at the Beverly III responds to the demand for affordable, high-quality housing in Hattiesburg with a holistic approach to development contributing a mixed-use neighborhood to the Palmer's Crossing community.

Thank you for your consideration for our request. Please contact me at 504-525-2505, ext. 214 or at lin@gchp.net with any questions.

Sincerely,

Ming Ming Lin
Project Manager

EXHIBIT B-2

Long, Cory

From: Ginger Lowrey <ginger.m.lowrey@gmail.com>
Sent: Wednesday, September 6, 2023 10:31 AM
To: Satcher, Nathaniel; Long, Cory
Subject: Letter to HPC for 9/6/2023 meeting

Good morning,

Please share the following letter with the Hattiesburg Planning Commission. After seeing the agenda and proposed site plan, I felt it necessary to emphasize some initial intentions of the "Village at the Beverly" Planned Mixed-Use Development

Dear Hattiesburg Planning Commission,

Thank you for your time and the opportunity to share my opinion as the former Planning Division Manager for the City of Hattiesburg.

The plan provided by Beverly Land, LLC., for your approval on Wednesday September 6, 2023, lacks follow through with the original intention of the approved Planned Mixed-Use Development for "Village at the Beverly". The site designs of the initial approvals indicated that a portion of the "village" project would be a true mixed-use development rather than a suburban style apartment complex that lacked integration with the community. The previous phases were permitted to move forward with only residential elements thanks in part to the promise that a final phase would include mixed-use buildings and site design that provided an economic opportunity for the community as well as be convenient to the residents. This site, at a prominent entrance to the Palmers Crossing neighborhood, should serve as a welcome into the neighborhood and act as a node of activity and community.

The current proposed site design hardly checks the box of that initial promise. The commercial element looks to be convenient to neither the general public nor the residents of the development. It is also not an integrated mixed-use design which facilitates an active and interactive environment.

This community deserves the type of development it was originally promised at this gateway point from Hwy 49, an important thoroughfare of Hattiesburg. Please consider the impact a proper mixed-use development could have compared to the stand-alone commercial box presented in the current plan.

Ginger M. Lowrey, AICP
Madlow Planning & Development, Owner
662-822-3406

MEMORANDUM

TO: CITY COUNCIL MEMBERS; MAYOR BARKER
FROM: ANDREW ELLARD, DIRECTOR OF URBAN DEVELOPMENT
SUBJECT: BEVERLY PHASE II PMU-PD
DATE: 11/12/2019

Council Members:

The request to rezone the Phase II section of the project at the Beverly is in keeping with the prior plan to re-develop the site as a mixed use development. The project came through as a PUD under the previous code, but the site layout is changing considerably enough that procedurally, we preferred that it be sent through review of the Planning Commission and Council. Additionally, PUD does not exist under the new code in quite the same form. What we now call Planned Mixed Use (PMU), and more specifically, PMU-PD (Planned Development), is the most closely comparable zone/district overlay.

This request does not seek to change the previously approved use of the property, but will serve to define it according to the current code. With this in mind, the following terms are recommended to be incorporated as terms of the PMU-PD approval.

- Dimensions and measurable items shown on the presented site plan such as setbacks, drive aisle widths, impervious surface ratios, parking supplied, etc. may be changed as needed during the site plan review process with approval of the Site & Design Review Committee. Effort will be made to ensure that dimensions of Phase II are consistent with property zoned R-3, multi-family, with consideration that some details may need to adhere more closely to B-3 zoning as the underlying zone for the area.
- The site shall be designed to adhere to the Land Development Code requirements for R-3 or B-3, as appropriate, in all respects except for exceptions that are specifically listed in the approval.
- Phase II shall consist of multi-family housing with density no greater than that allowed in R-3 zoning districts and consist of site amenities common to, and required of, multi-family property, and shall include a private garage for each dwelling unit of a design complimenting the overall development.
- The site plan shall indicate that Phase III, when developed, shall include appropriate, commercial or mixed-use type uses as originally intended to make the whole of the development a mixed-use development consistent with the PMU-PD district and the prior PUD approval. Exact uses shall not be prescribed until development approval is pursued for Phase III.

ae

PUBLIC HEARING APPLICATION
P O BOX 1898 (200 Forrest Street/39401)
HATTIESBURG, MS 39403-1898
 Department of Urban Development
 545-4599 or FAX (601) 545-1962

**PUBLIC HEARING TYPE REQUESTED:****Application for (check all appropriate types):**

- ☐ Variance (details below) ☐ Conditional Use (details below) ☐ Re-Zoning (details below)
☐ Subdividing of Lot, Parcel or Tract ☐ Overlay District
☐ Street or Alley Renaming ☐ Vacating Street or Alley
☒ Planned Mixed-Use District ☐ Planned Residential Development

FOR VARIANCE ONLY:

Check all appropriate variance types:

- ☐ Sign ☐ Setback (front, side or rear _____) ☐ Off-site Parking
☐ Lot Width ☐ Lot Coverage Area ☐ Buffer ☐ Open Space
☐ Other _____

Land Development Code Section No. _____

Section No. _____

Section No. _____

Staff
Information –
do not complete

FOR CONDITIONAL USE PERMIT ONLY:

Check Applicable Type:

- ☐ Automotive filling station ☐ Group facility or home ☐ Care Center (type _____)
☐ Digital Billboard, New ☐ Digital Billboard, Replacement ☐ Solar Farm
☐ Restaurant ☐ Telecommunications ☐ Other _____

Land Development Code Section No. _____

Staff Information

FOR RE-ZONING ONLY:

Existing Zoning: _____

Proposed Zoning: _____

Public Hearing Contact Information Form

City of Hattiesburg - Planning Division

Note: A Pre-Application submittal must contain a completed application form and a concept plan drawn to scale.

Pre-Application Date: 4/11/2023

Planner: Nathan Satcher

Today's Date: 7/21/2023

Project Name: Village at the Beverly III

Proposed Use(s): Residential and commercial

Project Street Address: 15 Old Airport Rd, Hattiesburg, MS 34901

PPIN Number(s) (If unknown, can be found on tax receipt): 29647

Parcel Number(s): 2-041G-27-017.00

Flood Zone(s): X

Historic District(s): N/A

Zoning District(s): B-3 Community Business

Proposed Cost of the Project: \$8.9 Million Residential | \$500,000 Commercial

Project Representative Information

Name: Ming Ming Lin, Project Manager, Gulf Coast Housing Partnership

☐ Applicant ☐ Property Owner ☒ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer

☐ Other (Specify):

Phone: 504-525-2505 ext 214

Fax:

Email: lin@gchp.net

Mailing Address: 1626 Oretha Castle Haley Blvd., Suite A, New Orleans, LA 70113

Name: Martin Tovrea, multistudio

☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☒ Architect ☐ Engineer

☐ Other (Specify):

Phone: 985-789-1614

Fax:

Email: martin.tovrea@multi.studio

Mailing Address: 3308A Magazine Street, New Orleans, LA 70115

Name: Beverly Land, LLC

☐ Applicant ☒ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer

☐ Other (Specify):

Phone: 504-525-2505

Fax:

Email: laborde@gchp.net

Mailing Address: 1626 Oretha Castle Haley Blvd., Suite A, New Orleans, LA 70113

OWNER AFFIDAVIT PAGE

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE OWNER(S) OF THE SUBJECT PROPERTY

WITNESS THE SIGNATURES of the **OWNER(s)** of the subject property located at

15 Old Airport Rd Hattiesburg MS
Street Address City State

on this the 24th day of July, 2023.

In the matter of this request, the property owner further authorizes the following named person(s) to represent them at the public hearing on this petition.

Ming Ming Lin, Martin Tovrea

on this the 24th day of July, 2023.

Beverly Land, LLC

Property Owner (print)

Property Owner (signature)

STATE OF LOUISIANA

COUNTY OF ORLEANS

Personally came and appeared before me, the within named

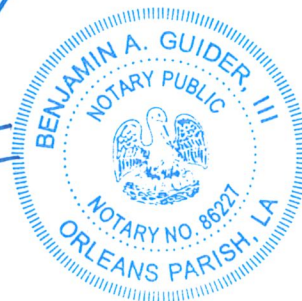
Kathleen F. Laborde

who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 24th day of July, 2023.

Benjamin A. Guidet III
NOTARY PUBLIC

My Commission Expires: at death.



APPLICANT AFFIDAVIT PAGE

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE **APPLICANT** OF THIS PETITION,
ONLY IF DIFFERENT FROM THE OWNER(S) OF THE SUBJECT PROPERTY

WITNESS THE SIGNATURES of the **APPLICANT(s)** of the subject property located at

15 Old Airport Rd Hattiesburg MS
Street Address City State

on this the 24th day of July, 2023.

Village at the Beverly III, LP

Applicant (print)

[Signature]
Applicant (signature)

STATE OF LOUISIANA

COUNTY OF ORLEANS

Personally came and appeared before me, the within named

Kathleen F. Laborde

who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 24th day of July,
2023.

Benjamin A. Guider III
NOTARY PUBLIC

My Commission Expires:

at death.



PLANNING COMMISSION & BOARD OF ADJUSTMENT - PETITIONER REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00 p.m. (End of business day)

Hattiesburg Planning Commission & Board of Adjustment Meeting Date: 9/6/2023 Time: 1:00 p.m.
(Always the first Wednesday of each month - you or your representative MUST attend)

There is a 10 day appeal period, required by State Law, between the Planning Commission Meeting and/or Board of Adjustment Meeting and the City Council Meeting – appeals must be filed within this 10-day period.

City Council Agenda Review Meeting Date- (you or your representative should attend): _____ Time: 4:00 p.m.

City Council Meeting (Vote) Date - (you or your representative may attend): _____ Time: 5:00 p.m.

There is an additional 10 day appeal period, required by State Law, after City Council Meeting, for all Variances and Conditional Use Permit which ends _____ and a 30 day appeal period for Zoning or Street closing/ re-naming, PMUs, PRDs, PUDs which ends _____. So, if approved by City no final site plan review approvals or building permits could be issued prior to these dates.

If an appeal is filed or the petition is tabled for any reason at any stage, the above listed dates would need to be revised.

The following paperwork MUST be attached to this application:

☒ Site Diagram (11"x 17" preferred size): Drawing to scale prepared by professional engineer/surveyor showing lot dimensions, existing/proposed buildings, signs, parking areas, etc. (Different standard may be accepted only per approval from Staff)

☐ Site & Design Review Committee, if needed.

☒ Copy of entire Warranty Deed (filed and recorded at courthouse) with legal description granting title to current owner. (If the Warranty Deed covers a larger piece of property than the current project, a legal description for this project site only may also be required.)

☒ Electronic/Digital copy of legal description REQUIRED for all public notices, saved as Word or text document OR emailed to glowrey@hattiesburgms.com or planning@hattiesburgms.com.

☒ An affidavit (page 3 & 4) attesting that the applicant or representing party (if other than owner) is acting on behalf of the owner(s) of record. The affidavit must be sworn to before a notary public or other appropriate official. (Included in owners signature page, or may be separate document)

N/A A letter of approval/denial from all adjoining property owners must be obtained and submitted with application (Variance application only).

☐ Other documents needed (per Planning Division).

☐ Maps of Digital Billboard Removal Sites

☐ Maps of Digital Billboard Replacement sites

☐ Documentation on measurements

☐ Other _____

☒ Payment to the City of Hattiesburg for filing application in the amount of \$ 400.00.

***You may be responsible for posting a sign (prepared by Planning Division staff)
a minimum of fifteen (15) days prior to the hearing date.***

You will be responsible for maintaining the sign for the duration of the public hearing process.



URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Name of Petitioner: Casey Benedict, Representative

Address of Property:	Tax Parcel	PPIN:	Ward:
Off of Richburg Rd	057H-25-002.000	4953	5
Lamar County Parcels	057H-25-006.000	24642	5
	057H-25-007.000	24643	5

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

Purpose of Request: To request rezoning a portion of a major subdivision known as "Woodhaven Lake Estates" from A-1 to R-1A. The portion of the subdivision in the request is a portion of the existing subdivision located in Lamar County, Ward 5. (PPINs: 4953, 24642, 24643).

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.

4.5.3 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.

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%	-
A-1	130,680 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	35%	-

Present Zoning: The undeveloped parcels are currently zoned A-1.

Present Use: Major Residential Subdivision, Lakewood Estates (Vacant)

Future Land Use: Neighborhood Conservation District

Surrounding Zoning and Land Use:
North: A-2 Agricultural Residential
South: A-1 Agricultural District
East: R-1A Single-Family Residential
West: City Limits

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

History / Background:

The preliminary plat for this subdivision was presented to the Hattiesburg Planning Commission in June of 2023 and was recommended for Approval at the July 2023 Planning Commission. As part of the requirements to make the subdivision compliant with the zoning standards, a condition was added that the parcels of the subdivision in Lamar County be rezoned to R-1A. The only portion is the section in Lamar County (which is still inside City Limits). City Council approved the preliminary plat for the Woodhaven Lake Estates subdivision with the condition that this portion be rezoned on July 18th, 2023.

As the parcels are currently zoned A-1, the properties cannot be subdivided and platted until the zoning meets the minimum

October 2023 HPC Item: B

Casey Benedict, Representative

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

requirements. As an R-1A zoning for these parcels, the proposed lots being created would meet the dimensions requirements for the R-1A zone.

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

SUBJECT PARCEL

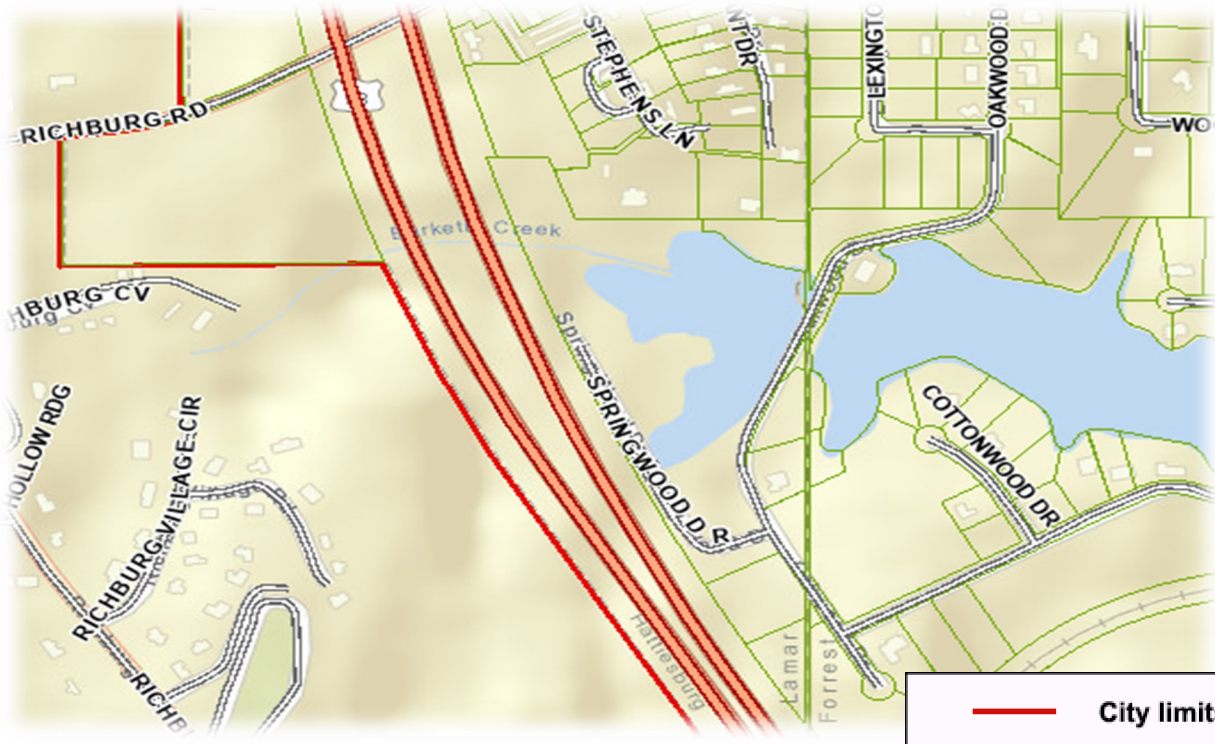
Woodhaven Lake Estates — Rezoning Request

Casey Benedict, Representative

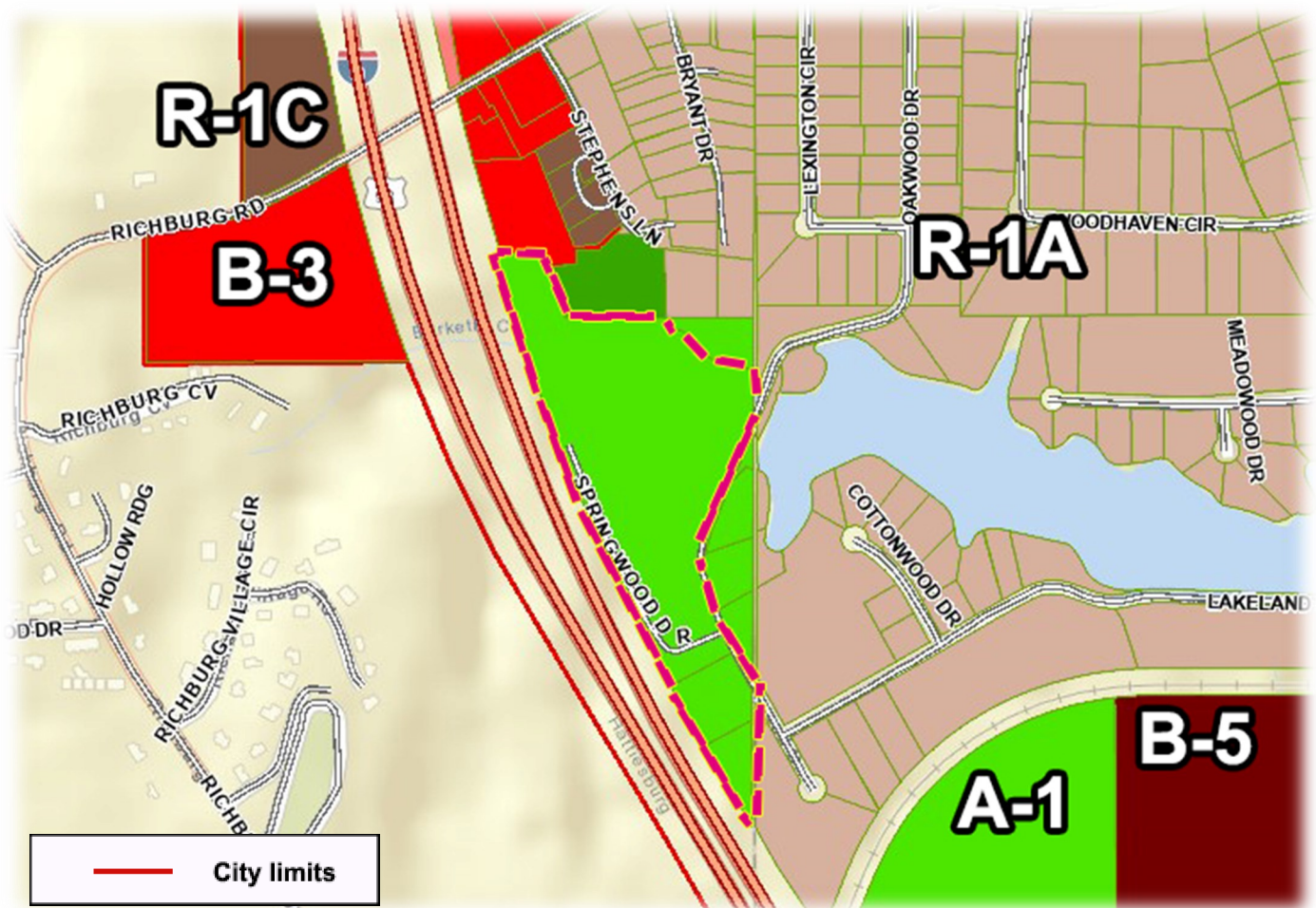
The petitioner requests to rezone a portion of a major subdivision known as “Woodhaven Lake Estates” from A-1 to R-1A. The portion of the subdivision in the request is a portion of the existing subdivision located in Lamar County, Ward 5. (PPINs: 4953, 24642, 24643).



Vicinity Map: Ward 5



Zoning: A-1



Site Aerial



Surrounding Area

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



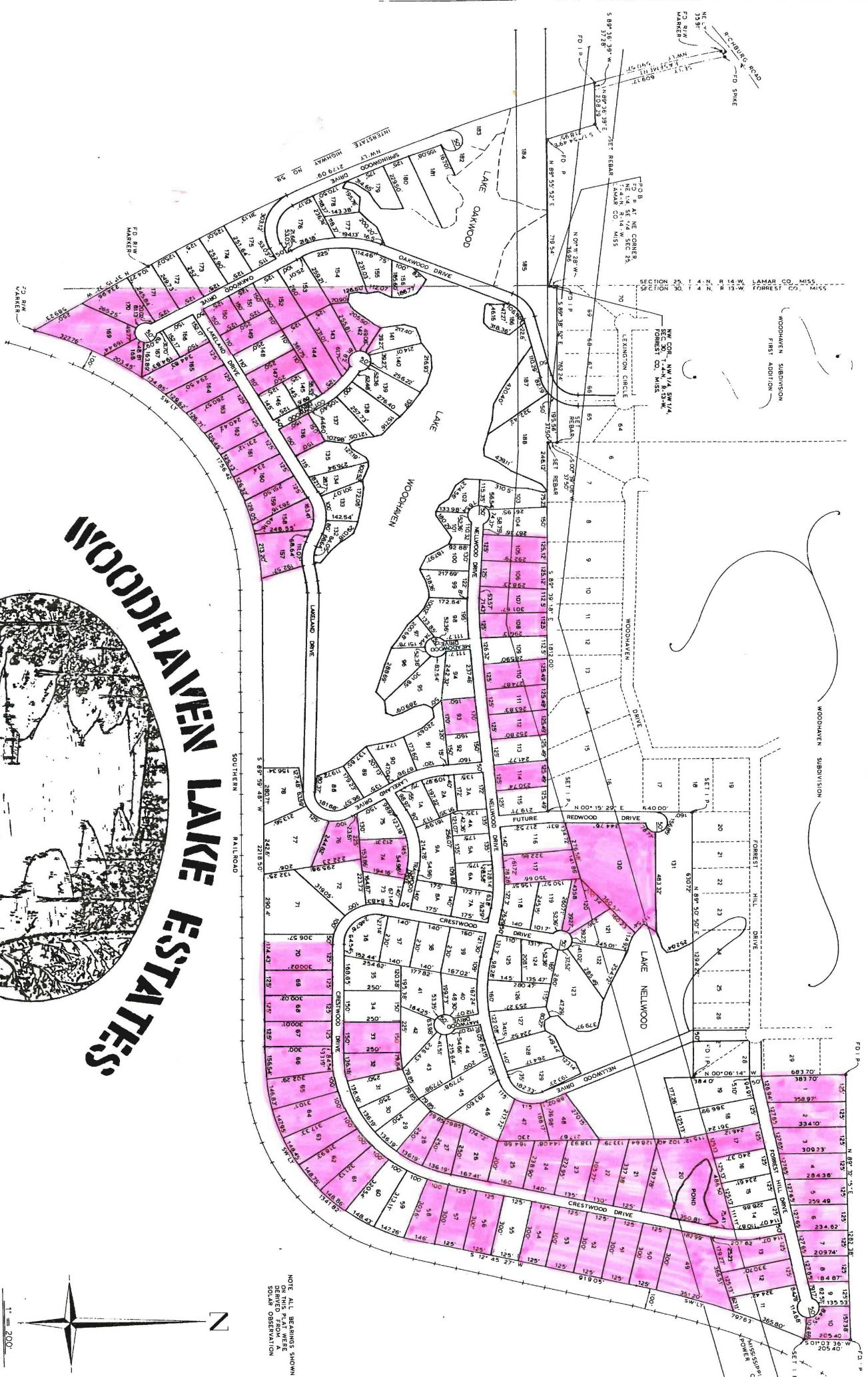
Southern Direction: R-1A Residential District



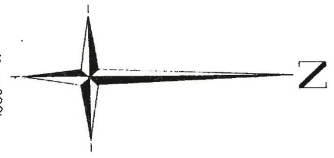
Surrounding Area

Eastern and Western Direction: R-1A Residential District





WOODHAVEN LAKE ESTATES



NOTE: ALL BEARINGS SHOWN
ON THIS PLAT WERE
OBTAINED BY
SOLAR OBSERVATION

1" = 200'
TOTAL ACRES: 220.98

EVITT & ASSOCIATES
PLAT 2, BOX 851
HARRISBURG, MS 39401
PHONE: (601) 581-1818
SCALE: 1" = 200'
DATE: 6/14/84
PART OF SEC. 20, T-4-N, R-13-W, FOREST CO., MISS.
AND SEC. 23, T-4-N, R-14-W, LAMAR CO., MISS.
SURVEYED FOR: DAVID M. COX
DRAWN BY: M.C.A.
CHECKED: J.B.W.
DATE: 2/8/81



URBAN DEVELOPMENT PLANNING DIVISION

Public Hearing Application

P.O. BOX 1898 (200 Forrest Street/39401)
Hattiesburg, MS 39403-1898
Department of Urban Development
(601) 545-4599 or FAX (601) 545-1962

APPLICANT:

Applicant Name: DAVID M. COX, INC
Project Name: WOODHAVEN LAKE ESTATES
Proposed Use(s): RESIDENTIAL SUBDIVISION
Project Street Address: _____
PPIN Number(s) (if unknown, can be found on tax receipt): 4953 C

Application for (check all appropriate types):

- | | |
|---|---|
| ☐ Variance (see below) | ☐ Conditional Use (see below) |
| ☐ Subdividing of Lot, Parcel, or Tract (see p. 12) | ☒ Re-Zoning (see below) |
| ☐ Street or Alley Renaming (see pp. 13-14) | ☐ Overlay District |
| ☐ Vacating Street or Alley (see pp. 13-14) | ☐ Planned Mixed-Use District |

For Variance Only (check all appropriate variance types), see pp. 7 & 8:

- | | | |
|---------------------------------------|---|---|
| ☐ Sign | ☐ Setback (front, side, or rear _____) | ☐ Off-Site Parking |
| ☐ Lot Width | ☐ Lot Coverage Area | ☐ Buffer |
| ☐ Other: _____ | ☐ Open Space | |

For Conditional Use Permit Only (check applicable type), see pp. 9 & 10:

- | | |
|---|---|
| ☐ Automotive Filling Station | ☐ Telecommunications |
| ☐ Digital Billboard, New | ☐ Digital Billboard, Replacement |
| ☐ Restaurant | ☐ Solar Farm |
| ☐ Other: _____ | |

For Re-Zoning Only, see p. 11:

Existing Zoning: A-1
Proposed Zoning: R-1A

PLEASE BE SURE TO FILL OUT PP. 1-5 AND SEE FEES ON P. 6

STAFF USE ONLY – Do Not Complete:

Pre-Application Date: _____	Planner: _____
Parcel Number(s): _____	Historic District(s): _____
Flood Zone(s): _____	Zoning Districts(s): _____
Project No.: _____	
Code Sections:	
LDC Section No. _____	
Section No. _____	
Section No. _____	
Section No. _____	
Section No. _____	

RECIVED DATE & INITIALS:

PROJECT REPRESENTATIVE INFORMATION:

Primary:

Name: <u>CASEY L. BENEDICT</u>		
☐ Applicant	☐ Property Owner	☒ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____		
Phone: <u>601-466-3178</u>	Fax: _____	Email: <u>Casey.benedict1069@gmail.com</u>
Mailing Address: <u>70 MITCHELL ROAD</u>		
<u>PURVIS, MS 39475</u>		

Secondary:

Name: _____		
☐ Applicant	☐ Property Owner	☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____		
Phone: _____	Fax: _____	Email: _____
Mailing Address: _____		

Other(s):

Name: _____		
☐ Applicant	☐ Property Owner	☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____		
Phone: _____	Fax: _____	Email: _____
Mailing Address: _____		

Name: _____		
☐ Applicant	☐ Property Owner	☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____		
Phone: _____	Fax: _____	Email: _____
Mailing Address: _____		

APPLICANT AFFIDAVIT PAGE

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE **APPLICANT** OF THIS PETITION, ONLY IF DIFFERENT FROM THE OWNER(S) OF THE SUBJECT PROPERTY

WITNESS THE SIGNATURES of the **APPLICANT(s)** of the subject property located

at WOODHAVEN LAKE ESTATES HATTIESBURG MS
Street Address City State

on this the 25TH day of AUGUST, 2023.

CASEY L. BENEDICT
Applicant (print)

[Signature]
Applicant (signature)

STATE OF Mississippi
COUNTY OF Lamar

Personally came and appeared before me, the within named

Casey L. Benedict
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 25 day of August, 2023.

Lisha Turner
NOTARY PUBLIC

My Commission Expires:

August 24, 2025



FOR RE-ZONING APPLICANTS:

As stated in Section 12.3 in the Land Development Code, 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.

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

Detailed explanation of condition(s) most applicable to your request:

THE PROJECT CONSISTS OF BRINGING THE PROPOSED LOTS OF WOODHAVEN LAKE ESTATES WITHIN LAMAR FROM ZONE A-1 TO R-1A IN ORDER TO MEET CITY REQUIREMENTS.

HPC October Item: C
Hastings Puckett, Owner; Ron McMaster and Cole Goza, Engineers
Request for: **Conditional Use**



**Planning Commission
Case Fact Sheet**

Name of Petitioner: Hastings Puckett, Owner; Ron McMaster and Cole Goza, Engineers

Address of Property:	Tax Parcel	PPIN:	Ward:
7128 Highway 49	2-012N-23-005.00	9237	1
		9216	1

Request: **Conditional Use – Outdoor Commercial Storage**

Purpose of Request: To consider an application to request a request a Conditional Use for an outdoor commercial storage space maintained with dustless gravel for a property located at 7128 Highway 49(PPIN 9216, 9237, Forrest County, Ward 1).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts Established

4.5.12 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.

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

HPC October Item: C
Hastings Puckett, Owner; Ron McMaster and Cole Goza, Engineers
Request for: **Conditional Use**

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

Use Regulations

5.4.40 Self-Storage Facilities

5.4.40.1 Self-storage warehouse spaces shall be used for storage only. No space shall be leased or used for any other purpose. Any other use associated with the warehouse, such as office or commercial, shall meet all applicable standards of this ordinance for that use for the district in which it is located as well as all other local or state codes that may apply. All uses of the site shall be clearly defined and designated on the site plan prior to zoning approval.

5.4.40.2 Outside storage shall be screened and shall not be located closer than 100 feet, lot line to lot line, to a residential or mixed-use zoning district or a lot containing a legal, conforming residential use. Outside storage of recreational vehicles, boats and trailers shall be completely screened or located on the rear one half of the property and not visible from the street.

5.4.40.3 All driveways and parking areas between and around buildings shall be paved with asphalt or concrete including parking areas for the storage of boats, recreational vehicles and similar vehicles.

Present Zoning: The parcel is currently zoned B-5 (Regional Business District)

Present Use: Puckett Rents (Business).

Future Land Use: Regional Business and Regional Business Corridor

**Surrounding Zoning
and Land Use:**

North: B-5 Regional Business District
South: B-5 Regional Business District
East: A-1 Agricultural District
West: City Limits

Letters or

Concerns stated:

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

History / Background:

The applicant met with staff in Pre-Application to discuss an expansion of the existing Puckett Rents business on Highway 49. The proposed expansion of their outdoor storage area includes a 9000 sf storage facility. The expansion includes the installation of a gravel surface for the expanded outdoor storage area. Staff

HPC October Item: C
Hastings Puckett, Owner; Ron McMaster and Cole Goza, Engineers
Request for: **Conditional Use**

informed the applicant the gravel surface would require a conditional use for approval. The side yard storage area also exceeds the maximum allowance of 50% of the side and rear yard as outdoor storage, which the applicant is seeking a variance for. The expansion area and storage facility are also within the AE Special Flood Hazard Area (100 year), and all development will need to be compliant with the Flood Damage and Prevention Ordinance.

The LDC was amended in September 2020 to allow gravel surfaces in non-public outdoor storage yards as a conditional use in B-5 zoning.

The applicant is also seeking a variance request for the fence height in the front setback, to request a height up to 6'. They applicant is also seeking a variance from having to install the screening requirement for an outdoor storage area, where they are proposing to have none with their request.

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

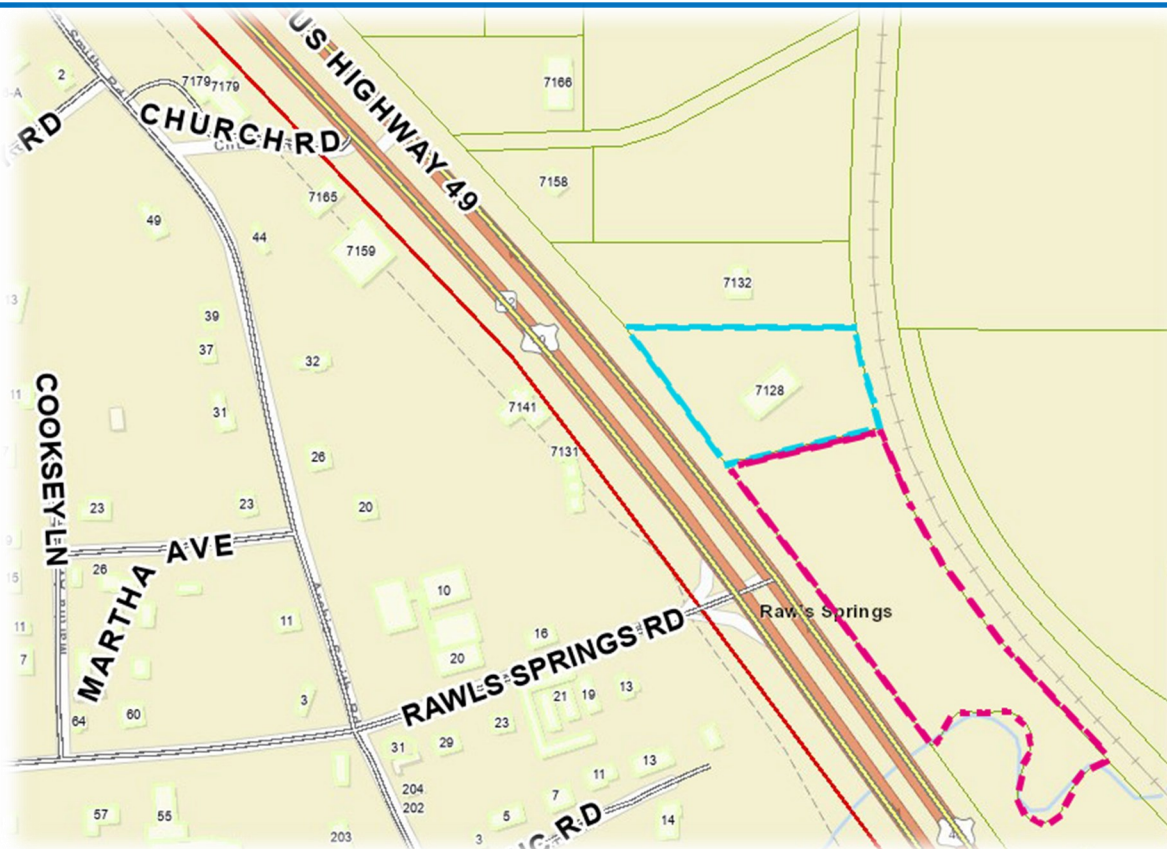
7128 U.S HWY 49 — Conditional Use Request

Hastings Puckett, Owner, Ron McMaster and Cole Goza, Engineers.

The petitioners request conditional use for an outdoor commercial storage space maintained with dustless gravel for a property located at 7128 Highway 49 (PPIN 9216, 9237, Forrest County, Ward 1).



Vicinity Map: Ward 1



Zoning: B-5



Site Aerial



Surrounding Area

B-5 Regional Business District and City Limits



Surrounding Area

B-5 Regional Business District and City Limits



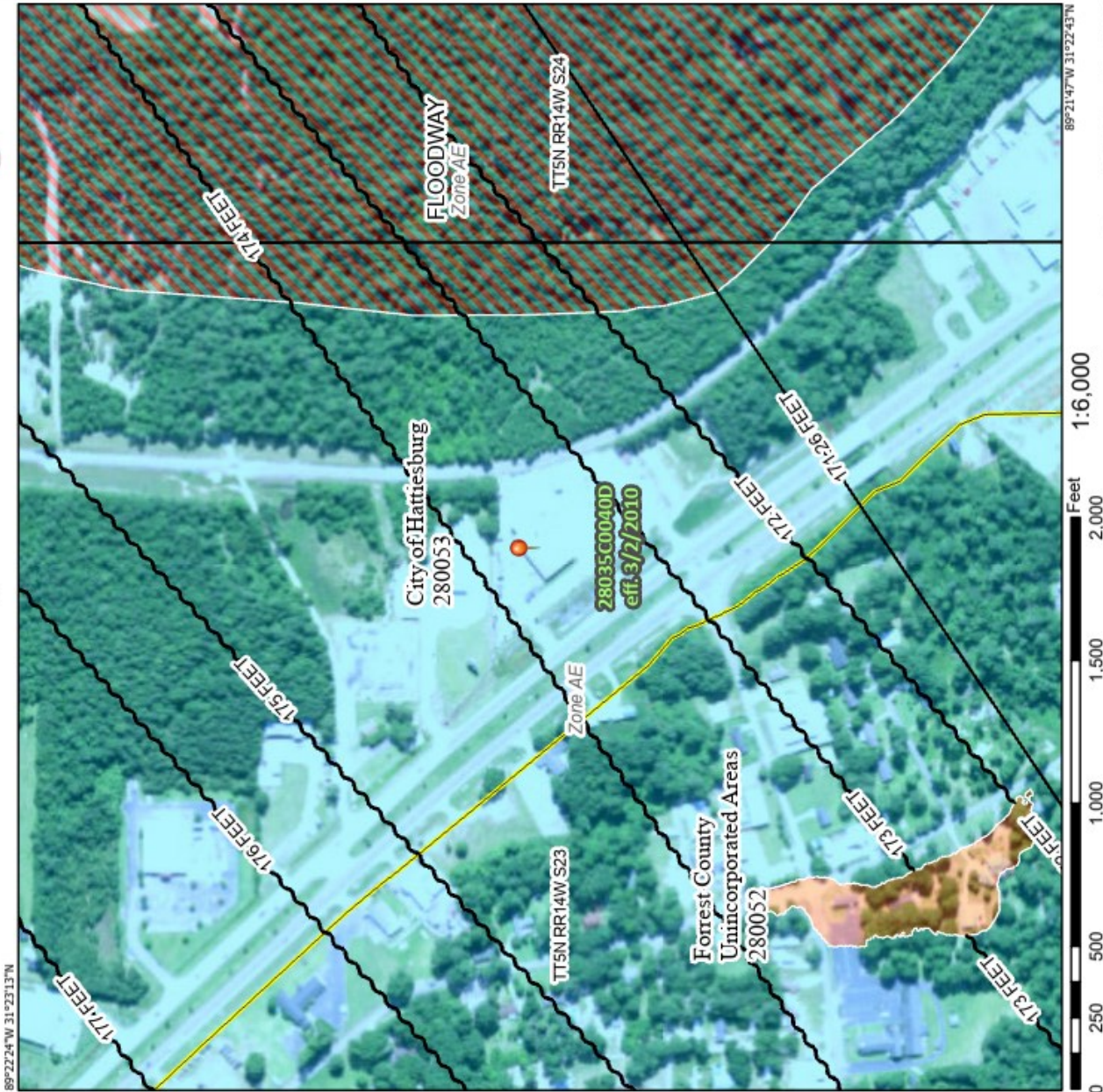
Flood Map



-  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)

Flood Map

National Flood Hazard Layer FIRMette



Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, AE9
- With BFE or Depth
Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance
- Water Surface Elevation
- Coastal Transact
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transact Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/21/2023 at 9:50 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is valid if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





URBAN DEVELOPMENT PLANNING DIVISION

Public Hearing Application

P.O. BOX 1898 (200 Forrest Street/39401)

Hattiesburg, MS 39403-1898

Department of Urban Development

(601) 545-4599 or FAX (601) 545-1962

APPLICANT:

Applicant Name: Hastings Puckett

Project Name: Puckett Rents Yard Expansion and Warehouse

Proposed Use(s): Equipment Storage, Warehousing

Project Street Address: 7128 Hwy 49

PPIN Number(s) (if unknown, can be found on tax receipt): _____

Application for (check all appropriate types):

☐ Variance (see below)

☐ Conditional Use (see below)

☐ Subdividing of Lot, Parcel, or Tract (see p. 12)

☐ Re-Zoning (see below)

☐ Street or Alley Renaming (see pp. 13-14)

☐ Overlay District

☐ Vacating Street or Alley (see pp. 13-14)

☐ Planned Mixed-Use District

For Variance Only (check all appropriate variance types), see pp. 7 & 8:

☐ Sign ☐ Setback (front, side, or rear _____) ☐ Off-Site Parking

☐ Lot Width ☐ Lot Coverage Area ☐ Buffer ☐ Open Space

☐ Other: _____

For Conditional Use Permit Only (check applicable type), see pp. 9 & 10:

☐ Automotive Filling Station

☐ Telecommunications

☐ Digital Billboard, New

☐ Digital Billboard, Replacement

☐ Restaurant

☐ Solar Farm

☒ Other: outdoor equipment storage, warehouse

For Re-Zoning Only, see p. 11:

Existing Zoning: _____

Proposed Zoning: _____

PLEASE BE SURE TO FILL OUT PP. 1-5 AND SEE FEES ON P. 6

STAFF USE ONLY – Do Not Complete:

Pre-Application Date: _____

Planner: _____

Parcel Number(s): _____

Historic District(s): _____

Flood Zone(s): _____

Zoning District(s): _____

Project No.: _____

Code Sections:

LDC Section No. _____

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECIVED DATE & INITIALS:

FOR CONDITIONAL USE APPLICANTS:

Section 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 of the LDC for the requested use? If yes, please explain:

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

There should be no impact on utilities for the community

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

The additional property will allow for a warehouse building to be built on the ~~property~~ site and allow sufficient space to accommodate growth in our business.

4. Will there be any additional pedestrian or vehicular traffic generated by the proposed use? If yes, please explain:

No additional pedestrian traffic. Any increase in vehicular traffic would be related to more customers. Practically speaking, this will be nominal for the area.

5. Will there be any elevation in the noise level resulting from this proposed use? If yes, please explain:

None

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

Nominal change from the current state

7. Is proposed use compatible with surrounding uses and design? If yes, please explain:

Yes. It is in addition to what we are already doing and this commercial/industrial business is consistent with other businesses in the immediate area

8. Parking requirements:

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

- No new paved parking to be associated with this project.

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

OWNER AFFIDAVIT PAGE

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE OWNER(S) OF
THE SUBJECT PROPERTY

WITNESS THE SIGNATURES of the **OWNER(s)** of the subject property located at
7126 Hwy 49 Hattiesburg MS
Street Address City State
on this the 24th day of August, 2023.

In the matter of this request, the property owner further authorizes the following named person(s)
to represent them at the public hearing on this petition.

Ron McMaster, Cole Goza
on this the 24th day of August, 2023.

Hastings Puckett
Property Owner (print)

H. P.
Property Owner (signature)

STATE OF Mississippi

COUNTY OF Rankin

Personally came and appeared before me, the within named

who signed and delivered the above and foregoing instrument as and for their free act and deed on
the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the
subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 24th day of
August, 2023.

Kristen Miller
NOTARY PUBLIC

My Commission Expires:





**Planning Commission
Case Fact Sheet**

Name of Petitioner: City of Hattiesburg

Address of Property: Near 1508 Hardy St
Adjacent Tax ParcelsPPIN: --
Ward: 16805 4

Request: **Street Closure**

Purpose of Request: To consider an application to close a portion of South 16th Avenue, starting at its intersection with Hardy Street and ending at its intersection of Concart Street. Said street is located in Forrest County, Ward 4, in the City of Hattiesburg.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 12.2 Categories of Development Approvals

Legislative Development Approvals – Street closings

Present Zoning: Public Right of way

Present Use: Undeveloped, surrounded by Residential Area and the Hardy Street Baptist Church.

**Surrounding Zoning
and Land Use:**

North: B-3 Community Neighborhood Business District
South: R-1B Single-Family Residential District
East: B-3 Community Neighborhood Business District
West: B-3 Community Neighborhood Business District

**Most Nearly
Bounded By (streets):** Located north of S 15th Ave, south of S 17th Ave, east of Hardy St, and west of Concart St.

**Letters or
Concerns stated:** The Planning Division Office has not received any letters or other written communications relative to this case, as of September 21st,

HPC October Item: D
City of Hattiesburg
Request for: **Street Closure**

2023.

History / Background:

The City of Hattiesburg requests to close a portion of S 16th Ave from Hardy Street to it's intersection with Concart Street. The length of the section being proposed for closure is approximately 590'.

Option:

Approve or Deny an application to close a portion of South 16th Avenue, starting at its intersection with Hardy Street and ending at its intersection of Concart Street. Said street is located in Forrest County, Ward 4, in the City of Hattiesburg.

SUBJECT PARCEL

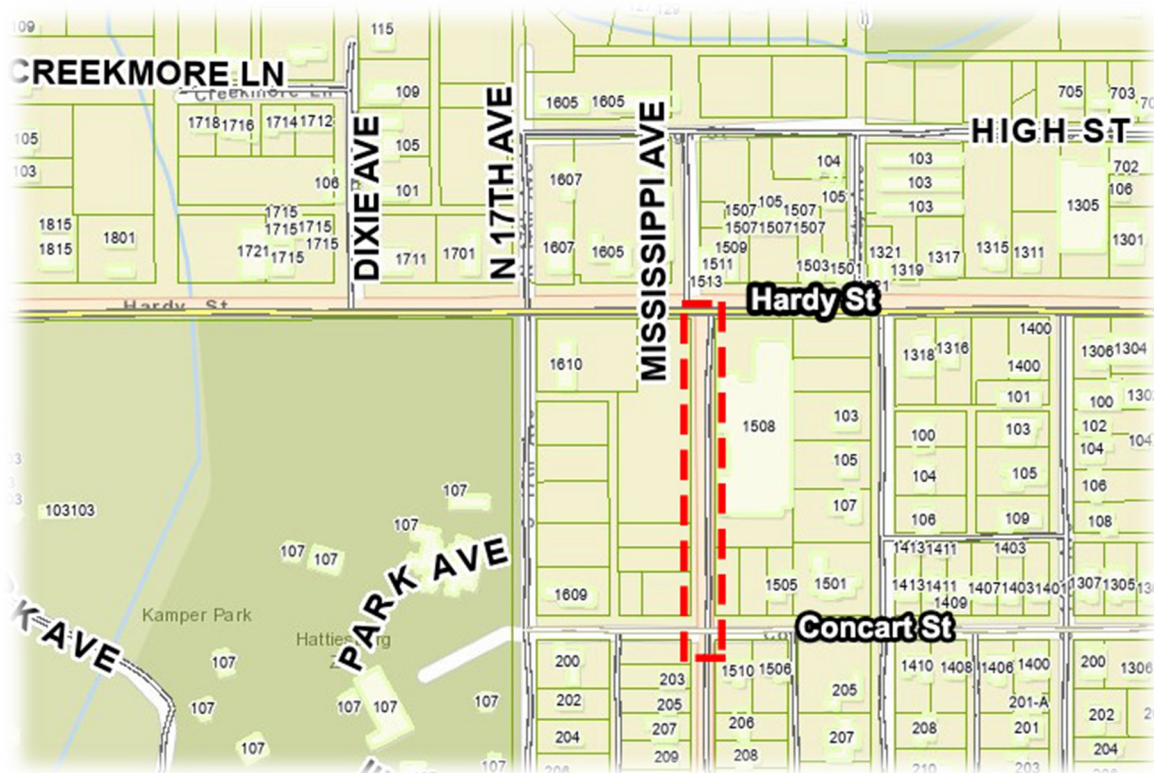
16th Avenue — Street Closure Request

City of Hattiesburg

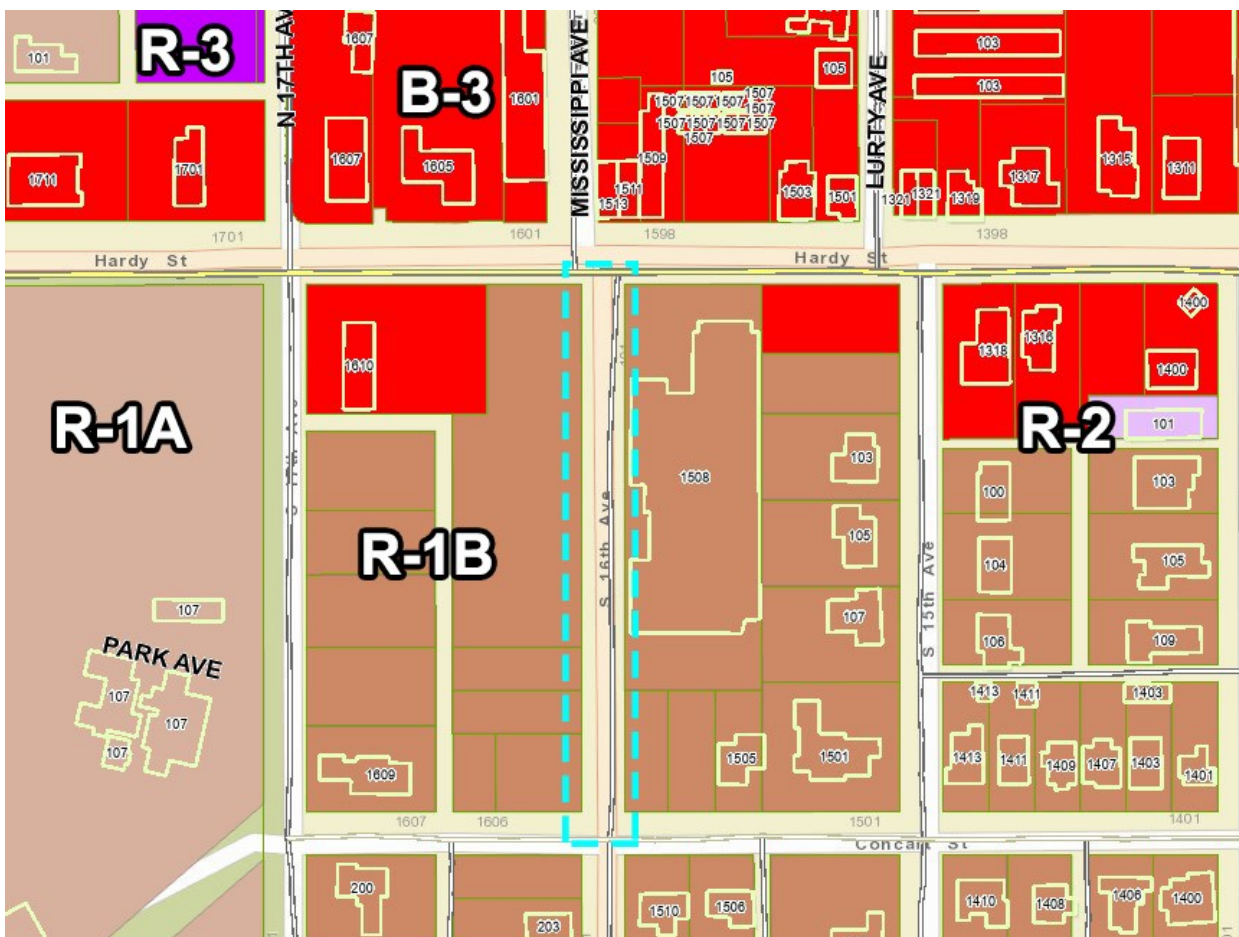
The City of Hattiesburg requests to vacate and close a portion of South 16th Avenue, starting at its intersection with Hardy Street and ending at its intersection of Concart Street. Said street is located in Forrest County, Ward 4, in the City of Hattiesburg.



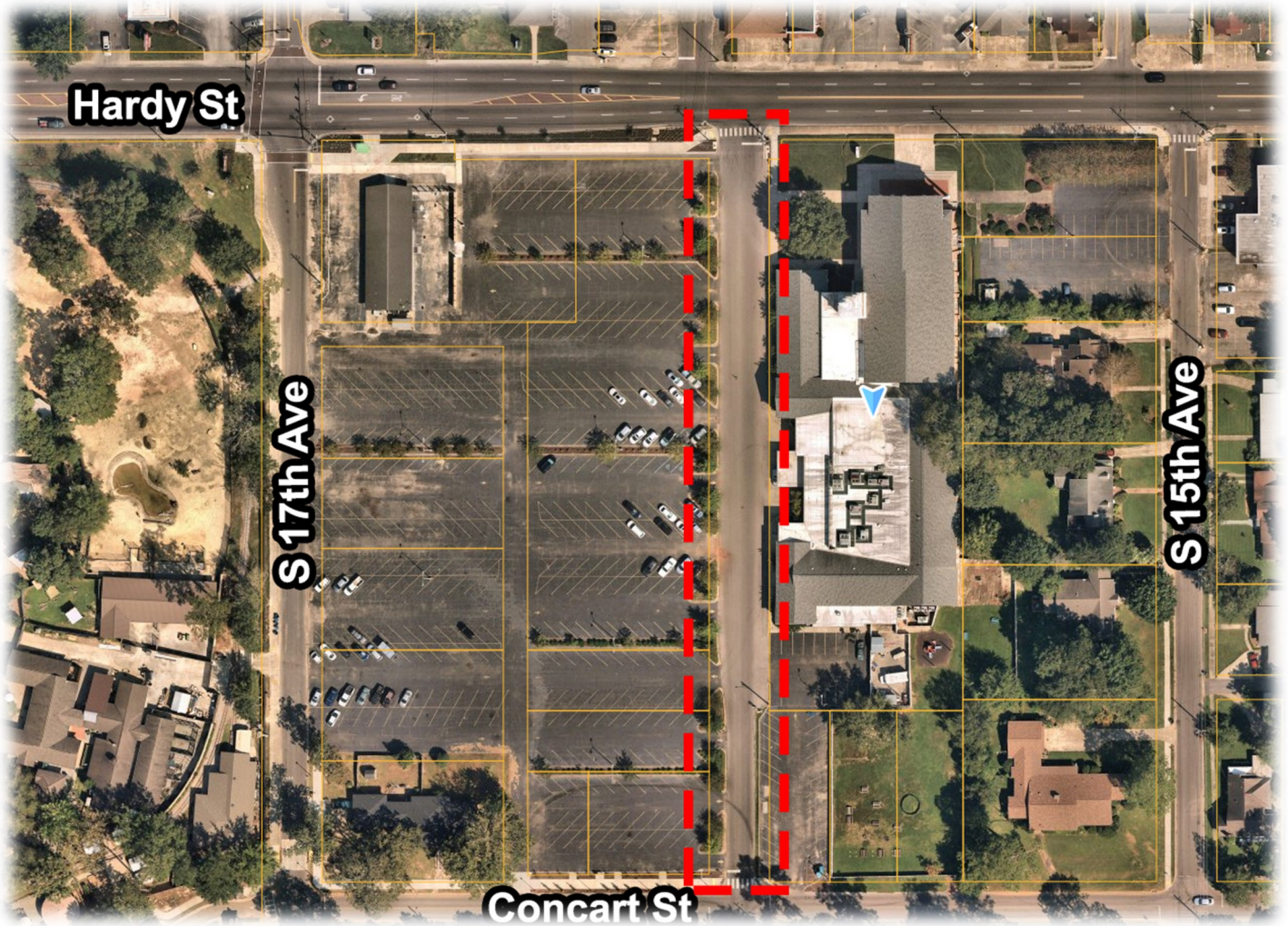
Vicinity Map: Ward 4



Zoning



Site Aerial



Surrounding Area

Northern Direction: B-3 Community Business



Southern Direction: R-1B Single-Family Residential



Surrounding Area

East and Western Directions: B-3 Community Business





**URBAN
DEVELOPMENT
PLANNING DIVISION**

Public Hearing Application

P.O. BOX 1898 (200 Forrest Street/39401)

Hattiesburg, MS 39403-1898

Department of Urban Development

(601) 545-4599 or FAX (601) 545-1962

APPLICANT:

Applicant Name: City of Hattiesburg

Project Name: 16th Ave Street Closure

Proposed Use(s): 16th Ave Street Closure

Project Street Address: 1508 Hardy Street

PPIN Number(s) (if unknown, can be found on tax receipt): _____

Application for (check all appropriate types):

☐ Variance (see below)

☐ Subdividing of Lot, Parcel, or Tract (see p. 12)

☐ Street or Alley Renaming (see pp. 13-14)

☒ Vacating Street or Alley (see pp. 13-14)

☐ Conditional Use (see below)

☐ Re-Zoning (see below)

☐ Overlay District

☐ Planned Mixed-Use District

For Variance Only (check all appropriate variance types), see pp. 7 & 8:

☐ Sign ☐ Setback (front, side, or rear _____)

☐ Off-Site Parking

☐ Lot Width ☐ Lot Coverage Area

☐ Buffer

☐ Open Space

☐ Other: _____

For Conditional Use Permit Only (check applicable type), see pp. 9 & 10:

☐ Automotive Filling Station

☐ Telecommunications

☐ Digital Billboard, New

☐ Digital Billboard, Replacement

☐ Restaurant

☐ Solar Farm

☐ Other: _____

For Re-Zoning Only, see p. 11:

Existing Zoning: _____

Proposed Zoning: _____

PLEASE BE SURE TO FILL OUT PP. 1-5 AND SEE FEES ON P. 6

STAFF USE ONLY – Do Not Complete:

Pre-Application Date: 2/15

Planner: Cory Long

Parcel Number(s): _____

Historic District(s): _____

Flood Zone(s): X

Zoning District(s): R-1B

Project No.: _____

Code Sections:

LDC Section No. _____

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECEIVED DATE & INITIALS:

8/21/23 CL

PROJECT REPRESENTATIVE INFORMATION:

Primary:

Name: <u>Ann Jones</u>
☒ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____
Phone: <u>601-545-4601</u> Fax: _____ Email: <u>ajones@hattiesburgms.com</u>
Mailing Address: <u>PO Box 1898, Hattiesburg, MS 39403</u>

Secondary:

Name: _____
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____
Phone: _____ Fax: _____ Email: _____
Mailing Address: _____

Other(s):

Name: _____
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____
Phone: _____ Fax: _____ Email: _____
Mailing Address: _____

Name: _____
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____
Phone: _____ Fax: _____ Email: _____
Mailing Address: _____
