

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

Time: 1:00 PM

2/7/2024

I. Business Meeting

1. Review and approval of February meeting's agenda
2. Review and approval of the minutes of the January 2024 meeting
3. Building Report
4. Planning Report
5. Chair's Report
6. Introductions

II. Public Hearing

1. Presentation of Petitions for Public Hearing

- Remanded Item from City Council: 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).
- A.

The applicant requested to postpone the hearing until the February 7, 2024, meeting.

III. Other Business

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
January 3rd, 2024**

The Hattiesburg Planning Commission met in regular session on January 3rd, at 1:00 PM at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Amy Hinton, Chair, presided over the meeting. A quorum was indicated and the attendance was as follows:

Board Members Roll Call:

Members Present:

1. Amy Hinton, Chair
2. Rebekah Ray
3. Rhoda Pickett, Vice Chair
4. Elayne Lockett
5. Dick Conville
6. Carlos Wilson
7. Jeff Keyseear (Online)
8. Michael Dickerson (Online)
9. Lee Anne Venable (Online)

Members Absent:

1. Mike Pruitt
2. Charles Dawe (Online)

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Planner II
3. Jim Gladden, Esq.
4. Wiley Quinn, Director of Urban Development
5. Andrea Garcia, Planner I

Chair Hinton declared the Hattiesburg Planning Commission meeting open and in session at 1:04 p.m.

AGENDA REVIEW

There came the matter of the January 2024 Agenda. Commissioner Conville made a motion to accept the amended agenda, seconded by Vice Chair Pickett.

Motion:

Made by Commissioner Conville to approve

Second:

Made by Vice Chair Pickett

Vote:

Board Member	Yea	Nay	Other
Amy Hinton, Chair	X		
Rebekah Ray	X		
Rhoda Pickett, Vice Chair	X		
Elayne Lockett	X		
Dick Conville	X		
Carlos Wilson	X		
Jeff Keysear (Online)	X		
Michael Dickerson (Online)	X		
Lee Anne Venable (Online)	X		

MINUTES REVIEW

For the special called hearing on December 20th, 2023 Minutes, Commissioner Wilson made a motion to approve and Commissioner Lockett seconded this motion.

Motion:

Made by Commissioner Wilson

Second:

Made by Commissioner Lockett

Vote:

Board Member	Yea	Nay	Other
Amy Hinton, Chair	X		
Rebekah Ray	X		
Rhoda Pickett, Vice Chair	X		
Elayne Lockett	X		
Dick Conville	X		
Carlos Wilson	X		
Jeff Keysear (Online)	X		
Michael Dickerson (Online)	X		
Lee Anne Venable (Online)	X		

BUILDING REPORT

No building report was presented in this meeting

PLANNING REPORT

There came the matter of the Planning Report by Nathan Satcher, Senior Planner, he stated that the previous December 20th items were moved to January 16th for City Council decision. For the special called meeting (November 15th) appeal, City Council did not take an action and tabled the item.

CHAIR'S REPORT

The Chair did not have a report for the meeting.

INTRODUCTIONS

Commissioners and staff introduced themselves.

PUBLIC HEARING – Planning Commission

Item A:

Casey Wilder, applicant and agent for Home Depot, USA Inc., request conditional use approval for an expansion of their existing operations to include the use “machinery, tools/construction equipment, limited sales and service” in a B-3 zoning for the property located at 4100 O’ferral St, Ward 3, Lamar County (PPIN 6412).

Discussion and Vote:

The Planning Staff introduced the case. Chair Hinton raised questions regarding the legal nonconforming status of the establishment and opened the public hearing portion of the meeting. Mr. Casey Wilder came to speak on behalf of the proposal. Public hearing portion of the meeting was closed by Chair Hinton. Commissioner Ray made a motion to approve the conditional use request and Commissioner Lockett seconded this motion.

Presented by:

1. Casey Wilder

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Commissioner Ray to approve

Second:

Made by Commissioner Lockett

Vote:

Board Member	Yea	Nay	Other
Amy Hinton, Chair	X		
Rebekah Ray	X		
Rhoda Pickett, Vice Chair	X		
Elayne Lockett	X		
Dick Conville	X		
Carlos Wilson	X		
Jeff Keysear (Online)	X		
Michael Dickerson (Online)	X		
Lee Anne Venable (Online)	X		

OTHER BUSINESS

A discussion regarding the proposed By-laws was made. Mr. Cory Long, Planning Manager, talked about the the number of application and variances received by the Planning Department during year 2023.

Adjournment:

The meeting was adjourned at 2:28 p.m

Motion:

Made by Commissioner Lockett

Second:

Made by Commissioner Conville

Vote:

Board Member	Yea	Nay	Other
Amy Hinton, Chair	X		
Rebekah Ray	X		
Rhoda Pickett, Vice Chair	X		
Elayne Lockett	X		
Dick Conville	X		
Carlos Wilson	X		
Jeff Keysear (Online)	X		
Michael Dickerson (Online)	X		
Lee Anne Venable (Online)	X		

Amy Hinton, Vice Chair

Cory Long, AICP, Planning Division Manager

Originally presented in September 2023
Dennis Pierce
Request for: **Preliminary Plat Approval for Major Subdivision**



**Planning Commission
Case Fact Sheet**

Names of Petitioner: Dennis Pierce, petitioner

Address of Property:	Tax Parcels/Ward:	PPIN:	Ward:
Methodist Blvd	051L-11-001.000	7898	3
	051K-12-006.000	7899	3
	051L-11-040.000	13368	3

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

Purpose of Request: To request 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).

Applicant Summary: * See Attached *

Applicable Regulations:

SECTION 4

Zoning Districts Established

R-3 Multi-Family Residential District: The purpose of the R-3 District is to permit medium and high density residential uses including multi-family, two-family, and single-family structures 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 residential neighborhoods with only compatible supporting institutional uses and open space.

B-2 Neighborhood Business District: The purpose of the B-2 District is to provide for retail and personal service uses in locations convenient to residential neighborhoods consistent with comprehensive planning policies. This district is consistent with the Neighborhood Business District in the Comprehensive Plan.

SECTION 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-3	7,500/ 40	17 per acre	-	20	-	5	20	35 feet or 3 stories	50%	-
B-2	4,000/ 100	-	0.75	0	10	0 or 10	0	35 feet or 3 stories	80%	20

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.

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-3 Multi-Family Residential District and B-2 Neighborhood Business District.

Present Use: Vacant / Undeveloped

Future Land Use: Neighborhood Center Mixed-Use District

Surrounding Zoning and Land Use:
North: B-2 Neighborhood Business District (City Limits)
South: B-5 Regional Business District
East: R-3 Multi-Family Residential District
West: B-5 Regional Business District / B-2 Neighborhood Business District

Letters or Concerns stated: The Planning Division Office has received multiple phone calls and office visits from surrounding property owners with questions regarding the subdivision request.

History / Background: The petitioner met with staff in Pre-Application to discuss the expansion of the existing subdivision known as "The Cottages at Turtle Creek" for phase IV. The petitioner has proposed 52 new lots on the existing R-3 zoned parcel and has indicated that the proposed lots would be developed as single-family residential but at the lot dimensions allowed by the R-3 zoned parcel. R-3 Zoned parcels require a minimum lot size of 7500 ft² with a 40-ft width at the required setback. The petitioner has discussed the new 52 lots as an expansion of the existing subdivision and would connect directly into the existing dead-end roads of the subdivision, which were stubbed out with the intention of a future expansion of the subdivision. The previously approved subdivision was approved in the previous Land Development Code, where sidewalks were not required. The current code will require sidewalks be installed as part

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Dennis Pierce

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

of the development and staff suggest including conditions of approval that includes the guarantee of their installation or that they be bonded. Staff also suggest the same requirements for all infrastructure in the subdivision, in order to guarantee their completion upon dedication to the City of Hattiesburg.

The development of the subdivision on this site will require the mitigation of wetlands through the US Army Corps of Engineers. The petitioner will be responsible for providing the proper documentation that they have been mitigated or any other alternative that the USACE approves before the Site Design and Review Committee can approve the final site plan for the subdivision. The petitioner is also exploring an alternative entrance to the subdivision, where a secondary entrance is required based on the length of the existing streets in the current development. As shown in this request, the petitioner is showing an entrance off of Weathersby Road, but may explore an alternative entrance off of Methodist Boulevard. Staff suggest the requirement of including the roadway entrance from Weathersby Boulevard as part of the road to be dedicated to the City of Hattiesburg as a public street in this request. Any alternative entrances to the subdivision will require an additional review by the Hattiesburg Planning Commission and City Council before they can be approved by the Site and Design Review Committee, as relocation to the entrance of the subdivision would be considered a significant change in the proposed plat.

Any structure built in the subdivision will need to adhere to all applicable building codes as adopted by the City of Hattiesburg at the time of their construction and adhere to all applicable elements of the Land Development Code. Any additional higher standards beyond what is addressed by the City of Hattiesburg would need to be addressed and enforced by private covenants.

The City of Hattiesburg has not received any information regarding the proposed infrastructure for the subdivision at this time. If the preliminary plat is approved by City Council, the petitioner will then be required to provide all plans for the infrastructure, including sidewalks, drainage and stormwater calculations, and, if required by the City Council, guarantees that all required infrastructure will be approved before the final plat is signed and filed with the county.

November 27th, 2023 Update

The request was recommended for approval by the Planning Commission on September 6th, 2023. However, City Council remanded the item back to the Planning Commission on October 3rd, 2023 for the road access issue on Hamlett Drive. The applicant has not requested the item to be heard at the January hearing in order to prepare additional information for their request related to the access

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

at Hamlett Drive. Staff will provide updated information as it becomes available on the public hearing portal.

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.

Conditions to consider with an 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

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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.

SUBJECT PARCEL

The Cottages of Turtle Creek — Major Subdivision

Dennis Pierce, Owner

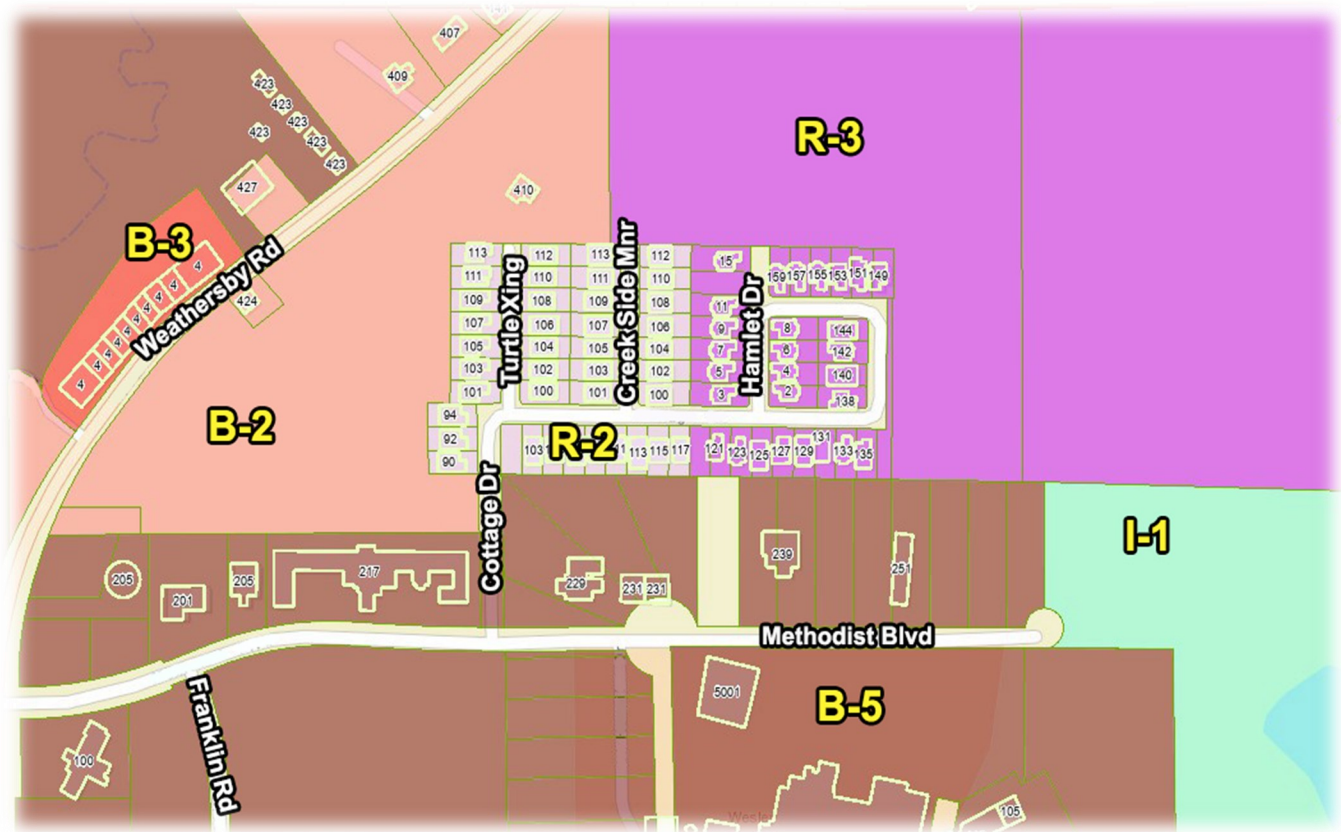
The petitioner requests approval for approval for a preliminary plat for a major subdivision as an extension of The Cottages of Turtle Creek, located on Methodist Boulevard in Lamar County. The extension will be known as “Cottages at Turtle Creek: Phase IV”, located in Lamar County, Ward 3. (PPIN 7898,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



Vicinity Map: Ward 3



Zoning: R-3 and B-2



Site Aerial



Site Aerial

Northern Direction: City Limits



Pictures of The Cottages of Turtle Creek neighborhood

Southern Direction: B-5 Regional Business



Site Aerial

East and Western Directions: B-5 Regional Business



Preliminary Plat

Cottages at Turtle Creek Phase IV

Preliminary Plat

This plat is preliminary in nature and is for the purpose of providing a conceptual representation of the proposed plat. The Owners reserve the right to make minor modifications on conditions precedent prior to recording the final plat.

LEGEND

- Utility & Drainage Easement Line
- Setback Line
- Iron Pin Set (IPS)
- Iron Pin Found (IPF)

None of Owner:
Dennis L. & Jennifer L. Member
23 Liberty Place
Hattiesburg, MS 39402



Cover	Length	Area	Outstanding	Outstanding
C1	18.44	23.00	187.18	17.24
C2	18.44	23.00	187.18	17.24
C3	18.44	23.00	187.18	17.24
C4	18.44	23.00	187.18	17.24
C5	18.44	23.00	187.18	17.24
C6	18.44	23.00	187.18	17.24
C7	18.44	23.00	187.18	17.24
C8	18.44	23.00	187.18	17.24
C9	18.44	23.00	187.18	17.24
C10	18.44	23.00	187.18	17.24
C11	18.44	23.00	187.18	17.24
C12	18.44	23.00	187.18	17.24
C13	18.44	23.00	187.18	17.24
C14	18.44	23.00	187.18	17.24
C15	18.44	23.00	187.18	17.24
C16	18.44	23.00	187.18	17.24
C17	18.44	23.00	187.18	17.24
C18	18.44	23.00	187.18	17.24
C19	18.44	23.00	187.18	17.24
C20	18.44	23.00	187.18	17.24
C21	18.44	23.00	187.18	17.24
C22	18.44	23.00	187.18	17.24
C23	18.44	23.00	187.18	17.24
C24	18.44	23.00	187.18	17.24
C25	18.44	23.00	187.18	17.24
C26	18.44	23.00	187.18	17.24
C27	18.44	23.00	187.18	17.24
C28	18.44	23.00	187.18	17.24
C29	18.44	23.00	187.18	17.24
C30	18.44	23.00	187.18	17.24
C31	18.44	23.00	187.18	17.24
C32	18.44	23.00	187.18	17.24
C33	18.44	23.00	187.18	17.24
C34	18.44	23.00	187.18	17.24
C35	18.44	23.00	187.18	17.24
C36	18.44	23.00	187.18	17.24
C37	18.44	23.00	187.18	17.24
C38	18.44	23.00	187.18	17.24
C39	18.44	23.00	187.18	17.24
C40	18.44	23.00	187.18	17.24
C41	18.44	23.00	187.18	17.24
C42	18.44	23.00	187.18	17.24
C43	18.44	23.00	187.18	17.24
C44	18.44	23.00	187.18	17.24
C45	18.44	23.00	187.18	17.24
C46	18.44	23.00	187.18	17.24
C47	18.44	23.00	187.18	17.24
C48	18.44	23.00	187.18	17.24
C49	18.44	23.00	187.18	17.24
C50	18.44	23.00	187.18	17.24
C51	18.44	23.00	187.18	17.24
C52	18.44	23.00	187.18	17.24
C53	18.44	23.00	187.18	17.24
C54	18.44	23.00	187.18	17.24
C55	18.44	23.00	187.18	17.24
C56	18.44	23.00	187.18	17.24
C57	18.44	23.00	187.18	17.24
C58	18.44	23.00	187.18	17.24
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C60	18.44	23.00	187.18	17.24
C61	18.44	23.00	187.18	17.24
C62	18.44	23.00	187.18	17.24
C63	18.44	23.00	187.18	17.24
C64	18.44	23.00	187.18	17.24
C65	18.44	23.00	187.18	17.24
C66	18.44	23.00	187.18	17.24
C67	18.44	23.00	187.18	17.24
C68	18.44	23.00	187.18	17.24
C69	18.44	23.00	187.18	17.24
C70	18.44	23.00	187.18	17.24
C71	18.44	23.00	187.18	17.24
C72	18.44	23.00	187.18	17.24
C73	18.44	23.00	187.18	17.24
C74	18.44	23.00	187.18	17.24
C75	18.44	23.00	187.18	17.24
C76	18.44	23.00	187.18	17.24
C77	18.44	23.00	187.18	17.24
C78	18.44	23.00	187.18	17.24
C79	18.44	23.00	187.18	17.24
C80	18.44	23.00	187.18	17.24
C81	18.44	23.00	187.18	17.24
C82	18.44	23.00	187.18	17.24
C83	18.44	23.00	187.18	17.24
C84	18.44	23.00	187.18	17.24
C85	18.44	23.00	187.18	17.24
C86	18.44	23.00	187.18	17.24
C87	18.44	23.00	187.18	17.24
C88	18.44	23.00	187.18	17.24
C89	18.44	23.00	187.18	17.24
C90	18.44	23.00	187.18	17.24
C91	18.44	23.00	187.18	17.24
C92	18.44	23.00	187.18	17.24
C93	18.44	23.00	187.18	17.24
C94	18.44	23.00	187.18	17.24
C95	18.44	23.00	187.18	17.24
C96	18.44	23.00	187.18	17.24
C97	18.44	23.00	187.18	17.24
C98	18.44	23.00	187.18	17.24
C99	18.44	23.00	187.18	17.24
C100	18.44	23.00	187.18	17.24

- REFERENCE MATERIALS:**
- Record Plat for The Cottages of Turtle Creek, Phase I
 - Record Plat for The Cottages of Turtle Creek, Phase II
 - Record Plat for The Cottages of Turtle Creek, Phase III

Clearpoint
CONSULTING ENGINEERS, P.A.
6652 US Highway 90 Hattiesburg, MS 39402
1.601.261.2609 | 1.601.261.5533 | clearpointengineers.com

LEGAL DESCRIPTION:
The undersigned Owner and Registered Land Surveyor do hereby declare and certify that this said plat, designated as The Cottages at Turtle Creek Phase IV, Plan 14, West, Lamar County, Mississippi, and being more particularly described as follows:

A parcel of land being located in the Northeast 1/4 of the Northeast 1/4 of Section 11 and the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 4 North, Range 14 West, Lamar County, Mississippi, and being more particularly described as follows:

Commence and Begin at the Northwest corner of the Northeast 1/4 of said Section 11 and run East for 187.78 feet, along the south line of said Section 12 to the south line of said Section 12 and run South 00 degrees 00 minutes 21 seconds West for 185.51 feet to a iron pin, thence run South 89 degrees 00 minutes 30 seconds East for 20.96 feet to an iron pin, thence run South 00 degrees 00 minutes 21 seconds West for 403.37 feet to an iron pin, thence run North 89 degrees 00 minutes 30 seconds West for 175.00 feet to an iron pin, thence run South 01 degrees 28 minutes 06 seconds West for 21.63 feet to an iron pin, thence run North 89 degrees 00 minutes 30 seconds West for 460.19 feet to an iron pin found at the Northwest corner of The Cottages of Turtle Creek Phase I Subdivision, as plotted in the Lamar County Chancery's Clerk Office, thence having said Northwest corner of The Cottages of Turtle Creek Phase I run North 24 degrees 56 minutes 33 seconds East for 303.23 feet to an iron pin, thence run North 41 degrees 41 minutes 24 seconds East for 218.12 feet to an iron pin, thence run North 41 degrees 28 minutes 13 seconds East for 247.97 feet to an iron pin on the north line of Section 11, run East for 403.99 feet along the north line of said Section 11 back to the POINT OF BEGINNING. Said parcel contains 11.74 acres, more or less.

ACKNOWLEDGMENT

METHODS BOULEVARD

OWNER'S CERTIFICATE

- NOTES:**
1. 1/2" SUBMIT
 2. DATE OF FIELD SURVEY: JUNE 2023
 3. IRON PINS SET ARE 1/2" X 18" REBAR AT ALL NEW PROPERTY CORNERS.
 4. PROPERTY IS LOCATED IN FLOOD ZONE "X" AS PER PANEL NO. 2803500200 (DATED MARCH 2, 2010) AND FLOOD ZONE "AC" AS PER PANEL NO. 2807200200 (DATED MARCH 2, 2010).
 5. AREA OF SUBJECT PROPERTY: 20.88 ACRES MORE OR LESS
 6. PROPERTY IS LOCATED IN ZONE R-3
 7. 5.0' UTILITY AND DRAINAGE EASEMENTS FROM ALL LOT LINES UNLESS OTHERWISE NOTED.
 8. WATER SUPPLY BY ARKANSAS WATER ASSOCIATION.

POINT OF COMMENCEMENT
Commence of the N.E. Corner of the
Northeast 1/4 of Section 11, T-4-N,
R-14-W, Lamar County, Mississippi.



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: Click here to enter a date.

Planner:

Today's Date: Click here to enter a date. June 29, 2023

Project Name:

Proposed Use(s): Residential Subdivision

Project Street Address: Methodist Blvd

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

Parcel Number(s): 051K-12-006.000

Flood Zone(s):

Historic District(s): N/A

Zoning District(s): R-2 Proposed Cost of the Project: \$ 215,000

Project Representative Information

Name: Dennis Pierce

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

☐ Other (Specify):

Phone: 601-264-6800

Fax:

Email: Dennis@DennisPierce.com

Mailing Address: 23 Liberty Place, Hattiesburg, MS 39402

Name:

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

☐ Other (Specify):

Phone:

Fax:

Email:

Mailing Address:

Name:

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

☐ Other (Specify):

Phone:

Fax:

Email:

Mailing Address:

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

0 Park Hattiesburg, MS
Street Address City State

on this the 13th 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.

Dennis Pierce

on this the 13th day of July, 2023.

Dennis Pierce, Inc
Property Owner (print)

Dennis L. Pierce, Pres
Property Owner (signature)

STATE OF

Mississippi

COUNTY OF

Lamar

Personally came and appeared before me, the within named

Dennis L Pierce

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 19th day of July, 2023.

Tabatha A. Johnson
NOTARY PUBLIC



My Commission Expires:

PLANNING COMMISSION & BOARD OF ADJUSTMENT - PETITIONER REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: July 24, 2023 5:00 p.m. (End of business day)

Hattiesburg Planning Commission & Board of Adjustment Meeting Date: September 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)

☐ 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 \$ 775.00

***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.

Required Fees

All fees adopted by Ordinance Number 2977, adopted January 22, 2008, as amended. This is an excerpt from that ordinance:

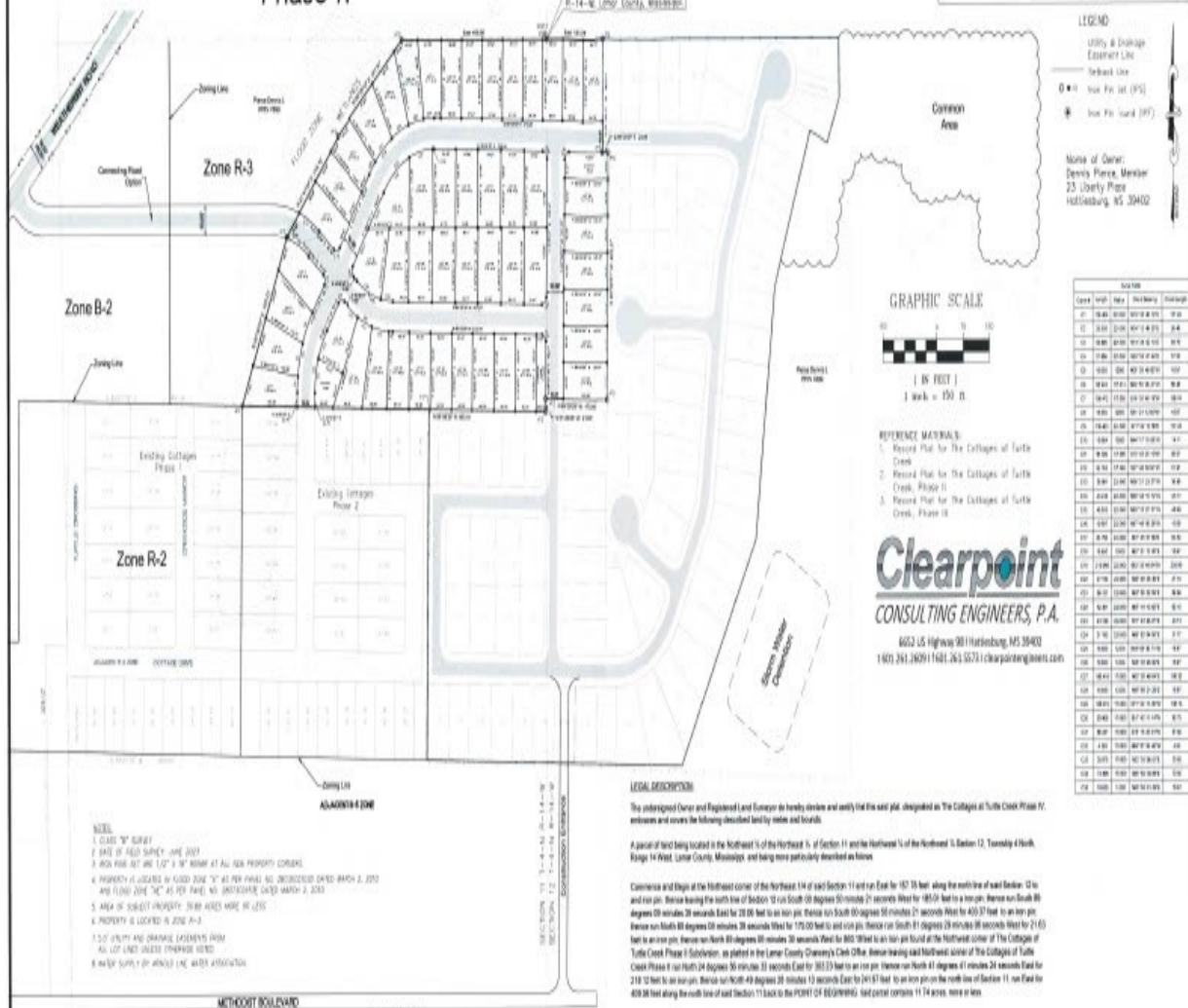
Public Hearing Fees:

Variance (includes Concept Site Plan Review) -----	\$ 175.00 per application and one Variance request; plus \$50.00 for each additional variance request within same application	
Street/Alley Naming or Re-Naming -----	\$300.00 per application, plus \$100.00 per required street name sign if approved*	
* Fees for replacement street signs shall be paid after City Council approval, but prior to effective date.		
Street/Alley Closing -----	\$300.00 per application	
[Conditional] Use Permit -----	\$200.00 per application	
Zoning Change -----	\$400.00 per application* (*see PUD or PRD & zoning package rate)	
Planned Unit Development (PUD) or Planned Residential Development (PRD), & [Planned Mixed-Use District PMU] -----	\$400.00 per application	52 lots
(*see PUD or PRD & zoning \package rate) Or (**see PUD or PRD & Subdivision of Land package)		
Planned Unit Development (PUD) or Planned Residential Development (PRD) with Zoning Change package* -----	\$600.00 per package application	225 + 520
Subdivision of Land (Preliminary Plats) -----	\$225.00 per application, plus \$10.00 for each created lot (**see PUD or PRD & Subdivision of Land package rate)	\$775
Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats.		
Planned Unit Development (PUD) or Planned Residential Development (PRD) with Subdivision of Land package ** -----	\$500.00 per application, plus \$10.00 for each created lot (**see PUD or PRD & Subdivision of Land package rate)	
Change in Land Development Code Text -----	\$200.00 per application	
Appeal Fees for Proponent or Opponent appeals to City Council ---	\$50.00 per appeal	
Exempt from fees – Established Neighborhood Associations		
Cancellation / Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's request -----	\$50.00 (per each 100 mailing labels)	

Cottages at Turtle Creek Phase IV

Preliminary Plat

This plat is preliminary in nature and is to be the basis of preparing a completed representation of the proposed plat. The Owner reserves the right to make minor modifications as conditions warrant prior to recording the final plat.



OWNER'S CERTIFICATE

I, John C. Anglin, the owner, do hereby certify that the information is the true and correct information as to the facts and circumstances as to the land described in the foregoing Certificate of John C. Anglin, a Mississippi Registered Professional Engineer and Land Surveyor, and that I have caused the same to be subdivided and platted as shown herein, and have designed the same as The Cottages at Turtle Creek, Phase IV. I do hereby declare the plat correct, true, and accurate as shown to public use herein.

Witness my Signature on this, the 10th day of November, 2023.

John C. Anglin
Owner-Plattee
(Land Plattee, etc.)

ACKNOWLEDGMENT

I, John C. Anglin, the undersigned surveyor, in and for the jurisdiction of the State of Mississippi, do hereby certify that the foregoing Certificate of John C. Anglin, a Mississippi Registered Professional Engineer and Land Surveyor, was acknowledged to me that he executed the Certificate upon this plat of the land and upon the facts and circumstances as shown to public use herein.

Given under my hand and seal of office on this, the 10th day of November, 2023.

John C. Anglin
City Engineer

NOTARY PUBLIC

CITY APPROVAL AND ACCEPTANCE FORM

State of Mississippi
County of Leflore
City of Hattiesburg

Survey checked on this, the 10th day of November, 2023, by John C. Anglin and approved by the City Engineer for the City of Hattiesburg on this, the 10th day of November, 2023.

John C. Anglin
City Engineer

This subdivision is hereby approved and accepted, and all said rights of way, public and necessary easement therein are dedicated to the City of Hattiesburg as hereby accepted by the City of Hattiesburg on this, the 10th day of November, 2023.

John C. Anglin
City Clerk

John C. Anglin
Mayor

ADJACENT OWNER'S CERTIFICATE

I, John C. Anglin, the undersigned surveyor, in and for the jurisdiction of the State of Mississippi, do hereby certify that the foregoing Certificate of John C. Anglin, a Mississippi Registered Professional Engineer and Land Surveyor, was acknowledged to me that he executed the Certificate upon this plat of the land and upon the facts and circumstances as shown to public use herein.

Given under my hand and seal of office on this, the 10th day of November, 2023.

John C. Anglin
City Engineer

NOTARY PUBLIC

CITY APPROVAL AND ACCEPTANCE FORM

State of Mississippi
County of Leflore
City of Hattiesburg

Survey checked on this, the 10th day of November, 2023, by John C. Anglin and approved by the City Engineer for the City of Hattiesburg on this, the 10th day of November, 2023.

John C. Anglin
City Engineer

This subdivision is hereby approved and accepted, and all said rights of way, public and necessary easement therein are dedicated to the City of Hattiesburg as hereby accepted by the City of Hattiesburg on this, the 10th day of November, 2023.

John C. Anglin
City Clerk

John C. Anglin
Mayor

VERIFICATION

State of Mississippi
County of Leflore

I, John C. Anglin, a Mississippi Registered Professional Engineer and Land Surveyor, as holder of the map of The Cottages at Turtle Creek, Phase IV, have compared this plat with the original map and find the same to be exact copies of each other.

John C. Anglin
City Engineer

PLAT AND RECORDATION

State of Mississippi
County of Leflore

I, John C. Anglin, Clerk of the Chancery Court in and for said County and State, do hereby certify that the foregoing plat of The Cottages at Turtle Creek, Phase IV, was filed for record in my office on this, the 10th day of November, 2023, and was duly recorded in Plat Book 100 Page 100 of the records and maps and plats of land in the Chancery Court of Leflore County, Mississippi.

Given under my hand and seal of office on this, the 10th day of November, 2023.

John C. Anglin
Chancery Clerk

Lot	Area	Area	Area
1	0.00	0.00	0.00
2	0.00	0.00	0.00
3	0.00	0.00	0.00
4	0.00	0.00	0.00
5	0.00	0.00	0.00
6	0.00	0.00	0.00
7	0.00	0.00	0.00
8	0.00	0.00	0.00
9	0.00	0.00	0.00
10	0.00	0.00	0.00
11	0.00	0.00	0.00
12	0.00	0.00	0.00
13	0.00	0.00	0.00
14	0.00	0.00	0.00
15	0.00	0.00	0.00
16	0.00	0.00	0.00
17	0.00	0.00	0.00
18	0.00	0.00	0.00
19	0.00	0.00	0.00
20	0.00	0.00	0.00
21	0.00	0.00	0.00
22	0.00	0.00	0.00
23	0.00	0.00	0.00
24	0.00	0.00	0.00
25	0.00	0.00	0.00
26	0.00	0.00	0.00
27	0.00	0.00	0.00
28	0.00	0.00	0.00
29	0.00	0.00	0.00
30	0.00	0.00	0.00
31	0.00	0.00	0.00
32	0.00	0.00	0.00
33	0.00	0.00	0.00
34	0.00	0.00	0.00
35	0.00	0.00	0.00
36	0.00	0.00	0.00
37	0.00	0.00	0.00
38	0.00	0.00	0.00
39	0.00	0.00	0.00
40	0.00	0.00	0.00
41	0.00	0.00	0.00
42	0.00	0.00	0.00
43	0.00	0.00	0.00
44	0.00	0.00	0.00
45	0.00	0.00	0.00
46	0.00	0.00	0.00
47	0.00	0.00	0.00
48	0.00	0.00	0.00
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51	0.00	0.00	0.00
52	0.00	0.00	0.00
53	0.00	0.00	0.00
54	0.00	0.00	0.00
55	0.00	0.00	0.00
56	0.00	0.00	0.00
57	0.00	0.00	0.00
58	0.00	0.00	0.00
59	0.00	0.00	0.00
60	0.00	0.00	0.00
61	0.00	0.00	0.00
62	0.00	0.00	0.00
63	0.00	0.00	0.00
64	0.00	0.00	0.00
65	0.00	0.00	0.00
66	0.00	0.00	0.00
67	0.00	0.00	0.00
68	0.00	0.00	0.00
69	0.00	0.00	0.00
70	0.00	0.00	0.00
71	0.00	0.00	0.00
72	0.00	0.00	0.00
73	0.00	0.00	0.00
74	0.00	0.00	0.00
75	0.00	0.00	0.00
76	0.00	0.00	0.00
77	0.00	0.00	0.00
78	0.00	0.00	0.00
79	0.00	0.00	0.00
80	0.00	0.00	0.00
81	0.00	0.00	0.00
82	0.00	0.00	0.00
83	0.00	0.00	0.00
84	0.00	0.00	0.00
85	0.00	0.00	0.00
86	0.00	0.00	0.00
87	0.00	0.00	0.00
88	0.00	0.00	0.00
89	0.00	0.00	0.00
90	0.00	0.00	0.00
91	0.00	0.00	0.00
92	0.00	0.00	0.00
93	0.00	0.00	0.00
94	0.00	0.00	0.00
95	0.00	0.00	0.00
96	0.00	0.00	0.00
97	0.00	0.00	0.00
98	0.00	0.00	0.00
99	0.00	0.00	0.00
100	0.00	0.00	0.00

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

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains 11,74 Square Footage/Acres

Lot Area Requirement: 7500

Lot Frontage Requirement: 20' Minimum

Existing use of lot/parcel/tract Undeveloped

To be subdivided into 53 lots/parcels (including parent parcel) – outlined below.

Newly subdivided 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.	<u>See preliminary plat in application</u>					
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 ☒

Deed

301

STATE OF MISSISSIPPI
COUNTY OF LAMAR

FILED

2004 SEP 27 PM 12 08

WARRANTY DEED

WAYNE SMITH
CHANCERY CLERK

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable considerations, not herein mentioned, the receipt and sufficiency of all of which are hereby acknowledged, **ASBURY FOUNDATION OF HATTIESBURG, INC.**, a Mississippi not-for-profit corporation, the Grantor herein, does hereby grant, bargain, sell, convey and warrant unto, **DENNIS L. PIERCE**, the Grantee herein, the following described lands, said lands in Lamar County, Mississippi, being more particularly described as follows, to-wit:

A part of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 11 and part of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 12, all in Township 4 North, Range 14 West, in the City of Hattiesburg, County of Lamar, State of Mississippi and being more particularly described as Beginning at the Northeast Corner of the Northwest $\frac{1}{4}$ of said Northwest $\frac{1}{4}$ of Section 12, thence run N88°54'58"E along the North line of the said Northwest $\frac{1}{4}$ of Section 12 for 81.97 feet; thence run S00°10'35"E for 453.57 feet to a Point on the Centerline of Mixon's Creek, thence run S22°26'15"W along the said Centerline of Mixon's Creek for 56.39 feet; thence run N65°54'52"W along the said Centerline of Mixon's Creek for 19.99 feet, thence run N18°20'18"W along the said Centerline of Mixon's Creek for 38.30 feet, thence run N63°34'40"W along the said Centerline of Mixon's Creek for 37.95 feet, thence run N88°48'52"W along the said Centerline of Mixon's creek for 82.00 feet, thence run N02°49'09"E along the said Centerline of Mixon's Creek for 55.15 feet, thence run N08°47'42"W along the said Centerline of Mixon's Creek for 88.07 feet, thence run N85°35'23"W along the said Centerline of Mixon's Creek for 32.20 feet, thence run S34°06'23"W along the said Centerline of Mixon's Creek for 40.04 feet, thence run S65°18'20"W along the said Centerline of Mixon's Creek for 99.85 feet, thence run S47°49'31"W along the said Centerline of Mixon's Creek for 34.08 feet, thence run N58°59'19"W along the said Centerline of Mixon's Creek for 31.10 feet, thence run N11°27'45"E along the said Centerline of Mixon's Creek for 32.46 feet, thence run N06°47'33"W along the said Centerline of Mixon's Creek for 63.88 feet, thence run N43°26'54"W along the said Centerline of Mixon's Creek for 54.14 feet, thence run N89°21'23"W along the said Centerline of Mixon's Creek for 31.46 feet, thence run S61°05'40"W along the said Centerline of Mixon's Creek for 37.37 feet, thence run N87°17'33"W along the said Centerline of Mixon's Creek for 34.40 feet, thence run S02°37'97"W along the said Centerline of Mixon's Creek for 31.65 feet, thence run S50°21'53"W along the said Centerline of Mixon's Creek for 50.08 feet, thence run

S38°16'03"E along the said Centerline of Mixon's Creek for 45.37 feet, thence run S00°12'15"W for 860.78 feet to a Point on the Northern Line of a Mississippi Power Company Easement, thence run N89°06'37"W along the said Northern Line of the said Mississippi Power Company Easement for 1733.33 feet to the Southeast Corner of the Cottages of Turtle Creek Subdivision, thence run N00°46'34"E along the East Line of the said Cottages of Turtle Creek Subdivision for 574.91 feet, thence run N89°13'40"W along the North Line of the said Cottages of Turtle Creek Subdivision for 495.76 feet, thence run S00°46'46"W along the West Line of the said Cottages of Turtle Creek Subdivision for 399.97 feet to a Point on the West Line of the Northeast ¼ of the said Northeast ¼ of Section 11, thence run N89°13'25"W along the said West Line of the Cottages of Turtle Creek Subdivision for 60.02 feet, thence run S01°07'00"E along the said West line of the Cottages of Turtle Creek Subdivision for 329.26 feet to a Point on the South line of the Northwest ¼ of the said Northeast ¼ of Section 11, thence run N89°37'28"W along the said South Line of the Northwest ¼ of the Northeast ¼ for 912.99 feet, thence run N00°38'53"E for 59.69 feet to a Point on the Southern Line of the said Mississippi Power Company Easement, thence run N89°13'51"W along the said Southern Line of the Mississippi Power Company Easement for 196.14 feet to a Point on the Eastern Right of Way Line of Weathersby Road, thence run N28°57'35"E along the said Eastern Right of Way line of Weathersby Road for 104.83 feet to a Found Concrete Monument on the Northern Line of the said Mississippi Power Company Easement, thence run N27°07'37"E along the said Eastern Right of Way Line of Weathersby Road for 26.78 feet to a Found Concrete Monument, thence run N27°06'33"E along the said Eastern Right of Way Line of Weathersby Road for 19.99 feet to a Found Concrete Monument, thence run N37°18'55"E along the said Eastern Right of Way Line of Weathersby Road for 100.02 feet to a Found Concrete Monument, thence run N42°55'50"E along the said Eastern Right of Way Line of Weathersby Road for 331.74 feet, thence run N53°01'31"E along the said Eastern Right of Way Line of Weathersby Road for 691.81 feet, thence run N48°41'18"E along the said Eastern Right of Way Line of Weathersby Road for 566.54 feet to a Point on the North Line of the said Northeast ¼ of Section 11, thence run N89°41'55"E along the said North Line of the Northeast ¼ of Section 11 for 1193.36 feet to the Northeast Corner of said Section 11, thence run N89°23'21"E along the said North line of the Northwest ¼ of the Section 12 for 644.41 feet, thence run N88°56'17"E along the said North Line of the Northwest ¼ of Section 12 for 658.23 feet to the Point of Beginning, Comprising 75.06 Acres, more or less.

Subject to those certain Subdivision Regulations from the Lamar County Board of Supervisors.

Subject to that certain Assignment of Option Agreement between MDV, LLC as grantor and Flanagan Construction Company and Leslie McInnis Granberry, as Grantees, dated September 4, 2003 and recorded August 13, 2004 in Book 17D at page 197, whereby Grantors assigned an option described in a letter dated July 23, 2003 from Asbury Foundation of Hattiesburg, Inc.

Subject to that certain Temporary Sewer Construction Easement from Asbury Foundation, Inc. to the City of Hattiesburg, dated January 20, 2004 and recorded March 30, 2004 in Book 16W at page 495, Book 16W at page 497, and Book 16W at page 499.

Subject to that certain Right-of-Way Easement from Asbury Foundation of Hattiesburg, Inc. to Pearl River Valley Electric Power Association, dated September 18, 2003 and recorded December 12, 2003 in Book 16R at page 280.

Subject to that certain Access Easement and Right of First Refusal granted by Wesley Health System, Inc. to Wesley Health System, LLC, dated September 1, 1997 and recorded August 29, 1997 in Book 12Y at page 366.

Subject to that certain Sanitary and Sewer Easement from Hercules, Incorporated to The City of Hattiesburg, dated May 2, 1980 and filed of record on May 14, 1980 in Book 6-L at Page 363 in the Office of the Chancery Clerk of Lamar County, Mississippi.

Subject to that certain Construction Easement from Hercules, Incorporated to The City of Hattiesburg, dated May 2, 1980 and filed of record on May 14, 1980 in Book 6-L at Page 365 in the Office of the Chancery Clerk of Lamar County, Mississippi.

Subject to that certain Easement from C. B. McIntosh to Mississippi Power Company, date May 11, 1930 and filed of record on May 20, 1930 in Book AA at Page 469 in the Office of the Chancery Clerk of Lamar County, Mississippi.

Subject to that certain Easement from C. B. McIntosh to Mississippi Power Company, date May 11, 1930 and filed of record on May 20, 1930 in Book AA at Page 480 in the Office of the Chancery Clerk of Lamar County, Mississippi.

Subject to that certain Right of Way Deed and Construction Easement from Thomas L. Price and wife, Jeanette W. Price to the City of Hattiesburg, Forrest and Lamar Counties, Mississippi, dated August 10, 1994 and filed for record on September 22, 1994 in Book 11-H at Page 658-E in the Office of the Chancery Clerk of Lamar County, Mississippi; said Right of Way Deed and Construction Easement has been re-recorded in Book 11-H at Page 658-J in the above mentioned office.

Subject to that certain Easement from Thomas L. Price and wife, Jeanette W. Price to Bellsouth Telecommunications, dated August 9, 1994 and filed for record on August 22, 1994 in Book 11-G at Page 394 in the Office of the Chancery Clerk of Lamar County, Mississippi.

Subject to that certain Easement Agreement from Thomas L. Price and wife, Jeanette W. Price to CAT Partnership, dated August 23, 1991 and filed for record on August 29, 1991 in Book 9-U at Page 293 in the Office of the Chancery Clerk of Lamar County, Mississippi.

Subject to that certain Right of Way from Mrs. W. H. Weathersby, by R. E. Weathersby by and through Power of Attorney to Pearl River Valley Electric Power Association, dated July 20, 1988 and filed for record on July 27, 1988 in Book 8-Q at Page 561 in the Office of the Chancery Clerk of Lamar County, Mississippi. This Easement is limited to retiring one pole and guy and installing one pole with guys in two different directions.

304

Subject to that certain Right of Way Easement from Mrs. W. H. Weathersby to Pearl River Valley Electric Power Association, dated January 7, 1983 and filed for record on January 24, 1983 in Book 7-A at Page 240 in the Office of the Chancery Clerk of Lamar County, Mississippi.

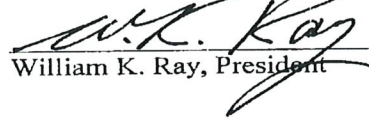
Subject to that certain Right of Way from Mrs. W. E. Weathersby to Arnold Line Water Association, dated June 7, 1967 and filed for record on June 9, 1967 in Book 4-J at Page 348 in the Office of the Chancery Clerk of Lamar County, Mississippi.

For the same consideration ASBURY FOUNDATION OF HATTIESBURG, INC., successor by change of name to Wesley Health Services, LLC does hereby quitclaim and relinquish its right of first refusal to purchase all or any portion of the above-described property or any portion thereof or interest therein, sold or otherwise transferred by this Warranty Deed. Said right of first refusal originating in that certain Access Easement and Right of First Refusal between Wesley Health Systems, LLC and Wesley Health Systems, Inc. dated August 28, 1997 and recorded August 29, 1997 in Book 12Y at page 366 of the records in the office of the Chancery Clerk of Lamar County, Mississippi.

WITNESS OUR SIGNATURE on this the 24th day of September, A.D., 2004.

ASBURY FOUNDATION OF HATTIESBURG, INC.

BY:


William K. Ray, President

STATE OF MISSISSIPPI
COUNTY OF LAMAR

PERSONALLY came and appeared before me, the undersigned authority in and for said County and State, on this 24th day of September, 2004, within my jurisdiction, the within named WILLIAM K. RAY, who acknowledged that he is President of Asbury Foundation of Hattiesburg, Inc., a Mississippi not-for-profit corporation, and that for and on behalf of said corporation, and as its act and deed, he executed the above and foregoing instrument on the day and year therein mentioned, after first having been duly authorized by said corporation so to do.

William Scott Phillips
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____



GRANTOR'S ADDRESS:
Post Office Box 17797
Hattiesburg, MS 39404-7797
(601) 296-3555

GRANTEE'S ADDRESS:
23 Liberty Place
Hattiesburg, MS 39402
(601) 264-6800

Please Index:

Northeast Quarter of the Northeast Quarter and Northwest Quarter of the Northeast Quarter of Section 11, Township 4 North, Range 14 West Lamar County, Mississippi.
And

Northeast Quarter of the Northwest Quarter and Northwest Quarter of the Northwest Quarter of Section 12, Township 4 North, Range 14 West Lamar County, Mississippi.

This Deed Prepared by:
PHILLIPS LAW FIRM, P.A.
326A Second Street
Post Office Box 3
Columbia, Mississippi 39429
(601) 736-9301
C:\mydocuments\deeds\pierce,dennis 1 04092578



CERTIFICATE OF FILING AND RECORDING
STATE OF MISSISSIPPI • LAMAR COUNTY
WAYNE SMITH, CHANCERY CLERK
BOOK 17-E PAGE 301
INDEXED ✓ RECORDED ✓ ABSTRACTED ✓
Shirley Bloome D.C.

*Description
of Phase IV*

Legal Description

The undersigned Owner and Registered Land Surveyor do hereby declare and certify that this said plat, designated as The Cottages at Turtle Creek Phase IV, embraces and covers the following described land by metes and bounds.

A parcel of land being located in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 11 and the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ Section 12, Township 4 North, Range 14 West, Lamar County, Mississippi, and being more particularly described as follows:

Commence and Begin at the Northeast corner of the Northeast $\frac{1}{4}$ of said Section 11 and run East for 157.78 feet along the north line of said Section 12 to and iron pin; thence leaving the north line of Section 12 run South 00 degrees 50 minutes 21 seconds West for 185.01 feet to a iron pin; thence run South 89 degrees 09 minutes 39 seconds East for 20.06 feet to an iron pin; thence run South 00 degrees 50 minutes 21 seconds West for 403.37 feet to an iron pin; thence run North 89 degrees 09 minutes 39 seconds West for 175.00 feet to and iron pin; thence run South 01 degrees 29 minutes 06 seconds West for 21.63 feet to an iron pin; thence run North 89 degrees 09 minutes 39 seconds West for 860.19 feet to an iron pin found at the Northwest corner of The Cottages of Turtle Creek Phase II Subdivision, as platted in the Lamar County Chancery's Clerk Office; thence leaving said Northwest corner of The Cottages of Turtle Creek Phase II run North 24 degrees 56 minutes 33 seconds East for 303.23 feet to an iron pin; thence run North 41 degrees 41 minutes 24 seconds East for 218.12 feet to an iron pin; thence run North 49 degrees 28 minutes 13 seconds East for 241.97 feet to an iron pin on the north line of Section 11; run East for 409.56 feet along the north line of said Section 11 back to the POINT OF BEGINNING. Said parcel contains 11.74 acres, more or less.

Hattiesburg Planning Commission Meeting

Jackie Dole Sherrill Community Center

September 6, 2023

Response to Petition for approval of plat for Phase IV Cottages of Turtle Creek

Good Afternoon, my name is John Hurt and I am a homeowner in the Cottages of Turtle Creek. I want to thank the Commission for the opportunity to present concerns related to the Phase IV expansion.

The Cottages is an age restricted retirement community of 67 architecturally similar homes occupied by approximately 100 Hattiesburg citizens and voters. The average age is approximately 80 and around 2/3 are women. Many of us have physical limitations but still enjoy getting out and moving about and visiting with our neighbors. Since there are no sidewalks we use the streets. We enjoy a wonderful quality of life that we want to maintain.

For each of the three previous expansions the developers filed a Declaration of Covenants, Conditions and Restrictions which govern developer and homeowner rights and responsibilities.

These three documents include the following declaration, "the primary purpose of these covenants and the foremost consideration in the origin of same has been the creation of a residential community which is **aesthetically pleasing and functionally convenient**". To paraphrase, that is to say the purpose is to create a quiet and peaceful community with architectural uniformity and easy access to services needed by seniors.

These words were written by the Developers of The Cottages. The Developer of Phase III now wants to expand with a Phase IV. We, the homeowners of the Cottages, many of whom are here today, bought the dream. We bought the dream of a quiet, peaceful community in which to live out our senior years. Now we just want the Developer to honor the commitment made in the Covenants as to the creation and maintenance of a quiet, peaceful and safe community.

Concerns with Phase IV

We are concerned about construction and residential traffic.

Our position is that construction traffic must not be permitted to use the existing Cottages streets. Not only would it be noisy and dangerous for our elderly homeowners it will damage the recently paved streets, in addition to impeding normal traffic flow on our

.We are here as residents of Cottages Of Turtle Creek to voice our opposition and concerns about the building of additional houses adjacent to our current neighborhood. We are a neighborhood composed of 64 Single family homes with a fence surrounding our neighborhood.

Each of our residents chose to purchase our homes in this neighborhood for the following reasons. This is an over 55, quiet, separate, and tranquil and one entry/exit neighborhood. All of our residents are elderly and some are disabled. We desire to keep our neighborhood identity as it is now, fully surrounded by fencing. The current speed limit in our neighborhood is 20 mph. We are limited to a single entrance/ exit. Should an emergency ever arise we would be limited to no more than 64 cars exiting the neighborhood.

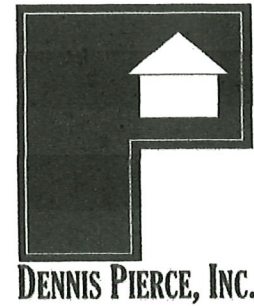
We have the following objections:

1. We strongly oppose the developer using any of our current streets for entry & exit of construction vehicles, machinery and workers' vehicles. In the past the developer used our streets causing them to deteriorate and be dangerous. The developer has access to the proposed development via Weathersby Road, bypassing our neighborhood.
2. Hamlett Drive, Turtle Crossing and Creekside Manor should NOT be opened to through traffic. There is currently one entrance/exit to serve 64 residences, visitors and delivery and service vehicles to/from Cottages of Turtle Street. To open one or all of said streets will cause traffic congestion and impede traffic flow. Should there ever be an emergency necessitating the evacuation of our neighborhood, it would be impossible for all residents of the current neighborhood and additional residents of the proposed neighborhood to safely leave the general area.
3. Our neighborhood does not have sidewalks. Residents often walk on the street for exercise. Some use walkers. It would be dangerous for motor vehicles use the streets while elder are walking on those streets.

4. The developer should be required to take the necessary steps to cause the new development to be designated as a retirement community comprised of only ownership by persons 55 years or older.
5. We request that the developer's current property to the north and east of the presently built subdivision be rezoned from its present designation to a zoning designated to allow only single family residences as multi-family dwellings such as apartments because the overwhelming number of current residents do not want multi-family dwellings to be constructed on adjoining property. Multi-family buildings would create an area congested, dirty and noisy.
6. The Cottages Homeowners Association owns the green spaces in the neighborhood as shown on the recorded plats. The residents and Homeowners Association specifically deny the developer permission to cross our green spaces.
7. We specifically reserve and retain our right to keep all fencing around our neighborhood and should any fencing be damaged or destroyed, the developer should be required to restore said fencing with the same fencing material in the same manner as it now exists.
8. Because we only have one entrance/exit we request that no streets be opened into our neighborhood. To do otherwise would cause many hazards to our residents and their vehicles. Residents of the new development should have no right to clog our neighborhood streets, particularly because we only have one entrance/exit.
9. Should the Planning Commission choose to ignore the concerns of the current residents and allow the opening of Hamlett Drive., Cottage Drive and/or Turtle Crossing, we request that such street(s) be opened only after the completion and cleanup of the new streets and houses.
10. Because our neighborhood is composed of all current phases of Cottages of Turtle Creek and has signs indicating thus, we respectfully request the the developer not be allowed to use the said name for its new development.

August 28, 2023

Cottages at Turtle Creek HOA Board
and Current Residents



To whom it may concern:

I recently learned of some arising concerns regarding the new phase of the Cottages at Turtle Creek. In summary, there are some fears revolving around home values and loss of the intimacy, exclusivity, and safety of the Cottages as it currently exists. I would like to address these issues.

An issue arising now and during the last effort to develop the next phase was the lack of a construction entrance as well as increased construction traffic. During this next phase, we will be using a construction entrance located off Methodist Boulevard for development and construction traffic. This will hopefully minimize or eliminate unnecessary traffic throughout the subdivision. We are also working with the city to add an additional permanent entrance after the next phase is completed.

Regarding property values in the neighborhood, we do not foresee this being an issue. As you know, there is an extremely high demand to live in your neighborhood. The reasons for this desirability have very little to do with the inventory of homes. During the time we were constructing homes in Phase III, the turnover throughout the subdivision remained virtually the same. Existing homes were selling more often and faster than the new ones. There is a large majority of buyers that cannot afford to purchase a newly built home. This may be attributed to a number of reasons including fixed incomes, high building costs, or high interest rates.

There are also some negative consequences of doing nothing with the land surrounding the subdivision. Hattiesburg's growth remains very rapid. The land surrounding the Cottages is currently zoned R-3, which is multifamily residential. The definition of R-3 reads:

"The purpose of the R-3 District is to permit medium and high density residential uses including multi-family, two-family, and single-family structures 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 residential neighborhoods with only compatible supporting institutional uses and open space."

Not continuing the development of the Cottages leaves the possibility open for less desirable developments. Along these same lines, we owe close to \$993,000 on the surrounding land as well as interest and property tax payments. While an indefinite 65.8 acre buffer does sound appealing, sitting on the property is not a sustainable business decision. The only alternative to developing the land is to sell to the HOA, or sell to a buyer who would possibly have any number of unpredictable plans that could certainly adversely affect your property values.

While we understand change and growth can be uncomfortable, we also understand the drawbacks to avoiding it. In real estate, we are taught to sort out the "highest and best use" of a property. Some could argue the acreage surrounding you would be most profitable filled with apartments, which is probably true. However, our vision of the "highest and best use" of the acreage surrounding the Cottages is to expand on what you already know to be true: the high demand and desire to be a part of the wonderful community of the Cottages at Turtle Creek.

Thank you for your time,

Dennis L. Pierce
President

September 5, 2023

RE: The Cottages of Turtle Creek, Potential Expansion

To Whom It May Concern:

I had my home built in The Cottages in the summer of 2009. When choosing a lot, I was interested in a safe and quiet community of older adults. The Cottages was a perfect fit as I work at Merit Health Wesley. I was concerned about the surrounding land development prior to committing to the purchase, but was assured when I picked my lot that "There will not be a Phase III". I was also assured there would not be multi-family housing, a fast food restaurant, a gas station, or other business in the neighborhood or in the surrounding land. I was told that the one exit in and out would remain in place and that further expansion would not occur.

We have a pedestrian community at The Cottages. Construction vehicles and personnel may jeopardize their safety. The ingress and egress would change and open us up to more community traffic. Additional homes in The Cottages changes the character of our community and will be detrimental to those of us who have purchased there in good faith that it would remain as is.

The integrity of our community is in jeopardy if this proposal passes. The concerns expressed when Mr. Pierce wanted to expand The Cottages 10 years ago are still in play. The community does not want this expansion to go through as planned.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen A. Messenger, M.D.", with a horizontal line at the end.

Kathleen A. Messenger, M.D.

144 Cottage Drive
Hattiesburg

Hattiesburg Planning Commission

Jackie Dole Sherrill Community Center

September 6, 2023

The Cottages is an age restricted retirement community of 67 homes occupied by over 90 Hattiesburg citizens and voters. We are interested in maintaining the quality of life we currently enjoy.

For each of the three previous expansions, the developers have filed Declaration of Covenants, Conditions and Restrictions which govern developer and homeowner rights and responsibilities.

Each of these three documents contain the following declaration, "the primary purpose of these covenants and the foremost consideration in the origin of same has been the creation of a residential community which is **aesthetically pleasing and functionally convenient**". To paraphrase, to create a quiet and peaceful community with architectural uniformity and easy access to services needed by seniors.

These words were written by the Developer of The Cottages. These same Developer is now wanting to expand and open Phase IV. The homeowners of the Cottages, many of whom are here today just want the Developer to honor the commitment made in the Covenants as to the creation and maintenance of a quiet, peaceful and safe community. This quality of life is important as over half of our residents are over 80. Most are retired and spend the day at home and visiting with their neighbors in The Cottages.

Our concerns are zoning, access and proposed covenants.

Zoning

Cottages is currently zoned as R2, for single family residential construction. The Phase IV expansion is zoned R3, allowing multi-plex family dwellings. Since Phase IV is adjacent to and is someday to be connected to the current Cottages streets the zoning should be R2. Any higher density zoning would create significant traffic problems.

Access

We are concerned about access both for construction and normal residential traffic.

Construction traffic must not be permitted to use the existing Cottages streets. Not only would it be noisy and dangerous for our elderly homeowners it also will damage the recently paved streets, in addition to impeding normal traffic flow. Construction traffic must use the Weathersby Road entrance or the planned alternate entrance off of Methodist Blvd.

We are sure the new Phase IV will be marketed as an aesthetically pleasing functionally convenient community. That is fine, we the homeowners of the earlier Phases just do not want to lose our safe, peaceful community in the process.

Existing Cottages of Turtle Creek covenants define the subdivision as a Retirement Community restricted to age 55 or older. If the expansion uses the same name “Cottages of Turtle Creek” it should have the same age restrictions and architectural guidelines.

Cottages of Turtle Creek Homeowners unable to attend,

[illegible]

[illegible]

Hattiesburg Planning Commission

Jackie Dole Sherrill Community Center

September 6, 2023

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Normal traffic flow to the Phase IV should also use the Weathersby Road entrance. It will likely be more convenient and faster than winding through the existing Cottages streets. This can be accomplished by continuing the blocked off access to the Cottages streets until the Phase IV is substantially completed.

We are sure the new Phase IV will be marketed as an aesthetically pleasing functionally convenient community. That is fine, we the homeowners of the earlier Phases just do not want to lose our safe, peaceful community in the process.

Proposed Covenants

Existing Cottages of Turtle Creek covenants define the subdivision as a Retirement Community restricted to age 55 or older. If the expansion uses the same name "Cottages of Turtle Creek" it should have the same age restrictions and architectural guidelines.

Thank you for your attention to our concerns.

Cottages of Turtle Creek Homeowners unable to attend,

<i>Myra Hester</i>	110 Turtle Crossing
<i>Mary Elizabeth Blair</i>	107 Turtle Crossing
<i>Jerry Buckley</i>	103 Cottage Drive
<i>Louise Whitman</i>	111 Cottage Drive
<i>Adela Phillips</i>	110 Creek Side Manor
<i>Ann Phelan</i>	110 Creek Side
<i>Beth Hall</i>	112 Creek Side Manor
<i>Valerie S. Smirney</i>	133 Cottage Drive
<i>Carrene B. Curry</i>	113 Cottage Drive
<i>Jerry C. Jones</i>	155 Cottage Drive
<i>Betty Thomas</i>	113 Cottage Dr.

Alan L. Jensen	4 Hamlett	Autos To	2 Hamlett
Fay E. Jensen	4 Hamlett	Janie & Jan - Sue	12
Gard M. Williams	15 Hamlett		
Roger L. Smith	9 Hamlett		