



URBAN DEVELOPMENT

PLANNING DIVISION

HATTIESBURG PLANNING COMMISSION

PUBLIC HEARING STAFF REPORTS

June 5th, 2024

Planning Commission

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

June 5th, 2024

I. Business Meeting

1. Review and approval of the June 2024 meeting's agenda
2. Review and approval of the May 1st, 2024 meeting's minutes
3. Building Report
4. Planning Report
5. Chair's Report
6. Introductions

II. Public Hearing

- A. **Zoning Change Request** - Mississippi Tank Company, applicant, Bobby Threatt, applicant, and Chris Bowen, representative, request approval for rezoning from R-3 (Multi-family residential) to I-1 (Light Industrial) for a property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).
- B. **Major Subdivision Request** - Richard Hiatt, owner, request approval for a preliminary plat for a major subdivision for a property located on North 30th Avenue, and North 31st Avenue. The proposed subdivision is for single-family residential structures (PPIN 47255, 47277 Ward 1, Forrest County).
- C. **Zoning Change Request** - Clifford Lockhart, representative, and Matthew H. Bailey, owner, and Jackie D. Baily, owner, request approval for rezoning from R-1C (Single-family residential) to R-3 (Multi-family residential) for properties located at 102 South Street. (PPIN 19729, Ward 2, Forrest County).
- D. **Request to modify a platted subdivision** - Tripperlee, LLC. owner, request approval to alter the platted subdivision known as "Sutherland and Reeves Survey" to subdivide the property located at 209 S 13th Avenue into two lots to create two single-family structures (PPIN 24175, Ward 4, Forrest County).
- E. **Zoning Change Request** - Jacob Shemper, owner, requests approval for rezoning from A-2 (Agricultural Residential) to R-1A (Single-family residential) for a property located at 111 Pinehills Drive. (PPIN 17198, Ward 3, Forrest County).

- F. **Major Subdivision Request** - Jacob Shemper, owner, requests approval for a preliminary plat for a major subdivision located at 111 Pinehills Drive. The subdivision request is also to alter the platted subdivision known as "Hattiesburg Homestead Survey" to subdivide the property into 5 single-family residential lots. (PPIN 17198, Ward 3, Forrest County).
- G. **Zoning Change Request** - Hattiesburg Public School District, owner, and Hunter Andrews, engineer, request approval for rezoning of multiple properties from R-1C (Single-family residential) to B-2 for vacant properties that are bound by South Street to the east, and Stadium Drive to the West. (PPIN 26633, 26636, Ward 2, Forrest County).
- H. **Request to modify a platted subdivision** - Stephen Ward, owner, requests approval to alter the platted subdivision known as "Hawkins and Thompson Subdivision" to subdivide the properties located at 145 W 5th Street and 116 Columbia Street to create two separate single-family residential lots (PPIN 17253 and 17254, Ward 2, Forrest County).
- I. **Major Subdivision Request** – Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative, request approval for a preliminary plat for a major subdivision for a property located on Shadow Ridge Drive. The proposed subdivision will be Phase III of the Shadow Ridge Subdivision (Lamar County, Ward 3, PPIN 24500).
- ~~J. **Request to amend a Planned Mixed-Use District (PMU)** – Ming Ming Lin, representative, Martin Tovrea, architect, and Beverly Land, LLC., owner, request approval for an amendment to a Planned Mixed-Used Development (PMU-PD) known as the "Village at the Beverly", which is located on Old Airport Road in Forrest County, Ward 5. (PPIN 29647 Parcel No.: 2-041H-27-017.00).~~
- K. **Land Development Code Text Amendment Request** - The City of Hattiesburg requests to amend the Land Development Code, Ord. No. 3209, and make changes to Sections 12. More specifically, the changes are concerning subdivision regulations and bond requirements for new subdivisions. 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.
- L. **Land Development Code Text Amendment Request – (Tabled from May 2024):** The City of Hattiesburg requests to amend the Land Development Code, Ord. No. 3209, and make changes to Sections 4 and 6. More specifically, the changes are related to regulatory flood zone properties within the A-1 zoning district to increase the minimum lot size requirement and reduce the total developable area. 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

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
May 1st, 2024**

Board Members Roll Call:

Members Present:

1. Elayne Lockett
2. Rhoda Pickett, Vice Chair
3. Dick Conville
4. Amy Hinton, Chair
5. Rebekah Ray, Secretary
6. Lee Anne Venable
7. Carlos Wilson
8. Michael Pruitt
9. Charles Dawe

Members Absent:

1. Michael Dickerson
2. (vacant seat)

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Planner II
3. David Miller, Esq.
4. Kevin Bates, Building Official
5. Wiley Quinn, Director of Urban Development

Chair Hinton declared the Hattiesburg Planning Commission meeting open and in session at 1:03 p.m.

AGENDA REVIEW

Vice Chair Pickett made a motion to accept the agenda with the addition of the change to other business, seconded by Commissioner Pruitt. All members present were in favor.

Motion:

Made by Vice Chair Pickett

Second:

Made by Commissioner Pruitt

Vote:

Board Member	Yea	Nay	Other
Elayne Lockett	X		
Rhoda A. Pickett	X		
Dick Conville	X		
Amy Hinton	X		
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson	X		
Michael Dickerson			Absent
Charles Dawe	X		
Michael Pruitt	X		

MINUTES REVIEW

Commissioner Conville made a motion to approve the April 3rd minutes, and Commissioner Lockett seconded this motion.

Motion:

Made by Commissioner Conville

Second:

Made by Commissioner Lockett

Vote:

Board Member	Yea	Nay	Other
Elayne Lockett	X		
Rhoda A. Pickett	X		
Dick Conville	X		
Amy Hinton	X		
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson	X		
Michael Dickerson			Absent
Charles Dawe	X		
Michael Pruitt			Abstain

BUILDING REPORT

Kevin Bates, Building Official, provided the Building Permit Report for April 2024.

PLANNING REPORT

There came the matter of the Planning Report by Nathan Satcher, Senior Planner, who announced the status of cases from the April Planning Commission cases. Mr. Cory Long, Planning Manager mentioned that the planning study for Broadway was scheduled and invited the Commissioners to provide input for this project.

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:

(Tabled from April 2024) William Carey University, applicant, and Kevin P. Lewis, architect, and Robert Blevins, representative, request to amend the Land Development Code, Ord. No. 3209 as amended, to make changes to Section 5, Use Regulations and Conditions. The request is to add additional use regulations for the use category of “School, University, or College”, specifically for accessory uses and building heights.

Discussion and Vote:

Staff introduced the case. Commissioner Pickett removed the item from the table, commissioner Ray seconded the motion, there were no objections. Kevin Lewis came before the commission to speak again on the project. Commissioner Pruitt made a motion to approve the amendments, seconded by Dawe.

Presented by:

1. Kevin Lewis

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Commissioner Pruitt to approve

Second:

Made by Commissioner Dawe

Vote:

Board Member	Yea	Nay	Other
Elayne Lockett	X		
Rhoda A. Pickett	X		
Dick Conville	X		
Amy Hinton	X		
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson	X		
Michael Dickerson			Absent
Charles Dawe	X		
Michael Pruitt	X		

Item B:

The City of Hattiesburg requests to amend the Land Development Code, Ord. No. 3209, and make changes to Sections 4 and 6. More specifically, the changes are related to regulatory flood zone properties within the A-1 zoning district to increase the minimum lot size requirement and reduce the total developable area. 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.

Discussion and Vote:

The Planning Staff introduced the case. It was suggested by Cory Long, Planning Manager, that additional time be given because the project was not advertised in the newspaper. Commissioner Conville made a motion to table this case and Lockett seconded this motion.

Presented by:

1. Cory Long, Planning Manager

Proponents:

1. None

Opponents:

1. Laurne McClain
2. Brent Boudet
3. Margaret Stafford
4. Glenda Ruth Graham

Motion:

Made by Commissioner Conville to table

Second:

Made by Commissioner Lockett

Vote:

Board Member	Yea	Nay	Other
Elayne Lockett	X		
Rhoda A. Pickett	X		
Dick Conville	X		
Amy Hinton	X		
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson	X		
Michael Dickerson			Absent
Charles Dawe	X		
Michael Pruitt	X		

OTHER BUSINESS

Request approval for an amendment to a Planned Mixed-Use Development as a known as the “Village at the Beverly,” which is located on Old Airport Road in Forrest County, Ward5. (PPIN 29647 Parcel No.: 2-041H-27-017.00)

Discussion and Vote:

The Planning Staff introduced the case. It was determined that this is not a significant change. Commissioner Dawe made a motion to decline jurisdiction this case and Pruitt seconded this motion.

Presented by:

1. Cory Long, Planning Manager

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Commissioner Dawe to decline jurisdiction

Second:

Made by Commissioner Pruitt

Vote:

Board Member	Yea	Nay	Other
Elayne Lockett	X		
Rhoda A. Pickett	X		
Dick Conville			Abstain
Amy Hinton	X		

Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson	X		
Michael Dickerson			Absent
Charles Dawe	X		
Michael Pruitt	X		

Adjournment:

The meeting was adjourned at 2:26 p.m.

Motion:

Made by Commissioner Pickett

Second:

Made by Commissioner Hinton

Vote:

Board Member	Yea	Nay	Other
Elayne Lockett	X		
Rhoda A. Pickett	X		
Dick Conville	X		
Amy Hinton	X		
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson	X		
Michael Dickerson			Absent
Charles Dawe	X		
Michael Pruitt	X		

Amy Hinton, Vice Chair

Cory Long, AICP, Planning Division Manager

June HPC Item: A
Bobby Threatt, Applicant, and Chris Bowen, Representative
Request for: **Zoning Change From R-3 to I-1 (Light Industrial)**



**Planning Commission
Case Fact Sheet**

Names of Petitioner: Bobby Threatt, Applicant, and Chris Bowen, Representative

Address of Property:	Tax Parcels/Ward:	PPIN:	Ward:
3000 West 7th Street	2-028F-06-098.00	26407	1

Request: **Zoning Change From R-3 to I-1 (Light Industrial)**

Purpose of Request: To request **approval for rezoning from R-3 (Multi-family residential) to I-1 (Light Industrial)** for a property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).

History / Background: Mississippi Tank Company has purchased an adjacent parcel to the west of their existing site to expand their parking lot into that property. The property, which is currently zoned R-3 does not allow for the use of a parking lot as a primary use. The rezoning request, if approved, would make the entire site consistent with the Light Industrial Zoning classification. Commercial zoning, while a lesser intensity, may be viewed as spot zoning, as there are no commercial (B) zones adjacent to their property.

Residentially zoned properties adjacent to industrially zoned properties require a vegetative zoning buffer of 60 feet, which if approved, would be required for any new development into that parcel. Mississippi Tank company is also seeking a variance request to reduce the required zoning buffer down to 10 feet, which is contingent upon the approval of the zoning change.

The future land use designation for this area is "Neighborhood Center Mixed-Use District/University College District", and is surrounded by residential neighborhoods and adjacent to the University of Southern Mississippi and the Longleaf Trace. The industrially zoned property of Mississippi Tank Company is inconsistent with the comprehensive plan, and the Planning Commission should consider the implications of expanding the Industrial zoning in this corridor. The Mississippi Tank Company was established in 1945, and its location on West 7th Street predates the current Comprehensive Plan and Land Development Code for the City of Hattiesburg.

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.

I-1 Light Industrial District: The purpose of the I-1 District is to provide for the development of research, light industrial, office parks, warehouse, and distribution centers consistent with comprehensive planning policies. This district is consistent with the Industry and Corporate Office District in the Comprehensive Plan.

SECTION 6

6.1 District 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%	-
I-1	No minimum/ 100	-	0.75	40	40	0 or 10	0	75 feet	60%	60

Present Zoning: The parcel is currently zoned R-3 Multi-Family Residential

Present Use: Vacant

Future Land Use: Neighborhood Center Mixed-Use District/University College District

Surrounding Zoning and Land Use:

North: R-2 Two-Family Residential
 South: R-3 Multi-Family Residential
 East: I-1 Light Industrial
 West: R-3 Multi-Family Residential

June HPC Item: A

Bobby Threatt, Applicant, and Chris Bowen, Representative

Request for: **Zoning Change From R-3 to I-1 (Light Industrial)**

Letters or

Concerns stated:

The applicant has provided letters from some of the adjacent property owners showing their support of the requests. Documentation on the attempts to gain approval from the neighboring property owners has also been submitted. These documents have been attached to the case file.

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

Recommend **approval** or **denial** of the request for a Zoning Change

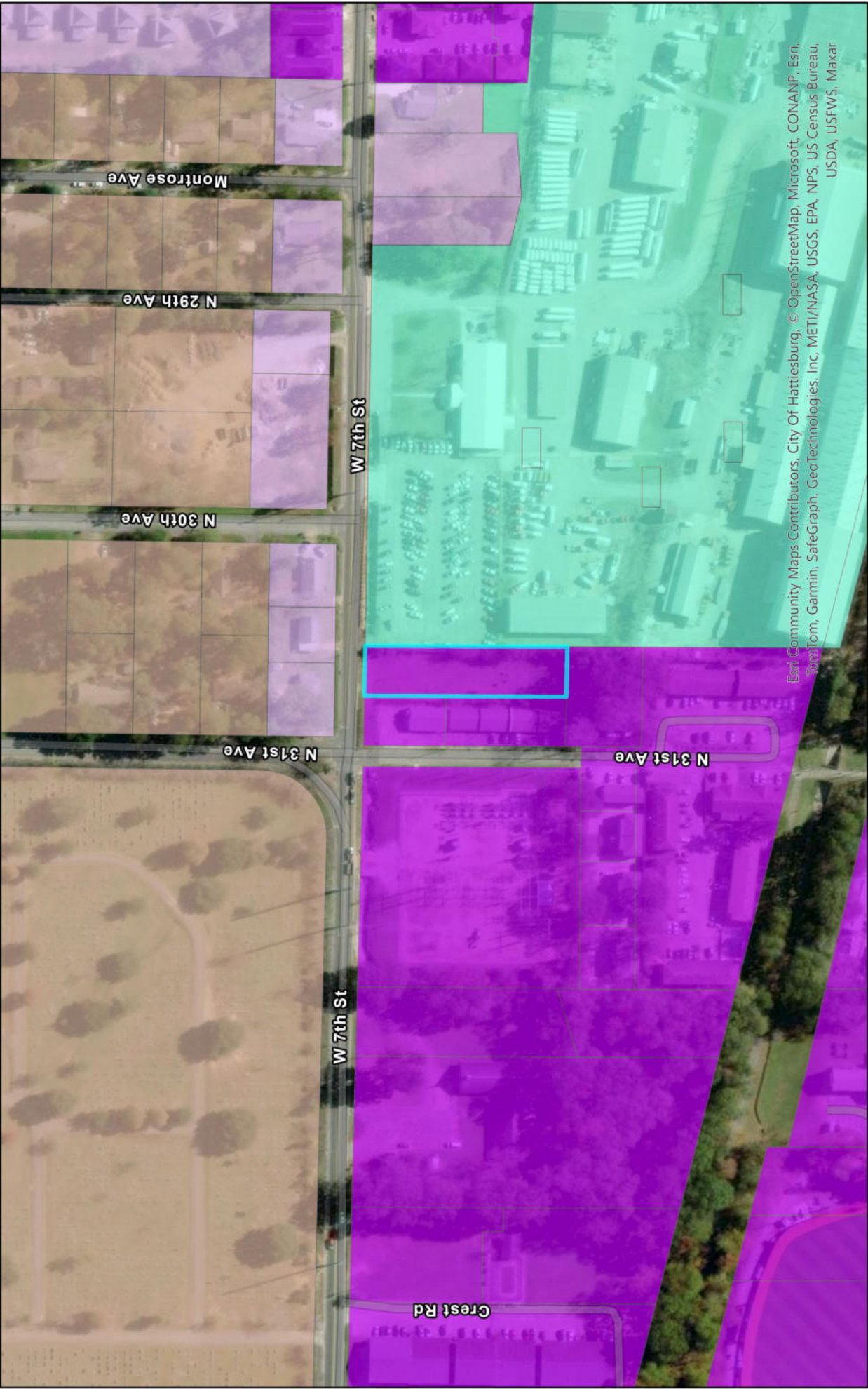
SUBJECT PARCEL

3000 West 7th St — Zoning Change Request

Bobby Threatt, Applicant, and Chris Bowen, Representative

Petitioners request approval for rezoning from R-3 (Multi-family residential) to I-1 (Light Industrial) for a property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).





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- Zoning**
- R-1A
 - R-2
 - R-3
 - I-1

Site Information

Property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).



URBAN DEVELOPMENT
PLANNING DIVISION





Future Land Use

- Neighborhood Conservation District 2
- University/College District

Site Information

Future land use for property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).

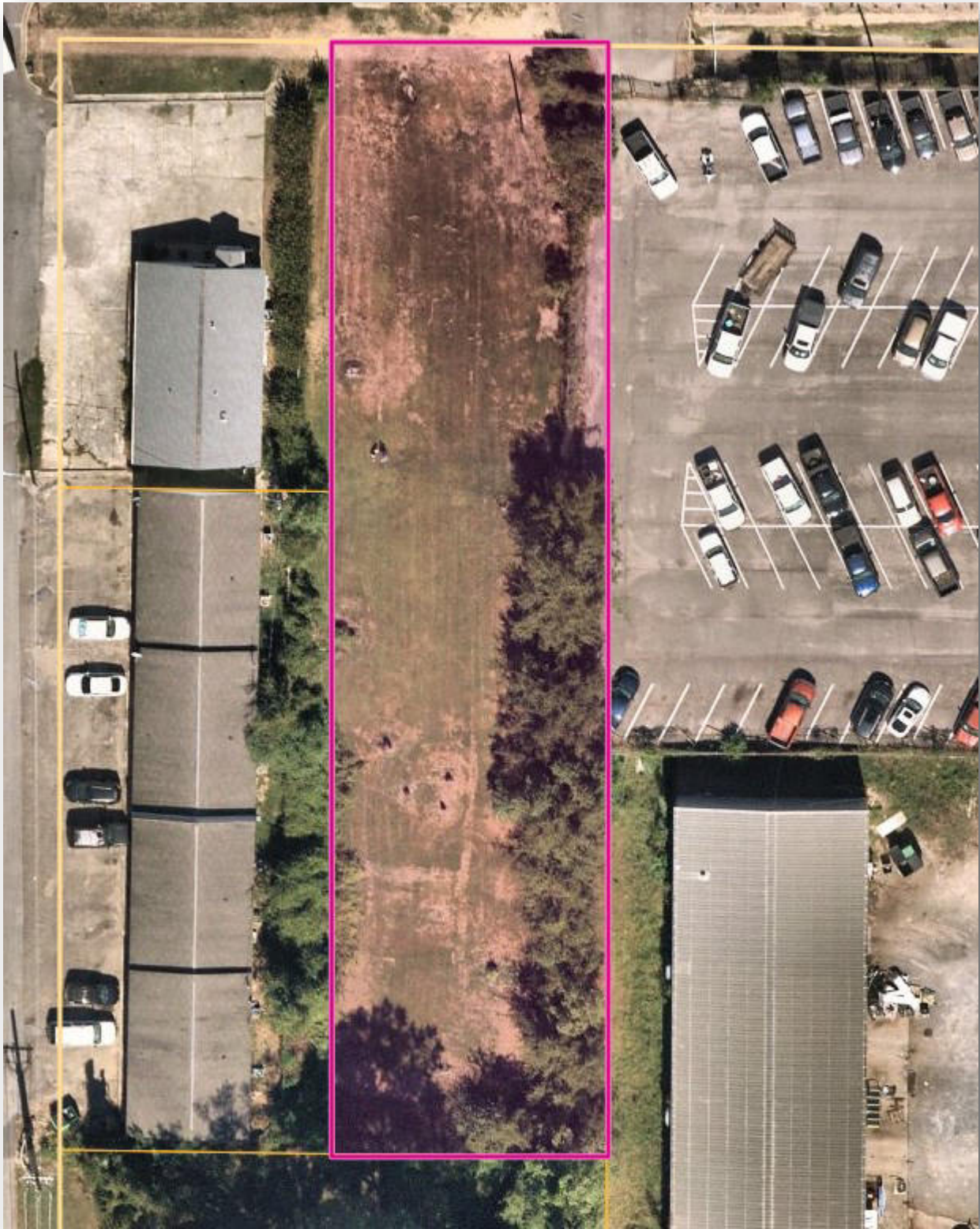


**URBAN
DEVELOPMENT**
PLANNING DIVISION



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Site Aerial



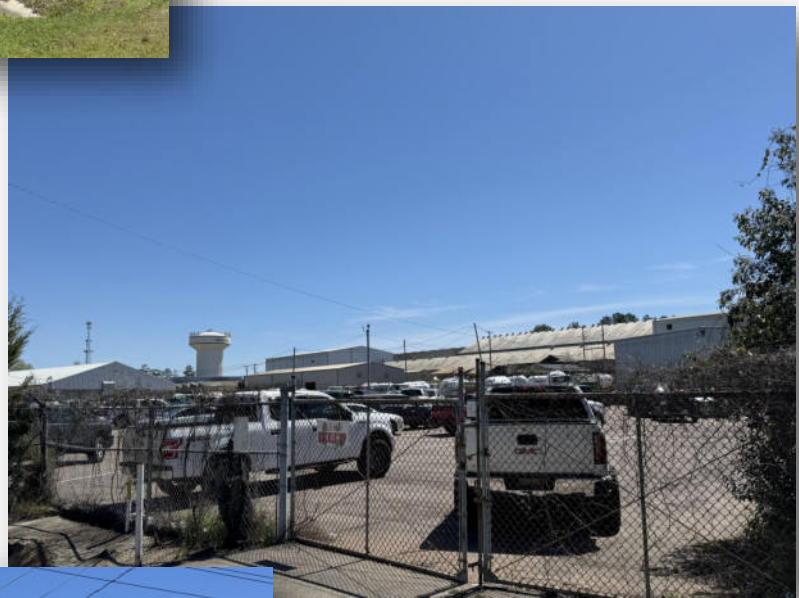
Surrounding Area

Northern and Southern Directions: R-2 Two-Family Residential District and R-3 Multi-Family Residential

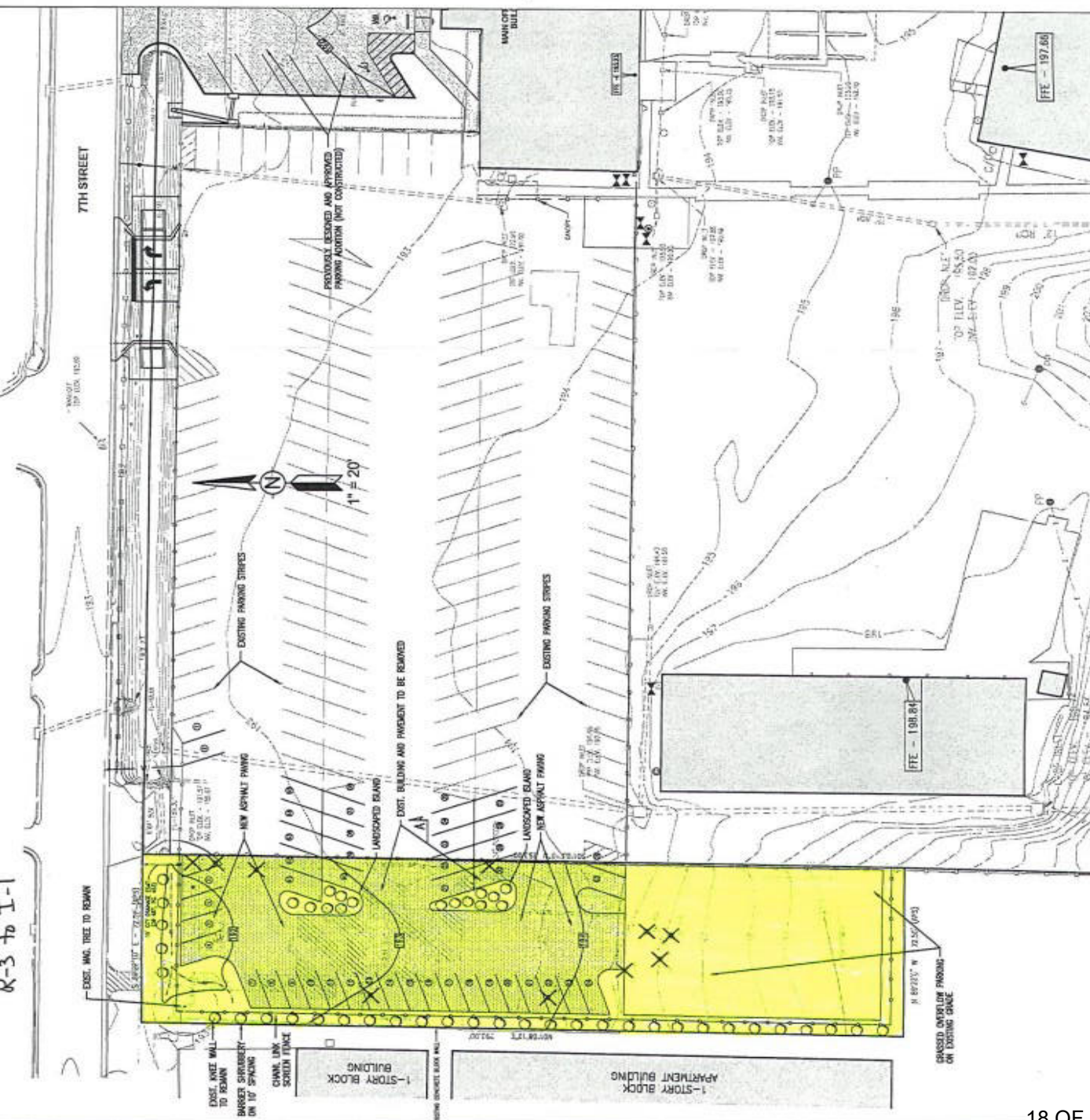


Surrounding Area

East and Western Directions: I-1 Light Industrial District and R-3 Multi-Family Residential



Mississippi Tank Company
.49 acres rezoned from
R-3 to I-1

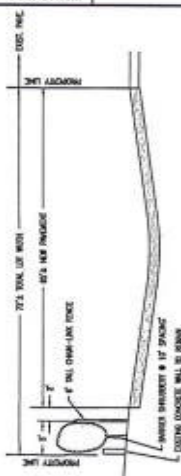


PROJECT NOTES:

3. UPON COMPLETION OF EARTHWORK, ALL DISTURBED AREAS SHALL BE PLANTED WITH 3" TOPSOIL, BAKED FROM 20-MILE STRIPPING, AND PLANTED WITH SLOD CENTIFIDE 800.
4. TOTAL PROPERTY AREA: 18.69 ACRES ±
AREA OF EXPANSION - 0.11 ACRES ±
ESTIMATED IMPROVED AREA - 4.46 ACRES ±
5. TOTAL SITE IMPROVED AREA: 18.69 ACRES
IMPROVED/TOTAL SITE AREA RATIO: 27.1%
PERMITS/TOTAL SITE AREA RATIO: 62.9%
6. EXPANSION SITE IMPROVED/EXPANSION PARCEL:
IMPROVED/TOTAL SITE AREA RATIO: 83.5% (50% MAX FOR R-3)
CALCULATED RATIO: 80.5%
7. CALCULATED RATIO: 80.5%
CONSTRUCTION OF 18.69 ACRES
POST-CONSTRUCTION: 81.1 CFS
8. PROPERTY IS ZONED R-3 (PARKING EXPANSION AREA). EXISTING SITE IS R-1.
A WATERMETER SHUT OFF VALVE SHALL BE INSTALLED AND MAINTAINED AT UNTIL PERMANENT VEGETATION IS ESTABLISHED.

LEGEND

	LIMESTONE SURFACE
	ASPHALT SURFACE
	EXISTING PAVEMENT
	PROPOSED TOPOGRAPHY
	EXISTING TOPOGRAPHY
	EXISTING STUMPS



SECTION 'A'



PROJECT VICINITY MAP



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: Mississippi Tank Company

Project Name: West End Parking extension

Proposed Use(s): parking

Project Street Address: 3000 & 3016 W. 7th St

PPIN Number(s) (if unknown, can be found on tax receipt): 26407

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 10' side)

☐ 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: R-3

Proposed Zoning: I-1

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: Nathan Satch

Parcel Number(s): SA

Historic District(s): NA

Flood Zone(s): SA

Zoning Districts(s): R-3 ; I-1

Project No.: _____

Code Sections:

LDC Section No. 7 - Zoning Buffer Requirements

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECEIVED DATE & INITIALS:

3/4/24
VS

PROJECT REPRESENTATIVE INFORMATION:**Primary:**

Name: <u>Bobby Threatt</u>		
☒ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer		
☐ Other (please specify): _____		
Phone: <u>601-606-7447</u>	Fax: _____	Email: <u>bthreatt@mstank.com</u>
Mailing Address: <u>PO Drawer 1391, Hburg, MS 39403-1391</u>		

Secondary:

Name: <u>Chris Bowen</u>		
☐ Applicant ☐ Property Owner ☒ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer		
☐ Other (please specify): _____		
Phone: <u>601-543-7406</u>	Fax: _____	Email: <u>cbowen@mstank.com</u>
Mailing Address: <u>As above</u>		

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: _____		

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
3000 W. 7th St , Hattiesburg, 39401
Street Address City State
on this the 4th day of March, 2024.

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.
Bobby Threatt, Chris Bowen

on this the 4th day of March, 2024.

Bobby Threatt for Mississippi Tank Company

Property Owner (print)

Property Owner (signature)

STATE OF Mississippi Tank Company

COUNTY OF Forrest

Personally came and appeared before me, the within named

Bobby Threatt
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 4th day of
March, 2024.

NOTARY PUBLIC

My Commission Expires

ID No. 102192
Commission Expires
May 6, 2024

Last updated 7/31/2023

PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00pm (End of business day)
 Hattiesburg Planning Commission Meeting Date: _____ Time: 1:00pm
 Hattiesburg Board of Adjustment Meeting Date: _____ Time: 3:30pm

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 Date – (you or your representative should attend): _____ Time: 4:00pm
 City Council Meeting (Vote) Date – (you or your representative may attend): _____ Time: 5:00pm
 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 wait period for Zoning or Street closing/re-naming, PMUs, PRDs, PUDs which ends _____. So, if approved by the City, no final site plan review approvals or building permits could be issued prior to these dates.

****Dates and times are subject to change****

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 building, 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 planning@hattiesburgms.com
- ___ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the 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 a separate document)
- ___ Variance application only: A letter of approval/denial from all adjoining property owners must be obtained and submitted with application.
- ___ 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 \$ 575.00

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 No. 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 (*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package -----	\$600.00 per package application
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) 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 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)

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

FOR VARIANCE APPLICANTS:

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4). **Section 12.4.1** Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended. Not all criteria must be met. However, a strong application will meet multiple criteria.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

1. **Hardship.** (a) the hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

An exceptional condition creating a hardship for Mississippi Tank Company exists in that in the absence of obtaining a variance to a 10' setback from the adjoining property, the property would not be able to be utilized for construction of a new parking lot due to it only being 72.5' wide.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

We're not asking for any special privilege.

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

The literal interpretation of the provision would deprive Mississippi Tank Company of our ability to expand our parking

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

The costs involved in expanding our parking lot are significant, and uneconomic if unable to obtain the variance.

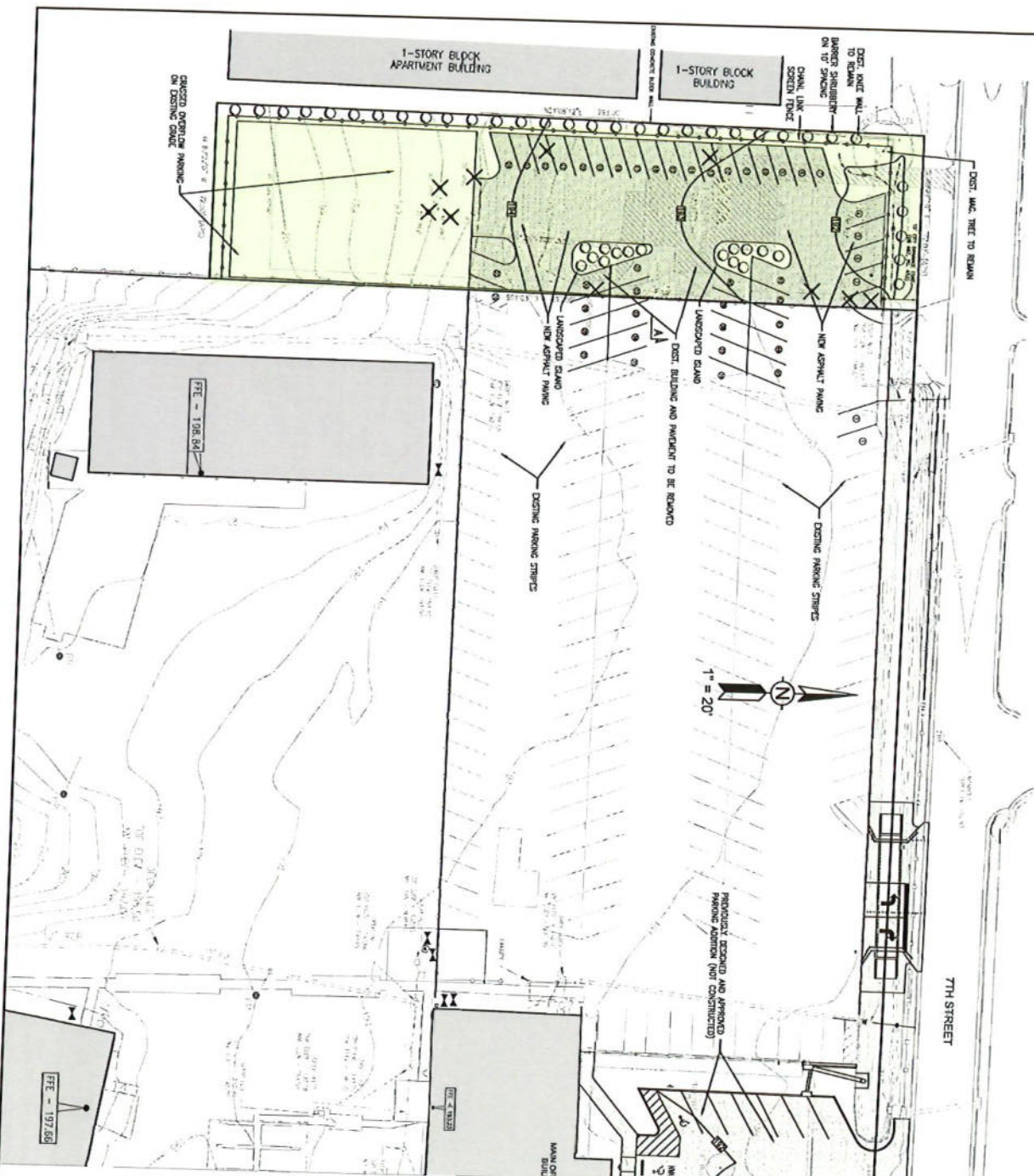
5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

The granting of the maximum variance will provide for the addition of the parking spaces as provided in the attached plan.

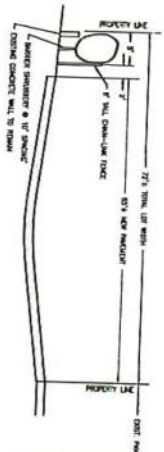
6. **Conformance with Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

Granting of this variance will allow for the property to be folded into the same classification as the rest of our facility.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.



- [illegible]



**PARKING LOT
ADDITION SITE PLAN**

PROJECT: **EMPLOYEE PARKING
ADDITION**

MISSISSIPPI TANK
COMPANY, INC.

PREPARED BY:

FORD
ENGINEERING SERVICES, PLLC

2610 Oak Grove Road / Building 4, Suite 1 / Hattiesburg, MS 39402
Phone: (601) 254-6333 Fax: (601) 254-7208

DEFINATED BY: JSP
CHECKED BY: JAS
APPROVED BY: JSP

REVISIONS

March 18, 2024

Re: Zoning and Variance change

Spoke with Mr. Lance LeBlanc of Landlady Investments outside their apartments March 12th.

I had originally made contact by leaving my phone number at the offices of Landlady Investments for Shakiea LeBlanc. She called me back and told me that her husband, Lance, handles those apartments, and gave me her husband's cell number. He happened to be over at the property right then. I called him, and we met in their front parking lot. I explained to him that we were looking to extend our parking lot over to the edge of our property and would need a zoning change and variance, but that we wanted to do whatever we needed along our fence line in common in order to make them happy. We both walked over to look at the existing concrete wall along the property line, and he stated that he'd rather us leave the wall in place to help him with his drainage. He said that he thought that the wall was on our property and it helps channel the water from behind his apartments to the drain at the northernmost end of his apartments. He also suggested that if it were feasible, that our chainlink fence be constructed atop of this concrete rock wall. He also believes that a new fence would be beneficial in keeping homeless individuals from setting up back there. He said he got a complaint from his apartments when one lady set up back there under an umbrella and blaring out music on her radio.

Chris Bowen

Mississippi Tank Company

March 2024

To: Hattiesburg Planning Commission

From: Mississippi Tank Company

Mississippi Tank Company is asking the Hattiesburg Planning Commission to provide a variance from their zoning regulations that provides a 10 foot set back from your property line to establish a fence (consistent with our existing parking lot fence) and plant shrubs for a buffer in an extension of the Mississippi Tank parking lot.

I, Lance LeBlanc, am OK with this variance.

I, _____, do not agree with this variance.

Signing for LandLady Investments LLC



Dated 03/12/2024

March 18, 2024

Re: Zoning and Variance change

Spoke with Ms. Mildred Maddox outside her office at 3018 W 7th Street at 5:00 pm, March 11, 2024.

I explained to her that we were looking to extend our parking lot over to the edge of our property and would need a zoning change and variance, but that we wanted to do whatever we needed along our fence line in common in order to make her happy. We both walked over to look at the existing concrete wall along the property line, and I told her that if it turned out that this wall was on our property, that we could leave that or remove it based on whatever she wanted done. She then showed me where someone had been east bound and run off of West 7th Street in their vehicle, through her parking lot and hit that wall. She said that she was in real estate and that she understood what we were trying to do. She said that she remembered seeing a red stake or pin denoting the property boundary, but when we went to the edge of that wall where she believed it to be, neither of us could see evidence of the marker. I provided her with the form for her approval or denial, and she said that she would need to talk to her husband and discuss it with him and for me to call her back tomorrow after lunch. I called her back at 2:15 pm the next day (March 12th) and she said that she was in a meeting and could not talk right then. I called her back and left her a message the next morning (March 13th) at 10:10 a.m. asking her to please call.

Chris Bowen

Mississippi Tank Company

March 2024

To: Hattiesburg Planning Commission

From: Mississippi Tank Company

Mississippi Tank Company is asking the Hattiesburg Planning Commission to provide a variance from their zoning regulations that provides a 10 foot set back from your property line to establish a fence (consistent with our existing parking lot fence) and plant shrubs for a buffer in an extension of the Mississippi Tank parking lot.

I, _____, am OK with this variance.

I, _____, do not agree with this variance.

Signing for Mildred Maddox Real Estate LLC

Dated _____

March 18, 2024

Re: Zoning and Variance change

Spoke with Mr. & Mrs. Dixon of 611 N. 31st Ave on March 12, 2024.

Mr. Dixon was out raking leaves and stated that he was having some problems with his memory and called his wife out of the house. The 3 of us went through the garage and out into their backyard as I explained to them both that we were looking to extend our parking lot over to the edge of our property and would need a zoning change and variance, but that we wanted to do whatever we needed along our fence line in common in order to make them happy. She said she didn't want us taking her property, to which I assured her we would not be taking her property, that we only wished to utilize ours – for a parking lot. They had a row of volunteer vegetation and a deteriorating chainlink fenceline that runs along the southern most border of the 0.49 acres of Mississippi Tank Co and the northern most border of their backyard. I told her that we would be happy to replace that fenceline with a new fence, if that's what they wanted. I was clear that we were not going to be doing anything on their property, to which she said that she knew that someday we would want that property, but she wasn't ready to sell right now.

I provided her with the form for her approval or denial, and she said she would not be signing anything.

Chris Bowen

Mississippi Tank Company

March 2024

To: Hattiesburg Planning Commission

From: Mississippi Tank Company

Mississippi Tank Company is asking the Hattiesburg Planning Commission to provide a variance from their zoning regulations that provides a 10 foot set back from your property line to establish a fence (consistent with our existing parking lot fence) and plant shrubs for a buffer in an extension of the Mississippi Tank parking lot.

I, _____, am OK with this variance.

I, _____, do not agree with this variance.

Signing for Thomas Eugene Dixon & Gretta Barnes

Dated _____



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Planning Commission
Case Fact Sheet**

Names of Petitioner: Richard Hiatt, Owner

Address of Property:	Tax Parcels/Ward:	PPIN:	Ward:
North 31st Avenue	2-028F-06-043.00	26375	1

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

Purpose of Request: To request a **preliminary plat for a Major Subdivision** located on North 31st Avenue, Forrest County, Ward 1. The proposed name for the subdivision is "Wood Glen Addition." (PPINs and 26375).

History / Background: The applicant met with the Pre-application team regarding the subdivision of an existing parcel adjacent to 715 N 31st Ave into five separate lots. The proposed lots meet the required dimensional standards for the current zoning district. The proposed subdivision is infill development, and no roads will be created with this subdivision and utilities are already available along the street frontage.

This subdivision was originally proposed as the creation of 6 lots, including 715 N 31st Ave at the November 2023 Planning Commission hearing. After presenting the case to the public, the property owner at 715 N 31st Ave opposed the subdivision of his land, where staff then realized a complete application was not on file and removed the case from the agenda. The property had originally been deeded off without properly being subdivided by the City.

Since that meeting, the applicant (Hiatt) and the property owner at 715 N 31st Ave have resolved the subdivision error through a minor subdivision, where it is now a legal (minor) subdivision with the City of Hattiesburg. The plat for that subdivision, titled "Goldsmith Manner" was recorded legally with the Forrest County Chancery Clerk on February 28th, 2024 and a copy is included with this report.

The remaining portion of the lot is now being proposed for subdivision into 5 separate lots, using the same dimensions as

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

previously presented at the November 2023 Planning Commission, just excluding the property at 715 N 31st.

All dimensional standards, standards of design, and other applicable standards from the Land Development Code apply for infill construction for the R-1A zoning district.

Applicant Summary: * See Attached *

Applicable Regulations:

SECTION 4

Zoning Districts Established

R-1A Single-Family 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%	-

6.4 Yard Setback Modifications for Infill and Redevelopment areas

On infill and redevelopment sites, the Director may reduce side yard setbacks and lot width requirements to permit development on existing lots as follows.

6.4.1 Side Yards. A minimum of five feet of green strip shall be maintained as a minimum side yard. In lieu of this requirement, a zero-lot line maintenance agreement providing a minimum five-foot maintenance easement may be granted by the adjacent property owner.

SECTION 11

Administration and Enforcement

11.10.1.8 Subdivision Violations. The owner of a subdivision shall

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

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.

- 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.

12.3.2.4 Final Plat.

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

12.3.2.5 Recording.

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

Present Zoning:

The parcels are currently zoned R-1A Single-Family Residential

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

Present Use: Vacant / Residential

Future Land Use: Neighborhood Conservation District 2

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

Letters or Concerns stated: Concerns were addressed at the November 2023 Hattiesburg Planning Commission with two neighbors. The property owner at 715 N 31st Ave has since completed a minor subdivision with the applicant, where that property will no longer be included in the currently proposed subdivision.

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

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

12.3.2 Preliminary Plat Approval for Major Subdivisions

12.3.2.1 Approval Criteria.

- i. Conformance with the Hattiesburg Comprehensive Plan.
- ii. Conformance with the standards of the zoning district.
- iii. Conformance with other standards and requirements of this Code and other City policies and regulations.
- iv. Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision.
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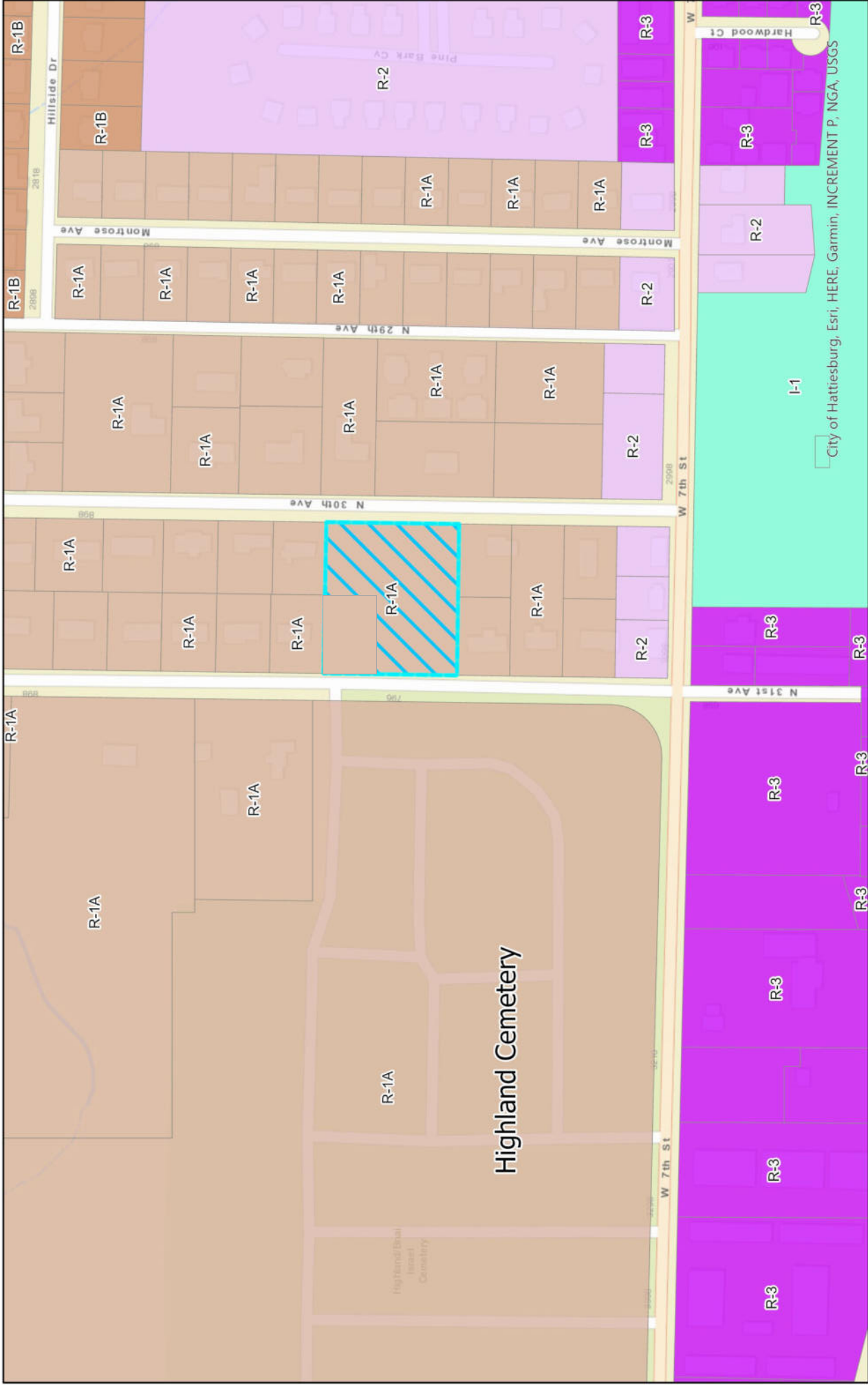
SUBJECT PARCEL

N 31st Avenue — Major Subdivision

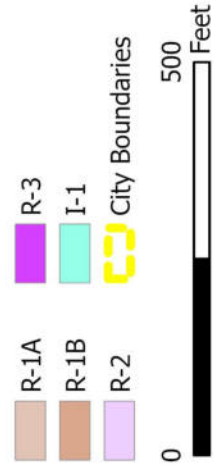
Richard Hiatt, Owner

The petitioner requests approval for approval for a preliminary plat for a major subdivision located at N 31st Avenue, Forrest County, Ward 1. The proposed name for the subdivision is “Wood Glen Addition.” (PPIN 26375).





Legend



Site Information

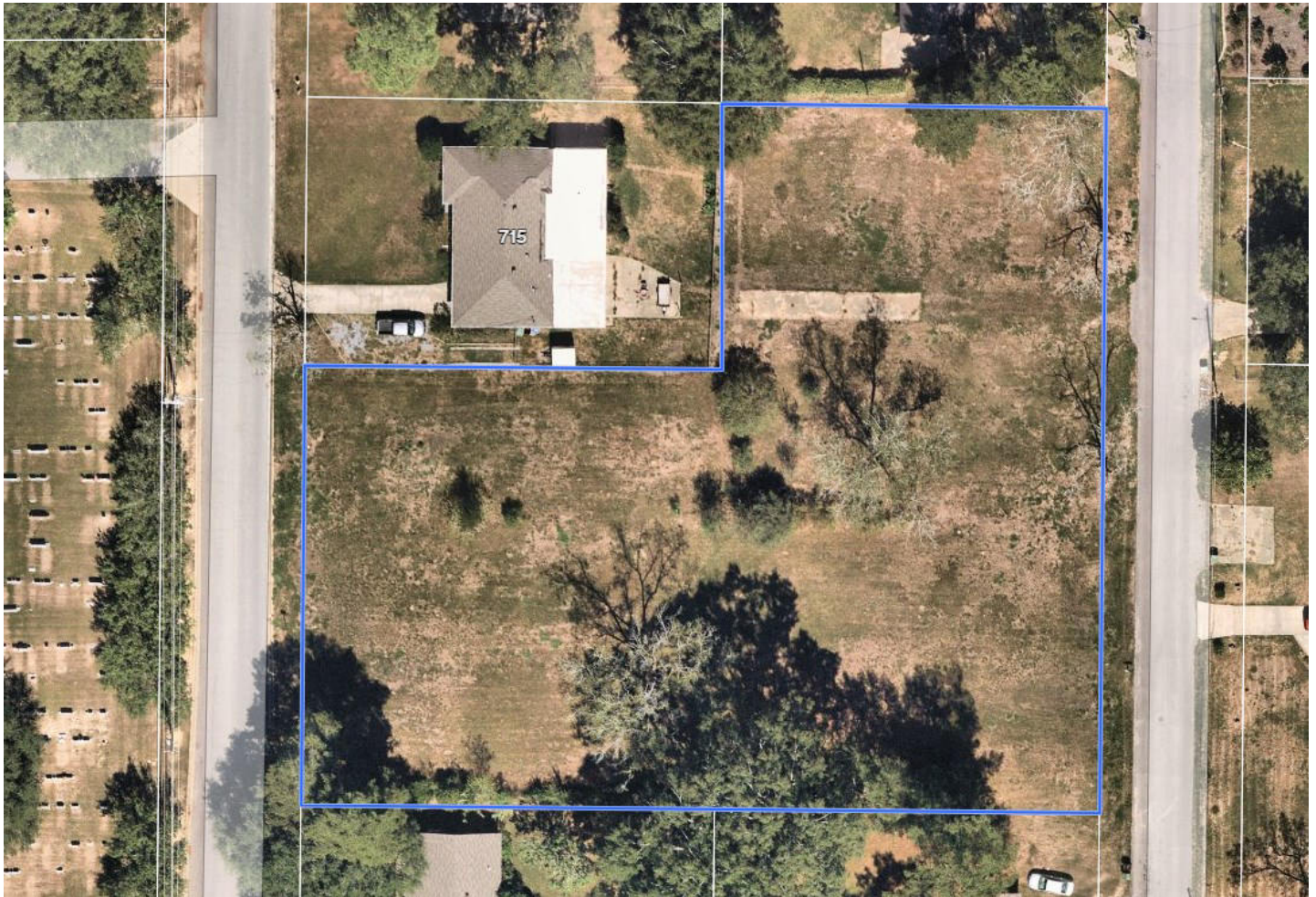
N 31st Ave
 Proposed Location for a Major Subdivision to create the "Wood Glen Addition" Subdivision



URBAN DEVELOPMENT PLANNING DIVISION

Forrest County, Ward 1

Site Aerial



Site Aerial

Northern and Southern Directions: R-1A Single-Family Residential



Site Aerial

East and Western Directions: R-1A Single-Family Residential



Highland Cemetery





**URBAN
DEVELOPMENT
PLANNING DIVISION**

RECEIVED
MAR 01 2024

BY: *NS*

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: RICHARD HIATT

Project Name: WOOD GLEN ADDITION

Proposed Use(s): RESIDENTIAL HOMES

Project Street Address: N. 30TH AVE + N. 31ST AVE

PPIN Number(s) (if unknown, can be found on tax receipt): 26 375

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: _____

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.: *4* _____

Code Sections: _____

LDC Section No. _____

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECIVED DATE & INITIALS:

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

N. 30TH AND N. 31ST AVE HATTIESBURG MS
Street Address City State

on this the 29TH day of FEBRUARY, 2024.

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.

RICHARD HATT

on this the 29TH day of FEBRUARY, 2024.

KEN BROOM
Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF Mississippi

COUNTY OF Lamar

Personally came and appeared before me, the within named

Ken Broom,

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 1st day of March, 2024.

[Signature]
NOTARY PUBLIC

My Commission Expires:

July 20, 2027

★ STATE OF MISSISSIPPI ★
JESSICA S. MIXON, NOTARY PUBLIC
FORREST COUNTY
MY COMMISSION EXPIRES JULY 20, 2027
COMMISSION NUMBER 368668

PROJECT REPRESENTATIVE INFORMATION:

Primary:

Name: RICHARD HIATT

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

☐Other (please specify): _____

Phone: 601-408-9393 Fax: _____ Email: RICHHIATT@COMCAST.NET

Mailing Address: 15 KEYSTONE DR. STE C HATTESBURG, MS 39402

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: _____

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

N. 30TH AND N. 31ST AVE HATTIESBURG MS
Street Address City State

on this the 29TH day of FEBRUARY, 2024.

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to represent them at the public hearing on this petition.

RICHARD HIATT

on this the 29TH day of FEBRUARY, 2024.

RICHARD HIATT
Property Owner (print)

Richard Hiatt
Property Owner (signature)

STATE OF Mississippi

COUNTY OF Lamar

Personally came and appeared before me, the within named

Richard Hiatt

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 1ST day of
March, 2024.

Jessica S. Mixon
NOTARY PUBLIC

★ STATE OF MISSISSIPPI ★
JESSICA S. MIXON, NOTARY PUBLIC
FORREST COUNTY
MY COMMISSION EXPIRES JULY 20, 2027
COMMISSION NUMBER 368668

My Commission Expires:

July 20, 2027

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
N. 30th AND N. 31st AVE HATTIESBURG MS
Street Address City State
on this the 29th day of FEBRUARY, 2024.

RICHARD HIATT
Applicant (print)
Richard Hiatt
Applicant (signature)

STATE OF Mississippi
COUNTY OF Lamar

Personally came and appeared before me, the within named Richard Hiatt,
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 1st day of March, 2024.
Jessica S. Mixon
NOTARY PUBLIC

My Commission Expires:
July 20, 2027

★ STATE OF MISSISSIPPI ★
JESSICA S. MIXON, NOTARY PUBLIC
FORREST COUNTY
MY COMMISSION EXPIRES JULY 20, 2027
COMMISSION NUMBER 368668

PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER

REQUIRED SUBMITTAL INFORMATION

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

Hattiesburg Planning Commission Meeting Date: _____ Time: 1:00pm

Hattiesburg Board of Adjustment Meeting Date: _____ Time: 3:30pm

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 Date – (you or your representative should attend): _____ Time: 4:00pm

City Council Meeting (Vote) Date – (you or your representative may attend): _____ Time: 5:00pm

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 wait period for Zoning or Street closing/re-naming, PMUs, PRDs, PUDs which ends _____. So, if approved by the City, no final site plan review approvals or building permits could be issued prior to these dates.

****Dates and times are subject to change****

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 building, 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 planning@hattiesburgms.com

___ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the 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 a separate document)

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

___ 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 \$ 275⁰⁰.

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 No. 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 (*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package -----	\$600.00 per package application
Subdivision of Land (Preliminary Plats) -----	\$225.00 per application, + 50 plus \$10.00 for each created lot (** see PUD or PRD & Subdivision of Land package rate) 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 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)

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

FOR VARIANCE APPLICANTS:

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4). **Section 12.4.1** Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

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Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

- 1. **Hardship.** (a) the hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

- 2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

6. **Conformance with Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.

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.

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

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

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

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

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

8. Parking requirements:

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

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

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:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Subdividing of Lot, Parcel or Tract Information

1. Property data:
Parent Parcel / Existing lot/parcel/tract contains 1.26 Square Footage/Acres
Lot Area Requirement: R-1A 10,000 SQ FT MIN.
Lot Frontage Requirement: 50 FT
Existing use of lot/parcel/tract RESIDENTIAL
To be subdivided into 5 lots/parcels (including parent parcel) – outlined below.

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

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.	.126 A	YES	no	N. 30 TH AVE		
2.	.126 A	YES	no	N. 30 TH AVE		
3.	.126 A	YES	no	N. 30 TH AVE		
4.	.124 A	YES	no	N. 31 ST AVE		
5.	.124 A	YES	no	N. 31 ST AVE		
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)				

2. Infrastructure required:
Water/Sewer _____ Gas _____ Electric _____ Telephone _____ Cable _____ Streets _____

Street/Alley Renaming, Closing, or Vacating Information

1. Please indicate specific request(s):

☐ Street ☐ Alley
☐ Closing ☐ Vacating ☐ Naming ☐ Re-Naming
2. Current name of street/alley to be named/re-named, vacated, or closed:

3. Proposed name of street/alley to be named or re-named (If applicable):

4. Describe the portion of the street/alley to be renamed, closed, or vacated (use all bounding or intersecting streets/alleys, from and to):

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

6. Describe existing land use of properties and number of residents affected by renaming the street/alley within 400 feet.

Type of Land Use of adjacent development	Number of properties adjacent to the existing street	Number of property owners adjacent to the existing street	Number of residents affected by the change of address	
Businesses				
Residences				
Apartments				
Churches/Schools				
Other				

Any additional Information: _____

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

6. Have applications for zoning, variance, building permit, or other applications been filed?

Yes

No

If yes, provide reference numbers and dates:

7. Acknowledgment of property owners affected by the street/alley renaming. Include all names and addresses.

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

Attach Acknowledgement of Affected residents/business

As Additional Page(s)



DEED

Bk:1384 Page:535-537

RCD: 01/04/2022 @ 2:23:09:PM

FORREST COUNTY, MS

LANCE C. REID CHANCERY CLERK

Prepared without the benefit of a title examination by:

Lockett Land Title, Inc.

Joseph M. Gianola, Jr. (MSB No. 101972)

63 98 Place Boulevard

Hattiesburg, Mississippi 39402

(601)450-0065

File No. 21-3630H

Return to:

Richard Hiatt

15 Keystone Dr.

Hattiesburg, MS 39402

(601) 296-9906

INDEXING INSTRUCTIONS: NE 1/4 of SE 1/4, Section 6, T4N, R13W, Forrest County, Mississippi

STATE OF MISSISSIPPI

COUNTY OF FORREST

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor,

HIBRO INVESTMENTS, LLC,
a Mississippi limited liability company
5119 Old Hwy. 11, Suite A
Hattiesburg, MS 39402
(601)404-4040

does hereby grant, bargain, sell, convey and warrant unto the Grantee,

RICHARD HIATT,
a married man
15 Keystone Dr.
Hattiesburg, MS 39402
(601)296-9906

the following described real property lying and being situated in Forrest County, Mississippi, and being more particularly described as follows, to-wit:

Tract 1:

Commence at a found iron pipe marking the Southwest corner of the Lot 1, Wood Glen Subdivision, as per map or plat on file in the office of the Chancery Clerk, Forrest County, Mississippi; Thence S00°31'44"W a distance of 686.89 feet to a found ½ inch iron pipe; Thence S89°40'50"E a distance of 145.65 feet to a found ½ inch iron pipe for the POINT OF BEGINNING; Thence S89°19'14"E a distance of 134.45 feet to a found iron pipe on the Western right-of-way of North 30th Avenue; Thence S01°42'50"W along the West boundary of said North 30th Avenue a distance of 82.59 feet to a found crimped pipe; Thence N89°12'22"W a distance of 135.67 feet to a set ½ inch re-bar; Thence N02°34'10"E a distance of 82.35 feet to the POINT OF BEGINNING. The property contains 0.26 acres more or less and is a part of the Southwest ¼ of the Northeast ¼ of the Southeast ¼ of Section 6, Township 4 North, Range 13 West, Forrest County, Mississippi.

AND ALSO Tract 2:

Commence at a found iron pipe marking the Southwest corner of the Lot 1, Wood Glen Subdivision, as per map or plat on file in the office of the chancery clerk, Forrest County, Mississippi; Thence S00°31'44"W a distance of 686.89 feet to a found ½ inch iron pipe; Thence S89°40'50"E a distance of 145.65 feet to a found ½ inch iron pipe; Thence S02°34'10"E a distance of 82.35 feet to a set ½ inch re-bar for the POINT OF BEGINNING; Thence S89°12'22"E a distance of 135.67 feet to a found iron pipe on the Western right-of-way of North 30th Avenue; Thence S01°42'50"W along the West boundary of said North 30th Avenue a distance of 82.61 feet to a set ½ inch re-bar; Thence N89°05'32"W a distance of 136.90 feet to a set ½ inch re-bar; Thence N02°34'10"E a distance of 82.37 feet to the POINT OF BEGINNING. The property contains 0.26 acres more or less and is a part of the Southwest ¼ of the Northeast ¼ of the Southeast ¼ of Section 6, Township 4 North, Range 13 West, Forrest County, Mississippi.

AND ALSO Tract 3:

Commence at a found iron pipe marking the Southwest corner of the Lot 1, Wood Glen Subdivision, as per map or plat on file in the office of the chancery clerk, Forrest County, Mississippi; Thence S00°31'44"W a distance of 686.89 feet to a found ½ inch iron pipe; Thence S89°40'50"E a distance of 145.65 feet to a found ½ inch iron pipe; Thence S02°34'10"E a distance of 164.72 feet to a set ½ inch re-bar for the POINT OF BEGINNING; Thence S89°05'32"E a distance of 136.90 feet to a set ½ inch re-bar on the Western right-of-way of North 30th Avenue; Thence S01°42'50"W along the West boundary of said North 30th Avenue a distance of 82.59 feet to a found iron pipe; Thence N89°58'54"W a distance of 138.12 feet to a found ½ inch pipe; Thence N02°34'10"E a distance of 82.35 feet to the POINT OF BEGINNING. The property contains 0.26 acres more or less and is a part of the Southwest ¼ of the Northeast ¼ of the Southeast ¼ of Section 6, Township 4 North, Range 13 West, Forrest County, Mississippi.

This conveyance and the warranty hereof is subject to any and all prior and outstanding leases, exceptions, reservations and/or conveyances of oil, gas and/or other minerals and any geothermal energy resources lying in, on and under the above described real property.

This conveyance and the warranty hereof is subject to any environmental condition existing upon the subject property which would cause said property to be in violation of any State and/or Federal Environmental Protection Act.

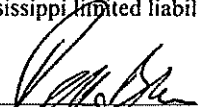
This conveyance and the warranty hereof is subject to any and all other easements and rights-of-way, whether of record or of use, which affect the real property hereby conveyed.

This conveyance and the warranty hereof is subject to any and all Covenants and Restrictions of record.

IT IS AGREED and understood that the taxes for the current year have been prorated as of this date on an estimated basis. When said taxes are actually determined, if the pro-ration as of this date is incorrect, then the Grantor agree to pay to the Grantee or their assigns any amount which is deficit on an actual pro-ration and likewise, the Grantee agrees to pay to the Grantor any amount overpaid by Grantor.

WITNESS THE SIGNATURE of the Grantor on the date of its respective acknowledgment.

HIBRO INVESTMENTS, LLC,
a Mississippi limited liability company

By: 
Ken Broom, Member

STATE OF MISSISSIPPI
COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, within my jurisdiction, the within named, Ken Broom, who acknowledged that he is a Member of Hibro Investments, LLC, a Mississippi limited liability company, and that for and on behalf of the said limited liability company, and as its act and deed he executed the above and forgoing instrument, after first having been duly authorized by said limited liability company to do so.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 29th of December, 2021.


NOTARY PUBLIC

My Commission Expires: 9-3-23



FORREST COUNTY, MS LANCE C. REID
I CERTIFY THIS INSTRUMENT WAS FILED ON 1/4/2022 2:23:09 PM AND RECORDED IN DEED BOOK:1384 PAGE:535



DEED
Bk:1384 Page:538-540
RCD: 01/04/2022 @ 2:23:56:PM
FORREST COUNTY, MS
LANCE C. REID CHANCERY CLERK

Prepared without the benefit of a title examination by: Luckett Land Title, Inc. Joseph M. Gianola, Jr. (MSB No. 101972) 63 98 Place Boulevard Hattiesburg, Mississippi 39402 (601)450-0065 File No. 21-3628H	Return to: Ken Broom 5119 Old Hwy 11, Ste. A Hattiesburg, MS 39402 (601)450-4040
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INDEXING INSTRUCTIONS: Northeast ¼ of the Southeast ¼ of Section 6, Township 4 North, Range 13
West, Forrest County, Mississippi

STATE OF MISSISSIPPI
COUNTY OF FORREST

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor,

HIBRO INVESTMENTS, LLC,
a Mississippi limited liability company
5119 Old Hwy. 11
Hattiesburg, MS 39402
(601) 450-4040

does hereby grant, bargain, sell, convey and warrant unto the Grantee,

KEN BROOM,
a married man
5119 Old Hwy 11
Hattiesburg, MS 39402
(601) 450-4040

the following described real property lying and being situated in Forrest County, Mississippi, and being more particularly described as follows, to-wit:

Parcel A:

Commence at a found iron pipe marking the Southwest corner of Lot 1, Wood Glen Subdivision, as per map or plat on file in the office of the Chancery Clerk, Forrest County, Mississippi; Thence S00°31'44"W a distance of 686.89 to a found ½ inch iron pipe; Thence S00°46'55"W along the East right-of-way of North 31st Avenue a distance of 97.63 feet to a set ½ inch re-bar for the POINT OF BEGINNING. Thence S89°20'01"E a distance of 142.57 feet to a set ½ inch re-bar; Thence S02°34'10"W a distance of 74.25 feet to a set ½ inch re-bar; Thence N00°46'55"E along the right-of-way of North 31st Avenue a distance of 74.74 feet to the POINT OF BEGINNING. The property contains 0.24 acres more or less and is a part of the Southwest ¼ of the Northeast ¼ of the Southeast ¼ of Section 6, Township 4 North, Range 13 West, Forrest County, Mississippi.

AND ALSO Parcel B:

Commence at a found iron pipe marking the Southwest corner of the Lot 1, Wood Glen Subdivision, as per map or plat on file in the office of the chancery clerk, Forrest County, Mississippi; Thence S00°31'44"W a distance of 686.89 feet to a found ½ inch iron pipe; Thence S00°46'55"W along the East right-of-way of North 31st Avenue a distance of 172.37 feet to a set ½ inch re-bar for the POINT OF BEGINNING; Thence S89°33'04"E a distance of 140.29 feet to a set ½ inch re-bar; Thence S02°34'10"W a distance of 74.26 feet to a found ½ inch pipe; Thence N89°46'37"W a distance of 137.95 feet to a found ½ inch re-bar on the East right-of-way of North 31st Avenue; Thence N00°46'55"E along the East right-of-way of North 31st Avenue a distance of 74.75 feet to the POINT OF BEGINNING. The property contains 0.24 acres more or less and is a part of the Southwest ¼ of the Northeast ¼ of the Southeast ¼ of Section 6, Township 4 North, Range 13 West, Forrest County, Mississippi.

This conveyance and the warranty hereof is subject to any and all prior and outstanding leases, exceptions, reservations and/or conveyances of oil, gas and/or other minerals and any geothermal energy resources lying in, on and under the above described real property.

This conveyance and the warranty hereof is subject to any environmental condition existing upon the subject property which would cause said property to be in violation of any State and/or Federal Environmental Protection Act.

This conveyance and the warranty hereof is subject to any and all other easements and rights-of-way, whether of record or of use, which affect the real property hereby conveyed.

This conveyance and the warranty hereof is subject to any and all Covenants and Restrictions of record.

IT IS AGREED and understood that the taxes for the current year have been prorated as of this date on an estimated basis. When said taxes are actually determined, if the pro-ratio as of this date is incorrect, then the Grantor agree to pay to the Grantee or their assigns any amount which is deficit on an actual pro-ratio and likewise, the Grantee agrees to pay to the Grantor any amount overpaid by Grantor.

WITNESS THE SIGNATURE of the Grantor on the date of its respective acknowledgment.

HIBRO INVESTMENTS, LLC,
a Mississippi limited liability company

By: 
Richard Hiatt, Member

STATE OF MISSISSIPPI

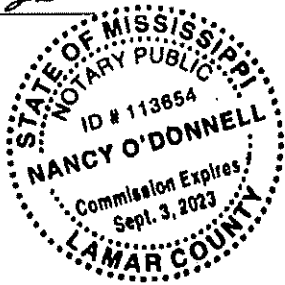
COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, within my jurisdiction, the within named, Richard Hiatt, who acknowledged that he is a Member of Hibro Investments, LLC, a Mississippi limited liability company, and that for and on behalf of the said limited liability company, and as its act and deed he executed the above and forgoing instrument, after first having been duly authorized by said limited liability company to do so.

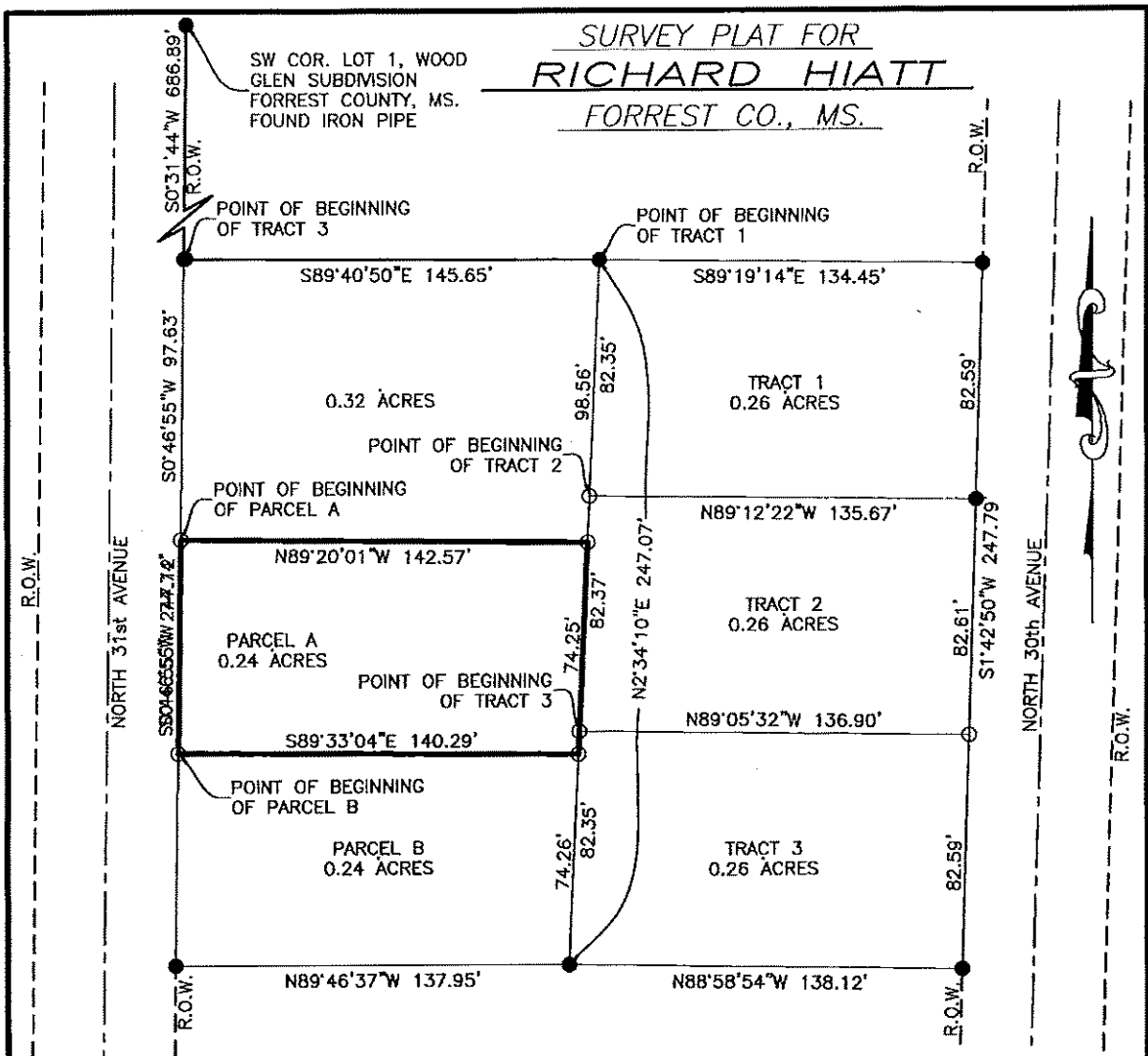
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 29th of December, 2021.

Nancy O'Donnell
NOTARY PUBLIC

My Commission Expires: 9-3-23



FOREST COUNTY, MS LANCE C. REID
I CERTIFY THIS INSTRUMENT WAS FILED ON 1/4/2022 2:23:56 PM AND RECORDED IN DEED BOOK:1384 PAGE:538



DESCRIPTION OF TRACT 5:

Commence at a found iron pipe marking the Southwest corner of the Lot 1, Wood Glen Subdivision, as per map or plat on file in the office of the chancery clerk, Forrest County, Mississippi; Thence S00°31'44"W a distance of 686.89 feet to a found 1/2 inch iron pipe; Thence S00°46'55"W along the East right-of-way of North 31st Avenue a distance of 97.63 feet to a set 1/2 inch re-bar for the POINT OF BEGINNING; Thence S89°20'01"E a distance of 142.57 feet to a set 1/2 inch re-bar; Thence S02°34'10"W a distance of 74.25 feet to a set 1/2 inch re-bar; Thence N89°33'04"W a distance of 140.29 feet to a set 1/2 inch re-bar on the East right-of-way of North 31st Avenue; Thence N00°46'55"E along the East right-of-way of North 31st Avenue a distance of 74.74 feet to the POINT OF BEGINNING. The property contains 0.24 acres more or less and is a part of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 6, Township 4 North, Range 14 West, Lamar County, Mississippi

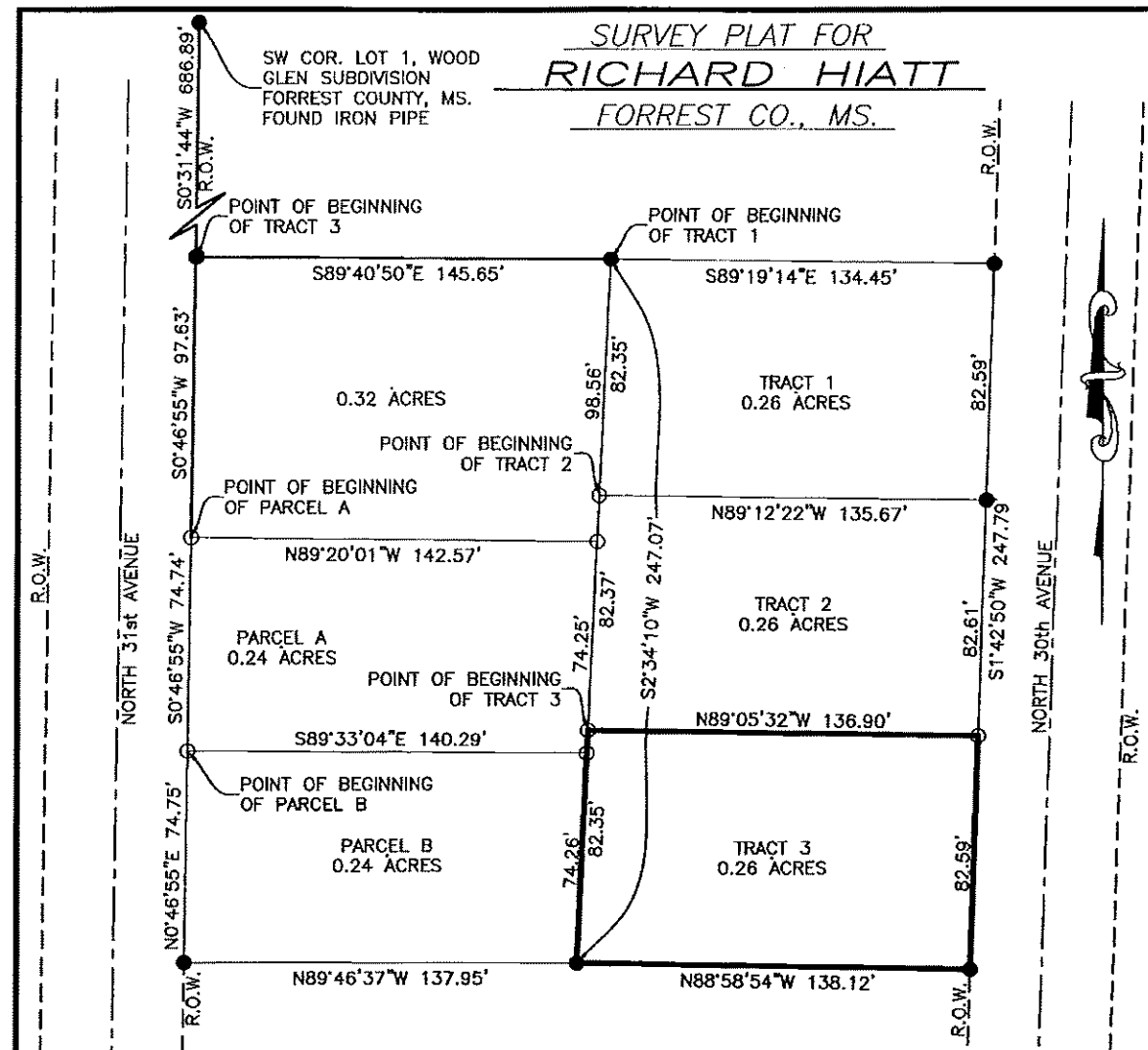
NOTES:

- 1) ALL BEARINGS WERE DETERMINED USING A TOPCON HIPER GA GREEN LABEL RTK GPS/GLONASS SYSTEM, AND BASED UPON THE NAD 1983, NAVD 88 MSSPC EAST.
- 2) THIS PLAT IS THE RESULT OF A FIELD SURVEY USING GPS AND CONVENTIONAL METHODS. BASED ON INFORMATION PROVIDED BY CLIENT WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ENVIRONMENTAL STUDY.
- 3) REFERENCE MATERIALS:
A) FORREST COUNTY OWNERSHIP MAP
B) PREVIOUS SURVEY BY SOUTHEAST SURVEYING AND MAPPING, FOR ANGELA E. MARTIN. DATED 01-10-2018

PROJECT NO. 18062	SCALE 50 0 50 100	LEGEND: ■ = FOUND CONCRETE MONUMENT □ = FOUND LIGHT WOOD STAKE ▲ = FOUND P.K. NAIL ○ = SET 1/2" RE-BAR (UNLESS OTHERWISE NOTED OR DESCRIBED) ● = FOUND 1/2" RE-BAR (UNLESS OTHERWISE NOTED OR DESCRIBED) △ = NO CORNER SET OR FOUND ✱ = POWER POLE OR UTILITY POLE
CHECKED BY: C:\TIMDWC\18062 HIATT		
DRAWN BY: TIM LAWRENCE	INDEXING INSTRUCTIONS: SW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI.	
CLASS "D" SURVEY: BEARINGS DETERMINED BY: GPS		
SURVEYED: 5/23/2018	O'NEAL-BOND ENGINEERING, INC. P.O. BOX 369 WIGGINS MS. 39577 EMAIL: jon@onealbondeng.com	TELEPHONE (601) 928-7390 FAX (601) 928-5526

Commence at a found iron pipe marking the Southwest corner of the Lot 1, Wood Glen Subdivision, as per map or plat on file in the office of the chancery clerk, Forrest County, Mississippi; Thence S00°31'44"W a distance of 686.89 feet to a found 1/2 inch iron pipe; Thence S00°46'55"W along the East right-of-way of North 31st Avenue a distance of 172.37 feet to a set 1/2 inch re-bar for the POINT OF BEGINNING; Thence S89°33'04"E a distance of 140.29 feet to a set 1/2 inch re-bar; Thence S02°34'10"W a distance of 74.26 feet to a found 1/2 inch pipe; Thence N89°46'37"W a distance of 137.95 feet to a found 1/2 inch re-bar on the East right-of-way of North 31st Avenue; Thence N00°46'55"E along the East right-of-way of North 31st Avenue a distance of 74.75 feet to the POINT OF BEGINNING. The property contains 0.24 acres more or less and is a part of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 6, Township 4 North, Range 14 West, Lamar County, Mississippi

PROJECT NO. 18062	SCALE	LEGEND:
CHECKED BY:	50 0 50 100	☐ = FOUND CONCRETE MONUMENT ☐ = FOUND LIGHT WOOD STAKE ☐ = FOUND P.K. NAIL ☐ = SET 1/2" RE-BAR (UNLESS OTHERWISE NOTED OR DESCRIBED) ☐ = FOUND 1/2" RE-BAR (UNLESS OTHERWISE NOTED OR DESCRIBED) ☐ = NO CORNER SET OR FOUND ☐ = POWER POLE OR UTILITY POLE
C: TIMDWG/18062 HIATT		
DRAWN BY: TIM LAWRENCE		
INDEXING INSTRUCTIONS: SW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI.		
CLASS "D" SURVEY: BEARINGS DETERMINED BY: GPS		
SURVEYED: 5/23/2018	B 	O'NEAL-BOND ENGINEERING, INC. <u>P.O. BOX 369 WIGGINS MS. 39577</u> EMAIL: jon@onealbondeng.com
		TELEPHONE (601) 928-7390 FAX (601) 928-5526



DESCRIPTION OF TRACT 3:

Commence at a found iron pipe marking the Southwest corner of the Lot 1, Wood Glen Subdivision, as per map or plat on file in the office of the chancery clerk, Forrest County, Mississippi; Thence S00°31'44"W a distance of 686.89 feet to a found 1/2 inch iron pipe; Thence S89°40'50"E a distance of 145.65 feet to a found 1/2 inch iron pipe; Thence S02°34'10"E a distance of 164.72 feet to a set 1/2 inch re-bar for the POINT OF BEGINNING; Thence S89°05'32"E a distance of 136.90 feet to a set 1/2 inch re-bar on the Western right-of-way of North 30th Avenue; Thence S01°42'50"W along the West boundary of said North 30th Avenue a distance of 82.59 feet to a found iron pipe; Thence N89°58'54"W a distance of 138.12 feet to a found 1/2 inch pipe; Thence N02°34'10"E a distance of 82.35 feet to the POINT OF BEGINNING. The property contains 0.26 acres more or less and is a part of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 6, Township 4 North, Range 13 West, Forrest County, Mississippi.

NOTES:

- 1) ALL BEARINGS WERE DETERMINED USING A TOPCON HIPER GA GREEN LABEL RTK GPS/GLONASS SYSTEM, AND BASED UPON THE NAD 1983, NAVD 88 MSSPC EAST.
- 2) THIS PLAT IS THE RESULT OF A FIELD SURVEY USING GPS AND CONVENTIONAL METHODS. BASED ON INFORMATION PROVIDED BY CLIENT WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ENVIRONMENTAL STUDY.
- 3) REFERENCE MATERIALS:
 - A) FORREST COUNTY OWNERSHIP MAP
 - B) PREVIOUS SURVEY BY SOUTHEAST SURVEYING AND MAPPING, FOR ANGELA E. MARTIN. DATED 01-10-2018

PROJECT NO. 18062	SCALE 50 0 50 100	LEGEND: ■ = FOUND CONCRETE MONUMENT □ = FOUND LIGHT WOOD STAKE ▲ = FOUND P.K. NAIL ○ = SET 1/2" RE-BAR (UNLESS OTHERWISE NOTED OR DESCRIBED) ● = FOUND 1/2" RE-BAR (UNLESS OTHERWISE NOTED OR DESCRIBED) △ = NO CORNER SET OR FOUND ✱ = POWER POLE OR UTILITY POLE
CHECKED BY: C:TIMDWG\18062 HIATT		
DRAWN BY: TIM LAWRENCE	INDEXING INSTRUCTIONS: SW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI.	
CLASS "D" SURVEY: BEARINGS DETERMINED BY: GPS		
SURVEYED: 5/23/2018		
O'NEAL-BOND ENGINEERING, INC. P.O. BOX 369 WIGGINS MS. 39577 EMAIL: jon@onealbondeng.com		
TELEPHONE # (601) 928-7390 FAX # (601) 928-5526		

OWNER'S CERTIFICATE
State of Mississippi
County of Lamar

This is to certify that I, the undersigned owners of the property shown hereon, hereby dedicate this plot to be known as Wood Glen Addition, and dedicate the streets, rights-of-way, utilities, and easements as shown to public use forever. The undersigned have caused the same to be subdivided as shown and have signed and delivered this plat.

This the _____ day of _____, 2023.

By: _____
Richard Hiatt, Member

By: _____
Kenneth M. Broom, Member

ACKNOWLEDGMENT
State of Mississippi
County of Lamar

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2023. With my jurisdiction, the within named Richard Hiatt, Member, and Kenneth M. Broom, Member who acknowledged that they executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

My commission expires on: _____
Notary Public

ENGINEER'S/SURVEYOR'S CERTIFICATE
State of Mississippi
County of Lamar

This is to certify that I have surveyed the land shown on this plat and fully described on this plat and have subdivided the same with lots according to the requirements of the City and the subdivision laws of the State of Mississippi governing surveying, dividing and mapping the land and that the plat hereon is a correct representation of the said survey and subdivision, and that all monuments indicated hereon actually exist and their location, size and materials are correctly shown.

This the _____ day of _____, 2023

Jonathan K. Bond, PE, PLS

VERIFICATION
State of Mississippi
County of Lamar

This is to certify that I, Jonathan K. Bond, a Mississippi Registered Engineer and Land Surveyor, as maker of the map of Wood Glen Addition, have compared this the _____ with the _____ and the _____ and find the same to be exact copies of each other.

Jonathan K. Bond, PE, PLS

ACKNOWLEDGMENT
State of Mississippi
County of Lamar

Sworn to and subscribed before me, this the _____ day of _____, 2023

My commission expires on: _____
Notary Public

SUPERVISOR'S APPROVAL FOR FILING PURPOSES:

Final approval of plat for recording purposes only: Order of Lamar County Board of Supervisors of record at Minute Book _____
Page _____ this the _____ day of _____, 2022

President, Lamar County Board of Supervisors

FILING CERTIFICATION BY CHANCERY CLERK:

I certify that this instrument was filed for record in my office on this the _____ day of _____, 2023, in Plat Book _____, Page _____, Side _____.

Chancery Clerk

CITY APPROVAL AND ACCEPTANCE FORM

State of Mississippi
County of Lamar
City of Hattiesburg

Survey checked on this, the _____ day of _____, 2023, by Ronal T. Beckwell, and approved by the City Engineer for the City of Hattiesburg on the _____ day of _____, 2023.

City Engineer

This Subdivision is herein approved and accepted and all street right-of-way, utilities and easements contained therein to be dedicated to the City of Hattiesburg and hereby accepted for the City of Hattiesburg on this the _____ day of _____, 2023.

City Clerk

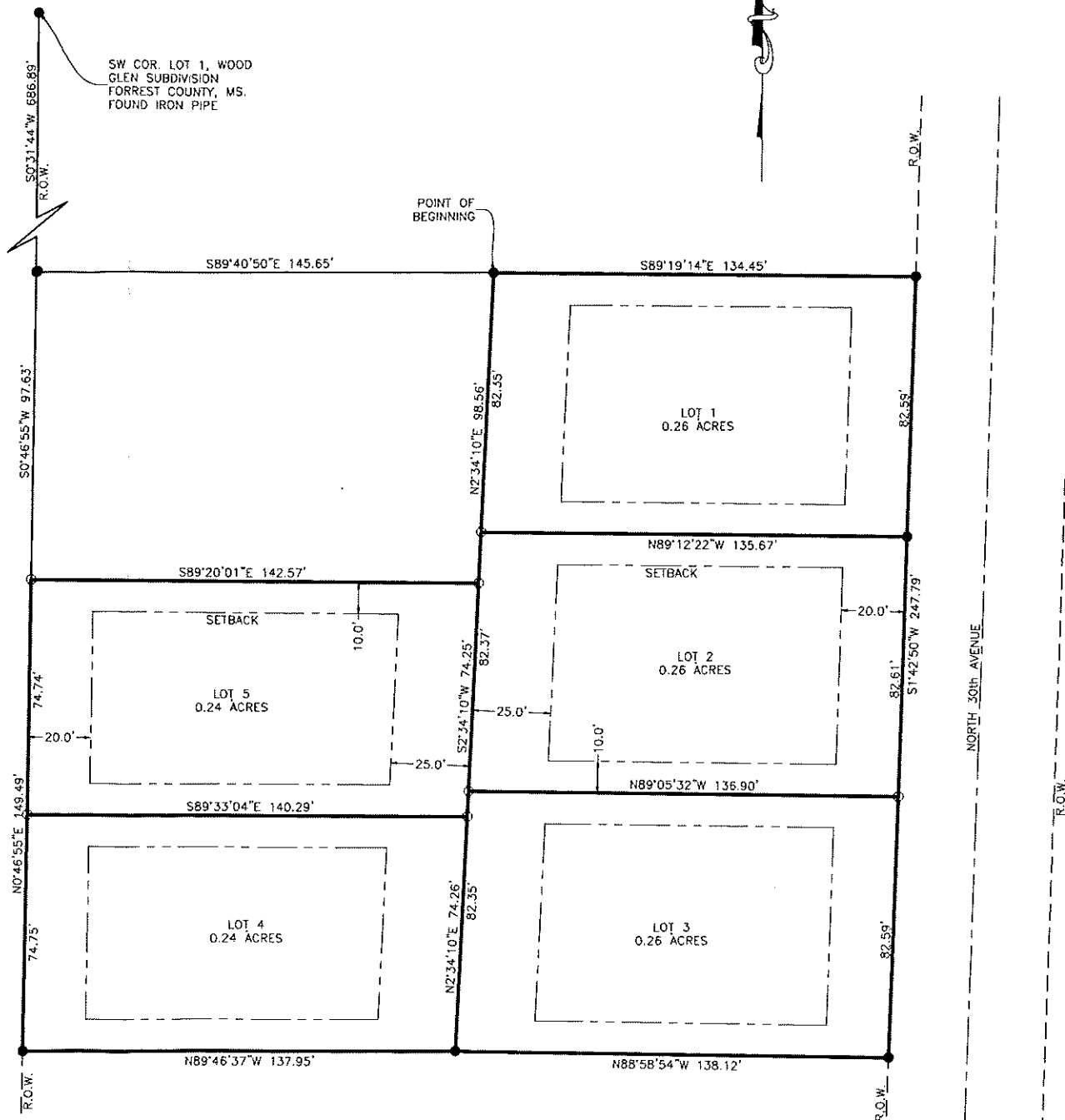
Mayor

NOTES:

- 1) CLASS "B" SURVEY
- 2) ALL BEARINGS WERE DETERMINED USING A TOPCON HPER GA GREEN LABEL RTK GPS/GONASS SYSTEM, AND BASED UPON THE NAD 1983, NAVD 88 MSSPC EAST.
- 3) THIS PLAT IS THE RESULT OF A FIELD SURVEY USING GPS AND CONVENTIONAL METHODS. BASED ON INFORMATION PROVIDED BY CLIENT WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ENVIRONMENTAL STUDY.
- 4) SETBACKS:
FRONT=20'
SIDE=10'
REAR=25'
- 5) ZONING=R3
- 6) PROPERTY IS NOT LOCATED IN A FLOOD ZONE.
- 7) REFERENCE MATERIALS:
A) FORREST COUNTY OWNERSHIP MAP
B) PREVIOUS SURVEY BY SOUTHEAST SURVEYING AND MAPPING, FOR ANGELA E. MARTIN. DATED 01-10-2018

PROJECT NO. 18062	SCALE	LEGEND:
CHECKED BY:	30 0 30 60	■ = FOUND CONCRETE MONUMENT
C:\TMDWG\18062 HIATT		□ = FOUND LIGHT WOOD STAKE
DRAWN BY: TIM LAWRENCE		▲ = FOUND P.K. NAIL
INDEXING INSTRUCTIONS: SW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI.		○ = SET 1/2" RE-BAR (UNLESS OTHERWISE NOTED OR DESCRIBED)
CLASS "D" SURVEY: BEARINGS DETERMINED BY: GPS		● = FOUND 1/2" RE-BAR (UNLESS OTHERWISE NOTED OR DESCRIBED)
SURVEYED: 5/23/2018	O'NEAL-BOND ENGINEERING, INC.	TELEPHONE (601) 928-7390
	P.O. BOX 369 WIGGINS, MS. 39577	FAX (601) 928-5526
	EMAIL: jon@onealbondeng.com	

PRELIMINARY PLAT OF
WOOD GLEN ADDITION
CITY OF HATTIESBURG, MS.
FORREST COUNTY, MS.



DESCRIPTION OF WOOD GLEN ADDITION:

Commence at a found iron pipe marking the Southwest corner of the Lot 1, Wood Glen Subdivision, as per map or plat on file in the office of the chancery clerk, Forrest County, Mississippi; Thence S00°31'44"W a distance of 686.89 feet to a found 1/2 inch iron pipe; Thence S89°40'50"E a distance of 145.65 feet to a found 1/2 inch iron pipe for the POINT OF BEGINNING; Thence S89°19'14"E a distance of 134.45 feet to a found iron pipe on the Western right-of-way of North 30th Avenue; Thence S01°42'50"W along the West boundary of said North 30th Avenue a distance of 247.79 feet to a found 1/2 inch re-bar; Thence N89°58'54"W a distance of 138.12 feet to a found 1/2 inch re-bar; Thence N88°58'54"W a distance of 137.95 feet to a found 1/2 inch re-bar on the East right-of-way of North 31st Avenue; Thence N00°46'55"E along the East right-of-way of said North 31st Avenue a distance of 149.49 feet to a found 1/2 inch re-bar; Thence S89°20'01"E a distance of 142.57 feet to a found 1/2 inch re-bar; Thence N02°34'10"E a distance of 98.56 feet to the POINT OF BEGINNING. The property contains 1.26 acres, more or less and is a part of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 5, Township 4 North, Range 13 West, Forrest County, Mississippi.

OWNER'S CERTIFICATE
State of Mississippi
County of Forrest

This is to certify that I, the undersigned owners of the property shown hereon as "Reserved for future development", hereby dedicate this plat to be known as Wood Glen Addition, and dedicate the streets, rights-of-way, utilities, and easements as shown to public use forever. The undersigned have caused the same to be subdivided as shown and have signed and delivered this plat.

This the 26th day of February, 2024.
By: Richard Hiatt
Richard Hiatt, Member
By: Kenneth M. Broom
Kenneth M. Broom, Member

ACKNOWLEDGMENT
State of Mississippi
County of Forrest

Personally appeared before me, the undersigned authority in and for the said county and state, on this 26th day of February, 2024. Within my jurisdiction, the within named Richard Hiatt, Member, and Kenneth M. Broom, Member who acknowledged that they executed the above and foregoing instrument, after first having been duly authorized by said corporation to do so.

My commission expires on: July 20, 2027

* STATE OF MISSISSIPPI *
JESSICA S. MASON, NOTARY PUBLIC
FORREST COUNTY
MY COMMISSION EXPIRES JULY 20, 2027
COMMISSION NUMBER 368668

OWNER'S CERTIFICATE
State of Mississippi
County of Forrest

This is to certify that I, the undersigned owners of the property shown hereon as "Lot 1", hereby dedicate this plat to be known as Goldsmith Manner, and dedicate the streets, rights-of-way, utilities, and easements as shown to public use forever. The undersigned have caused the same to be subdivided as shown and have signed and delivered this plat.

This the 27th day of February, 2024.
By: David W. Goldsmith, II
David W. Goldsmith, II
By: Emily J. McCollister Goldsmith
Emily J. McCollister Goldsmith

ACKNOWLEDGMENT
State of Mississippi
County of Forrest

Personally appeared before me, the undersigned authority in and for the said county and state, on this 27th day of February, 2024. Within my jurisdiction, the within named David W. Goldsmith, II, and Emily J. McCollister Goldsmith, Member who acknowledged that they executed the above and foregoing instrument, after first having been duly authorized by said corporation to do so.

My commission expires on: July 20, 2027

* STATE OF MISSISSIPPI *
JESSICA S. MASON, NOTARY PUBLIC
FORREST COUNTY
MY COMMISSION EXPIRES JULY 20, 2027
COMMISSION NUMBER 368668

ENGINEER'S/SURVEYOR'S CERTIFICATE
State of Mississippi
County of Forrest

This is to certify that I have surveyed the land shown on this plat and fully described on this plat and have subdivided the same with lots according to the requirements of the City and the subdivision laws of the State of Mississippi governing surveying, dividing and mapping the land and that the plat hereon is a correct representation of the said survey and subdivision, and that all monuments indicated thereon actually exist and their location, size and materials are correctly shown.

This the 22nd day of February, 2024.
By: Jonathan K. Bond, P.E., PLS
Jonathan K. Bond, P.E., PLS

VERIFICATION
State of Mississippi
County of Forrest

This is to certify that I, Jonathan K. Bond, a Mississippi Registered Engineer and Land Surveyor, as maker of the map of Goldsmith Manner, have compared this the ORIGINAL with the DUPLICATE and find the same to be exact copies of each other.

Jonathan K. Bond, P.E., PLS

ACKNOWLEDGMENT
State of Mississippi
County of Forrest

Sworn to and subscribed before me, this the 22 day of February, 2024.

My commission expires on: 6/18/2024

Robin C. Pratt
Notary Public



FILING CERTIFICATION BY CHANCERY CLERK:

I certify that this instrument was filed for record in my office on this the 28th day of February, 2024, in Plat Book 14.

Chancery Clerk

CITY APPROVAL AND ACCEPTANCE FORM:

State of Mississippi
County of Forrest
City of Hattiesburg

Survey checked on this, the 26th day of February, 2024, by the City Engineer for the City of Hattiesburg on the 26th day of February, 2024.

City Engineer

This Subdivision is herein approved and accepted and all street right-of-way, utilities and easements contained therein to be dedicated to the City of Hattiesburg and hereby accepted for the City of Hattiesburg on this the 26th day of February, 2024.

City Clerk

PROJECT NO. 23119

CHECKED BY: C:\TIMDOW\23119 HIATT

DRAWN BY: TIM LAWRENCE

INDEXING INSTRUCTIONS: SW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI.

CLASS "D" SURVEY: BEARINGS DETERMINED BY GPS

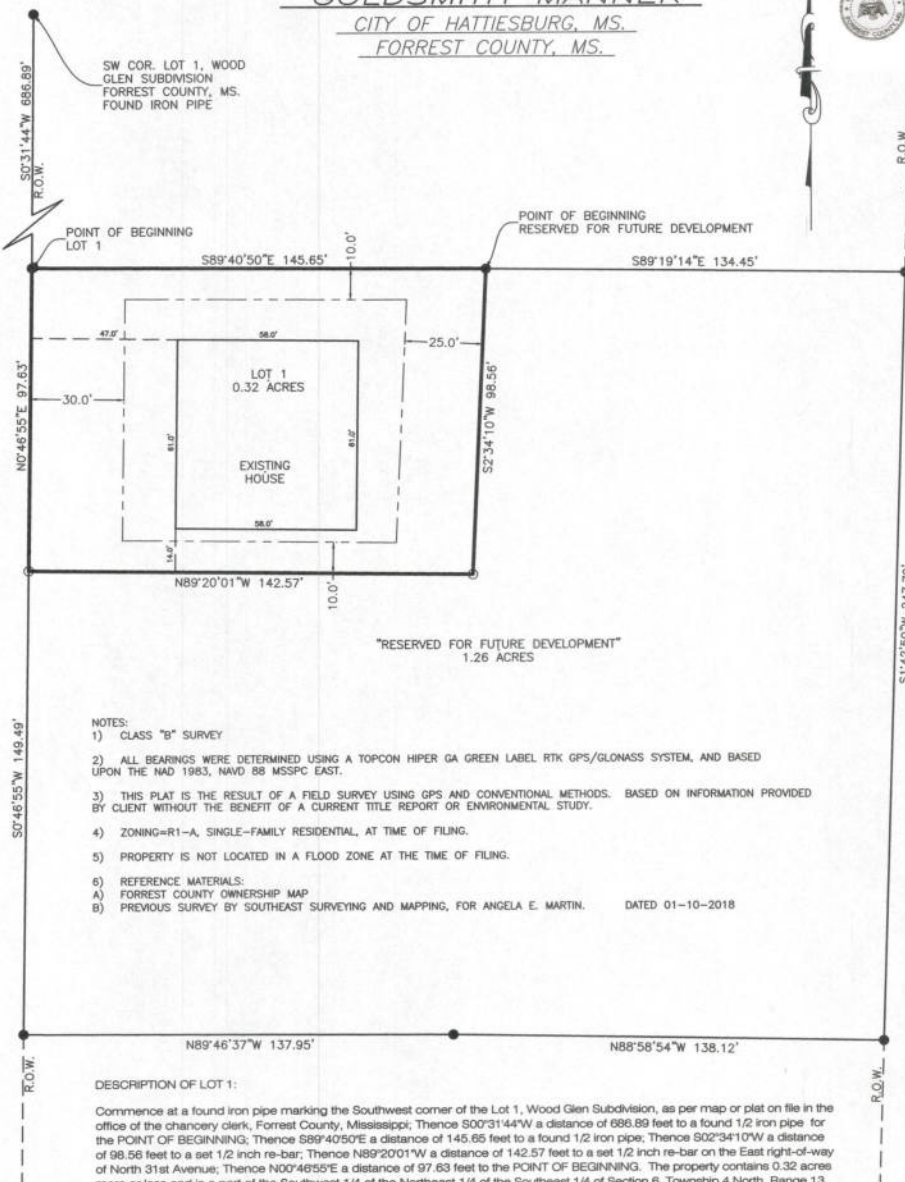
SURVEYED:

5/23/2018

O'NEAL-BOND ENGINEERING, INC.
P.O. BOX 369 WIGGINS MS. 39577
EMAIL: jon@onealbondeng.com

TELEPHONE # (601) 928-7390
FAX # (601) 928-5526

PLAT OF MINOR SUBDIVISION
GOLDSMITH MANNER
CITY OF HATTIESBURG, MS.
FORREST COUNTY, MS.



PLAT
BkC Page:74
RCD: 02/28/2024 @ 4:36:35PM
FORREST COUNTY, MS
LANCE C. REID CHANCERY CLERK



June HPC Item: C
Clifford Lockhart, representative, and Matthew Bailey, owner
Request for: **Zoning Change From R-1C to R-3**



**Planning Commission
Case Fact Sheet**

Names of Petitioner: Clifford Lockhart, representative, and Matthew Bailey, owner

Address of Property:	County:	PPIN:	Ward:
102 South Street	Forrest	19729	2

Request: **Zoning Change From R-1C to R-3**

Purpose of Request: Clifford Lockhart, representative, and Matthew H. Bailey, owner, and Jackie. D. Baily, owner, request approval for rezoning from R-1C (Single-family residential) to R-3 (Multi-family residential) for properties located at 102 South Street. (PPIN 19729, Ward 2, Forrest County).

History / Background: The applicant met with staff in a pre-application meeting to discuss reactivating a 4-plex structure as a legal multi-family residential zoned property. The current zoning of the property, R-1C, does not permit this use and has since lost any conforming status since it has been vacant for 6+ months. Rezoning the property to R-3 would allow it to be reactivated as a 4-plex if approved.

The property is also within the North Main Historic District and any exterior changes are subject to approval by the Hattiesburg Historic Conservation Commission.

Applicant Summary: * See Attached *

Applicable Regulations:

SECTION 2

2.4.4 Nonconforming Uses.

A legal nonconforming use is a use existing legally at the time of the passage of this Code, or the time of annexation into the City's jurisdiction, which does not by reason of use conform to the regulations of the district in which it is located. A use established after the passage of this Code which does not conform to regulations of the district in which it is located shall be considered an illegal nonconforming use and is a violation of this Code. Legal nonconforming uses of land or structures may continue only in accordance with all of the following provisions.

June HPC Item: C
 Clifford Lockhart, representative, and Matthew Bailey, owner
 Request for: **Zoning Change From R-1C to R-3**

2.4.4.4 Reestablishment Restricted. A legal nonconforming use, when discontinued or abandoned, shall not be resumed.

Discontinuance or abandonment shall be defined as:

- i. When land used for a legal nonconforming 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 nonconforming use ceases to be used in a bona fide manner as a legal nonconforming use for a continuous period of six consecutive calendar months.
- iii. When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a legal nonconforming use for a period of six consecutive calendar months

SECTION 4

Zoning Districts Established

R-1C Single-Family Residential: The purpose of the R-1C 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.

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.

SECTION 6

6.1 District 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-1C	5,000/ 50	1 per lot	-	20	-	10	25	35 feet or 3 stories	50%	-
R-2	4,000/ 40	2 per lot	-	20	-	10	20	35 feet or 3 stories	50%	-
R-3	7,500/ 40	17 per acre	-	20	-	5	20	35 feet or 3 stories	50%	-

June HPC Item: C
Clifford Lockhart, representative, and Matthew Bailey, owner
Request for: **Zoning Change From R-1C to R-3**

Present Zoning: The parcel is currently zoned R-1C Single-Family Residential

Present Use: Unoccupied 4-plex

Future Land Use: Neighborhood Conservation District 1

Surrounding Zoning: North: B-2 Neighborhood Business
South: R-1C Single-Family Residential
East: R-1C Single-Family Residential
West: R-1C Single-Family Residential

Letters or Concerns stated: The Planning Division has not received any letters of concern as of the writing of this report on May 17th, 2024.

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

Recommend **approval** or **denial** of the request for a Zoning Change

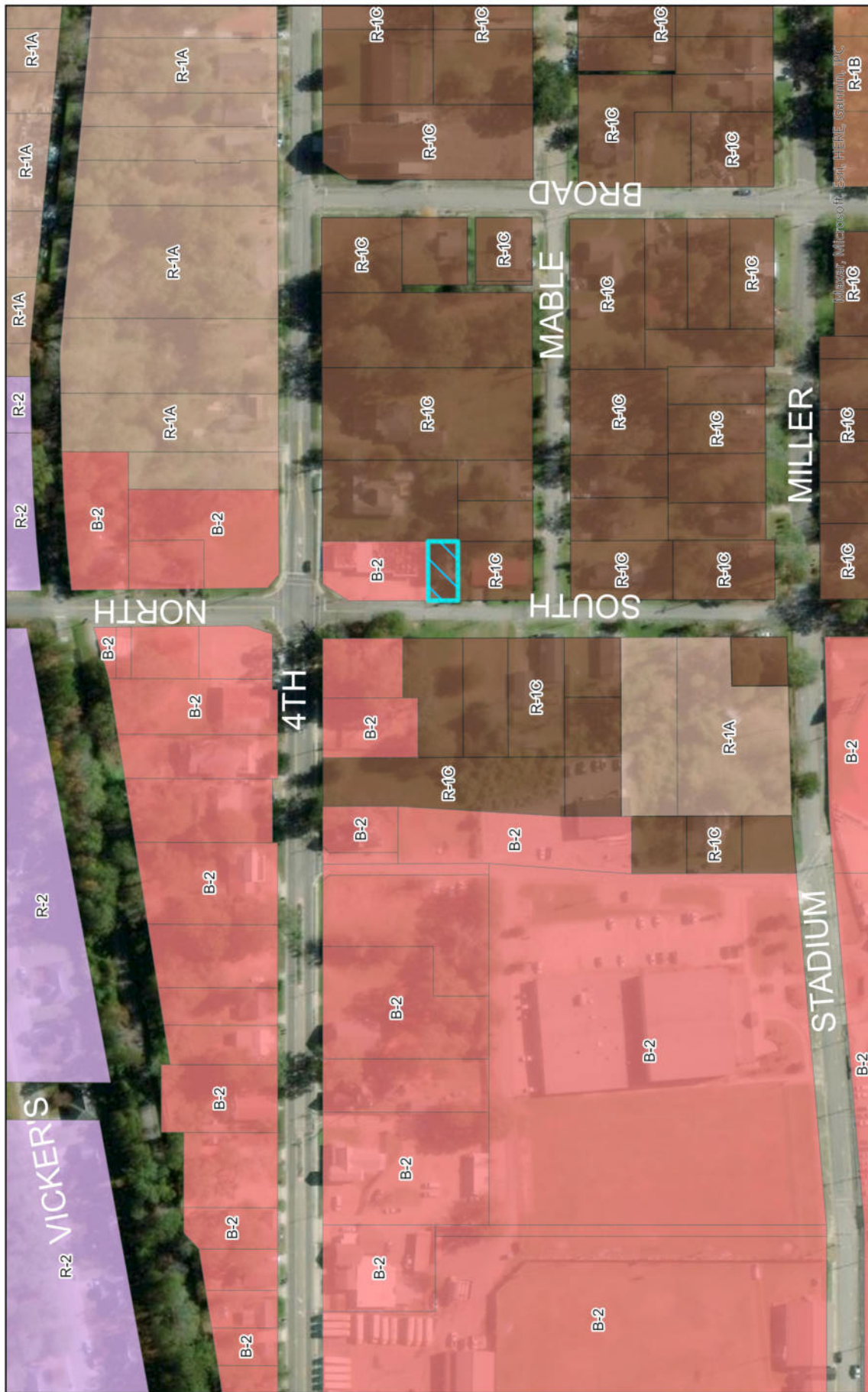
SUBJECT PARCEL

102 South Street—Zoning Change Request

Clifford Lockhart, representative, and Matthew H. Bailey, owner, and Jackie. D. Baily, owner

Clifford Lockhart, representative, and Matthew H. Bailey, owner, and Jackie. D. Baily, owner, request approval for rezoning from R-1C (Single-family residential) to R-3 (Multi-family residential) for properties located at 102 South Street. (PPIN 19729, Ward 2, Forrest County).





Zoning Map

- R-1A
- R-1B
- R-1C
- R-2
- B-2
- Subject Property: 102 South Street

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice.

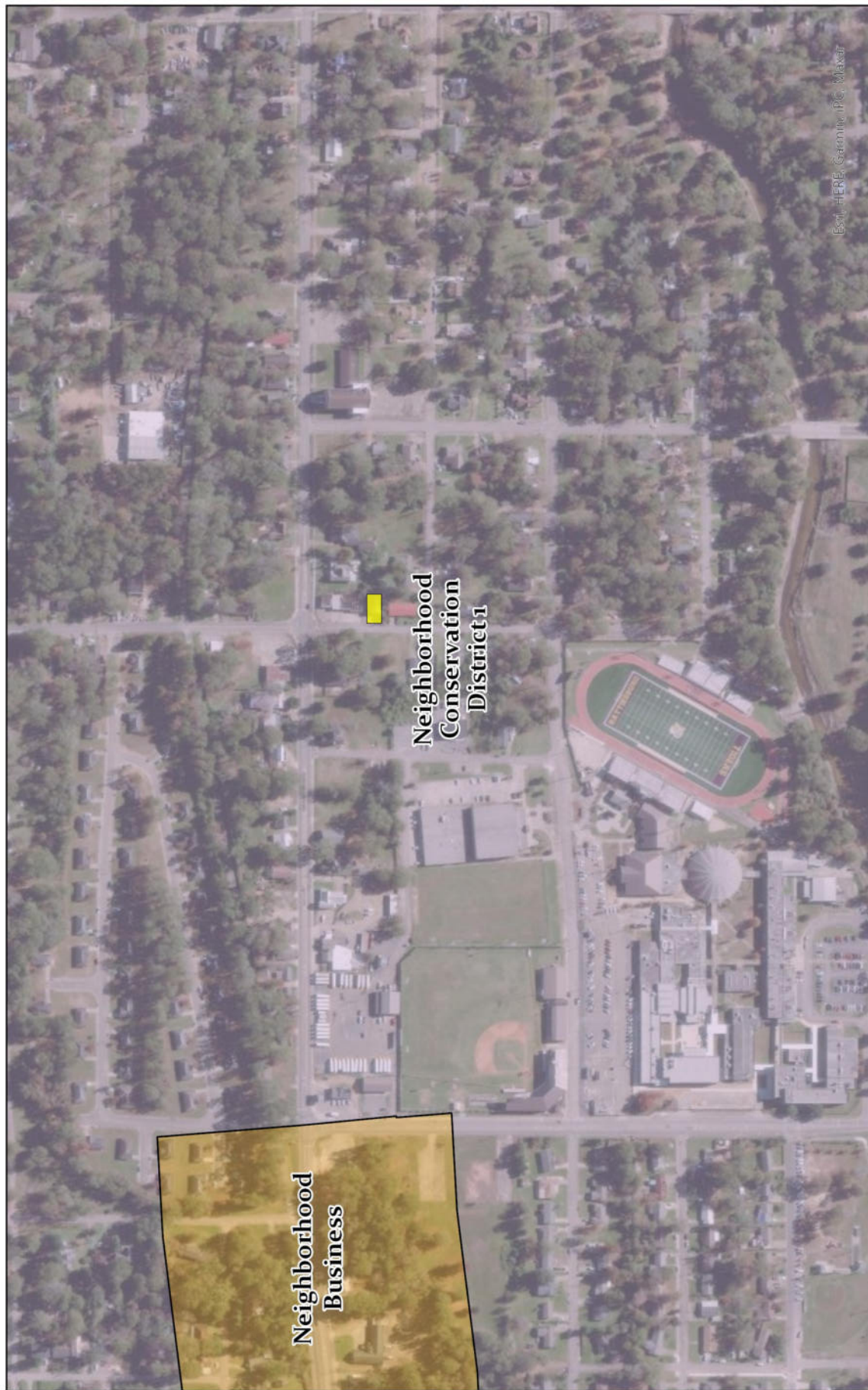
102 South Street
Zoned R-1C
PPIN: 19729
Flood Zone: X
Ward 4, Forrest County



**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°18'22"W 31°19'53"N





Esri, HERE, Garmin, IGC, Mapbox

Zoning Map

 Subject Property: 102 South Street

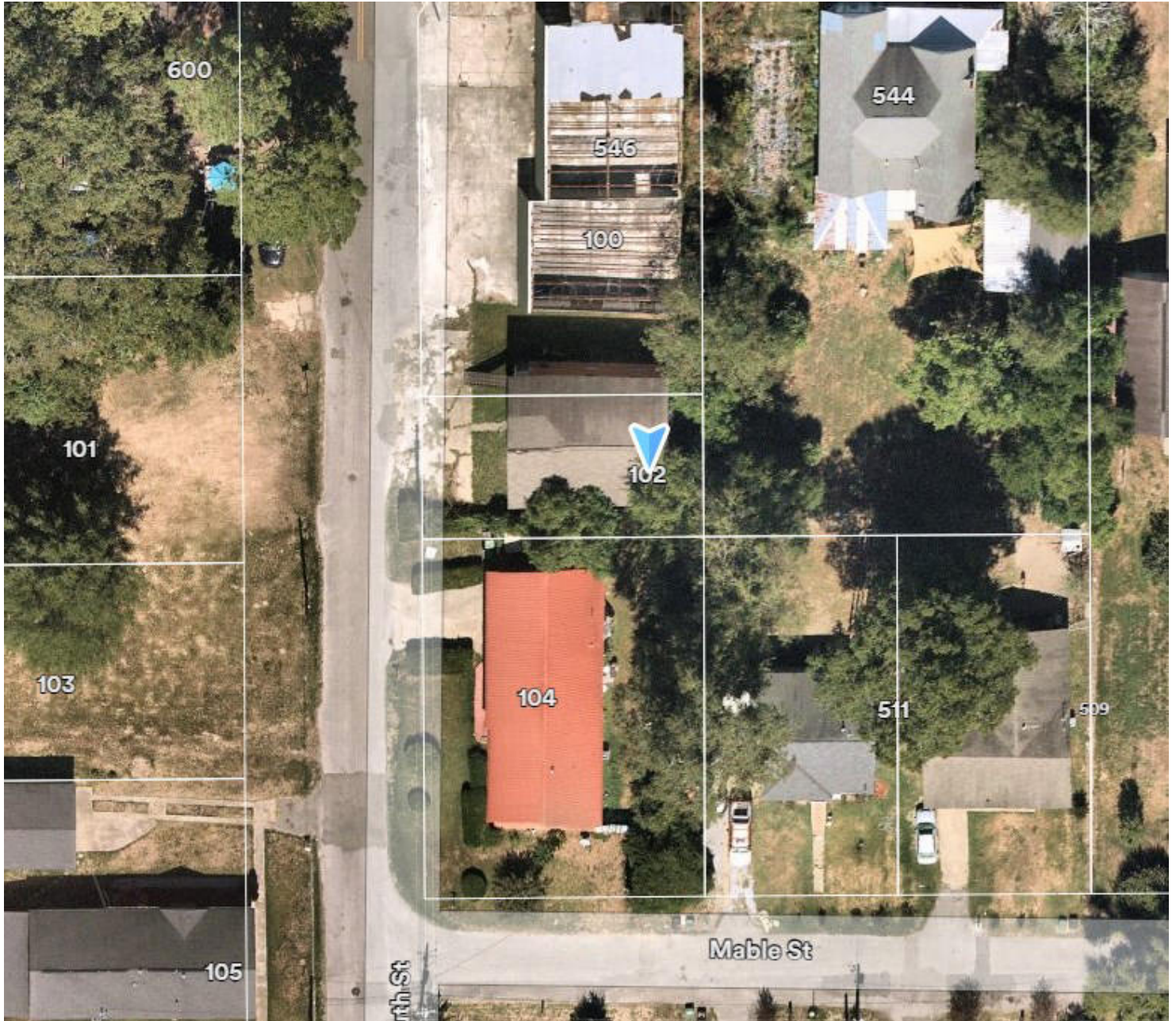
102 South Street
Zoned R-1C
PPIN: 19729
Flood Zone: X
Ward 4, Forrest County



**URBAN
DEVELOPMENT**
PLANNING DIVISION
Center: 89°18'23"W 31°19'52"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice.

Site Aerial



Site Aerial

Northern and Southern Directions: B-2 and



Site Aerial

East and Western Directions: R-1C



RECEIVED
MAR 05 2024

81 OF 264



**URBAN
DEVELOPMENT
PLANNING DIVISION**

BY: NS
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: Clifford M. Lockhart

Project Name: 102 South Street

Proposed Use(s): Multi-Family

Project Street Address: 102 South Street

PPIN Number(s) (if unknown, can be found on tax receipt): 19729

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: R-1C

Proposed Zoning: R-3 B-2

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:

PROJECT REPRESENTATIVE INFORMATION:**Primary:**

Name: <u>Matthew H. Bailey</u>		
☐ Applicant	☒ Property Owner	☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____		
Phone: <u>443-677-8270</u>	Fax: _____	Email: <u>mhbailey51@gmail.com</u>
Mailing Address: <u>26 Woodland Road</u> <u>Hattiesburg, MS. 39401</u>		

Secondary:

Name: <u>Jackie D. Bailey</u>		
☐ Applicant	☒ Property Owner	☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____		
Phone: <u>443-928-0491</u>	Fax: _____	Email: <u>19phh94@gmail.com</u>
Mailing Address: <u>26 Woodland Road</u> <u>Hattiesburg, MS. 39401</u>		

Other(s):

Name: <u>Clifford M. Lockhart</u>		
☒ Applicant	☐ Property Owner	☒ Representative ☐ Agent ☒ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____		
Phone: <u>601-329-9922</u>	Fax: _____	Email: <u>CliffordLockhart@aol.com</u>
Mailing Address: <u>26 Woodland Road</u> <u>Hattiesburg, MS. 39401</u>		

Name: _____		
☐ Applicant	☐ Property Owner	☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please 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
102 SOUTH STREET, NARBESBURG, MISSISSIPPI 39401
 Street Address City State

on this the 5TH day of MARCH, 2024.

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.

CLIFFORD M. LOCKHART

on this the 5TH day of MARCH, 2024.

Matthew H. Bailey

Property Owner (print)

[Signature]

Property Owner (signature)

STATE OF MS

COUNTY OF FORREST

Personally came and appeared before me, the within named

Matthew H. Bailey
 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 5th day of MARCH, 2024.

Angela T. Lee
 NOTARY PUBLIC

My Commission Expires:

July 30, 2025



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
102 South Street, Hattiesburg, Mississippi 39401
 Street Address City State
 on this the 5TH day of MARCH, 2024

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.

CLIFFORD M. LOCKHART
 on this the 5TH day of MARCH, 2024.

JACKIE D. BAILEY
 Property Owner (print)

Jackie D. Bailey
 Property Owner (signature)

STATE OF MS
 COUNTY OF Forrest

Personally came and appeared before me, the within named

Jackie D. Bailey
 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 5th day of MARCH, 2024.

Angela T. Lee
 NOTARY PUBLIC

My Commission Expires:

July 30, 2025

Last updated 7/31/2013



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 102 South St, Hattiesburg MS 39401
Street Address City State

on this the 5th day of March, 20 24

Clifford M Lockhart
Applicant (print)
[Signature]
Applicant (signature)

STATE OF MS
COUNTY OF Forrest

Personally came and appeared before me, the within named Clifford M Lockhart, 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 5th day of March, 20 24.

Angela T Lee
NOTARY PUBLIC

My Commission Expires:
July 30, 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:

"See attachments"

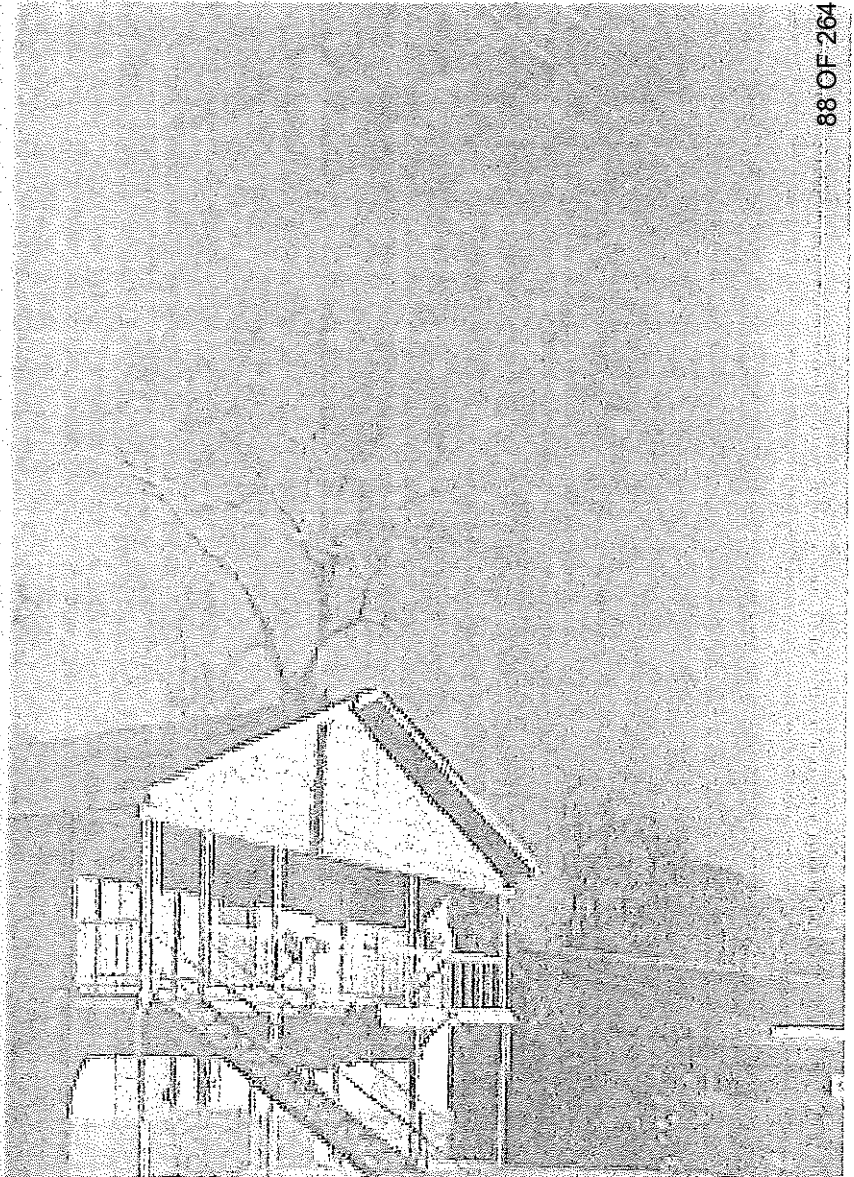
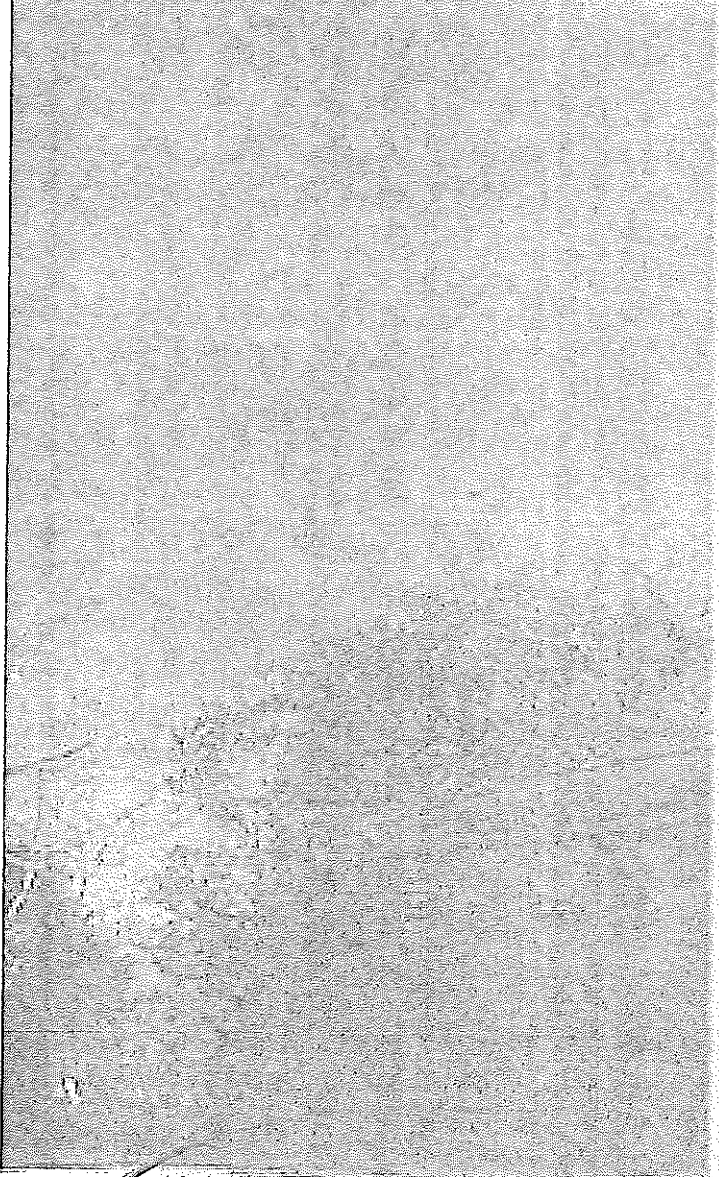
This is a four-unit apartment building. It was originally built as a multifamily.

The area was zoned to reflect that. We would like to rezone this unit for multifamily. This unit has been multifamily since initial Construction. Our goal is to provide affordable housing in the area. The structure was built as four one-bedroom units for multifamily. The area is currently surrounded by commercial businesses: Moore's Lock & Key, Smith Painting, Barbershop & Store, and the school at the end of south St.

We are requesting that the location zoning be returned to multifamily. We were informed by the historic district representative that the unit has been rezoned as single-family because the particular structure has gone for more than six months without electrical surface. As a result, the grandfather clause expired.

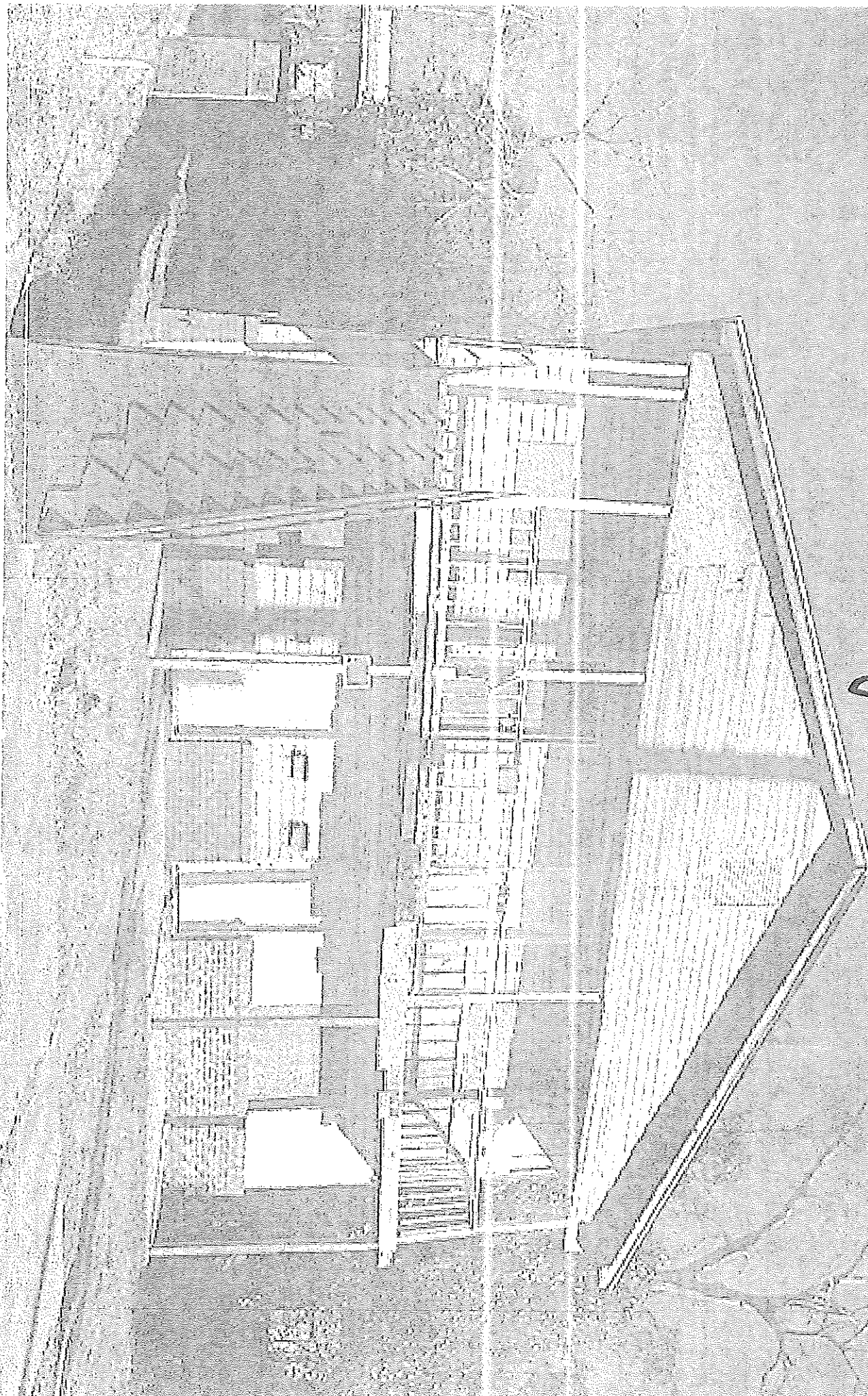
This building was sold as a multifamily dwelling. When we purchased the building, it was with the understanding that it was a multifamily unit. We are requesting the zoning to be returned to that zoning intention. So, we can provide for small single families. The cost is substantial to convert a multifamily dwelling into a single-family house that has four separate entrances. This would take away from the historical cultural elements of the property that are requirements of the historical committee.

Please see attached photos.



↑
Commercial
Lot

Property Requesting to
be Rezoned as Multi-Family



W.D.
Commercial
Building Door to 10th
South
Street



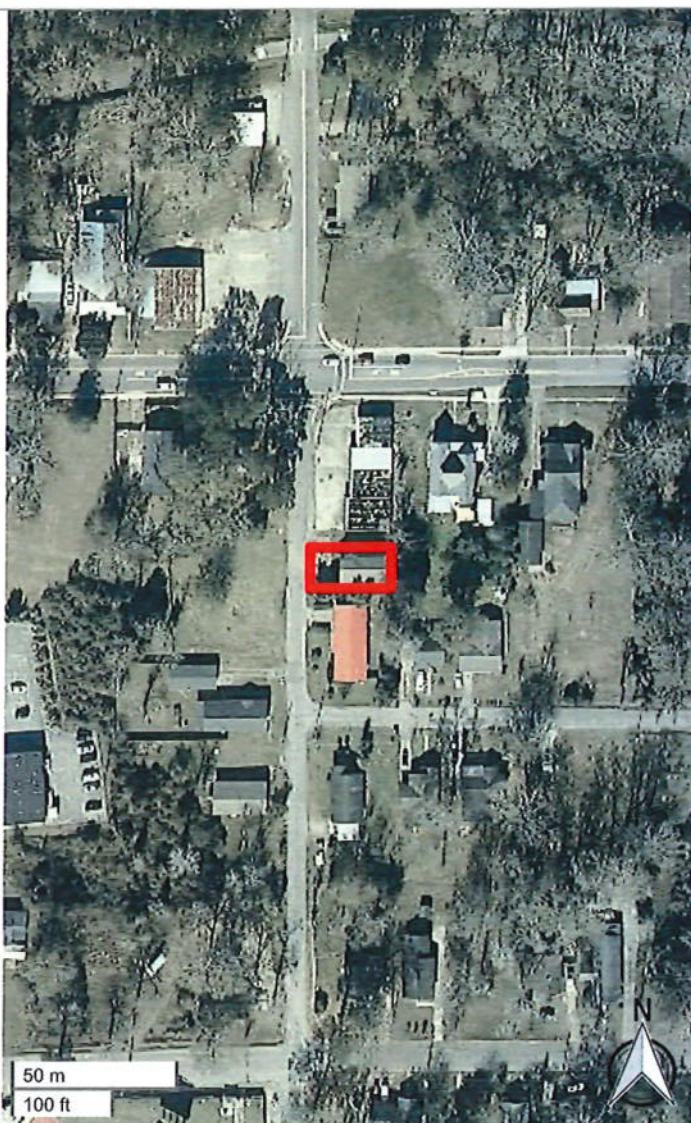
Commercial

Commercial



Commercial

4-11-14 Stop
Kish + Sowhat + J. Smith
Commercial



Forrest County, MS

Forrest County online map access is provided as a public service, as is, as available and without warranties, expressed or implied. Content published on this website is for informational purposes only, and is not intended to constitute a legal record nor should it be substituted for the advice or services of a licensed professional. Parcel map information is prepared for the inventory of real property found within County jurisdiction and is compiled from recorded deeds, plats, and other public documents in accordance with Land Records Technical Specifications for Base, Cadastral and Digital Mapping Systems. Users are hereby notified that the aforementioned public record sources should be consulted for verification of information. With limited exception, data available on this website originates from Forrest County Land Records GIS and is maintained for the internal use of the County. The County of Forrest and the Website Provider disclaim all responsibility and legal liability for the content published on this website. The user agrees that Forrest County and its Assigns shall be held harmless from all actions, claims, damages or judgments arising out of the use of County data.



Forrest County Tax Assessor/Collector
601 Main St
Hattiesburg, MS 39401
(601) 582-8228

Date Printed: 3/6/2024

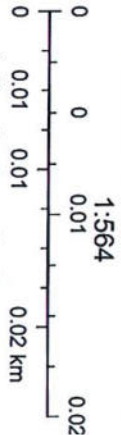
PPIN:	19729
PARCEL_ID:	2-029K-09-035.00
OWNERNAME:	COOPER FREDERICK
ADDRESS1:	26 DAVID LEE PRICE LN
ADDRESS2:	
CITY:	SILVER CREEK
STATE:	MS
ZIP:	39663
SECTION:	09
TOWNSHIP:	04N
RANGE:	13W
LEGAL1:	COMM AT THE NE/COR OF OF LOT 11 OF
LEGAL2:	THE JOHN KAMPER SUB BLK B SOUTH
LEGAL3:	140.7' TO POB SOUTH 39.7' WEST 79'
TAX_DIST:	1110
CULT_AC1:	0
CULT_AC2:	0
UNCULT_AC1:	0
UNCULT_AC2:	0
TOTAL_AC:	0
CULT_VAL1:	4850
CULT_VAL2:	0
UNCUL_VAL1:	0
UNCUL_VAL2:	0
LAND_VAL:	4850
IMP_VAL1:	0
IMP_VAL2:	20980
TOTALVALUE:	25830
EXEMPT_COD:	0
HOMESTEAD:	
DEED_BOOK:	1343
DEED_PAGE:	0657
DEED_DATE:	8/3/2020
SITUS_ADDR:	102 SOUTH STREET

Forrest County, MS



3/6/2024, 3:53:49 PM

ROAD_LN
forrest_ms_ac
forrest_ms_dim
forrest_ms_parcelno
Anno
Parcels



Esri Community Maps Contributors, City of Hattiesburg, © OpenStreetMap, Microsoft, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METINASA, USGS, EPA, NPS, US Census Bureau, USI

4:46

5G



South St
South St
South St
South St

HIBBLER NATHANIEL
& FELICIA KAY

100

BON

102 South St
COOPER FREDERICK
+

MACKBEL CALVIN &
YANCY

WOODS
CAMILYA



0 ft

Distance

LIVE



✓ Distance

Area

CLEAR

PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER

REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00pm (End of business day)
 Hattiesburg Planning Commission Meeting Date: _____ Time: 1:00pm
 Hattiesburg Board of Adjustment Meeting Date: _____ Time: 3:30pm

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 Date – (you or your representative should attend): _____ Time: 4:00pm
 City Council Meeting (Vote) Date – (you or your representative may attend): _____ Time: 5:00pm

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 wait period for Zoning or Street closing/re-naming, PMUs, PRDs, PUDs which ends _____. So, if approved by the City, no final site plan review approvals or building permits could be issued prior to these dates.

****Dates and times are subject to change****

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 building, 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 planning@hattiesburgms.com
- ☒ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the 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 a separate document)
- ___ Variance application only: A letter of approval/denial from all adjoining property owners must be obtained and submitted with application.
- ___ 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.

To:
Planning@katieobungMS.com

From:
Clifford M. Rockhart

* Legal description & Warranty Deed
for 102 South Street

PREPARED BY AND UPON RECORDING RETURN TO:

PARKER LAW FIRM, PLLC

Post Office Box 1762

Purvis, MS 39475

Chasen Ty Smith (MS Bar #106526)

Telephone: (601) 794-2683

INSTRUCTIONS TO CHANCERY CLERK: Part of Lot 11, Block "B" of the John Kamper Subdivision, Forrest County, Mississippi.**STATE OF MISSISSIPPI
COUNTY OF FORREST****WARRANTY DEED**

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, adequacy and sufficiency of all of which is hereby irrevocably acknowledged and confessed, unto ***HAIS AND HARLZ REAL ESTATE AND RENOVATIONS, LLC, a Mississippi limited liability company, and HAILEY SHELBY, Individually,*** as Grantor(s) herein, (collectively, the "Grantor"), whose Address is P. O. Box 18655, Hattiesburg, MS 39404, Telephone: 404-987-4134, does hereby grant, bargain, convey and warrant unto ***MATTHEW BAILEY and wife, JACKIE BAILEY, as joint tenants with full rights of survivorship and not as tenants in common,*** as Grantee herein (collectively, the "Grantees"), as Grantee(s) herein (collectively, the "Grantee"), whose Address is 5217 Rising Sun Lane, Ellicott City, MD 21043, Telephone: ⁴⁴³⁻⁶⁷⁷⁻⁸²⁷⁰ 443-928-0491, the following described real property, subject to the exceptions, reservations, covenants, agreements, waivers and other matters set forth below, to-wit:

SEE ATTACHED EXHIBIT "A"

- (1) any and all leases, exceptions, reservations and/or conveyances, together with release of damages, of or related to oil, gas and/or other minerals of every kind and character, all other minerals which may be produced in connection with oil and gas including sulphur and any other gases or elements, all salt domes, carbon dioxide, and/or any geothermal energy resources, and any and all easements, rights, privileges and/or immunities related or pertaining to any of the foregoing;
- (2) any and all easements and/or rights-of-way, whether of record or of use, which affect the property herein;
- (3) the Covenants, Restrictions and Subdivision Regulations which may be on file of Forrest County, Mississippi and all amendments thereto heretofore or hereafter adopted.
- (4) any law, ordinance or governmental regulation restricting, regulating or relating to (i) the occupancy, use or enjoyment of the property conveyed or any part thereof; (ii) the character, dimensions or location of any improvement now or hereafter erected on the property conveyed or any part thereof; (iii) a separation in ownership or a change in the dimensions or area of the property conveyed or any part thereof or any parcel of which the property conveyed or any part thereof is or was a part; or (iv) environmental protection, or the effect of any violation of said laws, ordinances or governmental regulation;
- (5) all County and State ad valorem taxes and other assessments and levies for the current and subsequent years, including, but not limited to, those assessments provided for in the Declaration (as herein defined);
- (6) it is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis. When said taxes are actually determined, if the pro-ration of this date is incorrect, then the Grantor agrees to pay to the Grantee or their successors and/or assigns, any amount which is deficit on an actual pro-ration and likewise, the Grantee agrees to pay to the Grantor, any amount overpaid by Grantor.

WITNESS THE SIGNATURE of the Grantor on this the 23rd day of February 2024.

Hais and Harlz Real Estate and Renovations, LLC, a Mississippi limited liability company, and Hailey Shelby, Individually

Hailey Shelby
BY: HAILEY SHELBY, Member

STATE OF MISSISSIPPI
COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, on this 23rd day of February 2024, within my jurisdiction, the within-named **HAILEY SHELBY**, who acknowledged that she is authorized by *Hais and Harlz Real Estate and Renovations, LLC, a Mississippi limited liability company, and Hailey Shelby, Individually* and that for and on behalf of *Hais and Harlz Real Estate and Renovations, LLC, a Mississippi limited liability company*, she executed the above and forgoing instrument, after first having been duly authorized by said Limited Liability Company to do so.

Heather Thurston
NOTARY PUBLIC

My commission expires

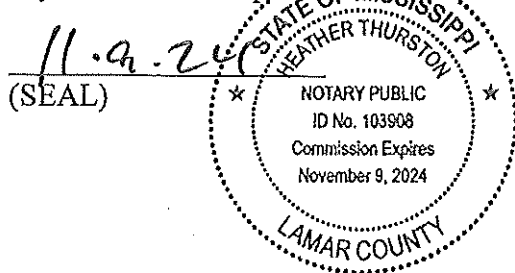
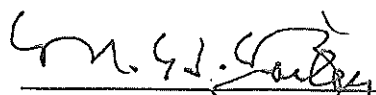
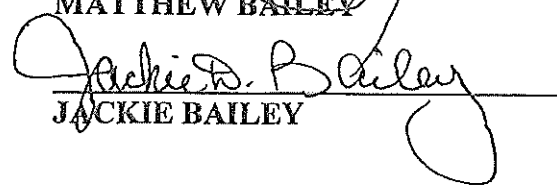


EXHIBIT "A"

A part of Lot 11, Block "B" of the John Kamper Subdivision, Hattiesburg, Forrest County, Mississippi, and more particularly described as follows:

Commencing at the Northeast corner of the above said Lot 11, Block "B"; thence South and along the East line of said Lot 11 for 140.7 feet to the Point of Beginning; thence continue South and along the East line of said Lot 11 for 39.7 feet; thence West 79 feet to the East margin of South Street; thence North and along the East margin of South Street 39.7 feet; thence East 79 feet to the Point of Beginning.

DEED ACCEPTED BY:

MATTHEW BAILEY

JACKIE BAILEY

June HPC Item: D
Tripperlee, LLC. and Stephen Tripp, owner
Request for: **Modification to a Platted Subdivision**



**Planning Commission
Case Fact Sheet**

Names of Petitioner: Tripperlee, LLC. and Stephen Tripp, owner

Address of Property:	County:	PPIN:	Ward:
209 s 13 th Ave	Forrest	24175	4

Request: **Modification to a Platted Subdivision**

Purpose of Request: Tripperlee, LLC. and Stephen Tripp, owner, request approval to alter the platted subdivision known as "Sutherland and Reeves Survey" to subdivide the property located at 209 S 13th Avenue into two lots to create two single-family structures (PPIN 24175, Ward 4, Forrest County).

History / Background:

The applicant met with staff in a pre-application meeting to discuss subdividing 209 S 13th Avenue into two lots. The intent is to create a new lot for the construction of a single-family residential structure. The proposed subdivision would leave the existing structure of 209 s 13th Ave and create a separate, dimensionally conforming lot in the rear. The rear part of the lot has street access using South Hutchinson Ave, a named alley. Utility easements will need to be established for water/sewer, as the primary location of the utilities are located along 209 S 13th Avenue, and would be required before the subdivision could be recorded. Staff would ensure the easements are in place before approving the subdivision for recording.

By definition, this would be considered a minor subdivision, which only requires a staff-level approval through the site plan review committee. However, the proposed division is in the platted subdivision known as the "Sutherland and Reeves Survey". Platted subdivisions are subject to state requirements in order to alter them as recorded. State law provides two routes to pursue alteration of a subdivision as proposed under Miss. Code Ann. § 17-1-23 or Miss. Code Ann. § 19-27-31. The applicant is pursuing a modification following Miss. Code Ann. § 17-1-23, which allows a request to be petitioned to the city council for modification, and why a minor subdivision is being presented in a public hearing to the Planning Commission as a request for approval.

Applicable Regulations:

SECTION 4 - Zoning Districts Established

R-1C Single-Family Residential: The purpose of the R-1C 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.

June HPC Item: D
 Tripperlee, LLC. owner
 Request for: **Modification to a Platted Subdivision**

This zoning district encourages protected lower density residential neighborhoods with only compatible supporting institutional uses and open space.

SECTION 6 - 6.1 District 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			

SECTION 12 – Processes

R-1C	5,000/ 50	1 per lot	-	20	-	10	25	35 feet or 3 stories	50%	-
------	-----------	-----------	---	----	---	----	----	----------------------	-----	---

12.5 Administrative Development Approvals; Process.

12.5.1 Subdivisions.

12.5.1.1 Minor Subdivision Approval.

i. Approval Criteria.

- Conformance with the 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 that apply.
- Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision 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.

12.5.1.3 Recording. In order to be an official and legal plat, final approved plats must be recorded with the Chancery Clerk of Forrest or Lamar County, as appropriate. The Director shall ensure that the City records this information in a timely fashion.

SECTION 13 – DEFINITIONS

Plat: A complete and exact map representing a tract of land, showing the boundaries and location of individual lots, easements, and streets, which has been approved by the planning commission and recorded in the office of the county clerk. Includes a replat.

Preliminary Plat: The preliminary drawing or drawings, described in this ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the appropriate official for city approval.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease, or building development by means of an appropriately recorded legal document.

Subdivision, Minor: Any subdivision (lot split) containing not more than three lots fronting on an

June HPC Item: D
Tripperlee, LLC. owner
Request for: **Modification to a Platted Subdivision**

existing street that does not result in the creation of any new street, the extension of municipal utilities, or the need for additional public improvements. A series of related minor subdivisions on contiguous land cumulatively totaling four or more lots shall be construed to create a major subdivision.

Miss. Code Ann. § 17-1-23 – Subdivision Regulation

Section 4 –

(4) If the owner of any land which shall have been laid off, mapped or platted as a city, town or village, or addition thereto, or subdivision thereof, or other platted area, whether inside or outside a municipality, desires to alter or vacate such map or plat, or any part thereof, he may petition the board of supervisors of the county or the governing authorities of the municipality for relief in the premises, setting forth the particular circumstances of the case and giving an accurate description of the property, the map or plat of which is to be vacated or altered and the names of the persons to be adversely affected thereby or directly interested therein. However, before taking such action, the parties named shall be made aware of the action and must agree in writing to the vacation or alteration. Failure to gain approval from the parties named shall prohibit the board of supervisors or governing authorities from altering or vacating the map or plat, or any part thereof. Any alterations of a plat or map must be recorded in the appropriate location and a note shall be placed on the original plat denoting the altered or revised plat. No land shall be subdivided nor shall the map or plat of any land be altered or vacated in violation of any duly recorded covenant running with the land. Any municipality which shall approve such a vacation or alteration pursuant to this section shall be exempt from the sale of surplus real property provisions as set forth in Section 21-17-1.

Present Zoning:

The parcel is currently zoned R-1C Single-Family Residential

Present Use:

Future Land Use:

Neighborhood Conservation District 1

Surrounding Zoning:

North: R-1C Single-Family Residential
South: R-1C Single-Family Residential
East: R-1B Single-Family Residential
West: R-1B Single-Family Residential

Letters or Concerns stated:

The Planning Division has not received any letters of concern as of the writing of this report on May 28th, 2024

Option:

Recommend **approval or denial** of the request to alter the platted subdivision as requested by the applicant.

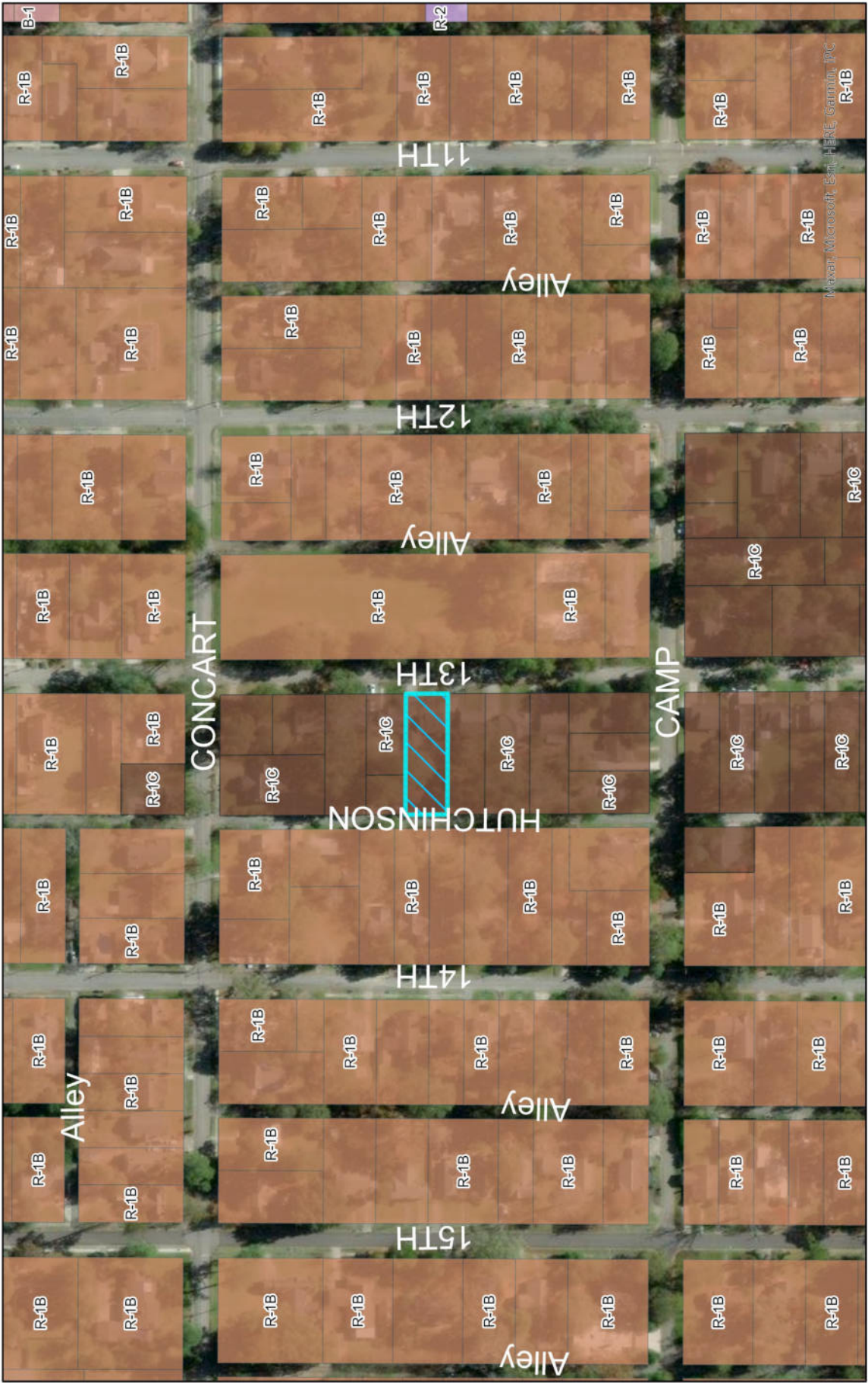
SUBJECT PARCEL

209 s 13th Ave — Request to Modify Platted Subdivision

Tripperlee, LLC. and Stephen Tripp, owner

Tripperlee, LLC. and Stephen Tripp, owner, request approval to alter the platted subdivision known as “Sutherland and Reeves Survey” to subdivide the property located at 209 S 13th Avenue into two lots to create two single-family structures (PPIN 24175, Ward 4, Forrest County).





Zoning Map

- R-1B
- R-1C
- R-2
- B-1
- Subject Property

209 South 13th Ave
Zoned R-1C
PPIN: 24175
Flood Zone: X
Ward 4, Forrest County



**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°18'34"W 31°19'19"N



DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice.



Esri, HERE, Garmin, IGC, Wikar

Zoning Map

-  Neighborhood Business
-  Neighborhood Conservation District 1
-  Subject Property

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/8/2024 5:28 PM

209 South 13th Ave
Zoned R-1C
PPIN: 24175
Flood Zone: X
Ward 4, Forrest County



**URBAN
DEVELOPMENT
PLANNING DIVISION**

Center: 89°18'35"W 31°19'19"N



Site Aerial



Site Aerial

Northern and Southern Directions: R-1C Single-Family Residential



Site Aerial

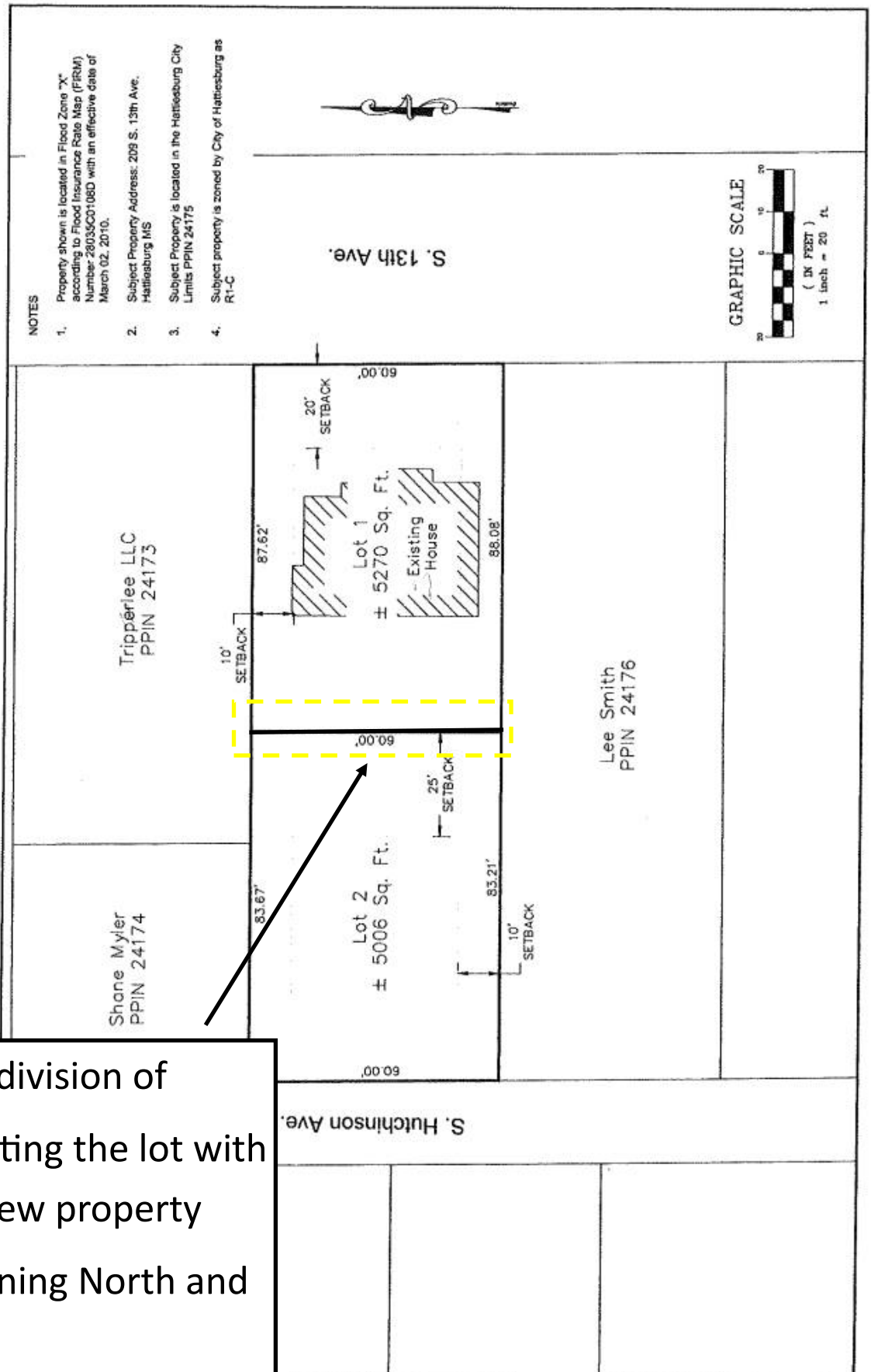
East and Western Directions: R-1B Single-Family Residential



View of property fronting South Hutchinson Ave



Preliminary Plat



Proposed subdivision of property, splitting the lot with a proposed new property boundary running North and South

RECEIVED
MAR 20 2024



URBAN DEVELOPMENT PLANNING DIVISION

Public Hearing ^{BY NS} 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: TRIPPERLEE, LLC (MANAGING MEMBER STEPHEN TRIPP)
Project Name: 209 S. 13TH AVE
Proposed Use(s): RESIDENTIAL HOUSING
Project Street Address: 209 S. 13TH AVE
PPIN Number(s) (if unknown, can be found on tax receipt): 24175

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: _____
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 Districts(s): _____
Project No.: _____

Code Sections:

LDC Section No. _____
Section No. _____
Section No. _____
Section No. _____
Section No. _____

RECEIVED DATE & INITIALS:

PROJECT REPRESENTATIVE INFORMATION:**Primary:**

Name: TRIPPERLEE, LLC (STEPHEN TRIPP MANAGING MEMBER)

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

☐ Other (please specify): _____

Phone: (530) 913-2217 Fax: _____ Email: SITREPA@YAHOO.COM

Mailing Address: 108 MADISON PL. HATTIESBURG, MS 39402

Secondary:

Name: JOHN ANGLIN / CLEARPOINT CONSULTING ENGINEERS

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

☐ Other (please specify): _____

Phone: (601) 261-2609 Fax: _____ Email: JOHN.A@CLEARPOINTENGINEERS.COM

Mailing Address: 6652 HWY 98 HATTIESBURG, MS. 39402

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: _____

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

209 S. 13th AVE HATTIESBURG, MS 39402
Street Address City State

on this the 20th day of MARCH, 2024

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.

JOHN ANGLIN CLEARPOINT / CESAR POTENZA
on this the 20th day of MARCH, 2024.

STEPHEN TRIPP (TRIPPERLEE, LLC)
Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF Mississippi

COUNTY OF Forrest

Personally came and appeared before me, the within named

Stephen Tripp,
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 20th day of
March, 2024.

[Signature]
NOTARY PUBLIC

My Commission Expires:

06.01.2026



Subdividing of Lot, Parcel or Tract Information

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains 10276 Square Footage / Acres

Lot Area Requirement: 5000 Sq ft

Lot Frontage Requirement: 150 feet

Existing use of lot/parcel/tract RESIDENTIAL HOUSING

To be subdivided into 2 lots/parcels (including parent parcel) – outlined below.

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

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.	5270	YES	NO	209 S. 13TH AVE		
2.	5006	YES	NO	S. HUTCHINSON		
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	5270	YES	NO	209 S. 13TH AVE		
	Total square footage of new lots (verify total matches existing parcel prior to splits) <u>10276 Sq ft</u>					

2. Infrastructure required:

Water/Sewer ☒ Gas ☒ Electric ☒ Telephone ☐ Cable ☐ Streets ☐

March 20, 2024

I attempted to locate and identify anybody or anything that was adversely affected by the proposed dividing of the lot located at 209 S 13th Ave. I could not locate nor identify anybody that was adversely affected. I did obtain the signatures of residents that were in the immediate area of 209 S 13th Ave, on both sides and to the rear. See attached

Tripperlee, LLC

Stephen Tripp, Managing Member

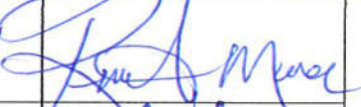
108 Madison Pl.

Hattiesburg, MS 39402

530-913-2217

To Whom It Concerns:

The below listed residents and neighbors **do not have any concerns nor are they adversely affected** by the owners of 209 S 13th Ave (PPIN 24175) dividing their existing lot into two separate parcels.

Date	Name	Address	Signature
3/18	Jason Perry	210 S. 14th Ave Hattiesburg, MS Bayou	
3/19	Lee Smith	211 South 13th Hattiesburg, MS	
3/19	Reverita Moore	206 S 14th Ave	
3/19/24	TRITTLER, LLC	207 S 13th Ave HATTIESBURG, MS	
	NEW OWNER VACANT UNKNOWN	206 S. HUTCHINSON AVE HATTIESBURG	

Pre-Application Form
City of Hattiesburg Planning Department
 200 Forrest Street
 Hattiesburg, MS 39401
 Phone: 601-545-4599
 Fax: 601-545-1962

Return the completed form and site plan to the Planning Department by Thursday 12 noon. A member of the planning staff will contact applicants to confirm the pre-application meeting date and time. For further information, please contact: Planning Division Office Manager, 601-545-4599 or email: planning@hattiesburgms.com

Today's Date: 2/26/24
 Project Name: Survey / Parcel Split @ S 13th Ave and Hutchinson Ave
 Proposed Use: Create two seperate residential lots
 Project Street Address: 209 S 13th Ave, Hattiesburg, MS 39401
(Back side of lots connects to Hutchinson Ave)
 PPIN Number: 24175 Parcel Number: 2-029M-09-234.00
 Flood Zone: X Historic District: N/A
 Zoning District(s): _____
 Proposed Cost of the Project: N/A

Project Representative Information

Project Representative and Title: John Anglin, P.E.

 Company Name: Clearpoint Engineers
 Phone: 601-261-2609 Fax: _____
 Email: johna@clearpointengineers.com
 Mailing Address: 6652 US Hwy 98
Hattiesburg, MS 39402

Property Owner Name: Steve Tripp - Tripperlee LLC
 Phone: 530-913-2217 Fax: N/A
 Email: STripp@yahoo.com
 Mailing Address: 103 Madison Place, Hattiesburg, MS 39402

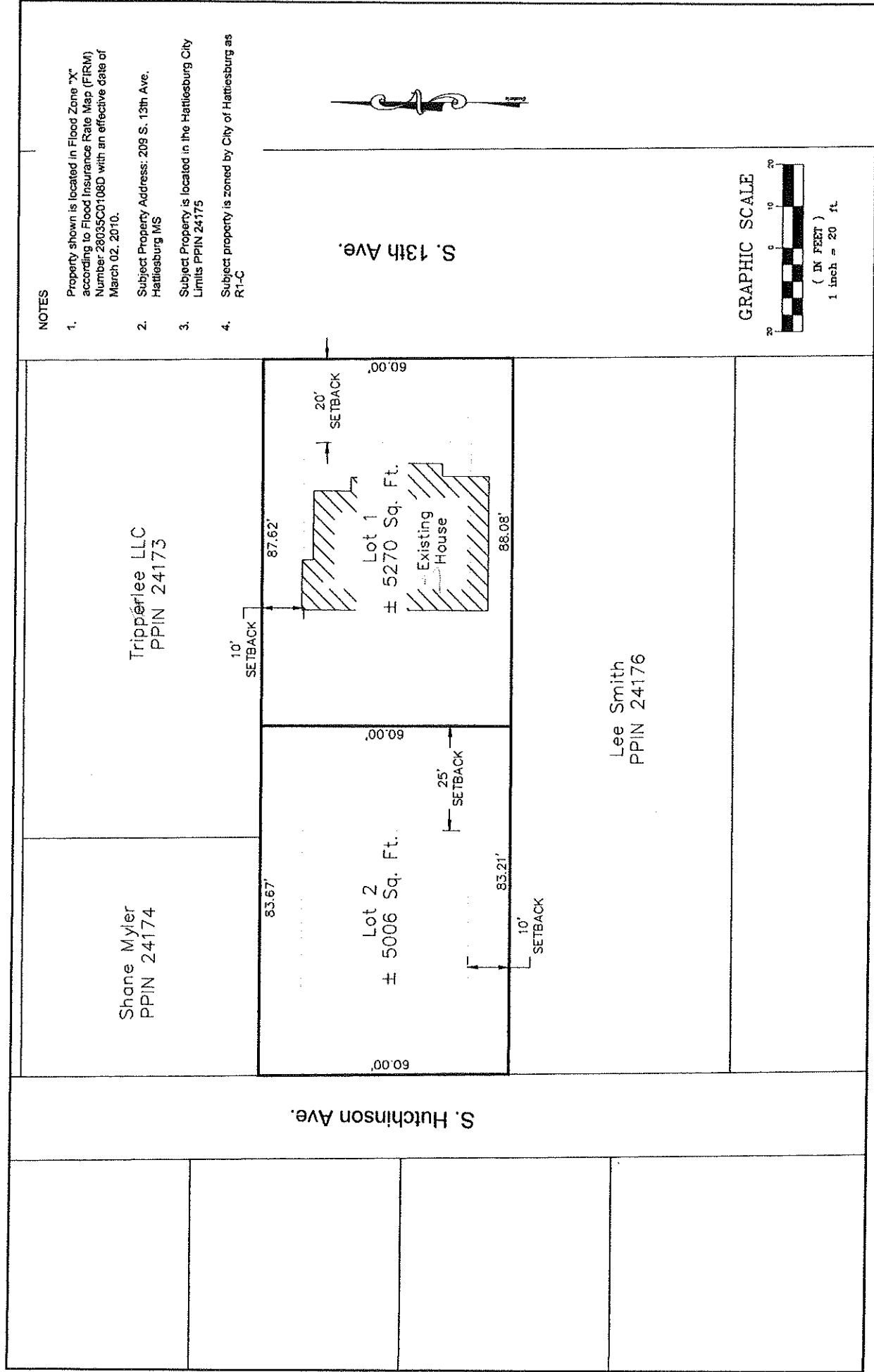
Provide project narrative fully explaining the proposed project:

Property owner has requested for his lot to be divided into two separate residential lots.

The front of the lot, which has an existing home, is entered from S 13th Ave

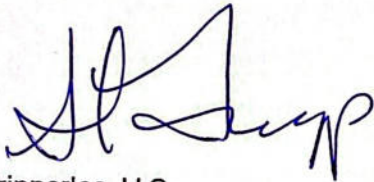
The back side of the lot would be located on and enter from Hutchinson Ave

Future plans are to build a home on Hutchinson Ave after acquiring a city address for the new parcel.



March 20, 2024

I attempted to locate and identify anybody or anything that was adversely affected thereby or directly interested therein by the proposed dividing of the lot located at 209 S 13th Ave. I could not locate nor identify anybody that was adversely affected thereby or directly interested therein. I did obtain the signatures of residents with their approval that were in the immediate area of 209 S 13th Ave, on both sides and to the rear. See attached

A handwritten signature in blue ink, appearing to read 'S. Tripp', with a stylized, cursive script.

Tripperlee, LLC

Stephen Tripp, Managing Member

108 Madison Pl.

Hattiesburg, MS 39402

530-913-2217

June HPC Item: E
Jacob Shemper, owner
Request for: **Zoning Change From A-2 to R-1A**



**Planning Commission
Case Fact Sheet**

Names of Petitioner: Jacob Shemper, owner

Address of Property:	County:	PPIN:	Ward:
111 Pinehills Drive	Forrest	17198	3

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

Purpose of Request:

Jacob Shemper, owner, requests approval for a preliminary plat for a major subdivision located at 111 Pinehills Drive. The subdivision request is also to alter the platted subdivision known as "Hattiesburg Homestead Survey" to subdivide the property into 5 single-family residential lots. (PPIN 17198, Ward 3, Forrest County).

History / Background:

The applicant met with staff in a pre-application meeting to discuss the subdivision of 111 Pinehills Drive into 5 separate, dimensionally conforming lots for the R-1A dimensional standards. The property was approved for rezoning in 2006 for a Planned Residential Development (PRD) via ordinance 2943, however, a condition was added to the motion that *"if the PRD does not commence within 36 months and does not develop within 120 months, property will revert to its original A-2 zoning."*

Staff consulted with legal counsel, who confirmed, that the zoning should be reverted back to A-2 Zoning, where the applicant is seeking a rezoning to allow for a major subdivision request on the property, which is outlined in case F for this month's agenda. The major subdivision request being proposed would be create 5 separate lots, each directly fronting Pinehills Drive.

The "Hattiesburg Homestead Survey" was originally established as part of a Federal Housing Program through the New Deal Legislation in 1935. It was in response to the Great Depression and the subdivision was meant to be "subsistence homesteads." A historic marker located at the entrance to the subdivision memorializes the history of this subdivision. Multiple subdivisions have since been developed within or directly adjacent to the subdivision since it was established. Most recently, City Council approved a rezoning request for an adjacent parcel that fronts South 28th Avenue from R-1A to B-1 (Professional Business) on September 19th, 2017.

Applicant Summary: * See Attached *

June HPC Item: E
 Jacob Shemper, owner
 Request for: **Zoning Change From A-2 to R-1A**

SECTION 4 Zoning Districts Established

A-2 Agricultural Residential District: The purpose of the A-2 Agricultural District is to permit low-density single-family residential development along with restrictive agricultural uses. This district is consistent with the Rural Residential / Agricultural District in the Comprehensive Plan. The district is intended to encourage and protect large lots, open space, and low-density population.

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 6.1 District 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			
A-1	130,680 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	35%	-
A-2	43,560 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	50%	-
R-1A	10,000/ 50	1 per lot	-	30	-	10	25	35 feet or 3 stories	50%	-

Present Zoning: The parcel is currently zoned A-2, Agricultural Residential

Present Use: Single-family residential home

Future Land Use: Neighborhood Conservation District 2

Surrounding Zoning: North: R-3 Multi-Family Residential
 South: A-2 Agricultural Residential
 East: A-2 Agricultural Residential
 West: A-2 Agricultural Residential

Letters or Concerns stated:

The Planning Division has received multiple phone calls from the residents within the neighborhood, seeking clarification on the request and stating some concerns with new development in the subdivision. No written letters of opposition have been provided to staff as of the writing of this report on May 28th, 2024.

June HPC Item: E
Jacob Shemper, owner
Request for: **Zoning Change From A-2 to R-1A**

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

Recommend **approval** or **denial** of the request for a Zoning Change

June HPC Item: F
Jacob Shemper, owner
Request for: **Plat Modification and Major Subdivision Request**



**Planning Commission
Case Fact Sheet**

Names of Petitioner: Jacob Shemper, owner

Address of Property:	County:	PPIN:	Ward:
111 Pinehills Drive	Forrest	17198	3

Request: **Plat Modification and Preliminary Plat Approval for a major subdivision**

Purpose of Request:

Jacob Shemper, owner, requests approval for a preliminary plat for a major subdivision located at 111 Pinehills Drive. The subdivision request is also to alter the platted subdivision known as "Hattiesburg Homestead Survey" to subdivide the property into 5 single-family residential lots. (PPIN 17198, Ward 3, Forrest County).

History / Background:

The applicant met with staff in a pre-application meeting to discuss the subdivision of 111 Pinehills Drive into 5 separate, dimensionally conforming lots for the R-1A dimensional standards. Because the property also lies within the originally platted subdivision known as the "Hattiesburg Homestead Survey."

The "Hattiesburg Homestead Survey" was originally established as part of a Federal Housing Program through the New Deal Legislation in 1935. It was in response to the Great Depression and the subdivision was meant to be "subsistence homesteads." A historic marker located at the entrance to the subdivision memorializes the history of this subdivision. Multiple subdivisions have since been developed within or directly adjacent to the subdivision since it was established. Most recently, City Council approved a rezoning request for an adjacent parcel that fronts South 28th Avenue from R-1A to B-1 (Professional Business) on September 19th, 2017.

Platted subdivisions are subject to state requirements to alter them as recorded. State law provides two routes to pursue alteration of a subdivision as proposed under Miss. Code Ann. § 17-1-23 or Miss. Code Ann. § 19-27-31. The applicant is pursuing a modification following Miss. Code Ann. § 17-1-23, which allows a request to be petitioned to the city council for modification. This is partnered with a preliminary plat approval for a major subdivision for the creation of 5 separate lots.

No new public streets would be created for the proposed subdivision and would be considered infill development. All utilities would be provided along the frontage of Pinehills Drive. R-1A zoning does require sidewalks, whereas the A-2 Zoning does not.

June HPC Item: E
 Jacob Shemper, owner
 Request for: **Zoning Change From A-2 to R-1A**

Applicant Summary: * See Attached *

SECTION 4 Zoning Districts Established

A-2 Agricultural Residential District: The purpose of the A-2 Agricultural District is to permit low-density single-family residential development along with restrictive agricultural uses. This district is consistent with the Rural Residential / Agricultural District in the Comprehensive Plan. The district is intended to encourage and protect large lots, open space, and low-density population.

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SECTION 6 6.1 District Dimensional Standards

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A-2	43,560 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	50%	-
R-1A	10,000/ 50	1 per lot	-	30	-	10	25	35 feet or 3 stories	50%	-

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.

June HPC Item: E
Jacob Shemper, owner
Request for: **Zoning Change From A-2 to R-1A**

12.3.2.4 Final Plat.

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

12.3.2.5 Recording.

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

SECTION 13 – DEFINITIONS

Plat: A complete and exact map representing a tract of land, showing the boundaries and location of individual lots, easements, and streets, which has been approved by the planning commission and recorded in the office of the county clerk. Includes a replat.

Preliminary Plat: The preliminary drawing or drawings, described in this ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the appropriate official for city approval.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease, or building development by means of an appropriately recorded legal document.

Miss. Code Ann. § 17-1-23 – Subdivision Regulation

Section 4 –

(4) If the owner of any land which shall have been laid off, mapped or platted as a city, town or village, or addition thereto, or subdivision thereof, or other platted area, whether inside or outside a municipality, desires to alter or vacate such map or plat, or any part thereof, he may petition the board of supervisors of the county or the governing authorities of the municipality for relief in the premises, setting forth the particular circumstances of the case and giving an accurate description of the property, the map or plat of which is to be vacated or altered and the names of the persons to be adversely affected thereby or directly interested therein. However, before taking such action, the parties named shall be made aware of the action and must agree in writing to the vacation or alteration. Failure to gain approval from the parties named shall prohibit the board of supervisors or governing authorities from altering or vacating the map or plat, or any part thereof. Any alterations of a plat or map must be recorded in the appropriate location and a note shall be placed on the original plat denoting the altered or revised plat. No land shall be subdivided nor shall the map or plat of any land be altered or vacated in violation of any duly recorded covenant running with the land. Any municipality which shall approve such a vacation or alteration pursuant to this section shall be exempt from the sale of surplus real property provisions as set forth in Section 21-17-1.

Present Zoning: The parcel is currently zoned A-2, Agricultural Residential

June HPC Item: E
Jacob Shemper, owner
Request for: **Zoning Change From A-2 to R-1A**

Present Use: Single-family residential home

Future Land Use: Neighborhood Conservation District 2

Surrounding Zoning: North: R-3 Multi-Family Residential
South: A-2 Agricultural Residential
East: A-2 Agricultural Residential
West: A-2 Agricultural Residential

**Letters or
Concerns stated:**

The Planning Division has received multiple phone calls from the residents within the neighborhood, seeking clarification on the request and stating some concerns with new development in the subdivision. No written letters of opposition have been provided to staff as of the writing of this report on May 28th, 2024.

Option:

Recommend approval or denial of modification of the “Hattiesburg Homesteads Survey” for a major subdivision.

12.3.2.1 Approval Criteria.

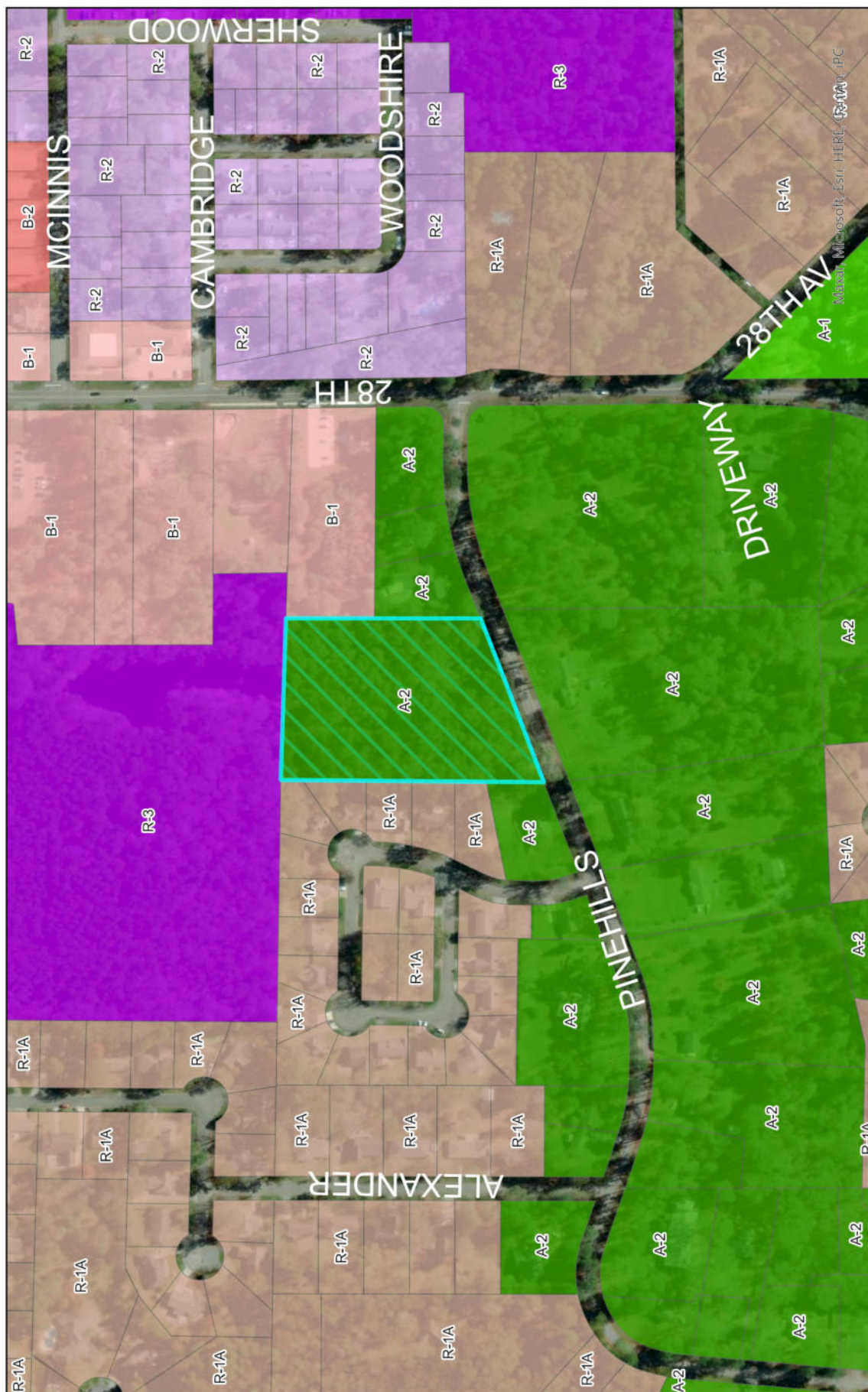
- i. Conformance with the Hattiesburg Comprehensive Plan.
- ii. Conformance with the standards of the zoning district.
- iii. Conformance with other standards and requirements of this Code and other City policies and regulations.
- iv. Determination that adequate public facilities and services will be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

SUBJECT PARCEL

111 Pinehills Drive—Rezone request for preliminary plat approval of a major subdivision, and alteration of a platted subdivision

Jacob Shemper, owner, requests approval for a preliminary plat for a major subdivision located at 111 Pinehills Drive. The subdivision request is also to alter the platted subdivision known as “Hattiesburg Homestead Survey” to subdivide the property into 5 single-family residential lots. The major subdivision request is contingent upon a rezone request to R-1A (PPIN 17198, Ward 3, Forrest





Legend

-  Subject Property
-  A-1
-  A-2
-  R-1A
-  R-2
-  R-3
-  B-1
-  B-2

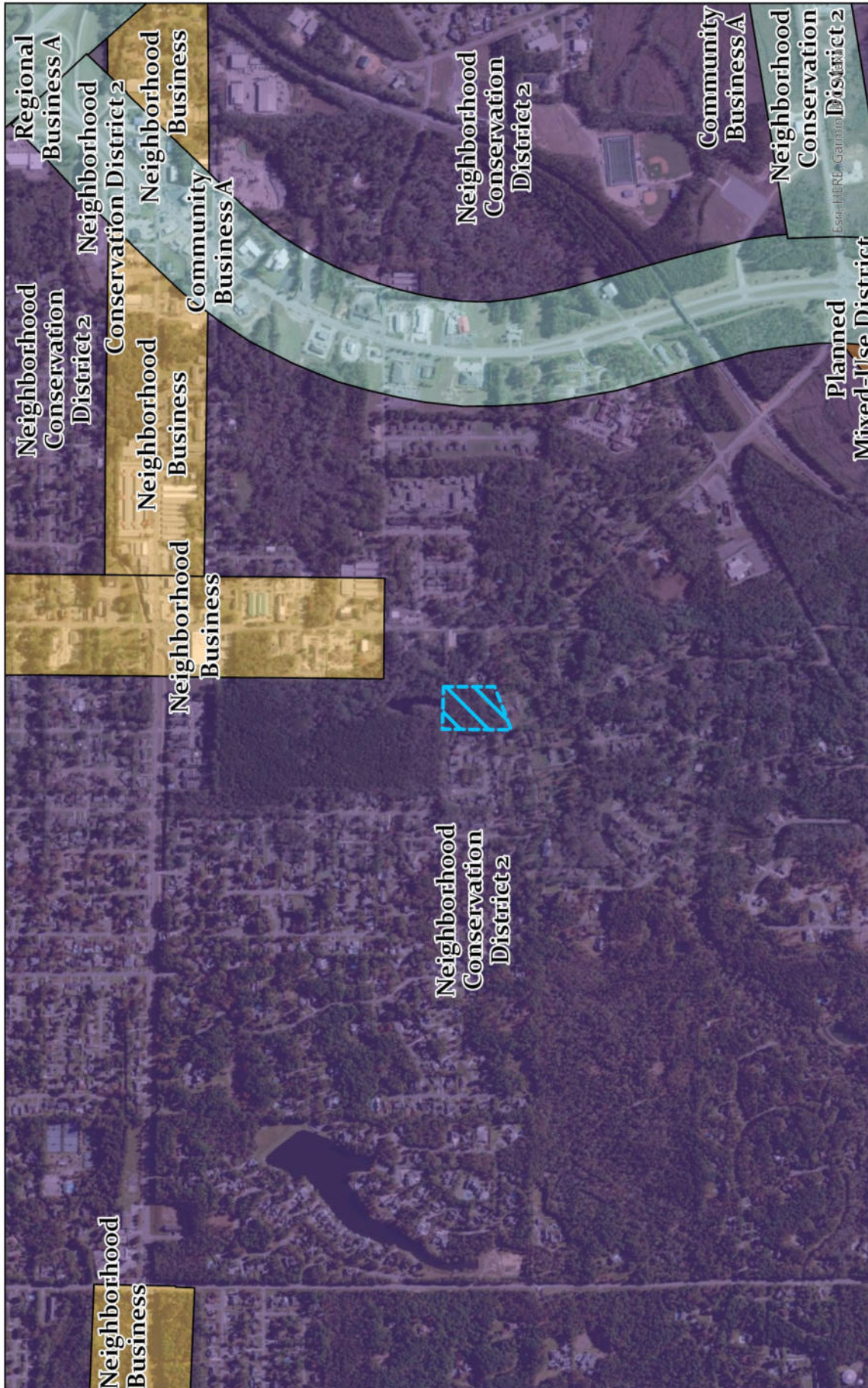
Plat Modification for a
Major Subdivision
111 Pinehills Drive
PPIN: 17198
Flood Zone: X
Ward 3, Forrest County

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/17/2024 3:30 PM



**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°20'W 31°17'49"N



Future Land Use Map
Legend

- Subject Property
- Community Business A
- Neighborhood Business
- Neighborhood Conservation District 2
- Planned Mixed-Use District
- Regional Business A

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/17/2024 3:29 PM

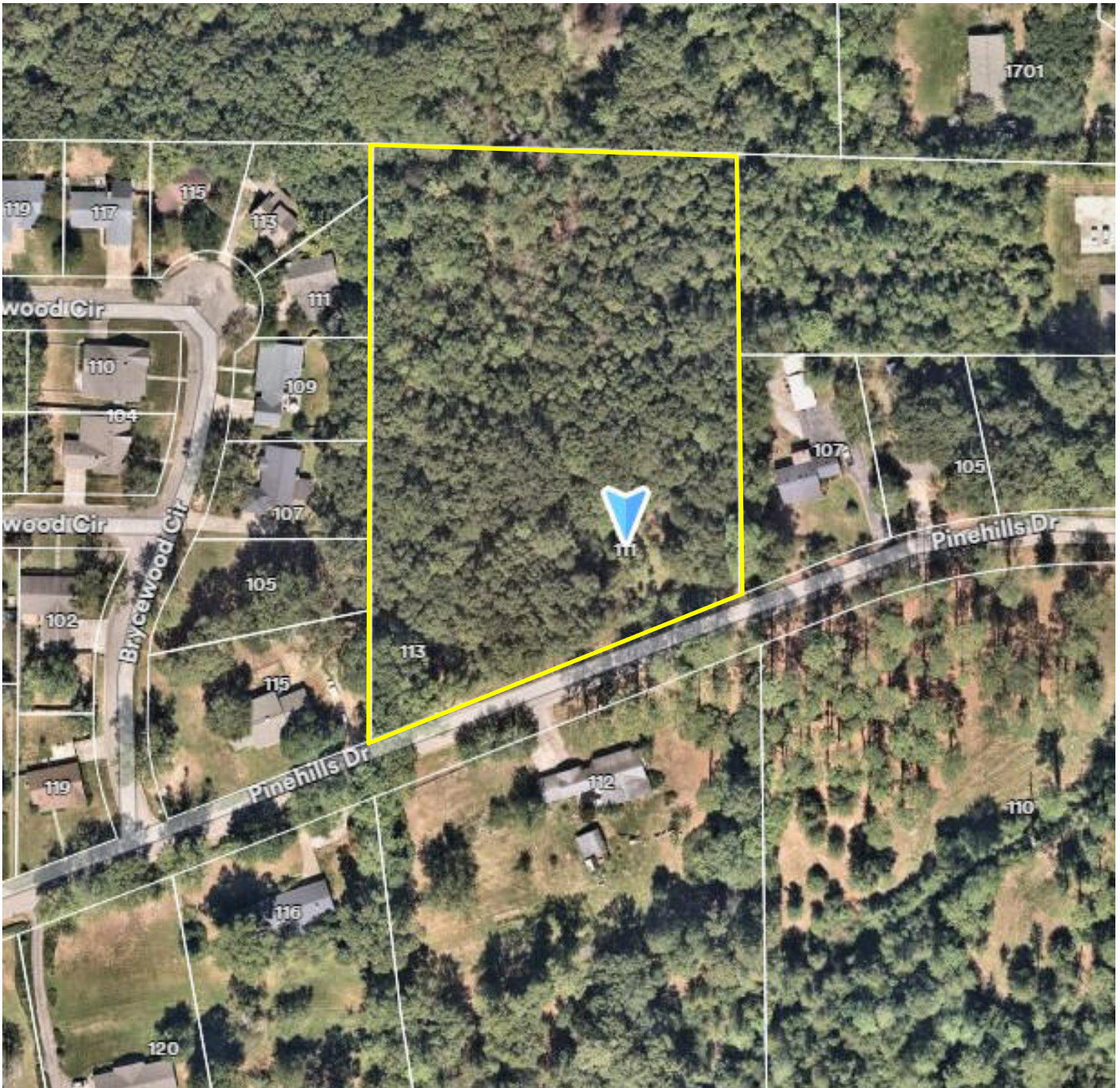
Plat Modification for a
Major Subdivision
111 Pinehills Drive
PPIN: 17198
Flood Zone: X
Ward 3, Forrest County



**URBAN
DEVELOPMENT**
PLANNING DIVISION
Center: 89°19'59"W 31°17'52"N

Site Aerial

Subject property outlined in yellow



Surrounding Area

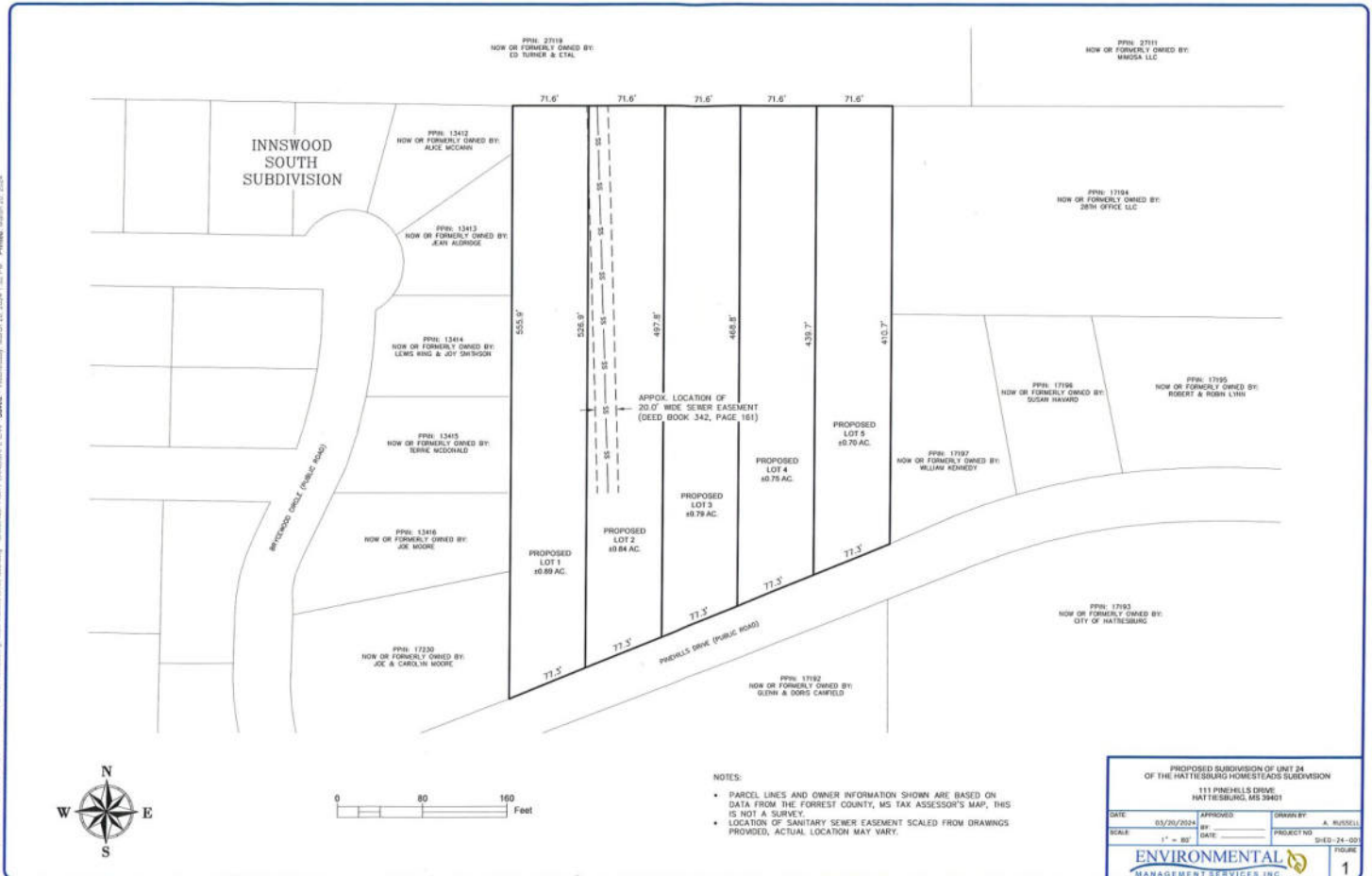


Surrounding Area

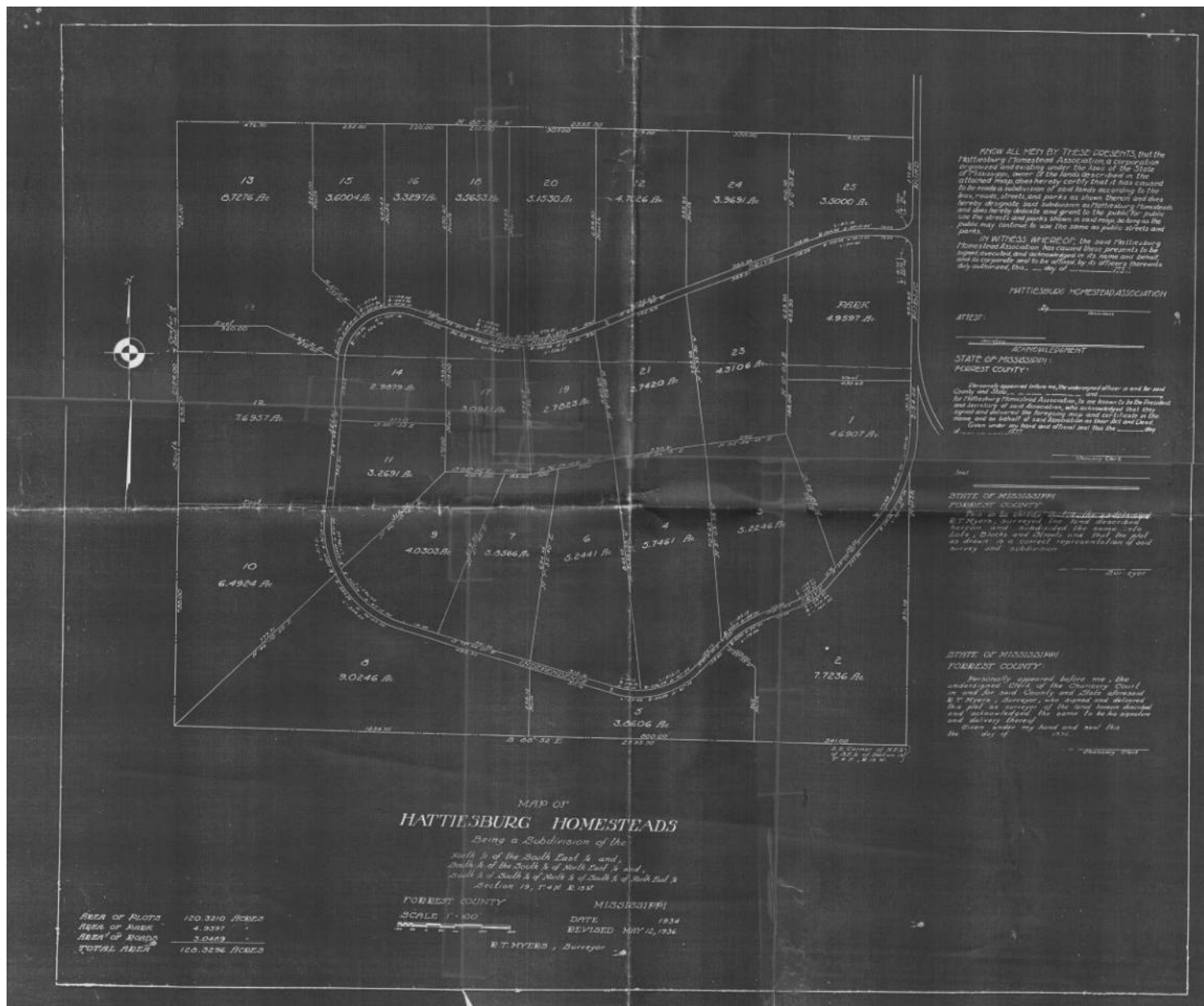


Surrounding Area

Proposed major subdivision
creating a total of 5 lots



Original “Hattiesburg Homesteads” Survey



Original “Hattiesburg Homesteads”



Photos from the Library of Congress – taken in August 1935 by Arthur Rothstein for the US Farm Security Administration of one of the original “Homesteads”, taken shortly after the Pinehills Subdivision was established.

<https://www.loc.gov/pictures/related/?fi=subject&q=Subsistence%20homesteads--Mississippi>



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: JACOB S HEMPER

Project Name: Pinehills

Proposed Use(s): SFH Lots

Project Street Address: 111 Pinehills Dr

PPIN Number(s) (if unknown, can be found on tax receipt): 017198

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: divide existing lot into 5 lots

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: _____ 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. _____

RECEIVED DATE & INITIALS:

PROJECT REPRESENTATIVE INFORMATION:**Primary:**

Name: <u>JACOB SEMPER</u>		
☐ Applicant	☒ Property Owner	☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____		
Phone: <u>601-270-6761</u>	Fax: _____	Email: <u>jrsemper@gmail.com</u>
Mailing Address: <u>1109 Rushing Ave, Hattiesburg MS 39402</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: _____		

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

Street Address _____ City _____ State _____
on this the 21st day of MARCH, 2024.

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.

JACOB SHERMER
on this the 21st day of MARCH, 2024.

JACOB SHERMER
Property Owner (print)
[Signature]
Property Owner (signature)

STATE OF MS
COUNTY OF Lamar

Personally came and appeared before me, the within named

Jacob Shermer
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 21 day of
March, 2024.

Melissa A Brannon
NOTARY PUBLIC

My Commission Expires:



Last updated 7/31/2023

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

111 Pinehill Hattiesburg MS
Street Address City State

on this the 21 day of March, 2024

JACOB S HEMPHRIS

Applicant (print)

[Signature]
Applicant (signature)

STATE OF MS

COUNTY OF Lamar

Personally came and appeared before me, the within named

Jacob Shempin,
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 21 day of March, 2024.

Melissa A. Brannon
NOTARY PUBLIC

My Commission Expires



PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER
REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00pm (End of business day)
 Hattiesburg Planning Commission Meeting Date: _____ Time: 1:00pm
 Hattiesburg Board of Adjustment Meeting Date: _____ Time: 3:30pm

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 Date – (you or your representative should attend): _____ Time: 4:00pm
 City Council Meeting (Vote) Date – (you or your representative may attend): _____ Time: 5:00pm
 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 wait period for Zoning or Street closing/re-naming, PMUs, PRDs, PUDs which ends _____. So, if approved by the City, no final site plan review approvals or building permits could be issued prior to these dates.

****Dates and times are subject to change****

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 building, 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 planning@hattiesburgms.com
- ☒ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the 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 a separate document)
- ☐ Variance application only: A letter of approval/denial from all adjoining property owners must be obtained and submitted with application.
- ☐ 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 \$ 675.10

**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 No. 2977, adopted January 22, 2008, as amended. This is an excerpt from that ordinance:

Public Hearing Fees:

Variance (includes Concept Site Plan Review) ----- and one Variance request; plus \$50.00 for each additional variance request within same application	\$175.00 per application
Street/Alley Naming or Re-Naming----- 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.)	\$300.00 per application,
Street/Alley Closing -----	\$300.00 per application
(Conditional) Use Permit -----	\$200.00 per application
Zoning Change ----- (*see PUD or PRD & zoning package rate)	\$400.00 per application*
Planned Unit Development (PUD) or Planned Residential Development (PRD), & (Planned Mixed-Use District PMU) ----- (*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate)	\$400.00 per application
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package ----- application	\$600.00 per package
Subdivision of Land (Preliminary Plats) ----- plus \$10.00 for each created lot (** see PUD or PRD & Subdivision of Land package rate) Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats.	\$225.00 per application,
Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package** ----- plus \$10.00 for each created lot (**see PUD or PRD & Subdivision of Land package rate)	\$500.00 per application,
Change in Land Development Code Text -----	\$200.00 per application
Appeal Fees for Proponent or Opponent appeals to City Council ----- Exempt from fees – Established Neighborhood Associations	\$50.00 per appeal
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 ----- mailing labels)	\$50.00 (per each 100

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

FOR VARIANCE APPLICANTS:

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4). **Section 12.4.1** Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended. Not all criteria must be met. However, a strong application will meet multiple criteria.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

1. **Hardship.** (a) the hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

6. **Conformance with Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.

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.

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

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

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

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

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

8. Parking requirements:

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

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

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:

PROJECT SUMMARY:

- Applicant requests to modify an existing platted subdivision for new construction of 5 single family residential homes
 - Rezoning of this property was approved by the City Council in 2006, with the condition that the construction of a planned residential development would be completed within 36 months. Otherwise, the zoning would be reverted to A-2 (Ordinance 2943, Minute book 2007-1 page 361)
 - Staff to confirm with City Attorney if the 2006 Ordinance No.2943 is still active and if the zoning is R-1A. Applicant will have to rezone if the ordinance is still active.
- This request will require a public hearing with Planning Commission.
 - A preliminary plat for the major subdivision is required prior to the public hearing. To file a final plat a title abstract is also required.
- For abandoning that portion of the major subdivision, Mississippi State law need to be followed: 17-1-23 and 19-27-31
 - Can run concurrent with the preliminary plat approval and combined with request

Subdividing of Lot, Parcel or Tract Information

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains 2-039K-19-02⁰⁰ Square Footage/Acres

Lot Area Requirement: _____

Lot Frontage Requirement: _____

Existing use of lot/parcel/tract _____

To be subdivided into 5 lots/parcels (including parent parcel) – outlined below.

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

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. 1	.89	Y	N	Pinehills		
2. 2	.84	Y	N	Pinehills		
3. 3	.79	Y	N	Pinehills		
4. 4	.75	Y	N	Pinehills		
5. 5	.70	Y	N	Pinehills		
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)				

2. Infrastructure required:

Water/Sewer ☒ Gas ☐ Electric ☒ Telephone ☐ Cable ☐ Streets ☐

Street/Alley Renaming, Closing, or Vacating Information

1. Please indicate specific request(s): ☐ Street ☐ Alley
 ☐ Closing ☐ Vacating ☐ Naming ☐ Re-Naming
2. Current name of street/alley to be named/re-named, vacated, or closed:

3. Proposed name of street/alley to be named or re-named (If applicable):

4. Describe the portion of the street/alley to be renamed, closed, or vacated (use all bounding or intersecting streets/alleys, from and to):

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

6. Describe existing land use of properties and number of residents affected by renaming the street/alley within 400 feet.

Type of Land Use of adjacent development	Number of properties adjacent to the existing street	Number of property owners adjacent to the existing street	Number of residents affected by the change of address	
Businesses				
Residences				
Apartments				
Churches/Schools				
Other				

Any additional Information: _____

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

6. Have applications for zoning, variance, building permit, or other applications been filed?

_____ Yes _____ No

If yes, provide reference numbers and dates: _____

7. Acknowledgment of property owners affected by the street/alley renaming. Include all names and addresses.

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



Attach Acknowledgement of Affected residents/business

As Additional Page(s)



DEED

Bk:1440 Page:412-413**RCD: 02/07/2024 @ 2:35:02:PM****FORREST COUNTY, MS****LANCE C. REID CHANCERY CLERK****THIS INSTRUMENT PREPARED BY:**

Richard & Thomas, PLLC
 132 Westover Drive
 Hattiesburg, MS 39402
 (601) 602-2457

Indexing Instructions: The property described in this instrument is situated in Unit 24, Hattiesburg Homesteads Subdivision, City of Hattiesburg, Forrest County, Mississippi. Please index accordingly in the sectional index.

RETURN TO:

Richard & Thomas, PLLC
 132 Westover Drive
 Hattiesburg, MS 39402
 (601) 602-2457

STATE OF MISSISSIPPI**COUNTY OF FORREST****WARRANTY DEED**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned GRANTOR

GARNER PROPERTY & DEVELOPMENT, LLC,**a Mississippi limited liability company**

98 Waterford Place
 Hattiesburg, MS 39402
 (601) 271-8710

does hereby grant, bargain, sell, convey and warrant unto GRANTEE

SHEMPER PROPERTIES, LLC,**a Mississippi limited liability company**

1109 Rushing Avenue
 Hattiesburg, MS 39402
 (601) 270-6761

the following described real property, lying and being situate in Forrest County, Mississippi, described as follows, to-wit:

All of Unit 24 of the Hattiesburg Homesteads Subdivision, Hattiesburg, Forrest County, Mississippi, as per the map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi; all together with all improvements thereon and appurtenances thereunto belonging.

Grantor and Grantee shall pro-rate county and state ad valorem taxes for 2024.

The above warranty and this conveyance is made subject to prior reservations of oil, gas and other minerals by former owners.

File No. 24-02-087

The above warranty and this conveyance is made subject to any and all valid and outstanding oil, gas and mineral leases, exceptions, reservations and conveyances.

The above warranty and this conveyance is made subject to any and all covenants, restrictions or conditions of record or in use of the subject property, and any and all rights of way and easements for public roads and public utilities as presently laid out, constructed or in use.

This above warranty and this conveyance is made subject to that sewer easement to City of Hattiesburg recorded in Land Deed Book 342 at Page 161 in the office of the Chancery Clerk of Forrest County, Mississippi.

WITNESS THE SIGNATURE of said limited liability company by its member, after being duly authorized by said company so to sign, execute and deliver the same, on this, the 7th day of February, A.D., 2024.

GARNER PROPERTY & DEVELOPMENT, LLC,
a Mississippi limited liability company

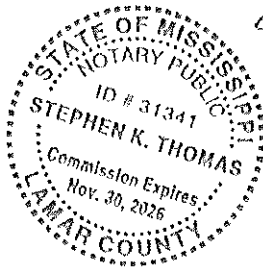
By: 
T. LAKE GARNER, Member

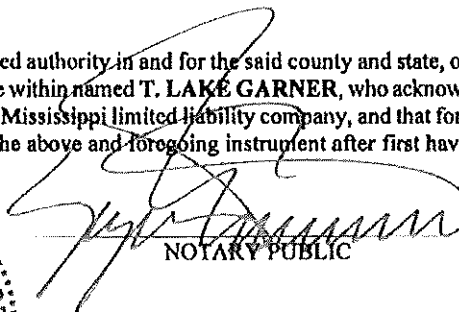
STATE OF MISSISSIPPI

COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, on this 7th day of February, A.D., 2024, within my jurisdiction, the within named **T. LAKE GARNER**, who acknowledged that he is Member of Garner Property & Development, LLC, a Mississippi limited liability company, and that for and on behalf of said company and as its act and deed, he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

My Commission Expires:



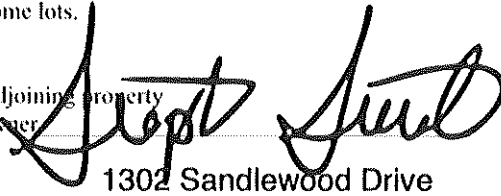

NOTARY PUBLIC

2024

111 Pinehills Drive
Hattiesburg, MS 39402

I have seen the proposed lot map and approve Jacob Shemper's proposal to subdivide the existing 4 acre lot into 5 single family home lots.

Adjoining property
owner


1302 Sandlewood Drive

Canfield

112 Pine hills

March 19, 2024

111 Pinehills Drive
Hattiesburg, MS 39402

I have seen the proposed lot map and approve Jacob Shemper's proposal to subdivide the existing 4 acre lot into 5 single family home lots.

Adjoining property owner _____

I talked to Mr. Canfield &
his daughter for 1/2 hour. He is not
in favor of this project.
jschemper

Kennedy 107 Pinchills

March 19, 2024

111 Pinchills Drive
Hattiesburg, MS 39402

I have seen the proposed lot map and approve Jacob Shemper's proposal to subdivide the existing 4 acre lot into 5 single family home lots.

Adjoining property owner William Kennedy

104 Brycenwood

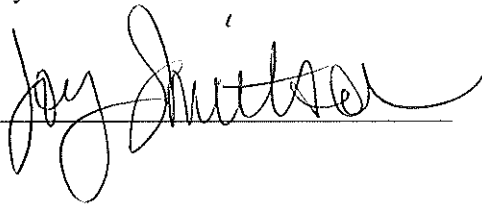
Smithson

March 19, 2024

111 Pinehills Drive
Hattiesburg, MS 39402

I have seen the proposed lot map and approve Jacob Shemper's proposal to subdivide the existing 4 acre lot into 5 single family home lots.

Adjoining property owner

A handwritten signature in cursive script, appearing to read "Jay Smithson", is written over a horizontal line.

March 19, 2024

111 Pinehills Drive
Hattiesburg, MS 39402

I have seen the proposed lot map and approve Jacob Shemper's proposal to subdivide the existing 4 acre lot into 5 single family home lots.

Adjoining property owner CHAD HILL, 108 ALEXANDER DRIVE

A handwritten signature in blue ink, appearing to read "Chad Hill", is written over the line of the adjoining property owner's name.

Satcher, Nathaniel

From: Jacob Shemper <jrshemper@gmail.com>
Sent: Friday, April 5, 2024 1:04 PM
To: Satcher, Nathaniel
Subject: Pinehills / SHEMPER

To whom it may concern,

I went door to door and explained to all of the available land owners what I would like to do with the property located at 111 Pinehills Drive. I've provided letters from all the property owners to the planning commission. The only gentleman I spoke with who was not in favor of the project was Mr Canfield. Mr Canfield explained to me numerous times in our meeting about a situation with Wesley Breland. He stated that Mr Breland had at one time tried to put low income housing on the site and that the neighborhood was not in favor of that. I tried to explain to Mr Canfield that these would be higher end single family homes and would improve comps in the neighborhood and would not be low income rentals or any kind of multi family housing. Other than that meeting everyone I spoke with was fine with subdividing the 4 acres into 5 SFH lots.

Regards,

Jacob Shemper

June HPC Item: G
Hattiesburg Public School District, owner, and Hunter Andrews, engineer
Request for: **Zoning Change From R-1C to B-2**



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Planning Commission
Case Fact Sheet**

Names of Petitioner: Hattiesburg Public School District, owner, and Hunter Andrews, engineer

Address of Property:	County:	PPIN:	Ward:
South Street / Stadium Drive	Forrest	26633, 26636	2

Request: **Zoning Change From R-1C to B-2**

Purpose of Request:

Hattiesburg Public School District, owner, and Hunter Andrews, engineer, request approval for rezoning of multiple properties from R-1C (Single-family residential) to B-2 for vacant properties that are bound by South Street to the east, and Stadium Drive to the West. (PPIN 26633, 26636, Ward 2, Forrest County).

History / Background:

The applicant met with staff in a pre-application meeting to discuss the development of an additional parking lot for Hattiesburg High School on vacant property they own near the school. The parking lot would span across three parcels, two of which are zoned R-1C, with the remaining lot (which directly fronts Stadium Drive) being zoned B-2. To establish a stand-alone parking lot, the parcels zoned R-1C require a zoning change.

At the time of this request, the recent text amendment that would allow this type of use on an R-3 parcel was not in effect and would not have been applicable to the applicant when they submitted an application. The zoning would need to be a minimum of B-2 to establish a parking lot, which one of their lots already is. B-2 allows for the use as a parking lot for the proposed property, but if approved, would also create a zoning buffer requirement for its adjacency to residentially zoned properties. The applicant has proposed a parking design that encroaches on that zoning buffer and is also requesting a variance for relief.

The parking lot design has been reviewed by the site and design review committee, but has not yet been approved. The applicant will also need to collapse the parcels into a single parcel and will be required before the ordinance can be approved by City Council.

Applicant Summary: * See Attached *

June HPC Item: G
Hattiesburg Public School District, owner, and Hunter Andrews, engineer
Request for: **Zoning Change From R-1C to B-2**

Applicable Regulations:

SECTION 4 Zoning Districts Established

R-1C Single-Family Residential: The purpose of the R-1C 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.

B-2 Neighborhood Business: 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 6.1 District 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-1C	5,000/ 50	1 per lot	-	20	-	10	25	35 feet or 3 stories	50%	-
R-2	4,000/ 40	2 per lot	-	20	-	10	20	35 feet or 3 stories	50%	-
R-3	7,500/ 40	17 per acre	-	20	-	5	20	35 feet or 3 stories	50%	-
B-1	0/100	-	.75	20	25	0 or 15	0	35 feet or 3 stories	80%	20
B-2	4,000/ 100	-	0.75	0	10	0 or 10	0	35 feet or 3 stories	80%	20

Present Zoning: The parcels are currently zoned R-1C Single-Family Residential

Present Use: Vacant / Undeveloped

Future Land Use: Neighborhood Conservation District 1

Surrounding Zoning: North: B-2 Neighborhood Business
South: R-1C Single-Family Residential
East: R-1C Single-Family Residential
West: B-2 Neighborhood Business

June HPC Item: G
Hattiesburg Public School District, owner, and Hunter Andrews, engineer
Request for: **Zoning Change From R-1C to B-2**

Letters or

Concerns stated: The Planning Division has not received any letters of concern as of the writing of this report on May 28th, 2024.

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

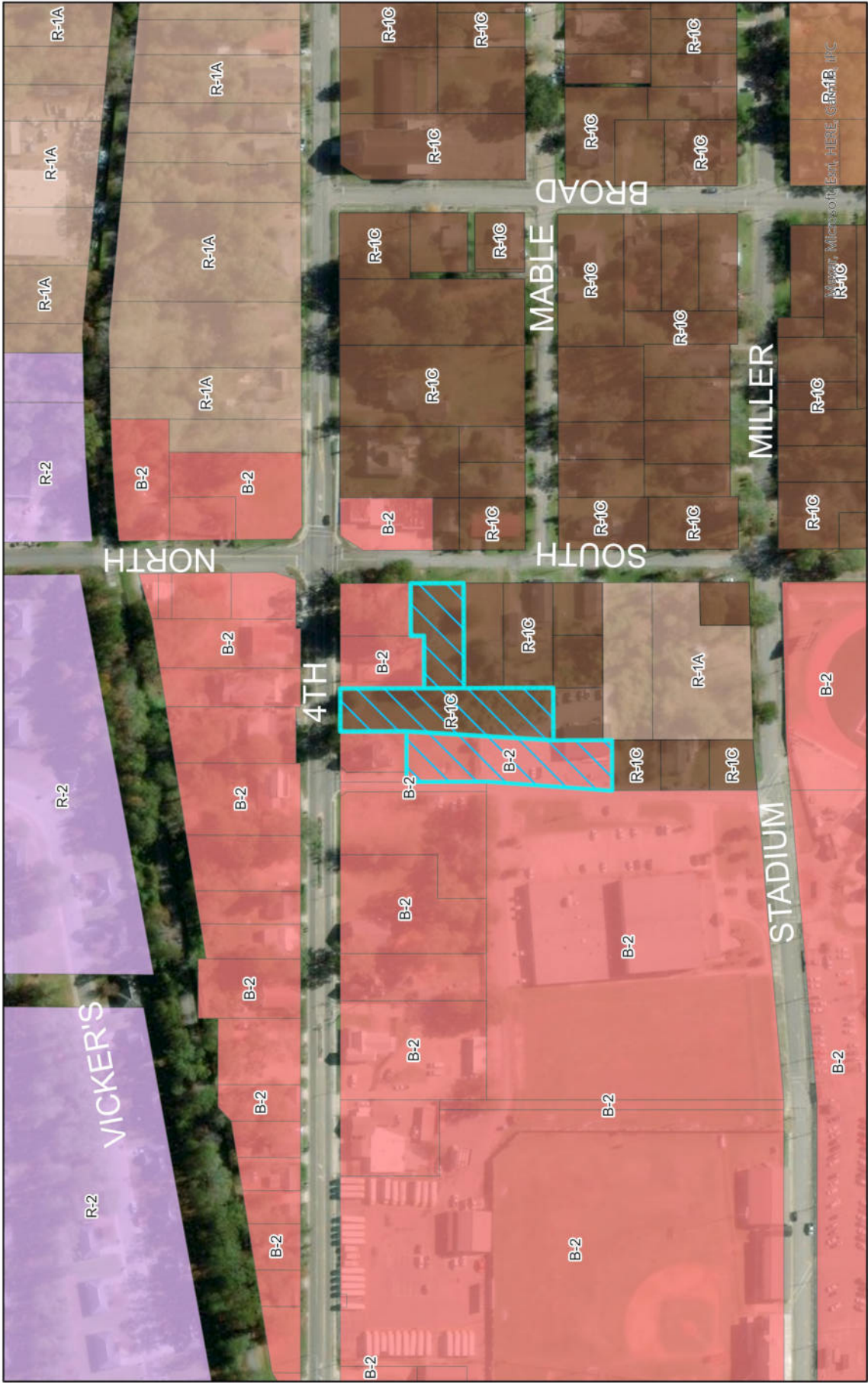
Recommend **approval** or **denial** of the request for a Zoning Change

SUBJECT PARCEL

Property on South Street / Stadium Drive—Zoning Change Request

Hattiesburg Public School District, owner, and Hunter Andrews, engineer, request approval for rezoning of multiple properties from R-1C (Single-family residential) to B-2 for vacant properties that are bound by South Street to the east, and Stadium Drive to the West. (PPIN 26633, 26636, Ward 2, Forrest County).





Zoning Map

- R-1A
- R-1B
- R-1C
- R-2
- B-2
- Subject Property

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/8/2024 5:35 PM





**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°18'23"W 31°19'54"N

Stadium Drive
Zoned B-2; R-1C
PPIN: 26632, 26633, & 26636
Flood Zone: X
Ward 4, Forrest County



Map: Microsoft, Esri, HERE, Garmin, IGC

Zoning Map

-  Neighborhood Business
-  Neighborhood Conservation District 1
-  Subject Property

Stadium Drive
Zoned B-2; R-1C
PPIN: 26632, 26633, & 26636
Flood Zone: X
Ward 4, Forrest County



Center: 89°18'22"W 31°19'52"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/8/2024 5:36 PM

Site Aerial



Area requested for rezone request for parking lot

Surrounding Area

North of proposed zoning change on W 4th Street, largely zoned B-2

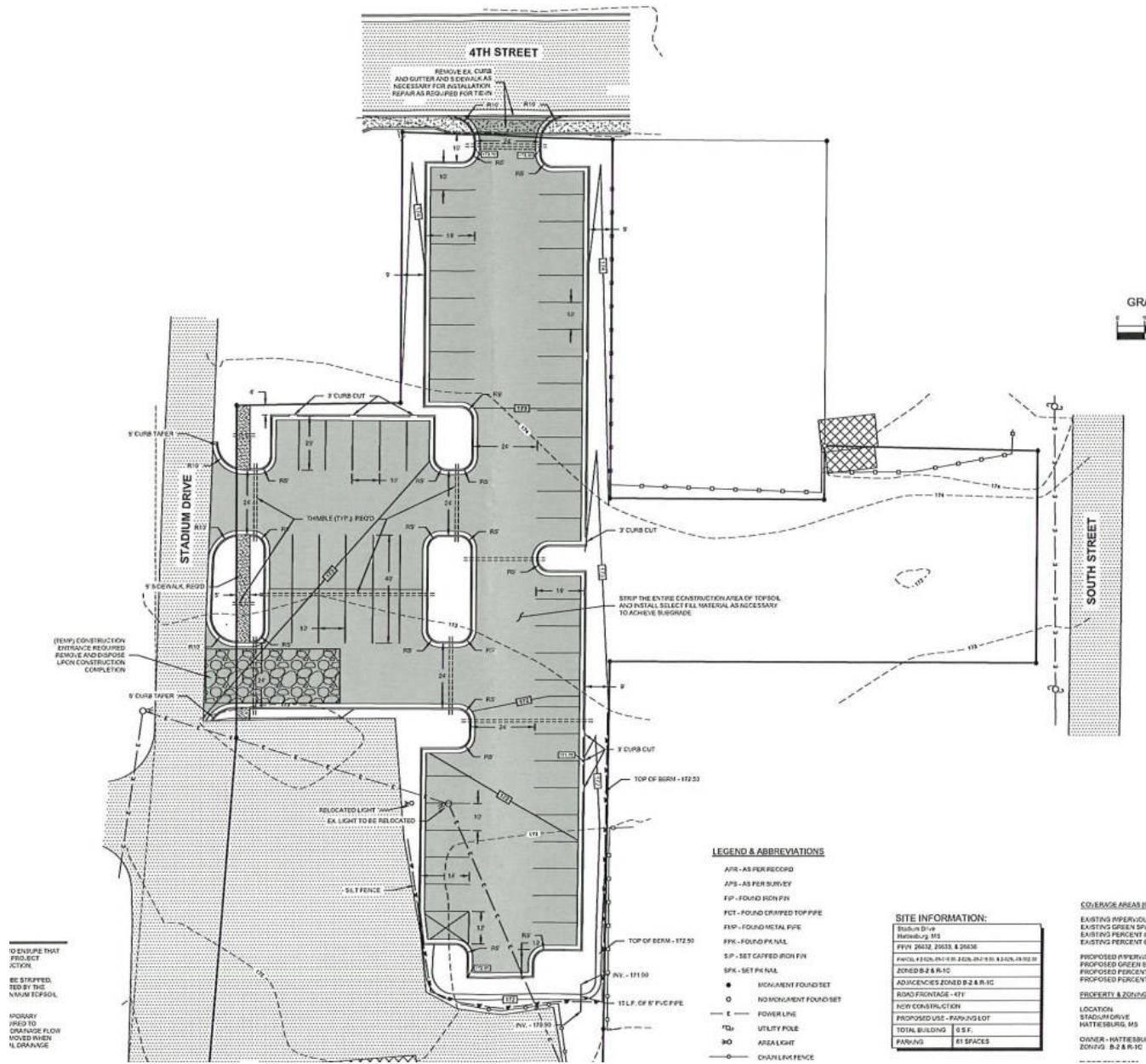


Adjacent Parking lot for Hattiesburg High School, south of the proposed zoning change



Preliminary Design of Parking Lot

Note: Zoning changes are not bound to site plans and are subject to change





URBAN DEVELOPMENT PLANNING DIVISION

RECEIVED
MAR 25 2024

BY: MS

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: Hattiesburg Public School District

Project Name: Stadium Drive Parking Lot

Proposed Use(s): Parking lot

Project Street Address: Stadium Drive

PPIN Number(s) (if unknown, can be found on tax receipt): 26632, 26633, & 26636

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: <u>10' green strip</u> | ☐ 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: B-2 & R-1C

Proposed Zoning: B-2

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:

PROJECT REPRESENTATIVE INFORMATION:**Primary:**Name: Hunter Andrews☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☒ Engineer☐ Other (please specify): _____Phone: 601-408-7703 Fax: _____ Email: hunter@andrewsengineering.netMailing Address: P.O. Box 1935**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: _____

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
301 Mamie Street Hattiesburg MS
 Street Address City State
 on this the 22nd day of March, 2024.

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. N/A

on this the 22nd day of March, 2024.

Hattiesburg Public Schools
 Property Owner (print)

[Signature]
 Property Owner (signature)

STATE OF Mississippi

COUNTY OF Forrest

Personally came and appeared before me, the within named

Robert L. Williams
 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 22nd day of March, 2024.

[Signature]
 NOTARY PUBLIC

My Commission Expires:

12/22/25

Last updated 7/31/2023



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

Street Address _____ City _____ State _____

on this the _____ day of _____, 20____.

Applicant (print)

Applicant (signature)

STATE OF _____

COUNTY OF _____

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 _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:

PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER

REQUIRED SUBMITTAL INFORMATION

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

Hattiesburg Planning Commission Meeting Date: _____ Time: 1:00pm

Hattiesburg Board of Adjustment Meeting Date: _____ Time: 3:30pm

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 Date – (you or your representative should attend): _____ Time: 4:00pm

City Council Meeting (Vote) Date – (you or your representative may attend): _____ Time: 5:00pm

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 wait period for Zoning or Street closing/re-naming, PMUs, PRDs, PUDs which ends _____. So, if approved by the City, no final site plan review approvals or building permits could be issued prior to these dates.

****Dates and times are subject to change****

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 building, 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 planning@hattiesburgms.com
- ☒ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the 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 a separate document)
- ☐ Variance application only: A letter of approval/denial from all adjoining property owners must be obtained and submitted with application.
- ☒ 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 \$_____.

**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 No. 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 (*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package -----	\$600.00 per package application
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) 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 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)

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

FOR VARIANCE APPLICANTS:

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4). **Section 12.4.1** Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended. Not all criteria must be met. However, a strong application will meet multiple criteria.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

1. **Hardship.** (a) the hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

Due to the property dimensions and the required parking space and drive isle dimensions, a narrower green space and buffer will be needed to make use of the property.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

No knowledge of other lands being denied similar requests.

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

There is a need for additional parking at Hattiesburg High School. Without the requested variances, the property will not provide adequate parking.

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

Without the requested variances, the property will not provide adequate parking.

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

Only the minimum variances are being requested.

6. **Conformance with Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

It does not.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.

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.

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

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

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

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

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

8. Parking requirements:

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

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

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 surrounding properties are zoned B-2. A B-2 zoning is required for a parking lot.

The parking lot will serve the Hattiesburg Public School District.

Subdividing of Lot, Parcel or Tract Information

1. Property data:

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

Lot Area Requirement: _____

Lot Frontage Requirement: _____

Existing use of lot/parcel/tract _____

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

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

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.						
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)				

2. Infrastructure required:

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

Street/Alley Renaming, Closing, or Vacating Information

1. Please indicate specific request(s): ☐ Street ☐ Alley
 ☐ Closing ☐ Vacating ☐ Naming ☐ Re-Naming
2. Current name of street/alley to be named/re-named, vacated, or closed:

3. Proposed name of street/alley to be named or re-named (If applicable):

4. Describe the portion of the street/alley to be renamed, closed, or vacated (use all bounding or intersecting streets/alleys, from and to):

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

6. Describe existing land use of properties and number of residents affected by renaming the street/alley within 400 feet.

Type of Land Use of adjacent development	Number of properties adjacent to the existing street	Number of property owners adjacent to the existing street	Number of residents affected by the change of address	
Businesses				
Residences				
Apartments				
Churches/Schools				
Other				

Any additional Information: _____

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

6. Have applications for zoning, variance, building permit, or other applications been filed?

_____ Yes _____ No

If yes, provide reference numbers and dates: _____

7. Acknowledgment of property owners affected by the street/alley renaming. Include all names and addresses.

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

Attach Acknowledgement of Affected residents/business

As Additional Page(s)

STATE OF MISSISSIPPI

COUNTY OF FORREST

2007 OCT 31 PM 12:14
126726

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and 00/100, Dollars
(10.00), and other good and valuable consideration, not herein mentioned, the receipt and
sufficiency of all of which is hereby acknowledged, **ROBERT J. MARTIN**, the grantor
herein, does hereby grant, bargain, sell, convey and warrant unto, **HATTIESBURG
PUBLIC SCHOOL DISTRICT**, the grantee herein, the following described lands,
together with any and all improvements thereon and appurtenances thereunto belonging,
said lands being more particularly described as follows, to-wit:

A Part of the Northeast Quarter of the Northwest Quarter (NE ¼ of
NW ¼) of Section Nine (9), Township Four (4) North, Range Thirteen
(13) West, in the County of Forrest, State of Mississippi, and more
particularly described as follows to wit: Beginning 20 feet West and
142.75 feet South of the Northeast corner of the Northeast Quarter of
the Northwest Quarter (NE ¼ of NW ¼) of said Section, Township
and Range, and run thence West for Distance of 79.3 feet; thence run
South for a distance of 20 feet; thence run West for a distance of 79.3
feet; thence South of a distance of 60 feet; thence run East for a
distance of 158.60 feet; thence run North for a distance of 80 feet to
the point of beginning.

The above warranty and this conveyance is subject to any and all valid and
outstanding oil, gas and other mineral leases, reservations, exceptions and conveyances.

Taxes for the year of 2007 shall be prorated as of the date of this instrument and
assumed by the Grantees herein. It is specifically agreed and understood that taxes for
the current year are prorated based upon previous years' taxes.

Subject to any covenants, restrictions and easements affecting the subject property
which may be of record in the Office of the Chancery Clerk of Forrest County,
Mississippi.

Percy Watson
P.O. Box 1767
Hattiesburg 39403

BOOK 1024 PAGE 0283

1

GRANTORS' ADDRESS:

3162 Hwy 49 E.
Collins, Ms 39482
 PHONE: 601-307-3564

GRANTEE'S ADDRESS

301 Mamie Street
Hattiesburg, MS 39401
 PHONE: (601) 582-5070

WITNESS MY SIGNATURE, on this the 25th day of June, A.D., 2007.

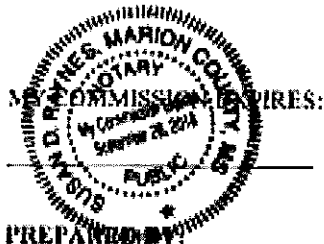
Robert J. Martin
 ROBERT J. MARTIN

STATE OF MISSISSIPPI
 COUNTY OF FORREST

PERSONALLY came and appeared before me, the undersigned authority in and for said county and state, the within named **ROBERT J. MARTIN**, who acknowledged that he signed, executed and delivered the above and foregoing instrument on the day and year therein mentioned as her own voluntary act and deed.

WITNESS MY SIGNATURE AND SEAL, of office on this the 25th day of June, A.D., 2007.

Susan D. Payne
 ROTARY PUBLIC



PREPARED BY:
 TSI- TITLE SERVICES, LLC
 7 WOODSTONE PLAZA, SUITE 7
 HATTIESBURG, MISSISSIPPI 39402
 PHONE: 601-264-3500

BOOK 1024 PAGE 0284

Chancery Clerk Please Index Int A Part of the Northeast Quarter of the Northwest
Quarter (NE ¼ of NW ¼) of Section Nine (9), Township Four (4) North, Range
Thirteen (13) West, in the County of Forrest, State of Mississippi

BOOK 1024 PAGE 0285

3

Prepared by:
Percy W. Watson, Esq.
Attorney at Law
Post Office Box 1767
Hattiesburg, MS 39403
(601)545-1051
MSB#6994

INDEXING INSTRUCTIONS:
4th Street, Section 9,
T4N R13W
City of Hattiesburg,
Forrest County, Mississippi

Return to:
Percy W. Watson, Esq.
Attorney at Law
Post Office Box 1767
Hattiesburg, MS 39403
(601)545-1051

**STATE OF MISSISSIPPI
COUNTY OF FORREST**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00), cash in hand paid and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, We,

KEITH MARTIN, BURNEY MARTIN and DONNA GATES
8374 Chickamauga Trail
Shreveport, LA 71107
(318) 550-8623;

do hereby grant, bargain, sell, convey and warrant unto:

HATTIESBURG PUBLIC SCHOOL DISTRICT
301 Mamie Street
Hattiesburg, MS 39401
(601) 582-5078 ;

all of our interest, right and title in the following described property lying and being situated in the County of Forrest, State of Mississippi, and being more particularly described as follows, to-wit:

**Inst. 706650
Bk 1154 Pg 0574**

Begin 30 feet South and 178 2/3 feet West of the Northeast corner of the NE 1/4 of the NW 1/4; thence South 327.75 feet; thence West 79.3 feet; thence North 327.75 feet to 4th Street, thence East 79.3 feet to beginning; Section 9, Township 4 North, Range 13 West, Forrest County, Mississippi, location being 614 W. 4th Street.

The grantors hereby certify that they are the sole and only heirs at law of Burney W. Martin, who died on May 17, 2009, in Stone County, Mississippi.

The above warranty and this conveyance is made subject to any and all valid and outstanding oil, gas and mineral leases, exceptions, reservations and conveyances.

The grantors hereby certify that the above described property does not now and has never constituted a part of their homestead.

WITNESS OUR SIGNATURES on this the 3rd day of June, A.D., 2013.



KEITH MARTIN



BURNLEY MARTIN



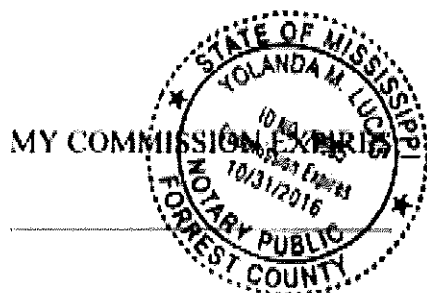
DONNA GATES

Inst. 706650
Bk 1154 Pg 0575

STATE OF MISSISSIPPI
COUNTY OF FORREST

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this 3rd day of June, 2013, within my jurisdiction, the within named **KEITH MARTIN**, who acknowledged that he signed, executed and delivered the above and foregoing instrument.

SWORN TO AND SUBSCRIBED TO BEFORE ME on this the 3rd day of June, A.D., 2013.

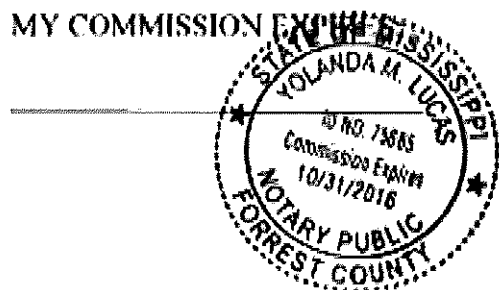


Yolanda M. Lucas
NOTARY PUBLIC

STATE OF MISSISSIPPI
COUNTY OF FORREST

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this 3rd day of June, 2013, within my jurisdiction, the within named **BURNEY MARTIN**, who acknowledged that he signed, executed and delivered the above and foregoing instrument.

SWORN TO AND SUBSCRIBED TO BEFORE ME on this the 3rd day of June, A.D., 2013.



Yolanda M. Lucas
NOTARY PUBLIC

Inst. 706650
Bk 1154 Pg 0576

STATE OF MISSISSIPPI
COUNTY OF FORREST

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this 3rd day of June, 2013, within my jurisdiction, the within named **DONNA GATES** who acknowledged that she signed, executed and delivered the above and foregoing instrument.

SWORN TO AND SUBSCRIBED TO BEFORE ME on this the 3rd day of June, A.D., 2013.

Yolanda M. Lucas
NOTARY PUBLIC

MY COMMISSION EXPIRES:



Inst. 706650
Bk 1154 Pg 0577

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (BEARINGS ARE BASED ON GRID NORTH)

COMMENCING AT A METAL PIPE AT THE NW CORNER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI; THENCE RUN S89°13'31"E FOR 2417.50' TO A CONCRETE MONUMENT ON THE SOUTHERN RIGHT-OF-WAY OF 4TH STREET FOR THE POINT OF BEGINNING; THENCE RUN S87°54'04"E ALONG SAID RIGHT-OF-WAY FOR 78.20' TO A CAPPED IRON PIN; THENCE RUN S0°09'22"W FOR 132.88' TO A CRIMPED TOP PIPE; THENCE RUN S89°35'11"E FOR 79.24' TO A METAL PIPE; THENCE RUN N0°09'22"E FOR 20.00'; THENCE RUN S88°36'47"E FOR 79.40' TO AN IRON PIN ON THE WESTERN RIGHT-OF-WAY OF SOUTH STREET; THENCE RUN S0°06'52"W ALONG SAID RIGHT-OF-WAY FOR 78.58' TO AN IRON PIN; THENCE RUN N89°45'52"W FOR 158.34' TO A CAPPED IRON PIN; THENCE RUN S0°35'48"W FOR 136.14' TO AN IRON PIN; THENCE RUN S0°35'48"W FOR 75.00' TO A CAPPED IRON PIN; THENCE RUN N89°44'00"W FOR 77.40'; THENCE RUN S0°17'18"W FOR 8.86' TO A PK NAIL; THENCE RUN N89°13'08"W FOR 76.50' TO A PK NAIL ON THE EASTERN RIGHT-OF-WAY OF STADIUM DRIVE; THENCE RUN N4°26'30"E ALONG SAID RIGHT-OF-WAY FOR 190.95' TO A PK NAIL; THENCE RUN N0°10'05"W ALONG SAID RIGHT-OF-WAY FOR 123.31' TO A CAPPED IRON PIN; THENCE RUN N89°09'04"E FOR 60.81' TO A CAPPED IRON PIN; THENCE RUN N0°13'04"E FOR 100.21' BACK TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 1.45 ACRES MORE OR LESS.

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
301 MAMIE STREET HATTIESBURG MS
 Street Address City State
 on this the 22 day of MARCH, 2024

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 N/A

on this the 22 day of MARCH, 2024.

Hattiesburg Public Schools
 Property Owner (print)

[Signature]
 Property Owner (signature)

STATE OF Mississippi

COUNTY OF Forrest

Personally came and appeared before me, the within named

Robert L. Williams
 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 22nd day of
March, 2024.

[Signature]
 NOTARY PUBLIC

My Commission Expires:

12/22/25

Last updated 7/31/2023



June HPC Item: H
Stephen Ward, owner
Request for: **Modification to a Platted Subdivision**



**Planning Commission
Case Fact Sheet**

Names of Petitioner: Stephen Ward, owner

Address of Property:	County:	PPIN:	Ward:
145 W 5 th Street	Forrest	17253, 17254	2
116 Columbia Street			

Request: **Modification to a Platted Subdivision**

Purpose of Request: Stephen Ward, owner, requests approval to alter the platted subdivision known as "Hawkins and Thompson Subdivision" to subdivide the properties located at 145 W 5th Street and 116 Columbia Street to create two separate single-family residential lots (PPIN 17253 and 17254, Ward 2, Forrest County).

History / Background:

The applicant met with staff in a pre-application meeting to discuss changing the current property and lot boundaries at 145 W 5th Street and 116 Columbia Street. Both addresses, 145 W 5th Street and 116 Columbia Street, are on the same parcel (PPIN 17254) and are considered a legal non-conforming use, with two single-family homes on the same lot. The adjacent parcel to the east (PPIN 17253) is vacant. Both parcels currently have frontages on both Columbia and W 5th Street, and the applicant proposes changing the dividing boundary from a north/south orientation to an east/west orientation. The proposed change would create two legally conforming lots, each with only one single-family structure and a large side yard. This would also prohibit any new single-family structures from being constructed on the currently vacant lot with the current zoning regulations. The newly created lots would conform to the dimensional standards of the R-1B zoning district.

These properties are located within the North Main Historic District, so any changes to the exterior would be subject to review by the Hattiesburg Historic Conservation Commission. The tenant of 145 W 5th Street initially met with planning staff to discuss adding a parking area into the adjacent vacant lot, with the intent to purchase a portion of the lot and 145 W 5th Street. Following this discussion, the applicant was directed to pursue a subdivision modification request after staff reviewed the proposal.

By definition, this is considered a minor subdivision, which only requires staff-level approval through the site plan review committee. However, the proposed division is in the platted subdivision known as the "Hawkins and Thompson Subdivision." Platted subdivisions are subject to state requirements for alteration as recorded. State law provides two routes to pursue alteration of a subdivision, under Miss. Code Ann. § 17-1-23 or Miss. Code Ann. § 19-27-31. The applicant

June HPC Item: H
Stephen Ward, owner
Request for: **Modification to a Platted Subdivision**

is pursuing a modification following Miss. Code Ann. § 17-1-23, which allows a request to be petitioned to the city council for modification. This is why a minor subdivision is being presented in a public hearing to the Planning Commission for approval.

Applicable Regulations:

SECTION 4 - Zoning Districts Established

R-1C Single-Family Residential: The purpose of the R-1C 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 - 6.1 District 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-1B	7,500/ 50	1 per lot	-	25	-	10	25	35 feet or 3 stories	50%	-

SECTION 12 – Processes

12.5 Administrative Development Approvals; Process.

12.5.1 Subdivisions.

12.5.1.1 Minor Subdivision Approval.

i. Approval Criteria.

- Conformance with the 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 that apply.
- Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision 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.

12.5.1.3 Recording. In order to be an official and legal plat, final approved plats must be recorded with the Chancery Clerk of Forrest or Lamar County, as appropriate. The Director shall ensure that the City records this information in a timely fashion.

SECTION 13 – DEFINITIONS

Plat: A complete and exact map representing a tract of land, showing the boundaries and location of individual lots, easements, and streets, which has been approved by the planning commission

June HPC Item: H
Stephen Ward, owner
Request for: **Modification to a Platted Subdivision**

and recorded in the office of the county clerk. Includes a replat.

Preliminary Plat: The preliminary drawing or drawings, described in this ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the appropriate official for city approval.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease, or building development by means of an appropriately recorded legal document.

Subdivision, Minor: Any subdivision (lot split) containing not more than three lots fronting on an existing street that does not result in the creation of any new street, the extension of municipal utilities, or the need for additional public improvements. A series of related minor subdivisions on contiguous land cumulatively totaling four or more lots shall be construed to create a major subdivision.

Miss. Code Ann. § 17-1-23 – Subdivision Regulation

Section 4 –

(4) If the owner of any land which shall have been laid off, mapped or platted as a city, town or village, or addition thereto, or subdivision thereof, or other platted area, whether inside or outside a municipality, desires to alter or vacate such map or plat, or any part thereof, he may petition the board of supervisors of the county or the governing authorities of the municipality for relief in the premises, setting forth the particular circumstances of the case and giving an accurate description of the property, the map or plat of which is to be vacated or altered and the names of the persons to be adversely affected thereby or directly interested therein. However, before taking such action, the parties named shall be made aware of the action and must agree in writing to the vacation or alteration. Failure to gain approval from the parties named shall prohibit the board of supervisors or governing authorities from altering or vacating the map or plat, or any part thereof. Any alterations of a plat or map must be recorded in the appropriate location and a note shall be placed on the original plat denoting the altered or revised plat. No land shall be subdivided nor shall the map or plat of any land be altered or vacated in violation of any duly recorded covenant running with the land. Any municipality which shall approve such a vacation or alteration pursuant to this section shall be exempt from the sale of surplus real property provisions as set forth in Section 21-17-1.

Present Zoning:

The parcel is currently zoned R-1B Single-Family Residential

Present Use:

Future Land Use:

Neighborhood Conservation District 1

June HPC Item: H
Stephen Ward, owner
Request for: **Modification to a Platted Subdivision**

Surrounding Zoning:

North: R-1B Single-Family Residential
South: R-1B Single-Family Residential
East: R-1B Single-Family Residential
West: R-1B Single-Family Residential

Letters or Concerns stated:

The Planning Division has received several phone calls from nearby residents asking for clarify on the request. No letters of opposition have been received.

Option:

Recommend **approval or denial** of the request to alter the platted subdivision as requested by the applicant.

SUBJECT PARCEL

145 W 5th Street / 116 Columbia Street

Request to Modify Platted Subdivision

Stephen Ward, owner, requests approval to alter the platted subdivision known as “Hawkins and Thompson Subdivision” to subdivide the properties located at 145 W 5th Street and 116 Columbia Street to create two separate single-family residential lots (PPIN 17253 and 17254, Ward 2, Forrest County).





Zoning Map

- R-1A
- R-1B
- R-1C
- R-2
- B-2
- I-1

 Subject Property

145 W 5th Street and
116 Columbia St
Zoned R-1B
PPIN: 17253; 17254
Flood Zone: X
Ward 4, Forrest County



**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°18'W 31°20'1"N



DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice.



Zoning Map

-  Neighborhood Business
-  Neighborhood Conservation District 1
-  Subject Property

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice.

145 W 5th Street and
116 Columbia St
Zoned R-1B
PPIN: 17253; 17254
Flood Zone: X
Ward 4, Forrest County

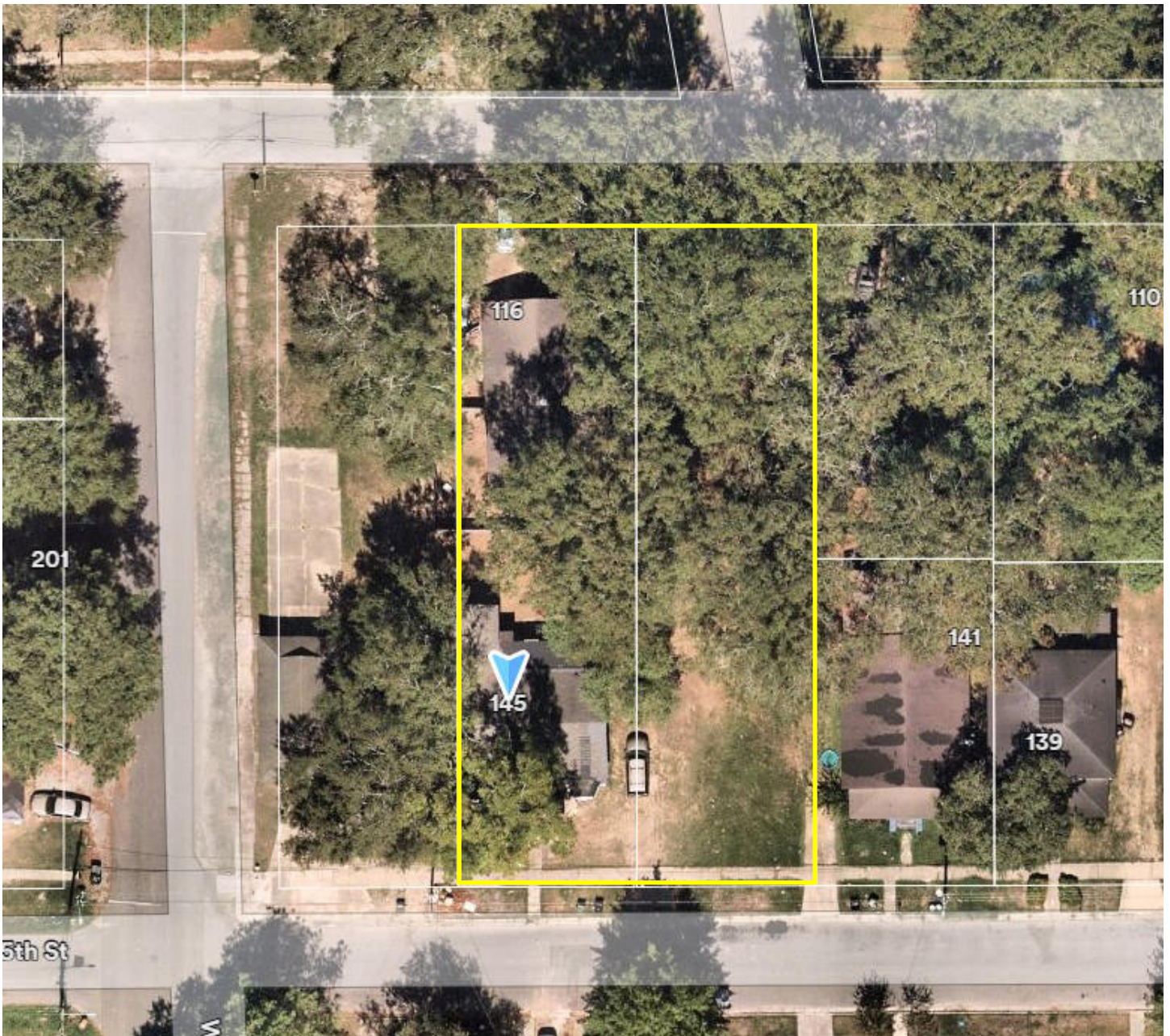


**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°18'W 31°20'1"N

Site Aerial

Subject parcels being proposed for modification outlined in yellow



Surrounding Area



Surrounding Area



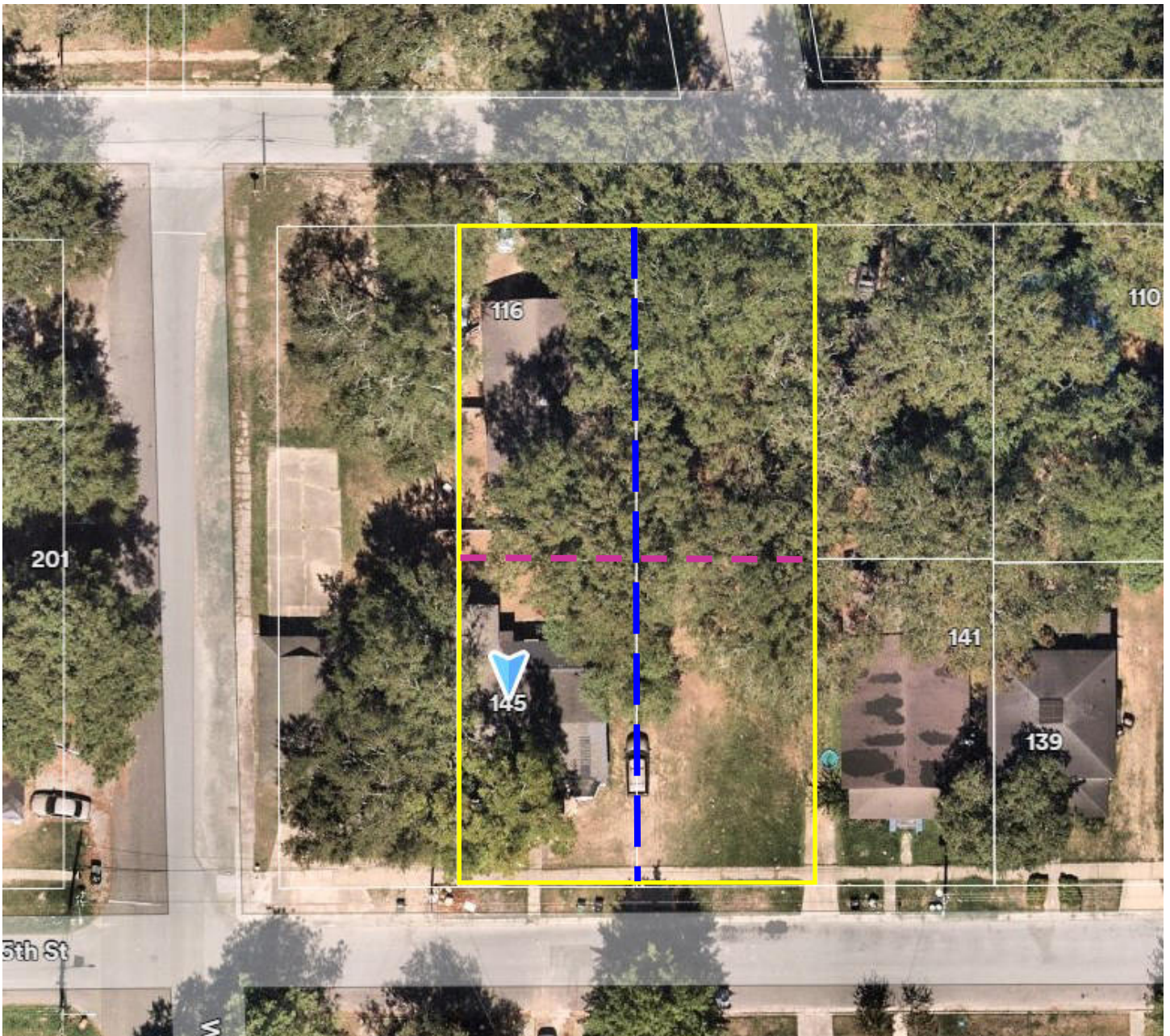
Above: 116 Columbia Street



Preliminary Plat

Subject parcels being proposed for modification outlined in yellow

- — — Current property boundary separating PPIN 17253 and 17254
- - - Proposed boundary separating 145 W 5th Street and 116 Columbia Street



Newly proposed property boundaries shown in yellow





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

RECEIVED
APR 25 2024

BY: *[Signature]*

APPLICANT:

Applicant Name: STEPHEN WARD

Project Name: MINOR SUBDIVISION

Proposed Use(s): YARD FOR EXISTING HOUSES

Project Street Address: ~~143~~ 145 W. 5TH STREET, 116 COLUMBIA ST

PPIN Number(s) (if unknown, can be found on tax receipt): 17253 & 17254

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: _____

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. _____

RECEIVED DATE & INITIALS:

PROJECT REPRESENTATIVE INFORMATION:**Primary:**

Name: <u>STEPHEN WARD</u>		
☐ Applicant ☒ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer		
☐ Other (please specify): _____		
Phone: <u>601-913-2462</u>	Fax: _____	Email: <u>STEVEWARD195123</u>
Mailing Address: <u>58 ARROWHEAD DRIVE</u>		<u>@GMAIL.COM</u>
<u>PETA, MS. 39465</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: _____		

OWNER AFFIDAVIT PAGE

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

116 Columbia WITNESS THE SIGNATURES of the OWNER(s) of the subject property located at
145 W 5TH ST. HATTIESBURG, MS. 39401
 Street Address City State
 on this the 25th day of April, 2024.

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.

Stephen Ward
 on this the _____ day of _____, 20____.

STEPHEN WARD
 Property Owner (print)

Stephen Ward
 Property Owner (signature)

STATE OF MS
 COUNTY OF Forrest

Personally came and appeared before me, the within named
Stephen Ward
 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 25th day of
April, 2024.

ASimmons
 NOTARY PUBLIC

My Commission Expires:

10/14/27



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 145 W. 5TH ST.
116 COLUMBIA ST HATTIESBURG MS
 Street Address City State

on this the 25 day of APRIL, 2024

STEPHEN WARD
 Applicant (print)

Stephen Ward
 Applicant (signature)

STATE OF Mississippi
 COUNTY OF Follett

Personally came and appeared before me, the within named

Stephen Ward,
 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 25th day of April, 2024.

[Signature]
 NOTARY PUBLIC

My Commission Expires:

Sept. 13, 2027



PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER

REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: April 29th 5:00pm (End of business day)
 Hattiesburg Planning Commission Meeting Date: June 5th Time: 1:00pm
 Hattiesburg Board of Adjustment Meeting Date: _____ Time: 3:30pm

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 Date – (you or your representative should attend): June 17th Time: 4:00pm
 City Council Meeting (Vote) Date – (you or your representative may attend): June 18th Time: 5:00pm

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 wait period for Zoning or Street closing/re-naming, PMUs, PRDs, PUDs which ends _____. So, if approved by the City, no final site plan review approvals or building permits could be issued prior to these dates.

****Dates and times are subject to change****

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 building, 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 planning@hattiesburgms.com

☒ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the 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 a separate document)

____ **Variance application only:** A letter of approval/denial from all adjoining property owners must be obtained and submitted with application.

____ 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 \$_____.

**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 No. 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 (*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package -----	\$600.00 per package application
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) 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 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)

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

FOR VARIANCE APPLICANTS:

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4). **Section 12.4.1** Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended. Not all criteria must be met. However, a strong application will meet multiple criteria.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

1. **Hardship.** (a) the hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

6. **Conformance with Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.

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.

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

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

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

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

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

8. Parking requirements:

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

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

Subdividing of Lot, Parcel or Tract Information

1. Property data: LOT 4, 9200 SF
 Parent Parcel / Existing lot/parcel/tract contains LOT 5, 9200 Square Footage/Acres
 Lot Area Requirement: _____
 Lot Frontage Requirement: _____
 Existing use of lot/parcel/tract LOT 4 IS VACANT
LOT 5 HAS 2 HOUSES
 To be subdivided into 2 lots/parcels (including parent parcel) – outlined below.

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

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.	9200	100'	NO	WEST 5 TH ST.		
2.	9200	100'	NO	COLUMBIA ST.		
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	9200 9200	50' 50'	NO	WEST 5 TH ST COLUMBIA ST.		
	18,400	Total square footage of new lots (verify total matches existing parcel prior to splits)				

2. Infrastructure required:
 Water/Sewer ☒ Gas ☐ Electric ☒ Telephone ☒ Cable ☒ Streets ☒

Street/Alley Renaming, Closing, or Vacating Information

1. Please indicate specific request(s): ☐ Street ☐ Alley
 ☐ Closing ☐ Vacating ☐ Naming ☐ Re-Naming
2. Current name of street/alley to be named/re-named, vacated, or closed:

3. Proposed name of street/alley to be named or re-named (If applicable):

4. Describe the portion of the street/alley to be renamed, closed, or vacated (use all bounding or intersecting streets/alleys, from and to):

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

6. Describe existing land use of properties and number of residents affected by renaming the street/alley within 400 feet.

Type of Land Use of adjacent development	Number of properties adjacent to the existing street	Number of property owners adjacent to the existing street	Number of residents affected by the change of address	
Businesses				
Residences				
Apartments				
Churches/Schools				
Other				

Any additional Information: _____

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

6. Have applications for zoning, variance, building permit, or other applications been filed?

_____ Yes _____ No

If yes, provide reference numbers and dates: _____

7. Acknowledgment of property owners affected by the street/alley renaming. Include all names and addresses.

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

Attach Acknowledgement of Affected residents/business

As Additional Page(s)

RETURN
TO: M. RONALD DOLEAG
ATTORNEY AT LAW
P. O. BOX 655
HATTIESBURG, MS 39403

220 OF 264

STATE OF MISSISSIPPI

COUNTY OF FORREST

STATE OF MISSISSIPPI
FORREST COUNTY
I CERTIFY THIS INSTRUMENT
WAS FILED AND RECORDED

79333
2002 NOV 22 P 2:01

IN REC. BK. AND PAGE OR U.C.L.
FILE NO. AS SHOWN
WITNESS MY HAND AND SEAL

Shirley C. Harsed
CHANCERY CLERK

WARRANTY DEED

OK
SSP *LSO*

FOR AND IN CONSIDERATION OF the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, WILLIAM EVERETT WARD, JR. and wife, MARLENE S. WARD, Grantors, do hereby grant, bargain, sell, convey and warrant unto STEPHEN R. WARD, Grantee, the following described property lying and being situate in the city of Hattiesburg, County of Forrest, State of Mississippi, and being more particularly described as follows, to-wit:

Lot Five (5) in Block One (1) of the Hawkins and Thompson Subdivision of the North half of Lot Two (2) in Block One Hundred Seventy (170) of the Crittenden Survey of the City of Hattiesburg, Forrest County, Mississippi, as per the map or Plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, together with all improvements and appurtenances thereunto belonging.

The warranty of this conveyance is subject to any and all valid and outstanding oil, gas and/or mineral leases, exceptions, reservations, interests and/or conveyances made by and/or to predecessors in the chain of title and subject to easements and/or rights of way for road and/or utility purposes as presently laid out, constructed and/or in use.

The Grantors herein represent that none of the property conveyed hereby constitutes any part of their homestead, nor is it adjacent or contiguous thereto.

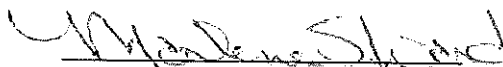
All 2002 municipal, county and state ad valorem taxes levied and assessed against the herein described property shall be pro-rated by and between Grantors and Grantee as of the date of this conveyance.

WITNESS OUR SIGNATURES on this the 20th day of November,

A.D., 2002.



William Everett Ward, Grantor



Marlene S. Ward, Grantor

STATE OF MISSISSIPPI
COUNTY OF FORREST

PERSONALLY came and appeared before me, the undersigned authority in and for said County and State, on this 20th day of November, 2002, within my jurisdiction, the within named William Everett Ward and wife, Marlene S. Ward, who acknowledged that they signed, executed and delivered the above and foregoing instrument.



NOTARY PUBLIC

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES JAN. 28, 2006
BONDED THRU STEGALL NOTARY SERVICE

MY COMMISSION EXPIRES: _____

Grantors:

Mr. and Mrs. William Everett Ward
529 Old Richton Road
Petal, MS 39465
Phone: (601) 582-0725

Grantee:

Mr. Stephen R. Ward
147 Walters Road
Petal, MS 39465
Phone: (601) 582-9100

INDEX: Lot 5 in Block 1, Hawkins and Thompson Subdivision of North ½ of Lot 2 in Block 170 of the Crittenden Survey, City of Hattiesburg, Forrest County, Mississippi

LETTER OF APPROVAL/DENIAL OF ADJOINING OWNERS AND NEIGHBORS

Name OPHELIA JENKINSAddress 114 COLUMBIA ST.Phone 601-287-3677

I understand that this proposal would combine the south half of 143 West 5th and The south half of 145 West 5th Street into one lot giving 145 West 5th 100' of frontage and 92' in depth and the north half of 114 Columbia would be combined with the north half of 116 Columbia Street making it into one lot. 116 would have 100' of frontage and 92' in depth. Both lots would have 9200 square feet each.

☒ accept
☐ deny

Signature Ophelia Jenkins
Date 4/16/24



DEED

Bk:1381 Page:417-419**RCD: 11/22/2021 @ 2:59:02:PM****FORREST COUNTY, MS****LANCE C. REID CHANCERY CLERK**

THIS INSTRUMENT PREPARED BY:
 PAUL DAVID WALLEY
 POST OFFICE BOX 183
 NEW AUGUSTA, MS 39462
 (601) 964-7878, MS Bar #105531

RETURN TO:
 STEPHEN R. WARD
 58 ARROWHEAD DR
 PETAL, MS 39465
 601-583-2205

Indexing Instructions: Lot 4, Block 1, Hawkins and Thompson Sub Record, Section 4, Township 4 North, Range 13 West, Forrest County, Mississippi.

STATE OF MISSISSIPPI
 COUNTY OF FORREST

COVER SHEET FOR FILING COURT ORDER

STEPHEN R. WARD, as Plaintiff in Forrest County Chancery Court Cause No. 21-CV-00471-S, Grantor
 58 Arrowhead Dr
 Petal, MS 39465
 601-583-2205

By virtue of a Court Order, specifically a Judgment Confirming Tax Sale does bequest and devise unto:

STEPHEN R. WARD, Grantee,
 58 Arrowhead Dr
 Petal, MS 39465
 601-583-2205

By virtue of the cause of action mentioned above. This Order is further being filed pursuant the court order in Forrest County Chancery Court Cause No. 21-CV-00471-S, *Stephen R. Ward vs. State of Mississippi, and All Other Persons or Parties Unknown Claiming and Right, Title, Estate, Lien, or Interest in Certain Real Estate.*

IN THE CHANCERY COURT OF FORREST COUNTY, MISSISSIPPI

STEPHEN R. WARD

PLAINTIFF

VS.

CAUSE NO. 21-CV-00471-S

**STATE OF MISSISSIPPI, and ALL OTHER
PERSONS OR PARTIES UNKNOWN CLAIMING
ANY RIGHT, TITLE, ESTATE, LIEN, OR INTEREST
IN CERTAIN REAL ESTATE**

DEFENDANTS

JUDGMENT CONFIRMING TAX TITLE

This action came on for hearing on the motion of Plaintiff, STEPHEN R. WARD, pursuant to Rule 55(b) of the Mississippi Rules of Civil Procedure, for a default judgment against the Defendants, specifically, anyone who would claim interest in the property described in this action. Each of the Defendants having been either duly served with personal Summons or summons via publication or service attempted upon an out of state resident and being further unable to be located after a diligent search and inquiry, and none of the Defendants being an infant or an unrepresented incompetent person and each Defendant, aside from the State of Mississippi, having failed to plead or otherwise defend. Further, default having been duly entered, and the Defendants having taken no action since such default was entered.

That Attorney General, Hon. Lynn Fitch, has been served and answered the Complaint and did not deny the allegations of the Complaint. Further, Attorney General Lynn Fitch consented to the Plaintiff's requested relief being heard at any time.

Finally, the Plaintiff has further published notice under Rule 4(c)(4)(A) of the Mississippi Rules of Civil Procedure for anyone claiming an interest in the subject property, and no person or entity having filed a response or answer.

IT IS, THEREFORE, ORDERED

WARD, is awarded a judgment confirming Plaintiff's

Tax Parcel #227-0336-00100600, and PPIN# 17253 and

land and property which is situated in the County of Forrest

follows, to-wit:

FORREST COUNTY, MISSISSIPPI
TOWNSHIP 4 NORTH, RANGE 13 WEST

Block 1: Lot 4 Block 1 Hawkins and Thompson Sub Record #13486
 PPIN #17253 Parcel #227-0336-00100600
 Section 4, Township 4 North, Range 13 West
 Parcel/PPIN: 227033600100600
 Forrest County, Mississippi.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Plaintiff, STEPHEN R. WARD, is hereby vested with a good and sufficient title in said land and this judgment shall be conclusive evidence that title to said land is vested in Plaintiff, as against all persons claiming same under the title existing prior to said sale for taxes, as well as by any and all ownership interest that may have vested via heirship prior.

ORDERED AND ADJUDGED, this the 16th day of November, 2021.



CHANCELLOR

PREPARED BY:
Paul David Walley, Jr.
 Walley & Montgomery, PLLC
 PO Box 183
 New Augusta, MS 39462
 MS Bar No. 105531

LETTER OF APPROVAL/DENIAL OF ADJOINING OWNERS AND NEIGHBORS

Name Charles Carley
 Address 31 Archie Smith Rd
 Phone 601 582 1715

I understand that this proposal would combine the south half of 143 West 5th and The south half of 145 West 5th Street into one lot giving 145 West 5th 100' of frontage and 92' in depth and the north half of 114 Columbia would be combined with the north half of 116 Columbia Street making it into one lot. 116 would have 100' of frontage and 92' in depth. Both lots would have 9200 square feet each.

☒ accept
☐ deny

Signature Charles Carley
 Date 4/25/24

LETTER OF APPROVAL/DENIAL OF ADJOINING OWNERS AND NEIGHBORS

Name MATTIE EARLAddress 139 W 5TH ST.

Phone _____

I understand that this proposal would combine the south half of 143 West 5th and The south half of 145 West 5th Street into one lot giving 145 West 5th 100' of frontage and 92' in depth and the north half of 114 Columbia would be combined with the north half of 116 Columbia Street making it into one lot. 116 would have 100' of frontage and 92' in depth. Both lots would have 9200 square feet each.

☒ accept
☐ deny

Signature Mattie EarlDate 4/24/24

LETTER OF APPROVAL/DENIAL OF ADJOINING OWNERS AND NEIGHBORS

Name Rony Salvador LopezAddress 316 JC Kilinsworth DrPhone 601 2998651

I understand that this proposal would combine the south half of 143 West 5th and The south half of 145 West 5th Street into one lot giving 145 West 5th 100' of frontage and 92' in depth and the north half of 114 Columbia would be combined with the north half of 116 Columbia Street making it into one lot. 116 would have 100' of frontage and 92' in depth. Both lots would have 9200 square feet each.

Expt X accept
_____ deny

Signature Rony SalvadorDate 4-18-24

LETTER OF APPROVAL/DENIAL OF ADJOINING OWNERS AND NEIGHBORS

Name Rudy López MatiazAddress 316 5c Kilingsworth DrPhone 601 447 0075

I understand that this proposal would combine the south half of 143 West 5th and The south half of 145 West 5th Street into one lot giving 145 West 5th 100' of frontage and 92' in depth and the north half of 114 Columbia would be combined with the north half of 116 Columbia Street making it into one lot. 116 would have 100' of frontage and 92' in depth. Both lots would have 9200 square feet each.

☒ accept
☐ deny

Signature Rudy López MatiazDate 4-15-24

June 2024 HPC Item: I
Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative
Preliminary Plat Approval for Major Subdivision



**Planning Commission
Case Fact Sheet**

Names of Petitioners:

Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative

Address of Property:
Shadow Ridge Drive

County:
Lamar

PPIN:
24500

Ward:
3

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

Purpose of Request:

Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative, request approval for a preliminary plat for a major subdivision for a property located on Shadow Ridge Drive. The proposed subdivision will be Phase III of the Shadow Ridge Subdivision (Lamar County, Ward 3, PPIN 24500).

Applicant Summary: * See Attached *

History / Background:

The petitioner met with staff in Pre-Application to discuss the expansion of the existing subdivision known as "Shadow Ridge" for Phase 3, which includes 51 lots for development, 6 common areas, and 2 detention areas, for a total of 60 parcels. Phase III is 22.7 Acres and is an expansion of the existing Shadow Ridge Subdivision, where Phases I/II have already been platted and filed. New infrastructure will be required for roads, water, sewer, and sidewalks.

The proposed layout for the subdivision will also require a variance for the maximum block length of 800' to instead allow for 1600'.

Phase I was approved in June 1998, prior to annexation into the City of Hattiesburg. Phase II was approved in April of 2017, prior to the adoption of our current Land Development Code (September 2017) and would not have been held to the same standards as of today. The zoning of the proposed phase III of the subdivision (R-2) does allow for a few additional housing types that are not permitted in R-1 districts, such as duplexes. Private covenants can establish additional requirements or restrictions on structures in this subdivision but would be outside of the purview of the city to enforce.

Applicable Regulations:

SECTION 4 Zoning Districts Established

R-2, Two Family Residential: The purpose of the R-2 District is to permit medium density residential uses including two-family, or duplex 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.

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-2	4,000/ 40	2 per lot	-	20	-	10	20	35 feet or 3 stories	50%	-

SECTION 11 Administration and Enforcement

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

11.10.1.9 Recording Violations.

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

SECTION 12 Process and Procedures

Categories of Development Approvals

12.3.2 Preliminary Plat Approval for Major Subdivisions

12.3.2.1 Approval Criteria.

- Conformance with the Hattiesburg Comprehensive Plan.
- Conformance with the standards of the zoning district.
- Conformance with other standards and requirements of this Code and other City policies and regulations.

June 2024 HPC Item: I
Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative
Preliminary Plat Approval for Major Subdivision

- 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.

12.3.2.4 Final Plat.

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

12.3.2.5 Recording.

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

Present Zoning: The undeveloped parcels are currently zoned R-1A Single-Family Residential

Present Use: Vacant / Undeveloped

Future Land Use: Neighborhood Conservation District 2

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

Letters or Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case as of May 29th, 2024.

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.

Preliminary Plat Approval for Major Subdivision

- 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.

Additional 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 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.

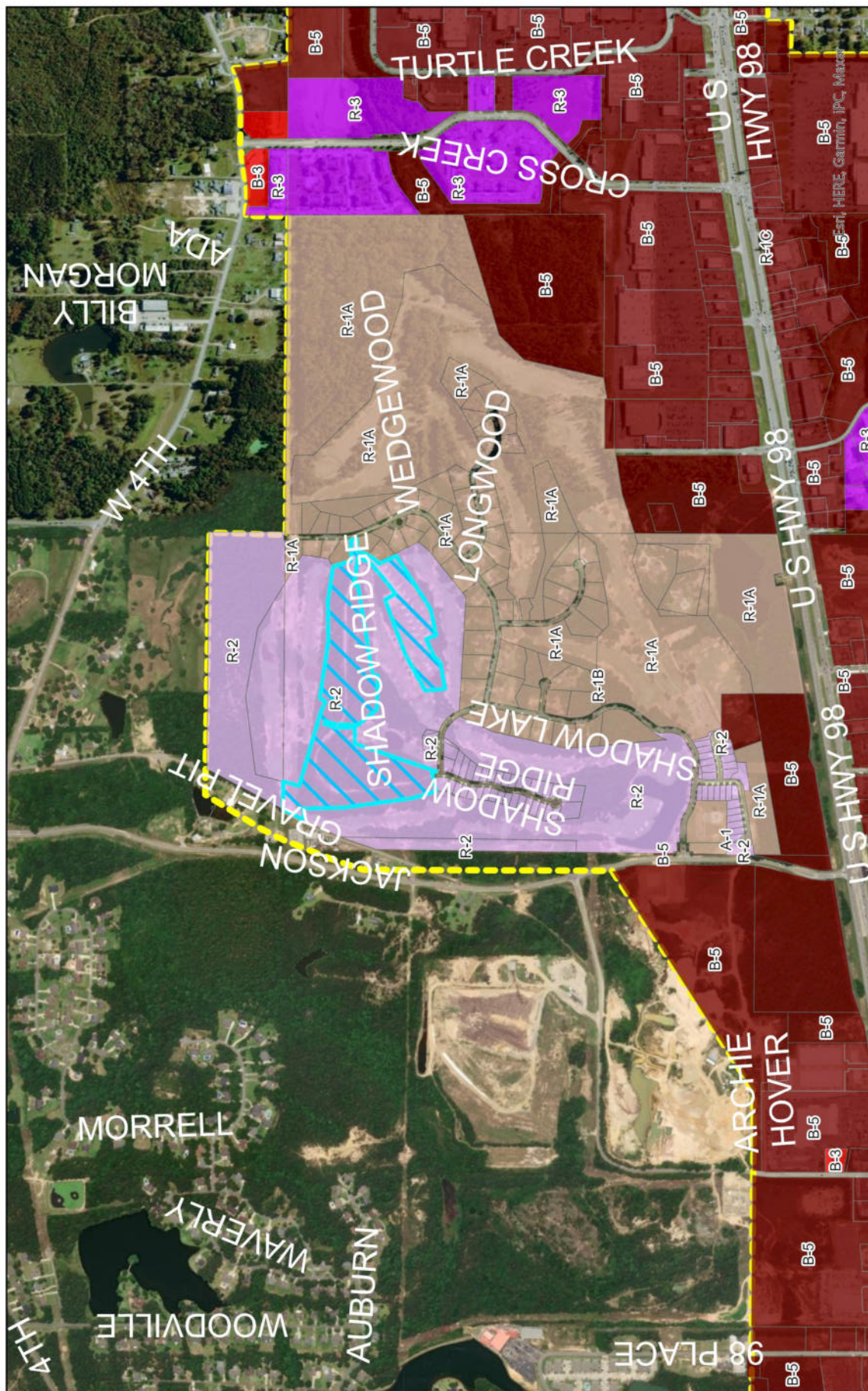
SUBJECT PARCEL

Shadow Ridge Phase III

Josh Morris, owner, John Anglin, engineer, and Craig Flanagan,
representative

Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative,
request approval for a preliminary plat for a major subdivision for a property
located on Shadow Ridge Drive. The proposed subdivision will be Phase III of the





Zoning Map - Legend

- A-1
- R-1A
- R-1B
- R-1C
- R-2
- R-3
- B-3
- B-5

- I-1
- Subject Property

Preliminary Approval for a
Major Subdivision
Shadow ridge, Phase III
PPIN: 24500
Ward 3, Lamar County



**URBAN
DEVELOPMENT**
PLANNING DIVISION
Center: 89°23'42"W 31°19'42"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice.
Map Exported on: 5/17/2024 3:50 PM



Future Land Use Map - Legend

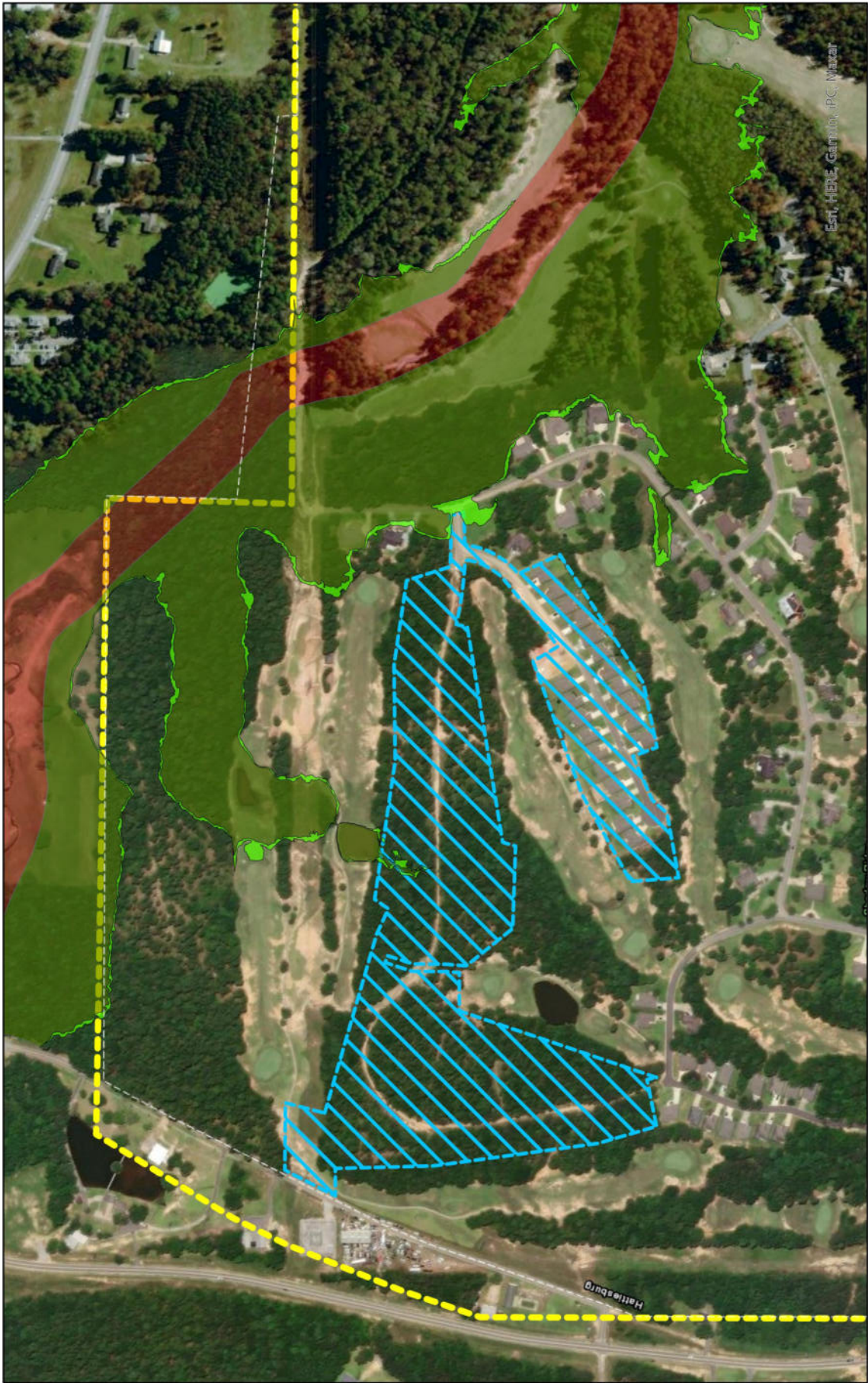
- Neighborhood Center Mixed-Use District
- Neighborhood Conservation District 2
- Regional Business A
- Regional Business B
- Subject Property

Preliminary Approval for a
Major Subdivision
Shadow ridge, Phase III
PPIN: 24500
Ward 3, Lamar County



**URBAN
DEVELOPMENT**
PLANNING DIVISION
Center: 89°23'42"W 31°19'42"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/17/2024 3:50 PM



Est. HERE, Garmin, PC, Mapbox

Flood Risk 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)
- City Boundaries
- Subject Property

Preliminary Approval for a
Major Subdivision
Shadow ridge, Phase III
PPIN: 24500
Ward 3, Lamar County

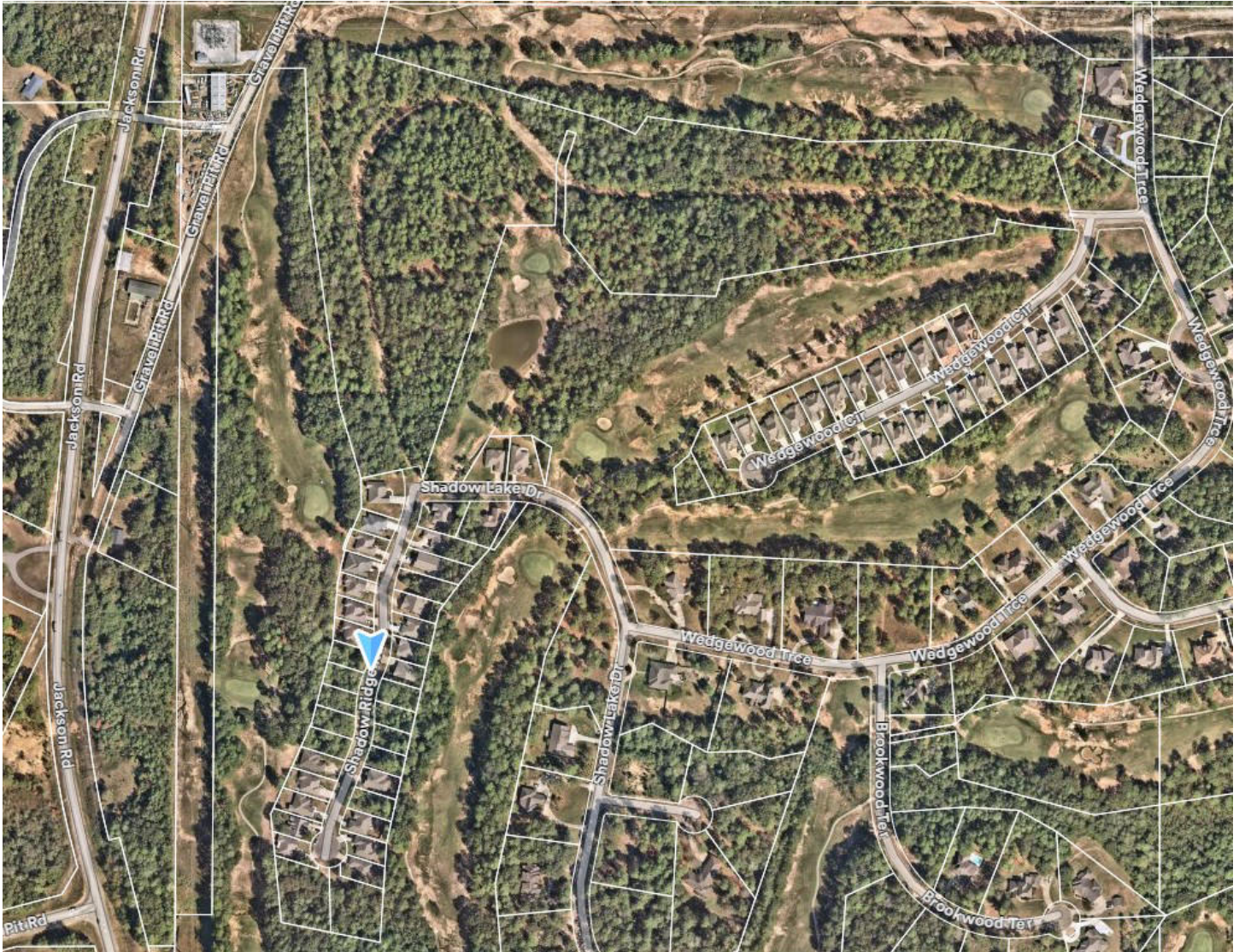


**URBAN
DEVELOPMENT
PLANNING DIVISION**

Center: 89°23'33"W 31°19'50"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/17/2024 3:47 PM

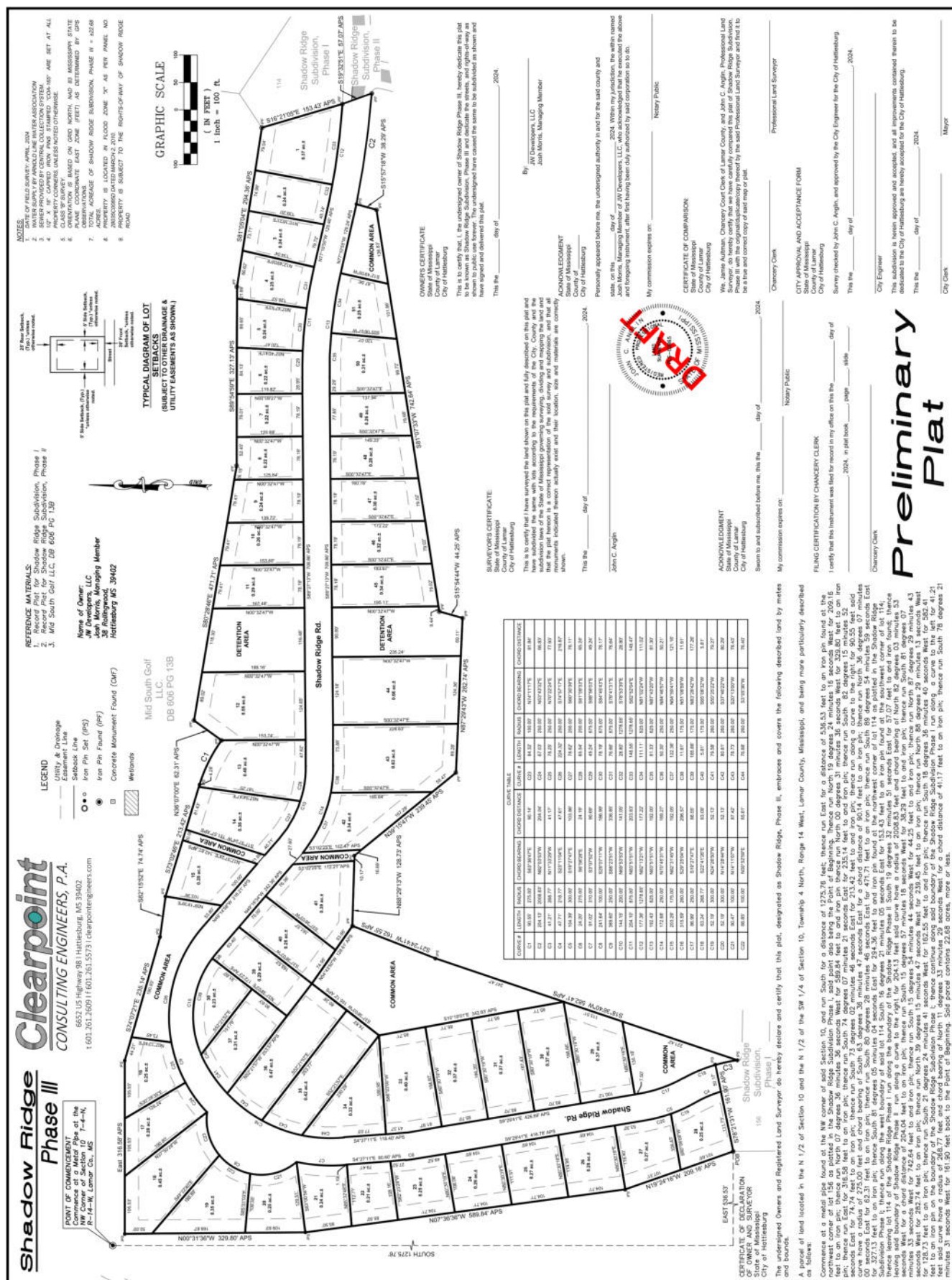
Site Aerial



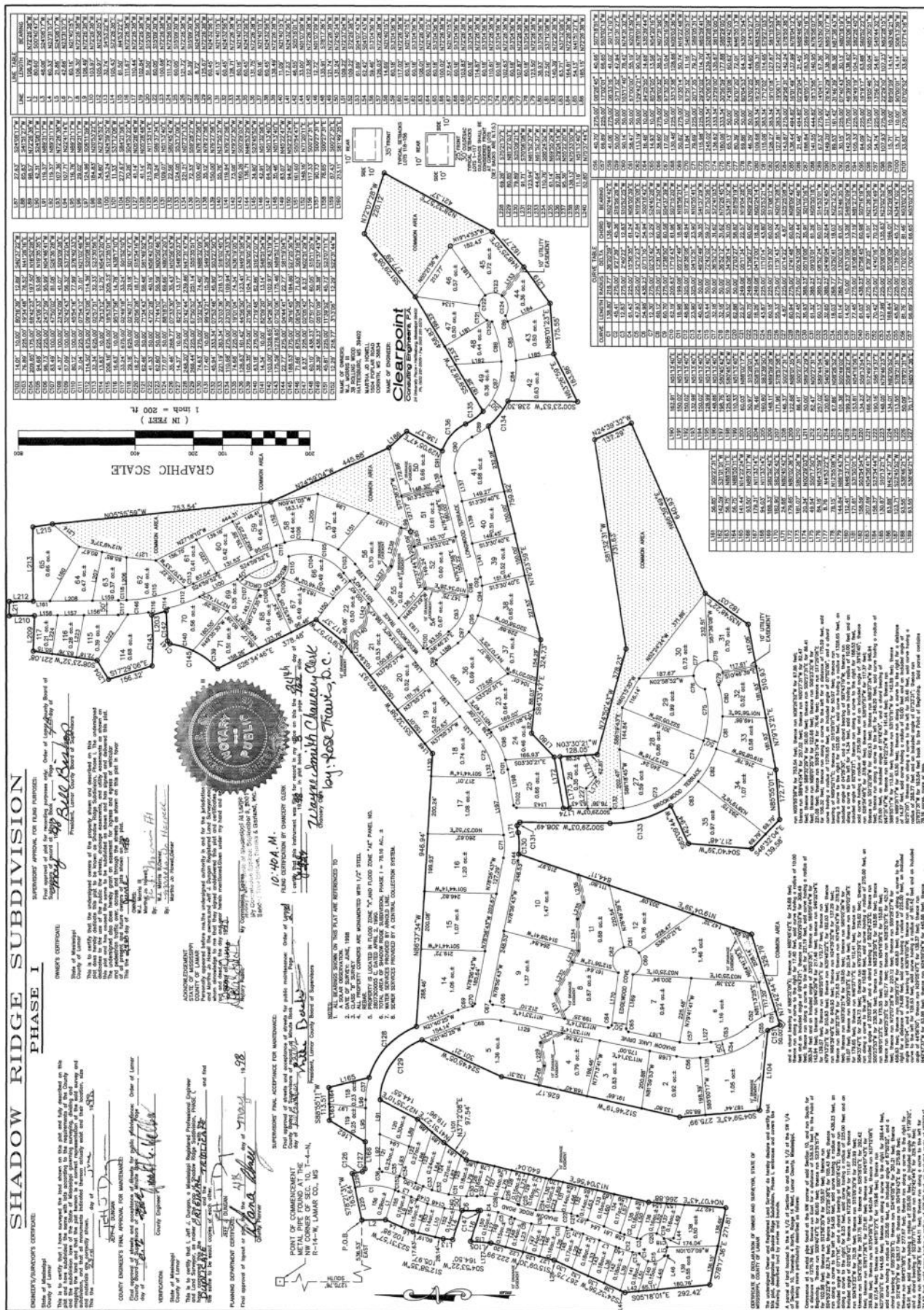
Photos of Subdivision



Preliminary Plat for Phase III



Phase 1—Approved in 1998





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: Josh Morris

Project Name: Shadow Ridge Phase 3

Proposed Use(s): Subdivision - New phase of residential lots

Project Street Address: Shadow Ridge Dr, Hattiesburg, MS 39402

PPIN Number(s) (if unknown, can be found on tax receipt): 24500

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: 800 ft block length

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: _____ 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:

PROJECT REPRESENTATIVE INFORMATION:

Primary:

Name: <u>John Anglin - Clearpoint Engineers</u>
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☒ Engineer
☐ Other (please specify): _____
Phone: <u>601-261-2609</u> Fax: _____ Email: <u>johna@clearpointengineers.com</u>
Mailing Address: <u>6652 Hwy 98 West, Hattiesburg, MS 39402</u>

Secondary:

Name: <u>Craig Flanagan - Flanagan Construction</u>
☐ Applicant ☐ Property Owner ☒ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____
Phone: <u>601-264-3682</u> Fax: _____ Email: <u>craig@flanaganconstruction.com</u>
Mailing Address: <u>36 Power Lane, Hattiesburg, MS 39402</u>

Other(s):

Name: <u>N/A</u>
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____
Phone: _____ Fax: _____ Email: _____
Mailing Address: _____

Name: <u>N/A</u>
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please 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
Shadow Ridge Drive Northridge Ms.
Street Address City State
on this the 24th day of April, 2024.

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.
Craig Flanagan, John Anglin
on this the 24th day of April, 2024.

Josh Morris
Property Owner (print)
[Signature]
Property Owner (signature)

STATE OF Ms
COUNTY OF Lamar

Personally came and appeared before me, the within named
Josh Morris
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
April, 2024.

Marsha Lynn Lott
NOTARY PUBLIC

My Commission Expires ID # 112918



Last updated 7/31/2023

Page 3 of 14

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

Shadow Ridge Drive, Hattiesburg, Ms.
Street Address City State

on this the 24th day of April, 2024.

Josh Morris
Applicant (print)

[Signature]
Applicant (signature)

STATE OF Lamar Ms.
COUNTY OF Lamar

Personally came and appeared before me, the within named

Josh Morris
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 April, 2024.

Marsha Lynn Lott
NOTARY PUBLIC

My Commission Expires



PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER
REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00pm (End of business day)
Hattiesburg Planning Commission Meeting Date: _____ Time: 1:00pm
Hattiesburg Board of Adjustment Meeting Date: _____ Time: 3:30pm

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 Date – (you or your representative should attend): _____ Time: 4:00pm
City Council Meeting (Vote) Date – (you or your representative may attend): _____ Time: 5:00pm

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 wait period for Zoning or Street closing/re-naming, PMUs, PRDs, PUDs which ends _____. So, if approved by the City, no final site plan review approvals or building permits could be issued prior to these dates.

****Dates and times are subject to change****

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 building, 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 planning@hattiesburgms.com
- ___ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the 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 a separate document)
- ___ **Variance application only:** A letter of approval/denial from all adjoining property owners must be obtained and submitted with application.
- ___ 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 \$_____.

**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 No. 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 (*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package -----	\$600.00 per package application
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) 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 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)

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

FOR VARIANCE APPLICANTS:

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4). **Section 12.4.1** Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended. Not all criteria must be met. However, a strong application will meet multiple criteria.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

1. **Hardship.** (a) the hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

The size and shape of the subject parcel was established in approximately 1997, well before the property was annexed by the City of Hattiesburg. The parcel is surrounded by the Shadow Ridge Golf Course, and the intent has always been to develop the the property into a residential development. The developer had a masterplan of the subject parcel when the area was annexed into the city. The current proposed project follows that plan, with road location and development intent. The requirement of an 800' Block length is impossible to obtain on the parcel due to the shape and surroundings of the subject parcel. This requirement creates quite a hardship on the landowner.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

No special privilege will be granted to the parcel with the granting of this variance. Due to the specific size, shape and surrounding property ownership, the variance request is site specific based on these unique circumstances.

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

If the literal interpretation of the code is enforced, the property owner cannot use his property for the intended and best use for additional residential lots. The property cannot be developed into residential lots that meet the existing 800' block length requirement.

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance. Based on the 800' Block length requirement, the subject property cannot be developed into residential lots and the applicant cannot make reasonable use of the subject property. A masterplan of the subject property has existed since 1997 prior to City Annexation. The main road that will be used to access the proposed lots was installed in approximately 1997 for the future phase of the subdivision. The base location of this road will be used for the proposed development and is the reasonable access point for the proposed lots. The applicant does not own adjacent property that could be developed into residential lots thus no intersecting streets can be constructed to meet the 800' block length requirement.

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure. N/A

6. **Conformance with Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

The granting of this variance will not conflict with the purposes and intent implied in the LDC. The intent of the 800' block length requirement was to ensure new developments have intersecting streets at intervals.

Shadow Ridge subdivision is an existing master-planned subdivision with the Shadow Ridge Golf Course surrounding the parcel. The development will have access points on both ends of the development and will meet the purpose of the LDC.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.

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.

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

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

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

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

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

8. Parking requirements:

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

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

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:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Subdividing of Lot, Parcel or Tract Information

1. Property data:
- Parent Parcel / Existing** lot/parcel/tract contains 22.7 Square-Footage/Acres
- Lot Area Requirement: 4000 sq ft
- Lot Frontage Requirement: 40 ft at setback
- Existing use of lot/parcel/tract Undeveloped
- To be subdivided into 54 lots/parcels (including parent parcel) – outlined below.

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

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.		SEE ATTACHED PLAT				
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)				

2. Infrastructure required:
- Water/Sewer _____ Gas _____ Electric _____ Telephone _____ Cable _____ Streets _____

Street/Alley Renaming, Closing, or Vacating Information

1. Please indicate specific request(s): ☐ Street ☐ Alley
☐ Closing ☐ Vacating ☐ Naming ☐ Re-Naming
2. Current name of street/alley to be named/re-named, vacated, or closed:

3. Proposed name of street/alley to be named or re-named (If applicable):

4. Describe the portion of the street/alley to be renamed, closed, or vacated (use all bounding or intersecting streets/alleys, from and to):

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

6. Describe existing land use of properties and number of residents affected by renaming the street/alley within 400 feet.

Type of Land Use of adjacent development	Number of properties adjacent to the existing street	Number of property owners adjacent to the existing street	Number of residents affected by the change of address	
Businesses				
Residences				
Apartments				
Churches/Schools				
Other				

Any additional Information: _____

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

6. Have applications for zoning, variance, building permit, or other applications been filed?

_____ Yes _____ No

If yes, provide reference numbers and dates: _____

7. Acknowledgment of property owners affected by the street/alley renaming. Include all names and addresses.

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

Attach Acknowledgement of Affected residents/business

As Additional Page(s)

Subdividing of Lot, Parcel or Tract Information

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains 22.7 Square-Footage/Acres

Lot Area Requirement: 4000 sq ft

Lot Frontage Requirement: 40 ft at setback

Existing use of lot/parcel/tract Undeveloped

To be subdivided into 60 lots/parcels (including parent parcel) – outlined below.

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

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.		SEE ATTACHED PLAT				
2.						
3.	51 Lots					
4.	6 Common Area					
5.	2 Detention Area					
6.						
7.	60 Total					
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	22.7 Ac.					
		Total square footage of new lots (verify total matches existing parcel prior to splits)				

2. Infrastructure required:

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



**Planning Commission
Case Fact Sheet**

Names of Petitioner: City of Hattiesburg

Request: **Amend the Land Development Code, Ord. No. 3209**

Purpose of Request:

The City of Hattiesburg requests to amend the Land Development Code, Ord. No. 3209, and make changes to Sections 12. More specifically, the changes are concerning subdivision regulations and bond requirements for new subdivisions.

History / Background:

When the 2017 Update to the Land Development Code was adopted by the City of Hattiesburg, language specific to subdivision bonds, recording, and guarantees was not included in the update. Given the current growth trend of subdivisions, where the City has reviewed proposals for over 270 new lots to be created in subdivisions since 2023, additional language should be considered to add protection for the City as it grows. The proposed additions, listed below, are similar to conditions that have been added to recent subdivisions by the Planning Commission and City Council.

The purpose of the additions is to ensure infrastructure is completed by a developer, or that the City has the financial guarantee to complete the infrastructure, should a developer be unable to. It protects the city from being left with unfinished or substandard infrastructure. Incomplete infrastructure, without financial security, can create burdens on a city's budget and taxpayers. It also provides an additional layer of protection for homeowners and their property values, providing assurances that infrastructure will be completed to code. Properly installed infrastructure is critical for the public health, safety, and welfare of citizens, ensuring that essential services can be provided.

Applicable Regulations:

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.

12.3.2.2 Construction Plans and Specifications.

i. Approval Criteria. Construction Plans shall meet all engineering standards and requirements related to the actual construction of infrastructure and legal identification of building lots.

ii. Decision Maker. The City Engineer shall make the final determination of acceptance of construction plans.

iii. Application and Review Procedures. Submittal form and requirements are established by the City Engineer who will be the final authority approving construction plans.

12.3.2.3 As-Built Construction Plans and Specification; Drawings.

i. Approval Criteria. As-built drawings shall depict the actual construction of all required improvements based on an inspection by City staff.

ii. Certification of the as-built drawings by a registered engineer both by stamp on the drawings and by letter to the City Engineer.

iii. Application and Review Procedures.

Submittal form and requirements are established by the City Engineer who will be the final authority accepting as-built plans.

12.3.2.4 Final Plat.

i. No Significant Change. Final plats of major subdivisions that are substantially the same as the approved preliminary plat, as determined by the Site and Design Review Committee, shall be approved administratively.

ii. Significant Change. Final plats that exhibit any significant deviation from the approved preliminary plat, as determined by the Site Plan Review Committee, shall require approval by the Planning Commission.

12.3.2.5 Recording.

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

Below is a list of the proposed Changes to the Land Development Code requested by the City of Hattiesburg:

Amend Section 12. Process and Procedures – Explanation: *Addition of a 90-day timeline to existing language to ensure the plat is recorded; the currently worded “timely fashion” is too ambiguous. Also to include additional language for the acceptance of bonds.*

Amend 12.3.2.5, to read the following:

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 within 90 days of submission for acceptance with any applicable bonds.

Amend Section 12.3.2 to add the following:

12.3.2.6 Duration

As this code and state and federal law may change over time, approval of a preliminary plat shall be effective for a maximum period of one (1) year for a permit to be submitted to the city. A six (6) month extension may be granted upon the Planning Commission's recommendation to the City Council followed by an approval of the Council. An extension request must come in writing by the subdivider before the regularly scheduled Planning Commission hearing in which it is to be heard. The Planning Commission will offer its recommendation under "other business" as notice was given at the original hearing date. If the final plat has not been submitted to Urban Development within this time limit, the preliminary plat process shall begin anew.

12.3.2.7 Improvement Guarantees

Request for the final plat approval may be granted if one or more of the following improvement guarantees is posted with the City and recommended for acceptance by the City Attorney and City Engineer.

Site Stabilization Bond: Before construction permits can be approved, a bond assuring the stabilization of the site must be submitted to the City. This bond will serve as a guarantee that the site will be properly stabilized during and after construction to prevent erosion, sedimentation, and other environmental impacts. The bond amount is equal to the estimated cost of returning the site to a stable condition. The developer's engineer shall submit such estimate for approval to the City Engineer. The duration of the bond is a maximum of one (1) year, extendable one (1) time for up six (6) months.

Performance Bond: In place of the completion of improvements before the submission of the final plat for approval the city may accept a bond. The bond amount is equal to the estimated cost of completion plus ten (10) percent. The developer's engineer shall submit such estimate for approval to the City Engineer. The duration of the bond is a maximum of one (1) year, extendable one (1) time for up six (6) months. Where improvements have been installed as permitted and all improvements are deemed to be satisfactory through written notice of acceptance from the city engineer, bonds shall be returned to the subdivider, by action of the City Council. Completion of the improvements then shall transition into a maintenance bond.

Sidewalk Bond: If sidewalks are required for the development, they must be installed prior to the acceptance of the final plat or they may be assured through a performance bond. The bond amount is equal to the estimated cost of completion plus ten (10) percent. The developer's engineer shall submit such estimate for approval to the City Engineer. The duration of the bond is a maximum of three (3) years. Where improvements have been installed as permitted and all improvements are deemed to be satisfactory through written notice of acceptance from the city engineer, bonds shall be returned to the subdivider, by action of the City Council.

Maintenance Bond: The subdivider must assure that the installation and construction of streets and other improvements are satisfactory, and that the standards prescribed in these regulations have been fulfilled. A maintenance bond is required upon completion of these improvements guaranteeing to the City the reasonable costs resulting from defective workmanship and/or materials. The maintenance bond shall equal ten (10) percent of the construction cost of all improvements as determined by the engineering department. This maintenance bond shall be in effect for one (1) year after acceptance of these improvements by the Governing Authorities.

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Request for: **Amend the Land Development Code, Ord. No. 3209**

Forty-five (45) days prior to the conclusion of the warranty period the city engineer will perform a final inspection of all improvements.

1. If all improvements are deemed to be satisfactory, written notice of acceptance from the city engineer shall be provided. The city council may release the maintenance bond and the city shall assume perpetual maintenance of all improvements in the subdivision.
2. Improvements that need repairs shall be noticed to the subdivider and city council. The city council may then extend the maintenance bond or draw funds from the bond to complete the necessary repairs.

Satisfactory Completion of Improvements: If any portion of the required improvements shall fail to be accepted for dedication either for reason of incompleteness or for reason of substandard construction, then the City Council shall take the following actions:

1. The subdivider and bonding agent shall be advised that the improvements must be completed or reconstructed under the bond. The City Council shall declare the bond to be forfeited. Where the City is not already in possession of said bond, it shall immediately take the actions necessary to obtain it.
2. The City Council shall use any bond applicable to finance the completion or construction of improvements to the proper specifications. Unused portions of these securities shall be used as a fine and submitted to the general fund of the city.

12.3.2.8 Utilities

All utilities are required to be installed underground. Crossing of creeks, streams, and rivers shall be done as inconspicuously as possible.

Amend Section 13 – Definitions to add the following:

Bond: Any form of security (including a cash deposit, surety bond, or instrument of credit) in an amount and form satisfactory to the city.

Option: Recommend **approval** or **denial** of the request for an Amending of the Land Development Code, Ord. No. 3209



**Planning Commission
Case Fact Sheet**

Names of Petitioner: City of Hattiesburg

Request: **Amend the Land Development Code, Ord. No. 3209**

Purpose of Request:

The City of Hattiesburg requests **to amend the Land Development Code, Ord. No. 3209, and make changes to Sections 4 and 6.** More specifically, the changes are related to regulatory flood zone properties within the A-1 zoning district to increase the minimum lot size requirement and reduce the total developable area.

History / Background:

Please see the memo following this report outlining the proposed changes and reasoning.

Planning Staff plan to present this case on **April 3rd, 2024, and the May 1st, 2024** Planning Commission Agenda to ensure adequate time for the public to review the proposed changes. Planning Division staff also want to ensure adequate time for public outreach, including sending direct mailers to the potentially affected properties by this text amendment in the City of Hattiesburg.

The item was tabled at the May 1st, 2024 Planning Commission.

Applicable Regulations:

SECTION 4 - Types of Zoning Districts

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.

SECTION 6- 6.1 District Dimensional Standards

The following dimensional standards shall apply to all development in all standard districts unless otherwise noted in this ordinance. Dimensional standards for special districts shall be set by adopted plans for those districts.

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

SECTION 12

12.2 Categories of Development Approvals

12.3.1.3 Application Requirement; Action. Any application for an amendment to the text of the Land Development Code or Zoning Map shall address in writing the reason for the proposed amendment. City Council shall consider the request and, if it is approved the request, may ask staff to begin drafting the text amendment for consideration, or to amend the Official Zoning Map, whichever action is relevant.

Below is a list of the proposed Changes to the Land Development Code requested by the City of Hattiesburg:

Amend to add the following to Section 4 (Zoning Districts):

4.20.1.A

A-1 zoned properties that overlap with the regulatory flood zones as defined in the Flood Damage Prevention ordinance (Ordinance No. 3294, as amended), shall have a minimum lot size requirement of 5 acres (217,800ft²). The total allowable developable lot area shall not exceed 10% of the area within the regulatory floodplain.

Amend to add the following to Section 6 (Dimensional Standards)

6.1.1

Please reference section 4.20.1.A for dimensional standards for development in a regulatory floodway in zone A-1.

Option: Recommend **approval** or **denial** of the request for an Amending of the Land Development Code, Ord. No. 3209