



URBAN DEVELOPMENT

PLANNING DIVISION

HATTIESBURG PLANNING COMMISSION

PUBLIC HEARING STAFF REPORTS

August 7th, 2024

Planning Commission

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

August 7th, 2024

I. Business Meeting

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

II. Public Hearing – Presentations of Petitions for Public Hearing

- A. **Rezoning Request and Conditional Use** - Clifford Lockhart, petitioner, Matthew H. Bailer, and owner, and Jackie Bailey, owner, and Stella Payton, request approval for rezoning from R-1C (Single-family Residential) to B-1 (Professional Business) for a property located at 102 South Street. The petitioner also requests a conditional use approval for “mixed-use” at the same location, contingent upon the zoning approved to B-1 (PPIN 19729, Ward 4, Forrest County).

III. Other Business

- A. **Old Business (Tabled from June 2024 Meeting) 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.

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
July 3rd, 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. Michael Pruitt

Members Absent:

1. Michael Dickerson
2. Charles Dawe
3. Carlos Wilson
4. (vacant seat)

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Senior Planner
3. David Miller, Esq.
4. Jim Gladden, Esq.
5. Kevin Bates, Building Official
6. Wiley Quinn, Director of Urban Development
7. Meridian McDaniel, Planner I
8. Joel Vaughn, Intern
9. Marion Reese, Intern

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

AGENDA REVIEW

Commissioner Ray made a motion to accept the agenda, seconded by Commissioner Pickett.

Motion:

Made by Commissioner Ray to accept the agenda

Second:

Made by Commissioner Pickett

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			Absent
Michael Dickerson			Absent
Charles Dawe			Absent
Michael Pruitt	X		

MINUTES REVIEW

Commissioner Pickett made a motion to approve with correction to chair Hinton (vicechair to chair) the June 5st minutes, and Commissioner Ray seconded this motion.

Motion:

Made by Commissioner Pickett to approve

Second:

Made by Commissioner Ray

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			ABSENT
Michael Dickerson			ABSENT
Charles Dawe			ABSENT
Michael Pruitt			ABSTAIN

BUILDING REPORT

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

PLANNING REPORT

The Planning Division (Nathan Satcher) gave report. Updated on City Council votes from June meeting(s). Cory Long gave report on Broadway project, August 30, 2024.

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:

Appeal of Decision by Site and Design Review Committee - Douglas Miller, petitioner, requests to appeal section 11.7 the decision of the Urban Development Director on the request for interpretation of the intent or the meaning of the provisions of the Land Development Code. The request is specifically for the definition of a Congregate Care and/or Church instead of a Group requests facility. The property in question is located at 408 Broadway Drive, PPIN 21766 (Forrest, County, Ward 2).

Discussion and Vote:

Staff (Cory) introduced the case. Douglas Miller and Ken Thronson presented on the case and answered questions from the commissioners.

Exhibit 1- From Mr. Thronson. "The Lighthouse: The Cottages" powerpoint.

Exhibit 2- From Mr. Thronson. "The Lighthouse: The Cottages- Planning Commission and City Council" powerpoint.

Exhibit 3- From Ms. Thronson. NAICS Code Descriptions.

Exhibit 4- From Mr. Thronson. Letter from Forrest/Perry County Adult Drug Court (July 2, 2024).

Presented by:

1. Douglas Miller
2. Ken Thronson

Proponents:

1. Edward "Ed" J Langton

Opponents:

1. None

Motion:

Made by Commissioner Pickett to deny the appeal of applicant and uphold staff

decision.

Second:

Made by Commissioner Ray

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			ABSENT
Michael Dickerson			ABSENT
Charles Dawe			ABSENT
Michael Pruitt	X		

Item B:

Conditional Use Request for “Club and Bar” Use - Robert Green, owner, request a conditional use approval for a “Clubs and Bars” for a property located at 912 Dabbs Street, Zoned B-2 (PPIN 13800 Ward 2, Forrest County).

Discussion and Vote:

The Planning Staff (Cory Long) introduced the case. Robert Green appeared to speak on behalf of his case and answered questions from commissioners. Mr. Greene rebutted oppositions.

Exhibit 2- From Mr. Green. Letter from trust and petition from residents.

Exhibit 1- From Mr. Michael Bennett. Petition from residents against.

Exhibit 3- From Ms. LiRiley.

Presented by:

1. Robert Green

Proponents:

1. None

Opponents:

1. Michael Bennett
2. Tamara J. King
3. Frederick Smith
4. Katie LiRiley
5. Crystal Bourn
6. McKenzie Bourn

Motion:

Made by Commissioner Pickett to deny request.

Second:

Made by Commissioner Ray.

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			ABSENT
Michael Dickerson (Online)			ABSENT
Charles Dawe			ABSENT
Michael Pruitt	X		

Item C:

Request to modify a platted subdivision - ALS Properties, owner, request approval to alter the platted subdivision known as “D. D, McInnis 3rd Survey or Addition” to subdivide the property located at 305 J C Killingsworth Drive into three lots Zoned R-1C (PPIN 21408, Ward 5, Forrest County).

Discussion and Vote:

The Planning Staff introduced the case. Arthur C. Siggers spoke on behalf of the case and answered questions from the Commissioners.

Presented by:

1. Arthur C. Siggers

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Commissioner Lockett to Approve

Second:

Made by Commissioner Conville

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			ABSENT
Michael Dickerson (Online)			ABSENT
Charles Dawe			ABSENT
Michael Pruitt	X		

Item D:

Zoning Change Request - Shelby Murray, engineer, and Forrest Dungan, engineer, and David Lawson, owner, request approval for rezoning a property located at 2100 McInnis Loop from B-5 (Regional Business) to I-1 (Light Industrial) (PPIN 38592 and 47444, Ward 5, Forrest County).

Discussion and Vote:

The Planning Staff introduced the case. Forrest Dungan and Davis Lawson spoke on behalf of his case answering questions from the commissioners.

Presented by:

1. Forrest Dungan and David Lawson.

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Commissioner Pruitt to Approve (II basis for approval. “the character of the neighborhood has changed substantially so that rezoning is clearly justified.)

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			ABSENT
Michael Dickerson (Online)			ABSENT
Charles Dawe			ABSENT
Michael Pruitt	X		

OTHER BUSINESS

No other business came before the board.

Adjournment:

The meeting was adjourned at 3:07 p.m.

Motion:

Made by Commissioner 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			ABSENT
Michael Dickerson			ABSENT
Charles Dawe			ABSENT
Michael Pruitt	X		

Amy Hinton, Chair

Cory Long, AICP, Planning Division Manager

August 2024 HPC Item: A

Clifford Lockhart, Representative, Matthew H. Bailey and Jackie Bailey, Property Owners, Stella Payton, Admin.

Request for: **Zoning Change From R-1C (Single Family Residential) to B-1 (Professional Business)**



**Planning Commission
Case Fact Sheet**

Name of Petitioners: Clifford Lockhart, representative, Matthew H. Bailey and Jackie Bailey, Property Owners, and Stella Payton, Admin.

Address of Property:	Tax Parcel	PPIN:	Ward:
102 South Street	2-029K-09-035.00	19729	4

Request: **Zoning Change From R-1C (Single-family Residential) to B-1 (Professional Business) and conditional use approval for “mixed-use,” contingent upon the zoning approval to B-1.**

Purpose of Request: Clifford Lockhart, petitioner, Matthew H. Bailer, and owner, and Jackie Bailey, owner, and Stella Payton, request approval for rezoning from R-1C (Single-family Residential) to B-1 (Professional Business) for a property located at 102 South Street. The petitioner also requests a conditional use approval for “mixed-use” at the same location, contingent upon the zoning approved to B-1(PPIN 19729, Ward 4, 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. The applicants previously, at the June 2024 Planning Commission meeting, requested to rezone the property to R-3, in order to allow it to be reactivated as a 4-plex. The Planning commission recommended denial and City Council upheld the recommendation to deny the zoning change to R-3 on July 18, 2024.

The applicants are now requesting the property be rezoned from R-1C (Single-Family Residential) to B-1 (Professional Business), citing that they believe that the condition of “character of the neighborhood

August 2024 HPC Item: A

Clifford Lockhart, Representative, Matthew H. Bailey and Jackie Bailey, Property Owners, Stella Payton, Admin.

Request for: **Zoning Change From R-1C (Single Family Residential) to B-1 (Professional Business)**

has changed substantially so that rezoning is clearly justified and there is a public need for rezoning” applies to the property. They cite the rezoning of the surrounding lots to B-2 by Hattiesburg High School as a driver of the transitioning needs of the neighborhood. Contingent upon rezoning approval, the applicants are also requesting conditional use approval for “mixed-use” to “provide 2 office buildings and 2 apartment units.”

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 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-1 Professional Business: The purpose of this business district is to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent is to provide compact locations for business offices, medical and dental offices, as well as suburban locations near residential neighborhoods.

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%	-
B-1	0/100	-	.75	20	25	0 or 15	0	35 feet or 3 stories	80%	20

August 2024 HPC Item: A

Clifford Lockhart, Representative, Matthew H. Bailey and Jackie Bailey, Property Owners, Stella Payton, Admin.

Request for: **Zoning Change From R-1C (Single Family Residential) to B-1 (Professional Business)**

Present Zoning: R-1C Single-family Residential

Present Use: Vacant

Future Land Use: Neighborhood Conservation District 1

**Surrounding Zoning:
and Land Use:**
North: B-2 Community Business
South: R-1C Single-family Residential
East: R-1C Single-family Residential
West: R-1C Single-family Residential

**Letters or
Concerns stated:** Staff have not received any letters or concerns regarding this project as of finalizing this report.

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

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

Basis for Conditional Use Approvals

12.3.3.1 Compliance Required. Uses requiring Planning Commission approval, as noted in the Table 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.

12.3.3.2 Additional Approval Criteria. In addition to the standards mentioned above, the applicant for a request for the Planning Commission to approve a use shall be required to demonstrate that his/her proposal addresses the following additional requirements, except that the Planning Commission may waive any one or more criteria that it determines are not applicable based upon the expected impact of the proposal.

August 2024 HPC Item: A

Clifford Lockhart, Representative, Matthew H. Bailey and Jackie Bailey, Property Owners, Stella Payton, Admin.

Request for: **Zoning Change From R-1C (Single Family Residential) to B-1 (Professional Business)**

- i. Determination that adequate public facilities and services will be available concurrent with the impacts of the development as evidenced by letters of sufficiency from utilities and schools and a determination by the city engineer that the available capacity of existing streets can safely provide access to the site.
- ii. The proposed development will be compatible with surrounding uses and will protect adjacent properties through the following measures:
 - Protection of privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and / or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.
 - Protection of use and enjoyment. The proposed plan shall be designed and arranged to have minimal negative impact on the use and enjoyment of adjoining property.
 - Compatible design and integration. The use meets all design criteria required by this Code that apply and is designed to integrate well both on and off site.

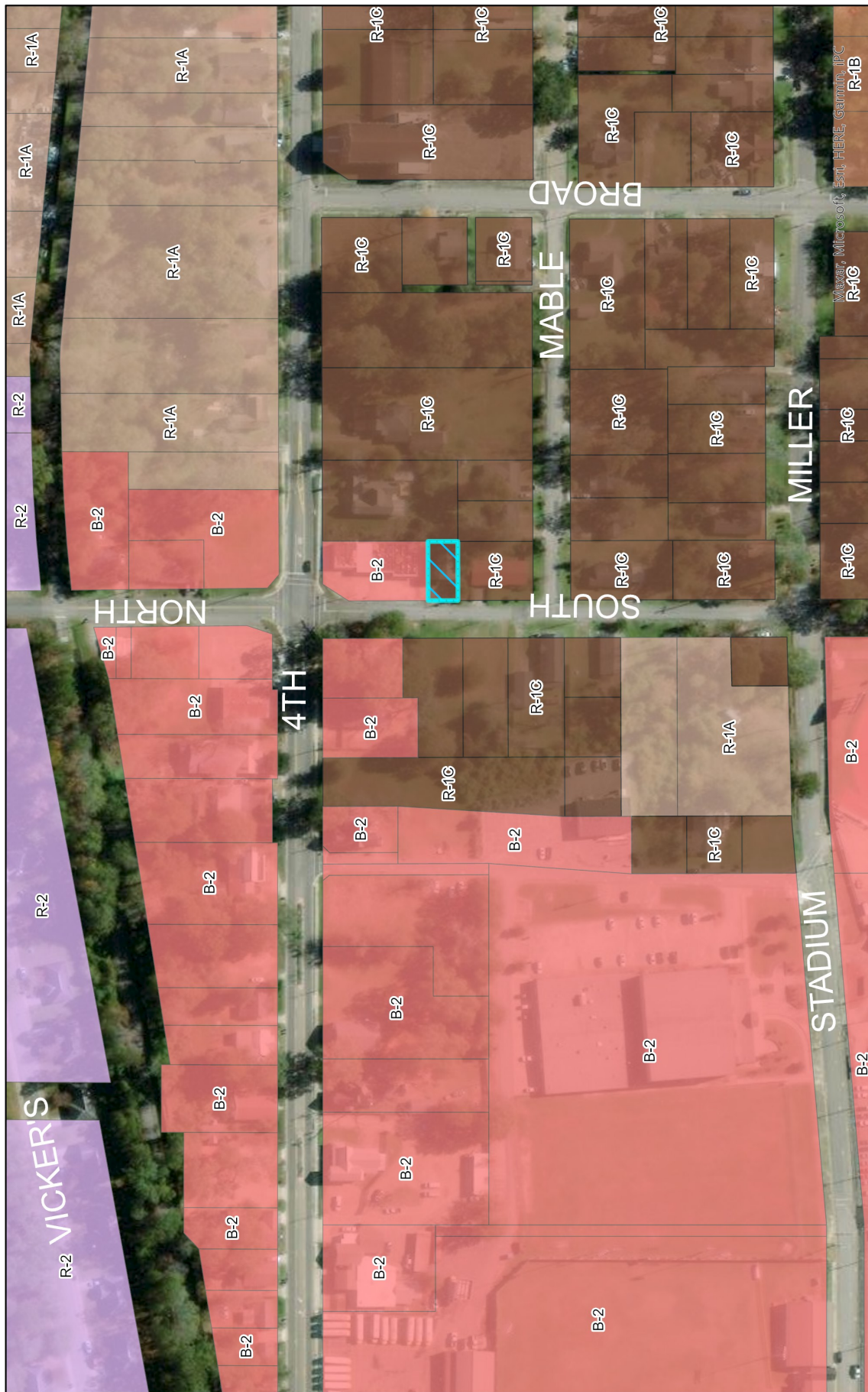
SUBJECT PARCEL

102 South Street—Zoning Change Request

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

Clifford Lockhart, petitioner, Matthew H. Bailer, and owner, and Jackie Bailey, owner, and Stella Payton, request approval for rezoning from R-1C (Single-family Residential) to B-1 (Professional Business) for a property located at 102 South Street. a. Conditional Use Request- The petitioner also requests a conditional use approval for “mixed-use” at the same location, contingent upon the zoning approved to B-1 (PPIN 19729, Ward 4, 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.

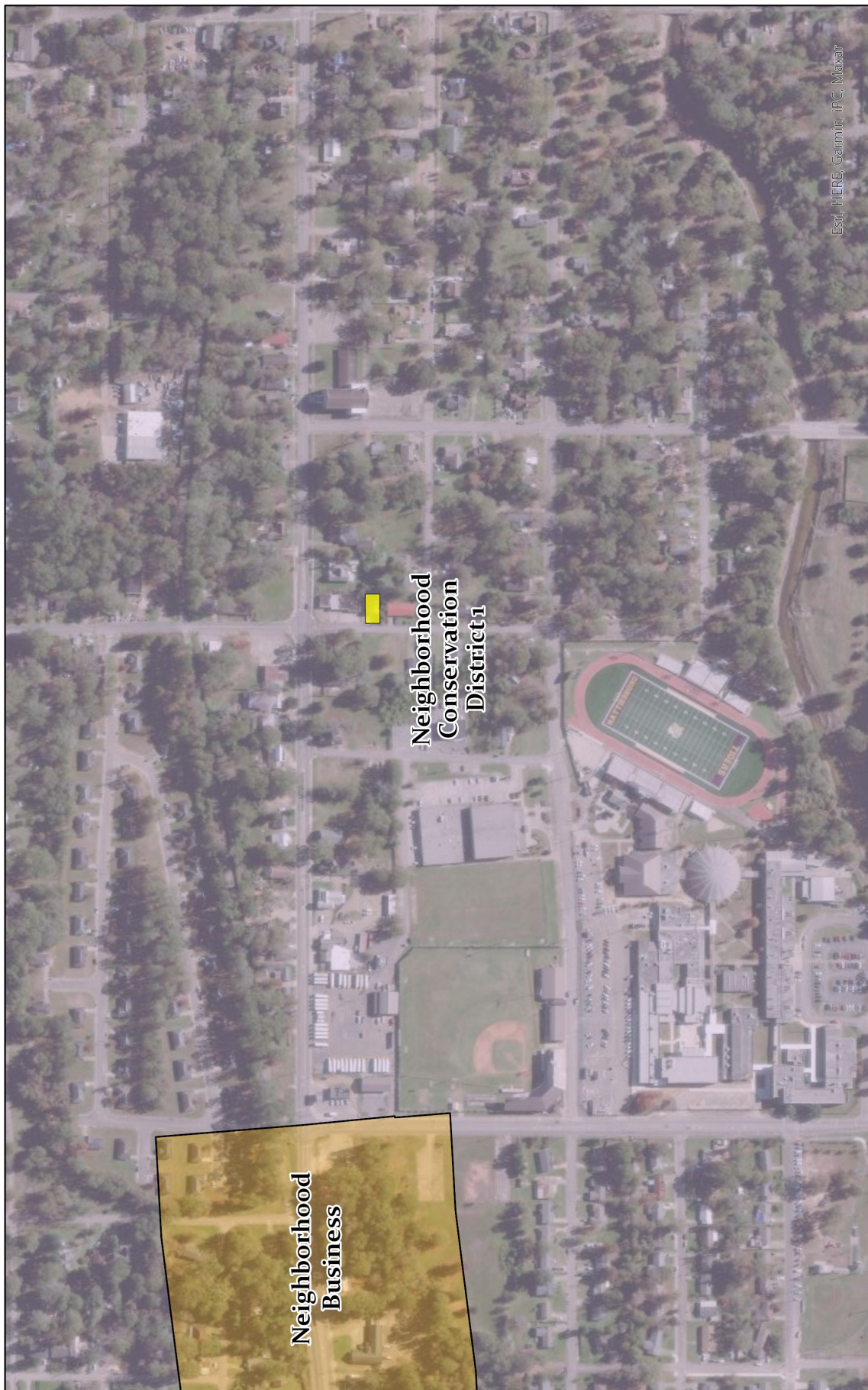
102 South Street
Zoned R-1C
PPIN: 19729
Flood Zone: X
Ward 4, Forrest County



**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
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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





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
JUN 24 2024
MS

APPLICANT:

Applicant Name: Clifford Lockhart
Project Name: 102 South Street
Proposed Use(s): _____
Project Street Address: 102 South Street
PPIN Number(s) (if unknown, can be found on tax receipt): _____

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

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: ~~B~~ R-1C
Proposed Zoning: B-1

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: Clifford M. Lockhart

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

☐ Other (please specify): _____

Phone: 601 329 9922 Fax: _____ Email: CliffordLockhart2@aol.com

Mailing Address: 748 W. 4th Street Hburg MS 39401

Secondary:

Name: Matthew H. Bailey

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

☐ Other (please specify): _____

Phone: 443-928-0491 Fax: _____ Email: mhbailley51@gmail.com

Mailing Address: 5217 Rising Sun Lane Ellicott City MD 21043

Other(s):

Name: Jackie Bailey

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

☐ Other (please specify): _____

Phone: 443 677 8270 Fax: _____ Email: 19pbh94@gmail.com

Mailing Address: 5217 Rising Sun Lane Ellicott City MD

Name: Stella Payton

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

☒ Other (please specify): Admin.

Phone: 601 329 1650 Fax: _____ Email: stellampp@aol.com

Mailing Address: 128 Pinehills Dr. Hburg MS 39402

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 St Hattiesburg MS 39401
Street Address City State

on this the 20 day of June, 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.

on this the _____ day of _____, 20____.

MATTHEW N. BAILEY
Property Owner (print)
Matthew N. Bailey
Property Owner (signature)

STATE OF Mississippi
COUNTY OF Forrest

Personally came and appeared before me, the within named

Matthew 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 20 day of
June, 2024.

Lameka Magee
NOTARY PUBLIC

My Commission Expires:

Nov. 8, 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 St Hattiesburg MS 39401
Street Address City State

on this the 20 day of June, 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.

on this the _____ day of _____, 20____.

JACKIE D. BAILEY
Property Owner (print)

Jackie D. Bailey
Property Owner (signature)

STATE OF Mississippi

COUNTY OF Forrest

Personally came and appeared before me, the within named

Jackie 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 20 day of
June, 2024.

Lameka Magee
NOTARY PUBLIC



My Commission Expires:

Nov. 8, 2025

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
Street Address City State

on this the 20 day of June, 2024

Clifford Lockhart
Applicant (print)

[Signature]
Applicant (signature)

STATE OF MS

COUNTY OF Forrest

Personally came and appeared before me, the within named Clifford 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 20 day of June, 2024.

[Signature]
NOTARY PUBLIC

My Commission Expires:
Nov. 8, 2024



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 attached page following

We are requesting that this location be rezoned for mixed use B-1 Commercial. This is a four unit apartment building. It was originally built as a multifamily. The area was zoned to reflect that. The unit was multifamily since initial Construction. To reflect the transitioning nature of the area, we would like it rezoned to meet the changing needs of the street and community. Our goal is to provide 2 office buildings and 2 apartment units.

The area in front of the building was just rezoned to B-2 Commercial for Hattiesburg High School to construct a parking lot. The lot next to our location is zoned B-2 Commercial. The old building next to it was demolished but was also zoned B-2 Commercial. We were informed by the historic district representative that the unit had been rezoned as single-family because this particular structure have gone for more than six months without electrical surface. As a result the grandfather clause expired.

Because of the expansion of Hattiesburg High, this street is in somewhat of a state of transition relative to the needs of the neighborhood. Please see the attached photos.

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:

yes. The applicants will use the building as office locations on the lower level and housing rentals on top

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

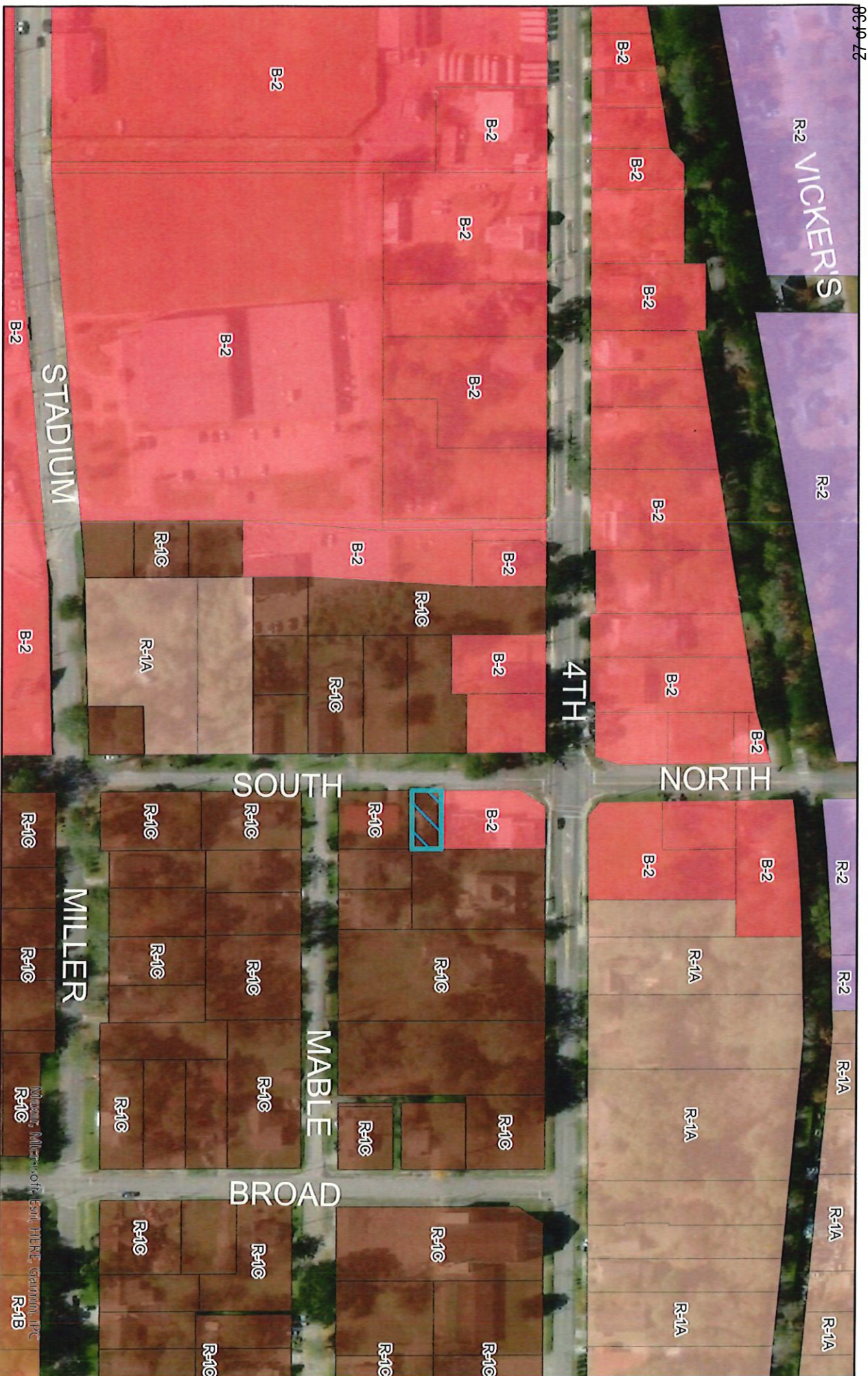
*provide affordable housing
provide improvements in area thru bldg use
provide taxes to city*

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

This building has been at the location for many years and is similar in size to other buildings of like use in the area.

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

no. there is adequate historic parking for the 4 units immediately in front of the building. There will be a parking lot across the street



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

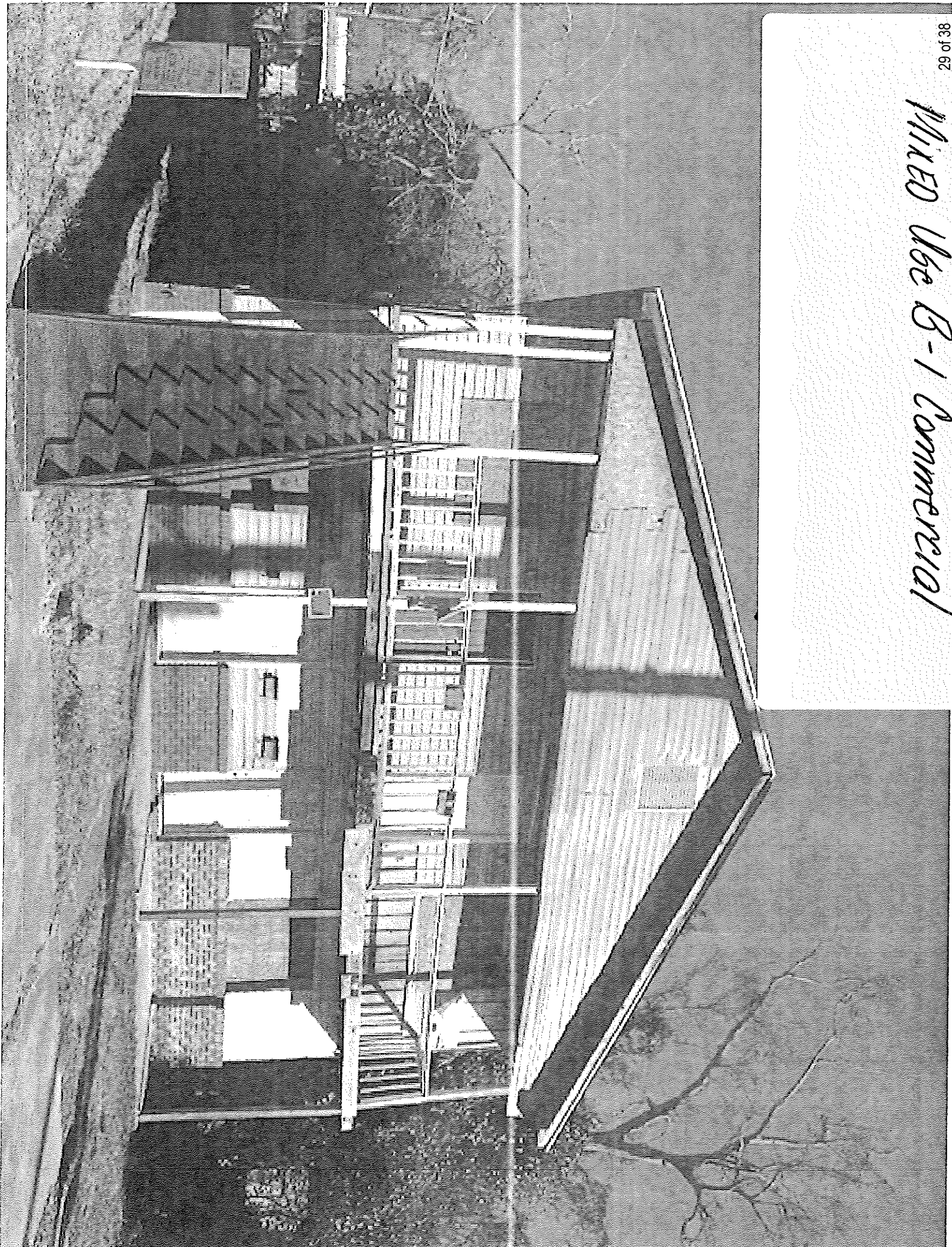
Center: 89°18'22"W 31°19'53"N

LEGAL DESCRIPTION

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.

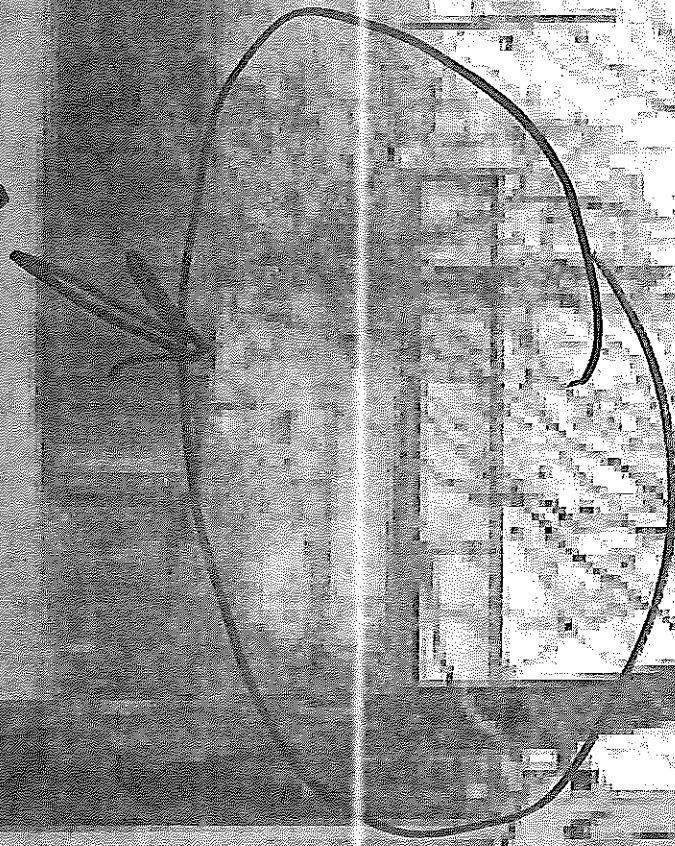
Mixed Use B-1 Commercial



WAD.
Commercial
Building
North Door to South
Street



Commercial

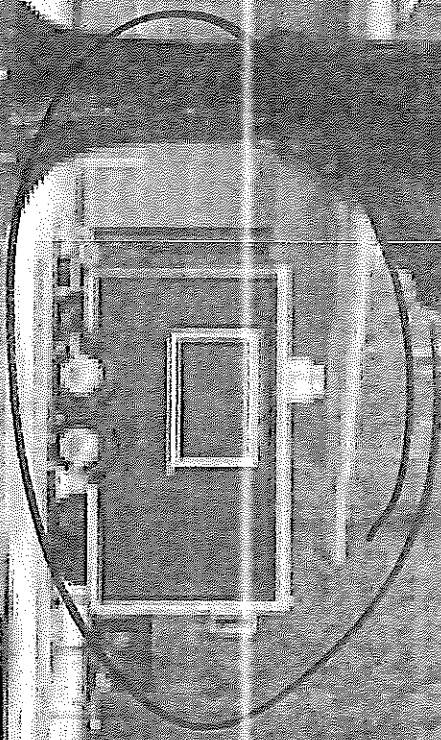


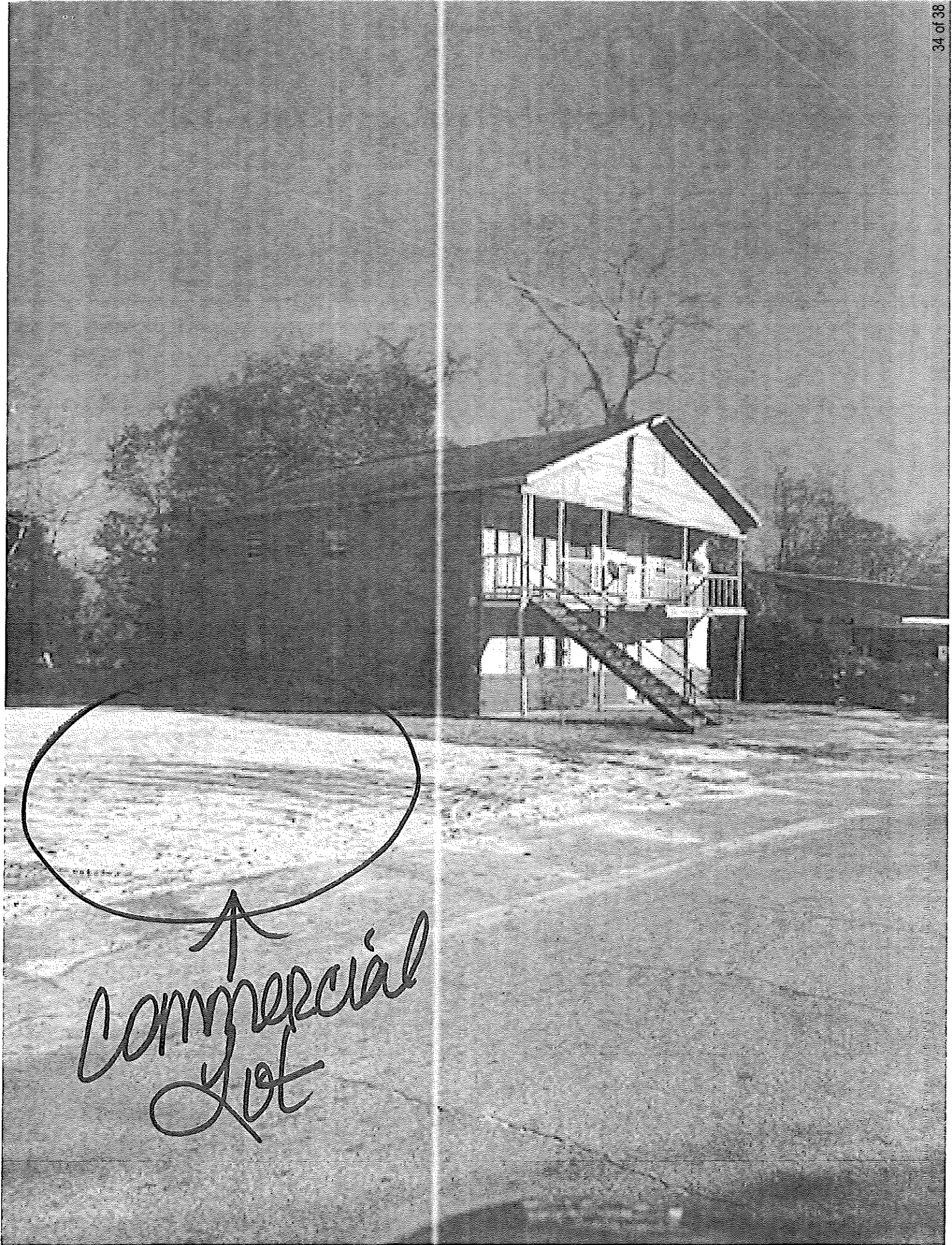
Commercial

Commercial Building



4-Way Stop
4th + South + North
Commercial





Commercial
Lot



URBAN DEVELOPMENT PLANNING DIVISION

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.

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