



URBAN DEVELOPMENT

PLANNING DIVISION

HATTIESBURG PLANNING COMMISSION

PUBLIC HEARING STAFF REPORTS

September 4, 2024

Planning Commission
Jackie Dole Sherrill Community Center (Dining Room)
220 W Front Street
September 4, 2024

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. **Rezoning** - Bennett York, owner, and John Anglin, engineer, request approval for rezoning from R-3 (Multi-Family Residential) to B-5 (Regional Business) for a property located at 62 Cross Creek Parkway (PPIN 38013, Ward 3, Lamar County).
 - B. **Rezoning** - Ta'Dren Kennedy, owner, Charles Bolton, representative, and Shea McNease, engineer, approval for rezoning from B-2 (Neighborhood Business) to R-1B (Single-Family Residential) for a property located at 800 W. 7th Street (PPIN 23500, Ward 2, Forrest County).
 - C. **Major Subdivision** - Ta'Dren Kennedy, applicant, Charles Bolton, representative, and Shea McNease, engineer request approval to alter the platted subdivision known as "Rawl's Addition to the City of Hattiesburg" at 800 W 7th Street to subdivide the property into 7 single-family residential lots (PPIN 23500, Ward 2, Forrest County).
 - D. **Rezoning** - Kyle Mackender, applicant, requests approval for rezoning from B-2 (Neighborhood Business) to B-1 (Professional Business) for a property located at 1501 W. 7th Street (PPIN 26056, Ward 2, Forrest County).
 - E. **Rezoning** - Ola M. Jordan, applicant, requests approval for rezoning from R-1C (Single-Family Residential) to A-2 (Agricultural Residential) for a property located at 532 Cox Street. The request to rezone is contingent upon a variance approval to allow for a reduced lot size for the A-2 zoning district (PPIN 12368, Ward 5, Forrest County).
 - F. **PMU-PD Amendment** - Gulf Coast Housing Partnership, applicant, Beverly Land, LLC., owner, Ming Ming Lin, representative, Martin Tovrea, architect, and Tom Champion, representative, requests approval for an amendment to a Planned Mixed-Use Development as known as the "Village at the Beverly," which is located on Old Airport Road in Forrest County, Ward 5. (PPIN 29647, Ward 5, Forrest County).

III. Other Business

- G. **(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
August 7th, 2024**

Board Members Roll Call:

Members Present:

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

Members Absent:

1. Amy Hinton, Chair
2. Michael Dickerson (VIRTUAL)
3. (vacant seat)

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Senior Planner
3. David Miller, Esq.
4. Wiley Quinn, Director of Urban Development
5. Meridian McDaniel, Planner I

Vice Chair Pickett 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 Venable.

Motion:

Made by Commissioner Ray to approve the agenda

Second:

Made by Commissioner Venable

Vote:

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

MINUTES REVIEW

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

Motion:

Made by Commissioner Ray to approve

Second:

Made by Commissioner Lockett

Vote:

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

BUILDING REPORT

Kevin Bates, Building Official, provided the Building Permit Report for July 2024. Mr. Bates will make the report for July and August at the September Planning Commission meeting.

PLANNING REPORT

The Planning Division gave a report. Updated Planning Commission on City Council votes from July meeting(s). Updated Planning Commission on Night Off Broadway and Broadway project. Updates to food truck permitting were discussed. Updates to the Land Development Code were discussed. Updates to applications moving online were discussed.

CHAIR'S REPORT

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

INTRODUCTIONS

Commissioners and staff introduced themselves.

PUBLIC HEARING – Planning Commission

Item A1: Zoning Change Request - Clifford Lockhart, petitioner, Matthew H. Bailey, 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).

Discussion and Vote:

The Planning Staff introduced the case. Clifford Lockhart spoke on behalf of his case answering questions from the commissioners.

Presented by:

1. Clifford Lockhart

Proponents:

1. None

Opponents:

1. None

Motion:

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

Second:

Made by Commissioner Pruitt

Vote:

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

Item A2: Conditional Use Request - Clifford Lockhart, petitioner, Matthew H. Bailey, 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).

Discussion and Vote:

The Planning Staff introduced the case. Clifford Lockhart spoke on behalf of his case answering questions from the commissioners.

Presented by:

1. Clifford Lockhart

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Commissioner Wilson to Approve (basis of staff recommendations)

Second:

Made by Commissioner Lockett

Vote:

Board Member	Yea	Nay	Other
Elayne Lockett	X		
Rhoda A. Pickett	X		
Dick Conville	X		
Amy Hinton			ABSENT
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson	X		

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

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.

Adjournment:

The meeting was adjourned at 1:54 p.m.

Motion:

Made by Commissioner Venable

Second:

Made by Commissioner Ray

Vote:

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

Rebekah Ray, Secretary

Cory Long, AICP, Planning Division Manager

September HPC Item: A
Bennett York, Applicant, and John Anglin, Engineer
Request for: **Zoning Change From R-3 to B-5**



URBAN DEVELOPMENT PLANNING DIVISION

Planning Commission Case Fact Sheet

Names of Petitioner: Bennett York, applicant, and John Anglin, engineer

Address of Property:
62 Cross Creek Parkway

County:
Lamar

PPIN:
38013

Ward:
3

Request: **Request for Rezoning — R-3 (Multi-Family Residential) to B-5 (Regional Business)**

Purpose of Request: Bennett York, applicant, and John Anglin, engineer, requests approval for rezoning from R-3 (Multi-Family Residential) to B-5 (Regional Business) for a property located at 62 Cross Creek Parkway (PPIN 38103, Ward 3, Lamar County).

History / Background: The property was brought before the Planning Commission in December of 2019 with a request to be rezoned from B-5 to R-3, with the intention of the property becoming phase III of the Cross Creek Village Apartments. The Planning Commission voted to recommend approval to City Council and City Council approved the rezoning request in December of 2019.

After approval of the rezoning request, the site was graded and grubbed but was not developed further into the original proposal for apartments. The applicant noted that they could not justify the costs for multi-family after the rezone, and began exploring other options.

The applicants met with the committee again in July of 2024 to discuss plans for the development of the site. The applicants presented plans to switch the site's development from multi-family apartments to a multi-project. The initial plan is to develop an extended-stay hotel, where they have been in discussion with the Echo Hotel Brand (by Wyndham Hotels).

The applicant discussed wanting to do additional site stabilization to the site, prior to any formal development plans in order to help make the property more marketable for other commercial components on the site. Long-term plans for the site may include additional subdivisions for other complementary businesses to hotels, such as restaurant chains. Any future subdivisions of the property will require a plat amendment, as a subdivision plat was recently approved by City Council for the property in 2023. The applicant also discussed

September HPC Item: A
 Bennett York, Applicant, and John Anglin, Engineer
 Request for: **Zoning Change From R-3 to B-5**

the possibility for a cut-through road on the property from Cross Creek Parkway that would connect to Turtle Creek Drive. Staff advised that if it were to ever be dedicated to the City, it would require a major subdivision approval as it would create new infrastructure and meet all applicable requirements for a new road.

Applicant Summary: * See Attached *

SECTION 4 Zoning Districts Established

R-3 Multi-Family Residential District: The purpose of the R-3 District is to permit medium and high density residential uses including multi-family, two-family, and single-family structures with related recreational, religious and educational facilities. This district is consistent with the Neighborhood Conservation 1 and 2 districts in the Comprehensive Plan. This zoning district encourages protected residential neighborhoods with only compatible supporting institutional uses and open space.

B-5 Regional Business District: The purpose of the B-2 District is to provide for retail and personal and business services, offices, and financial services in locations convenient to region's population 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-3	7,500/ 40	17 per acre	-	20	-	5	20	35 feet or 3 stories	50%	-
B-5	No minimum/ 100	-	1.50	30	150	0 or 10	0	72 feet or 6 stories	90%	50

Present Zoning: R-3 Multi-Family Residential

Present Use: Vacant Land / Undeveloped

Future Land Use: Regional Business

September HPC Item: A
Bennett York, Applicant, and John Anglin, Engineer
Request for: **Zoning Change From R-3 to B-5**

Surrounding Zoning:

North: B-5 Regional Business
South: B-5 Regional Business
East: B-5 Regional Business
West: R-3 Multi-Family Residential, B-5 Regional Business

The property is largely surrounded by the commercial development of the Turtle Creek Mall and surrounded retail stores and multi-family developments.

**Letters or
Concerns stated:**

The Planning Division has not received any letters or concerns as or 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

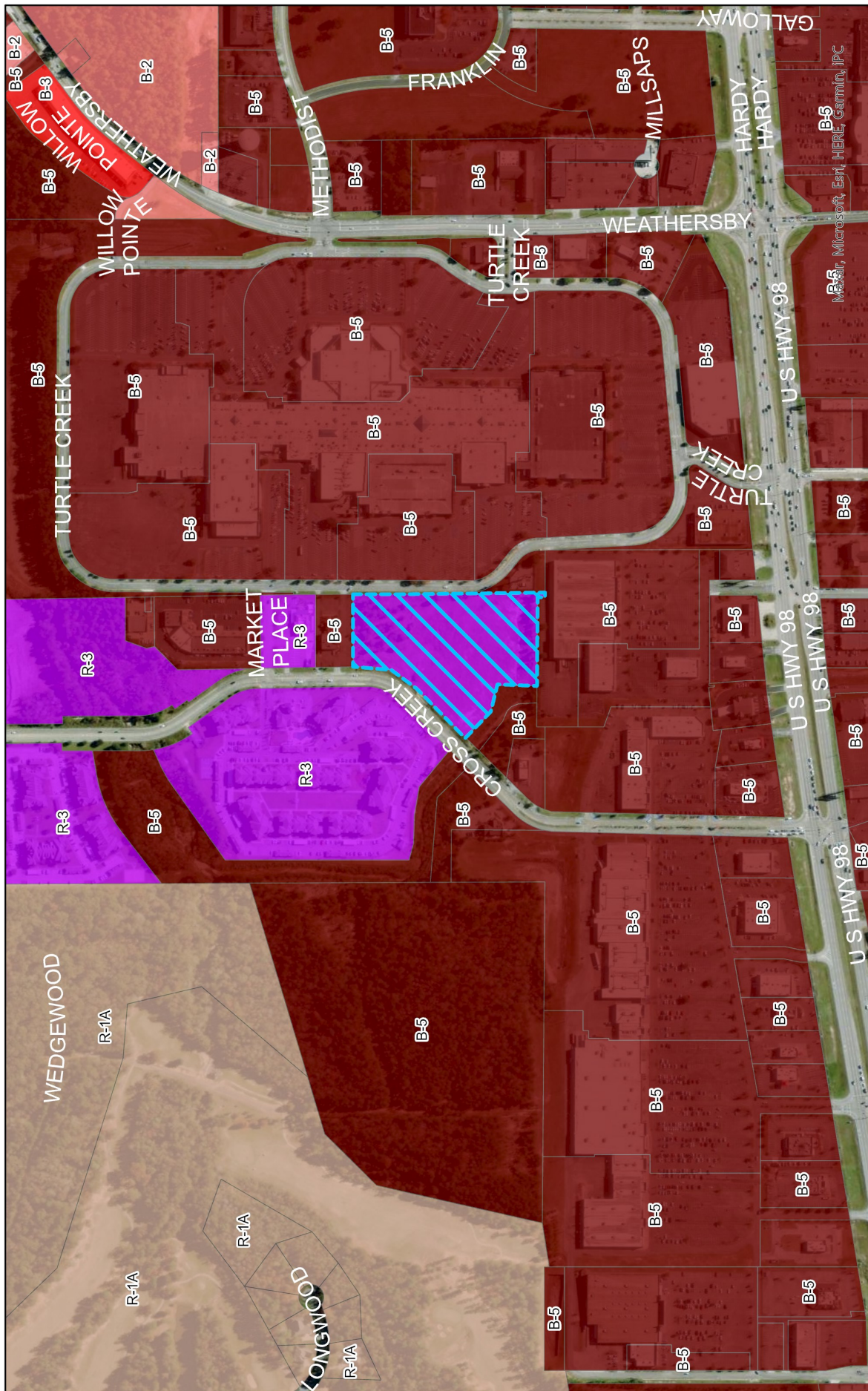
SUBJECT PARCEL

62 Cross Creek Parkway — Zoning Change Request

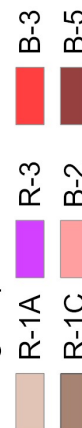
Bennett York, Owner, and John Anglin, Engineer

Requesting approval for rezoning from R-3 (Multi-Family Residential) to B-5 (Regional Business) for a property located at 62 Cross Creek Parkway (PPIN 38013, Ward 3, Lamar County).

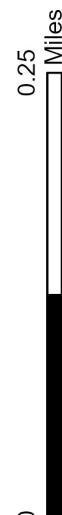




Zoning Map



Rezoning request from R-3 to B-5
Cross Creek Parkway
PPIN: 7622
Flood Zone: X
Ward 3, Lamar County



**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°22'46"W 31°19'33"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: 8/14/2024 5:17 PM



Future Land Use Map

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

Rezoning request from R-3 to B-5

Cross Creek Parkway

PPIN: 7622

Flood Zone: X

Ward 3, Lamar County

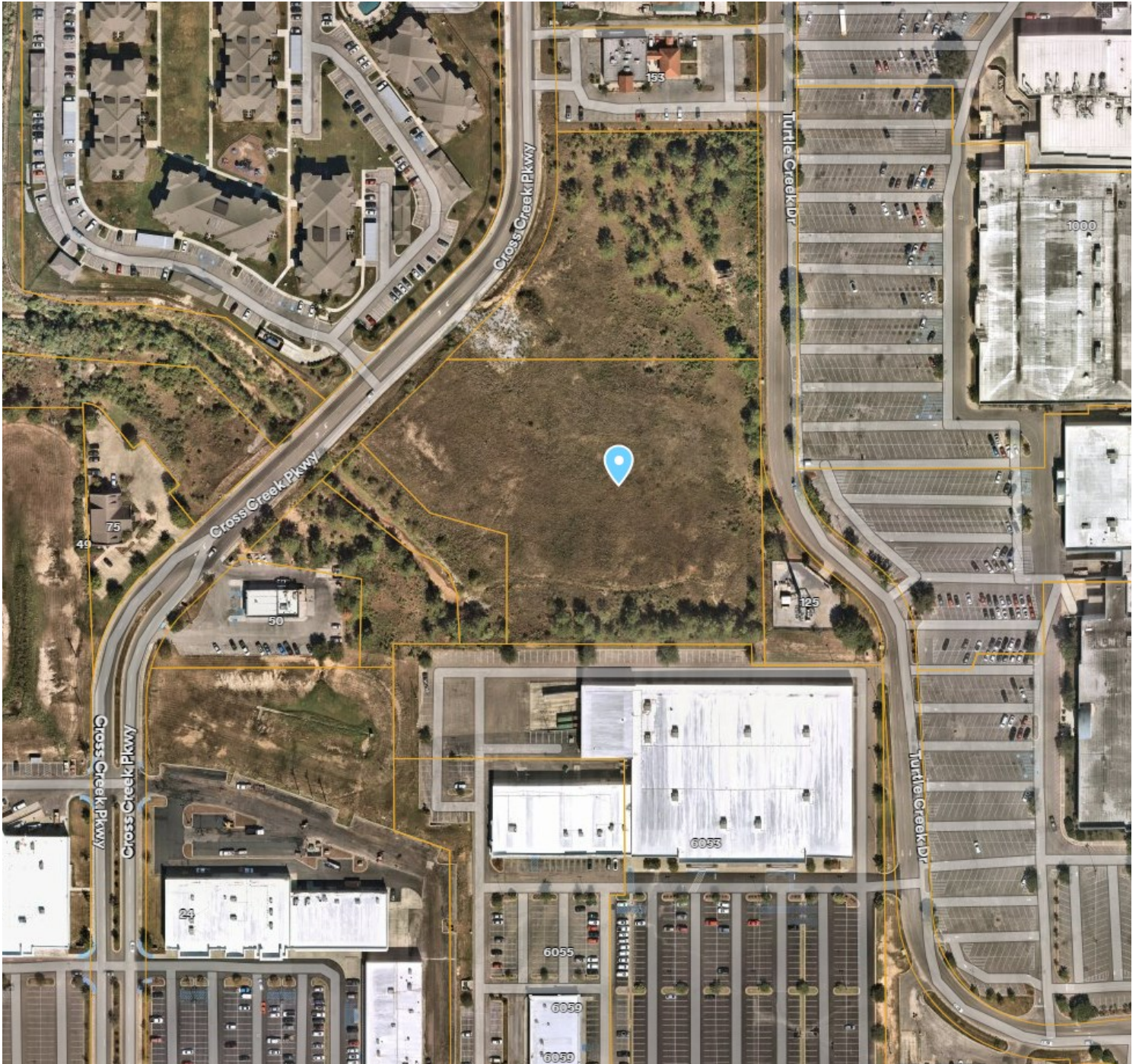


**URBAN
DEVELOPMENT
PLANNING DIVISION**

Center: 89°22'46"W 31°19'33"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: 8/14/2024 5:18 PM

Site Aerial



Surrounding Area



Surrounding Area





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: Bennett York

Project Name: Cross Creek Parkway Hotel

Proposed Use(s): Hotel

Project Street Address: 62 Cross Creek Parkway, Hattiesburg MS

PPIN Number(s) (if unknown, can be found on tax receipt): 38013

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-3 (Multi-Family Residential)

Proposed Zoning: B-5 (Regional Business)

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>Bennett V. York</u>
☒ Applicant ☒ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____
Phone: <u>601-264-0403</u> Fax: _____ Email: <u>donnie.hendrix@yorkdevelopments.com</u>
Mailing Address: <u>112 Sheffield Loop, Hattiesburg, MS 39402</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
62 Cross Creek Parkway Hattiesburg MS
Street Address City State
on this the 19th day of July, 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.

Bennett York
on this the 19th day of July, 2024



[Signature]
Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF Mississippi
COUNTY OF Lamar

Personally came and appeared before me, the within named

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

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 19th day of July, 2024.

[Signature]
NOTARY PUBLIC

My Commission Expires:

4-27-28



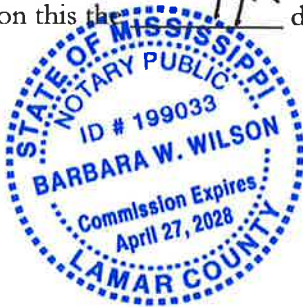
APPLICANT AFFIDAVIT PAGE

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

62 Cross Creek Parkway Hattiesburg MS
Street Address City State

on this the 19th day of July, 2024.



Applicant (print)

Applicant (signature)

STATE OF Mississippi
COUNTY OF Lamar

Personally came and appeared before me, the within named

Bennett York

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

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 19th day of July, 2024.

Barbara W. Wilson
NOTARY PUBLIC

My Commission Expires:

4-27-28



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.

**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.

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:

Subject property was rezoned from B-5 to R-3 in 2021. However, the planned multi-family development could not proceed due to changing economic conditions. It is not anticipated that this property can be used to its best and full use as zoned residential. The property is surrounded by B-5 zoned property, and we are requesting the property to be changed back to B-5 zone.

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 _____ 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

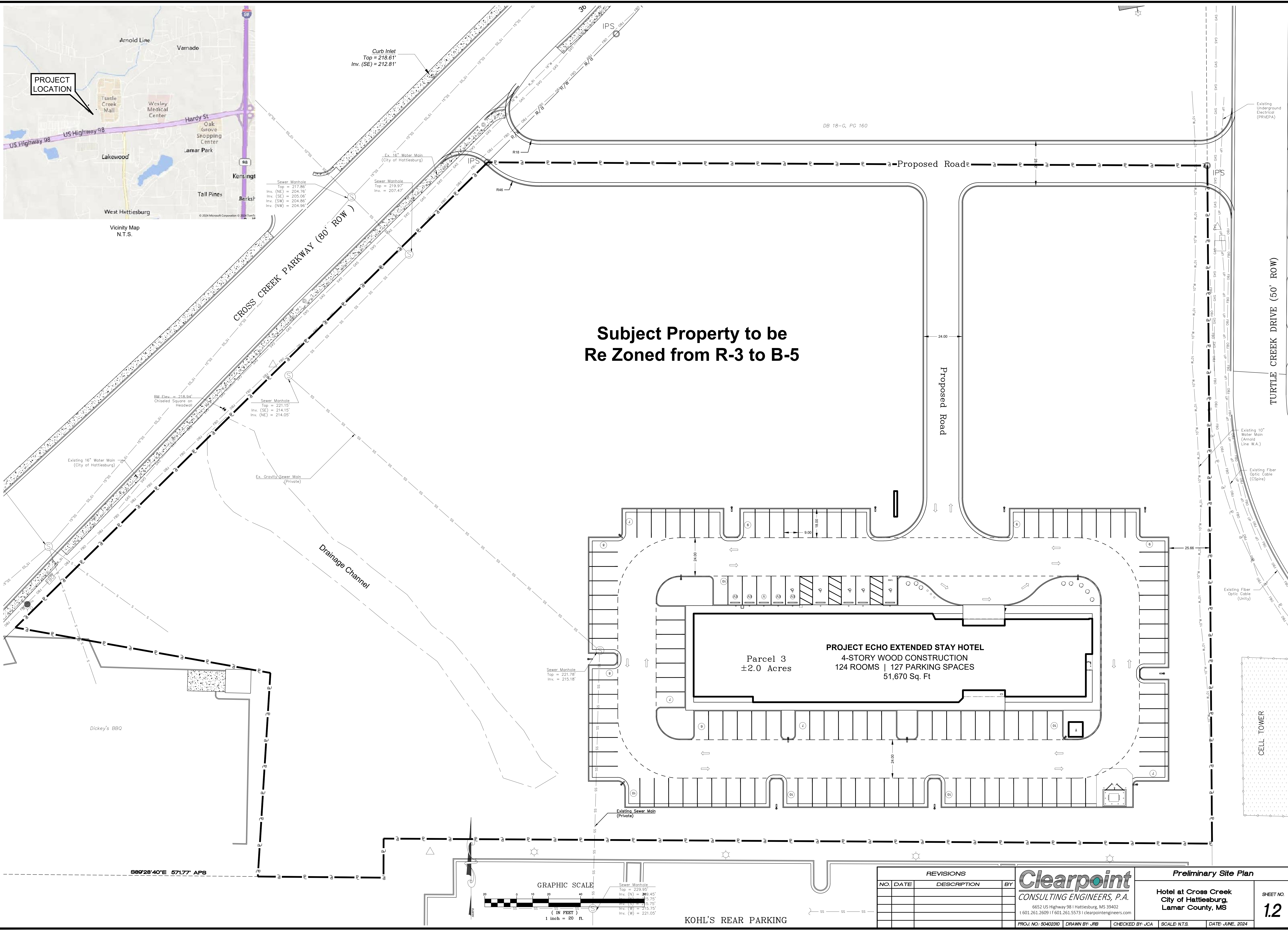
If yes, provide reference numbers and dates: _____

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)



Drawing Location: S:\040230\DWG\040230.dwg

310180

PROJECT LOCATION

Vicinity Map
N.T.S.

Subject Property to be
Re Zoned from R-3 to B-5

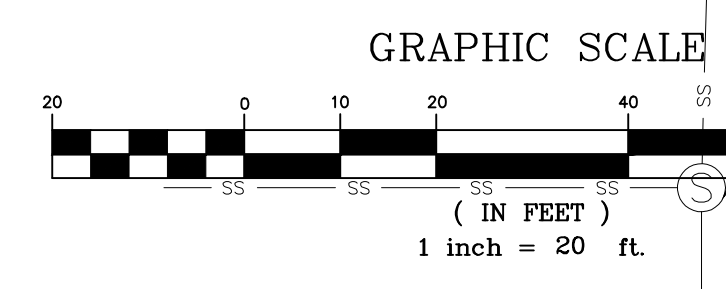
DB 18-G, PG 160

PROJECT ECHO EXTENDED STAY HOTEL
4-STORY WOOD CONSTRUCTION
124 ROOMS | 127 PARKING SPACES
51,670 Sq. Ft

Parcel 3
±2.0 Acres

CELL TOWER

889°28'40"E 571.77' APB



KOHL'S REAR PARKING

REVISIONS		
NO.	DATE	DESCRIPTION

Clearpoint
CONSULTING ENGINEERS, P.A.
6652 US Highway 98 | Hattiesburg, MS 39402
t 601.261.2609 | f 601.261.5573 | clearpointengineers.com

Preliminary Site Plan

Hotel at Cross Creek
City of Hattiesburg,
Lamar County, MS

SHEET NO.
1.2

PROJ. NO: 5040230 DRAWN BY: JRB CHECKED BY: JCA SCALE: N.T.S. DATE: JUNE, 2024

Line Table		
Line #	Length	Direction
L1	30.00	N89°41'17"E
L2	41.73	S00°18'43"E
L3	20.00	S54°23'30"W
L4	60.21	S35°36'30"E
L5	10.00	S54°23'30"W
L6	156.46	S35°36'30"E
L7	133.02	N45°50'37"E
L8	31.07	N18°30'52"W
L9	90.85	N19°55'04"E
L10	174.26	S89°40'23"E
L11	146.56	N49°12'47"E
L12	128.66	N30°55'33"E
L13	108.65	N62°13'14"E
L14	123.73	N72°11'00"E
L15	90.20	S79°03'12"E
L16	65.11	N00°20'06"W
L17	65.11	S00°22'53"E

James D. Auttman, Chancery Clerk
Chancery Clerk
by: Rose Travis, DC.

State of Mississippi County of Lamar

I, Ronald T. Blackwell, a Mississippi Registered Professional Engineer and Land Surveyor, do hereby certify that at the request of Turtle Creek Development, LLC, a Mississippi limited liability company, the Owner(s), I have subdivided and platted the following described land being situated in Section 11, Township 4 North, Range 14 West, City of Hattiesburg, Lamar County, Mississippi.

A parcel of land being part of the SW 114 of NW 1/4, Section 11, Township 4 North, Range 14 West, Lamar County, MS, and being more particularly described as follows

Commence at an iron pin found at the SW corner of Lot 1, Resubdivision of Commercial Mall Complex, 2nd Filing as found in Plat Book 2 Page 100 in the Lamar County Chancery Clerk's office, said point also being South 89°24'28" East 1168.51 feet from the SW corner of said SW 1/4 of NW 1/4 of Section 11; thence run North 00°22'53" West along the west line of said Commercial Mall Complex for 27.42 feet to and for the Point of Beginning; thence continue North 00°22'53" West along the west line of said Commercial Mall Complex for 424.29 feet to an iron pin set; thence run North 89° 44' 31" West along the south line of that property described in Deed Book 27D Page 542 for 449.92 feet to an iron pin found on the eastern right-of-way of Cross Creek Parkway; thence run South 45°26'05" West along said right-of-way for 195.77 feet to an iron pin set at the NE corner of that property described in Deed Book 19F Page 364; thence run along the north and east lines of said property for the following calls: run South 44°16'44" East for 136.97 feet to an iron pin set; thence run South 74°06'01" East for 115.65 feet to an iron pin set; thence run South 00°46'19" West for 116.44 feet to an iron pin set; thence run South 01°17'41" West for 40.42 feet to an iron pin set at the north line of that property described in Deed Book 19G Page 93; thence run South 89°39'15" East along the north line of said property for 387.86 feet back to the Point of Beginning. Said parcel contains 4.57 acres, more or less.

Lot 3 of Turtle Creek subdivision plat platted in the Lamar County Chancery's clerks office on December 4th, 2023

160
STATE OF MISSISSIPPI
COUNTY OF LAMAR
CITY OF HATTIESBURG

FILED

2006 MAR 8 AM 10 31

WAYNE SMITH
CHANCERY CLERK

STREET 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, **TURTLE CREEK DEVELOPMENT, LLC**, a Mississippi limited liability company, as "Grantor" herein, does hereby remise, release and quitclaim unto the **CITY OF HATTIESBURG, MISSISSIPPI**, as "Grantee" herein, all of its right, title and interest in and to the real property described herein below, lying and being situate in the City of Hattiesburg, County of Lamar, State of Mississippi, said real property being more particularly described as follows, to wit:

A parcel of land being a part of the West ½ of the Northwest 1/4 of Section 11, Township 4 North, Range 14 West in the City of Hattiesburg, County of Lamar, State of Mississippi, said parcel of land being a permanent right of way for a proposed public road crossing the real property described in County of Lamar Land Records, Deed Book 14S, Page 301, and being more particularly described as commencing at the southwest corner of the Southwest 1/4 of the said Northwest 1/4 of Section 11, thence run N00°55'42"W along the west line of said Northwest 1/4 for 2,651.00 feet to the northwest corner of the said Northwest 1/4, thence run S89°58'40"E along the north line of the said Northwest 1/4 for 590.90 feet to a point on the proposed western right of way line of a proposed public road, said point being the Point of Beginning; thence continue S89°58'40"E along the said north line of the Northwest 1/4 for 80.00 feet to a point on the proposed eastern right of way line of a proposed public road, thence run S00°36'50"E along the said proposed eastern right of way line for 716.25 feet, thence run N89°23'10"E along the said proposed eastern right of way line for 30.00 feet, thence run S00°36'50"E along the said proposed eastern right of way line for 304.98 feet, thence run Southeasterly along an arc to the left and said proposed eastern right of way line for 141.69 feet, said arc having a radius of 230.00 feet, a chord bearing of S18°15'43"E and a chord distance of 139.46 feet, thence run S54°05'23"W along the said proposed eastern right of way line for 20.00 feet, thence run S35°54'37"E along the said proposed eastern right of way line for 60.21 feet, thence run S54°05'23"W along the said proposed eastern right of way line for 10.00 feet, thence run S35°54'37"E along the said proposed eastern right of way line for 150.00 feet, thence run S54°05'23"W for 80.00 feet to a point on the said proposed western right of way line of a proposed public road, thence run N35°54'37"W along the said proposed western right of way line for 210.21 feet, thence run S54°05'23"W along the said proposed western right of way line for 30.00 feet, thence run northwesterly along an arc to the right and the said proposed western right of way line for 227.93 feet, said arc having a radius of 370.00 feet, a chord bearing of N18°15'43"W and a chord distance of 224.35 feet, thence run N00°36'50"W along the said proposed western right of way line for 304.98 feet, thence run N89°23'10"E along the said proposed western right of way line for 30.00 feet, thence run N00°36'50"W along the said proposed western right of way line for 717.14 feet to the Point of Beginning, comprising 3.29 Acres (143,326 square feet), more or less.

We fully understand that we have the right to receive just compensation for the real property herein described, based on an appraisal of said property. We hereby waive our right to just compensation and donate the real property herein described to the City of Hattiesburg. We further understand that we have the right to request that a fair market value appraisal of the property be made and we hereby waive that right.

WITNESS THE SIGNATURE OF GRANTOR as of the 27th day of ^{February}~~March~~,
A.D. 2006.

TURTLE CREEK DEVELOPMENT, LLC,
a Mississippi limited liability company

By: [Signature]
Bennett V. York, Member

By: [Signature]
Bennett V. York, Jr., Member

By: [Signature]
Paige York-Losee, Member

By: [Signature]
John T. York, Member

STATE OF MISSISSIPPI
COUNTY OF Lamar

Personally appeared before me, the undersigned authority in and for the said county and state, on this 1st day of March, 2006, within my jurisdiction, the within named **BENNETT V. YORK**, who acknowledged that he is a Member of Turtle Creek Development, LLC, a Mississippi member-managed 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 foregoing instrument, after first having been duly authorized by said limited liability company so to do.

[Signature: Darlene Montgomery]
NOTARY PUBLIC

My commission expires:
May 1, 2007
(SEAL)

STATE OF MISSISSIPPI
COUNTY OF Lamar

Personally appeared before me, the undersigned authority in and for the said county and state, on this 1st day of March, 2006, within my jurisdiction, the within named **BENNETT V. YORK, JR.**, who acknowledged that he is a Member of Turtle Creek Development, LLC, a Mississippi member-managed 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 foregoing instrument, after first having been duly authorized by said limited liability company so to do.

[Signature: Darlene Montgomery]
NOTARY PUBLIC

My commission expires:
May 1, 2007
(SEAL)

STATE OF Mississippi
COUNTY OF Lamar

Personally appeared before me, the undersigned authority in and for the said county and state, on this 28th day of February, 2006, within my jurisdiction, the within named **PAIGE YORK-LOSEE**, who acknowledged that she is a Member of Turtle Creek Development, LLC, a Mississippi member-managed limited liability company, and that for and on behalf of the said limited liability company, and as its act and deed she executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

Darlene Montgomery
NOTARY PUBLIC

My commission expires:

May 1, 2007

(SEAL)

STATE OF MISSISSIPPI
COUNTY OF Lamar

Personally appeared before me, the undersigned authority in and for the said county and state, on this 2nd day of February, 2006, within my jurisdiction, the within named **JOHN T. YORK**, who acknowledged that he is a Member of Turtle Creek Development, LLC, a Mississippi member-managed 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 foregoing instrument, after first having been duly authorized by said limited liability company so to do.

Darlene Montgomery
NOTARY PUBLIC

My commission expires:

May 1, 2007

(SEAL)

Grantor's Address:

Turtle Creek Development, LLC
112 Sheffield Loop, Suite D
Hattiesburg, Mississippi 39402
Telephone: 601.264.0403

Grantee's Address:

City of Hattiesburg
212 W. Front St.
Hattiesburg MS 39403-1898
Telephone: 601-545-4540

CERTIFICATE OF FILING AND RECORDING
STATE OF MISSISSIPPI • LAMAR COUNTY
WAYNE SMITH • CHANCERY CLERK
BOOK 18-4 PAGE 160
INDEXED 20 RECORDED 20 ABSTRACTED 20
Don Davis D.C.



THIS INSTRUMENT PREPARED BY: Jan W. Hammond; 112 Sheffield Loop, Suite D-1; Hattiesburg, MS 39402; Telephone: 601.264.0403; Facsimile: 601.264.0433.

INDEXING INSTRUCTIONS TO LAMAR COUNTY CHANCERY CLERK:

Index on the general index, direct and reverse; and index on the sectional index on the West ½ of the Northwest 1/4 of Section 11, Township 4 North, Range 14 West in the City of Hattiesburg, County of Lamar, State of Mississippi.



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Planning Commission
Case Fact Sheet**

Names of Petitioner: Ta'Dren Kennedy, applicant

Address of Property:
800 W 7th Street

County:
Forrest

PPIN:
23500

Ward:
2

Request: **Item B: Request for Rezoning — B-2 (Neighborhood Business) to R-1B (Single-Family Residential) and**

Item C: Plat Modification and Preliminary Plat Approval for a major subdivision

Purpose of Request: Ta'Dren Kennedy, owner, Charles Bolton, representative, and Shea McNease, engineer, requests approval for rezoning from B-2 (Neighborhood Business) to R-1B (Single-Family Residential) for a property located at 800 W. 7th. The applicant also requests approval to alter the platted subdivision known as "Rawl's Addition to the City of Hattiesburg" at 800 W 7th Street to subdivide the property into 7 single-family residential lots for a major subdivision (PPIN 23500, Ward 2, Forrest County).

History / Background: The applicant met with staff in a pre-application to discuss the division of the property into 6 or 7 separate lots for single-family residential homes. The dimensional layout of the proposed subdivision, in either layout, would require a minimum of an R-1B zoning, which the applicant is proposing to rezone the property to. The current zoning does not allow for the use of the property as "dwelling, single-family residential" by right.

In 2021, the property was rezoned from R-1C to B-2 by the property owner in order to make the property more marketable. Staff have reviewed several proposals for commercial entities for the property since then, but none have moved forward to formal site plan review and approval.

Prior to that, the property was approved for a Planned Unit Development in 2005 and zoned to R-1C, which also was never developed on the property.

The proposed subdivision would be considered “infill” development, where no new streets would be required. Sidewalks would need to be established, but no new water/sewer utilities would need to be dedicated to the City of Hattiesburg for this subdivision. The property is also within a platted subdivision and is required to follow the requirements of Miss. Code Ann. § 17-1-23, which allows a request to be petitioned to the city council for modification.

Applicant Summary: * See Attached *

SECTION 4 Zoning Districts Established

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.

R-1B Residential District: The purpose of the R-1B 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

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%	-
R-1B	7,500/ 50	1 per lot	-	25	-	10	25	35 feet or 3 stories	50%	-
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

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.

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:

B-2 Neighborhood Business

Present Use:

Vacant Land

Future Land Use:

Neighborhood Conservation District 2

Surrounding Zoning:

North: I-1 Light Industrial
South: R-1B Single-Family Residential
East: B-2 Neighborhood Business
West: B-2 Neighborhood Business

**Letters or
Concerns stated:**

The Planning Division has not received any letters or concerns as or finalizing this report.

September HPC Item: B & C
Ta'Dren Kennedy, Applicant
Request for: **Zoning Change From B-2 to R-1B**

Option:

Item B: Recommend **approving** or **denying** 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

Item C: Recommend **approving** or **denying** the request to alter the platted subdivision and subdivide the property into 7 single-family residential lots.

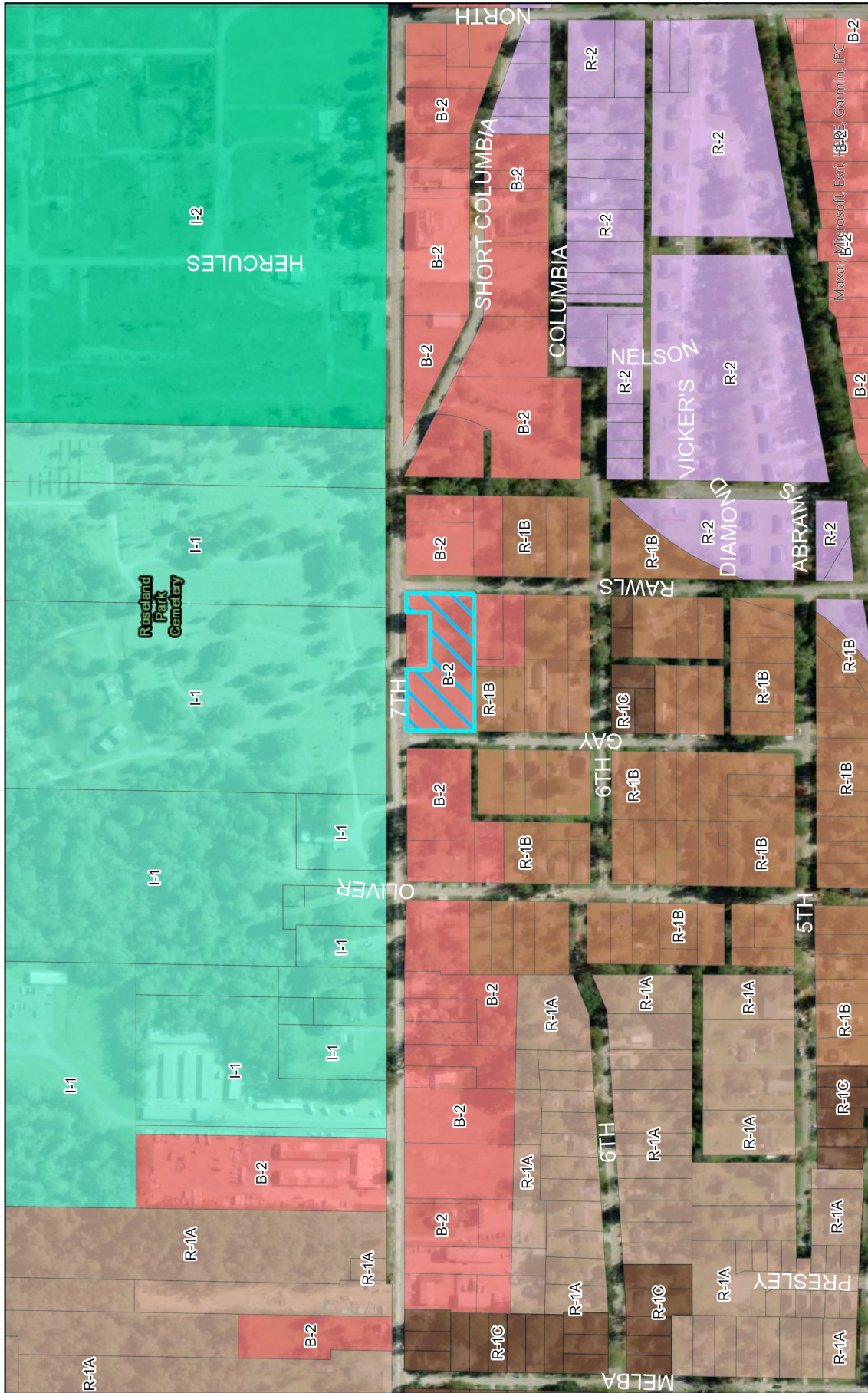
SUBJECT PARCEL

800 W 7th Street — Zoning Change Request

Ta'Dren Kennedy, Owner, Charles Bolton, Representative, and
Shea McNease, Engineer

Ta'Dren Kennedy, owner, Charles Bolton, representative, and Shea McNease, engineer, requests approval for rezoning from B-2 (Neighborhood Business) to R-1B (Single-Family Residential) for a property located at 800 W. 7th. The applicant also requests approval to alter the platted subdivision known as “Rawl’s Addition to the City of Hattiesburg” at 800 W 7th Street to subdivide the property into 7 single-family residential lots for a major subdivision (PPIN 23500, Ward 2, Forrest County).





Zoning Map

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

Rezoning request from B-2 to R-1B
and Request for a Major Subdivision
~800 W 7th Street

PPIN: 23500

Flood Zone: X

Ward 2, Forrester 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: 8/14/2024 4:46 PM



**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°18'43"W 31°20'17"N





Future Land Use Map

- Industrial 2
- Neighborhood Business
- Neighborhood Conservation District 1
- Neighborhood Conservation District 2

Rezone request from B-2 to R-1B
and Request for a Major Subdivision
~800 W 7th Street
PPIN: 23500
Flood Zone: X
Ward 2, 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: 8/14/2024 4:47 PM



**URBAN
DEVELOPMENT
PLANNING DIVISION**

Center: 89°18'43"W 31°20'7"N

Site Aerial

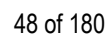


Surrounding Area



Surrounding Area







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: TA'DREN KENNEDY

Project Name: _____

Proposed Use(s): SINGLE FAMILY RESIDENTIAL

Project Street Address: 800 W. 7TH STREET

PPIN Number(s) (if unknown, can be found on tax receipt): 23500

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-2

Proposed Zoning: R1B

STAFF USE ONLY – Do Not Complete:

Pre-Application Date: _____ Planner: _____

Parcel Number(s): _____ Historic District(s): _____

Flood Zone(s): _____ Zoning District(s): _____

Project No.: 2016-0773-2024

Code Sections: LSUBD-724-0019

LDC Section No. _____

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECIVED DATE & INITIALS:

NAME: CHARLES BOLTON

ADDRESS:

CHARLES BOLTON

PHONE: (601) 402-1563 FAX: X EMAIL: charlesbolton1956@gmail.com

MAILING ADDRESS:

920 SOUTH 34TH AVENUE
HATTIESBURG, MS 39402

OTHER(S):

NAME: SHEA McNEESE, P.E.

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

☐ Other (please specify):

PHONE: (601) 544-1821 FAX: EMAIL: shea@sd-w.com

MAILING ADDRESS: 301 2ND AVENUE
HATTIESBURG, MS 39401

Other(s):

NAME: Tadren Kennedy

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

☐ Other (please specify):

PHONE: 601-270-4948 FAX: EMAIL: tadren.kennedy@eagles.hsm.edu

MAILING ADDRESS: 920 S. 34th Ave
Hattiesburg, MS 39402

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
800 W. 7TH STREET HATTIESBURG MS
Street Address City State
on this the _____ day of _____, 20____.

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.

CHARLES BOLTON AND SHEA McNEASE, P.E.

on this the _____ day of _____, 20____.

Tadren Kennedy
Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF Mississippi
COUNTY OF Forrest

Personally came and appeared before me, the within named

Tadren Kennedy
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 26th day of
July, 2024.

Shannon McConnell
NOTARY PUBLIC

My Commission Expires:

August 31, 2026

Last updated 5/31/2024



**PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER
REQUIRED SUBMITTAL INFORMATION**

Deadline for applicant to file petition: 6/17/24 5:00pm (End of business day)
 Hattiesburg Planning Commission Meeting Date: 8/7/24 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.

Planned Land Development (PLD) or Planned Residential Development with a minimum of
Land Package 1) \$5,000.00 per application;
plus \$10,000.00 each created lot fee for PLD or PRD. 2) Solidification of Land package rates;
3) Charge to Land Development Code Fee \$5,000.00 per application;
4) Application Fee: Proponent or Opponent equal to City Council \$850.00 per applicant

By Order of the Council of the City of San Diego, California, this 11th day of May, 2015.

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.

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.

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:

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 SUBJECT PROPERTY WAS ORIGINALLY PLATTED AS A
RESIDENTIAL SUBDIVISION. THE SURROUNDING AREA IS
PRIMARILY SINGLE FAMILY RESIDENTIAL, WHICH IS THE
DEVELOPERS INTENDED USE FOR THE SUBJECT PROPERTY.
THEREFORE, THE REQUEST IS TO CHANGE THE ZONING FROM
B-2 TO R-1B.

subdividing an Existing Parcel: Total Existing Area:

Acres: _____

1.38

0

Acres of Existing Parcel: _____

Existing Parcel Area: _____

7,500 ft²

Frontage on Highway: _____

50 ft.

Frontage on Other Road: _____

PREVIOUSLY RESIDENTIAL/VACANT LOT

Number of Lots: _____

7

Use extra copies of this form if needed for additional lots

Lot #	New lot size in square footage (sq. ft.) or acres (A)	New lot has public road frontage (yes / no)	New lot has private road frontage (yes / no)	Adjacent to the existing lot	Split - Lot area & frontage requirements comply?	
					Yes	No
1	0.17 A	Y	N	W. 7TH ST.		
2	0.17 A	Y	N	W. 7TH ST.		
3	0.17 A	Y	N	W. 7TH ST.		
4	0.21 A	Y	N	GAY AVE.		
5	0.17 A	Y	N	W. 7TH ST.		
6	0.24 A	Y	N	RAWLS AVE.		
7	0.24 A	Y	N	RAWLS AVE.		
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						
	1.37	Total square footage of new lots (verily 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: _____

1. *How many independent variables did you use?*
 2. *What was the dependent variable?*

NAME OF RECORDED SUBDIVISION TO BE ALTERED:

RAWL'S ADDITION TO THE CITY OF HATTIESBURG

I am writing to formally submit my application for approval of a subdivision alteration as per the requirements outlined in Mississippi State Code 17-1-23, Section 4. I have diligently complied with the provisions of this statute by identifying and notifying individuals who may be adversely affected or directly interested in the proposed alteration.

Below is a summary of the steps required to meet the requirements of Mississippi State Code 17-1-23 for alteration of a plat:

1. Identification of Affected Individuals: I have thoroughly documented and named all persons who would be adversely affected by or directly interested in the proposed subdivision alteration.
2. Notification of Proposed Changes: Before initiating any action regarding the alteration, I have ensured that the parties named are made aware of the proposed changes.
3. Obtaining Written Agreement: I have obtained written agreements to the vacation or alteration from all affected individuals, as required by the statute.

I have also submitted the following with this application:

- ☐ List of persons who are adversely affected or otherwise directly interested in the alteration of the subdivision
- ☐ Written agreements from the persons identified approving the proposed alteration
- ☐ Proposed alteration to the subdivision, drawn to scale.

Enclosed with this application, you will find comprehensive documentation supporting my compliance with Mississippi State Code 17-1-23, Section 4. This includes a list of individuals adversely affected or directly interested in the proposed subdivision alteration, along with copies of their written agreements to the vacation or alteration.

I attest that I have met the requirements above for the alteration of a recorded subdivision in the State of Mississippi and the City of Hattiesburg as outlined in MS State Code 17-1-23.

Signature



Date

7-26-24

Residential Development

Option #1

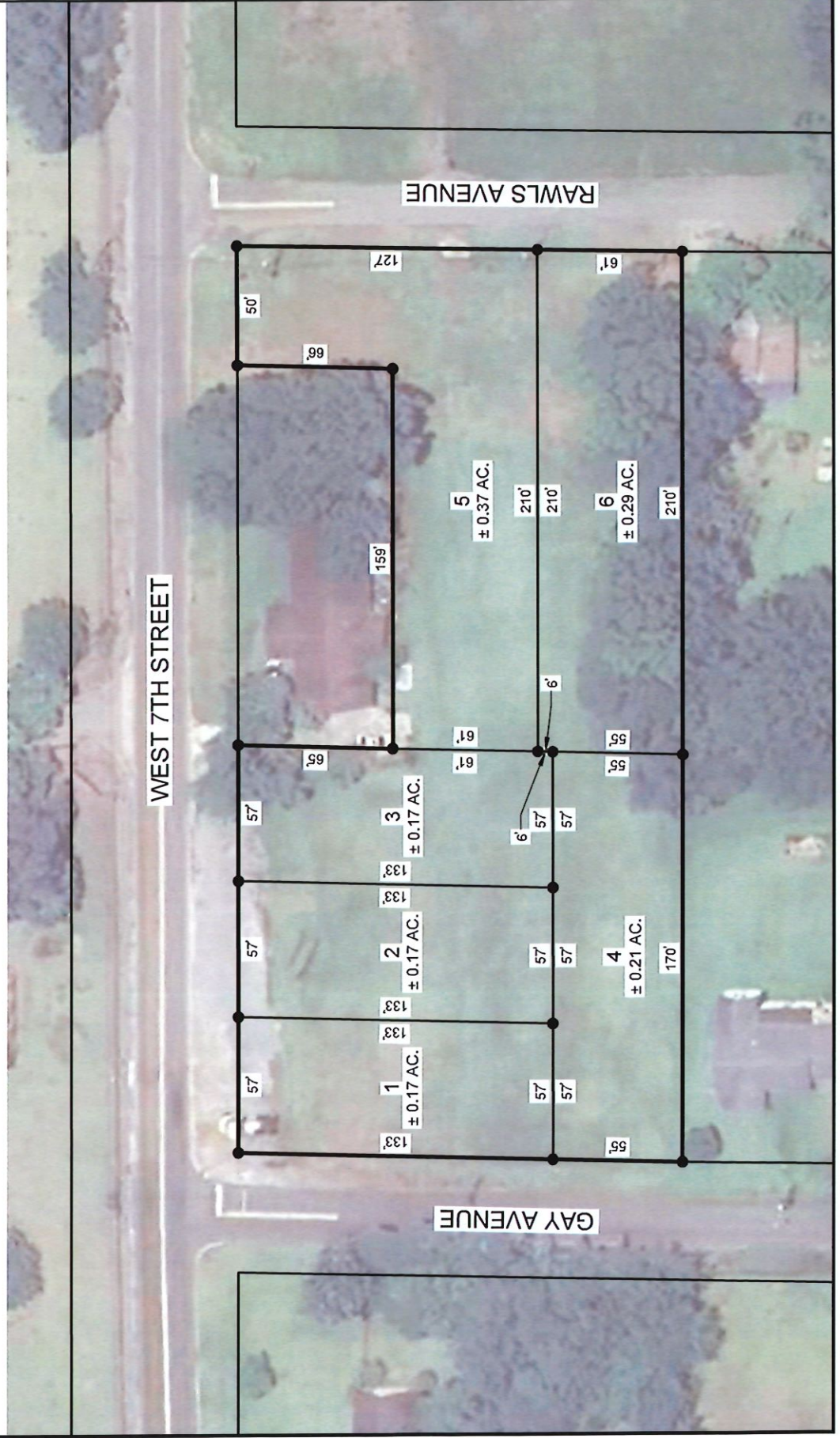
City of Hattiesburg,
Forrest Co., MS

June 3, 2024

NORTH



Scale: 1" = 60'



Residential Development

Option #2

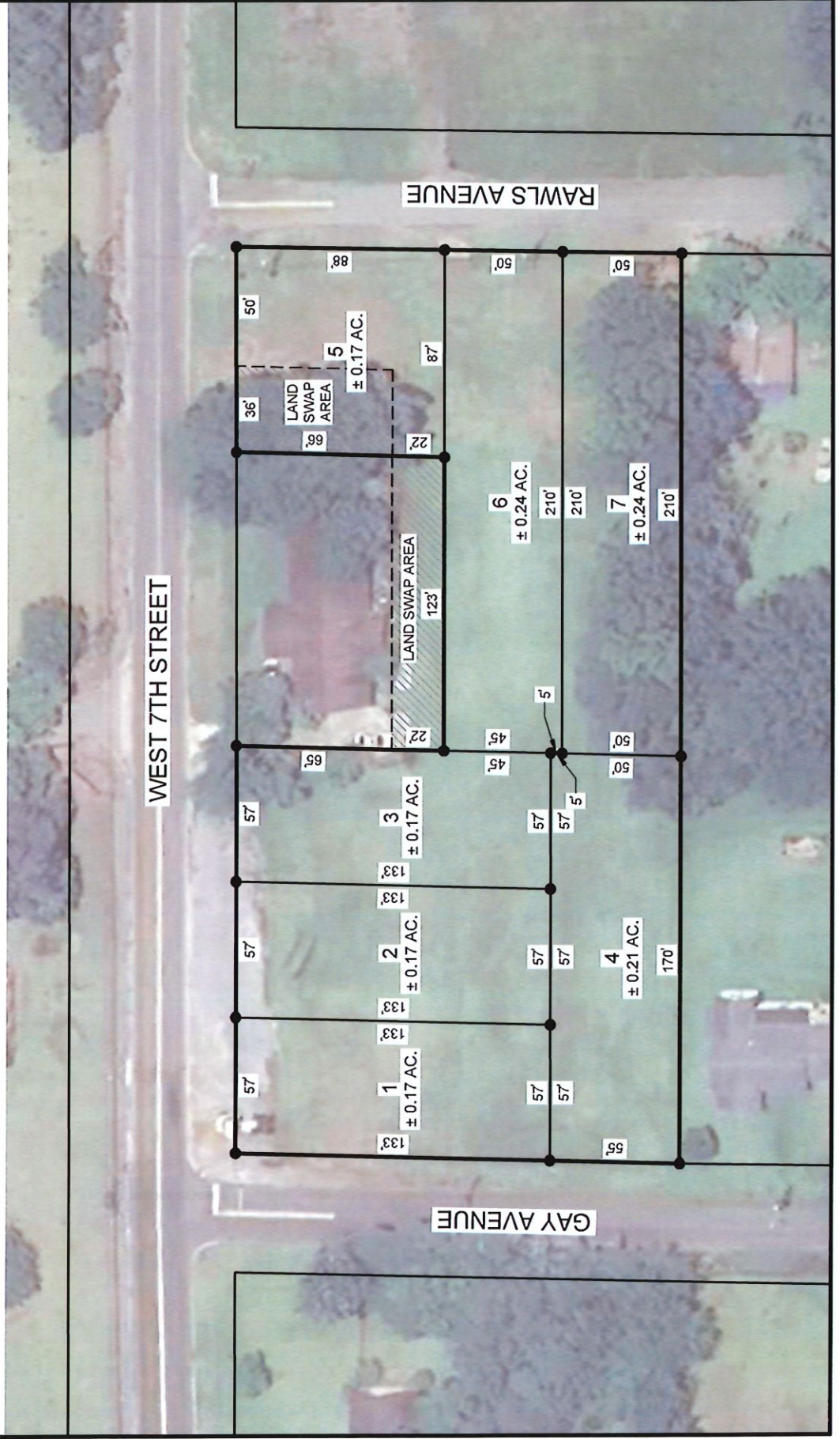
City of Hattiesburg,
Forrest Co., MS

June 3, 2024

NORTH



Scale: 1" = 60'



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I attest that I have met the requirements above for the alteration of a recorded subdivision in the State of Mississippi and the City of Hattiesburg as outlined in MS State Code 17-1-23.

Signature



Date 7-26-24

Identification of Persons Adversely Affected or Directly Interested in Proposed Subdivision Alteration

Name of Subdivision being altered:

RAVLS ADDITION TO THE CITY OF HATTIESBURG

Address and PPIN of alteration in subdivision:

800 W. 7TH STREET (PPIN 23500)

Approve of Proposed
Alteration (Yes or
No)

Name	Address	Phone Number	Signature
1. Lynelle Griffin	903 W. 7th Street	601-583-2577	Lynelle Griffin
2. Mary T. Baker	104 CAN AVENUE	601-310-2579	Mary Baker
3. L. L. Baker	1071 RIVERSIDE ST	601-546-9777	L. L. Baker
4. Maudie C. Linder	409 COURT ST.	601-540-8946	Maudie C. Linder
5. Christine Howard	101 Gray Ave.	601-546-4729	Christine Howard
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			

**I certify this to be a true
and correct copy of
the original**

GKT 7/26/24

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 part of Lots 1-6, Block 2, R.E. Rawls First Survey, 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 GRANTORS

DAMEINE WILSON and wife, ERICA WILSON

508 Old Progress Road
Moselle, MS 39459
(601) 520-8844

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

TADREN KENNEDY

920 S 34th Avenue
Hattiesburg, MS 39402
(601) 270-4948

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

Lots 1 through 6 in Block 2 of the R. E. Rawls First Survey to the City of Hattiesburg, Forrest County, Mississippi, as the same is shown by plat thereof on file in the office of the Chancery Clerk of said County and State, and vacated alley in said Block lying between said Lots 3 and 4, and the North 12.5 feet of vacated alley running East and West through said Block 2; all together with all improvements thereon and appurtenances thereunto belonging.

LESS AND EXCEPT: A part and parcel of Lots 2, 3 and 4 of Block 2 of Rawls First Survey in the City of Hattiesburg, Forrest County, Mississippi, more particularly described as follows: Begin at the Northeast corner of said Lot 2 and run South for 65.7

feet; thence run West for 158.7 feet; thence run North 65.7 feet; thence run East for 158.7 feet to the point of beginning.

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

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.

The above warranty and this conveyance is made subject to that Resolution by the City of Hattiesburg of Condemnation of Unsafe and Dilapidated Property recorded in Land Deed Book 893 at Page 328 in the office of the Chancery Clerk of Forrest County, Mississippi.

WITNESS OUR SIGNATURES on this 26th day of July, 2024.

Dameine Wilson
DAMEINE WILSON

E. Wilson
ERICA WILSON

STATE OF MISSISSIPPI

COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, on this 26th day of July, A.D., 2024, within my jurisdiction, the within named **Dameine Wilson** and **Erica Wilson**, who acknowledged that they executed the above and foregoing instrument.

[Signature]
NOTARY PUBLIC

My Commission Expires:



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
800 W 7th Street Hattiesburg MS (23500)
 Street Address City State
 on this the 26th day of July, 2024

CHARLES BOLTON
 Applicant (print)

[Signature]
 Applicant (signature)

STATE OF Hattiesburg
 COUNTY OF Forrest

Personally came and appeared before me, the within named

Charles Bolton,
 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 26/2024 day of _____, 20____.

[Signature]
 NOTARY PUBLIC

My Commission Expires:

9/13/2027

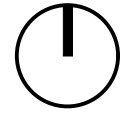


Residential Development
Option #1

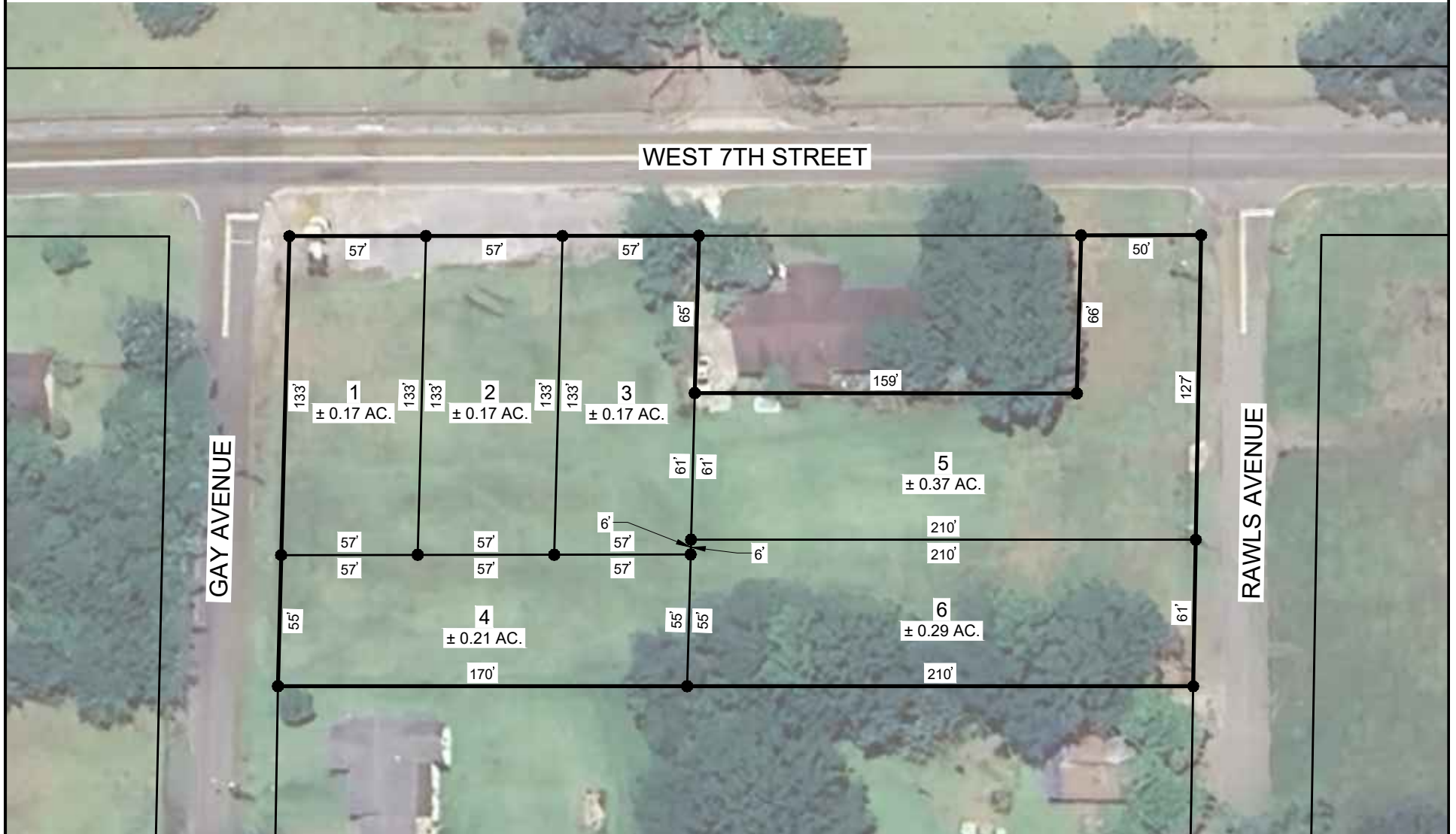
City of Hattiesburg,
Forrest Co., MS

June 3, 2024

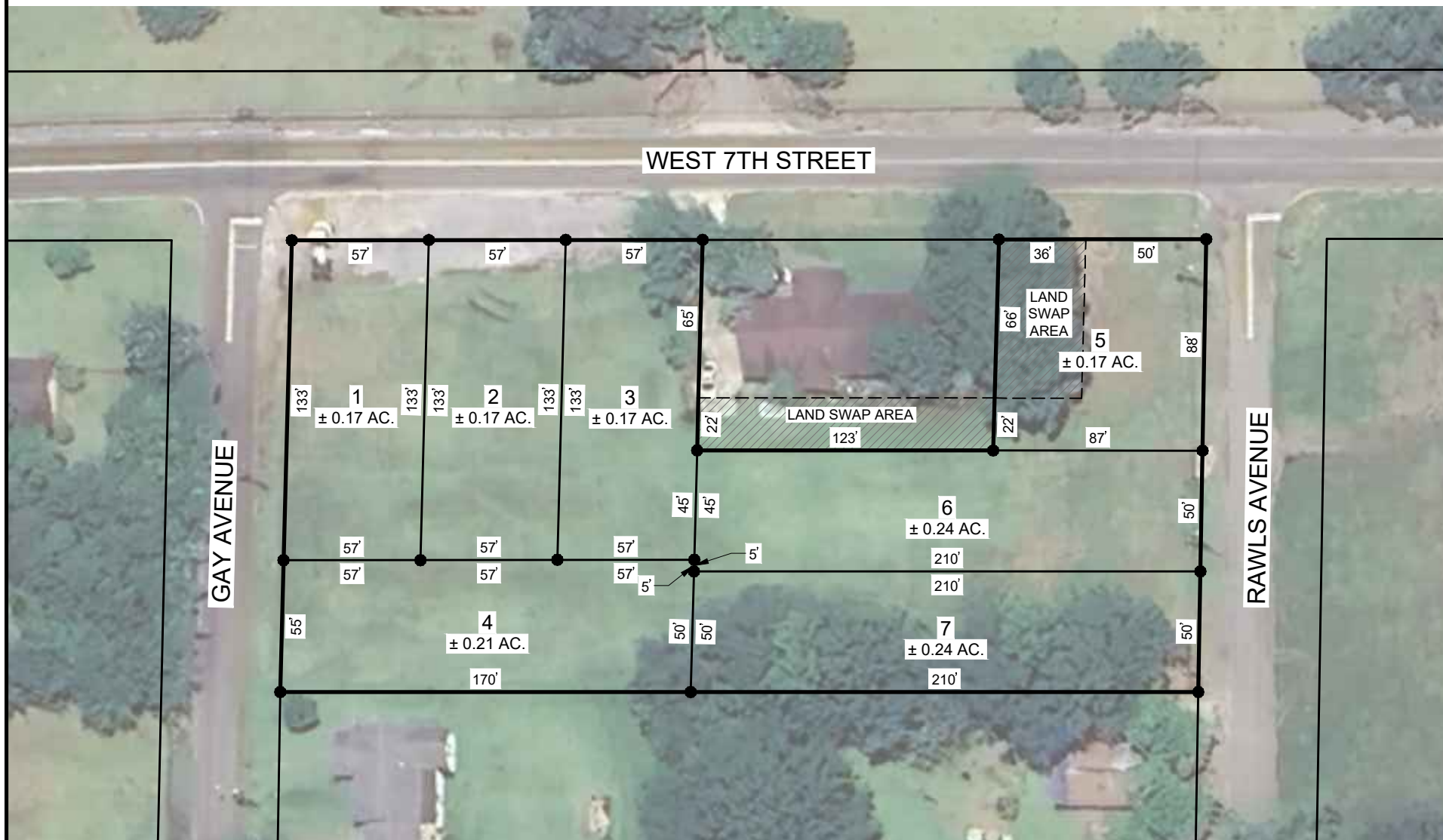
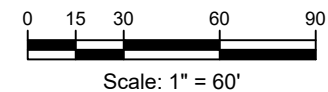
NORTH



Scale: 1" = 60'



June 3, 2024



September HPC Item: D
Darian Bourez, Owner/Applicant, Kyle Mackender, Applicant
Request for: **Zoning Change From B-2 to B-1**



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Planning Commission
Case Fact Sheet**

Names of Petitioner: Kyle Mackender, applicant

Address of Property:
1501 W. 7th Street

County:
Forrest

PPIN:
26056

Ward:
2

Request: **Request for Rezoning — B-2 (Neighborhood Business) to B-1 (Professional Business)**

Purpose of Request: Darian Bourez, Owner/Applicant, and Kyle Mackender, Applicant, request approval for rezoning from B-2 (Neighborhood Business) to B-1 (Professional Business) for a property located at 1501 W. 7th Street (PPIN 26056, Ward 2, Forrest County).

History / Background: The applicant met with the Pre-Application/Site Plan Review Committee in July of 2024 and discussed the issues with the zoning of the property and the want to use the renovated home as a single-family house. The property is currently zoned as B-2 Neighborhood Business, which permits the use of the property as a “Dwelling, single-family detached” as a conditional use approval. For the property to be used as a single-family dwelling under the current zoning, a conditional use approval, which requires City Council approval, would need to be established.

The property was zoned R-1A Single-Family Residential until March 4, 2008. City Council approved a zoning change on that date from R-1A to B-2. The petitioners at the time requested to use the property as an administrative office.

The applicant has requested to change the zoning to B-1 Professional Business, which would allow the use of a “dwelling, single-family detached” as a use-by-right in the B-1 zoning district, while maintaining other commercial uses “By-right”. The Professional Business Zoning allows for a mix of residential and low-impact commercial uses and is intended to foster a community where people can live and work nearby, promoting walkability and reducing the need for long commutes. It also serves as a transition zone between

September HPC Item: D

Darian Bourez, Owner/Applicant, Kyle Mackender, Applicant

Request for: **Zoning Change From B-2 to B-1**

purely residential areas and more intensive commercial uses.

Applicant Summary:

* See Attached *

SECTION 4

Zoning Districts Established

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

B-1 Professional Business District: 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			
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:

B-2 Neighborhood Business

Present Use:

Residential Dwelling

Future Land Use:

Neighborhood Conservation District 2

Surrounding Zoning:

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

Letters or Concerns stated:

The Planning Division has not received any letters or concerns as of finalizing this report.

September HPC Item: D

Darian Bourez, Owner/Applicant, Kyle Mackender, Applicant

Request for: **Zoning Change From B-2 to B-1**

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

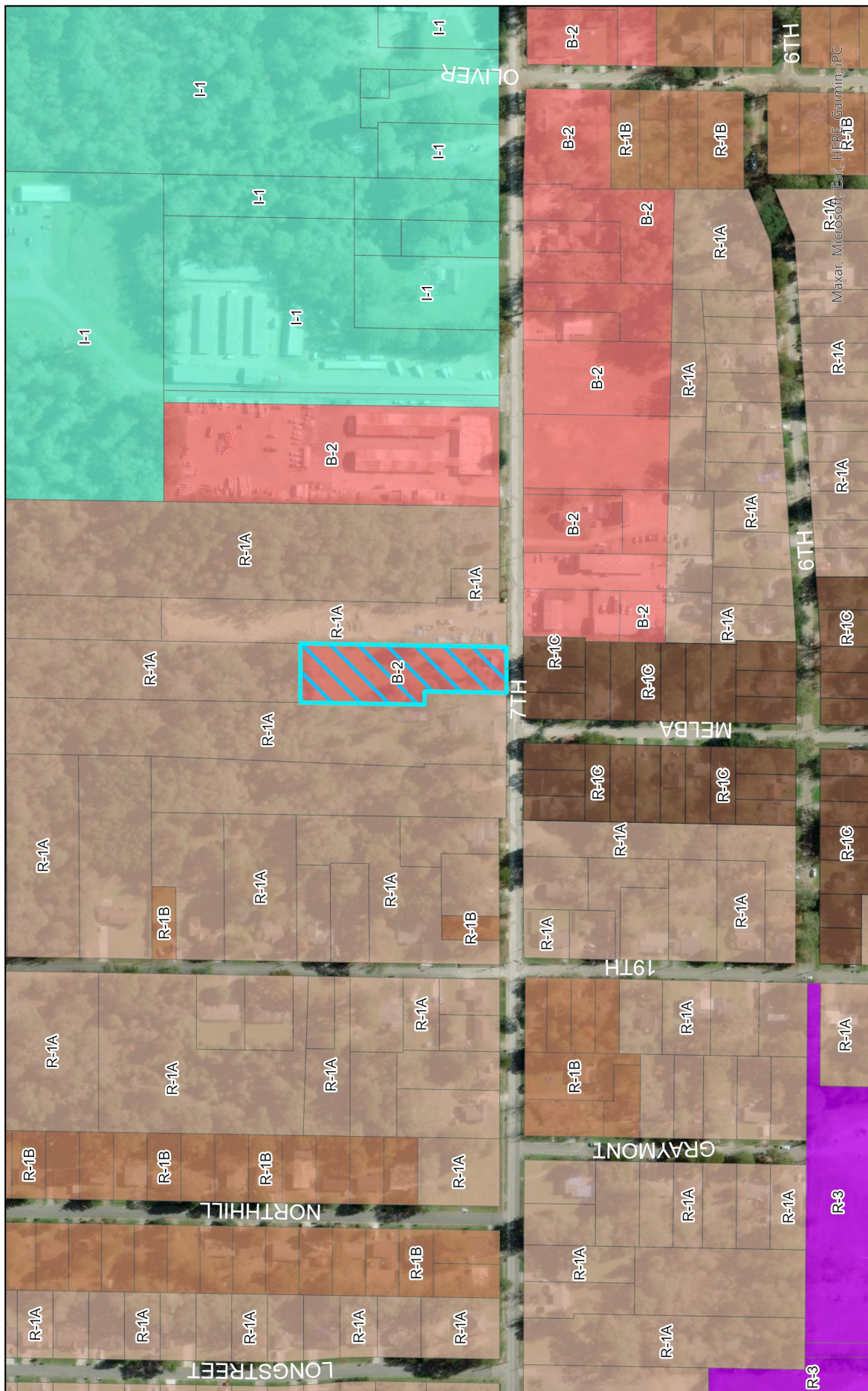
SUBJECT PARCEL

1501 W 7th Street— Zoning Chgange Request

Darian Bourez, Owner/Applicant, Kyle Mackender, Applicant

Requests approval for rezoning from B-2 (Neighborhood Business) to B-1 (Professional Business) for a property located at 1501 W. 7th Street (PPIN 26056, Ward 2, Forrest County).





Zoning Map

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

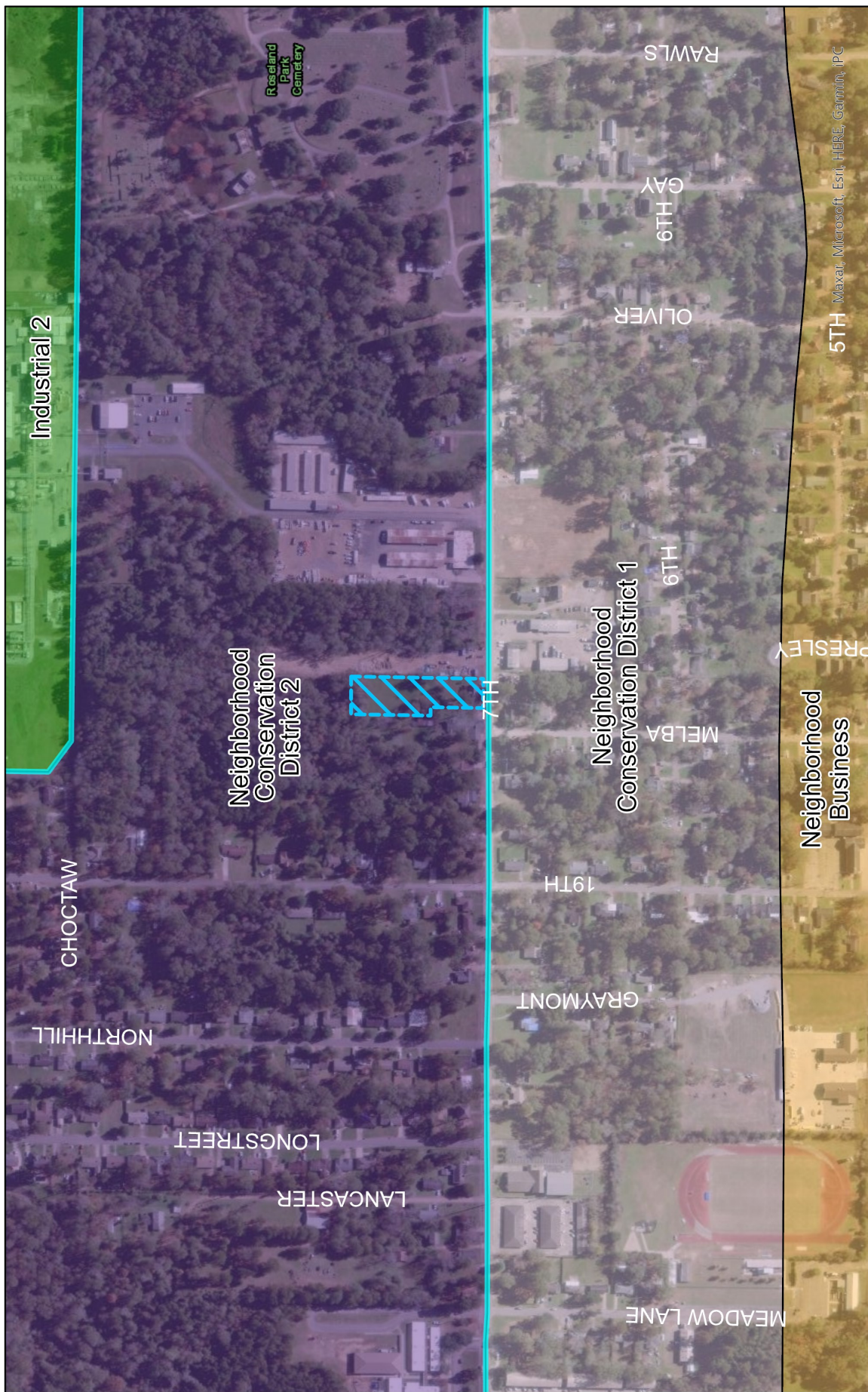
Rezoning request from B-2 to B-1
1501 W 7th Street
PPIN: 26056
Flood Zone: X
Ward 2, Forrest County



URBAN
DEVELOPMENT
PLANNING DIVISION

Center: 89°19'4"W 31°20'10"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: 8/15/2024 8:47 AM

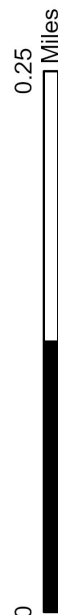


Future Land Use Map

- Industrial 2
- Neighborhood Business
- Neighborhood Conservation District 1
- Neighborhood Conservation District 2

Rezoning request from B-2 to B-1
1501 W 7th Street
PPIN: 26056
Flood Zone: X
Ward 2, 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: 8/15/2024 8:49 AM



**URBAN
DEVELOPMENT
PLANNING DIVISION**

Center: 89°19'3"W 31°20'10"N

Site Aerial



Surrounding Area



Surrounding Area





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: Darian Bourez

Project Name: 1501 7th st

Proposed Use(s): Residential Single Family Detached

Project Street Address: 1501 W 7th St

PPIN Number(s) (if unknown, can be found on tax receipt): 26056

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-2

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: Darian Bourez

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

☐ Other (please specify): _____

Phone: 559-730-6625 Fax: _____ Email: INFO @ Mustard Seed Acre .com

Mailing Address: 1501 W 7th st

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
1501 W 7th St HATTISBURG 39401 MS
 Street Address City State
 on this the 16 day of August, 2027

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____.

Darian Bourcz

Property Owner (print)

[Signature]

Property Owner (signature)

STATE OF MS

COUNTY OF Jenett

Personally came and appeared before me, the within named

Darian Bourcz

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 16th day of
August, 2027.

Hazel Young

NOTARY PUBLIC



My Commission Expires:

9/7/27

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 _____

 Street Address City State

on this the _____ day of _____, 20____.

 Applicant (print)

 Applicant (signature)

STATE OF _____

COUNTY OF _____

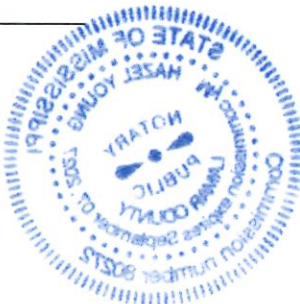
Personally came and appeared before me, the within named _____,

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.

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:

CHANGING to B-1 to establish A By-right
FOR A Single Family Dwelling. There is
A Housing shortage. THE Structure that is
there is A Single Family Dwelling. The
Neighborhood consist of single Family
Dwellings.

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)

Prepared by:

Fillingane Law Firm, PLLC
c/o Joey Fillingane
6641 US Highway 98 W, Ste. 100
Hattiesburg, MS 39402
(601) 264-3323
MS Bar # 99154

Return to:

Deep South Title, LLC
6641 US Highway 98 W, Ste. 100
Hattiesburg, MS 39402
(601) 264-3323

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 and sufficiency of all of which is hereby acknowledged, the Grantor(s)

SNK Investments, LLC
19 Suncrest Circle
Hattiesburg, MS 39402
(601) 596-8749

do(es) hereby grant, bargain, sell, convey and warrant unto, the Grantee(s):

Darian Scott Bourez and Summer Rose Bourez
201 S 2nd Street
Collins, MS 39428
(559) 730-6625

as joint tenants with full rights of survivorship and not as tenants in common the following described lands, together with any and all improvements thereon and appurtenances thereunto belonging, said lands in Forrest County, Mississippi, being more particularly described as follows, to-wit:

See Attached Exhibit A

INDEXING INSTRUCTIONS: NE 1/4 of SE 1/4, Section 5, Township 4 North, Range 13
West, Forrest County, Mississippi

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

The above warranty and this conveyance are subject to any and all easements for public roads, and public utilities as presently laid out, constructed or in use.

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

Subject to all exceptions, reservations, and conveyances to any existing easements, grants, or rights-of-way for public roads, streets, and alleys, and for electric, telephone, telegraph, gas, water, drainage, sewerage, or similar utility purposes which affect or relate to the above described real property.

Subject to any and all leases, exceptions, reservations and/or conveyances, together with release of damages, of or related to minerals of every kind and character, including, but not limited to, oil and gas, and/or of related to any geothermal energy resources, in, on or under the real property hereby conveyed or which affect the real property hereby conveyed;

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 and subject to any such condition which may be in violation of such laws and is subject to any such condition which may affect the title to said property or lien placed against said property by any lender, individual Corporation or otherwise.

Taxes for the current year shall be pro-rated 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 pro-rated based upon the previous years' taxes.

WITNESS OUR SIGNATURES on this the 10th day of August, 2024.

SNK Investments, LLC

186
Kyle Mackender, Member, Grantor

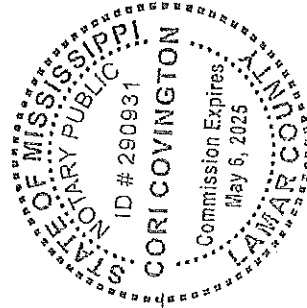
STATE OF MISSISSIPPI
COUNTY OF LAMAR

Personally, appeared before me, the undersigned authority in and for the said county and state, on this 10th day of August, 2024, within my jurisdiction, the within named, Kyle Mackender, who acknowledged to me that he is a Member of SNK Investments, LLC., a Mississippi limited liability company, and that for and on behalf of said company and as the act and deed of said limited liability company, who acknowledged that they executed the above and foregoing instrument.

(Seal)

My commission expires:

24-10258

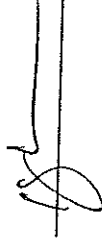


Cori Covington
Notary Public

Exhibit A

A part of the NE 1/4 of the SE 1/4 of Section 5, Township 4 North, Range 13 West, Forrest County, Mississippi, more particularly described as follows: Commence at the SW corner of the NE 1/4 of the SE 1/4 of said Section 5; thence run North for 10.00 feet; thence run East for 109.75 feet to the Point of Beginning; thence run North for 170.00 feet; thence run East for 6.75 feet; thence run North for 869.00 feet; thence run East for 116.00 feet; thence run South for 869.00 feet; thence run East for 27.25 feet; thence run South for 170.00 feet; thence run West for 150.00 feet to the Point of Beginning; together with all improvements thereon and appurtenances thereunto belonging.

Signed for Identification Purposes



1501 W 7th st.

Commence at the SW corner of the NE1/4 of the SE1/4 of section 5, Township 4 North, Range 13 West, Forrest County, Mississippi, and run East along the fractional section line for 259.75 feet; thence run North 10 feet to and for the Point of Beginning of the property herein conveyed; from this point run East for 94.75 feet; thence run North for 427 feet, more or less, to the SE corner of the property heretofore conveyed by C. P. Rawls and wife, Ada Powell Rawls to Loyd Britton and wife, Helen S. Britton by Warranty Deed appearing of record in Land Deed Book 285 at Page 207; thence run West for 122.5 feet to the SW corner of the property so conveyed to the said Loyd Britton and Helen S. Britton; thence run South for 257 feet; thence run East for 27.5 feet; and thence run South for 170 feet, more or less, to the Point of Beginning; together with all improvements thereon and appurtenances thereunto belonging.



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: SNK Investments LLC / Kyle Mackender

Project Name: 1501 W 7th St. Hattiesburg MS.

Proposed Use(s): Residential single family

Project Street Address: 1501 W 7th St.

PPIN Number(s) (if unknown, can be found on tax receipt): 26056

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: B2

Proposed Zoning: B1

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>Kyle Mackender / SNK Investments LLC</u>		
☐ Applicant	☒ Property Owner	☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____		
Phone: <u>(601) 596-8749</u>	Fax: _____	Email: <u>k.mackender@gmail.com</u>
Mailing Address: <u>19 Suncrest Circle 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
1501 W 7th St. Hattiesburg MS.
Street Address City State
on this the 22nd day of July, 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.

Darian Bourez
on this the 22nd day of July, 2024.

Kyle Mackender
Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF Mississippi
COUNTY OF Forrest

Personally came and appeared before me, the within named

Kyle Mackender
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
July, 2024

[Signature]
NOTARY PUBLIC

My Commission Expires:

[Signature] 9/13/24

Last updated 5/31/2024



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 1501 W 7th St. Hattiesburg Ms.,
 Street Address City State
 on this the 22nd day of July, 2024.

Kyle Mackender
 Applicant (print)

Ky L
 Applicant (signature)

STATE OF Mississippi
 COUNTY OF Forrest

Personally came and appeared before me, the within named Kyle Mackender, 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 July, 2024

Valerie Patterson
 NOTARY PUBLIC

My Commission Expires:

9/13/2027



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. *Refer to notes from July 19*

☒ 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)

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

NA ☐ 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.

**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.

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:

It has always been a house. I'm not sure how it got zoned to B2. I'd like it to stay a residential house. There is a need for quality housing so I believe it is best use.

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)

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 the NE¼ of SE¼, Section 5, Township 4 North, Range 13 West, 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 GRANTORS

THERON EDGAR LOTT and wife, ELAINE FISHER LOTT

Address: 114 Colonial Place

Hattiesburg, MS 39402

Phone: 601 268 9647

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

SNK INVESTMENTS LLC,

a Mississippi limited liability company

Address: 2403 N 7th Ave

Laurel MS 39440

Phone: (601) 596-8749

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

1501 W 7th St.:

Commence at the SW corner of the NE¼ of the SE¼ of Section 5, Township 4 North, Range 13 West, Forrest County, Mississippi, and run East along the fractional section line for 259.75 feet; thence run North 10 feet to and for the Point of Beginning of the property herein conveyed; from this point run East for 94.75 feet; thence run North for 427 feet, more or less, to the SE corner of the property heretofore conveyed by C.P. Rawls and wife, Ada Powell Rawls to Loyd Britton and wife, Helen S. Britton by Warranty Deed appearing of record in Land Deed Book 285 at Page 207; thence run West for 122.5 feet to the SW corner of the property so conveyed to the said Loyd Britton and Helen S. Britton; thence run South for 257 feet; thence run East for 27.5 feet; and thence run South for 170 feet, more or less, to the Point of Beginning; together with all improvements thereon and appurtenances thereunto belonging.

Grantee shall be responsible for the payment of county and state ad valorem taxes for 2023.

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.

Grantors herein warrants that the above described real property does not constitute a part of their homestead, nor is it adjacent thereto.

WITNESS OUR SIGNATURES on this 1st day of November, A.D., 2023.

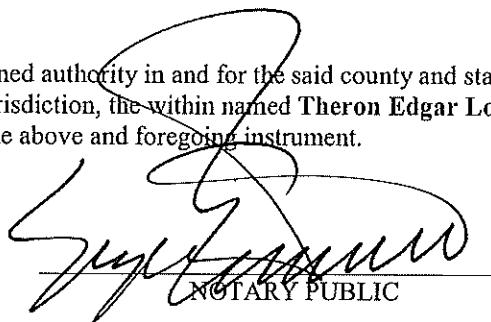

THERON EDGAR LOTT


ELAINE FISHER LOTT

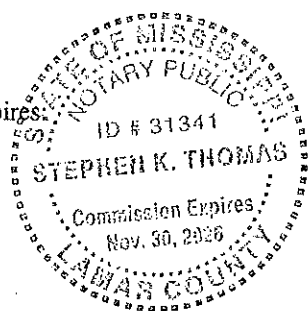
STATE OF MISSISSIPPI

COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, on this 1st day of November, A.D., 2023, within my jurisdiction, the within named Theron Edgar Lott and Elaine Fisher Lott, who acknowledged that they executed the above and foregoing instrument.


NOTARY PUBLIC

My Commission Expires:



September 2024 HPC Item: E
Ola M. Jordan, Applicant
Request for: **Request for Rezoning (R-1C to A2)**



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Ola M. Jordan, Applicant

Address of Property:	Tax Parcel	PPIN:	Ward:
532 Cox Street	2-042E-26-024.00	12368	5

Request: **Request for Rezoning — R-1C (Single Family Residential) to A-2 A2 (Agricultural Residential)**

Purpose of Request: Ola M. Jordan, applicant, request approval for rezoning from R-1C (Single-Family Residential) to A-2 (Agricultural Residential) for a property located at 532 Cox Street (PPIN 12368, Ward 5, Forrest County).

History / Background: The applicant met with staff regarding the potential of relocating a mobile home to her lot. The mobile home was purchased following the applicant's home burned down earlier this year. Staff advised that her lot was zoned as R-1C (Single Family Residential) and that zoning does not allow for mobile homes to be placed in that zoning. Staff advised that the property would need to be rezoned to an agricultural zoning and the applicant is pursuing a zoning change to A-2 (Agricultural Residential), which allows for the placement of mobile homes. Staff also advised that a variance would be required since her lot was smaller than the required minimum lot size of 43,560 sq ft in an A-2 zone. The applicant is also pursuing a variance for the minimum lot size for A-2 zoning, requesting a variance to allow the minimum lot size to be the size of her lot at 16,200 sq ft.

Applicant Summary: See Attached

Applicable Regulations:

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-1C Single Family Residential District: 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 5

Use Regulations

5.1 Table of Uses

Table 5.1 Table of Uses																
Use		Additional Use Conditions Cross Reference														
		Agricultural		Residential				Business				Industrial				
■	Permitted	A - 1	A - 2	R - 1A	R - 1B	R - 1C	R - 2	R - 3	B - 1	B - 2	B - 3	B - 4	B - 5	I - 1	I - 2	
□	Permitted with conditions															
◆	Conditional Use															
×	Not Permitted															
Dwelling, manufactured (mobile) home		□	□	×	×	×	×	×	×	×	×	×	×	×	×	5.4.19

5.4.19 Dwelling, Manufactured (mobile) Home. One dwelling, manufactured (mobile) home allowed per lot. Manufactured homes on individual lots shall meet the following requirements:

5.4.19.1 Compatibility. Homes shall be generally in keeping with the scale, size and texture of the residential structures in the surrounding neighborhood.

5.4.19.2 Anchoring. Anchoring and Foundation. Homes shall be installed and anchored according to State Fire Marshal requirements.

5.4.19.3 Labeling. Shall bear FMHCCS Label or Seal of

September 2024 HPC Item: E
Ola M. Jordan, Applicant
Request for: **Request for Rezoning (R-1C to A2)**
Compliance.

5.4.19.4 Exterior finish. Homes shall have horizontal siding. At a minimum, the exterior siding shall consist predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

5.4.19.5 Roof construction and pitch. Homes shall have a minimum of a 3/12 roof pitch with asphalt shingles. 5.4.19.6 Placement. All homes shall meet setbacks and be placed on the lot in harmony with the existing structures.

5.4.19.7 Equipment Removal. The towing tongue, wheels and hitch-axle shall be removed upon final placement of the unit.

5.4.19.8 Skirting. Skirting or other solid screen shall be installed to enclose the foundation of the structure and crawl space and shall complimentary to the design of the structure.

5.4.19.9 Porch Required. Porch Required. All manufactured homes shall have either a deck or porch with steps at each entrance constructed and installed in accordance with the standards set forth by the current building codes. The minimum square footage of the floor of such porch or deck shall measure at least 36 square feet.

5.4.19.10 Age. No home not meeting current codes may be relocated or moved onto a lot.

Present Zoning: R-1C, Single-Family Residential

Present Use: Residential Lot

Future Land Use: Neighborhood Conservation District 2

**Surrounding Zoning:
and Land Use:**
North: R-1C, Single-Family Residential
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 at the time of writing of this report.

September 2024 HPC Item: E

Ola M. Jordan, Applicant

Request for: **Request for Rezoning (R-1C to A2)**

Options: Recommend approval or denial of the request approval for rezoning from R-1C (Single-Family Residential) to A2 (Agricultural Residential) for a property located at 532 Cox Street (PPIN 12368, Ward 5, Forrest County).

Basis for approval (Zoning Change):

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

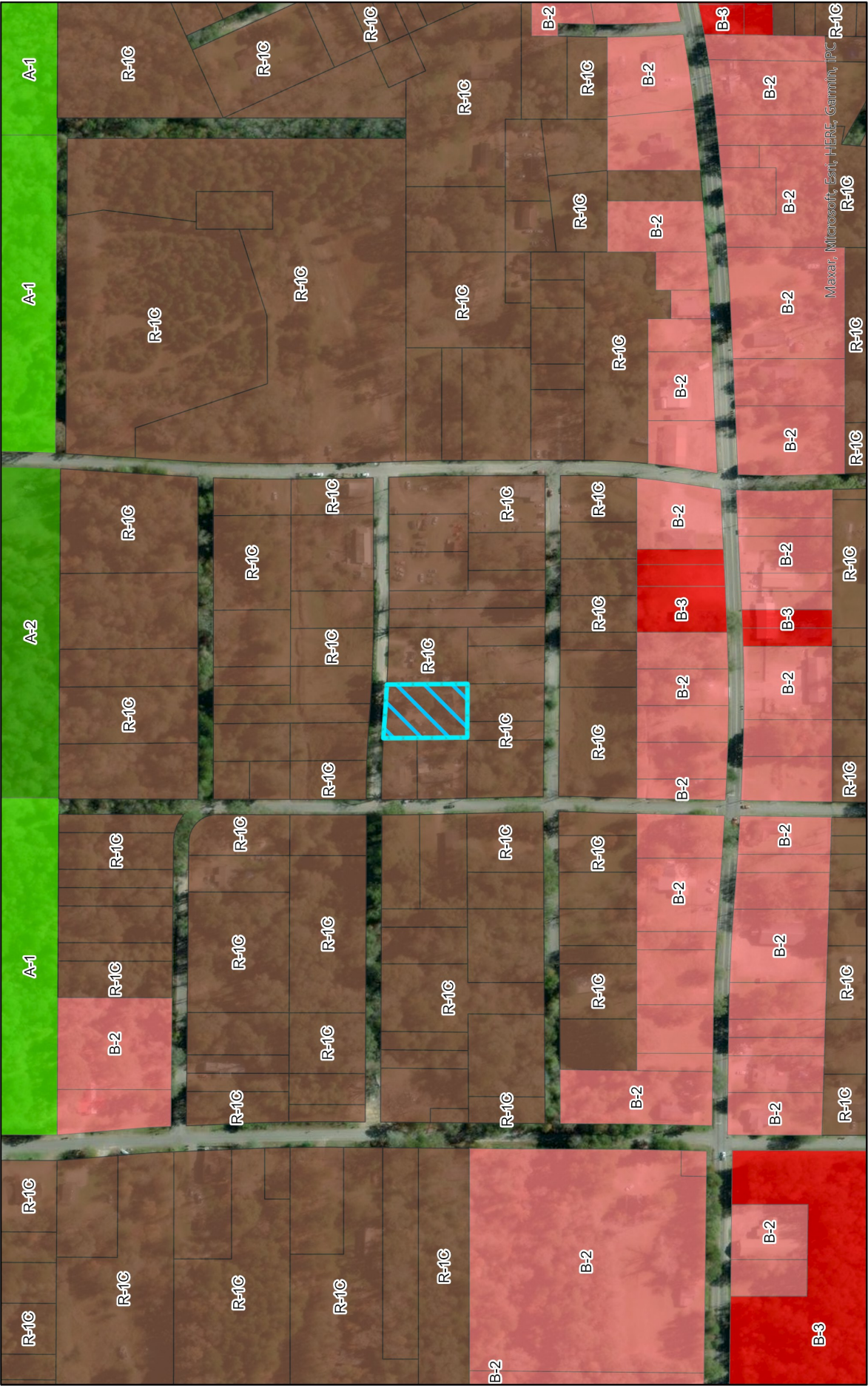
SUBJECT PARCEL

532 Cox Street — Zoning Change Request

Ola M. Jordan, Applicant

Requests approval for rezoning from R-1C (Single-Family Residential) to A-2 (Agricultural Residential) for a property located at 532 Cox Street. The request to rezone is contingent upon a variance approval to allow for a reduced lot size for the A-2 zoning district (PPIN 12368, Ward 5, Forrest County).





Zoning Map

Rezone Request from R-1C to A-2
Variance for reduced lot size dimensions
for A-2 Zoned parcel
532 Cox Street
PPIN: 12368
Flood Zone: X, Ward 5, 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: 8/14/2024 4:26 PM



**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°16'22"W 31°16'44"N





Future Land Use Map

- Community Business A
- Neighborhood Conservation District 2

Rezoning Request from R-1C to A-2
Variance for reduced lot size dimensions
for A-2 Zoned parcel
532 Cox Street
PPIN: 12368

Flood Zone: X, Ward 5, 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: 8/14/2024 4:37 PM



**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°16'21"W 31°16'44"N

Site Aerial



Surrounding Area





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: Ola M. Jordan

Project Name: _____

Proposed Use(s): Home

Project Street Address: 532 Cox St. Hattiesburg MS, 39401

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: <u>Lot Size: Reduce to 16,200ft²</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: R-1C

Proposed Zoning: A-2

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:	Ola mae Jordan		
☒ Applicant	☒ Property Owner	☐ Representative	☐ Agent
☐ Contractor	☐ Architect	☐ Engineer	
☐ Other (please specify): _____			
Phone:	769 3079412	Fax:	
Email:	532 coz st a Gmail: Con		
Mailing Address:	532 Coz Street		
	Hattiesburg Mississippi 39401		

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

532 Cox Street Natchezburg Miss.
Street Address City State

on this the 15th day of July, 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____.

Ola Jordan

Property Owner (print)

Ola Jordan

Property Owner (signature)

STATE OF MS.

COUNTY OF FORREST

Personally came and appeared before me, the within named

OLA JORDAN

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 15th day of

July, 2024

James E. Hughes
NOTARY PUBLIC

My Commission Expires:

July 23rd 2024

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 532 Cox St Hattiesburg Miss,
 Street Address City State
 on this the 15th day of July, 2024

Ola Jordan

Applicant (print)

Ola Jordan

Applicant (signature)

STATE OF MS.

COUNTY OF FORREST

Personally came and appeared before me, the within named

OLA JORDAN,

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 15th day of JULY, 2024.

[Signature]
 NOTARY PUBLIC

My Commission Expires:

July 23rd, 2024



PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER

REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: July 22nd 5:00pm (End of business day)
 Hattiesburg Planning Commission Meeting Date: September 4th 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.

X 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)

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

X 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)

X 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: _____

X Payment to the City of Hattiesburg for filing application in the amount of \$ 575.

**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.

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.

My house burnt down in March. I own this property and have been living here over thirty years.

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

I would like to put trailers on the property. This is what I could afford after my house burnt. There are other trailers around my lot land.

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.

Reasonable use of the property to get a trailer on my land. I own a half an acre of land!

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.

I do not believe my living arrangement will interfere with the area. I'm asking to resize area to smaller amount of space.

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:

My house burn and I didn't have
the money to rebuild so I got a mobile
home to replace my house. I need some
more to live

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)

Doc. Book 15843-744

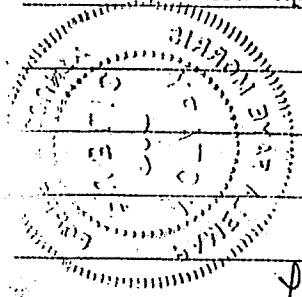
THE STATE OF MISSISSIPPI

County of Forrest

IN CONSIDERATION OF the sum of ten dollars (10.00), cash in hand paid and other good and valuable considerations, the receipt of which is hereby acknowledged, I Dorothy Hines (single), do hereby,

sell, Convey and warrant to Ola Jordan (single)

the land described as Lots Twelve (12), Thirteen (13) and Fourteen (14) in Block Three (3) of the Washington Heights, being a subdivision of the South Half of the Northeast Quarter of the Southwest Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 26, Township 4 North, Range 13 West, as per plat on file in the Office of the Chancery Clerk of Forrest County, Mississippi, together with all improvements thereon and appurtenances thereunto belonging.



9000
STATE OF MISSISSIPPI
FORREST COUNTY
CERTIFY THIS INSTRUMENT
WAS FILED AND RECORDED

90 OCT 11 PM 12:50

GLR
B&P SI

REC. DR. AND PAGE OR U.C.
FILE NO. AS SHOWN
WITNESS MY HAND AND SEAL
Jaime C. Howard
CHANCERY CLERK

3.00

ADDRESS OF GRANTOR:

532 Cox Street
Hattiesburg, MS 39401

Home Phone (601) 583-3798

NO Work Phone

ADDRESS OF GRANTEE:

532 Cox Street
Hattiesburg, MS 39401

Home Phone (601) 583-3798

Work Phone (601) 268-8816

THE STATE OF MISSISSIPPI, COUNTY OF _____

Personally appeared before me, _____ of the County of _____

_____ in said State, the within named _____ and _____ wife of said _____

_____ who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal at _____, Mississippi, this the _____ day of _____ A. D., 19____.

THE STATE OF MISSISSIPPI, COUNTY OF Forrest

Personally appeared Darrell Wallace

_____ one of the subscribing

witnesses to the foregoing instrument, who, being first duly sworn, depose and saith that he saw the within named

Dorothy Hines (single)

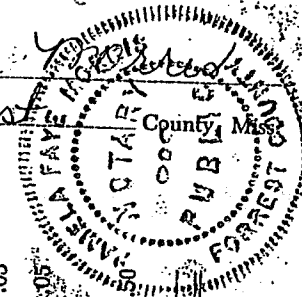
~~XXXXXX~~

whose name he subscribed thereto, sign and deliver the same to the said Ola Jordan

; that he, this affiant, subscribed his name as a witness hereto, in the presence of the said Dorothy Hines (Single)

Darrell Wallace
Affiant.

SWORN TO and subscribed before me at the City of Hattiesburg, Mississippi, this the 11th day of October A. D., 19 90

Pamela J. Hays
Notary Public
Forrest County, Miss.


My Commission Expires 11-16-92

WARRANTY DEED

Filed for record _____ o'clock _____ M., on the _____ day of _____, 19____

_____, Clerk THE STATE OF MISSISSIPPI,

_____, _____ County.

I, _____ Clerk of the Chancery Court of said county, hereby certify that the within instrument of writing was filed

in my office for record at _____ M.,

on the _____ day of _____ A. D., 19____ and that the same was this day recorded in Deed Record

_____ on pages _____

Witness my hand and official seal, this _____ day of _____ A. D., 19____

_____, Clerk.

_____, D. C.

FEES

Filing _____ \$.05
Indexing _____
Recording _____ words _____
Certificate _____
Total _____

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Form 512



URBAN DEVELOPMENT PLANNING DIVISION



313 E 3rd Street -
Economy Supply Lay

PRE-APPLICATION MEETING SUMMARY

Thursday, July 11th, 2024

STAFF PRESENT:

Cory Long, Nathan Satcher, Jerald Little, Shawn Whitaker, Blake Michaels, Meridian McDaniel.

APPLICANT Present:

Name: Ola Jordan

Business: 532 Cox Street

PROJECT ADDRESS/LOCATION:

Address: 532 Cox Street

Zoning: R-1C

CASE TYPE:

Zoning Change for Mobile Home

SPECIAL DISTRICT:

☐ Flood Zone ☐ Historic District

☐ Form-Based District

PROJECT SUMMARY:

- Applicant Summary
 - Had a house fire in March and trying to get housing taken care of—Zoning is what is causing a problem. Mobile homes only allowed in agricultural zones. Already have purchased it and trying to find somewhere to be able to put it—either at this property or another property.
- Planning
 - HUD standards for mobile homes. Housing is built under international building codes.
 - Property is 0.39 acres
 - Variance for lot size (from requirement of 1 Acre) and zoning request to A2
 - Planning has been talking about an overlay to allow for mobile homes in Palmers Crossing area but no action has been taken as of today.
- Building
- Engineering
- Fire

NEXT STEPS:

- Additional information
 - Zoning Change and Variance Applications deadline is July 22nd by 5pm to be put on the agenda for the September 4th Planning Commission/Board of Adjustment. Bring applications to Planning Division Office (2nd floor of City Hall- 200 Forrest St.)
 - Zoning Change- Planning Commission @ 1:00
 - Variance Request- Board of Adjustment @3:30
 - Zoning Change/Variance Application fee waiver, if applied for, goes to the Director of Urban Development, Wiley Quinn.
 - Planning Commission and Board of Adjustments and recommendations will go to City Council, who will vote on the items on:

Pre-application meeting notes are provided as a courtesy by staff during pre-application meetings. These notes are not exhaustive. All Land Development Codes and City Ordinances apply, even if not listed during a pre-application meeting.



URBAN DEVELOPMENT PLANNING DIVISION

- September 16 at 4:00pm (Public Hearing portion)
- September 17 at 5:00pm (Official Vote)
- Permits
 - If Zoning Change and Variance Requests are approved, building permits would be required and would be the next step.

APPLICATIONS REQUIRED:

- | | |
|---|--|
| ☐ Site Plan Review Checklist and Application | ☐ Conditional Use Application |
| ☒ Public Hearing Application | ☐ Street/Alley Closing |
| ☒ Variance Application | ☐ Major Subdivision |
| ☒ Rezone Application | ☐ Minor Subdivision |
| ☐ Certificate of Appropriateness (Historic) | ☐ Building Permit Application |

Pre-application meeting notes are provided as a courtesy by staff during pre-application meetings. These notes are not exhaustive. All Land Development Codes and City Ordinances apply, even if not listed during a pre-application meeting.

Do you approve or Disapprove
of me putting a Mobile Home
on the property of 532 Cox St.
For Ola Jordan

Yes I Approve my name is
Johnny Lee Jones

526 Cox St Hattiesburg Miss
39401

for the property of 832 Chest.
 I am writing a note to you
 as an officer, as a director.

I am writing you now as
 a director of the company.

375 Cox St. Boston, Mass.
 10/10/10

Do you approve or Disapprove
of me putting a mobile Home
on the property of 532 Cox St.
for Ola Jordan

William E Moore Yes I Approve
251 northwashington St.

to have approval for the purchase
of the building at 235 East St.
for the new building.

235 East St. 235 East St.
235 East St. 235 East St.

Do you approve or disapprove
of me putting a mobile home
on the property of 532 Cox
St. for Ola Jordan
Russell Coleman yes I agree
225 N WASHINGTON AVE

255 N. Washington Ave
Frost College
St. for the
for the property of 2336
of the building or mobile home
to have approved or disapproved

September 2024 HPC Item: F
Ming Ming Lin, Representative, Martin Trovea, Architect, Tom Champion, Representative,
Beverly Land LLC, Owner
Request for: **Approval for Amendment to Planned Mixed-Used Development**



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Planning Commission
Case Fact Sheet**

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

Address of Property:
15 Old Airport Rd

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

PPIN:
29647

Ward:
5

Request: **Approval for Amendment to a Planned Mixed-Used Development**

Purpose of Request: Gulf Coast Housing Partnership, applicant, Beverly Land, LLC., owner, Ming Ming Lin, representative, Martin Trovea, architect, and Tom Champion, representative, request approval for an amendment to a Planned Mixed-Use Development as known as the "Village at the Beverly," which is located on Old Airport Road in Forrest County, Ward 5. (PPIN 29647, Ward 5, Forrest County).

Applicant Summary: * See Attached *

History / Background: The Village at the Beverly was originally approved as a Planned Unit Development (PUD) under the previous Land Development Code, Ord. 2330, and additions and amendments since the adoption of the current code have approved expansions and amendments as Planned Mixed Use-Planned Developments. The original PUD was approved in August of 2013 by City Council. The current request is for an amendment to the previously approved PMU-PD on November 7, 2023.

The access drive included in the previous plan that connected to Edwards St has been removed from the plan, and the site has been reoriented to use the existing entrances to accommodate the site. The portion of Edwards St for Phase III is in MDOT's Right-of-way, where they denied the driveway access permit for Phase III into the development. The realignment keeps the proposed building types and designs but incorporates the existing drives.

Phase 1 of the development included 52 rental units, which was completed in 2016. Phase 2 was comprised of 40 rental units and completed in 2022. Phase three includes 30 rental units and a 2,000ft²

commercial building. The final phase of the development also includes the addition of several amenities for residents, including a half-basketball court, a walking/jogging trail around a water feature, a fitness center, and a community business center. The proposed architectural style of the development will match the design and style of the existing buildings constructed in phases I and II.

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

Applicable Regulations:

SECTION 4

Zoning Districts Established

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

- Provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties.
- Encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape, and size; and to provide for a maximum amount of open space.
- Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure.
- Encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or

topography.

SECTION 4.19.1

PMU Planned Mixed-Use District.

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

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

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

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

4.19.1.5 District Regulations.

i. Permitted Uses. There are no permitted uses in the PMU district.

ii. Conditional Uses. All uses within a PMU are conditioned upon review and approval of a detailed site plan and other schematics required to prove consistency with specific regulations within this Code as well as the intent of the Comprehensive Plan. While use-specific conditions shall apply, other conditions required to mitigate incompatibilities and address site-specific conditions as imposed by the applicant or required by City Council shall apply and be binding.

iii. Conditional uses within a PMU shall conform to the acceptable uses list for the Comprehensive Plan Area that is applicable; however, customary accessory uses shall also be permitted as conditional uses. Uses not substantially similar to the uses listed, as determined by the Director, shall be prohibited.

iv. All requests for rezoning to a PMU-PD shall be accompanied by a detailed site plan indicating specific uses for each phase, parcel and structure. The site plan and the list of uses must conform to all applicable requirements of the LDC as well as rezoning application requirements and shall,

once approved, be binding on the property.

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

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

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

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

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

x. At its discretion, the City Council or Site and Design Committee, whichever has authority to approve the

plan, may approve a decrease in the amount of required open space when the plan includes unique design features or amenities that achieve an especially attractive and desirable development such as, but not limited to, terraces, sculptures, water features, preservation and enhancement of unusual natural features, or landscape sculpture (i.e., areas that are intensely landscaped). Open space may be held in common by a property owners association, dedicated to the City for use as a public amenity, or donated to a land conservancy where it will be held and maintained for the intended use. Permanent ownership and maintenance responsibility of open space by the City is subject to approval by the City.

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

xii. Design Mitigation. When submitting any application for rezoning to a PMU or any zoning permit request within an existing

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

SECTION 11

Administration and Enforcement

11.2 City Council

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

11.6 Site and Design Review Committee

11.6.2 Decide all requests for site and building design

September 2024 HPC Item: F

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

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

approval for properties located outside a designated historic district or PMU district

Present Zoning: The undeveloped parcel is currently zoned PMU-PD (Planned Unit Development)

Present Use: Vacant / Undeveloped

Future Land Use: Neighborhood Conservation District 1 and Community Business Corridor

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

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

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

Conditions to consider with an approval:

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

September 2024 HPC Item: F
Ming Ming Lin, Representative, Martin Trovea, Architect, Tom Champion, Representative,
Beverly Land LLC, Owner
Request for: **Approval for Amendment to Planned Mixed-Used Development**

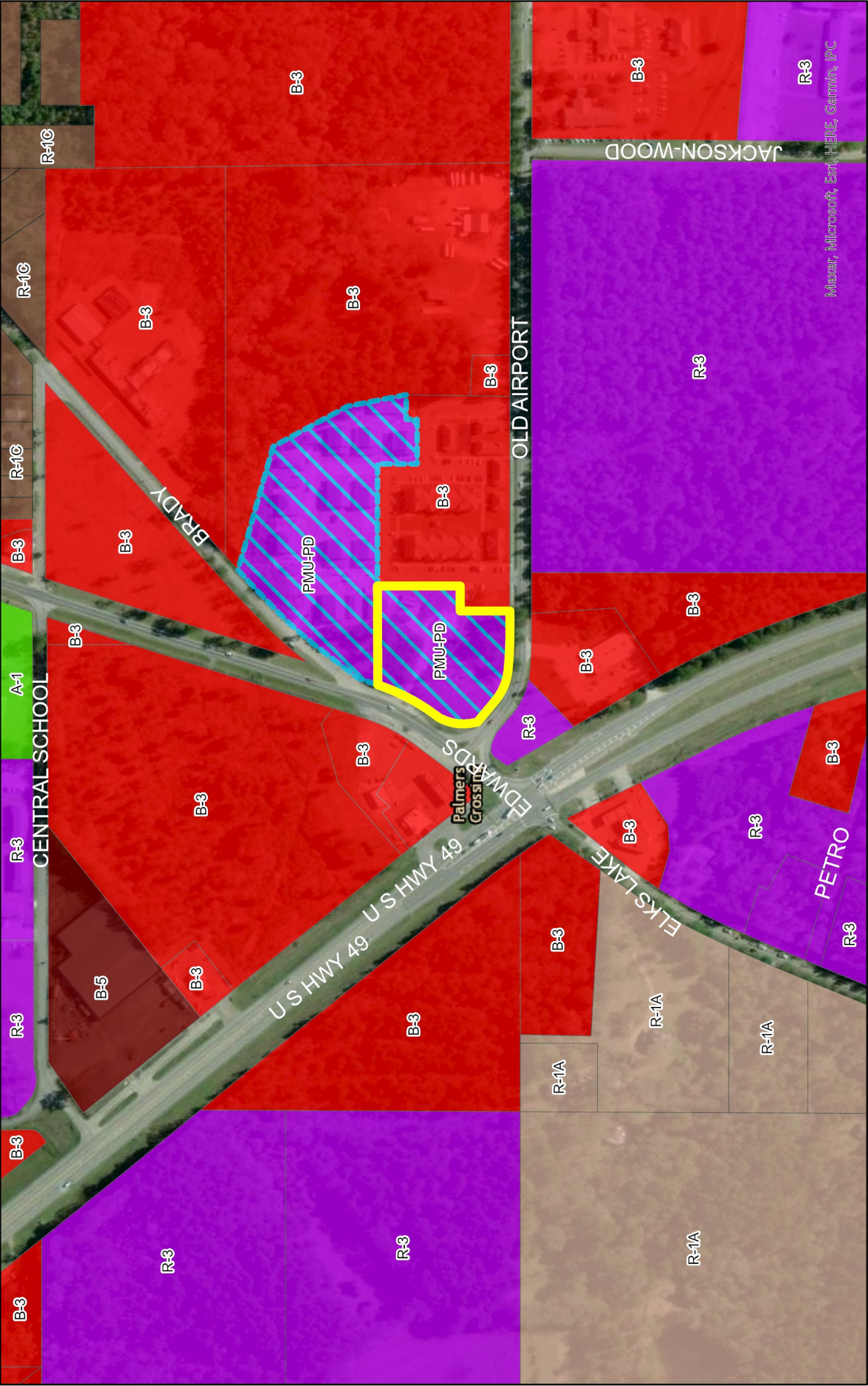
SUBJECT PARCEL

15 Old Airport Road — PMU Amendment Request

Gulf Coast Housing Partnership, Applicant, Beverly Land, LLC., Owner,
Ming Ming Lin, Representative, Martin Tovrea, architect, and Tom
Champion, Representative

Requests approval for an amendment to a Planned Mixed-Use Development as known as the “Village at the Beverly,” which is located on Old Airport Road in Forrest County, Ward 5. (PPIN 29647, Ward 5, Forrest





Zoning Map

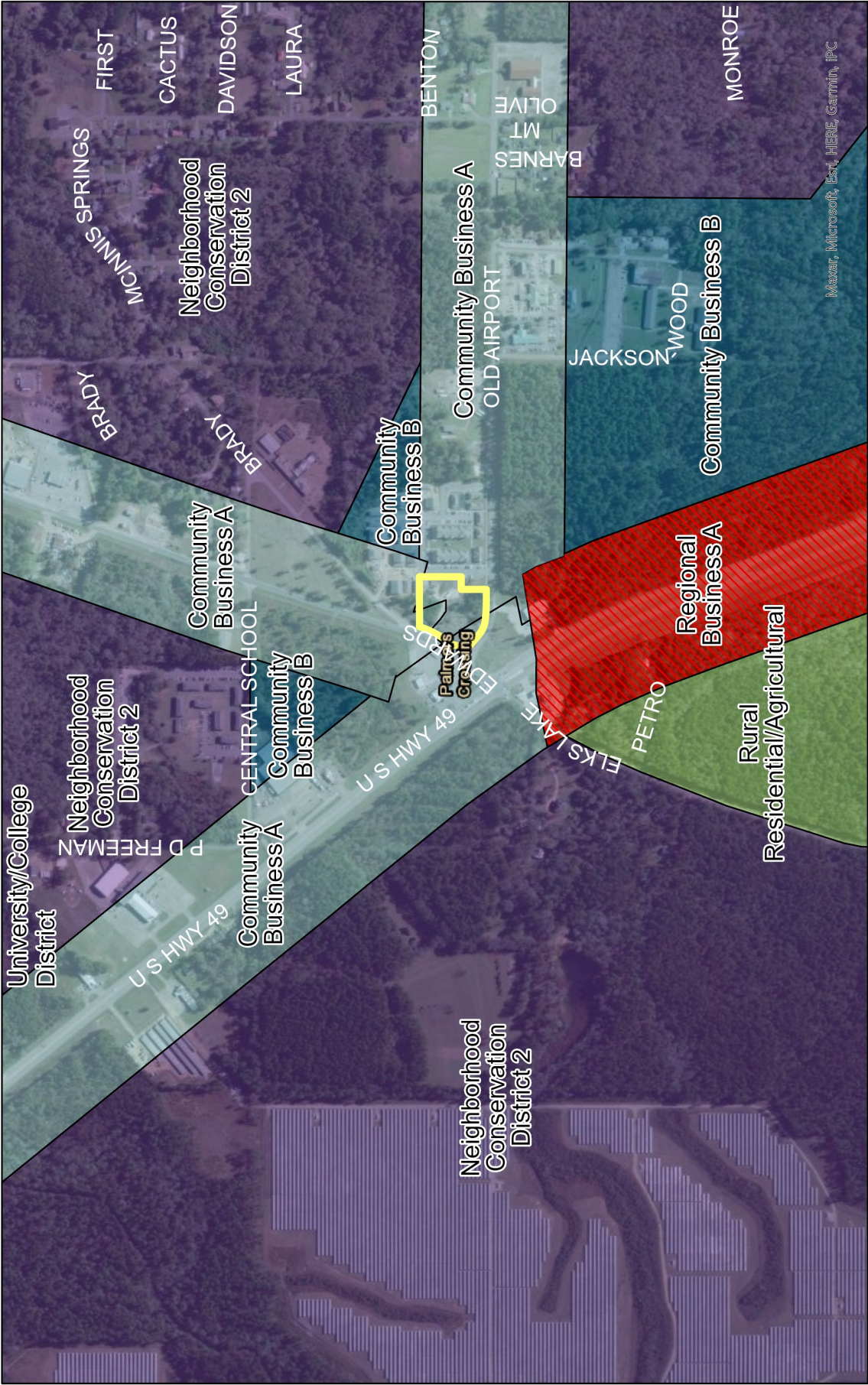
- A-1
- R-1A
- R-1C
- R-3
- B-3
- B-5
- PMU-PD
- Subject Property

PMU-PD Amendment
Village at the Beverly Phase III
15 Old Airport Road
PPIN: 29647
Flood Zone: X
Ward 5, Forrest County



**URBAN
DEVELOPMENT**
PLANNING DIVISION
Center: 89°17'20"W 31°16'41"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: 8/16/2024 9:19 AM



Future Land Use Map

- Community Business A
- Community Business B
- Neighborhood Conservation District 2
- Regional Business A
- Rural Residential/Agricultural
- University/College District

PMU-PD Amendment for
The Village at the Beverly, Phase III
15 Old Airport Road
PPIN: 29647
Flood Zone: X
Ward 5, Forrest County



URBAN
DEVELOPMENT
PLANNING DIVISION

Center: 89°17'24"W 31°16'42"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: 8/23/2024 5:11 PM

Site Aerial



Surrounding Area



Surrounding Area

Northern Direction: B-3 Community Business



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





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: Gulf Coast Housing Partnership

Project Name: Village at the Beverly III

Proposed Use(s): Residential and Commercial

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

PPIN Number(s) (if unknown, can be found on tax receipt): 2-041G-27-017.00

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 |
| ☐ 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: _____

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:	Ming Ming Lin, Project Manager, Gulf Coast Housing Partnership		
☐ Applicant	☐ Property Owner	☒ Representative	☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify):			
Phone:	504-525-2505	Fax:	Email: lin@gchp.net
Mailing Address:	1626 Oretha Castle Haley Blvd., Suite A, New Orleans, LA 70113		

Secondary:

Name:	Martin Tovrea, Multistudio		
☐ Applicant	☐ Property Owner	☐ Representative	☐ Agent ☐ Contractor ☒ Architect ☐ Engineer
☐ Other (please specify):			
Phone:	985-789-1614	Fax:	Email: martin.tovrea@multi.studio
Mailing Address:	3308A Magazine Street, New Orleans, 70115		

Other(s):

Name:	Tom Champion, SR Vice President, Gulf Coast Housing Partnership		
☐ Applicant	☐ Property Owner	☒ Representative	☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify):			
Phone:	504-525-2505	Fax:	Email: champion@gchp.net
Mailing Address:	1626 Oretha Castle Haley Blvd., Suite A, New Orleans, LA 70113		

Name:	Beverly Land, LLC		
☐ Applicant	☒ Property Owner	☐ Representative	☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify):			
Phone:	504-525-2505	Fax:	Email: laborde@gchp.net
Mailing Address:	1626 Oretha Castle Haley Blvd., Suite A, New Orleans, LA 70113		

OWNER AFFIDAVIT PAGE

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

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

15 Old Airport Rd. Hattiesburg MS
Street Address City State

on this the 29th day of July, 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.

Ming Ming Lin, Tom Champion, Joel Ford, Martin Torre
on this the 29th day of July, 2024.

Beverly Land, LLC

Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF LOUISIANA

COUNTY OF ORLEANS

Personally came and appeared before me, the within named

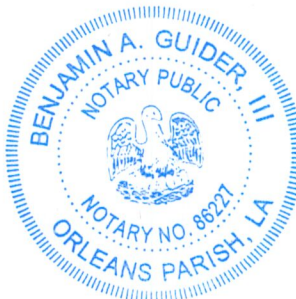
Kathleen F. Laborde
who signed and delivered the above and foregoing instrument as and for their free act and deed on
the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the
subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 29th day of
July, 2024.

[Signature]
NOTARY PUBLIC

My Commission Expires:

at death.



APPLICANT AFFIDAVIT PAGE

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

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

15 Old Airport Rd. Hattiesburg MS
Street Address City State

on this the 29th day of July, 2024

Gulf Coast Housing Partnership, Kathleen Laborde (President & CEO)

Applicant (print)

[Signature]
Applicant (signature)

STATE OF LOUISIANA

COUNTY OF ORLEANS

Personally came and appeared before me, the within named

Kathleen F. Laborde,

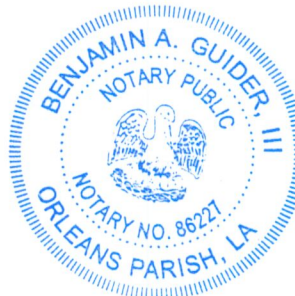
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 29th day of July, 2024.

Benjamin A. Guidet III
NOTARY PUBLIC

My Commission Expires:

at death.



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.

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



Phase 3 Site Plan
Scale: 1/64" = 1'-0"

Prepared by:
Baker, Donelson, Bearman, Caldwell and Berkowitz, P.C.
Attn: Virginia Todd Weaver
4268 I 55 North
Meadowbrook Office Park
Jackson, Mississippi 39211
(601) 351-2400
MS Bar #10361

Return to:
Baker, Donelson, Bearman, Caldwell and Berkowitz, P.C.
Attn: Virginia Todd Weaver
4268 I 55 North
Meadowbrook Office Park
Jackson, Mississippi 39211
(601) 351-2400

STATE OF MISSISSIPPI
COUNTY OF FORREST

INDEXING INSTRUCTIONS: NE ¼ of the SW ¼ & NW ¼ of SE ¼, §27, T4N, R13W;
City of Hattiesburg, Forrest County, Mississippi

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, adequacy and sufficiency of all of which are hereby acknowledged,

GULF COAST HOUSING PARTNERSHIP, INC.,
a Delaware nonprofit corporation (the "**Grantor**"),
1610A Oretha Castle Haley Boulevard,
New Orleans, Louisiana 70113; telephone number (504) 525-2505

does hereby sell, convey and warrant unto

BEVERLY LAND, LLC,
a Mississippi limited liability company (the "**Grantee**"),
1610A Oretha Castle Haley Boulevard,
New Orleans, Louisiana 70113; telephone number (504) 525-2505

the property lying and being situated in the County of Forrest, State of Mississippi (the "**Property**"), and being more particularly described on **Exhibit A** attached hereto.

The Property is conveyed subject to, and there is excepted from the warranty of this conveyance, any and all protective and restrictive covenants, easements, roadways, servitudes, and oil, gas and other mineral reservations, exceptions, conveyance and leases validly 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 proration as of this date is incorrect, then the Grantors agree to pay the Grantee or Grantee's assigns any amount which is a deficit on an actual proration and likewise, the Grantee agrees to pay the Grantor any amount overpaid by them.

WITNESS THE SIGNATURE OF GRANTOR on the date of the acknowledgment of its signature below, to be effective as of the 22 day of December, 2014.

GRANTOR:

GULF COAST HOUSING PARTNERSHIP,
INC.

By: Kathleen F. Laborde

Kathleen F. Laborde, President & CEO

STATE OF LOUISIANA
COUNTY OF ORLEANS
PARISH

Personally appeared before me, the undersigned authority in and for the said county and state, on this 22nd day of December, 2014, within my jurisdiction, the within named Kathleen F. Laborde, President & CEO, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that she executed the same in her representative capacity, and that by her signature on the instrument, and as the act and deed of the entity upon behalf of which she acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

Benjamin A. Guider, III
NOTARY PUBLIC

My commission expires:

at death.

Benjamin Alfred Guider, III, Notary Public
Orleans Parish - Louisiana
My Commission is for Life
La. Bar No. 29226

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land being part of the NE 1/4 of the SW 1/4 and of the NW 1/4 of the SE 1/4 of Section 27, Township 4 North, Range 13 West, Forrest County, Mississippi, more particularly described as follows:

Commence at the SE Corner of the NE 1/4 of the SW 1/4 of said Section 27; thence South 89 degrees 52 minutes 56 seconds West along the south line of said NE 1/4 of the SW 1/4 for 48.08 feet; thence North 00 degrees 07 minutes 04 seconds West for 22.00 feet; thence North 34 degrees 46 minutes 00 seconds West for 6.12 feet, to a point on the east right of way line of US Hwy 49, said point also being the POINT OF BEGINNING; thence North 34 degrees 46 minutes 00 seconds West along said east right of way line for 210.25 feet, to a point on the east right of way line of Brady Rd. (Old Hwy 49); thence along said east right of way line and along a curve to the right for 594.56 feet, said curve having a radius of 1096.22 feet, a chord distance of 587.30 feet, and a chord bearing of North 32 degrees 19 minutes 22 seconds East; thence North 47 degrees 53 minutes 00 seconds East along said east right of way line for 4.33 feet; thence North 89 degrees 51 minutes 21 seconds East for 63.06 feet; thence North 00 degrees 05 minutes 54 seconds West for 56.77 feet, to a point on the east right of way line of said Brady Rd. (Old Hwy 49); thence North 47 degrees 53 minutes 00 seconds East along said east right of way line for 51.79 feet; thence South 75 degrees 52 minutes 23 seconds East for 310.34 feet; thence South 31 degrees 49 minutes 16 seconds East for 225.90 feet; thence South 10 degrees 44 minutes 21 seconds East for 210.34 feet; thence West for 68.26 feet; thence South for 30.50 feet; thence West for 124.50 feet; thence North for 110.67 feet; thence West for 340.00 feet; thence South for 230.67 feet; thence West for 71.00 feet; thence South for 138.41 feet; thence South 89 degrees 52 minutes 56 seconds West for 154.22 feet, back to the POINT OF BEGINNING.

Said Parcel contains 7.52 acres more or less.

REAL ESTATE PURCHASE AND SALES CONTRACT

1. **Purchase and Sale.** Village at the Beverly III, LP ("Buyer") agrees to buy and Beverly Land, LLC ("Seller") agrees to sell the real estate and improvements described in Attachments A and B.

2. **Sale and purchase price.** The price for the above described real estate and improvements will be Three Hundred and Seventy Five Thousand Dollars (\$375,000), payable by buyer, or on their behalf, in cash or certified funds at the time of closing.

3. **Real Estate Taxes.** Real estate taxes for the year 2023 shall be paid by Buyer.

4. **Title, title insurance commitment and title insurance.**

(a) **Clear Title.** Seller warrants that at Closing, Seller shall convey good and marketable, fee simple title to the Property to Buyer.

(b) **Title Objections.** A Title Insurance Commitment shall be obtained by the closing attorney, Coats Rose and a copy thereof delivered to Buyer. After receipt of the said title insurance commitment, Buyer shall examine the commitment, and approve or reject the same. If Buyer rejects the commitment, this contract shall be cancelled and shall be void. Such rejection must be in writing and shall be presented to Seller and the closing agent within ten business days after receipt of the commitment by Buyer. If there are any title objections, Buyer shall notify Seller within ten (10) days of receiving the commitment, and Seller shall have ten (10) days from the receipt of any title objections from the Buyer (the "Title Cure Period") to cure all valid title objections. If Seller fails to cure any other valid title objections of Buyer within the Title Cure Period (and fails to provide Buyer with evidence of Seller's cure satisfactory to Buyer and to the Title Company), then within five days of the expiration of the Title Cure Period, Buyer may as Buyer's sole remedies: (1) rescind the transaction contemplated hereby; (2) waive any such objections and elect to close the transaction contemplated hereby irrespective of such title objections and without reduction of the Purchase Price; or (3) extend the Closing Date for a specified period of time to allow Seller further time to cure such valid title objections. Failure to act in a timely manner under this paragraph shall constitute a waiver of Buyer's rights hereunder. Buyer shall have the right to re-examine title prior to Closing and notify Seller at Closing of any title objections which appear of record after the date of Buyer's initial title examination and before Closing.

(c) An owners' policy of title insurance in the amount of the purchase price shall be issued after the closing of this transaction.

5. **Warranty of title.** Seller agrees to execute a Warranty Deed on the real estate to the Buyer at the time of closing, warranting that the property described herein is free of encumbrances and fully marketable.

6. **Closing.** The closing of this transaction shall be at the offices of Coats Rose, PC on or before December 31, 2023. The office is located at 365 Canal Street, Suite 800, New Orleans, LA 70130.

7. **Possession.** Possession of the real estate and improvements shall be given to

Buyer on the date of closing.

8. **Closing costs.** The closing costs shall be paid by Buyer.

9. **Inspections and Access to Property.**

Prior to closing, Buyer and Buyer's agents shall have the right to enter upon the Property at Buyer's expense and at reasonable times, to inspect, survey, examine, and test the Property as Buyer may deem necessary as part of Buyer's acquisition of the Property. Buyer shall indemnify and hold Seller and all Brokers harmless from and against any and all claims, injuries, and damages to persons and/or property arising out of or related to the exercise of Buyer's rights hereunder. Seller agrees to provide access to Buyer, Buyer' agents, and inspectors, as required pursuant to the terms of this contract, or as required by Buyer' lender, at all reasonable times and upon reasonable notice to Seller.

10. **Property to be kept insured.** Seller agrees to maintain the present insurance coverage on the described real estate, improvements and personal property mentioned herein at all times until closing. In the event that any of the property is damaged by fire or other casualty prior to closing, Buyer shall have the following options: (a) they may accept the insurance proceeds and continue with this contract, or (b) they may void this Contract, in which event, all expenses incurred by the title company and the closing agent shall be Seller's responsibility.

11. **Binding contract and assignability.** This contract incorporates all prior agreements between the parties, contains the entire and final agreement of the parties, and cannot be changed except by their written consent. This Contract shall be binding upon the parties hereto, their heirs, administrators, assigns and successors.

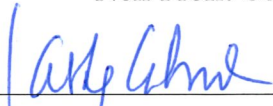
In Witness Whereof, the parties have hereunto subscribed their respective names on the dates set opposite their names. It is understood and agreed that a FAX or scanned copy of this Contract bearing the signatures of the respective parties shall be as fully binding as the original.

Signature Page Follows

Seller:

Beverly Land, L.L.C., a Mississippi Limited Liability Company

By: Gulf Coast Housing Partnership, Inc., a Delaware
Non-Profit Corporation, its Sole Member

By: 

Name: Kathy Laborde

Title: President and C.E.O.

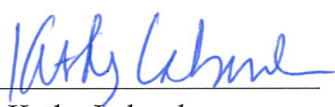
Buyer:

Village at the Beverly III, LP, a Mississippi Limited Partnership

By: Village at the Beverly III GP, L.L.C., a Mississippi Limited
Liability Company, its General Partner

By: Gulf Coast Housing Partnership, L.L.C., a Delaware
Limited Liability Company, its Manager

By: Gulf Coast Housing Partnership, Inc., a
Delaware Non-Profit Corporation, its Sole
Member

By: 

Name: Kathy Laborde

Title: President and C.E.O.

Attachment A

This Real Estate Purchase and Sales Contract between Village at the Beverly III, LP ("Buyer") and Beverly Land, LLC ("Seller") is for the following real estate and improvements:

*Legal Description
for
Lot 1B
March 11, 20120*

Located at Parcel Number 2-041G-27-017.00

LEGAL DESCRIPTION - LOT 1B

A PARCEL OF LAND BEING PART OF THE NW 1/4 OF THE SE 1/4 AND PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SE CORNER OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 27; THENCE S89°54'27"W ALONG THE SOUTH LINE OF SAID NE 1/4 OF THE SW 1/4 FOR 48.08' TO A POINT ON THE EAST RIGHT OF WAY LINE OF US HWY 49; THENCE N00°07'04"W ALONG SAID EAST RIGHT OF WAY LINE FOR 22.00'; THENCE N34°37'15"W ALONG SAID EAST RIGHT OF WAY LINE FOR 6.15' TO THE NORTH RIGHT OF WAY LINE OF OLD AIRPORT ROAD, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N89°53'11"E FOR 154.22' ALONG THE NORTH RIGHT OF WAY LINE OF OLD AIRPORT ROAD; THENCE NORTH FOR 138.41'; THENCE EAST FOR 71.00'; THENCE N00°02'49"E FOR 230.58'; THENCE WEST FOR 263.45' TO A POINT ON THE SOUTHEAST RIGHT OF WAY OF BRADY ROAD; THENCE ALONG THE SOUTHEAST RIGHT OF WAY OF BRADY ROAD ALONG A CURVE TO THE LEFT FOR 213.47', SAID CURVE HAVING A RADIUS OF 1096.30', AN INCLUDED ANGLE OF 11°09'24", AND A CHORD OF S22°44'52"W AND 213.14' TO A POINT ON THE EAST RIGHT OF WAY OF HIGHWAY 49; THENCE RUN S34°52'42"E FOR 210.66' ALONG THE HIGHWAY 49 RIGHT OF WAY BACK TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 2.30 ACRES, MORE OR LESS.

