Monday, November 18, 2019 | **City Council** | **Council Chambers**
4:00 PM | **Monday Meeting Agenda** | **200 Forrest Street**

Call to Order

Appeal Public Hearing

1. **2019-311** Hold public hearing for appeal filed by Tyler Watts to appeal the Planning Commission's recommendation for a petition filed by Tyler Watts et al., to change the zoning classification for certain properties located at and north of 914 Beverly Hills Drive from R-1B (Single Family Residential) to R-3 (Multi-Family Residential) (Ward 1), as per the attached Memo. Planning Commission recommended to Deny on October 2, 2019.

2. **2019-314** Hold public hearing for appeal filed by Mark Irby and George Walker to appeal the Board of Adjustment's recommendation for a petition filed by George Walker, to vary from the LDC, Sec. 10, Table 10.6-2 "Sign Message Area" for Wall Signs for an existing sign at 8 Park Place (Ward 3), as per the attached Memo. Board of Adjustment recommended to Deny on October 2, 2019.

Agenda Review

Citizens' Forum

Meeting Recess

Memorandum

To: Mayor Toby Barker and Members of City Council

From: Andrew Ellard, Director

cc:

Date: Tuesday, November 19, 2019

Re: Hold public hearing for appeal filed by Tyler Watts to appeal the Planning Commission's recommendation for a petition filed by Tyler Watts et al., to change the zoning classification for certain properties located at and north of 914 Beverly Hills Drive from R-1B (Single Family Residential) to R-3 (Multi-Family Residential) (Ward 1), as per the attached Memo. Planning Commission recommended to Deny on October 2, 2019.
File Number: 2019-311
Minute Book #

Summary

Hold public hearing for appeal filed by Tyler Watts to appeal the Planning Commission's recommendation for a petition filed by Tyler Watts et al., to change the zoning classification for certain properties located at and north of 914 Beverly Hills Drive from R-1B (Single Family Residential) to R-3 (Multi-Family Residential), as per the attached Memo. Planning Commission recommended to Deny on October 2, 2019.

Recommendation Statement

The Planning Commission recommended to Deny on October 2, 2019.

Please place this on the November 19, 2019 City Council meeting for consideration.

MINUTES OF THE

REGULAR MEETING OF THE

HATTIESBURG PLANNING COMMISSION

OCTOBER 2, 2019

The Hattiesburg Planning Commission did meet in a regular session on October 2, 2019 at 1:00 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Mark Miller, Chair, presided over the meeting. A quorum was indicated and the attendance was as follows:

Commissioners Present: Mark Miller, Chair
Amy Hinton, Vice-Chair
Rhoda A. Pickett
Rebekah Ray
Charlene Allshouse
Kenneth Waites
Dick Conville
Jeff Keyseear
Ricardo Bryant

Commissioners Absent: Charles Dawe

Also Present: Andrew Ellard, Director Urban Development
Regina Melson, Senior Planner
Caroline Miles, Planner
Steve Mitchell, Building Official
Jim Gladden, Esq.

Chair Miller declared the meeting of the Hattiesburg Planning Commission open and in session at 1:00 PM.

AGENDA REVIEW

There came the matter of the October 2019 Agenda. A request was made by Chair Miller for a motion to approve the October 2019 Agenda. A motion was made to approve the October 2019 Agenda by Commissioner Ray and seconded by Commissioner Allhouse.

Commissioners voting aye: Mark Miller, Chair
Amy Hinton, Vice-Chair
Rhoda A. Pickett
Rebekah Ray

Charlene Allshouse
Kenneth Waites
Jeff Keyseear
Ricardo Bryant

Commissioners voting nay: None
Commissioners absent for vote: Dick Conville

MINUTES REVIEW

There came the matter of the September 4, 2019 minutes. A request was made by Chair Miller for a motion to approve the September 4, 2019 minutes. A motion was made by Commissioner Ray to approve the minutes and seconded by Commissioner Bryant.

Commissioners voting aye: Mark Miller, Chair
Amy Hinton, Vice-Chair
Rhoda A. Pickett
Rebekah Ray
Charlene Allshouse
Kenneth Waites
Jeff Keyseear
Ricardo Bryant

Commissioners voting nay: None
Commissioners absent for vote: Dick Conville

REPORTS

BUILDING REPORT

There came the matter of the Building Permit Report. A report for September 2019 was provided by Steve Mitchell, Building Official.

PLANNING REPORT

There came the matter of the Planning Report by Andrew Ellard, Director. On September 17, the City Council voted to approve the conditional use for a place of assembly at 301 Court Street with additional conditions added (HPC approval upheld). The Council also voted to approve the conditional use for a restaurant without drive-thru at 608 W. 7th Street (HPC approval upheld). Ginger Lowrey, Planning Division Manager, AICP, and her husband welcomed a baby girl into their family on October 1.

CHAIR'S REPORT

No report was given.

INTRODUCTIONS

Commissioners introduced themselves.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item A (Old Business- Text Amendment), to take from the table and consider a petition filed by The City of Hattiesburg, as required in the Land Development Code, Ord. No. 3209, to amend the Land Development Code Section 5, Use Regulations and Conditions, Section 12, Process and Procedures and additional sections as needed. More specifically, for the purpose of considering amendments to use types and/or an additional use type, and the policy and procedure therefore throughout the Land Development Code.

Commissioner Waites made a motion to take from the table to consider the request. Commissioner Hinton seconded the motion.

Commissioners voting aye: Mark Miller, Chair
Amy Hinton, Vice-Chair
Rhoda A. Pickett
Rebekah Ray
Charlene Allshouse
Kenneth Waites
Dick Conville
Jeff Keyseear
Ricardo Bryant
Commissioners voting nay: None
Commissioners abstaining: None

Chair Miller declared the Public Hearing for the Planning Commission open at 1:14 P.M. and read the rules and procedures of the hearing.

	Name	Address	City/State
Presented by:	Staff		
Proponents:	None		
Opponents:	None		

Chair Miller declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Hinton stated that the Commission should address the citizen letter regarding amendments to the use of "personal and professional services, excluding tattoo parlors" in B-1 zoning, but this concern should be addressed at a later time. Amendments to this type of use were not part of the proposed revision. Commissioner Conville made a motion to place the two citizen communications on November's agenda for the Commission's consideration and to allow time for Staff to give public notice regarding additional text amendments to Section 5-Uses. Commissioner Hinton seconded the motion.

Commissioners voting aye: Mark Miller, Chair
Amy Hinton, Vice-Chair
Rhoda A. Pickett
Rebekah Ray
Charlene Allshouse
Kenneth Waites
Dick Conville
Jeff Keyseear
Ricardo Bryant
Commissioners voting nay: None
Commissioners abstaining: None

Commissioner Waites made a motion to vote on the request. Commissioner Hinton seconded the motion.

Commissioners voting aye: Mark Miller, Chair
Amy Hinton, Vice-Chair
Rhoda A. Pickett
Rebekah Ray
Charlene Allshouse
Kenneth Waites
Dick Conville
Jeff Keyseear
Ricardo Bryant
Commissioners voting nay: None
Commissioners abstaining: None

There came the matter of Item C (Rezoning Request), filed by Tyler Watts, Representative, Josh Blackledge, Agent, Estate of Charles Holt, Owner, and Doug F. Montague, JN LLC, Owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for two properties located at 914 Beverly Hills Road and north of 914 Beverly Hills Road (Parcel 2-028D-06-048.00, PPIN 26203, Parcel 2-028D-06-049.00, PPIN 26205, Ward 1) from Section 4.5.4, R-1B (Single Family Residential) District to Section 4.5.7, R-3 (Multi-Family Residential) District.

	Name	Address	City/State
Presented by:	Tyler Watts	1521 Alex Drive	Shelby, NC
Proponents:	Josh Blackledge	1700 S 28th Ave.	Hattiesburg, MS
Opponents:	Linda Walters	3608 Rosewood	Hattiesburg, MS
	Patricia Fluker	913 N. 37th Ave.	Hattiesburg, MS
	Mark Irby		Madison, MS
	Anna Wan	1009 N. 34th Ave.	Hattiesburg, MS
	Diana Crutchfield		Hattiesburg, MS
	Catherine Walker		Hattiesburg, MS
	Hughlene Perrott	1016 Beverly Hills Rd.	Hattiesburg, MS

Tyler Watts requested the rezone to R-3 to allow the company he represents to build approximately 100 townhome units on the property. They would be one to two bedroom units, targeted toward older students, young professionals, and young families. He stated he has conducted a market survey to determine demand for this type of housing. Commissioner Ray asked how he gathered his survey data, which he stated he gathered by calling vicinity complexes and asking their occupancy. He stated that occupancy on housing similar to what he was proposing was running at 100% occupancy. Chair Miller asked Mr. Watts to clarify his interaction with the neighborhood association prior to the Planning Commission meeting. Mr. Watts said that the real estate agent, Josh Blackledge, had emailed Diana Crutchfield, president of the neighborhood association, regarding the rezoning, but neither he nor Josh had formally met with, telephoned, or attended a meeting of the neighborhood.

Josh Blackledge stated this rezoning is needed because the property is a good place for a development and will be good for the tax rolls. He also stated for the Commission to consider the buffer of the park and cemetery and that not rezoning this property is stifling development.

Linda Walters stated that Ward 1 has an overabundance of multi-family residential, and most developments have at least 50-100 units. She stated the applicant has failed to substantially show that there is a need for more R-3 zoning and the neighborhood needs to be conserved.

Patricia Fluker stated her agreement with Mrs. Walters' assertion, but stated she also had concerns about additional the traffic a multi-family development would bring.

Mark Irby from Heritage Properties stated that the 100% occupancy figure Mr. Watts gave was incorrect. The units he manages are at 85% occupancy, with 70 vacant units. He also stated The Met currently has 44-45 vacant units.

Dr. Anna Wan stated that the petitioners should account for shifting student housing requirements at USM, which has begun strongly encouraging all freshman to live on campus and requiring other certain student groups to live on campus. This will affect the student housing market.

Diana Crutchfield stated multi-family rental units degrade the property values of the homeowners who are invested in their community.

Catherine Walker of the Reserve at Long Point stated her occupancy is at 87%, and she was not called about the market survey mentioned by Mr. Watts.

Hughlene Perrott stated she worries about worsening traffic if an additional multi-family unit was built.

Mr. Watts rebutted, stating that he is open to discussing the traffic situation during the engineering phase of the development.

Chair Miller declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Waites made a motion to Deny the request on the basis that there is not a material change in the circumstances and conditions surrounding the petitioned property and there is not a public need for the change in question. Commissioner Hinton seconded the motion.

Commissioners voting aye: Mark Miller, Chair
Amy Hinton, Vice-Chair
Rhoda A. Pickett
Rebekah Ray
Charlene Allshouse
Kenneth Waites
Dick Conville
Jeff Keyseear
Ricardo Bryant
Commissioners voting nay: None
Commissioners abstaining: None

There came the matter of Item C (Conditional Use-Restaurant without drive-thru), filed by Fahad Albukhari, Applicant, and Utpal Patel, Owner, as required in the Land Development Code, Ord. No. 3209, to request a Conditional Use as a “Restaurant without drive-thru” for B-2 zoning for a certain property located at 208 N 38th Ave, Ste. 30 (Parcel 2-028L-07-

144.01, PPIN 41562, Ward 1).

	Name	Address	City/State
Presented by:	Fahad Albukhari	208 N 38th Ave.	Hattiesburg, MS
Proponents:	None		
Opponents:	None		

Mr. Albukhari stated he would like to open a Mediterranean-type restaurant at the location.

Chair Miller declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Conville motion to Approve the request. Commissioner Ray seconded the motion.

Commissioners voting aye: Mark Miller, Chair
Amy Hinton, Vice-Chair
Rhoda A. Pickett
Rebekah Ray
Charlene Allshouse
Kenneth Waites
Dick Conville
Jeff Keyseear
Ricardo Bryant

Commissioners voting nay: None

Commissioners abstaining: None

BUSINESS MEETING

Having no further business, Commissioner Ray made a motion to adjourn the meeting. The motion was seconded at Commissioner Hinton. There being no further business, the meeting was adjourned at 2:16 PM.

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Chair Mark Miller

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Ginger Maddox Lowrey, AICP, CFM, Planning Division Manager

Memorandum

To: Mayor Toby Barker and Members of City Council

From: Andrew Ellard, Director

cc:

Date: Tuesday, November 19, 2019

Re: Hold public hearing for appeal filed by Mark Irby and George Walker to appeal the Board of Adjustment's recommendation for a petition filed by George Walker, to vary from the LDC, Sec. 10, Table 10.6-2 "Sign Message Area" for Wall Signs for an existing sign at 8 Park Place, as per the attached Memo. Board of Adjustment recommended to Deny on October 2, 2019.
File Number: 2019-314
Minute Book #

Summary

Hold public hearing for appeal filed by Mark Irby and George Walker to appeal the Board of Adjustment's recommendation for a petition filed by George Walker, to vary from the LDC, Sec. 10, Table 10.6-2 "Sign Message Area" for Wall Signs for an existing sign at 8 Park Place, as per the attached Memo. Board of Adjustment recommended to Deny on October 2, 2019.

Please place this on the November 19, 2019 City Council meeting for consideration.

HERITAGE PROPERTIES
INCORPORATED
116 One Madison Plaza, Suite 2100
Madison, Mississippi 39110

October 3, 2019

RE: Letter of Appeal
Parkwest Sign

Parkwest Apartments
8 Park Place
Hattiesburg, MS

This letter is written to inform the City of Hattiesburg the owners wish to appeal the recommendation of the Hattiesburg Board of Adjustment to the Hattiesburg City Council for approval of the mural sign for the above captioned property.

We respectfully ask for a special exception for a mural painted on the side of a 3-story building located at the corner of Park Place and Westover Drive.

In addition to paving the public paved street at the owner's expense the ownership is extensively renovating the property which includes upgrading the following:

Installing new kitchens (appliances, countertops, sinks, flooring)
Increasing the size of the pool
Constructing an outdoor pavilion
Adding parcel pending kiosk (for Amazon packages)
Adding an entry tower for better aesthetics
Improving landscaping and hardscapes

Included in the improvement project was the mural sign which was overlooked by the owner and contractor in connection with a sign permit. We believe the sign blends well, is tasteful, and beatifies the area. We apologize for this oversight and respectfully ask for approval of a variance for the sign at Parkwest to stay in place.

Respectfully,

Parkwest III, LLC
Managing Member
George R. Walker

Mark S. Irby
Finance

FILED
OCT 11 2019
CITY CLERK
BY
DEPUTY CLERK


Parkwest
APARTMENTS

MINUTES OF THE

REGULAR MEETING OF THE

HATTIESBURG BOARD OF ADJUSTMENT

OCTOBER 2, 2019

The Hattiesburg Board of Adjustment did meet in a regular session on October 2, 2019 immediately following the Planning Commission agenda at 2:27 PM at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Amy Hinton, Vice-Chair, presided over the meeting. A quorum was indicated and the attendance was as follows:

Board Members Present: Amy Hinton, Vice-Chair
Dick Conville
Rebekah Ray
Kenneth Waites
James Trussell

Board Members Absent: Shawn Harris
James Hughes

Also Present: Andrew Ellard, Director Urban Development
Regina Melson, Senior Planner
Caroline Miles, Planner
Jim Gladden, Esq.

Vice-Chair Hinton declared the meeting of the Hattiesburg Board of Adjustment open and in session at 2:27 PM.

AGENDA REVIEW

There came the matter of the October 2019 Agenda. A request was made by Vice-Chair Hinton for a motion to approve the October 2019 Agenda. A motion was made to approve the October 2019 Agenda with corrections to the month by Dick Conville and seconded by James Trussell.

Board Members voting aye: Amy Hinton, Vice-Chair
Dick Conville
Rebekah Ray
Kenneth Waites
James Trussell

Board Members voting nay: None

MINUTES REVIEW

There came the matter of the August 7, 2019, minutes. A request was made by Vice-Chair Hinton for a motion to approve the August 7, 2019 minutes. A motion was made by James Trussell to approve the minutes and was seconded by Kenneth Waites.

Board Members voting aye: Amy Hinton, Vice-Chair
Dick Conville
Rebekah Ray
Kenneth Waites
James Trussell

Board Members voting nay: None

REPORTS

PLANNING REPORT

No report was provided.

CHAIR'S REPORT

No report was provided.

INTRODUCTIONS

Board members introduced themselves.

PUBLIC HEARING – BOARD OF ADJUSTMENT

Vice-Chair Hinton declared the Public Hearing for the Board of Adjustment open at 2:33 PM.

There came the matter of Item A (Sign message area variance), Gary Walker, Representative, and George Walker, Owner, as required in the Land Development Code, Ord. No. 3209, to request a variance from Section 10 Table 10.6-2 "Sign Message Area" for Wall Signs, "For B-1- 1 square foot sign area per 1 foot front façade width up to 50 square feet" for a building frontage of ninety (90) feet, and instead allow for a message area square footage of four hundred fifty-three and three-quarters (453.75) square feet, for a variance of four hundred three and three-quarters (403.75) square feet for an existing sign located at 8 Park Place (Parcel 051K-12-001.000, PPIN 23909, Ward 3).

	Name	Address	City/State
Presented by:	Mark Irby		Madison, MS
Proponents:	Gary Walker	.	Madison, MS
Opponents:	None		

Vice-Chair Hinton declared the Public Hearing closed and the Business Meeting open to vote on the request. James Trussell stated that approval of this large variance would set a poor precedent, especially provided the variance was requested after the sign was installed. Vice-Chair Hinton stated that the petitioners failed to meet any of the criteria for variance approval. James Trussell made a motion to Deny the request. Kenneth Waites seconded the motion.

Board Members voting aye: Amy Hinton, Vice-Chair
Dick Conville
Rebekah Ray
Kenneth Waites
James Trussell
Board Members voting nay: None

Board Members abstaining: None

There came the matter of Item B (Awning Sign Height variance), Hugh Sanders, Representative, and David Ott, Owner, as required in the Land Development Code, Ord. No. 3209, to request a variance from Section 10 Table 10.6-2 Awning "Sign Height", "10' min. above sidewalk" and instead allow for a height of eight and one-half (8.5) feet, for a variance of one and one-half (1.5) feet for an existing sign at 109 Fairfield Drive (Parcel 051P-11-031.000, PPIN 9244, Ward 3).

	Name	Address	City/State
Presented by:	David Ott		Hattiesburg, MS
Proponents:	Hugh Sanders		Hattiesburg, MS
Opponents:	None		

Vice-Chair Hinton declared the Public Hearing closed and the Business Meeting open to vote on the request. James Trussell stated that the sign had been installed without permit and allowing a variance after the fact was setting a poor precedent of begging forgiveness rather than asking permission. He stated only the signage and not the awning had to be removed to become complaint, so the awning could still keep the rain out. Vice-Chair Hinton stated that the awning served a purpose of protecting the front of the building from the rain, and if it was placed at the minimum height required to allow signage, it would not keep out the rain. Dick Conville made a motion to Approve the request based on the following bases: Hardship, there are exceptional conditions creating undue hardship applicable only to the property involved or intended use which do not apply generally to the other lands or uses within the same zoning district; Minimum Required, the granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure; Conformance with the Purposes of this Code, the granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code. Kenneth Waites seconded the motion.

Board Members voting aye: Amy Hinton, Vice-Chair
Dick Conville
Rebekah Ray
Kenneth Waites
Board Members voting nay: James Trussell
Board Members abstaining: None

BUSINESS MEETING

There came the matter of the Nominating Committee Report. Rebekah Ray provided the Committee's selection for officers. Amy Hinton was nominated as Chair, and Rebekah Ray was nominated as Vice-Chair. No other nominations being offered, Dick Conville made a motion to accept the Nominating Committee's officer recommendation. Kenneth Waites seconded the motion. Positions will be effective the November 2019 meeting.

Board Members voting aye: Amy Hinton, Vice-Chair
Dick Conville
Rebekah Ray
Kenneth Waites
Board Members voting nay: James Trussell
Board Members abstaining: None

There being no further business, the meeting was adjourned at 3:22 PM. James Trussell made a motion to adjourn the meeting. The motion was seconded by Rebekah Ray.

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Amy Hinton, Vice-Chair

____
Ginger Maddox Lowrey, AICP, CFM, Planning Division Manager