

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda

Monday, December 15, 2014

4:00 PM

Council Chambers

City Council - Appeal Public Hearing

1. 2014-1569 Hold Public Hearing for the appeal filed by Marvin Arrington Sr., of the Planning Commission's recommendation for the petition filed by Marvin Arrington, Sr., Owner, to change the zoning classification of a certain property located at 314 Bay Street (Parcel 029P-10-281.00, PPIN 18609, Ward 4) from R-1B (Single-Family Residential) District to B-2 (Neighborhood Business) District; Hattiesburg Planning Commission recommended to DENY on November 10, 2014.

Attachments: November PC Minutes - Draft
 Image Sheet - 314 Bay St (Rezoning)
 Staff Summary - 314 Bay St (Rezoning)
 Arrington Appeal



City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

Master

File Number: 2014-1569

File ID: 2014-1569

Type: Regular Agenda Item

Status: Agenda Ready

Version: 1

Reference:

In Control: City Council

File Created: 12/09/2014

Brief Title: Hold Public Hearing - 314 Bay Street (Zoning Change)

Final Action:

Minute Book Number: MB2014-363

Title: Hold Public Hearing for the appeal filed by Marvin Arrington Sr., of the Planning Commission's recommendation for the petition filed by Marvin Arrington, Sr., Owner, to change the zoning classification of a certain property located at 314 Bay Street (Parcel 029P-10-281.00, PPIN 18609, Ward 4) from R-1B (Single-Family Residential) District to B-2 (Neighborhood Business) District; Hattiesburg Planning Commission recommended to DENY on November 10, 2014.

Notes:

Sponsors:

Enactment Date:

Attachments: November PC Minutes - Draft, Image Sheet - 314 Bay St (Rezoning), Staff Summary - 314 Bay St (Rezoning), Arrington_Appeal

Enactment Number:

Contact:

Meeting Date:

Drafter: Michael Maret

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council - Appeal Public Hearing	12/15/2014					

Text of Legislative File 2014-1569

Title

Hold Public Hearing for the appeal filed by Marvin Arrington Sr., of the Planning Commission's recommendation for the petition filed by Marvin Arrington, Sr., Owner, to change the zoning classification of a certain property located at 314 Bay Street (Parcel 029P-10-281.00, PPIN 18609, Ward 4) from R-1B (Single-Family Residential) District to B-2 (Neighborhood Business) District; Hattiesburg Planning Commission recommended to DENY on November 10, 2014.

Summary

Hold Public Hearing - 314 Bay Street (Zoning Change)

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
November 5, 2014**

The Hattiesburg Planning Commission did not meet in a regular session on November 5, 2014 at 1:00 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. A quorum of 6 members was not met. It was agreed upon by all parties represented at the meeting to reschedule for the morning of Monday, November 10, 2014, at 9:00am.

**MINUTES OF THE
RESCHEDULED MEETING OF THE
HATTIESBURG PLANNING COMMISSION
November 10, 2014**

The Hattiesburg Planning Commission did meet in a rescheduled session on October 10, 2014 at 9:00 a.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Joseph White, Chairman, presided over the meeting. A quorum was indicated and the attendance was as follows:

Commissioners Present: Joseph White, Chairman
Linda McMurtrey, Vice-Chairman
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Judy Corts

Commissioners Absent: Annie Pope
Dick Conville
Jessie Wilson

Also Present: Pattie Brantley, AICP, Director of Urban Development
Michael Maret, Planner
Ginger Maddox, Planner

Chairman White declared the meeting of the Hattiesburg Planning Commission open and in session at 9:04 A.M.

INVOCATION

Commissioner Horton gave the invocation.

AGENDA REVIEW

There came the matter of the November 2014 Agenda. A request was made by Chairman White for a motion to Approve the November 2014 Agenda with reports moving to the end of the meeting so that petitions could be addressed. A motion was made by Commissioner McMurtrey to Approve the November 2014 Agenda with changes to the order of events, Commissioner McCleskey seconded the motion.

Commissioners voting aye: Linda McMurtrey, Vice-Chairman

Peggy Horton, Secretary
Eric Martin
Don McCleskey
Judy Corts

Commissioners voting nay: None

Commissioners abstaining: None

MINUTES REVIEW

There came the matter of the October 1, 2014 Minutes. A request was made by Chairman White for a motion to Approve the October 1, 2014 Minutes. A motion was made by Commissioner Corts to approve the minutes with edits and seconded by Commissioner Horton.

Commissioners voting aye: Linda McMurtrey, Vice-Chairman
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Judy Corts

Commissioners voting nay: None

Commissioners abstaining: None

REPORTS

ENGINEERING REPORT

There came the matter of the Engineering Report. There was none.

BUILDING INSPECTION REPORT

There came the matter of the Building Inspection Report. There was none.

PLANNING REPORT

There came the matter of the Planning Report. Urban Development Director, Pattie Brantley, informed the Commission that the previous petitions had been heard by City Council and approved.

CHAIRMAN’S REPORT

There came the matter of the Chairman’s Report. There was none.

PUBLIC HEARING

Chairman White declared the Public Hearing open at 9:10 A.M. and read the rules and procedures of the hearing.

There came the matter of Item A (Rezoning), Chris Hester, Representative, on behalf of First Bank, Owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, to change the zoning classification for a certain property located at 3301 Hardy Street (Parcel 028K-07-022.00, PPIN 22999, Ward 3) from B-2 (Neighborhood Business) District to B-3 (Community Business) District.

Name	Address	City/State
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Presented by: Chris Hester 3301 Hardy Street Hattiesburg, MS
Proponents: None
Opponents: None

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McMurtrey made a motion to approve the rezoning from B-2 (Neighborhood Business) District to B-3 (Community Business) District. She stated the basis for her motion is that there is a material change in the circumstances and conditions of the neighborhood and area surrounding the petitioned property. The motion was seconded by Commissioner Horton.

Commissioners voting aye: Linda McMurtrey, Vice-Chairman
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Judy Corts

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item B (Rezoning), John Anglin, P.E., Clearpoint Engineering, on behalf of Southeastern Concrete Company, Owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, to change the zoning classification of a certain property, or a portion thereof, located at 2611 Lakeview Drive (Parcel 024P-32-002.00, PPIN 8365, Ward 2) from A-1 (General Agriculture) District to I-2 (Heavy Industrial) District.

	Name	Address	City/State
<u>Presented by:</u>	John Anglin	6652 US Hwy 98	Hattiesburg, MS
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Horton made a motion to approve the rezoning for a portion of the property, 10 acres more or less, from A-1 (General Agricultural) District to I-2 (Heavy Industrial) District. She stated the basis for her motion is that there is a material change in the circumstances and conditions of the neighborhood and area surrounding the petitioned property. The motion was seconded by McCleskey.

Commissioners voting aye: Linda McMurtrey, Vice-Chairman
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Judy Corts

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item C (Rezoning), a previously filed petition by Marvin Arrington Sr., Owner, from July 2nd, 2014, with the Mayor and Council of the City of Hattiesburg,

Mississippi, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, to change the zoning classification of a certain property located at 314 Bay street (Parcel 029P-10-281.00, PPIN 18609, Ward 4) from R-1B (Single-Family Residential) District to B-2 (Neighborhood Business) District.

	Name	Address	City/State
<u>Presented by:</u>	Marvin Arrington Sr.	504 Old Richton Rd	Petal, MS
<u>Proponents:</u>	Corey Arrington		
<u>Opponents:</u>	Lloyd Munn	401 Bay Street	Hattiesburg, MS
	Andrea Saffle	409 Walnut Street	Hattiesburg, MS
<u>Other:</u>	Shannon Little		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McCleskey made a motion to deny the rezoning from R-1B (Single-Family Residential) District to B-2 (Neighborhood Business) District. The motion was seconded by McMurtrey.

Commissioners voting aye: Linda McMurtrey, Vice-Chairman
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Judy Corts

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item E (Rezoning), a previously filed petition by Shannon Little, Owner, from September 3rd, 2014, with the Mayor and Council of the City of Hattiesburg, Mississippi, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, to change the zoning classification of a certain property located at 1212 N. Main Street (Parcel 029F-04-283.00, PPIN 20055, Ward 2) from R-1A (Single-Family Residential) District to R-2 (Two-Family Residential) District.

	Name	Address	City/State
<u>Presented by:</u>	Shannon Little	310 Williams Street	Hattiesburg, MS
<u>Proponents:</u>	Sarah Lewis	1212 Main Street	Hattiesburg, MS
	Mary Dryden	909 Adeline Street	Hattiesburg, MS
	Andrea Saffle	409 Walnut Street	Hattiesburg, MS
<u>Opponents:</u>	Otis Griffin	1223 Main Street	Hattiesburg, MS
	Johniece DuPree	1028 Main Street	Hattiesburg, MS
	Andrea Saffle	409 Walnut Street	Hattiesburg, MS

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McMurtrey made a motion to approve the rezoning of the property, from R-1A (Single-Family Residential) District to R-2 (Two-Family Residential) District. She stated the basis for her motion is that there is a material change in the circumstances and conditions of the neighborhood and area surrounding the petitioned property. The motion was seconded by

Commissioner Martin.

Commissioners voting aye: Linda McMurtrey, Vice-Chairman
Peggy Horton, Secretary
Eric Martin
Judy Corts

Commissioners voting nay: Don McCleskey

Commissioners abstaining: None

There being no further business, the meeting was adjourned at 11:00 A.M.

Joe White, Chairman

Pattie Brantley, AICP, Director of Urban Development.

SUBJECT PARCEL:

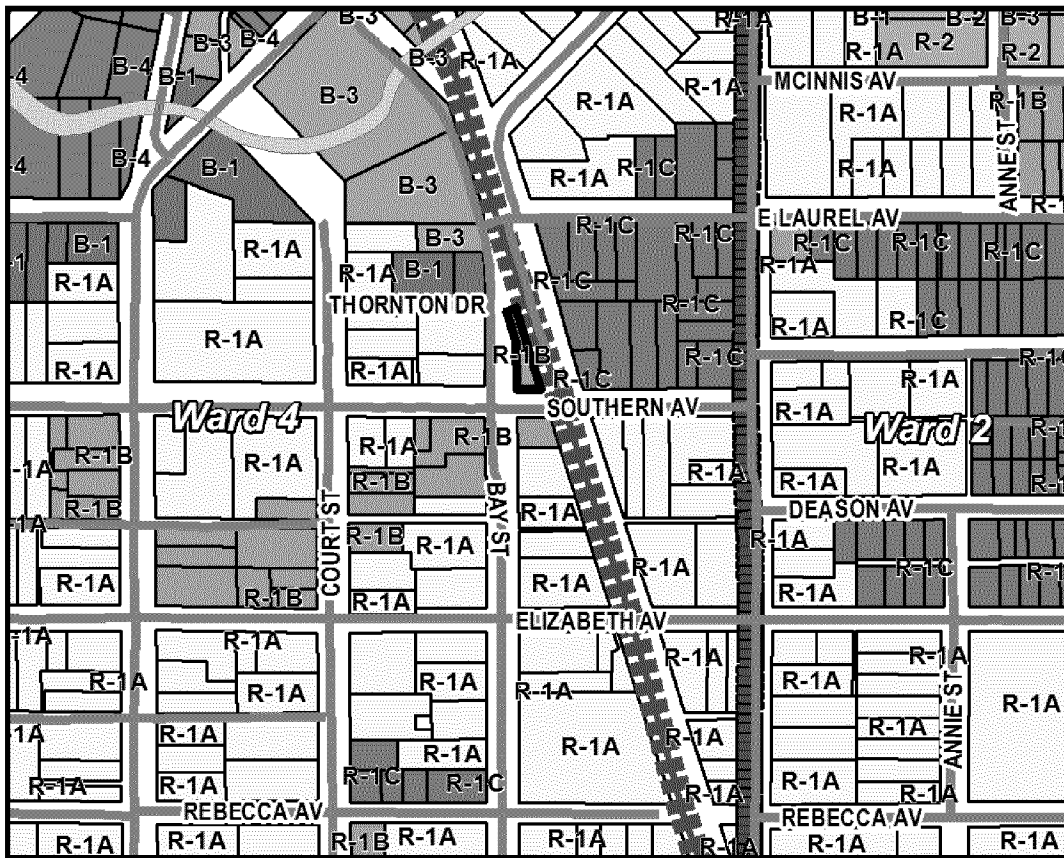
314 Bay St, Marvin Arrington Sr.

The applicant requests a Rezoning from R-1B (Single-Family Residential) District to B-2 (Neighborhood Commercial) District.

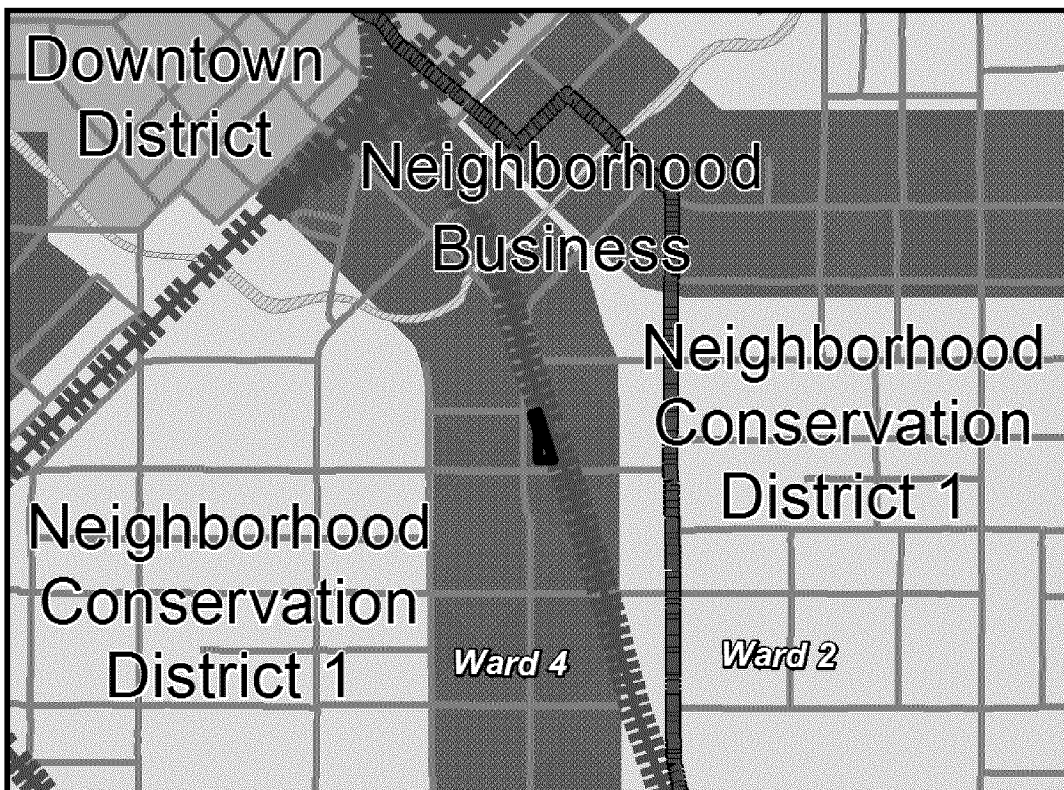


Vicinity Map

Zoning Map



Future Land Use Map



SURROUNDING AREA

Northern Direction: Businesses and residences zoned B-3 (Community Business) District R-1A (Single-Family Residential) District in the direction of Downtown Hattiesburg.



Southern Direction: Florist and garage apartment (Item B-Request to rezone from R-1B to B-2)



Eastern Direction: Residences zoned R-1C (Single-Family Residential) District.



Western Direction: Residences zoned R-1A (Single-Family Residential) District.



**Planning Commission
Case Fact Sheet**

Name of Applicant: Marvin Arrington Sr.

Address of Property:
314 Bay Street

Tax Parcels/Ward:
029P-10-281.00

PPIN:
18609

Ward:
4

Requests: **Rezoning**

Purpose of Request: To consider an application for a **Rezoning** from **R-1B (Single-Family Residential) District** to **B-2 (Neighborhood Commercial) District**.

Applicant Summary: There is a mistake in the original zoning. Based on the 1989 Official Zoning Map archives, a staff error was made during the process of color coding the map. The archives reflect a business zoning classification was designated for the parcel instead of residential.

Applicable Regulations:
SECTION 52

R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT

52.01 General Description - The principal use is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

SECTION 59

B-2 NEIGHBORHOOD BUSINESS DISTRICT

	<u>59.01 General Description:</u> The purpose of this business district is to provide retail stores and personal services for the convenience of the people in adjacent residential areas.
Present Zoning:	The Parcel is currently zoned R-1B (Single-Family Residential) District.
Present Use:	Gas Station / Convenience Store (Currently Vacant)
Surrounding Zoning and Land Use:	North: R-1A Single Family Residential District South: R-1A & R-1B Single Family Residential District East: R-1C Single Family Residential District West: R-1A Single Family Residential District
Future Land Use Plan:	The subject parcel is shown in the 2008 Future Land Use Map as Neighborhood Business District. <u>District Overview:</u> The Neighborhood Business District is primarily a residential district located along the city's collector, minor arterial, and certain local streets. In this district, certain residential and low-intensity business uses may be found that exhibit development patterns that complement the residential, pedestrian-oriented character of surrounding neighborhoods. <u>District Characteristics:</u> The characteristics of this district include the following: moderate-density single-family residences and certain two-family and multi-family uses; mixed-use buildings and developments; smaller, lower-intensity business developments that provide services to the neighborhood and community; and less-intensive commercial uses than are found in the Community Business District. Site development standards should include maximum building sizes, maximum residential densities, minimum and maximum building setbacks, building and site design elements, and provisions for pedestrian comfort and accessibility. <u>District Land Uses:</u> The following land uses should be found in this district: single-family residential uses; two-family and multi-family residences, subject to use, density, and design guidelines; public and quasi-public uses, such as general indoor retail, specialty retail, service and office land uses that do not require the outdoor storage of goods or equipment.
Most Nearly Bounded By (streets):	This parcel is bounded to west by Bay Street, Southern Avenue to the south, and Short Bay Street to the north and east.

Comments: Located in Comprehensive Plan Future Land Use Map -
Neighborhood Business Corridor.

Consistent with Future Land Use Map in the Comprehensive Plan.

Located in the Hattiesburg Historic Neighborhood.

Basis for Approval: There is a mistake in the original zoning. Based on 1989 zoning
map archives there was a staff error in coding the map.

Options: Recommend approval or denial of the request to rezone the
subject parcel from R-1B (Single-Family Residential) District to B-
2 (Neighborhood Business) District. Said parcel being: 029P-10-
281.00 (PPIN #18609).



Send to:
Pattie Brantley, Director of Urban Development
Dept. of Urban Development
P.O. Box 1898
Hattiesburg, MS 39403
601.545.4591 or fax 601.545.1962

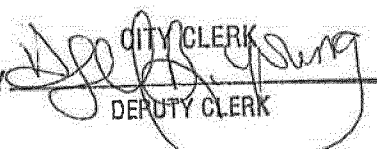
REQUEST TO APPEAL PLANNING COMMISSION RECOMMENDATION

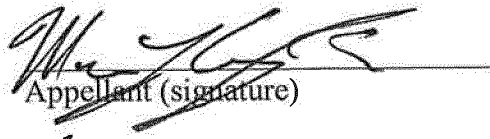
Today's Date: 11-10-14
Planning Commission Meeting Date: 11-10-14 <i>(Appeals must be made within ten consecutive days of the recommendation)</i>
Name of Property Owner/Petitioner: Marvin Arrington Sr
Name of Person Requesting Appeal Hearing: Marvin Arrington Sr.
Mailing Address of Person Requesting Appeal Hearing: 504 Old Richton Rd Petal, MS 39465
Address of Petitioned Property: 314 Bay St Hattiesburg MS
Petitioner's Request of the Planning Commission: Rezoning from R-1B to B2
Planning Commission's Recommendation: Approve ☐ or Deny ☒

I/We hereby APPEAL the Planning Commission Recommendation for the above referenced petition and request to hold a Public Hearing before the Hattiesburg City Council.

FILED

NOV 10 2014

BY 
CITY CLERK
DEPUTY CLERK


Appellant (signature)

Appellant (signature)

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda

Monday, December 15, 2014

4:00 PM

Council Chambers

City Council - Agenda Review

1. Agenda Review.