

City of Hattiesburg, MS

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



Meeting Agenda

Monday, February 6, 2012

4:00 PM

Council Chambers

City Council - Appeal Public Hearing

2012-0487

Hold Appeal Public Hearing filed by Andy Moore, Ryan Motors, to appeal the Planning Commission's recommendation for the petition filed and represented by Eric B. Daniels on behalf of D,E,S and Brothers, LLC, owners, to allow a Use Permit Upon Review for "offsite parking" in a B-5 (Regional Business) District, for a certain property located at 809 Timothy Lane (business Parcel 30-352-9-1, PPIN 17592, Ward 4, and offsite parking at 916 Timothy Lane, Parcel 30-1029-11, PPIN 26877, Ward 4); Hattiesburg Planning Commission recommended to APPROVE with the stipulation that they stripe parking lot and add parking lot lighting in additional lot on January 4, 2012.

Attachments:

Appeal Letter and PN for 809 & 916 Timothy Lane

Use Permit for Off-Site Parking - 809 & 916 Timothy Lane

Minutes (Excert) - 809 & 916 Timothy Lane

Appeal Letters received late for 809 & 916 Timothy Lane

DES withdraw e-mail



City of Hattiesburg, MS

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

Master

File Number: 2012-0487

File ID: 2012-0487

Type: Regular Agenda Item

Status: Agenda Ready

Version: 1

Reference:

In Control: City Council

File Created: 01/31/2012

Brief Title: Hold Appeal Hearing - 809 and 916 Timothy Lane

Final Action:

Minute Book Number: MB2012-1/25-28

Title:

Hold Appeal Public Hearing filed by Andy Moore, Ryan Motors, to appeal the Planning Commission's recommendation for the petition filed and represented by Eric B. Daniels on behalf of D,E,S and Brothers, LLC, owners, to allow a Use Permit Upon Review for "offsite parking" in a B-5 (Regional Business) District, for a certain property located at 809 Timothy Lane (business Parcel 30-352-9-1, PPIN 17592, Ward 4, and offsite parking at 916 Timothy Lane, Parcel 30-1029-11, PPIN 26877, Ward 4); Hattiesburg Planning Commission recommended to APPROVE with the stipulation that they stripe parking lot and add parking lot lighting in additional lot on January 4, 2012.

Notes:

Sponsors:

Enactment Date:

Attachments: Appeal Letter and PN for 809 & 916 Timothy Lane, Use Permit for Off-Site Parking - 809 & 916 Timothy Lane, Minutes (Excert) - 809 & 916 Timothy Lane, Appeal Letters received late for 809 & 916 Timothy Lane, DES withdraw e-mail

Enactment Number:

Contact:

Meeting Date: 02/06/2012

Drafter: Lisa Reid

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council - Appeal Public Hearing	02/06/2012					

Text of Legislative File 2012-0487

Title

Hold Appeal Public Hearing filed by Andy Moore, Ryan Motors, to appeal the Planning

Commission's recommendation for the petition filed and represented by Eric B. Daniels on behalf of D,E,S and Brothers, LLC, owners, to allow a Use Permit Upon Review for "offsite parking" in a B-5 (Regional Business) District, for a certain property located at 809 Timothy Lane (business Parcel 30-352-9-1, PPIN 17592, Ward 4, and offsite parking at 916 Timothy Lane, Parcel 30-1029-11, PPIN 26877, Ward 4); Hattiesburg Planning Commission recommended to APPROVE with the stipulation that they stripe parking lot and add parking lot lighting in additional lot on January 4, 2012.

Summary

Hold Appeal Hearing - 809 and 916 Timothy Lane

Budget Information

Expenditure Type

Purchasing Item

Publication Information



Send to:
Lisa Reid, Planning Manager
Dept. of Urban Development
P.O. Box 1898
Hattiesburg, MS 39403
601.554.1031 or fax 601.545.1962

REQUEST TO APPEAL PLANNING COMMISSION RECOMMENDATION

Today's Date:	1/11/12
Planning Commission Meeting Date:	1/14/12
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner:	D.E.S. and Brothers, LLC
Name of Person Requesting Appeal Hearing:	KNOX MOORE / RYAN MOORE
Mailing Address of Person Requesting Appeal Hearing:	1501 WEST PINE STREET HATTIESBURG MS 39401
Address of Petitioned Property:	809 Timothy Lane
Petitioner's Request of the Planning Commission:	to allow a Use Permit upon Review for "off-site parking" in a B-5 district
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.

[Signature]
Petitioner (signature)

FILED

Petitioner (signature)

JAN 11 2012

EDDIE B. LAWERS, CLERK
By: *[Signature]*
Deputy Clerk

PUBLIC HEARING

NOTICE is hereby given that a petition has been filed and represented by Eric B. Daniels on behalf of D,E,S and Brothers, LLC, owners, with the Mayor and Council of the City of Hattiesburg, Mississippi, as allowed in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, to allow a Use Permit Upon Review for "Parking, Off-Street" in a B-5 (Regional Business) District, for certain property located at 916 Timothy Lane (Parcel 30-1029-11, PPIN 26877, Ward 4; for business located at 809 Timothy Lane (Parcel 30-352-9-1, PPIN 17592, Ward 4), said property being more particularly described as follows, to-wit:

809 Timothy Lane:

Lots One (1), Two (2), Three (3) and Four (4), Block Eighty-two (82) of the Hicks Subdivision of D. D. McInnis Third Survey, in the City of Hattiesburg, County of Forrest, State of Mississippi, as per the map of plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, all being located and situated in Section 16, Township 4 North, Range 13 West, in the County of Forrest, State of Mississippi, and the above described Lot 1, being leasehold property for a term of 99 years from November 7, 1946; the above described Lot 3 being leasehold property for a term of 99 years from July 10, 1952; the above described Lot 4 being leasehold property for a term of 99 years from October 1, 1949.

916 Timothy Lane:

BG INTERSEC SE/L 32ND AVE & NE/L W 62ND ST SELV ALG 62ND AVE 200FT NE 150FT NWLY 200FT SWLY 150FT TO BG SECTION 16-4-13 PREV #:H1029-00-011 B819 P264 6-18-99

After hearing, the Hattiesburg Planning Commission recommend that the petition be APPROVED, and opponents represented by Andy Moore, Ryan Chevrolet, being aggrieved with the recommendation, filed a request for hearing before the Mayor and City Council of the City of Hattiesburg, as provided by law.

NOW, THEREFORE, NOTICE IS GIVEN that a public hearing in relation to the petition as hereinabove set forth will be held at 4 P.M., Monday, February 6, 2012 in the City Hall Building, 2nd Floor, City Council Room, 200 Forrest Street, Hattiesburg, Mississippi, at which time and at which said hearing all parties of interest and citizens shall have an opportunity to be heard.

WITNESS my signature and the official seal of said City on this, the 11th day of January, A.D., 2012.

CITY OF HATTIESBURG, MISSISSIPPI

BY: Eddie Myers /s/
CITY CLERK

(SEAL)

Publish (1) Friday, January 20, 2012
City of Hattiesburg
Return PROOF to City Clerk's Office
P.O. Box 1898
Hattiesburg, MS 39403-1898

PLANNING COMMISSION

January 4, 2012

ITEM D**PROPERTY ADDRESS:**

809 Timothy Lane

PETITIONER:**Eric B. Daniels on behalf of D,E,S and Brothers, LLC, owners****PARCEL NUMBER:** 30-352-9-1 **PPIN:** 17592**REQUEST:** Use Permit Upon Review for "offsite parking" at 916 Timothy Lane,
Parcel Number: 30-1029-11 **PPIN:** 26877Both parcels are located in **Ward 4****PREVIOUS PLANNING COMMISSION OR BOA ACTION ON SURROUNDING PROPERTY:**

N/A

SITE PLAN REVIEW COMMITTEE ACTION:

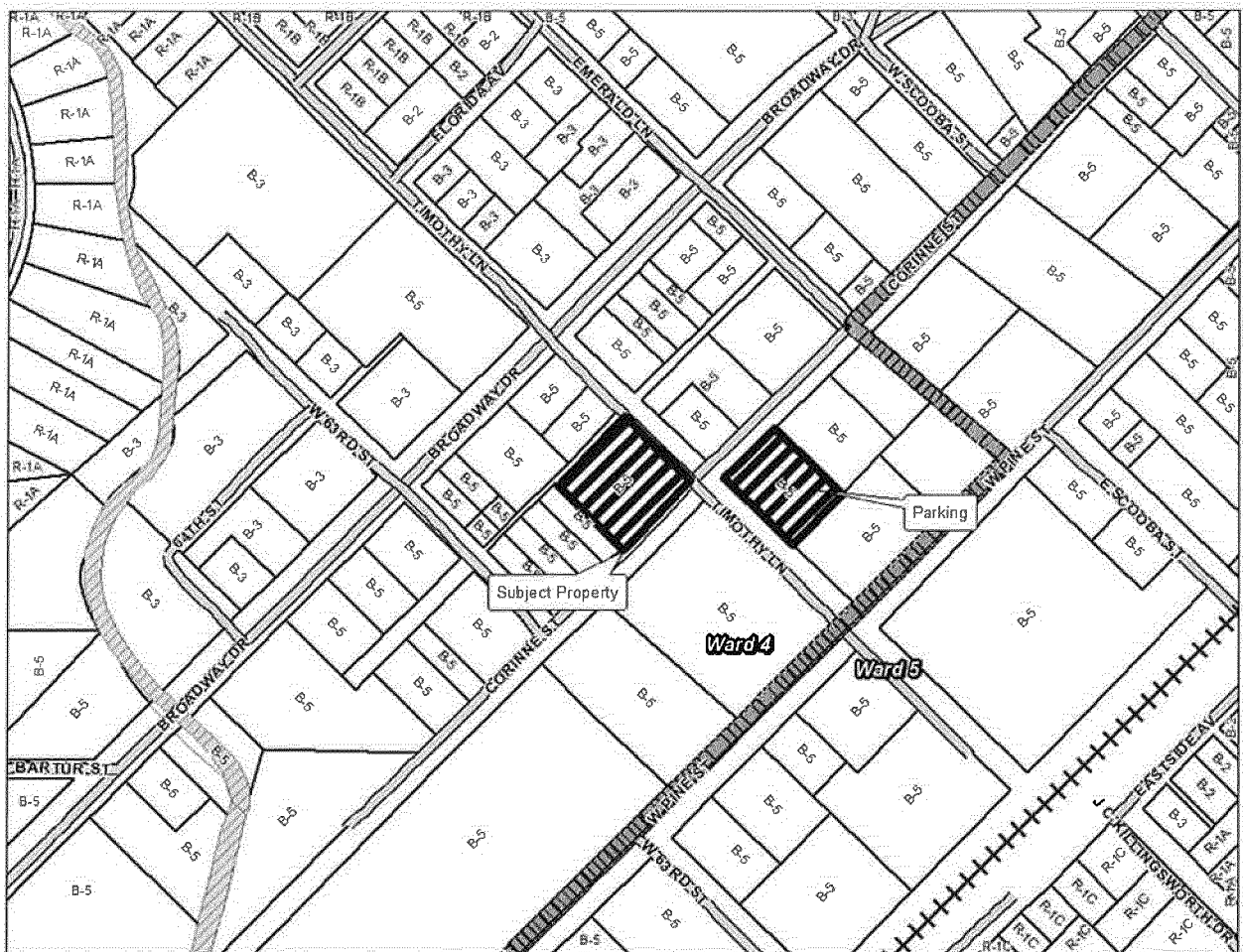
Project No. 10-11-245. Last reviewed by SPRC on 10/21/2011. See minutes on page D-1.

SPECIAL DISTRICTS:

Flood District: X (Non Special Flood Hazard Area) and A (100 year Flood Hazard)

Historic District: N/A

Other: N/A

PENDING HISTORIC CONSERVATION COMMISSION ACTION: N/A

PROPERTY ADDRESS:
809 Timothy Lane

ZONING:
B-5 (Regional Business) District

REQUESTED ACTION:

⇒ Use Permit Upon Review for a "off-site parking"
AT 916 Timothy Lane

APPLICABLE LAND DEVELOPMENT CODE REGULATIONS:

-Article 4, Section 89.04

ADJACENT ZONING AND LAND USES of primary business / proposed parking lot:

ALL SURROUNDING PROPERTIES ARE ZONED **B-5 (REGIONAL BUSINESS) DISTRICT** AND ARE DEVELOPED AS FOLLOWS:

809 TIMOTHY LANE (PRIMARY BUSINESS):

NORTHEAST: Union Office

NORTHWEST: Taylor Used Cars on corner and warehouse (hot dog man sits in front of)

SOUTHEAST: Ryan Chevrolet

SOUTHWEST: Warehouse

916 TIMOTHY LANE (PARKING LOT):

NORTHWEST: Barber Shop and Union Office

SOUTHEAST: Jutamas Restaurant (Old Burkett's Restaurant) and Car Sales Lot

SOUTHWEST: Ryan Chevrolet

FUTURE LAND USE MAP DESIGNATION:

The Future Land Use Map depicts this area as a Regional Business District.

The Regional Business District is primarily a non-residential district located along major arterial streets and highways. Limited types of residential uses—apartment complexes and second-floor housing in strip commercial or lifestyle centers—are allowed and encouraged to locate in this district. The nature and volume of traffic along these corridors are different from the traffic along other commercial corridors, and therefore, the land uses require special consideration. The land uses in this district may generate a higher volume of regional traffic and/or require frequent access by large trucks and commercial vehicles.

PHYSICAL SITE CHARACTERISTICS:

This lot is improved with an area of approximately 42,000 square feet or .96 of an acre.

STREETS AND TRAFFIC:

The subject property is located on the north side of Timothy Lane between Corinne Street and West Pine Street.

PUBLIC UTILITIES:

Water: City

Sewer: City

Electricity: Mississippi Power

PARKING AND ACCESS:

The subject parcel and the off-site parking parcel are accessed from Timothy Lane.

CHARACTER OF THE NEIGHBORHOOD:

These lots are located on the north and south side of Timothy Lane. The surrounding property of both parcels are zoned regional business.

CRITERIA FOR AMENDMENTS:

- The need to protect the stability, integrity, and character of Hattiesburg's residential neighborhoods.
- The need to preserve and encourage the stability of the Hattiesburg business community.
- The need to reinforce Hattiesburg's quality of life, preserve neighborhood identity, and boost community pride.
- The need to conserve and protect Hattiesburg's physical infrastructure.
- The public need for the proposed use, as opposed to the private interest of an individual.

Project No. 10-11-245
D.E.S. and Brothers, LLC
811 Timothy Lane

10/21/2011

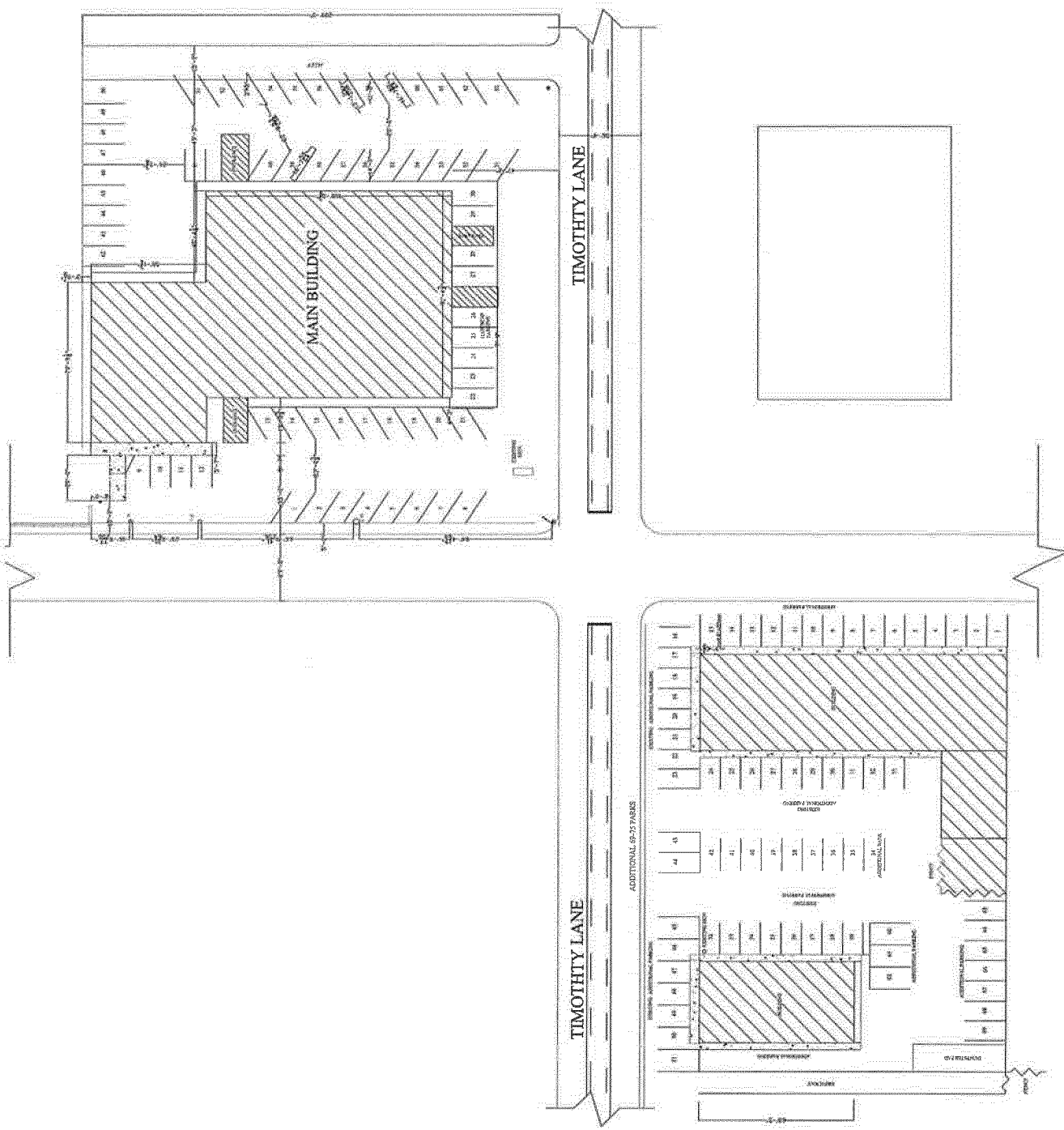
RESUBMITTAL REQUIRED

Presented by: Stacy Daniels
Eric Daniels
Derek Daniels

1. A Use Permit upon Review will be required for the proposed use.
 2. Site Plan is not drawn to scale. Therefore, full review was not done. However, we have noted the following items that must be provided on a scale drawing in conjunction with the attributes of the Site Plan Review checklist.
 3. Show handicap parking spaces on Site Plan with signage.
 4. The main building handicap parking requirements are five spaces with one van accessible. Handicap parking spaces are to be located to the nearest accessible entrance.
 5. Shall handicap ramp location on Site Plan, ramp may not enter into access aisle.
 6. The other two buildings shown on the Site Plan shows no handicap parking. Two handicap parking spaces per building with ramps and signs located to the nearest accessible entrance on each building.
 7. Two percent max slope on all accessible routes and handicap parking spaces.
 8. An automatic sprinkler system with an automatic fire alarm shall be provided for Group A-2 occupancies where one of the following conditions exists:
 - a. The fire area exceeds 5,000 square feet
 - b. The fire area has an occupant load of 100 or more; or
 - c. The fire area is located on a floor other than the level of exit discharge.The FDC located within 100 feet of a fire hydrant. The Fire Marshall determines the location.
 9. Wheel stops on parking spaces next to the building.
 10. Parking stripes cannot be utilized in the alley area, only allowed on private property. Therefore, the 13 spaces extending over the alley cannot be utilized as marked instead of in the alley.
 11. Are the areas of offsite parking already striped or proposed to be striped? (Response – Yes)
 12. Additional reviews for Building Permit - all requirements must be met for the building as well and buildings over 5,000 square feet require Building Plans to be drawn by a licensed architect.
- Notation: Your site plan has been given a basic evaluation for ADA compliance. Please check www.ada.gov for additional compliance or call 1-800-949-4232 for technical assistance.

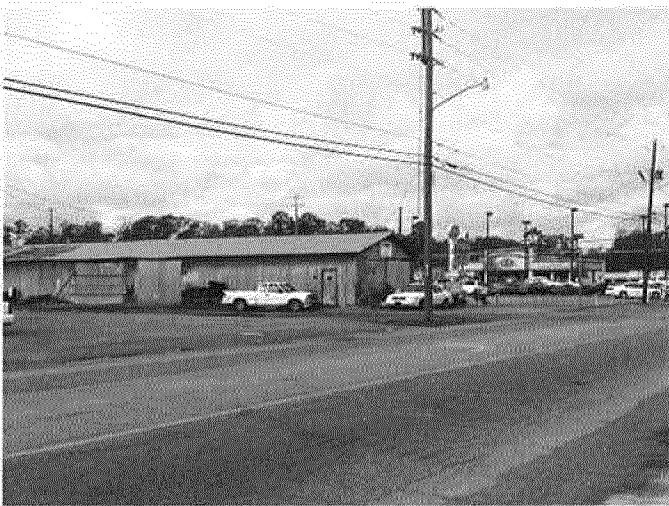


RECEIVED
OCT 11 2011
BY: [Signature]





Subject Property



Property to the South



Property to the North



Property to the East



Additional Parking to the Southeast



Mayor

Johnny L. DuPree, Ph.D.

Council - Ward 1

Kim Bradley

Council - Ward 2

Deborah Denard Delgado

Council - Ward 3

Carter Carroll

Council - Ward 4

Dave J. Ware, II

Council - Ward 5

Henry Naylor

January 6, 2012

D.E.S. and Brothers, LLC

29 Ferncrest Loop

Petal, MS 39465

RE: Use Permit Upon Review application for certain property located at 809 Timothy Lane (Parcel: 30-352-9-1, PPIN 17592, Ward 4) to allow "offsite parking" at 916 Timothy Lane (Parcel: 30-1029-11, PPIN 26877, Ward 4)

Dear D.E.S. and Brothers, LLC:

The Hattiesburg Planning Commission reviewed your request, outlined above, on January 4, 2012. Their recommendation was to **APPROVE** your request.

Any aggrieved party (proponent or opponent) has ten (10) days after the Planning Commission's recommendation to file an appeal with the Planning Administrator asking for a public hearing before the Hattiesburg City Council.

If no appeal is filed, the City Council will consider and vote on your request on **Tuesday, January 17, 2012** at 4:00 p.m. in the Council Chambers at City Hall (*you or your representative are urged to attend this review in order to answer any remaining questions*).

Please call me at 601.545.4599 if I may be of further assistance to you.

Sincerely,

Lisa J. Reid, CFM

Planning Administrator, Department of Urban Development

cc: Derek Arrington, P. O. Box 15517, Hattiesburg, MS 39403
Major Boles, 3418 Hardy Street, #37, Hattiesburg, MS 39401
Stacy Daniels, 811 Timothy Lane, Hattiesburg, MS 39401
R. L. Touchstone, 1801 Corinne Street, Hattiesburg, MS 39401
Bill Dunn, 806 63rd Street, Hattiesburg, MS 39401
Curtis Murphy, 810 Timothy Lane, Hattiesburg, MS 39401
Robert Vardaman, 802 Broadway Drive, Hattiesburg, MS 39401
Billy Byrd, 810 Timothy Lane, Hattiesburg, MS 39401



Mayor

Johnny L. DuPree, Ph.D.

Council - Ward 1
Kim Bradley

Council - Ward 2
Deborah Denard Delgado

Council - Ward 3
Carter Carroll

Council - Ward 4
Dave J. Ware, II

Council - Ward 5
Henry Naylor

December 21, 2011

D.E.S. and Brothers, LLC
29 Ferncrest Loop
Petal, MS 39465

RE: Use Permit Upon Review application for certain property located at 809 Timothy Lane (Parcel: 30-352-9-1, PPIN 17592, Ward 4) to allow "offsite parking" at 916 Timothy Lane (Parcel: 30-1029-11, PPIN 26877, Ward 4)

Dear D.E.S. and Brothers, LLC:

Attached is a copy of the Public Notice and other information pertaining to your Public Hearing before the Hattiesburg Planning Commission. You or your representative must attend the hearing on January 4, 2012 at 1:00 PM in the dining room of the Jackie Dole Community Center, 220 West Front Street in Downtown Hattiesburg. If an unavoidable hardship prevents your attending the Public Hearing, please notify us as soon as possible prior to the Public Hearing. The Planning Commission may consider tabling the petition until a later date if you or your representative is unable to attend.

Hattiesburg Planning Commission will make a recommendation to Approve or Deny your petition. City Council will take action on the Planning Commission's recommendation approximately two (2) weeks following the commission hearing. You will receive a letter notifying you of the date and time your petition will be heard by the City Council.

If any party is aggrieved by the recommendation of the Hattiesburg Planning Commission, a Letter of Appeal must be filed with the Planning Division within ten (10) calendar days of the Planning Commission's recommendation. If a Letter of Appeal is filed to hold a public hearing before the City Council, a hearing date will be set (approximately one month later) to allow the aggrieved party to present their case to the City Council.

Thank you for collecting and posting the public notice sign on the at posted for the full 15 days and that the sign is not removed for any rea hearing you may discard the sign.

Please call the Department of Urban Development at 545-4599 if you

Sincerely,

Tamika A. Paige
Tamika A. Paige
Office Manager

Enclosure

cc: Eric B. Daniels, 29 Ferncrest Loop, Petal, MS 39465

7011 2000 0000 6953 5030

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To	D.E.S. and Brothers, LLC
Street, Apt. No., or PO Box No.	29 Ferncrest Loop
City, State, ZIP+	Petal, MS 39465
PS Form 3800, 7-07	

Postmark Here

DC

**HATTIESBURG PLANNING COMMISSION
PUBLIC HEARING APPLICATION
REQUEST FOR USE PERMIT UPON REVIEW**

ADDRESS OF PROPERTY FOR USE PERMIT:

_____ 809 Timothy Lane _____
Municipal Number *Street Name*

Land Development Code Article No. _____ Section _____

City Tax Parcel Number: 2-0380-116-124.00

Subdivision Block and Lot Number: _____ PPIN 17592

Deadline for applicant to file petition with City Clerk:

Planning Commission Meeting Date: _____ Time: 1 P. M.

City Council Agenda Review Date: _____ Time: 4 P. M.

City Council Meeting Date: _____ Time: 4:30 P. M.

Fee Required: \$200.

Paperwork needed:

- G Completed application.
- G Warranty Deed.
- G Electronic copy of legal description
- G Site Diagram.
- G Filing Fee.
- G Site Plan Review Committee, if needed.
- G Other documents needed (See Land Use Planner).

For Additional Information:

Krishna Bhatt, Land Use Planner

Urban Development Department - Planning Division.

Phone: 601-545-4591

FAX: 601 - 545-1962

E-Mail: kbhatt@hattiesburgms.com

Call for appointments.

D2

APPLICANT:

Name: D, E, S and Brothers, LLC

Mailing Address: 29 Ferncrest Loop City: Petal State: MS Zip: 39465

Telephone (W) 601-441-9461 Telephone (H) Cell/Pager

REPRESENTED BY:

Name: Eric B. Daniels

Mailing Address: 29 Ferncrest Loop City: Petal State: MS Zip: 39465

Telephone (W) 601-434-7727 Telephone (H) 601-579-4767 Cell/Pager

CURRENT OWNER(S) OF PROPERTY:

Name: D, E, S and Brothers, LLC

Mailing Address: 29 Ferncrest Loop City: Petal State: MS Zip: 39465

Telephone (W) 601-441-9461 Telephone (H) Cell/Pager

1. This property is located on the North side of Timothy Lane
North/South/East/West Street Name
and lies between Corinne Street and Pine Street
Street Name Street Name

2. Property data: Zoned _____
Lot Frontage _____ feet
Lot Depth _____ feet
Square Footage/Acres _____
Improved or Unimproved? _____
If improved, number of existing structures? _____
Use of buildings: Residential Commercial Industrial
Physical Characteristics of structure(s) _____

3. Purpose for Request:
would like to receive a permit for
additional parking.

4. Are there any Land Use Code violations on file on this property with the City? No

If yes, please explain _____

5. Warranty Deed must be provided.

Note: If the property is not subdivided, attach a complete legal description as shown in the Forrest or Lamar County's Chancery Clerk's Office.

6. PARKING:

Paved parking will be provided for 131 cars, with _____ loading spaces.

7. List goods and merchandise to be sold on the premises.

Food and Beverage

8. Describe the proposed use of utilities and community facilities?

The facility will be used as a restaurant/ lounge area.

9. What are the expected number of employees? 15

10. Will there be any elevation in the noise level resulting from this proposed use?

If yes, please explain: Yes, business does expect to play music.

11. Will there be any discharge of air, liquid, or solids? No If yes, please explain:

12. Will there be any additional pedestrian or vehicular traffic generated by the proposed use?

✓ If yes, explain: During normal business hours the pedestrians and vehicular traffic will increase.

13. ADJACENT PROPERTY ZONING CLASSIFICATION AND CURRENT USE (circle appropriate response{s}):

Property to the NORTH: Zoning Classification _____
Current use: Residential Commercial Industrial Vacant

Property to the SOUTH: Zoning Classification _____
Current use: Residential Commercial Industrial Vacant

Property to the EAST: Zoning Classification _____
Current use: Residential Commercial Industrial Vacant

Property to the WEST: Zoning Classification _____
Current use: Residential Commercial Industrial Vacant

14. BUFFER REQUIREMENTS (If Needed) A landscaped buffer/open space along and between adjacent properties will be provided as follows:

NORTH _____

SOUTH _____

EAST _____

WEST _____

15. Is the property in a Historic District? No

16. Is the property in a Flood District? _____ Panel _____ of _____ Map _____

17. Is the property in a Overlay District? _____

18. One of the following conditions must be met before a Use Permit Upon Review can be recommended. Check the condition(s) most applicable to your request and explain in writing.

- A. The need to protect the stability, integrity, and character of Hattiesburg's residential neighborhoods.
- B. The need to preserve and encourage the stability of the Hattiesburg business community.
- C. The need to reinforce Hattiesburg's quality of life, preserve neighborhood identity, and boost community pride.
- D. The need to conserve and protect Hattiesburg's physical infrastructure.
- E. The public need for the proposed use, as opposed to the private interest of an individual.

Detailed explanation of condition(s) most applicable to your request: (Refer to question #13. Please print or type.)

This building is not in compliance with city codes and has been unoccupied for quite a while. Our company is expected to employ an estimated 15 people and bring the building up to city code. Approval of a Used Permit Upon Review would allow our company to open a successful business and benefit the community by providing employment and creating a "face lift" by improving the overall appearance of the building.

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

809 Timothy Lane Hattiesburg MS
Street Address City State

on this the 26th day of September, 2011.

In the matter of this Use Permit On
Review for offsite parking request, the
Proposed Use

property owner further authorizes the following named person to represent property owner at the
public hearing on this petition _____ on this the _____ day of
_____, 2006.

Erich Daniels
Property Owner

Property Owner

STATE OF MISSISSIPPI

COUNTY OF Lamar

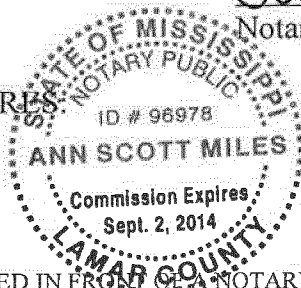
PERSONALLY came and appeared before me the within named,

attest that Erich Daniels 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 acknowledges to me that they are
the owners of the property described in the foregoing Petition for a Use Permit Upon Review.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 26 day
of September, A.D., 2011.

Ann Scott Miles
Notary Public

MY COMMISSION EXPIRES



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

D1

WITNESS THE SIGNATURES of the APPLICANT of the subject property located at

809 Timothy Lane
Street Address City State

on this the 26 day of September 2011.

Eric B. Daniels
Applicant

Applicant

STATE OF MISSISSIPPI

COUNTY OF LAMAR

PERSONALLY came and appeared before me the within named,

attest that Eric B. Daniels 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 acknowledges to me that they are the owners of the property described in the foregoing Petition for a Use Permit Upon Review.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 26th day of September, A.D., 2011.

Ann Scott Miles
Notary Public

MY COMMISSION EXPIRES:



(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)

D8

PUBLIC HEARING

NOTICE is hereby given that a petition has been filed and represented by Eric B. Daniels on behalf of D,E,S and Brothers, LLC, owners, with the Mayor and Council of the City of Hattiesburg, Mississippi, as allowed in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, to allow a Use Permit Upon Review for "Parking, Off-Street" in a B-5 (Regional Business) District, for certain property located at 916 Timothy Lane (Parcel 30-1029-11, PPIN 26877, Ward 4; for business located at 809 Timothy Lane (Parcel 30-352-9-1, PPIN 17592, Ward 4), said property being more particularly described as follows, to-wit:

809 Timothy Lane:

Lots One (1), Two (2), Three (3) and Four (4), Block Eighty-two (82) of the Hicks Subdivision of D. D. McInnis Third Survey, in the City of Hattiesburg, County of Forrest, State of Mississippi, as per the map of plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, all being located and situated in Section 16, Township 4 North, Range 13 West, in the County of Forrest, State of Mississippi, and the above described Lot 1, being leasehold property for a term of 99 years from November 7, 1946; the above described Lot 3 being leasehold property for a term of 99 years from July 10, 1952; the above described Lot 4 being leasehold property for a term of 99 years from October 1, 1949.

916 Timothy Lane:

BG INTERSEC SE/L 32ND AVE & NE/L W 62ND ST SELY ALG 62ND AVE 200FT NE 150FT NWLY 200FT SWLY 150FT TO BG SECTION 16-4-13 PREV #:H1029-00-011 B819 P264 6-18-99

A PUBLIC HEARING in relation to the above described petition will be held at 1:00 p.m., Wednesday, January 4, 2012, in the Jackie Dole Sherrill Community Center, First Floor, Hattiesburg, Mississippi, before the Planning Commission of said City, at which time and at which hearing all parties of interest and citizens shall have an opportunity to be heard.

WITNESS my signature and the official seal of said City on this, the 12th day of December, A.D., 2011.

CITY OF HATTIESBURG, MISSISSIPPI

BY: Eddie Myers /s/
CITY CLERK

(SEAL)

Publish (1) Friday, December 16, 2011
City of Hattiesburg
Return PROOF to City Clerk's Office
P.O. Box 1898
Hattiesburg, MS 39403-1898

D9

**MINUTES
OF THE
REGULAR MEETING
OF THE**

**HATTIESBURG PLANNING COMMISSION
JANUARY 4, 2012**

The Hattiesburg Planning Commission did meet in a regular session on January 4, 2012 at 1:00 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Richard Conville, Chairman, presiding.

Commissioners Present:

Robin Roberts
Annie Pope
Judy Corts
Joseph White, Vice-Chairman
Richard Conville, Chairman
Linda McMurtrey

Commissioners Absent:

Marjorie Chambers
Don McCleskey
Jessie Wilson

Also Present:

Patte Brantley, AICP, Director of Urban Development
Bill Rodgers, Land Code Administrator
Lisa J. Reid, Planning Manager
Craig Dearman, Engineering Technician

Richard Conville, Chairman, declared the regular meeting of the Hattiesburg Planning Commission open and in session.

Invocation: Joe White

AGENDA REVIEW

There came the matter of the Agenda for the January 4, 2012 meeting. Item "C", filed and represented by Keri Galey on behalf of Brown Bottling Group, owners, to allow a Use Permit Upon Review for a "digital billboard" in a B-5 (Regional Business) District, for certain property located at 6817 U. S. Highway 49 (Parcel 53-1064-37, PPIN 27588, Ward 1), and Item "E" filed by the City of Hattiesburg, to amend the Land Development Code to add Article 5, Section 99 to provide regulations for Pedestrian and Bicycle Access and Circulation; and to amend the following sections in Article 6 as outlined in attached text to add, delete or amend sections affected by the new regulations for Pedestrian and Bicycle Access and Circulation-Section 116.01 (11); 117.01; 117.02; 124.03; 125.08 (7); and 126.06, were removed at the request of the staff. The agenda was approved as amended.

Motion made by: Joe White

Motion seconded by: Judy Corts

Commissioners voting aye:

Annie Pope
Judy Corts
Joseph White

There came the matter of Item D, the petition filed by Eric B. Daniels on behalf of D,E,S and Brothers, LLC, owners, to allow a Use Permit Upon Review for “offsite parking” in a B-5 (Regional Business) District, for a certain property located at 809 Timothy Lane (business Parcel 30-352-9-1, PPIN 17592, Ward 4, and offsite parking at 916 Timothy Lane, Parcel 30-1029-11, PPIN 26877, Ward 4). Discussion began at 1:55 p.m.

Name	Address	City/State
<u>Presented by:</u> Derek Arrington	P O Box 15517	Hattiesburg, MS 39403
<u>Proponents:</u> Major Boles	3918 Hardy Street #37	Hattiesburg, MS 39401
Stacy Daniels	811 Timothy Lane	Hattiesburg, MS 39401
<u>Opponents:</u> R L Touchstone	1801 Corinne Street	Hattiesburg, MS 39401
Bill Dunn	806 63 rd Street	Hattiesburg, MS 39401
Curtis Murphy	810 Timothy Lane	Hattiesburg, MS 39401
Robert Vardaman	802 Broadway Drive	Hattiesburg, MS 39401
Billy Byrd	810 Timothy Lane	Hattiesburg, MS 39401
Petition was provided to staff, and presented at the meeting, attached as Exhibit A.		

Chairman Conville declared the Public Hearing closed at 2:50 p.m. and the Business Meeting open to vote on the request. After much discussion, the Commission voted verbally on the following stipulations for offsite parking at 916 Timothy Lane, prior to written vote on the actual request:

Stipulation 1: Require the offsite parking lot to be striped.

Motion made by: Robin Roberts

Motion seconded by: Linda McMurtrey

Commissioners voting aye: Annie Pope
Judy Corts
Linda McMurtrey
Robin Roberts

Commissioners voting nay: Joe White

Commissioners abstaining: None

Stipulation 2: Provide parking lot lighting in offsite lot as recommended by the Site Plan Review Committee.

Motion made by: Robin Roberts

Motion seconded by: Linda McMurtrey

Commissioners voting aye: Annie Pope
Judy Corts
Linda McMurtrey
Robin Roberts

Commissioners voting nay: Joe White

Commissioners abstaining: None

The Hattiesburg Planning Commission voted to **APPROVE** stipulations 1 and 2 for Item D.
Motion made by: Linda McMurtrey

Motion seconded by:
Judy Corts

Commissioners voting aye:
Annie Pope
Judy Corts
Linda McMurtry
Robin Roberts
Joe White

Commissioners voting nay:
None

Commissioners abstaining:
None

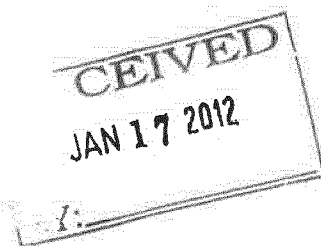
- Comments Written on Ballots:**
1. Commissioner McMurtry stated on her ballot: with stipulations as listed.
 2. Commissioner Corts stated on her ballot: requires lighting in additional parking areas and stripe the parking lot.

The Hattiesburg Planning Commission voted to **APPROVE** Item D with the above stipulations for the following reasons:

1. The need to preserve and encourage the stability of the Hattiesburg business community.
2. The need to reinforce Hattiesburg's quality o life, preserve neighborhood identity, and boost community pride.
3. The need to conserve and protect Hattiesburg's physical infrastructure.

Other Business:

516 Corinne St.
H' B' Ms. 39401



Lisa Reed Planning
Manager Dept. of Urban
Development
P.O. Box 1898
Hattiesburg, Ms. 39403

3340381212

|||||

REQUEST TO APPEAL PLANNING COMMISSION RECOMMENDATION

Today's Date:	1/11/12
Planning Commission Meeting Date:	1/4/12
(Appeals must be made within ten consecutive days of the recommendation)	
Name of Property Owner/Petitioner:	D.E.S. and Brothers, LLC
Name of Person Requesting Appeal Hearing:	Ella M. Brown
Mailing Address of Person Requesting Appeal Hearing:	1516 Corinne St. H' B' Ms. 39401
Address of Petitioned Property:	809 Timothy Lane
Petitioner's Request of the Planning Commission:	To allow a Use Permit Upon Review for "offsite parking" in a B-5 district
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.

Ella M. Brown
Petitioner (signature)
Ella M. Brown
Petitioner (signature)



LISA Reid
Dept of Urban Development
PO Box 1898
Hiburg, MS
39403

3300341111



REQUEST TO APPEAL PLANNING COMMISSION RECOMMENDATION

Today's Date:	1/11/12
Planning Commission Meeting Date:	1/4/12
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner:	D.E.S. and Brothers, LLC
Name of Person Requesting Appeal Hearing:	Ella M. Braden
Mailing Address of Person Requesting Appeal Hearing:	Ella 1516 Carver St Hiburg, MS 39401
Address of Petitioned Property:	809 Timothy Lane
Petitioner's Request of the Planning Commission:	To allow a Use Permit Upon Review for "off site parking" in a B-S district
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.

Ella M. Braden
Petitioner (signature)

Petitioner (signature)

Received
4/13/12
But not filed
due to lack of
signature.
(Signed copy
arrived following
weekly following)



Send to:
Lisa Reid, Planning Manager
Dept. of Urban Development
P.O. Box 1898
Hattiesburg, MS 39403
601.554.1031 or fax 601.545.1962

REQUEST TO APPEAL PLANNING COMMISSION RECOMMENDATION

Today's Date:	1/11/12
Planning Commission Meeting Date:	1/4/12
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner:	D.E.S. and Brothers, LLC
Name of Person Requesting Appeal Hearing:	BOBBY MORROW (BARBER SHOP)
Mailing Address of Person Requesting Appeal Hearing:	916 TIMOTHY LANE
Address of Petitioned Property:	809 Timothy Lane
Petitioner's Request of the Planning Commission:	To allow a Use Permit Upon Review for "off site parking" in a B-5 district
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.

Petitioner (signature)

Petitioner (signature)

*File Note:
Received 1/12/12
But did not
file due to
lack of
signature.
Lisa*

Envelope
contained
all of the
following letters

Petition

Important

Att Lisa Reed

RECEIVED
JAN 17 2012
BY:

Appeals to District

"To allow use permit
upon review for officio
Dunkin' in a B-S District

RE
DES +
Brothers, Inc

for Jan 17th City Council
Meeting 809 Tenthon Lane



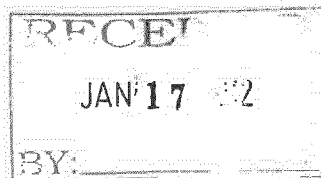
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Dept. of Urban Development
P.O. Box 1898
Hattiesburg, MS 39403
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REQUEST TO APPEAL PLANNING COMMISSION RECOMMENDATION

Today's Date:	1/11/12
Planning Commission Meeting Date:	1/4/12
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner:	D.E.S. and Brothers, LLC
Name of Person Requesting Appeal Hearing:	RL Touchstone / Joe Taylor
Mailing Address of Person Requesting Appeal Hearing:	10600 Broadway ST Hattiesburg, MS 39401
Address of Petitioned Property:	609 Timothy Lane
Petitioner's Request of the Planning Commission:	To allow a Use Permit Upon Review for "off site parking" in a B-5 district
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.

Joe Taylor
Petitioner (signature)
[Signature]
Petitioner (signature)





Send to:
Lisa Reid, Planning Manager
Dept. of Urban Development
P.O. Box 1898
Hattiesburg, MS 39403
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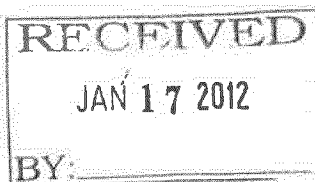
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Today's Date:	1/11/12
Planning Commission Meeting Date:	1/4/12
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner:	D.E.S. and Brothers, LLC
Name of Person Requesting Appeal Hearing:	
Mailing Address of Person Requesting Appeal Hearing:	806 West 63rd St
Address of Petitioned Property:	809 Timothy Lane
Petitioner's Request of the Planning Commission:	To allow a Use Permit Upon Review for "off site parking" in a B-5 district
Planning Commission's Recommendation:	Approve ☒ or Deny ☐

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B. D. Orem
Petitioner (signature)

Petitioner (signature)



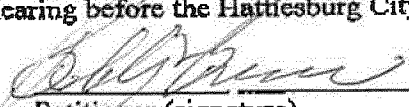


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REQUEST TO APPEAL PLANNING COMMISSION RECOMMENDATION

Today's Date:	1/11/12
Planning Commission Meeting Date:	1/14/12
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner:	D.E.S. and Brothers, LLC
Name of Person Requesting Appeal Hearing:	Bob Snewen
Mailing Address of Person Requesting Appeal Hearing:	806 W. 63rd Street Hattiesburg, MS
Address of Petitioned Property:	
809 Timothy Lane	
Petitioner's Request of the Planning Commission:	
To allow a Use Permit Upon Review for "off site parking" in a B-S district	
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.


Petitioner (signature)

Petitioner (signature)

RECEIVE

JAN 17 2012

BY: _____



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Dept. of Urban Development
P.O. Box 1898
Hattiesburg, MS 39403
601.554.1031 or fax 601.545.1962

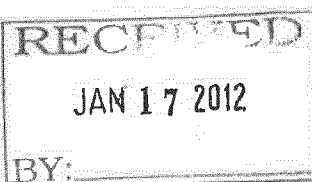
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Planning Commission Meeting Date:	1/4/12
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner:	D.E.S. and Brothers, LLC
Name of Person Requesting Appeal Hearing:	810 Timothy Ln Hattiesburg MS 39401
Mailing Address of Person Requesting Appeal Hearing:	
Address of Petitioned Property:	809 Timothy Lane
Petitioner's Request of the Planning Commission:	To allow a Use Permit Upon Review for "offsite parking" in a B-5 district
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Petitioner (signature)

Petitioner (signature)





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Lisa Reid, Planning Manager
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P.O. Box 1898
Hattiesburg, MS 39403
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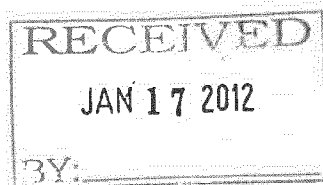
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Planning Commission Meeting Date:	1/4/12
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner:	D.E.S. and Brothers, LLC
Name of Person Requesting Appeal Hearing:	
Mailing Address of Person Requesting Appeal Hearing:	802 Broadway St. Vauderna Buco
Address of Petitioned Property:	809 Timothy Lane
Petitioner's Request of the Planning Commission:	to allow a Use Permit Upon Review for "off site parking" in a B-S district
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.


Petitioner (signature)

Petitioner (signature)





Send to:
Lisa Reid, Planning Manager
Dept. of Urban Development
P.O. Box 1898
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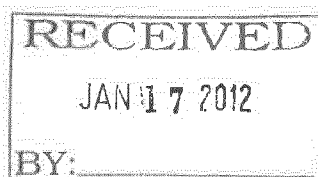
REQUEST TO APPEAL PLANNING COMMISSION RECOMMENDATION

Today's Date:	1/11/12
Planning Commission Meeting Date:	1/4/12
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner:	D.E.S. and Brothers, LLC
Name of Person Requesting Appeal Hearing:	R.L. Touchston
Mailing Address of Person Requesting Appeal Hearing:	1801 Commerce St Hattiesburg, MS 39401
Address of Petitioned Property:	809 Timothy Lane
Petitioner's Request of the Planning Commission:	To allow a Use Permit Upon Review for "off site parking" in a B-5 district
Planning Commission's Recommendation:	Approve For 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.


Petitioner (signature)


Petitioner (signature)



This plea is submitted by all signed below and not ANY particular signee

Submitted Jan 4,
2012 Planning
Commission Meeting

We the below undersigned are not in favor of any parking variance for the business proposed to be Opened at the corner of Timothy Lane and Corinne Street in Hattiesburg MS. Further, we would not be in favor of any allowance of anyone being able to park on our property or on the street in front of our property. finally that such business be required to have adequate parking as prescribed by city ordinance for customer just like we are demanded to do.

We certainly respect the right of any business to operate but, like in the past vandalism, litter and broken bottles was a big problem to us as neighbors from the operation of same type of business operation as we know is being proposed to open at the above mention address. Break ins are at an all time high already in the area. Asterisk mark those with break ins last month.

Please accept this as a "NO" Vote on parking variance from the below undersigned based on above statement.

Bill, Vincent Wheel & Tire

Bill Dunn *

Ryan Motors Inc
Ryan

Dr. Vaden

VANDAMAN Buick-Honda

Taylor Mtn. *
I of Jay Co

Curtis S. Futchman (Body Shop)

I.B.E.W Local Union 903 *

Apprenticeship & Training

Billy J. Byrd

Chris Monroe - Marsh Works *

Touchstone Mt. Sales, Inc. *

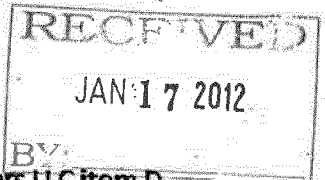
Richard Jones

Bobby Monroe

AT & TRANSMISSIONS Mike Williams - owner

INTIMIDS
Thai Restaurant

Asph Awsc



RE: Petition for parking variance meeting January 4, 2012 requested by DES & Brothers LLC item D

Ella Mae Brown NOT A signature

1516 CORINNE
(next door)
Represented by

(Older lady who has lived next door for over 40 years)

Ms. Reid. This letter is to inform you that 3D Lounge LLC. Would like to be removed from the up coming agenda concerning offsite parking.

Thank You

Stacy Daniels

City of Hattiesburg, MS

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



Meeting Agenda - Final

Monday, February 6, 2012

4:00 PM

Council Chambers

City Council - Work Session

2012-0507 KidsMart learning store - Naylor



City of Hattiesburg, MS

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

Master

File Number: 2012-0507

File ID: 2012-0507

Type: Regular Agenda Item

Status: Agenda Ready

Version: 1

Reference:

In Control: City Council

Requester: City Council - Work
Session

File Created: 02/01/2012

Brief Title: KidsMart learning store proposal

Final Action:

Minute Book Number:

Title:

KidsMart learning store - Naylor

Notes: Proposal from Sandra Jordan for KidsMart learning store for Palmers Crossing community.

Agenda Date: 02/01/2012

Indexes:

Agenda Number: VII.-17

Sponsors:

Enactment Date:

Attachments:

Enactment Number:

Contact: Sandra Jordan, 204 Old Airport Road, Hattiesburg, MS 39401

Meeting Date:

Drafter: Debbie Bernardo

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council - Work Session	02/06/2012					

Text of Legislative File 2012-0507

Title

KidsMart learning store - Naylor

Summary

Proposal, Sandra Jordan, KidsMart

Budget Information

Expenditure Type

Purchasing Item

Publication Information