

City of Hattiesburg, MS

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



Meeting Agenda - Final

Monday, March 4, 2013

5:00 PM

Room 103, Trent Lott Center, University of Southern Mississippi

City Council - Appeal Public Hearing

- 1 [2013-0121](#) Continue Appeal Public Hearing Filed by Norman Beasley, Lamar Advertising Co., to appeal the Planning Commission's recommendation for the petition filed by Leonard Busby to allow a Use Permit Upon Review for digital billboard, a Variance from the front yard setback and a Variance of the distance requirements from other billboards for certain property located at 6284 Hwy 98 (PPIN's 021146 and 021147, Parcel #'s 052P-09-016.00 and 052Q-10-035.00, Ward 3); Hattiesburg Planning Commission recommended to APPROVE on December 13, 2012.

Attachments: [Capturion Packet, Mins, Public Notice and Appeal letter.pdf](#)



City of Hattiesburg, MS

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

Master

File Number: 2013-0121

File ID: 2013-0121

Type: Regular Agenda Item

Status: Agenda Ready

Version: 1

Reference:

In Control: City Council

File Created:

Brief Title: 6284 Hwy 98 - Use Permit Upon Review/Variance

Final Action:

Minute Book Number: MB2013-57-61

Title:

Continue Appeal Public Hearing Filed by Norman Beasley, Lamar Advertising Co., to appeal the Planning Commission's recommendation for the petition filed by Leonard Busby to allow a Use Permit Upon Review for digital billboard, a Variance from the front yard setback and a Variance of the distance requirements from other billboards for certain property located at 6284 Hwy 98 (PPIN's 021146 and 021147, Parcel #'s 052P-09-016.00 and 052Q-10-035.00, Ward 3); Hattiesburg Planning Commission recommended to APPROVE on December 13, 2012.

Notes:

Sponsors:

Enactment Date:

Attachments: Capturion Packet, Mins, Public Notice and Appeal letter.pdf

Enactment Number:

Contact:

Meeting Date:

Drafter:

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	02/04/2013					
1	City Council - Appeal Public Hearing	03/04/2013					

Text of Legislative File 2013-0121

Title

Continue Appeal Public Hearing Filed by Norman Beasley, Lamar Advertising Co., to appeal the Planning Commission's recommendation for the petition filed by Leonard Busby to allow a Use Permit Upon Review for digital billboard, a Variance from the front yard setback and a Variance of the distance requirements from other billboards for certain property located at

6284 Hwy 98 (PPIN's 021146 and 021147, Parcel #'s 052P-09-016.00 and 052Q-10-035.00, Ward 3); Hattiesburg Planning Commission recommended to APPROVE on December 13, 2012.

Summary

6284 Hwy 98 - Use Permit Upon Review/Variance

Budget Information

Expenditure Type

Purchasing Item

Publication Information

**MINUTES
OF THE
REGULAR MEETING
OF THE
HATTIESBURG PLANNING COMMISSION**

December 13, 2012

The Hattiesburg Planning Commission did meet in a regular session on December 13, 2012 at 1:07 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi.

Richard Conville, Chairman, presiding.

Commissioners Present: Robin Roberts
Richard Conville, Chairman
Joseph White, Vice-Chairman
Linda McMurtrey, Secretary
Judy Corts
Don McCleskey
Eric Martin

Commissioners Absent: Annie Pope
Marjorie Chambers
Jessie Wilson

Also Present: Pattie Brantley, AICP, Director of Urban Development
Donovan Scruggs, AICP, Planning Manager
Chantell Hypolite, Planner Apprentice

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

Invocation: Joseph White, Vice-Chairman

AGENDA REVIEW

There came the matter of the Agenda for the November 15, 2012 meeting. A motion was made to approve the agenda.

Motion made by: Don McCleskey

Motion seconded by: Joe White

Commissioners voting aye: Don McCleskey
Robin Roberts
Joseph White
Judy Corts
Linda McMurtrey
Eric Martin

Commissioners voting nay: None

Commissioners abstaining: None

MINUTES REVIEW

There came the matter of the November 15, 2012 minutes. A motion was made to approve the minutes with an amendment to a text a correction to the Whispering Pines motion. It should read "The plat shows reasonable form and demonstrates approximate array of lots and utilities".

Motion made by: Judy Corts

Motion seconded by: Robin Roberts

Commissioners voting aye: Don McCleskey
Robin Roberts
Joseph White
Judy Corts
Linda McMurtrey
Eric Martin

Commissioners voting nay: None

Commissioners abstaining: None

REPORTS

ENGINEERING REPORT

There was no Engineering Report.

BUILDING INSPECTION REPORT

There was no Building Inspection Report.

PLANNING REPORT

There was no Planning Report.

CHAIRMAN REPORT

There was no Chairman's Report.

PUBLIC HEARING

Chairman Conville declared the Public Hearing open and explained the rules and procedures of the hearing.

There came the matter of Item A, filed by Gene Carothers, Owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, to change and amend the Comprehensive Zoning District Map, adopted as part of the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, Article 4, Section 62 to change the zoning classification of certain property located at 402 East 2nd St (parcel #'s 2-029I-10-007.00, 2-029I-10-016.00, 2-029I-10-019.00, 2-029I-10-017.00, 2-029I-10-018.00, and 2-029I-10-020 and, PPINs 15652, 17276, 17277, 17278, 17279, and 17280, respectively, Ward 4), from B-5 (Regional Business District) District, to B-4 (Downtown Business).

	Name	Address	City/State
<u>Presented by:</u>	Nick Connerly	301 2 nd St	Hattiesburg, MS 39401
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Chairman Conville declared the Public Hearing closed at 1:20 p.m. and the Business Meeting open to vote on the request. A motion was made to vote and approve the request based on the following reasons: There is a change in neighborhood character and a public need for the rezoning based on consistency with the neighborhood and built environment and the potential to reduce the presence of vacant or under-utilized buildings.

Motion made by: Don McCleskey

Motion seconded by: Eric Martin

Commissioners voting aye: Linda McMurtrey
Robin Roberts
Judy Corts
Eric Martin
Don McCleskey
Joseph White

Commissioners voting nay: None

Commissioners abstaining: None

The Hattiesburg Planning Commission voted to **APPROVE** Item A.

There came the matter of Item B, filed by Leonard Busby, with the Mayor and Council of the City of Hattiesburg, Mississippi, for the following: (1) A Use Permit Upon Review for digital billboard, (2) a variance from the front yard setback requirements, and (3) a variance of the distance requirements from other billboards, as detailed in Article 5, Section 95.10 (3.1) (3) of the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi. This request, if approved, would allow the applicant to construct a digital billboard and place the structure at a point two (2) feet from the front property line and to a point not less than four hundred fifty (450) feet from another billboard or off-premise free standing sign for a certain property located at 6284 Hwy 98 (Parcel #'s 052P-09-016.00 and 052Q-10-035.00, PPIN #'s 021146 and 021147, Ward 3).

	Name	Address	City/State
<u>Presented by:</u>	Brant Busby	1734 Wansley Rd	Laurel, MS 39441
<u>Proponents:</u>	Jack Harding	11 Wilson Blvd	Hattiesburg, MS 39401
<u>Opponents:</u>	David Easterling		

Chairman Conville declared the Public Hearing closed at 2:00 p.m. and the Business Meeting open to vote on the request. A motion was made to deny the request because the necessary conditions and requirements to grant a variance were not satisfied.

Motion made by: Linda McMurtrey

Motion seconded by: Robin Roberts

Commissioners voting aye: Linda McMurtrey
Robin Roberts

Commissioners voting nay: Judy Corts
Don McCleskey
Erick Martin
Joseph White

Commissioners abstaining: None

The motion to **DENY** failed.

A second motion was made to vote and approve the request for variances based on the following reasons: Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same

district. The need to preserve and encourage the stability of the Hattiesburg business community.

Motion made by: Joseph White

Motion seconded by: Don McCleskey

Commissioners voting aye: Judy Corts
Don McCleskey
Erick Martin
Joseph White

Commissioners voting nay: Linda McMurtrey
Robin Roberts

Commissioners abstaining: None

The Hattiesburg Planning Commission voted to **APPROVE** Item B.

There came the matter of Item C, filed by the Hixson Lumber Sales of MS, Inc., Owner, 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 amend the regulations of Article 4, Section 64 I-1 (Light Industrial) District, specifically Section 64.03(5) RESERVED, to read Section 64.03 (5) "Sawmill and Planning Mill".

	Name	Address	City/State
<u>Presented by:</u>	Mark Shows	P. O Box 630	Hattiesburg, MS 39403

Proponents: None

<u>Opponents:</u>	Nathan Jordan	P O Box 65	Hattiesburg, MS 39401
	Frankie Benton	19 Langston Rd	Hattiesburg, MS 39401
	Sandra Jordan	204 Old Airport Rd	Hattiesburg, MS 39401
	Frank Hall	78 Tatum Rd	Hattiesburg, MS 39401

Chairman Conville declared the Public Hearing closed at 2:50 p.m. and the Business Meeting open to vote on the request. A motion was made to deny the request based on the following reason: Preservation of neighborhood character and public need.

Motion made by: Joseph White

Motion seconded by: Don McCleskey

Commissioners voting aye: Linda McMurtrey
Joseph White
Don McCleskey
Richard Conville

Commissioners voting nay: Robin Roberts
Judy Corts

Commissioners abstaining: Eric Martin

The Hattiesburg Planning Commission voted to **DENY** Item C.

There came the matter of Item D, filed by The City Of Hattiesburg with the Mayor and Council of the City of Hattiesburg, Mississippi, that the Comprehensive Zoning Ordinance Number 2330, as amended, of the City of Hattiesburg, Mississippi, Article 4, Section 61, B-4 (Downtown Business)

District, specifically Section 61.03 Uses Permitted on Review by the Planning Commission (4) RESERVED, be changed and amended to read (4) "Microbrewery").

	Name	Address	City/State
<u>Presented by:</u>	None		
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Chairman Conville declared the Public Hearing closed at 3:10 p.m. and the Business Meeting open to vote on the request. A motion was made to vote and approve the request based on the following reasons: The preservation of neighborhood character and

<u>Motion made by:</u>	Robin Roberts
<u>Motion seconded by:</u>	Don McCleskey
<u>Commissioners voting aye:</u>	Linda McMurtrey Robin Roberts Judy Corts Don McCleskey Eric Martin Joseph White

<u>Commissioners voting nay:</u>	None
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<u>Commissioners abstaining:</u>	None
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The Hattiesburg Planning Commission voted to **APPROVE** Item D.

Other Business: None

A motion was made by Commissioner Roberts and seconded by Commissioner White to adjourn the meeting.

The meeting was adjourned 3:25 p.m.

Richard Conville, Chairman

Chantell Hypolite, Planner Apprentice
/Recording Secretary

July 18, 2012

To whom it may concern;

As the adjoining property owner, I have looked at the proposed LED Video Billboard to be located on Dr. Clay B. Thames property at 6284 Hwy 98, Hattiesburg, MS 39402.

We are in favor of this variance/specials use permission.

W. Marks

Signature

Div. Pres.

Title

7.25.12

Date

PriorityOne Bank
6276 Hwy 98 West
Hattiesburg, MS
39402

Attachment B

PLANNING COMMISSION

December 13, 2012

ITEM B

PROPERTY ADDRESS:

6284 Hwy 98 Hattiesburg, MS 39401

Parcels: 052P-09-016 & 052Q-10-035

PPINs: 021146 & 021147

Ward: 3

PETITIONER:

Leonard Busby for Capturion, P. O Box 6439 Laurel, MS 39441

PROPERTY OWNER:

Scott F. Thames, 6284 Hwy 98 Hattiesburg, MS

REQUESTED ACTION: Use Permit upon Review for a digital billboard, a variance from the front yard setback requirements, and a variance of the distance requirements from other billboards.

PREVIOUS PLANNING COMMISSION ACTION ON SURROUNDING PROPERTY:

On October 18, 2012 Planning Commission modified the requirement for digital billboards.

SPECIAL DISTRICTS:

Flood District: NA

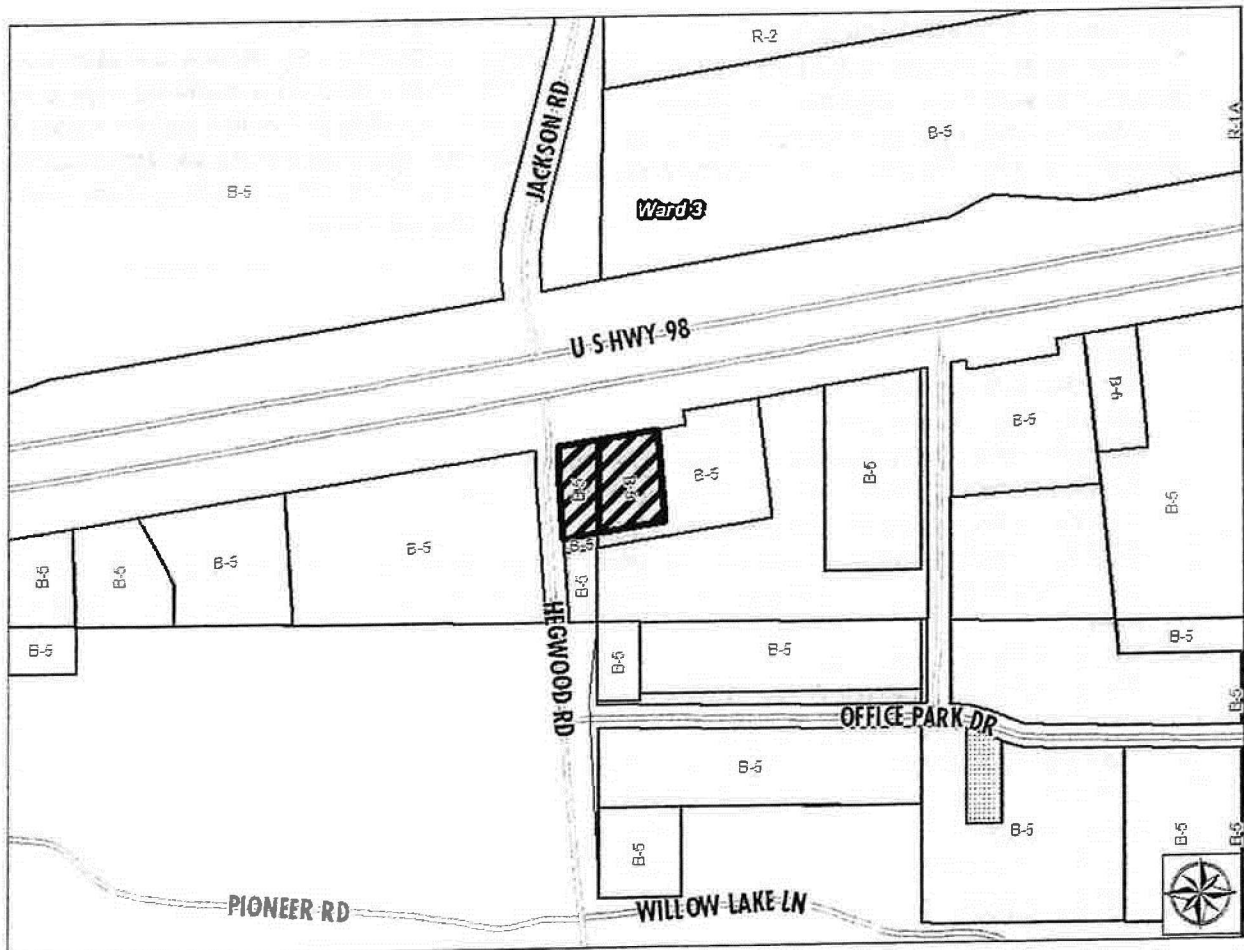
Mid-Town District: NA

SITE PLAN REVIEW COMMITTEE ACTION:

The Site Plan Review Committee

PUBLIC UTILITIES:

City of Hattiesburg provides water and sewer services to the site. Mississippi Power is the electrical provider.



ITEM B: Capturion / 6284 Hwy. 98**REQUESTED ACTION:**

Use Permit upon review for a digital billboard, a variance from the front yard setback requirements, and a variance of the distance requirements from other billboards.

APPLICABLE LAND DEVELOPMENT CODE REGULATIONS:

- Article 5, Section 95.10 (3) Digital Billboard

ADJACENT ZONING AND LAND USES:

NORTH: B-5 Regional Business District
 SOUTH: B-5 Regional Business District , Vacant
 EAST: B-5 Regional Business District , Commercial
 WEST: B-5 Regional Business District, Vacant

STREETS & TRAFFIC/PARKING & ACCESS:

The subject property is located on the south side of US Hwy 98 at the intersection of Hegwood. Sufficient off-street parking is provided. Access is along Hegwood and Hwy 98.

PHYSICAL SITE CHARACTERISTICS:

The development is located on the south side of US Hwy 98 at the intersection with Hegwood. The project proposes the construction of a digital billboard as an accessory structure. The site includes a dental clinic and other free standing signs.

CHARACTER OF THE NEIGHBORHOOD:

The property is located at the intersection of Hwy 98 and Hegwood with vacant, wide lots, increased setbacks and rear parking. There is a mix of banks, big box retailers,

FUTURE LAND USE MAP: Regional Business District

District Overview: The R. B. D. is primarily a non-residential district located along major arterial streets and highways. Only limited types of residential uses are allowed and encouraged in this district. The nature and volume of traffic along these corridors are different from other commercial corridors, and the land uses require special consideration because they may generate a higher volume of regional traffic and/ or require frequent access by large trucks and commercial vehicles.

District Characteristics: The R.B.D include the following: suburban-style commercial centers and big-box buildings; well-positioned and screened outdoor uses; mixed use buildings and developments; high-density residential developments (apartment complexes); large parking areas; and light industrial campuses and employment centers. Regulations should promote development patterns that enhance the streetscape; screen outdoor storage and equipment areas from public view, and enable safe circulation among neighboring properties without requiring travel on the street or highway corridor.

District Land Uses: The following land uses should be found in this district: high-density residential uses; public and quasi-public uses; hotels and motels; general indoor and outdoor retail uses; heavy commercial and light industrial uses; service and office land uses; and light industrial campuses and corporate offices.

CONSIDERATIONS:

- **Variances (front yard setback)**
- According to the applicant, the MS Department of Transportation (MDOT) acquired additional right of way from the property owner along Highway 98. This acquisition reduced the front setback of the existing building that was present at the time of the acquisition of additional right of way.
- A review of maps of the area demonstrates that the right of way is wider at this site, and does tend to justify a variance for the front yard setback requirement.
- 95.10.3.E. stipulates that a 25' setback is required. This regulation further indicates that an off-premise sign shall not be "zero lot lined". The proposed setback is one foot, and appears to be in conflict with the spirit of this requirement.
- **Variance (distance required).**
- The request for a variance from the distance requirement from other billboards is needed due to the radial measurements associated with digital billboards.
- The subject billboard is to be located a distance of approximately 450 feet from another proposed billboard.
- At the time of original request, the radial distance requirement from other billboards was satisfied.
- Since the original application another application for a static billboard has been approved and permitted.
- This additional billboard is to be located north of Hwy 98, but construction has not occurred at this point.
- With the exception of the sign proposed to the north of this site, there are no additional billboards located with the minimum distance requirements.

ITEM B: Capturion / 6284Hwy. 98

- **Use Permit Upon review by planning commission**
- A use permit is required for the placement of a digital billboard on a site.
- As proposed the applicant will remove existing free standing signs from the site and provide necessary green spaces adjacent to the billboard.
- The sign will be considered an accessory structure to the primary structure (dental clinic).
- Existing free standing signs on the site will be required to be removed prior to construction, if approved.
- **Additional Considerations**
- A permit for a static billboard has been granted for this site. The applicant hopes to modify this application for the construction of a digital billboard that is now possible after the changes to the Digital Billboard regulations.
- Prior to the changes, a digital billboard was not allowed to be placed on a lot as an accessory structure. Digital Billboards were defined as "Primary Structures".

CRITERIA FOR APPROVAL:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of the regulations would result in peculiar and exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, the Planning Commission is empowered to authorize a variance to relieve such difficulties or hardships.

PLANNING COMMISSION 6284 Hwy 98. ITEM B



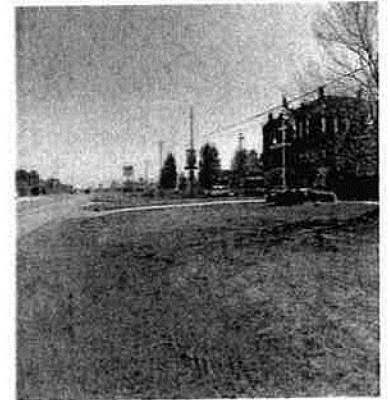
Property to the North



Property to the West



6284 Hwy 98.



Property to the East



Property to the South



November 26, 2012

Leonard Busby
Capturion
P. O Box 6439
Laurel, MS 39441

RE: Use Permit upon Review for a digital billboard, a variance from the front yard setback requirements, and a variance of the distance requirements from other billboards for a certain property located at 6284 Hwy 98 (Parcel #'s 052P-09-016.00 and 052Q-10-035.00, PPIN #'s 021146 and 021147, Ward 3).

Dear Mr. Busby:

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 December 13, 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.

... recommendation of the Hattiesburg Planning Commission, a Letter of Appeal must be
... ssion's recommendation. If a Letter
... ill be set (approximately one month

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <i>Heather Grayson</i> ☐ Agent ☒ Addressee B. Received by (Printed Name) <i>Heather Grayson</i> C. Date of Delivery <i>11/27/12</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No 3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number:
(Transfer from: 7011 2970 0000 5674 1710

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent	
Street or P.O. Box	Leonard Busby
City	Capturion
PS Form	P. O Box 6439
	Laurel, MS 39441

Postmark
Here

Instructions

B-1

PUBLIC HEARING APPLICATION
P O BOX 1898 (200 Forrest Street/39401)
HATTIESBURG, MS 39403-1898
Department of Urban Development
(601) 545-4591 or 545-4599 or FAX (601) 545-1962

FILED

NOV 20 2012

EDDIE R. MYERS, CITY CLERK
City Clerk**PUBLIC HEARING TYPE REQUESTED:**

Application for (check all appropriate types):

- ☒ Variance (details below) ☒ Use Permit (details below) ☐ Re-Zoning (details below)
- ☐ Subdividing of Lot, Parcel or Tract ☐ Overlay District
- ☐ Street or Alley Renaming ☐ Vacating Street or Alley
- ☐ Planned Unit Development ☐ Planned Residential Development

FOR VARIANCE ONLY:

Check all appropriate variance types:

- ☐ Sign ☒ Setback (front, side or rear FRONT ONLY ^{23'}) ☐ Off-site Parking
- ☐ Lot Width ☐ Lot Coverage Area ☐ Buffer ☐ Open Space

☒ Other VARIANCE FOR LED (DIGITAL BILLBOARD) MEET ALL REQUIREMENTS EXCEPT FRONT SET BACK.

Land Development Code Article No.	Section	Staff Information – do not complete
Article No.	Section	
Article No.	Section	

FOR USE PERMIT UPON REVIEW ONLY:

Check Applicable Type:

- ☐ Auto Sales ☐ Barber/Beauty Shop ☐ Care Center (type _____)
- ☐ Digital Billboard, New ☐ Digital Billboard, Replacement ☐ Junk Yard
- ☐ Restaurant ☐ Telecommunications ☐ Other _____

Land Development Code Article No.	Section	Staff Information
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FOR RE-ZONING ONLY:

Existing Zoning: _____

Proposed Zoning: _____

Variance Information (1 page)

Note: No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

1. List reasons why you feel that the property could not be reasonably used without the requested

variance: We are asking the City of Hattiesburg for a front set back. We are much farther away from Hwy 98 than other Business. Our existing property line is set back over 88 feet from traffic going east and west on Hwy 98. This is the closest point. There are other property owners that have existing billboards now that are closer to Hwy 98 and don't meet spacing. We just want the same privileges as other property owners in our business district.

2. All of the following conditions must be met before a variance can be recommended.

Explain and justify your proposal's compliance with each condition:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

Our corner lot is located at Hwy 98 & Sandy Run Road. Our property line has been moved back from Hwy 98 over 88 feet. (This was not caused by us {property owners}, MDOT and utilities purchased this. This made our property line farther south!) Again, we did not cause this. No other properties in the area are set back this far from the right of way; other billboards are setting in parking lots, while we want the same privilege as our neighboring property owners. We are asking for a front set back variance, not spacing or zoning variance. (We meet the Green Space Area required of the new ordinance on billboards.) Our variance will not affect the safety of the public traveling east and west on Hwy 98 because our property line is already set back 89 ft (see plat) from the shoulder of Hwy 98. --cont'--

- b. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

West of our property exists a stack nonconforming billboard that is 1492 plus feet in an existing stack billboard that is closer to the existing Hwy 98 than our proposed location. (Estimate 5' set back from property line and 25' from shoulder of Hwy 98.) By keeping us to the 25 feet front set back, it would keep us from developing our property that our neighbor property owners already have been allowed.

- c. That the special conditions and circumstances do not result from the actions of the applicant.

We are annexed into the City of Hattiesburg. MDOT and public utilities have taken property from us because they needed to develop the Business Area. We have not objected to this, understanding ALL property owners need utilities and MDOT at some point in time might need the additional land for developing or widening of Hwy 98. By allowing us the set back variance, knowing existing billboards are closer than our proposed billboard, we would not be a public hazard with our proposed billboard location! By allowing us this variance, we are still further away from the traveling public on Hwy 98. When MDOT and public utilities came in, it pushed our property line further south than our neighboring property owners.

- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district.

No, this will not give us any special privileges, than our neighboring property owners already have. Even granting us this variance our proposed billboard will be will be farther set back than any other existing billboard structure.

2. a. CONT --- Because our land is far off HWY 98, this 25 foot from our property line would deprive us of what our neighboring property owners already have. A big thing in our favor is that we meet ALL spacing and zoning requirements of the newly adopted billboard ordinance.

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

6284 Hwy 98 Hattiesburg MS
Street Address City State

on this the 31st day of Oct., 2012

Leonard Busby III
Applicant

Applicant

STATE OF Mississippi

COUNTY OF JONES

Personally came and appeared before me, the within named

LEONARD Busby III

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 Request For Rezoning Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 31st day of Oct,
2012.

My Commission Expires:

6/12/2013



Elizabeth Jones
NOTARY PUBLIC

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

6284 Hwy 98 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 to represent them at the public hearing on this petition.

on this the _____ day of _____, 20____.

Lynn Jones
Property Owner

Property Owner

STATE OF MS

COUNTY OF Lamar

Personally came and appeared before me, the within named

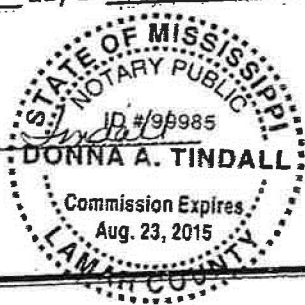
Clay B. Thames

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 request for zoning application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 26 day of June, 2012.

My Commission Expires: 8/23/15

Donna A. Tindall
NOTARY PUBLIC



July 18, 2012

To whom it may concern;

As the adjoining property owner, I have looked at the proposed LED Video Billboard to be located on Dr. Clay B. Thames property at 6284 Hwy 98, Hattiesburg, MS 39402.

We are in favor of this variance/specials use permission.

W Macko

Signature

Div. Pres.

Title

7.25.12

Date

PriorityOne Bank
6276 Hwy 98 West
Hattiesburg, MS
39402

B-6

✓ 1. Billboard Type: ☒ New (limited to B-5, I-1 and I-2 Districts)
(see Digital Billboard, Replacement Form for a replacement billboard)

2. Located in ☒ Regional Corridor or ☐ Commercial Corridor

3. Specific Corridor locations (check applicable):

REGIONAL:

- ☐ U.S. Highway 49: From Northern city limit southward to intersection with Old Highway 42;
- ☐ U.S. Highway 49: From intersection at Edwards Street and Elk's Lake Road south to southern city limit;
- ☐ Old Highway 42: From intersection at U.S. Highway 49 to Main Street;
- ☒ U.S. Highway 98: From Western city limit eastward to intersection with Interstate 59;
- ☐ U.S. Highway 98: From Eastern city limit westward to intersection with Interstate 59;
- ☐ Interstate 59

COMMERCIAL:

- ☐ U.S. Highway 49: From intersection at Old Highway 42 southward to intersection with Edwards Street.
- ☐ Old Highway 42: From intersection at Main Street eastward to city limit.
- ☐ Broadway Drive: From intersection at West Pine Street southwesterly to intersection with U.S. Highway 49.
- ☐ Hardy Street: From intersection at Interstate 59 eastward to intersection with U.S. Highway 49.
- ☐ Bouie Street: From intersection at Old Highway 42 south to intersection with East 4th Street.
- ☐ James Street (north): From the intersection at Edwards Street south to intersection with J. M. Tatum Industrial Drive.
- ☐ WSF Tatum Boulevard: From U.S. Highway 11 to U.S. Highway 49.

4. Area and Setback Regulations for a NEW Digital Billboard: ~SEE ATTACHED~

Billboard-Digital New			
Area and Setback Regulations	Regional Business Corridors	Community Business Corridors	PROVIDE INFO SPECIFIC TO PROPOSED SIGN
1. Primary Structure	Yes	Yes	
2. Spacing between Digital Billboards	Minimum 1,000 linear feet measured radially	Minimum 2,500 linear feet measured radially	
3. Spacing between Digital Billboards and Static Billboards	Minimum 1,000 linear feet measured radially	Minimum 1,250 linear feet measured radially	
4. Distance from residentially	Minimum 100 linear feet (Measured from	Minimum 250 linear feet (Measured from	

4. Distance from residentially zoned districts	feet (Measured from leading edge of billboard)	feet (Measured from leading edge of billboard)	
5. Face Area	Maximum 400 square feet	Maximum 230 square feet	
6. Face Width	Maximum 40 feet	Maximum 23 feet	
7. Face Height	Maximum 10 feet	Maximum 10 feet	
8. Structure Height	Maximum 35 feet	Maximum 21 feet	
9. Clearance above ground	Minimum 10 feet	Minimum 10 feet	
10. Front Setback	Minimum 25 feet (Measured from leading edge of billboard)	Minimum 25 feet (Measured from leading edge of billboard)	
11. Side Setback	Minimum 15/15 feet (Measured from leading edge of billboard)	Minimum 15/15 feet (Measured from leading edge of billboard)	
12. Rear Setback	Minimum 25 feet (Measured from leading edge of billboard)	Minimum 25 feet (Measured from leading edge of billboard)	
13. Static display time for each message	Minimum eight (8) seconds.	Minimum eight (8) seconds.	
14. Off time for	Maximum two (2)	Maximum two (2)	

I attest to compliance with each initialed box below:

5. ☒ Movement: The image will change instantaneously as seen by the human eye, and shall not use blinking, fading, rolling, shading, dissolving, or similar effects as part of the change.
6. ☒ Light levels: All digital billboards shall be equipped with light sensing devices or a scheduled dimming timer that will automatically dim the intensity of the light emitted by the sign during ambient low-light conditions and at night so that the sign does not exceed the maximum brightness levels allowed in this section.
7. ☒ Maximum brightness shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness during daylight hours and shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness at night.
8. ☐ N/A If such sign is located within one hundred (100) feet of a property with residential zoning, the sign must be oriented such that no portion of the electronic sign face is visible from a residentially-zoned property or the brightness is reduced to no more than two hundred fifty (250) nits at night. Distance from a residential zoning is: 5000'.
9. ☒ Malfunctions: Any malfunction shall be repaired or disconnected within 48 hours by the owner or operator of such billboard.

10. 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:

Our proposed billboard is located more than 1310.14' from any existing Billboard on HWY 98 in any direction. By allowing this special use it will give businesses a better rate to advertise their business on this proposed LED Billboard. This will give other options, (at better rates) for advertising- more competitors, than just one business offering this form of advertising than one main public company setting rates! The market is now dominated by one company on rental rates. This will help the business community as well as the intent of the City of Hattiesburg by allowing LED Digital Billboards instead of static billboards. This location, like none other, meets the spacing demands and eliminates the congestion of multiple billboards. Our business participates in "Amber Alert" so in this area, (within a 60 mile radius) if a "child" or "grandchild" is missing, within seconds we can post pictures and information to the travelling public on Hwy 98. This is helping the community, along with "weather alerts". And everyone knows this could save a life!! This will preserve our neighborhood and with better rental rates, it will provide other opportunities (focus goal) to boost our community and businesses.~ Saving lives by participating in the Amber Alert. Under the current ordinance, by allowing the replacement of static billboards, LED Billboards can then be placed in congested areas and well developed properties. Also, by requiring the removal of two additional static billboards for each replacement LED billboard, the ordinance deters the replacement of static billboards with LED billboards. The ordinance might need to be amended.

Question #4 of form-- Area and Setback Regulations for a NEW Digital Billboard:

1. Yes, this billboard is proposed to be located in the Regional Business Corridors meeting all Zoning requirements in (B-5) and Spacing Requirements, which is very important.
2. Yes, going East on Hwy 98 we are 1495.78' from existing billboards- going West bound on Hwy 98 we are 1310.14' from existing billboards. Code requires only 1000' radius, so we are 1340' radius, unheard of in these days and times. We meet this!
3. Yes, going East on Hwy 98 we are 1495.78' from existing billboards- going West bound on Hwy 98 we are 1310.14' from existing billboards.
4. We are over 5000' from any residentially zoned districts.
5. Our face proposed per sides are 11' x 22' total= 242 sq ft, so we are less (158 sq ft) per side, that would be allowed at 400' sq ft.
6. Our face width proposed is only 22' versus 40' allowed.
7. Our face proposed is 11' versus 10' per code, but look at total square footage per face is the "KEY" component! 242 Square feet per side verses 400 square feet per side! As you can see, it is a lot less than what is allowed.
8. Height of structure can be 35' feet; however I would propose 40' so it does not block the current building view across these two parcels. NOTE: this structure will have matching "Brick Base" approximately 15' in height (like the existing building), then finished out with architectural "cladding", to make it cosmetically and aesthetically pleasing. SEE Pictures!
9. 10' ground clearance required. We will be at 29' of ground clearance, so we exceed the requirement above and beyond at 19' when only 10 foot of ground clearance is required.
10. Front Setback- Over the years, MDOT & public utilities have purchased by Eminent Domain over 88' from the original lot frontage, resulting in this request for variance. The proposed billboard will already be back 90' from shoulder of Hwy 98, further than any existing billboards in the City of Hattiesburg. We are asking for a 24' set back variance, from Front property line, above you can see, this was not our fault (landowner). This was not created by us, the property owner.
11. We meet side set backs at 15' on both east and west lines.
12. We exceed this 75' on the rear. (Only 25' required)
13. Okay
14. Okay

The Spacing Distance of Existing Billboard and the Square footage are less. (A lot less!)

Exhibit:
Section M of MDOTs Law

B-11

m.

Procedure Where Site is Zoned Commercial or Industrial.

- i. If the site has been zoned Commercial or Industrial as a part of the original zoning ordinance of the Municipality or County, the applicant must attach an affidavit of the clerk of said Municipality or County that attests to the zoning classification of said site.
- ii. If the application is being made for a sign which is contained within an area that has been rezoned from a classification that would not allow commercial advertising to a commercial or industrial area, a certified copy of the rezoning ordinance or order shall be attached to the application. If said ordinance or order of rezoning was granted on the basis of proposed commercial or industrial activity to begin subsequent to the rezoning, the permit shall be evaluated as follows:
 - A. If the rezoning ordinance or order was passed more than five (5) years prior to the permit application date and no commercial or industrial activity has been established on said rezoned parcel, the zoning will be considered by the Department as void. The application will be treated as though the rezoning had not occurred.
 - B. If the rezoning ordinance or order was passed less than five (5) years prior to the permit application date, the permit will be provisionally granted. However, if no commercial or industrial activity is established on said rezoned parcel within five (5) years from the permit application date, the permit will be evaluated as though the rezoning had not occurred. If the prior classification would not allow outdoor advertising, the sign will be declared illegal and must be removed.
 - C. When a permit has been granted prior to the enactment of this revised Rule, on the basis that the zoned or rezoned area would be developed for commercial use at a later time and said commercial use has not been realized before five (5) years from the date of this revised Rule, said permit shall be declared void and said sign shall be removed.
 - D. Once a zoning classification has been disregarded for the purpose of granting a permit hereunder, any

B-12

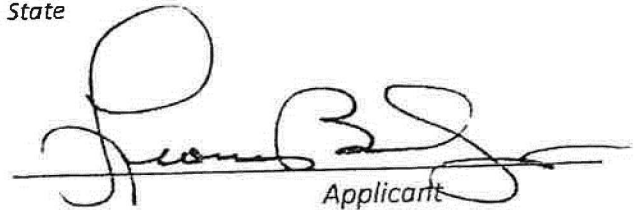
Set Back Variance Application

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

6284 Hwy 98 Hattiesburg MS
Street Address City State

on this the 25th day of June, 2012


Applicant

Applicant

STATE OF Mississippi

COUNTY OF Jones

Personally came and appeared before me, the within named

Leonard Busby III

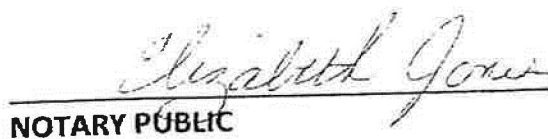
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day
and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property
as described in this Request For Rezoning Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 25th day of June,
2012.

My Commission Expires:

6/12/2013




NOTARY PUBLIC

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

6284 Hwy 98 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 to represent them at the public hearing on this petition.

on this the _____ day of _____, 20____.

Lynn Morris
Property Owner

Property Owner

STATE OF MS

COUNTY OF Lamar

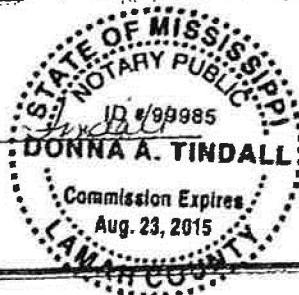
Personally came and appeared before me, the within named

Clay B. Thomas

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 request for zoning application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 26 day of June, 2012.

Donna A. Tindall
NOTARY PUBLIC



My Commission Expires: 8/23/15

634
FILED

2003 MAR 14 PM 12 12

STATE OF MISSISSIPPI

WAYNE SMITH
CHANCERY CLERK

COUNTY OF LAMAR

SPECIAL 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 is hereby irrevocably acknowledged and confessed, C&S, LLC, a Mississippi Limited Liability Company, Grantor herein, does hereby grant, convey and specially warrant unto Highway 98 Properties, LLC, a Mississippi Limited Liability Company, Grantee herein, the following described real property lying and being situated in Lamar County, Mississippi, and being more particularly described as follows, to-wit:

Commence at the Southwest corner of Section 10, Township 4 North, Range 14 West, Lamar County, Mississippi; thence run West for a distance of 82.79 feet; thence run North a distance of 185.78 feet to the West ROW of Sandy Run Road, said point also being the Point of Beginning; thence run from said Point of Beginning along said right of way North 4 degrees 46 minutes 52 seconds West a distance of 208.73 feet to an intersection of the West right of way of Sandy Run Road and the South right of way of U.S. Highway 98; thence leaving the Sandy Run Road right of way run along said right of way for Highway 98 North 80 degrees 24 minutes 36 seconds East for a distance of 208.73 feet; thence leaving said right of way run South 5 degrees 09 minutes 29 seconds East for a distance of 208.62 feet; thence run South 80 degrees 24 minutes 36 seconds East for a distance of 210.11 feet back to the Point of Beginning, containing 1.00 acres, more or less; together with all improvement thereon and appurtenances thereunto belonging.

together with all improvements thereon and appurtenances thereunto belonging and subject to all restrictions, reservations, easements and covenants now of record affecting the use and enjoyment of the property herein conveyed.

Subject to all prior reservations of oil, gas, and other minerals in, on and under the above described property.

WITNESS THE SIGNATURES of the Grantor as of this 14th day of March, 2003.

B-16

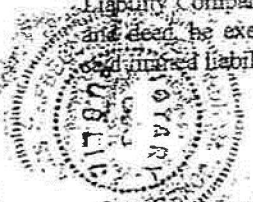
C & S, LLC, A Mississippi Limited Liability Company

By: [Signature]
Scott F. Thames, Member-Manager

By: [Signature]
Clay B. Thames, Member-Manager

STATE OF MISSISSIPPI
COUNTY OF JONES

PERSONALLY appeared before me, the undersigned authority in and for said county and state, on this 11th day of MARCH, 2003, within my jurisdiction, the within named Scott F. Thames, who acknowledged that he is a member-manager of C&S, LLC, a Mississippi 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 authorized by said limited liability company to do so.



[Signature]
(NOTARY PUBLIC)

Commission Expires:
April 16, 2006

STATE OF MISSISSIPPI
COUNTY OF Forrest

PERSONALLY appeared before me, the undersigned authority in and for said county and state, on this 11th day of March, 2003, within my jurisdiction, the within named Clay B. Thames, who acknowledged that he is a member-manager of C&S, LLC, a Mississippi 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 authorized by said limited liability company to do so.



[Signature]
(NOTARY PUBLIC)

MISSISSIPPI PUBLIC
MY COM. EXPIRES 4-16-2006
BONDED BY THE STATE OF MISSISSIPPI

Grantors' Address:
6284 U.S. Highway 98
Hattiesburg, MS 39402
601-288-2356

Grantees' Address
6284 U.S. Highway 98
Hattiesburg, MS 39402
601-288-2356

1236

INDEXING INSTRUCTIONS TO CHANCERY CLERK:

PLEASE RECORD AND INDEX ON THE DIRECT/REVERSE ALPHABETICAL LAND DEED INDEX AND ON THE SECTIONAL INDEX FOR THE SECOND JUDICIAL DISTRICT, LAMAR COUNTY, MISSISSIPPI

Section 19, Township 4 North, Range 14 West, Lamar County, Mississippi.

PREPARED BY:

Robert T. Jackson, Jr. *rtjd*
JACKSON AND JACKSON, PLLC
Attorneys at Law
309 South 40th Avenue
Hattiesburg, MS 39402
(601) 264-3309
MSB 9377



CERTIFICATE OF FILING AND RECORDING
STATE OF MISSISSIPPI - LAMAR COUNTY
WAYNE SMITH, CHANCERY CLERK
W.S. BOOK *16-D* PAGE *1634*
INDEXED */* RECORDED */* ABSTRACTED */*
R. R. Jackson M.C.

B-18



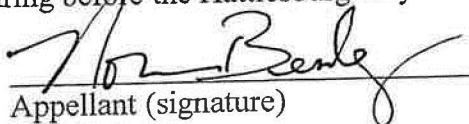
Send to:
Donovan Scruggs, Planning Manager
Dept. of Urban Development
P.O. Box 1898
Hattiesburg, MS 39403
601.545.4591 or fax 601.545.1962

REQUEST TO APPEAL PLANNING COMMISSION RECOMMENDATION

Today's Date:	12/21/2012
Planning Commission Meeting Date:	12/13/2012 <i>(Appeals must be made within ten consecutive days of the recommendation)</i>
Name of Property Owner/Petitioner:	Leonard Busby (Clay B. Thames)
Name of Person Requesting Appeal Hearing:	Norman Beasley / Lamar Advertising Co.
Mailing Address of Person Requesting Appeal Hearing:	2055 Oak Grove Rd. Hattiesburg, MS 39402
Address of Petitioned Property:	6284 Hwy 98 Hattiesburg, MS 39402
Petitioner's Request of the Planning Commission:	Lamar appeals the Planning Commission decision to approve petition filed by Leonard Busby
Planning Commission's Recommendation:	Approve ☒ or Deny ☐

Leonard Busby
see attached
agenda item
B

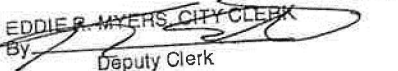
I/We hereby APPEAL the Planning Commission Recommendation for the above referenced petition and request to hold a Public Hearing before the Hattiesburg City Council.


Appellant (signature)

Appellant (signature)

FILED

DEC 21 2012

EDDIE R. MYERS, CITY CLERK
By 
Deputy Clerk

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 p.m.

HATTIESBURG PLANNING COMMISSION

AGENDA

December 13, 2012

I. Business Meeting

1. Invocation
2. Review and approval of meeting's agenda
3. Review and approval of the minutes of the November Meeting
4. Engineering Report
5. Inspection Report
6. Planning Report
7. Chairman Report

II. Public Hearing

1. Presentation of Petitions for Public Hearing.
2. Petition

FILED

DEC 21 2012

EDDIE B. MYERS, CITY CLERK
BY  Deputy Clerk

A. The matter of the petition has been filed by Gene Carothers, Owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, to change and amend the Comprehensive Zoning District Map, adopted as part of the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, Article 4, Section 62 to change the zoning classification of certain property located at 402 East 2nd St (parcel #'s 2-029J-10-007.00, 2-029I-10-016.00, 2-029I-10-019.00, 2-029I-10-017.00, 2-029I-10-018.00, and 2-029I-10-020 and, PPINs 15652, 17276, 17277, 17278, 17279, and 17280, respectively, Ward 4), from B-5 (Regional Business District) District, to B-4 (Downtown Business).

a. Discussion

b. Planning Commission Vote on Item A

B. The matter of the petition has been filed by Leonard Busby, with the Mayor and Council of the City of Hattiesburg, Mississippi, for the following: (1) A Use Permit Upon Review for digital billboard, (2) a variance from the front yard setback requirements, and (3) a variance of the distance requirements from other billboards, as detailed in Article 5, Section 95.10 (3.1) (3) of the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi. This request, if approved, would allow the applicant to construct a digital billboard and place the structure at a point two (2) feet from the front property line and to a point not less than four hundred fifty (450) feet from another billboard or off-premise free standing sign for a certain property located at 6284 Hwy 98 (Parcel #'s 052P-09-016.00 and 052Q-10-035.00, PPIN #'s 021146 and 021147, Ward 3),

PUBLIC HEARING

NOTICE is hereby given that a petition has been filed by Leonard Busby, with the Mayor and Council of the City of Hattiesburg, Mississippi, for the following: (1) A Use Permit Upon Review for digital billboard, (2) a variance from the front yard setback requirements, and (3) a variance of the distance requirements from other billboards, as detailed in Article 5, Section 95.10 (3.1) (3) of the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi. This request, if approved, would allow the applicant to construct a digital billboard and place the structure at a point two (2) feet from the front property line and to a point not less than four hundred fifty (450) feet from another billboard or off-premise free standing sign for a certain property located at 6284 Hwy 98 (Parcel #'s 052P-09-016.00 and 052Q-10-035.00, PPIN #'s 021146 and 021147, Ward 3), said property being more particularly described as follows, to-wit:

Commence at the Southwest corner of Section 10, Township 4 North Range 14 West, Lamar County, Mississippi; thence run west for a distance of 82.79 feet; thence run North a distance of 185.78 feet to the West ROW of Sandy Run road, said point also being the Point of Beginning; thence run from said Point of Beginning along said right of way North 4 degrees 46 minutes 52 seconds West a distance of 208.73 feet to an intersection of the West right of way of Sandy Run Road and South Right away of U.S. Highway 98; thence leaving the Sandy Run Road right of way along Said right of way for Highway 98 North 80 degrees 24 minutes 36 seconds East for a distance of 208.73 feet; thence leaving said right of way turn South 5 degrees 09 minutes 29 seconds East for a distance of 208.62 feet; thence run South 80 degrees 24 minutes 36 seconds East for a distance of 210.11 feet back to the Point of Beginning, containing 1.00 acres, more or less; Together with all improvement thereon and appurtenances thereunto belonging.

After hearing, the Hattiesburg Planning Commission recommended that the petition be APPROVED, and opponents represented by Norman Beasley, Lamar Advertising, 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 4, 2013 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 8th day of January, A.D., 2013.

CITY OF HATTIESBURG, MISSISSIPPI

BY: Eddie Myers /s/
CITY CLERK

(SEAL)

Publish (1) Friday, January 18, 2013
City of Hattiesburg
Return PROOF to City Clerk's Office
P.O. Box 1898
Hattiesburg, MS 39403-1898