

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION AND BOARD OF ADJUSTMENTS
December 6, 2017**

The Hattiesburg Planning Commission and Board of Adjustments did meet in a regular session on December 6, 2017 at 1:00 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Dick Conville, Chairman, presided over the meeting. A quorum was indicated and the attendance was as follows:

Commissioners Present: Dick Conville, Chairman
Amy Hinton, Vice-Chairman
Judy Corts
Mark Miller
Paul Sims
Jessie Wilson

Commissioners Absent: Rebekah Ray
Sandra Thompson

Board Members Present: Dick Conville, Chairman
Amy Hinton, Vice-Chairman
Judy Corts
Mark Miller
Paul Sims
Jessie Wilson

Board Members Absent: Rebekah Ray

Also Present: Ginger Maddox Lowrey, AICP, Planning Division Manager
Andrew Ellard, Director of Urban Development
Stephen Guthrie, Planner

Chairman Conville declared the meeting of the Hattiesburg Planning Commission and Board of Adjustments open and in session at 1:07 P.M.

INVOCATION

Chairman Conville held a moment of silence for the lives that were lost at Pearl Harbor.

AGENDA REVIEW

There came the matter of the December 2017 Agenda. Chairman Conville suggesting that the Planning Commission item B. be heard last. A request was made by Chairman Conville for a motion to amend the December 2017 Agenda as discussed. A motion was made to amend the December 2017 Agenda by Commissioner Hinton and seconded by Commissioner Corts. A request was made by Chairman Conville for a motion to approve the December 2017 Agenda as amended. A motion was made to approve the December 2017 Agenda as amended by Commissioner Corts and seconded by Commissioner Wilson.

Commissioners voting aye: Dick Conville, Chairman
Amy Hinton, Vice-Chairman
Judy Corts
Mark Miller
Jessie Wilson

Commissioners voting nay: None

Commissioners absent: Paul Sims

MINUTES REVIEW

There came the matter of the November 1, 2017, minutes. A request was made by Chairman Conville for a motion to approve the November 1, 2017, minutes. A motion was made by Commissioner Miller to approve the minutes and seconded by Commissioner Hinton.

Commissioners voting aye: Dick Conville, Chairman
Amy Hinton, Vice-Chairman
Judy Corts
Mark Miller
Jessie Wilson

Commissioners voting nay: None

Commissioners absent: Paul Sims

REPORTS

BUILDING REPORT

Steve Mitchell could not attend the meeting, but Planning Staff provided the council with Mr. Mitchell’s report.

PLANNING REPORT

There came the matter of the Planning Report by Ginger Maddox Lowrey, Planning Division Manager. On November 21, 2017 the City Council reviewed the following Hattiesburg Planning Commission recommendations and voted as follows: Donald Crowther rezone of 5066 Old Hwy 42 from I-1 to B-5 (HPC approval upheld). The City Council reviewed the following Hattiesburg Board of Adjustments recommendations and voted as follows: William Brown, Todd Mixon, Duff Real Estate Inc., sign variance for 6393 US Hwy 98 (BOA approval upheld); Kerri Little, Charlie Rodgers, Rodgers Oil, sign variance for 4100 Hardy St. (BOA approval upheld).

CHAIRMAN’S REPORT

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

PUBLIC HEARING – PLANNING COMMISSION

Chairman Conville declared the Public Hearing for the Planning Commission open at 1:15 P.M. and read the rules and procedures of the hearing.

There came the matter of Item A (Digital Billboard - Replacement), filed by Clint Walker, Applicant, as required in the Land Development Code, Ord. No. 3209, to request a permit for a replacement “Digital Billboard” as provided in Section 10.13.6 and all applicable regulations for a certain property located at 6192 US Hwy 98 (Parcel 052R-10-015.000, PPIN 20599, Ward 3).

	Name	Address	City/State
<u>Presented by:</u>	Clint Walker	6565 US Hwy 98	Hattiesburg, MS
	- Applicant		
<u>Proponents:</u>	Jimmy Parker	6565 US Hwy 98	Hattiesburg, MS
<u>Opponents:</u>	Norman Beasley	29 West Lake Rd.	Hattiesburg, MS

Chairman Conville declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Miller made a motion to approve the request contingent upon the approval of a variance from Section 10.13.6 which states “Billboard replacement, of all or any part thereof, shall require the removal of two additional static billboard structures.” and instead replace 1 static billboard structure for a variance of 2 static billboard structures. The motion was seconded by Commissioner Wilson.

Commissioners voting aye: Dick Conville, Chairman
 Amy Hinton, Vice-Chairman
 Judy Corts
 Mark Miller
 Jessie Wilson

Commissioners voting nay: None

Commissioners absent: Paul Sims

PUBLIC HEARING – BOARD OF ADJUSTMENTS

Chairman Conville declared the Public Hearing for the Board for Adjustments open at 2:04 P.M.

There came the matter of Item A (Variance), filed by Clint Walker, Applicant, as required in the Land Development Code, Ord. No. 3209, to vary from Section 10.13.6 which states “Billboard replacement, of all or any part thereof, shall require the removal of two additional static billboard structures.” And instead replace 1 static billboard structure for a variance of 2 static billboard structures for a certain property located at 6192 US Hwy 98 (Parcel 052R-10-015.000, PPIN 20599, Ward 3).

	Name	Address	City/State
<u>Presented by:</u>	Clint Walker	6565 US Hwy 98	Hattiesburg, MS
	- Applicant		
<u>Proponents:</u>			
<u>Opponents:</u>	Norman Beasley	29 West Lake Rd.	Hattiesburg, MS
	Kerri Little	7712 Hwy 49 N	Hattiesburg, MS

Chairman Conville declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Miller made a motion to deny the request for a variance with the following criteria: that special conditions and circumstances do not 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; that literal interpretation of the provisions of this Code would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; that the special conditions and circumstances do result from the actions of the applicant; that granting the variance requested will confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district. The motion died for a lack of a second.

Commissioner Corts made a motion to approve the request for a variance with the following criteria: that special conditions and circumstances do 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; 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. The motion was seconded by Commissioner Hinton.

Commissioner Hinton made a motion to amend the approval criteria to read as follows: that special conditions and circumstances do 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; that literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties [companies] in the same district under the terms of this Code; on the condition that application seeks to bring the static billboard into compliance, by lowering height, total advertisement square footage, and total number of faces, as stated in Section 10.13.6.f. The motion to amend the approval criteria passed unanimously.

Commissioners voting aye: Dick Conville, Chairman
Amy Hinton, Vice-Chairman
Judy Corts
Jessie Wilson
Mark Miller

Commissioners voting nay: None

Commissioners absent: Paul Sims

The vote on the motion to approve is as follows:

Commissioners voting aye: Dick Conville, Chairman
Amy Hinton, Vice-Chairman
Judy Corts
Jessie Wilson

Commissioners voting nay: Mark Miller

Commissioners absent: Paul Sims

PUBLIC HEARING – PLANNING COMMISSION

Chairman Conville declared the Public Hearing for the Planning Commission re-opened at 2:35 P.M.

There came the matter of Item B (LDC Amendment), filed by The City of Hattiesburg, as required in the Land Development Code, Ord. No. 3209, to amend the Land Development Code Section 5, Use Regulations and Conditions, Section 11, Administration and Enforcement, Section 12, Process and Procedure, and Section 13, Definitions. More specifically, amendments are proposed within 5.1, Establishment of a Table of Uses for Standard Districts; 5.2, Determination of Use Category; 5.3, Table of Uses; Table 5.1, Table of Uses; Table 5.4, Additional Use Conditions; 11.2, City Council; 11.3, Planning Commission; 11.4, Board of Adjustment; 11.6, Site and Design Review Committee; 11.7, Director of the Department of Urban Development.; 11.10, Enforcement; 12.3.1.1, Legislative Development Approvals; Process; and 13.2, Definitions. The general intent of the proposed amendment is an effort to clarify language in certain sections, to define or clarify definition of certain terms and uses for ease of interpretation, to establish additional uses that may be appropriate, to modify certain uses permitted and potential conditions thereof in certain zones, to address various issues in which the code is silent on conditions, to clarify processes and authority for the City Council, Planning Commission, and Board of Adjustment, to better align with state law on administration and enforcement, and to define the composition of and terms of office for the Planning Commission and Board of Adjustment. This is an abbreviated summary of the topics addressed in the proposed amendment, and interested parties are encouraged to contact City Hall or visit

www.HattiesburgMS.com to review the proposed amendment in its entirety.

	Name	Address	City/State
<u>Presented by:</u>	The City of Hattiesburg Planning Division		
<u>Proponents:</u>	Lou Mapp	102 St. Annes Drive	Hattiesburg, MS
<u>Opponents:</u>	None		

Chairman Conville declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Hinton made a motion to approve the request to amend the Land Development Code as presented with the following amendments: Scribner’s errors in the proposal for 5.4.2.6.iii; 5.4.28.8; 5.4.28.10; 5.4.28.11; 11.7.4.9.;

That Table 5.1 be amended to show “Animal husbandry – for profit and research related, including Concentrated Animal Feeding Operation as defined by the US EPA as defined by the US EPA” as Permitted in A-1 zoning districts, and that this use be amended to be titled “Animal husbandry – for profit and research related, including Concentrated Animal Feeding Operation as defined by the US EPA.”;

That Section 5.4.7.2, paragraph (i) be amended to delete the second sentence: “Stored vehicles must have a current tag.”;

That Section 11.3 shall be deleted in its entirety and replaced with the following: “11.3 Planning Commission. The Hattiesburg Planning Commission has been created by the Mayor and City Council as an advisory committee to the City of Hattiesburg in zoning matters and is vested with the rights and responsibilities as provided in Mississippi Code Annotated Section 17-1-17 (1972), and established in the City of Hattiesburg Ordinance No. 1490. The Planning Commission shall have certain duties and responsibilities related to this Land Development Code including, but not necessarily limited to, the following: 11.3.1 Hear and make recommendations to the City Council regarding the adoption or amendment of the Hattiesburg Comprehensive Plan, special area plans, corridor plans, neighborhood plans, the Land Development Code, the Official Zoning Map, and any other plans and policies impacting growth and development of the City. 11.3.2 Hear and make recommendations to the City Council all requests for preliminary plats and final plats (when changes have been proposed) for major subdivisions. 11.3.3 Composition and terms: 11.3.3.1 That the Planning Commission shall be composed of eleven (11) members, residents of the City appointed by the Mayor and ratified by the City Council. Each appointee shall be appointed for a period of 5 years. Vacancies shall be filled by the governing authorities and appointments to fill vacancies shall be for unexpired terms only. Each member shall be eligible for reappointment. All members of the commission shall serve without pay. The continued absence of any member of the commission from three (3) regularly scheduled meetings without excuses shall be just cause for the removal of said member from the commission by the governing authorities. Upon receipt of written notice from the chairman of the planning commission to the governing authorities of the City of Hattiesburg, stating that a member has been absent for three (3) meetings in any one year without a written and accepted excuse, the governing authorities may remove the absent member from the commission and appoint a new member to fill the vacancy. 11.3.3.2 Officers. The commission shall elect from among the members its own chairman, vice-chairman, and secretary and provide from time to time such rules and regulations not inconsistent with the ordinances of said city, for its own organization and procedure as it may deem proper. A simple majority of appointed and ratified members shall constitute a quorum for the transaction of business. 11.3.4 Procedure: The Planning Commission shall adopt rules in accordance with the provision of these Regulations. Meetings of the Board shall be held the first Wednesday of each month at 1 pm. All meetings of the Planning Commission shall be open to the public. The Planning Commission shall keep minutes of its meetings.”;

That Section 11.4.2 be amended to read “Composition and terms: 11.4.2.1 Membership: The Hattiesburg Board of Adjustment shall be composed of eleven (11) members, residents of the City appointed by the Mayor and ratified by the City Council for a term of three (3) years. Vacancies shall be filled by the governing authorities and appointments to fill vacancies shall be for unexpired terms only. Each member shall be eligible for reappointment. All members of the commission shall serve without pay. The continued absence of any member of the commission from three (3) regularly scheduled meetings without excuses shall be just cause for the removal of said member from the commission by the governing authorities. Upon receipt of written notice from the chairman of the planning commission to the governing authorities of the City of Hattiesburg, stating that a member has been absent for three (3) meetings in any one year without a written and accepted excuse, the governing authorities may remove the absent member from

the commission and appoint a new member to fill the vacancy. 11.4.2.2 Officers: The Board of Adjustment shall elect from among the members its own chairman, vice-chairman, and secretary and provide from time to time such rules and regulations not inconsistent with the ordinances of said city, for its own organization and procedure as it may deem proper. A simple majority of appointed and ratified members shall constitute a quorum for the transaction of business. 11.4.3 Procedure: The Board of Adjustment shall adopt rules in accordance with the provision of these Regulations. Meetings of the Board shall be held the first Wednesday of each month following the close of the Planning Commission public hearing. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its meetings.” The motion was seconded by Commissioner Corts.

Commissioners voting aye: Dick Conville, Chairman
Amy Hinton, Vice-Chairman
Judy Corts
Jessie Wilson
Paul Sims

Commissioners voting nay: None

Commissioners absent: Mark Miller

BUSINESS MEETING

There being no further business, the meeting was adjourned at 3:45 PM. Commissioner Wilson made a motion to adjourn the meeting. The motion was seconded at Commissioner Corts.

Dick Conville, Chairman

Ginger Maddox Lowrey, AICP, CFM, Planning Division Manager