

**MINUTES OF THE
SPECIAL MEETING OF THE
HATTIESBURG PLANNING COMMISSION
December 2, 2015**

The Hattiesburg Planning Commission did meet in a regular session on December 2, 2015 at 1:05 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Joseph White, Chairman, presided over the meeting. A quorum was indicated and the attendance was as follows:

Commissioners Present: Dick Conville
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Linda McMurtrey, Vice-Chairman
Mark Miller
Sandra Thompson
Joseph White, Chairman

Commissioners Absent: Judy Corts
Jessie Wilson

Also Present: Pattie Brantley, AICP, Director of Urban Development
Ginger Maddox, Planning Division Manager
Jeremy McNeil, Planner
Steve Mitchell, Building Official

Chairman White declared the meeting of the Hattiesburg Planning Commission open and in session at 1:05 P.M.

INVOCATION

Chairman White gave the invocation.

AGENDA REVIEW

There came the matter of the December 2015 Agenda. A request was made by staff to change the language of item C as follows: "A petition has been filed by Kenneth R. West, KRW Inc., Representative, and Bill DiPaola, Applicant, on behalf of Dinesh Patel, 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 request a variance from

Section 89.04.6 (Off-Street Parking requirements) which states that a bar in combination with a restaurant will require one (1) parking space for each fifty (50) square feet of bar floor area and the restaurant will require an additional one (1) spaces for each one hundred (100) square feet of floor area and from Section 89.04.38 which states that places of public assembly requires one (1) parking space for each four (4) seats for outdoor seating which totals ~~ninety-eight (98)~~ ninety-six (96) required parking spaces and instead allow a total of ~~seventy-four (74)~~ seventy-two (72) parking spaces for a variance of twenty-four (24) parking spaces for a certain property located at the southeast corner of North 40th Avenue and Montague Street (Parcel 2-028L-07-101.00, PPIN 23183, Ward 1) zoned B-2 (Neighborhood Business) District pending a request to change zoning to B-3 (Community Business) District.” A request was made by Chairman White for a motion to approve the December 2015 Agenda with changes. A motion was made to approve by Commissioner White and seconded by Commissioner McMurtrey.

Commissioners voting aye: Dick Conville
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Linda McMurtrey, Vice-Chairman
Mark Miller
Sandra Thompson

Commissioners voting nay: None

Commissioners abstaining: None

MINUTES REVIEW

There came the matter of the November 12, 2015 Minutes. A request was made by Chairman White for a motion to Approve the November 2015 Minutes. A motion was made by Commissioner Martin to approve the minutes and seconded by Commissioner Thompson.

Commissioners voting aye: Dick Conville
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Linda McMurtrey, Vice-Chairman
Mark Miller

Sandra Thompson

Commissioners voting nay: None

Commissioners abstaining: None

REPORTS

BUILDING REPORT

There came the matter of the Building Inspection Report. Steve Mitchell, Building Official, previously provided a report to the commission of monthly and YTD Permit information for November in the Commissioner's packets.

PLANNING REPORT

There came the matter of the Planning Report. Ginger Maddox, Planning Division Manager, introduced the new planner, Jeremy McNeil, to the commission.

CHAIRMAN'S REPORT

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

PUBLIC HEARING

Chairman White declared the Public Hearing open at 1:25 P.M. and read the rules and procedures of the hearing.

There came the matter of Item A (Rezoning), Kenneth R. West, KRW Inc., Representative, and Bill DiPaola, Applicant, on behalf of Dinesh Patel, 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 change the zoning classification for a certain property located at the southeast corner of North 40th Avenue and Montague Street (Parcel 2-028L-07-101.00, PPIN 23183, Ward 1) from B-2 (Neighborhood Business) District to B-3 (Community Business) District.

	Name	Address	City/State
<u>Presented by:</u>	Kenneth R. West	1105 10 th Ave	Hattiesburg, MS
	- KRW, Inc.		
	William DiPaola	3334 Magazine St	New Orleans, LA
	- Dat Dog Enterprises		
	Elise Armstrong	3334 Magazine St	New Orleans, LA
	- Dat Dog Enterprises		
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McMurtrey made a motion to APPROVE the application because there is a material change in the circumstances and conditions of the neighborhood and area surrounding the petitioned property. The motion was seconded by Commissioner Horton.

Commissioners voting aye: Dick Conville
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Linda McMurtrey, Vice-Chairman
Mark Miller
Sandra Thompson

Commissioners voting nay: None

Commissioners Abstaining: None

There came the matter of Item B (Variance), Kenneth R. West, KRW Inc., Representative, and Bill DiPaola, Applicant, on behalf of Dinesh Patel, 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 request a variance from Article 5, Section 78.03 which states that a zoning buffer of thirty (30) feet is required between property zoned B-3 (Community Business) District and R-3 (Multi-Family Residential) District and instead allow a zoning buffer of zero (0) feet for a variance of thirty (30) feet. The

property is located at the southeast corner of North 40th Avenue and Montague Street (Parcel 2-028L-07-101.00, PPIN 23183, Ward 1) zoned B-2 (Neighborhood Business) District pending a request to change zoning to B-3 (Community Business) District.

	Name	Address	City/State
<u>Presented by:</u>	Kenneth R. West	1105 10 th Ave	Hattiesburg, MS
	- KRW, Inc.		
	William DiPaola	3334 Magazine St	New Orleans, LA
	- Dat Dog Enterprises		
	Elise Armstrong	3334 Magazine St	New Orleans, LA
	- Dat Dog Enterprises		
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McCleskey made a motion to APPROVE the application because there are 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. The motion was seconded by Commissioner Martin.

Commissioners voting aye: Dick Conville
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Linda McMurtrey, Vice-Chairman
Mark Miller
Sandra Thompson

Commissioners voting nay: None

Commissioners Abstaining: None

There came the matter of Item C (Variance), Kenneth R. West, KRW Inc., Representative, and Bill DiPaola, Applicant, on behalf of Dinesh Patel, 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 request a variance

from Section 89.04.6 (Off-Street Parking requirements) which states that a bar in combination with a restaurant will require one (1) parking space for each fifty (50) square feet of bar floor area and the restaurant will require an additional one (1) spaces for each one hundred (100) square feet of floor area and from Section 89.04.38 which states that places of public assembly requires one (1) parking space for each four (4) seats for outdoor seating which totals ninety-eight (96) required parking spaces and instead allow a total of seventy-two (72) parking spaces for a variance of twenty-four (24) parking spaces for a certain property located at the southeast corner of North 40th Avenue and Montague Street (Parcel 2-028L-07-101.00, PPIN 23183, Ward 1) zoned B-2 (Neighborhood Business) District pending a request to change zoning to B-3 (Community Business) District.

	Name	Address	City/State
<u>Presented by:</u>	Kenneth R. West	1105 10 th Ave	Hattiesburg, MS
	- KRW, Inc.		
	William DiPaola	3334 Magazine St	New Orleans, LA
	- Dat Dog Enterprises		
	Elise Armstrong	3334 Magazine St	New Orleans, LA
	- Dat Dog Enterprises		
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Conville made a motion to APPROVE the application because there are 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 including the proximity to walking and biking traffic.. The motion was seconded by Commissioner McCleskey.

Commissioners voting aye: Dick Conville
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Linda McMurtrey, Vice-Chairman
Mark Miller
Sandra Thompson

Commissioners voting nay: None

Commissioners Abstaining: None

There came the matter of Item D (Rezoning), Carl Johnson, 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 change the zoning classification for a certain property located at the southwest corner of Rouse Road and Collins Drive (Parcel 038P-22-153.01, PPIN 38768, Ward 5) from R-1C (Single-Family Residential) District to A-1 (General Agricultural) District.

	Name	Address	City/State
<u>Presented by:</u>	Carl Johnson	53 Rouse Rd.	Hattiesburg, MS
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McCleskey made a motion to APPROVE the application because it is appropriate to current and future land use planning. The motion was seconded by Commissioner Miller.

Commissioners voting aye: Dick Conville
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Linda McMurtrey, Vice-Chairman
Mark Miller
Sandra Thompson

Commissioners voting nay: None

Commissioners Abstaining: None

There came the matter of Item E (Rezoning), Robert Hooker, Applicant, on behalf of VFW Post #5397, 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 change the zoning classification for a portion of certain property located at 1415 East Laurel Road (Parcel 030M-11-318.00, PPIN 26751, Ward 2) from B-3 (Community Business) to A-1 (General Agricultural) District.

	Name	Address	City/State
<u>Presented by:</u>	Carrie Winding-Hooker	1415 East Laurel Ave	Hattiesburg, MS
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McMurtrey made a motion to APPROVE the application because there is a material change in the circumstances and conditions of the neighborhood and area surrounding the petitioned property and there is a public need for the change in question, based on the Comprehensive Plan. The motion was seconded by Commissioner Thompson.

Commissioners voting aye: Dick Conville
Peggy Horton, Secretary
Eric Martin
Don McCleskey
Linda McMurtrey, Vice-Chairman
Mark Miller
Sandra Thompson

Commissioners voting nay: None

Commissioners Abstaining: None

BUSINESS MEETING

There being no further business, Commissioner Miller made a motion to adjourn. The motion was seconded by Commissioner McCleskey. The meeting was adjourned at 3:00 P.M.

Joe White, Chairman

Pattie Brantley, AICP, Director of Urban Development.