

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

**June 3, 2015**

The Hattiesburg Planning Commission did meet in a regular session on June 3, 2015 at 1:00 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:** Joseph White, Chairman  
Linda McMurtrey, Vice-Chairman  
Peggy Horton, Secretary  
Dick Conville  
Mark Miller  
Sandra Thompson  
Jessie Wilson

**Commissioners Absent:** Judy Cortis  
Eric Martin  
Don McCleskey

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

Chairman White declared the meeting of the Hattiesburg Planning Commission open and in session at 1:04 P.M.

**INVOCATION**

Chairman White gave the invocation.

**AGENDA REVIEW**

There came the matter of the June 2015 Agenda. A request was made by Chairman White for a motion to Approve the June 2015 Agenda. A motion was made to approve by Commissioner Conville and seconded by Commissioner Horton.

**Commissioners voting aye:** Linda McMurtrey, Vice-Chairman  
Peggy Horton, Secretary  
Dick Conville  
Mark Miller  
Sandra Thompson  
Jessie Wilson

**Commissioners voting nay:** None

**Commissioners abstaining:** None

**MINUTES REVIEW**

There came the matter of the May 6, 2015 Minutes. A request was made by Chairman White for a motion to Approve the May 2015 Minutes with edits. A motion was made by Commissioner Wilson to approve the minutes with edits and seconded by Commissioner Horton.

**Commissioners voting aye:** Linda McMurtrey, Vice-Chairman  
Peggy Horton, Secretary  
Dick Conville  
Mark Miller  
Sandra Thompson  
Jessie Wilson

**Commissioners voting nay:** None

**Commissioners abstaining:** None

**REPORTS**

**ENGINEERING REPORT**

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

**BUILDING INSPECTION REPORT**

There came the matter of the Building Inspection Report. Steve Mitchell, Building Official, provided a report to the commission of monthly and YTD Permit information for May and revised numbers from the April Report.

**PLANNING REPORT**

There came the matter of the Planning Report. Ginger Maddox, Planning Division Manager, welcomed Sandra Thompson to the commission. Michael Maret, Planner, informed the Commission that the previous petition for a variance at 202 Patton Avenue had been denied by the City Council as the Commission had recommended. The Palmers Crossing Complex rezoning, recommended for approval by the Commission, had been appealed to the City Council and the appeal hearing was held on Monday, May 18<sup>th</sup>. The petition was denied by the City Council.

**CHAIRMAN’S REPORT**

There came the matter of the Chairman’s Report. Chairman White welcomed Commissioner Thompson.

**PUBLIC HEARING**

Chairman White declared the Public Hearing open at 1:16 P.M. and read the rules and procedures of the hearing.

**There came the matter of Item A (Rezoning),** Jimmy Reid, Representative, on behalf of Jeremy Hall, 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 of a certain property located at 104 North 21st Avenue (Parcel 028J-08-321.00, PPIN 16223, Ward 4) from R-1B (Single-Family Residential) District to R-2 (Two-Family Residential) District.

	Name	Address	City/State
<b><u>Presented by:</u></b>	Jimmy Reid	36 Charleston Way	Hattiesburg, MS
	-	Representative, AEDD PLUS	

**Proponents:** None

**Opponents:** None

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McMurtrey made a motion to approve the rezoning 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 Conville.

**Commissioners voting aye:** Linda McMurtrey, Vice-Chairman  
 Peggy Horton, Secretary  
 Dick Conville  
 Sandra Thompson  
 Jessie Wilson

**Commissioners voting nay:** Mark Miller

**There came the matter of Item B (Variance),** Jimmy Reid, Representative, on behalf of Jeremy Hall, 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, requesting a variance from Article 4, Section 53.04(3) which states that the rear setback is a minimum of twenty-five (25) feet measured from the rear main building line, and instead allow a setback of eighteen and one half (18.5) feet, a variance of six and one half (6.5) feet. The property is located at 104 North 21st Avenue (Parcel 028J-08-321.00, PPIN 16223, Ward 4) and currently R-1B (Single-Family Residential) District, pending an R-2 (Two-Family Residential) District zoning change.

	Name	Address	City/State
<b><u>Presented by:</u></b>	Jimmy Reid	36 Charleston Way	Hattiesburg, MS
	- Representative, AEDD PLUS		

**Proponents:** None

**Opponents:** None

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Conville made a motion to deny the variance because 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. The motion was seconded by Commissioner Miller.

**Commissioners voting aye:** Linda McMurtrey, Vice-Chairman  
 Dick Conville  
 Mark Miller  
 Sandra Thompson  
 Jessie Wilson

**Commissioners voting nay:** Peggy Horton, Secretary

**There came the matter of Item C (Rezoning),** Larry B McMahan (Bee-Jay Development Company), 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 of a certain property located along Lincoln Road

(A portion of Parcel 039G-17-226.00, PPIN 27046, Ward 4) from B-2 (Neighborhood Business) District to B-3 (Community Business) District.

	Name	Address	City/State
<b><u>Presented by:</u></b>	Randy Pope	5 Longwood Drive	Hattiesburg, MS
	- Representative, Pope & Pope, P.A		
	Mike McMahan	46 Longwood Drive	Hattiesburg, MS
	- Owner, Bee-Jay Development Company		
<b><u>Proponents:</u></b>	None		
<b><u>Opponents:</u></b>	Andrea Wesley	101 Wildwood Trace	Hattiesburg, MS
	- Jamestown-Lincoln Neighborhood Association		

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 rezoning 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 Miller.

**Commissioners voting aye:** Linda McMurtrey, Vice-Chairman  
 Peggy Horton, Secretary  
 Dick Conville  
 Mark Miller  
 Sandra Thompson  
 Jessie Wilson

**Commissioners voting nay:** None

**There came the matter of Item D (Rezoning),** Bob Ellison (AGRI-AFC, LLC), Representative, on behalf of Mike Malone (AGRI-AFC, LLC, President/CEO), 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 of a certain property located at 203 Wisteria Drive (Parcel 038L-21-092.00, PPIN 27308, Ward 5) from B-3 (Community Business) District to B-5 (Regional Business) District.

	Name	Address	City/State
<b><u>Presented by:</u></b>	Bob Ellison	203 Wisteria Drive	Hattiesburg, MS
	- Representative, AGRI-AFC, LLC		
	Hugh Sanders	23 Liberty Place	Hattiesburg, MS
	- Representative, PierCon, Inc.		
<b><u>Proponents:</u></b>	None		
<b><u>Opponents:</u></b>	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Horton made a motion to approve the rezoning 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 Wilson.

**Commissioners voting aye:** Linda McMurtrey, Vice-Chairman  
 Peggy Horton, Secretary  
 Dick Conville

Mark Miller  
 Jessie Wilson

**Commissioners voting nay:** None

**Commissioners abstaining:** Sandra Thompson

**There came the matter of Item E (Use Permit on Review),** Bob Ellison (AGRI-AFC, LLC), Representative, on behalf of Mike Malone (AGRI-AFC, LLC, President/CEO), 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, requesting a Use Permit on Review, Section 62.03(2) of the Land Development Code allows “Uses Permitted on Review” that include I-1 (Light Industrial) District Uses (64.02(78) and other similar uses) within the B-5 (Regional Business) District of a certain property located at 203 Wisteria Drive (Parcel 038L-21-092.00, PPIN 27308, Ward 5) currently zoned B-3 (Community Business) District, pending a change to B-5 (Regional Business) District.

	Name	Address	City/State
<b><u>Presented by:</u></b>	Bob Ellison	203 Wisteria Drive	Hattiesburg, MS
	- Representative, AGRI-AFC, LLC		
	Hugh Sanders	23 Liberty Place	Hattiesburg, MS
	- Representative, PierCon, Inc.		

**Proponents:** None

**Opponents:** None

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McMurtrey made a motion to approve the Use Permit on Reivew because there is a need to protect the stability, integrity, and character of the Hattiesburg business community. The motion was seconded by Commissioner Horton.

**Commissioners voting aye:** Linda McMurtrey, Vice-Chairman  
 Peggy Horton, Secretary  
 Dick Conville  
 Mark Miller  
 Jessie Wilson

**Commissioners voting nay:** None

**Commissioners abstaining:** Sandra Thompson

**There came the matter of Item F (Variance),** Glenn Nees, Representative, on behalf of Kinny and Karen Howell, Owners, 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, is requesting a variance from Article 4, Section 52.04(3) which states that unattached accessory structures may not be located within five (5) feet of a side lot line, and shall not be closer than sixty (60) feet to the front lot line, and instead allow a side setback of one (1) foot, for a setback variance of four (4) feet, and allow a front setback of twenty-three and one half (23.5) feet, for a front setback variance of thirty-six and one half (36.5) feet. The property

is located at 104 Mamie Street (Parcel 029N-09-121.00, PPIN 19461, Ward 4) and is zoned R-1A (Single-Family Residential) District.

	Name	Address	City/State
<b><u>Presented by:</u></b>	Glenn Nees	301 S. 22 <sup>nd</sup> Avenue	Hattiesburg, MS
	- Representative/Architect		
<b><u>Proponents:</u></b>	None		
<b><u>Opponents:</u></b>	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 variance as granting it 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, and that the 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 Horton.

**Commissioners voting aye:** Linda McMurtrey, Vice-Chairman  
Peggy Horton, Secretary  
Dick Conville  
Mark Miller  
Sandra Thompson  
Jessie Wilson

**Commissioners voting nay:** None

There being no further business, Commissioner Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Horton. The meeting was adjourned at 2:36 P.M.

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Joe White, Chairman

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Pattie Brantley, AICP, Director of Urban Development.