

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

March 4, 2015

The Hattiesburg Planning Commission did meet in a regular session on March 4, 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
Peggy Horton, Secretary
Dick Conville
Eric Martin
Judy Corts
Jessie Wilson
Annie Pope

Commissioners Absent: Linda McMurtrey, Vice-Chairman
Don McCleskey

Also Present: Pattie Brantley, AICP, Director of Urban Development
Michael Maret, Planner
Ginger Maddox, 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 March 2015 Agenda. A request was made by Chairman White for a motion to Approve the March 2015 Agenda. A motion was made to approve by Commissioner Martin and seconded by Commissioner Horton.

Commissioners voting aye: Peggy Horton, Secretary
Dick Conville
Eric Martin
Judy Corts
Jessie Wilson
Annie Pope

Commissioners voting nay: None

Commissioners abstaining: None

MINUTES REVIEW

There came the matter of the January 7, 2015 Minutes. A request was made by Chairman White for a motion to Approve the January 2015 Minutes. A motion was made by Commissioner Wilson to approve the minutes with edits and seconded by Commissioner Pope.

Commissioners voting aye: Peggy Horton, Secretary
Dick Conville
Eric Martin
Judy Corts
Jessie Wilson
Annie Pope

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.

PLANNING REPORT

There came the matter of the Planning Report. Planner, Michael Maret, informed the Commission that the previous petitions had been approved by City Council. The appeal regarding 314 Bay Street had its public hearing delayed before the City Council until March 16, 2015. The Land Development Code Draft review committee has been meeting on a regular basis for several weeks and will continue through March. Wiley Quinn, Code Enforcement Manager, left the City to pursue a job position in Meridian.

CHAIRMAN'S REPORT

There came the matter of the Chairman's Report. Chairman White turned the meeting over to Judy Corts who chaired the Nominating Committee for Officers of the Planning Commission. The existing officers were asked to serve another year. The Planning Commission officers for 2015 are Joe White, Chairman of the Commission, Linda McMurtrey, Vice-Chairman, and Peggy Horton, Secretary.

PUBLIC HEARING

Chairman White declared the Public Hearing open at 1:18 P.M. and read the rules and procedures of the hearing.

There came the matter of Item A (Variance), James M. Humphreys (Humphreys and Associates), Applicant, on behalf of Alpesh Patel (Hattiesburg HP LLC) 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 62.04(1) which states that the minimum front setback is thirty (30) feet, and instead allow a setback of five (5) feet. The properties are located at 120 Plaza Drive (Parcels 051J-12-045.00 & 051J-12-044.000, PPINs 8242 & 14400, respectively, Ward 3) and are zoned B-5 (Regional Business) District.

| | Name | Address | City/State |
|-----------------------------|----------------|---------------------------|---------------------|
| <u>Presented by:</u> | Craig Peavy | 1141 James Blvd | Signal Mountain, TN |
| | Hunter Andrews | 296 Purvis-Baxterville Rd | Purvis, 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 Conville made a motion to approve the variance from Article 4, Section 62.04(1) which states that the minimum front setback is thirty (30) feet, and instead allow a setback of five (5) feet. He stated the basis for his motion is 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, due to the presence of a Mississippi Power easement through a portion of the property. The motion was seconded by Commissioner Horton.

Commissioners voting aye: Peggy Horton, Secretary
 Dick Conville
 Eric Martin
 Judy Corts
 Jessie Wilson
 Annie Pope

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item B (Variance), James M. Humphreys (Humphreys and Associates), Applicant, on behalf of Alpesh Patel (Hattiesburg HP LLC) 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 62.04(7) which states that no building or structure shall exceed three (3) stories in height, and instead allow four (4) stories. The properties are located at 120 Plaza Drive (Parcels 051J-12-045.00 & 051J-12-044.000, PPINs 8242 & 14400, respectively, Ward 3) and are zoned B-5 (Regional Business) District

| | Name | Address | City/State |
|-----------------------------|----------------|---------------------------|---------------------|
| <u>Presented by:</u> | Craig Peavy | 1141 James Blvd | Signal Mountain, TN |
| | Hunter Andrews | 296 Purvis-Baxterville Rd | Purvis, 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 Conville made a motion to approve the variance from Article 4, Section 62.04(7) which states that no building or structure shall exceed three (3) stories in height, and instead allow four (4) stories. He stated the basis for his motion is 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 Horton.

Commissioners voting aye: Peggy Horton, Secretary
 Dick Conville
 Eric Martin
 Judy Corts
 Jessie Wilson
 Annie Pope

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item C (Variance), James M. Humphreys (Humphreys and Associates), Applicant, on behalf of Alpesh Patel (Hattiesburg HP LLC) 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 5, Section 86.04(23) which states that one and one tenth (1.1) parking spaces are required for each guest or sleeping room or suite, and instead allow one (1) parking space per guest or sleeping room or suite. The properties are located at 120 Plaza Drive (Parcels 051J-12-045.00 & 051J-12-044.000, PPINs 8242 & 14400, respectively, Ward 3) and are zoned B-5 (Regional Business) District.

| | Name | Address | City/State |
|-----------------------------|----------------|---------------------------|---------------------|
| <u>Presented by:</u> | Craig Peavy | 1141 James Blvd | Signal Mountain, TN |
| | Hunter Andrews | 296 Purvis-Baxterville Rd | Purvis, 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 Horton made a motion to approve the variance from Article 5, Section 86.04(23) which states that one and one tenth (1.1) parking spaces are required for each guest or sleeping room or suite, and instead allow one (1) parking space per guest or sleeping room or suite. She stated the basis for her motion is that the special conditions and circumstances do not result from the actions of the applicant. The motion was seconded by Commissioner Martin.

Commissioners voting aye: Peggy Horton, Secretary
 Dick Conville
 Eric Martin
 Judy Corts
 Jessie Wilson
 Annie Pope

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item D (Rezoning), Cesar Potenza, 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 certain properties located at 1602 Cedar Street (Parcels 038I-22-056.00, 038I-22-063.00, 038I-22-134.00, and 038I-22-051.00, PPINs 38202, 6351, 6361, and 10476, respectively, Ward 5) from R-1C (Single-Family Residential) District to R-3 (Multi-Family Residential) District.

| | Name | Address | City/State |
|-----------------------------|----------------|-----------------------------------|-----------------|
| <u>Presented by:</u> | Cesar Potenza | 5891 US Highway 49 Suite 60 - 260 | Hattiesburg, MS |
| <u>Proponents:</u> | None | | |
| <u>Opponents:</u> | Rose Perkins | 1602 Cedar St, Lot B2 | Hattiesburg, MS |
| | Ida Travis | 1602 Cedar St, Lot A19 | Hattiesburg, MS |
| | J.C. Robin | 1602 Cedar St, Lot B9 | Hattiesburg, MS |
| | Alvin McGhee | 1602 Cedar St, Lot A17 | Hattiesburg, MS |
| <u>Neutral:</u> | Frances French | 604 – 606 County Dr | Hattiesburg, MS |
| | Eddie Thomas | PO Box 262 | Hattiesburg, MS |

Commissioner Wilson exited prior to the Business Meeting and Vote on Items D & E.

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Corts made a motion to approve the change the zoning classification of certain properties located at 1602 Cedar Street. She stated the basis of her motion is that 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 Pope.

Commissioners voting aye: Peggy Horton, Secretary
 Dick Conville
 Eric Martin
 Judy Corts
 Annie Pope

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item E (Variance), Cesar Potenza, 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 5, Section 86.04(29) which states that two (2) parking spaces are required for each dwelling unit, and instead allow one and three quarters (1.75) parking spaces per dwelling unit. The properties are located at 1602 Cedar Street (Parcels 038I-22-056.00, 038I-22-063.00, 038I-22-134.00, and 038I-22-051.00, PPINs 38202, 6351, 6361, and 10476, respectively, Ward 5). Pending rezoning to R-3 (Multi-Family Residential) District.

| | Name | Address | City/State |
|-----------------------------|---------------|-----------------------------------|-----------------|
| <u>Presented by:</u> | Cesar Potenza | 5891 US Highway 49 Suite 60 - 260 | Hattiesburg, MS |

| | | | |
|---------------------------|----------------|------------------------|-----------------|
| <u>Proponents:</u> | None | | |
| <u>Opponents:</u> | Rose Perkins | 1602 Cedar St, Lot B2 | Hattiesburg, MS |
| | Ida Travis | 1602 Cedar St, Lot A19 | Hattiesburg, MS |
| | J.C. Robin | 1602 Cedar St, Lot B9 | Hattiesburg, MS |
| | Alvin McGhee | 1602 Cedar St, Lot A17 | Hattiesburg, MS |
| | Eddie Thomas | PO Box 262 | Hattiesburg, MS |
| <u>Neutral:</u> | Frances French | 604 – 606 County Dr | Hattiesburg, MS |

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 variance from Article 5, Section 86.04(29) which states that two (2) parking spaces are required for each dwelling unit, and instead allow one and three quarters (1.75) parking spaces per dwelling unit. He stated the basis of the motion is 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. The motion was seconded by Commissioner Horton.

Commissioners voting aye: Peggy Horton, Secretary
 Dick Conville
 Eric Martin
 Judy Corts
 Annie Pope

Commissioners voting nay: None

Commissioners abstaining: None

There being no further business, the meeting was adjourned at 2:32 P.M.

 Joe White, Chairman

 Pattie Brantley, AICP, Director of Urban Development.