

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

September 2, 2015

The Hattiesburg Planning Commission did meet in a regular session on September 2, 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
Judy Corts
Mark Miller
Sandra Thompson
Jessie Wilson

Commissioners Absent: Peggy Horton, Secretary
Dick Conville
Eric Martin
Don McCleskey

Also Present: Pattie Brantley, AICP, Director of Urban Development
Ginger Maddox, Planning Division Manager
Tamika Paige, Planning Office Manager
Russel Archer, Historic Planner

Chairman White declared the meeting of the Hattiesburg Planning Commission open and in session at 1:00 P.M.

INVOCATION

Chairman White gave the invocation.

AGENDA REVIEW

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

Commissioners voting aye: Linda McMurtrey, Vice-Chairman
Judy Corts
Mark Miller
Sandra Thompson
Jessie Wilson

Commissioners voting nay: None

Commissioners abstaining: None

MINUTES REVIEW

There came the matter of the August 1, 2015 Minutes. A request was made by Chairman White for a motion to Approve the August 2015 Minutes. A motion was made by Commissioner Miller to approve the minutes and seconded by Commissioner Thompson.

Commissioners voting aye: Linda McMurtrey, Vice-Chairman
Judy Corts
Mark Miller
Sandra Thompson
Jessie Wilson

Commissioners voting nay: None

Commissioners abstaining: None

REPORTS

BUILDING REPORT

There came the matter of the Building Inspection Report. Pattie Brantley, Director of Urban Development, provided a report on behalf of Steve Mitchell, Building Official, to the commission of monthly and YTD Permit information for August.

PLANNING REPORT

There came the matter of the Planning Report. Ginger Maddox, Planning Division Manager, informed the Commission of the approval of the following items heard at the previous Planning Commission: 976 Richburg Road Fence height variance, 135 Lake Estates Drive, Rezone, Lot width variance, and Subdivision of single lot into two, and 415 S. 22nd Ave setback variance.

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 1:08 P.M. and read the rules and procedures of the hearing.

There came the matter of Item A (Zoning Change), Tommy Pittenger, Applicant/Representative, on behalf of PEDIATRUST TEC, 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, to change the zoning classification of a certain property located at 401 S. 40th Avenue (Parcel 051R-12-044.000, PPIN 9323, Ward 3) from B-1 (Professional Business) District to B-3 (Community Business) District.

| | Name | Address | City/State |
|-----------------------------|----------------------|-----------------------------|-----------------|
| <u>Presented by:</u> | Tommy Pittenger | 6270 Seven Oak | Baton Rouge, LA |
| <u>Proponents:</u> | None | | |
| <u>Opponents:</u> | Kathy Yadrick Zipple | 419 S. 40 th Ave | Hattiesburg, MS |

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Thompson made a motion to approve the zoning change 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

McMurtrey.

Commissioners voting aye: Linda McMurtrey, Vice-Chairman
 Judy Corts
 Mark Miller
 Sandra Thompson
 Jessie Wilson

Commissioners voting nay: None

There came the matter of Item B (Zoning Change), Danny Johnson, Representative, on behalf of Erick Garcia Hernandez (Hernandez’s Tires), 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 100 & 102 Pinehurst Street (Parcel 029N-09-024.00, PPIN 13237, Ward 4) from B-1 (Professional Business) District to B-3 (Community Business) District.

| | Name | Address | City/State |
|-----------------------------|---|-------------------------|-----------------|
| <u>Presented by:</u> | Danny Johnson | P.O. Box 19080 | Hattiesburg, MS |
| | - Representative, Faith Design & Remodeling LLC | | |
| <u>Proponents:</u> | Gates Goza | 812 Hardy Street | Hattiesburg, MS |
| | Aisha Johnson | P.O. Box 19080 | Hattiesburg, MS |
| <u>Opponents:</u> | Kate Smith | | |
| | - President of Oaks Neighborhood Association | | |
| | Betty Chain | 312 6 th Ave | Hattiesburg, MS |
| | Amy Hinton | 810 Adeline St | Hattiesburg, MS |
| | Katie Anthony | 413 Mamie St | Hattiesburg, MS |
| | Toddy Tatum | 110 Pinehurst Street | Hattiesburg, MS |
| | William Clemons | 405 5 th Ave | Hattiesburg, MS |
| | Web Heidelberg | 905 Adeline St | Hattiesburg, MS |
| | Betsy McIntire | 406 6 th Ave | Hattiesburg, MS |
| | Obra Quave | 109 Pinehurst St | Hattiesburg, MS |
| | Don Hinton | 810 Adeline St | Hattiesburg, MS |
| | Wes Curry | 200 Concart St | Hattiesburg, MS |
| | Patti Mowrey | 2324 Adeline St | Hattiesburg, MS |
| | -Parkhaven Neighborhood Association | | |

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Thompson made a motion to remove the item from the table. The motion was seconded by Commissioner McMurtrey. Commissioner Thompson made a motion to DENY the application because there is not a public need for the change in question based on the Comprehensive Plan. The motion was seconded by Commissioner Wilson.

Commissioners voting aye: Linda McMurtrey, Vice-Chairman
 Judy Corts
 Mark Miller
 Sandra Thompson
 Jessie Wilson

Commissioners voting nay: None

There came the matter of Item C (Variance), Danny Johnson, Representative, on behalf of Erick Garcia Hernandez (Hernandez’s Tires), 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 78.03 which states that a buffer strip with a minimum width of thirty (30) feet is required between B-3 and Residential Districts, and instead allow a ten (10) foot buffer, for a variance of twenty (20) feet. The property is located at 100 & 102 Pinehurst Street (Parcel 029N-09-024.00, PPIN 13237, Ward 4) and pending a zoning change from B-1 (Professional Business) District to B-3 (Community Business) District.

| | Name | Address | City/State |
|-----------------------------|---|-------------------------|-----------------|
| <u>Presented by:</u> | Danny Johnson | P.O. Box 19080 | Hattiesburg, MS |
| | - Representative, Faith Design & Remodeling LLC | | |
| <u>Proponents:</u> | Gates Goza | 812 Hardy Street | Hattiesburg, MS |
| | Aisha Johnson | P.O. Box 19080 | Hattiesburg, MS |
| <u>Opponents:</u> | Kate Smith | | |
| | - President of Oaks Neighborhood Association | | |
| | Betty Chain | 312 6 th Ave | Hattiesburg, MS |
| | Amy Hinton | 810 Adeline St | Hattiesburg, MS |
| | Katie Anthony | 413 Mamie St | Hattiesburg, MS |
| | Toddy Tatum | 110 Pinehurst Street | Hattiesburg, MS |
| | William Clemons | 405 5 th Ave | Hattiesburg, MS |
| | Web Heidelberg | 905 Adeline St | Hattiesburg, MS |
| | Betsy McIntire | 406 6 th Ave | Hattiesburg, MS |
| | Obra Quave | 109 Pinehurst St | Hattiesburg, MS |
| | Don Hinton | 810 Adeline St | Hattiesburg, MS |
| | Wes Curry | 200 Concart St | Hattiesburg, MS |
| | Patti Mowrey | 2324 Adeline St | Hattiesburg, MS |
| | - Parkhaven Neighborhood Association | | |

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Thompson made a motion to remove the item from the table. The motion was seconded by Commissioner McMurtrey Commissioner McMurtrey made a motion to DENY the application 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
 Judy Corts
 Mark Miller
 Sandra Thompson
 Jessie Wilson

Commissioners voting nay: None

BUSINESS MEETING

There being no further business, the meeting was adjourned at 2:20 P.M.

Joe White, Chairman

Pattie Brantley, AICP, Director of Urban Development.

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

October 7, 2015

The Hattiesburg Planning Commission did meet in a regular session on October 7, 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
Sandra Thompson
Mark Miller
Jessie Wilson
Peggy Horton, Secretary
Dick Conville
Eric Martin
Don McCleskey

Commissioners Absent: Judy Corts

Also Present: Pattie Brantley, AICP, Director of Urban Development
Ginger Maddox, Planning Division Manager
Russell Archer, Historic Planner
Steve Mitchell, Building Building Division Manager

Chairman White declared the meeting of the Hattiesburg Planning Commission open and in session at 1:00 P.M.

INVOCATION

Chairman White gave the invocation.

AGENDA REVIEW

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

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

Commissioners voting nay: None

Commissioners abstaining: None

MINUTES REVIEW

There came the matter of the September 2, 2015 Minutes. A request was made by

Chairman White for a motion to Approve the August 2015 Minutes. A motion was made by Commissioner McMurtrey to approve the minutes and seconded by Commissioner Miller.

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

Commissioners voting nay: None

Commissioners abstaining: None

REPORTS

BUILDING 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 August.

PLANNING REPORT

There came the matter of the Planning Report. Ginger Maddox, Planning Division Manager, informed the Commission of the approval of the following items heard at the previous Planning Commission: 100-102 Pinehurst, zoning change, setback variance for buffer, and 401 S. 40th Ave., zoning change.

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 _____ P.M. and read the rules and procedures of the hearing.

There came the matter of Item A (Zoning Change), Julie Burks, ReMax Realty, Representative, on behalf of Carr McClain, Owner, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, to designate the zoning classification within an annexed and unzoned area for certain property located on J Ed Turner Road (Parcel 051D-02-001.001, PPIN 30026, Ward 1) to A-2 (Agricultural-Residential) District

| | Name | Address | City/State |
|-----------------------------|-------------|-----------------|-----------------|
| <u>Presented by:</u> | Julie Burks | 119 Mayfair Rd. | Hattiesburg, MS |

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 zoning change

because of annexation. The motion was seconded by Commissioner Conville.

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

Commissioners voting nay: None

There came the matter of Item B (Variance), Bill Rodgers, RODCO, LLC, Representative, on behalf of Martin Baker, Owner, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, requesting a variance from Article 5, Section 60.04 which states that the side setback is a minimum of thirty (30) feet on a corner lot abutting a street right-of-way, and instead allow a setback of zero (0) foot, a variance of thirty (30) feet. The property is located at 2101 Hardy Street (Parcel 028J-08-323.00, PPIN 16225, Ward 4) and is zoned B-3 (Community Business) District.

| | Name | Address | City/State |
|-----------------------------|---|------------------------------|-----------------|
| <u>Presented by:</u> | Bill Rodgers | 21 Bellepointe Cir. | Hattiesburg, MS |
| <u>Proponents:</u> | Harry Crump | 326 S. 20 th Ave. | Hattiesburg, MS |
| | - Owner, T-Bones Records and Café | | |
| | Jeff Keyseear | 400 N. 21 st Ave. | Hattiesburg, MS |
| | - Longleaf Heights Neighborhood Association | | |
| | Toby Barker | 409 S. 21 st Ave. | Hattiesburg, MS |
| | Staci Cox | 2013 Mamie St. | Hattiesburg, MS |
| <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 variance because 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 motion was seconded by Commissioner Miller. Commissioner Conville offered an amendment to the motion that an additional basis for approval 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. Commissioner Rodgers accepted the amendment to his original motion.

Commissioners voting aye: Linda McMurtrey, Vice-Chairman
 Judy Corts
 Mark Miller
 Sandra Thompson
 Jessie Wilson
 Dick Conville
 Peggy Horton
 Don McCleskey

Commissioners voting nay: None

There came the matter of Item C (Zoning Change), Quinby Chunn, Owner (Southern Prohibition Brewery), 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 304 E. 2nd Street (Parcel 2-029J-10-011.00, PPIN 15657, Ward 2) from B-5 (Regional Business) District to B-4 (Downtown Business) District.

| | Name | Address | City/State |
|-----------------------------|--------------------------------------|-----------------|-----------------|
| <u>Presented by:</u> | Alex Ignatiev | 612 N. Main St. | Hattiesburg, MS |
| | - Legal Representative for Mr. Chunn | | |
| <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 Miller 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 McCleskey.

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

Commissioners voting nay: None

There came the matter of Item D (Amend Ordinance), City of Hattiesburg, Petitioner, with the Mayor and Council of the City of Hattiesburg, Mississippi, that the Comprehensive Zoning Ordinance Number 2330, as amended, to amend Article 1, Section 5, Definitions, to add “Solar Farm” to read as “Energy generation facility that converts sunlight into electricity by multiple photovoltaic (PV) solar panels mounted on stationary poles and considered as a primary land use” and to amend Article 4, Section 52, R-1A (Single-Family Residential) District, specifically Section 55, R-2 (Two-Family Residential) District, specifically Section 55.03 (13) Uses Permitted on Review by the Planning Commission, be changed and amended to read “Solar Farm with the following Stipulations:

- a. Minimum lot size ten (10) acres.
- b. Minimum fifty (50) ft. vegetated/landscaped buffer with eighty percent (80%) opacity at project perimeters as referenced in the LDC, Article 5, Section 78.03 (4).
- c. Environmental assessment to be provided for the project
- d. Land appraisal report to be provided for project
- e. Public meeting to be facilitated by the applicant prior to Public Hearing.

| | Name | Address | City/State |
|-----------------------------|------------------|-------------------|-------------|
| <u>Presented by:</u> | April Montgomery | 1803 Wilkins Dr., | Sanford, NC |

- Representative, Stratus Solar

Proponents: Jonathon Null 6780 Hwy 98W Hattiesburg, MS

Opponents: Paul B. Johnson, III (no address given)
David Burkell 67 South Providence Hattiesburg, MS

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 public need for the change in question, based on the comprehensive plan. The motion was seconded by Commissioner Conville.

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

Commissioners voting nay: None

There came the matter of Item E (Text Amendment), City of Hattiesburg, petitioner, with the Mayor and Council of the City of Hattiesburg, Mississippi, to amend the City’s Comprehensive Plan 2008-2028, Chapter 4 – Goals and Strategies Subsection: Goal No. 18 – Sustainability; Strategy (J) to add the following text “and privately-owned properties” to the existing sentence “Expand the use of solar energy to provide electricity to City-owned properties.” And to amend Chapter 7 – Land Use and Development Subsection: Future Land Use Classifications: Special Residential Districts: Neighborhood Conservation District 2 – Suburban Neighborhoods: District Land Uses to add text to the end of the paragraph: “Support green energy development within appropriate land use settings.”

| | Name | Address | City/State |
|-----------------------------|-------|---------|-----------------|
| <u>Presented by:</u> | Staff | | Hattiesburg, MS |

Proponents: Jonathon Null 6780 Hwy 98W Hattiesburg, MS

Opponents: Paul B. Johnson, III 3 Elks Lake Rd. Hattiesburg, MS
David Burkell 67 South Providence Hattiesburg, MS

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 public need for the change in question, based on the comprehensive plan. The motion was seconded by Commissioner Conville.

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

Eric Martin
Peggy Horton

Commissioners voting nay: None

There came the matter of Item F (Use Permit on Review), Blair Schoof, Strata Solar, Applicant, on behalf of Joseph F. Tatum Jr., Owner, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, for a Use Permit on Review for a “Solar Farm” as outlined in Article 4, Section 52.03(12) and Article 4, Section 55.03(13) of the Land Development Code. The property is located on a portion of land between Bonhomie Road and U.S. Highway 49 (Parcel 041F-28-001.00, PPIN 6974, Parcel 041N-33-001.00, PPIN 7020, Ward 5) and is zoned R-1A (Single-Family Residential) District and R-2 (Two-Family Residential) District. With the following stipulations:

- a. Minimum lot size ten (10) acres.
- b. Minimum fifty (50) ft. vegetated/landscaped buffer with eighty percent (80%) opacity at project perimeters as referenced in the LDC, Article 5, Section 78.03 (4).
- c. Environmental assessment to be provided with the project.
- d. Land appraisal report to be provided for the project.
- e. Public meeting to be facilitated by the applicant prior to Public Hearing.

| | Name | Address | City/State |
|-----------------------------|--------------------------------|---------------------------|-----------------|
| <u>Presented by:</u> | Blair Schoof | | |
| <u>Proponents:</u> | Richard C. Kirkland, Jr. | 9408 Northfield Ct. | Raleigh, NC |
| | Joseph F. Tatum, Jr. | 46 (illegible) Pt. | Hattiesburg, MS |
| | Chad Newell | 1 Convention Center Pkwy. | Hattiesburg, MS |
| | - Area Development Partnership | | |
| <u>Opponents:</u> | Paul B. Johnson, III | 3 Elks Lake Rd. | Hattiesburg, MS |
| | Paul B. Johnson, IV | 16 Petro Rd. | Hattiesburg, MS |

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Martin made a motion to APPROVE the application because there is a public need for the change in question, based on the comprehensive plan. The motion was seconded by Commissioner Miller.

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

Commissioners voting nay: None

BUSINESS MEETING

There being no further business, the meeting was adjourned at 3:50 P.M.

Joe White, Chairman

Pattie Brantley, AICP, Director of Urban Development.