

City of Natchez
Planning Commission Regular Meeting
Thursday, May 20, 2021 5:15 p.m.
Natchez Convention Center
211 Main Street
Natchez, MS 39120

CALL TO ORDER

The meeting of Thursday, May 20, 2021 was called to order by Chairperson Cheryl Rinehart.

ROLL CALL

Commissioners Present:

Cheryl Rinehart, Chairperson
Stratton Bull, Vice-Chairperson
Butch Johnson (virtual)
Jonathan Smith (virtual)
Deborah Martin
Marcia McCullough

Commissioners Absent:

Charles Harris (joined virtually later)
Emma Rose Jackson
Mildred Chatman (joined virtually later)

Staff:

Riccardo Giani, City Planner

MINUTES

Motion: I move to approve the minutes for the March and April 2021 Planning Commission meetings.

MOTION BY: Commissioner Deborah Martin

SECOND BY: Commissioner Marci McCullough

In favor: All

Opposed: None

CHAIRPERSON'S REPORT: None

PUBLIC HEARING APPLICATIONS:

1. Application #PC 21-13. Jeremy Dukes, 40 Old Wilson Lane. Map #41-101A-58: Request to reestablish a nonconforming use within an R-1, Single Family Zoning District; Mobile Home.

Mr. Giani gave background and staff findings.

Background: The applicant is requesting a special exception to reestablish a nonconforming use, a mobile home. The mobile home was in an extremely dilapidated state and needed to be demolished for the welfare of the surrounding properties. A demolition permit was issued after it had been proven that a mobile home has occupied this site as a nonconforming use, thus controlled by Chapter 14 of the Natchez Development Code.

Staff Findings: Chapter 14 “Non-Conforming Uses, Structures and Lots” states that, “Unless this Section expressly provides otherwise, change, re-establishment, expansion, alteration or major repair of any nonconformity shall be deemed a “special exception” and shall occur only as approved by the Planning Commission in accordance set forth in Chapter 7, Part 3 of this Ordinance.”

According to Chapter 7, Part 3 in The Natchez Development Code, “The Planning Commission shall not approve the proposed special exception unless and until they make the following findings based on evidence and testimony received at the public hearing or otherwise appearing in the record of the case:

1. That the proposed use or development of the land will not materially endanger the public health or safety;
2. That the proposed use is reasonably necessary for the public health or general area in its basic community functions or by providing an essential service to the community or region;
3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;
4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.
5. That the proposed use or development of the land will generally conform to the Comprehensive Plan and other official plans adopted by the City of Natchez.
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

The property was in derelict condition prior to the submittal of the application and demolition permit. The applicant intends to improve the property and use the proposed mobile home as a primary residence.

APPLICANT COMMENT: Jeremy Dukes, applicant, was present to answer any questions.

PUBLIC COMMENT: One objection letter was received, however no reason was stated in the letter for the objection. No member of the public was present to object to the case.

Motion: I move to approve application #PC 21-13, request for the special exception to reestablish a nonconforming use, a mobile home, within an R-1, Single Family Residential District.

MOTION BY: Commissioner Deborah Martin

SECOND BY: Commissioner Marcia McCullough

In favor: All

Opposed: None

****Commissioners Harris and Chatman joined the Meeting virtually****

2. Application #PC 21-14. Robert Martin, 207 Linton Ave. Map #41-106A-152: Request of a Bed and Breakfast Residence with three (3) units.

Mr. Giani gave background and staff findings.

Background: The applicant is requesting a Bed and Breakfast Residence with (3) three units. The applicant appeared before the Natchez Preservation Commission on May 12th to seek approval for proposed site improvements to adhere to the Bed and Breakfast on-site parking requirements. The Preservation Commission approved the parking plan submitted to the Planning Commission, as submitted.

Staff Findings: When requesting a special use permit to operate a Bed and Breakfast residence, Chapter 12 Part 4 of the Bed and Breakfast Ordinance states that one off-street parking space must be provided per unit. The applicant is proposing three (3) units, and is proposing four (4) on-site parking spaces, per the submitted site plan. One of these spaces is on the property of 209 Linton Avenue. The applicant has submitted a written agreement stating that this parking space, underutilized by the owner of 209 Linton, may be used by the Bed and Breakfast guests. If approved, this lease agreement will expire when the ownership of 209 Linton Avenue changes, in which the special use permit of the Bed and Breakfast will be reevaluated.

Section 12.4.10 Insurance of the Ordinance, requires “Each person having a permit under this ordinance shall carry general liability insurance covering such operation, and which shall be kept on file in the city Clerk's office of the City of Natchez. Owners must present proof at the time of the initial permit and after from time to time as may be requested by the City of Natchez.” In addition to proof of insurance, all Bed and Breakfast facilities must retain a privilege license and receive a Certificate of Occupancy from the Inspections Department.

APPLICANT COMMENT: None

PUBLIC COMMENT: Mr. Jim Blough, owner of 211 Linton Avenue, read a letter into the record:

“Dear Ladies and Gentlemen:

This will acknowledge receipt of you Notice of the Application/Request of a Bed and Breakfast Residence with Three Units and the Martin Property. I own the adjacent property known as Map #41-106A-151. I am glad to learn more about the plans for the Martin property. I offer the following comments.

Parking can be a problem on Linton Avenue. Therefore, in support of the Martin Projects, and the Parking Requirements, I offer as follows:

My Off-Street Parking consists of only one somewhat larger Space accessible only from Ridge Alley in the rear. I offer this space to Dr. Martin in consideration of a mutual easement for driveway and parking purposes, ingress and egress from Linton Avenue via Dr. Martin’s existing driveway. This would increase the available parking and turn-around area for his project. Any additional construction costs or other expenses could be shared pro-rata upon agreement.

The details of the mutual easement would be spelled out in a document to be recorded in the dee records as normally done. This could be finalized in connection with the final details of the two Martin applications and on-going construction.

I have not received the Engineer’s final drawing, and I do not know whom to coordinate to finalize the mutual easement agreement for recording or any of the other construction details.”

Mr. Blough stated that Planning Staff did share the public hearing documents relating to this request prior to the meeting. He stated that his main concern is that he wants to be assured that a shared driveway easement is created so he can access his property.

Mr. Giani stated that it was his understanding that Mr. Blough and the applicant came to an agreement regarding the setup of a shared driveway and/or an access easement. Mr. Giani stated that even without the inclusion of the neighboring space on Mr. Blough’s property, the application does fit the three (3) on-site parking space requirement for each of the units. The Commission could approve the application without the neighboring space, or defer the application until a resolution between neighbors is found.

Motion: I move to defer application #PC 21-14, request for a special use permit for a Bed and Breakfast Residence.

MOTION BY: Commissioner Deborah Martin
SECOND BY: Commissioner Marcia McCullough
In favor: All
Opposed: None

****Commissioner Johnson left the meeting****

3. Application #PC 21-15. W W P B Real Estate, 611 N. Wall Street. Map #41-111A-26: Request for a subdivision of parcels.

Mr. Giani gave background and staff findings.

Background: The applicant is requesting a subdivision, creating four (4) additional lots. The applicant received a similar subdivision approval in 2019 to sale the adjacent lots (PC 19-39) and again earlier this year (PC 21-07).

Staff Findings: Appendix A of the Development Code defines a *Minor Subdivision* as “All divisions of a tract or parcel of land into five or less lots, building sites or other divisions for the immediate or future purpose of sale or building development, and not involving the dedication of public infrastructure.” The existing buildings have frontage along an existing public street, N. Wall Street. The subject property is zoned Mixed Density Residential within a Historic District (R-3HD).

According to the Natchez Development Code, Chapter 12 Development Standards, the minimum dimensional standards within an R-3 HD zoning district are as follows:

R-3, Historic District

Minimum Lot Area – None

Minimum Lot Width – 40 feet

Minimum Front Yard – within 10% of the setback lines of adjacent structures and should not extend into the front yard more than adjacent structures

Minimum Side Yards – 10 feet

Minimum Rear Yard – 20 feet

Maximum Building Height – 35 feet or within 10% of the height of adjacent structures.

The structures have nonconforming side setbacks, however this nonconformity is not a result of the applicant’s action, but of the original construction of the similarly designed houses in the surrounding area. The applicant is proposing 5’ maintenance easements within each of the existing side yards as to avoid any future accessibility issues from future owners/tenants. There is an existing 12’ access easement that will continue to run through the rear of the properties.

APPLICANT COMMENT: None

PUBLIC COMMENT: None

Motion: I move to approve application #PC 21-15, request for the proposed subdivision, as submitted.

MOTION BY: Commissioner Marcia McCullough

SECOND BY: Commissioner Deborah Martin

In favor: All

Opposed: None

UNFINISHED BUSINESS: None

ADJOURNMENT:

Motion: I move to adjourn the Planning Commission meeting of May 21, 2021.

MOTION BY: Commissioner Deborah Martin

SECOND BY: Commissioner Marcia McCullough

In favor: All

Opposed: None

MEETING ADJOURNED

APPROVED: _____ **Date:** _____

ATTEST: _____ **Date:** _____