

**City of Natchez
Planning Commission Regular Meeting
Thursday, March 18, 2021 5:15 p.m.
Natchez Convention Center, St. Francisville Room
211 Main Street
Natchez, MS 39120**

CALL TO ORDER

The meeting of Thursday, March 18, 2021 was called to order by Chairperson Cheryl Rinehart.

ROLL CALL

Commissioners Present:

Cheryl Rinehart, Chairperson
Stratton Bull, Vice-Chairperson
Charles Harris
Emma Rose Jackson
Mildred Chatman
Butch Johnson
Jonathan Smith
Deborah Martin
Marcia McCullough

Commissioners Absent:

Staff: Riccardo Giani, City Planner

MINUTES

Motion: I move to approve the minutes for the November and December 2020 Planning Commission meetings, and to defer the minutes from the January 2021 meeting.

MOTION BY: Commissioner Martin

SECOND BY: Commissioner Bull

In favor: All

Opposed: None

CHAIRPERSON'S REPORT: None

PUBLIC HEARING APPLICATIONS:

- 1. Application #21-03. Charlotte Copeland, 822 State Street. Map #41-114B-38:
Request for a special exception for a Guest House within an R-3 zoning district.**

Mr. Giani gave background and staff findings.

Background: The applicant is requesting a Guest House in a Mixed Density Residential District (R-3).

Staff Findings: According to Chapter 7, Section 2.4 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 applicant has stated that the property has an on-street parking spot on the street, as well as two spaces accessible by the rear (Washington Street). Planning staff visited the site and confirmed that at least one vehicle can be parked within a rear garage. There is a grassy spot adjacent to the rear garage that could accommodate one car or other compact vehicle without blocking the shared rear access driveway. The on-street parking space is directly in-front of the property and is primarily used by the current occupant of 822 State Street. In planning staff’s opinion, since the on-street parking space is directly located in front of the dwelling, and the fact that there is at least one full parking space in the rear garage that the application will not cause undue traffic congestion on the street.

APPLICANT COMMENT: The applicant was not present at the meeting.

PUBLIC COMMENT: No objection letters were received.

STUDY SESSION: Commissioner Martin asked if the applicant was requesting the house to be rented as one full unit. Mr. Giani confirmed that this was the request.

Commissioner Johnson stated that as long as the parking proposed in the application is utilized, because there is a growing amount of competition on State Street for the existing residences.

Motion: I move to approve application #PC 21-03, request for a Guest House in an R-3, Mixed Density Residential, as submitted.

MOTION BY: Commissioner Martin

SECOND BY: Commissioner Johnson

In favor: All

Opposed: None

2. Application #PC 21-04. Arthur's Tire, 327 Highland Blvd. Map #58-103-1.1: Request for a variance to the rear setback for a commercial addition.

Mr. Giani gave background and staff findings.

Background: Last year, the applicant submitted a variance request (PC 20-16) for a variance of two (2) feet. Prior to the variance being acted upon, the applicant has discovered that an additional two (2) feet is needed for the commercial addition. In total, the applicant is requesting a four (4) foot variance to the rear setback.

The Site Plan Review Committee has conducted a preliminary review of the variance and has no issues.

Staff Findings: When requesting a variance, Section 8.1.3 of the Natchez Development Code states: The Planning Commission shall not grant a variance unless it makes the following findings:

- (a) 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 located in the same zoning district;
- (b) That the literal interpretation and strict enforcement of the provision to be varied would deprive the applicant of rights commonly enjoyed by other properties located in the same zoning district under the terms of this Ordinance;
- (c) That the special conditions and circumstances do not result from the actions of the applicant;
- (d) That granting the proposed variance will not confer on the applicant any special privilege that this Ordinance denies to other land, structures, or buildings located in the same zoning district; and

STAFF COMMENT: The existing B-2 zoning districts along John R. Junkin Drive and St. Catherine Street have multiple properties with little or no rear setback. This is not evidence to continue nonconformities, however it would be unfair to deny the applicant same privileges others have in the same district.

- (e) That granting the proposed variance will not significantly impact nearby properties, inhabitants of nearby properties, or values of nearby properties in a negative manner.

The proposed variance is needed to expand an existing business. In planning staff's opinion, the requested variance abides by the variance criteria listed above. If approved, planning staff will make note of this additional variance in the PC 20-16 case file.

APPLICANT COMMENT: None

PUBLIC COMMENT: None

STUDY SESSION: Commissioner Johnson asked who discovered the need for the additional variance, the owner or engineer. Mr. Giani stated that he believed that the engineer discovered the error, which prompted the revised variance request.

Commissioner Martin stated that the application for the additional variance adheres to the code and is a formality to approve.

Motion: I move to approve application #PC 21-04, request for the variance to the rear setback for a total of four (4) feet. This is an additional two (2) feet onto the approval that was granted for application PC 20-16.

MOTION BY: Commissioner Martin

SECOND BY: Commissioner Bull

In favor: All

Opposed: None

3. Application #21-05. Big Joe Real Estate, 251 Hwy 61 South. Map #58-108A-22: Request for a subdivision of parcels, divide existing lot.

Mr. Giani gave background and staff findings.

Background: The applicant is proposing a subdivision of a parcel with multiple existing buildings and businesses. The subdivision is proposing the division of the single property into five (5) new lots.

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 subject property is currently zoned I-1, General Industrial. The applicant is requesting to rezone this property to B-4, Highway Business, staff is regulating this application based on the dimensional standards for the B-4 District due to the proposed rezoning.

According to the Natchez Development Code, Chapter 12 Development Standards, the minimum dimensional standards for properties zoned B-4, are as follows:

B-4, Highway Business

Minimum Lot Area – None

Minimum Lot Width – 70 feet

Minimum Front Yard – 25 feet

Minimum Side Yards – None

Minimum Rear Yard – 20 feet

Maximum Building Height – 35 feet

Maximum Lot Coverage – 40%

The five (5) lots to be created are shown on a survey, submitted by the applicant. The five lots are as follows:

- Lot “A-2”
- Lot “B”
- Lot “C”
- Lot “D”
- Lot “E”

All of the five (5) lots conform to the dimensional standards above, with the exception of Lot “D”. The existing structure on Lot “D” does not conform to the rear setback requirement within the B-4 District, however this is an existing nonconforming setback that was not created or worsened by this subdivision.

APPLICANT COMMENT: Glenn Green, representative of the applicant was present for questions.

PUBLIC COMMENT: None

STUDY SESSION: Commissioner Martin asked if the properties needed to have each lot addressed by Adams County E-911, and should the Commission include that in the motion.

Mr. Green stated that these lots have individual addresses and will retain the same addresses after the division. These addresses are registered with Adams County E-911.

Motion: I move to approve application #PC 21-05, request for the subdivision of the parcels, as submitted.

MOTION BY: Commissioner Bull

SECOND BY: Commissioner Martin

In favor: All

Opposed: None

4. Application #21-06. Big Joe Real Estate, 251 Hwy 61 South. Map #58-108A-22: Request to rezone the property from I-1, General Industrial to B-4, Highway Business.

Mr. Giani gave background and staff findings.

Background: The applicant is proposing two applications to the Planning Commission for the subject property. The property currently has about six (6) principle buildings on site, Application PC 21-05 requests the subdivision of these properties into individual lots, and this application (PC 21-06) looks to rezone those lots from I-1, General Industrial to B-4, Highway Business District.

Staff Findings: The Planning Commission shall consider each proposed text and zoning map amendment and make recommendation to the Mayor and Board of Aldermen. The recommendation shall be based on the following criteria:

1. Conformance with the Comprehensive Plan;

STAFF COMMENT: In accordance with Mississippi law, all zoning shall be consistent with the Comprehensive Plan, in particular, the adopted Land Use Plan. Zoning that is not consistent with the Land Use Plan shall not be approved unless the Land Use Plan is amended first. The Future Land Use Map shows this property as Outdoor Commercial.

Proposed rezonings may be approved if the rezoning conforms to the following:

1. The applicant's property falls on or adjacent to a district having the same zoning classification.
2. The density is appropriate.
3. The parcel proposed for rezoning is at least one quarter acre (10,890 Square feet) in area.

2. Otherwise, that changes have occurred in the area since the Planning and Zoning Ordinance were adopted which warrant the requested zone OR that here was a mistake in the original zoning of the property;

STAFF COMMENT: There was not a clerical or administrative error in the original zoning of the property, however the Land Use Plan (2000) does not show this property as one of the two “industrial” categories present on the Plan. The applicant’s desire to change the property’s zoning is in accordance with the Land Use Plan, meaning the Land Use Plan does not have to be amended for this rezoning.

3. City utilities and sewer can accommodate the uses allowable in the requested zone;

STAFF COMMENT: City utilities and sewer already access the site.

4. The allowable uses in the requested zone will not adversely affect the character of the area and result in a decrease of property values;

STAFF COMMENT: The General Industrial (I-1) zoning category allows for manufacturing, warehousing, trucking, and other uses that contribute to noise, traffic, and potentially odors. The proposed “downgrade” in zoning would better fit the existing uses on the subject property. Additionally, zoning the property B-4, Highway Business could be a perceived benefit for those residences that abut the rear of the subject property.

5. There is a need for additional land within the City to be zoned in the classification which is requested;

APPLICANT COMMENT: Mr. Green was present to answer any questions.

PUBLIC COMMENT: None

STUDY SESSION: Commissioner Johnson stated that the lots would be more appropriate within the B-4, Highway Business district as the existing uses and intended future uses conform to the B-4 district.

Motion: I move to recommend approval application #PC 21-06, to the Mayor and Board of Alderman to rezone the subject properties from I-1, General Industrial to B-4, Highway Business.

MOTION BY: Commissioner Martin

SECOND BY: Commissioner Bull

In favor: All

Opposed: None

5. Application #PC 21-07. W W P B Real Estate, 611 N. Wall Street. Map #41-111A-26: Request for a subdivision of parcels, divide existing lot.

Mr. Giani gave staff findings

Background: The applicant is requesting a subdivision of a lot with several existing buildings within close proximity of each other. The sale of the subject property is contingent on the approval of this application. The applicant received a similar subdivision approval in 2019 to sale the adjacent lot (PC 19-39).

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 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 neighborhood. The applicant is proposing a 5’ maintenance easement 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: Hayden Petkovsek, applicant, was present to answer any questions. Mr. Petkovsek stated that the homes were built around 1870 and were all constructed within close proximity to each other. This request is almost identical to a request that was approve to subdivide another house along the same street. The subdivision is proposed so that the lot can be sold.

PUBLIC COMMENT: None

Motion: I move to approve application #PC 21-07, request for the requested subdivision, as submitted.

MOTION BY: Commissioner Bull

SECOND BY: Commissioner Martin

In favor: All

Opposed: None

6. Application #PC 21-08. Entergy Services, LLC, 0 Hwy 61 S. Map #57-34.11: Request for a Special Exception and height variance for a 300' Telecommunications Tower.

Mr. Giani gave staff findings.

Location: 0 Hwy 61 South

Background: The applicant is requesting a special exception for a telecommunications tower within a B-4, Highway Business District. Additionally, the tower will have to go before the Mayor and Board of Alderman for a height variance according to Section 12.2.4.4. Tower Height and setback requirements.

Staff Findings: According to Chapter 7, Section 2.4 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;

STAFF COMMENT: The applicant has relayed to planning staff that this tower is not for private use and will be used by Entergy to communicate between regions, especially during times of extreme weather.

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;

STAFF COMMENT: During the past ice storm (2/15/21 – 2/19/21) Entergy lost communication across the region, making the coordination of repairs difficult. The construction of this tower will ensure that Entergy maintains essential communications during extreme weather events.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;

STAFF COMMENT: Screening ground equipment could help lessen the visual impact on the ground.

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.

STAFF COMMENT: The purchase of the land for the construction of the tower is contingent on this application to the City. The design plans have not been created for the tower, however the Site Plan Review Committee will ensure compliance to the design requirements within the Telecommunications Ordinance.

This parcel and adjacent parcels were rezoned in 2017 (PC 17-17) from open land to B-4, Highway Business. The design of the tower, including its setback, should account for the future development of this commercial zoning district.

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.

STAFF COMMENT: No additional traffic will be generated at this site.

APPLICANT COMMENT: Several representatives were virtually present on the call to answer any questions.

PUBLIC COMMENT: Mr. Petkovsek asked if this tower would fall into the roadway if it collapsed. Jessica Jones, representative of Entergy, stated that these towers are design to collapse upon themselves as to minimize any surrounding areas getting damaged.

STUDY SESSION: Jessica Jones provided comments regarding the proposal. She stated that the main reason for this request is Entergy needs its own tower for essential communications. Entergy currently leases space on an existing tower in the area, however their equipment is frequently damaged due to maintenance issues. Entergy needs its own tower because during the ice storm in mid-February of this year, communications were lost and making it difficult for Entergy to restore power to the citizens of Natchez and Adams County.

Commissioner Johnson asked Mr. Giani about what was the tower height allowed to be in this district. Mr. Giani stated that normally towers are limited to 150', however since this is

not a tower used for private telecommunications company, and is essential for public safety, it can be a maximum of 250'. This request is asking for a 50' variance to this requirement.

Motion: I move to recommend the approval application #PC 21-08, to the Mayor and Board of Alderman for a 50' height variance to the tower requirements.

MOTION BY: Commissioner Martin

SECOND BY: Commissioner Bull

In favor: All

Opposed: None

UNFINISHED BUSINESS:

Commissioner Bull asked if the Planning Commission was going to revisit the Urban Renewal Plan. Mr. Giani stated that he is still working on a revision, based on comments received at a previous meeting.

ADJOURNMENT:

Motion: I move to adjourn the Planning Commission meeting of March 18, 2021.

MOTION BY: Commissioner Martin

SECOND BY: Commissioner Bull

In favor: All

Opposed: None

MEETING ADJOURNED

APPROVED: _____ **Date:** _____

ATTEST: _____ **Date:** _____