

Application # 23-028  
Date Received: October 5, 2023  
Subject Property: Parcel # I09E000002 00000  
Applicant: Jett Investments LLC



## STAFF REPORT

CASE # 23-028

**Subject Matter:** Rezoning / Variance Application

**Subject Property:** 13.8 Acres, Parcel No: I09E000002 00000

**Planning Commission:** November 27, 2023

**Public Hearing:** December 18, 2023

**Zoning District:** NC: Neighborhood Center

**Ward:** 5- Middleton

**Description:**

Consideration to rezone an existing NC property to R-8 for Jett Investments on 13.8 Acres (Parcel #I09E000002 00000).

The applicant has requested a rezone to R-8 and a variance to allow 70' lot width on the 13.8 Acre site which would allow the developer to prepare 35 total lots. The R-8 zoning district requires the minimum lot width to be 85 feet.

The Director of Planning has the authority to grant a 10% dimensional variance without board action. The 15' deviation exceeds this with a total over 17% deviation and will require board action.

**Zoning Code 9.6.8:**

Administrative variance. At the discretion of the director, an administrative variance may be granted to the dimensional terms of this ordinance under the following conditions:

- The request for an administrative adjustment is submitted in writing by the property owner setting out the reasons for the request.
- The requested variance constitutes no more than a ten-percent deviation from a dimensional requirement of this ordinance.
- After review, the director makes written findings demonstrating that the granting of such administrative variance is consistent with the intent of the comprehensive plan, the request is not contrary to the public interest, and the request does create negative impacts on any surrounding property or development condition.

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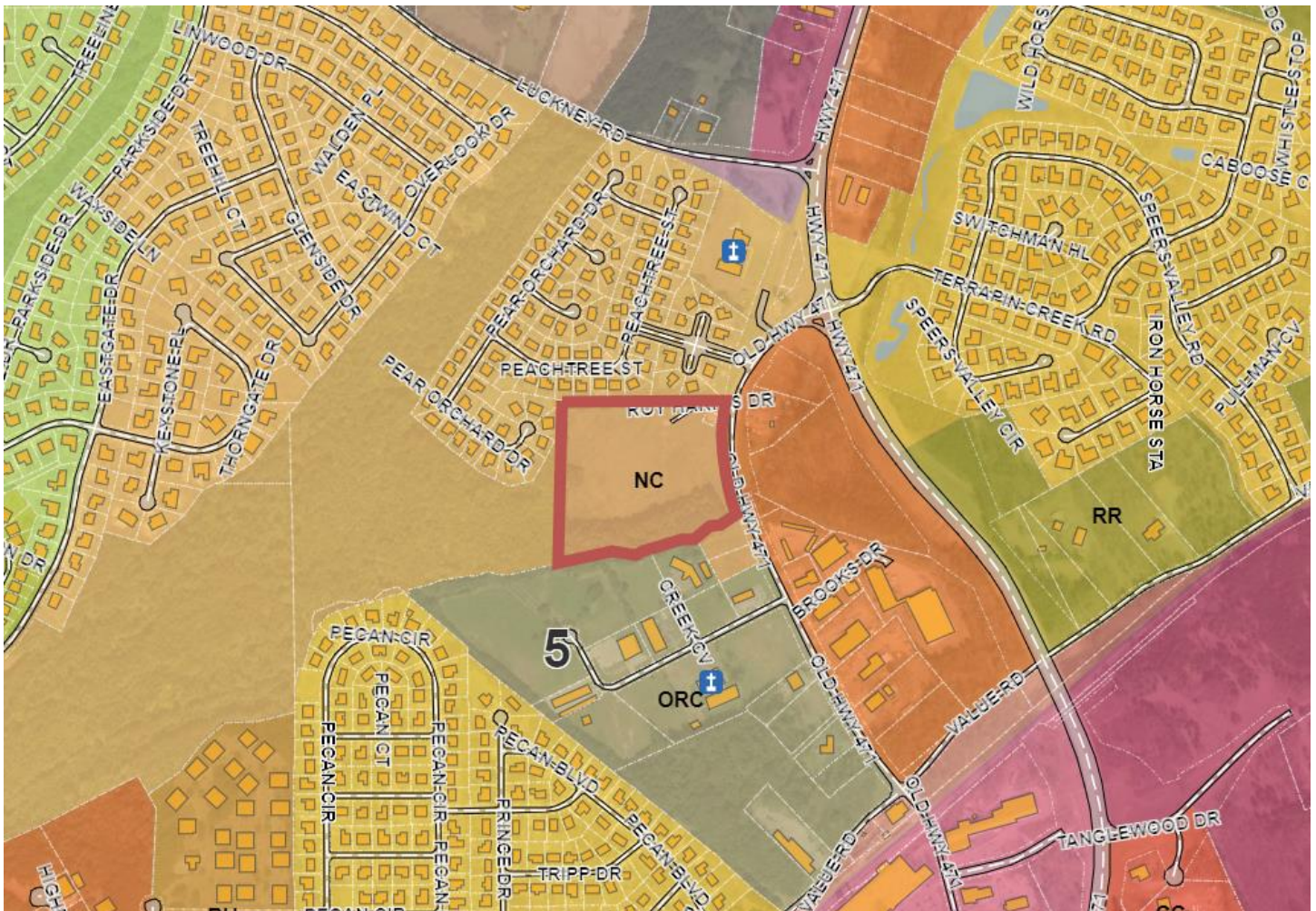
The Department of Community Development has considered the proposed rezone with little disagreement. The initial plan which utilized Old 471 as a primary corridor prior to the new 471 flyover bridge is outdated. The proposed zoning application does not diminish adjacent property values or compromise the comprehensive plan for the city. This requested zoning amendment does comply with the requirements listed in our zoning ordinance.

**Zoning Ordinance 9.8.4:**

No amendment shall be made by the Mayor and Board of Alderman to the ordinance text of the official zoning map unless the proposed amendment complies with one or more of the following criteria:

- The amendment will correct a manifest error in the ordinance.
- The amendment to the official zoning map is necessary because of changing conditions within the city, new development patterns or annexation.
- The amendment will more suitably promote and protect the public health, safety and welfare than the existing district boundaries which said amendment would replace.

*See "Location and Zoning Map"*



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**Relief Sought:**

Relief sought is to approve the rezone of the property and to grant the variance to allow for a 17.6% dimensional deviation for minimum lot width.

**Planning Commission Recommendation:**

Approve the rezone of the property and requests that the dimensional variance request be reduced to less than 10% to abide by dimensional variance ordinances.

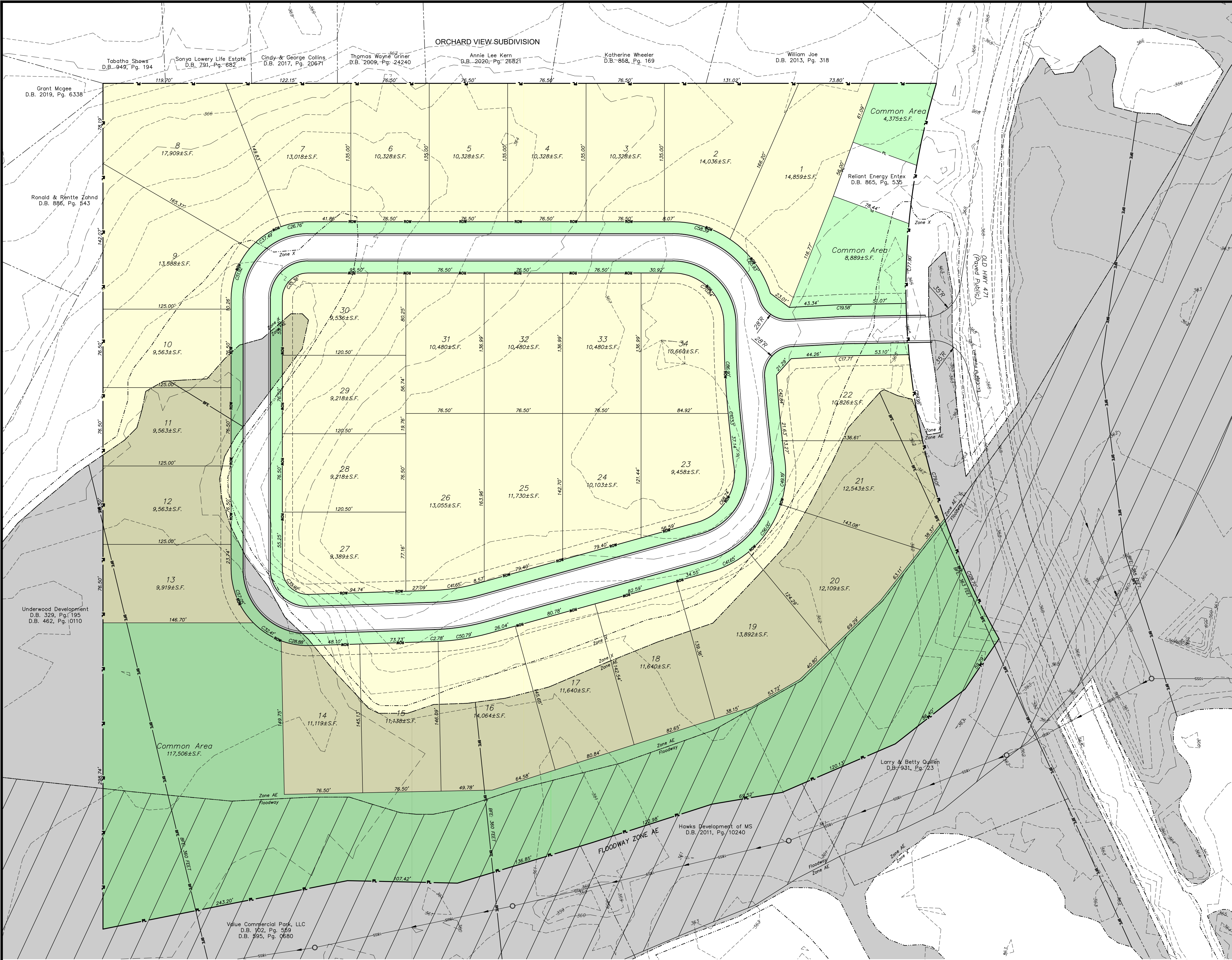
**Staff Recommendation:** The staff recommends that the rezone be approved based on the zoning ordinance provisions in 9.8.4. The conditions immediately surrounding that area have changed and it is not in conflict with the comprehensive plan. The staff does not recommend a variance be granted for more than the 10% of the dimensional requirements. The staff would rather see a slightly lower development density on the proposed site.

**Notice Filed in Paper:** N/A

**Report Prepared By:** Sam Hawkins, Community Development Director

**Exhibits:**

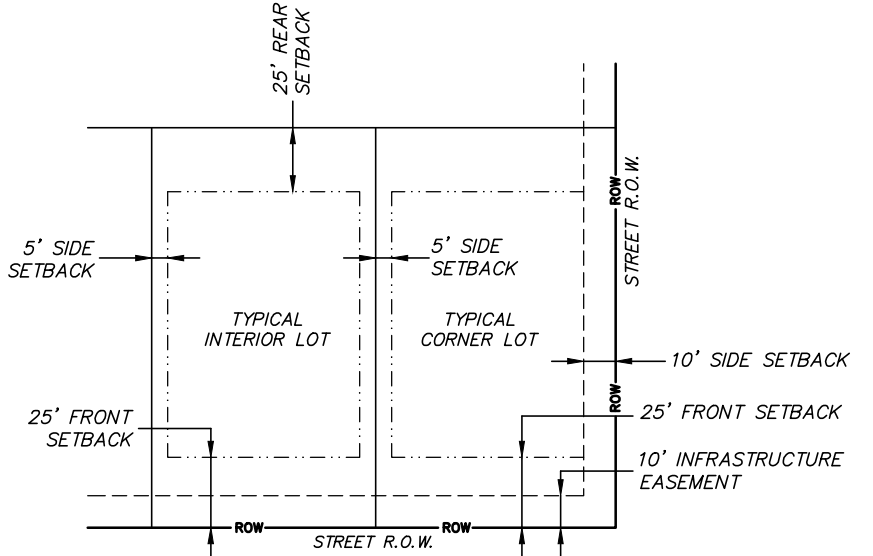
- A) Location and Zoning Map
- B) Supplemental Documentation



VICINITY MAP

LEGEND

- COMMON AREA/GREEN SPACE
- FLOOD ZONE "AE"
- FLOODWAY



TYPICAL LOT DETAILS WITH SETBACKS

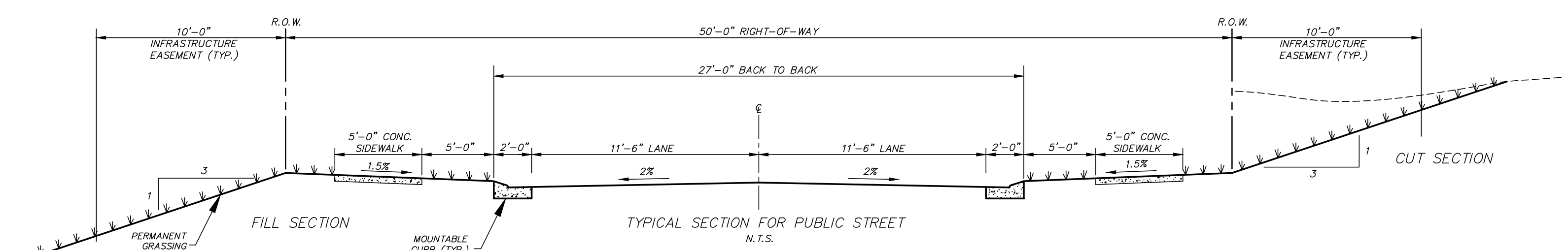
NOTES: SETBACKS ON COMMON LOT LINES SHALL BE MEASURED OFF OF THE EASEMENT WHERE PRESENT.

GENERAL PROJECT INFORMATION & NOTES:

- TOTAL ACREAGE - ±13.78 AC
- CURRENT ZONING - NC, NEIGHBORHOOD CENTER
- PROPOSED ZONING - R-B, SUBURBAN MEDIUM DENSITY
- TYPICAL LOT DIMENSIONS: 76.5' X 125'
- MINIMUM LOT AREA REQUIRED: 8,000 SF
- MINIMUM LOT AREA PROPOSED: 9,218 SF
- MINIMUM SETBACK REQUIREMENTS:
  - FRONT - 25'
  - SIDE - 5'
  - REAR - 25'
- TOTAL LOTS - 34
- RIGHT-OF-WAY - 50'

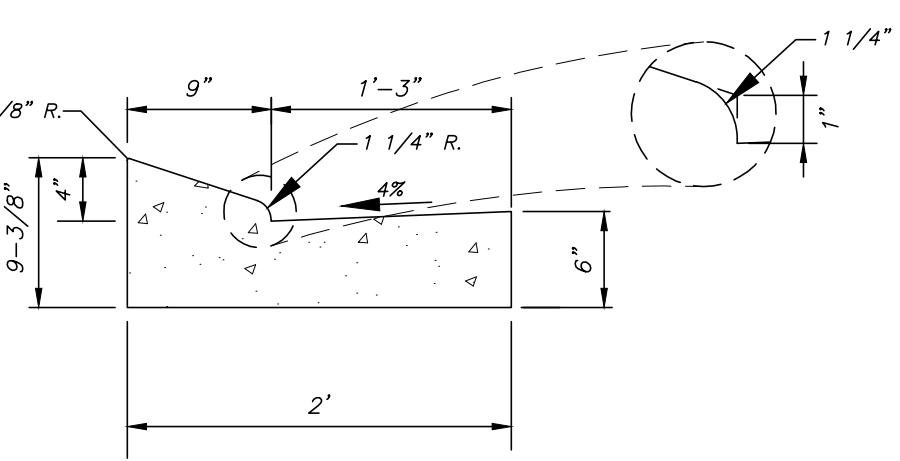
NOTES:

- EXACT LOCATION, SIZES AND INVERTS FOR WATER, SEWER & STORM DRAIN INFRASTRUCTURE TO BE DETERMINED DURING PREPARATION OF CONSTRUCTION PLANS. THE PRELIMINARY PLAT BE APPROVED.
- THIS PARCEL IS LOCATED IN FLOOD ZONE "X" (NOT SHADED), "X" (SHADED) & "AE" ACCORDING TO FLOOD INSURANCE RATE MAP NO. 28121C0211F, COMMUNITY PANEL NO. 280143 0211 F, EFFECTIVE DATE JUNE 9, 2014 & NO. 28121C0152F, COMMUNITY PANEL NO. 280143 0152 F, EFFECTIVE DATE JUNE 9, 2014.
- CONSTRUCTION PLANS AND PRELIMINARY PLAT SHALL COMPLY WITH ALL CURRENT CITY AND STATE ORDINANCES AS APPLICABLE.
- THIS PLAT IS PRELIMINARY AND NOT INTENDED TO BE A FINAL PLAT. LOT LINES ARE SUBJECT TO CHANGE PROVIDED MINIMUM REQUIREMENTS OR ORDINANCES ARE MET.

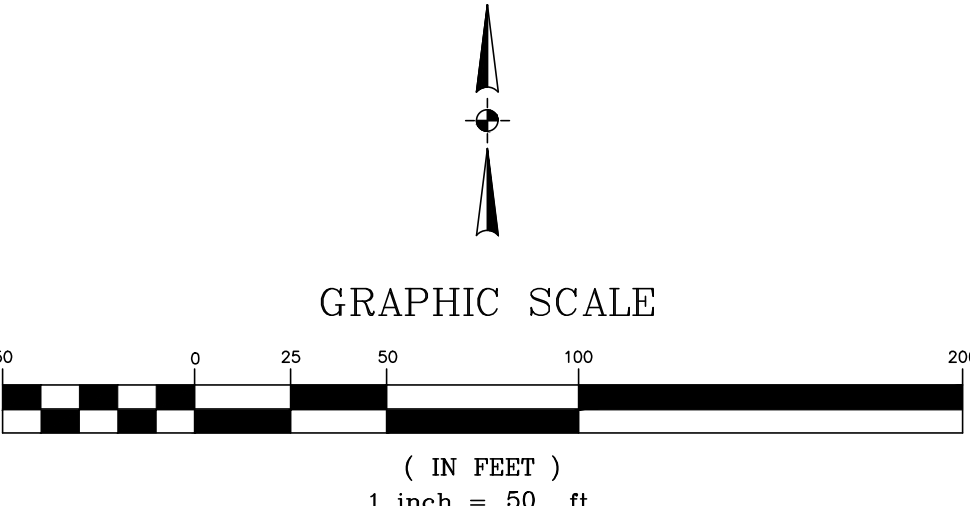


TYPICAL SECTION FOR PUBLIC STREET  
N.T.S.

NOTE: TYPICAL SECTION SHOWN IS FOR DIMENSIONAL PURPOSES ONLY. THE PAVEMENT SECTION WILL BE DETERMINED BY THE GEOTECHNICAL RECOMMENDATIONS FOR THIS SITE. PAVEMENT STRUCTURE WILL BE INCLUDED WITH CONSTRUCTION PLAN SUBMITTAL.



SECTION OF MOUNTABLE CURB AND GUTTER



GRAPHIC SCALE

( IN FEET )  
1 inch = 50 ft.

DATE:	12/5/23
CHECKED:	GAB
REF C/L:	
EC SURFACE:	
FG SURFACE:	

PROJECT LOCATION:  
OLD HIGHWAY 471  
CITY OF BRANDON, MISSISSIPPI  
CLIENT:  
SCOTT MAY  
1948 FLORENCE BYRAM RD., FLORENCE, MS 39073

PROJECT:  
BROOKFIELD  
SHEET CONTENTS:  
PRELIMINARY PLAT

SHEET NUMBER  
1 of 1  
PROJECT NUMBER  
B-10221