

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**AUGUST 10, 2021, MINUTES**

The Planning Commission met in a regular session on August 10, 2021, at 6:00 p.m. at City Hall Board Room, 475 W Commerce Street. The following Commissioners were present: Commissioner Ashworth, Commissioner Thorn, Commissioner Clark, Commissioner Jordan, Commissioner Carter, Commissioner Hawkins, Commissioner Skeen, and Commissioner Brumbelow. The following staff members were also present Kristen Duggan, BJ Page, and Steven Pittman

Commissioner Carter called the meeting to order at 6:02 p.m. and Commissioner Carter gave the invocation followed by roll being called.

Commissioner Carter asked if everyone had reviewed the July 13, 2021, minutes. Commissioner Jordan made a motion to approve the minutes as written and Commissioner Hawkins seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 1: PL-1540 – Request for approval of a Conditional use Permit to allow location of gasoline pumps as an accessory use to a convenience store, a 5.0-acre parcel located on the northwest corner of McIngvale Road and Dilworth Lane, in Section 7, Township 3 South, and Range 7 West, zoned in the “C-1,” Neighborhood Commercial District – Nick Kruenen with Civil Link Engineering, on behalf of C.K. Dilworth, the property owner.**

Mr. BJ Page presented the application to the commission.

Commissioner Jordan asked if this application would go before the Board of Alderman for final approval. Mr. Page stated that it would not unless the decision was appealed. Final decision for conditional uses and variances are decided by the Planning Commission.

Mr. Kruenen came forward to represent the application.

Commissioner Carter stated that his main concern is the traffic hazards and congestion that this will cause in an already highly congested area. This will increase traffic at Dilworth and McIngvale and traffic is already an issue at that location. Commissioner Thorn agreed that this will bring more traffic to an already congested area and create hazards.

Commissioner Carter added that there is a blind spot at the hill in front of this location that adds to the traffic hazards. He also stated that this will increase the fire hazards in the area due to the gasoline. This property is surrounded by two schools and a future church and a convenience store with gas pumps will greatly affect the character of the neighborhood. Mr. Kruenen stated that all blind spots and traffic issues at the entrances will be addressed in the review process.

Commissioner Jordan asked how many pumps there will be. Mr. Kruenen stated that there will be 10.

Mr. Kruenen stated that the entrances that would be created would be for any business and this property is already approved for a commercial business. Commissioner Carter stated that a convenience store in this will bring issues that will affect the kids of this city. There will be traffic hazards fire hazards and the general welfare of the people in the area including the kids attending the surrounding schools.

Commissioner Thorn and Jordan both agreed that the traffic would be a concern and the addition of gas pumps would add to the traffic concerns.

Commissioner Brumbelow also stated that traffic is an issue. He added that Dilworth Lane is not large enough to accommodate the additional traffic that this project would bring.

Commissioner Carter asked if there was anyone present to speak for or against the application.

Mr. Marcus Manning came forward to speak. He asked that the Planning Commission deny the application and focus on future growth for when McIngvale Road is more equipped to handle growth.

Commissioner Jordan made a motion to deny a Conditional Use Permit requested by Mr. Nick Kruenen with Civil-Link Engineering, on behalf of Ms. C.K. Dilworth, the property-owner, to allow location of gasoline pumps as an accessory use to a convenience store in the “C-1,” Neighborhood Commercial District, located at 1801 McIngvale Road, a 5.0-acre parcel located on the northwest corner of McIngvale Road and Dilworth Lane in Section 7, Township 3 South, Range 7 West, based upon the following findings:

1. *Explain how the proposed use WILL NOT substantially increase traffic hazards or congestion.*  Although the subject property is located on McIngvale Road, which is one of the City’s major arterial roads, Dilworth Lane is the primary access road to both the Hernando High School and the Hernando Middle School. Addition of gasoline pumps at this site will create an increase in traffic to an unacceptable level on this minor two-lane street.
2. *Explain how the proposed use WILL NOT substantially increase fire hazards*. The gasoline pumps in themselves are a fire hazard due to potential damage from vehicles or individuals.
3. *Explain how the proposed use WILL NOT adversely affect the character of the neighborhood.* The applicant did not present any argument concerning how the proposed addition of the gasoline pumps will not adversely affect the character of the neighborhood.
4. *Explain how the proposed use WILL NOT adversely affect the general welfare of the City.* The applicant did not present any argument concerning how the proposed addition of the gasoline pumps will not adversely affect the general welfare of the City.
5. *Explain how the proposed use WILL NOT overtax public utilities or community facilities*. By adding the gasoline pumps, the convenience store will attract additional business that it would not have otherwise attracted, increasing the impact on both water and sewer services.
6. *Explain how the proposed use of the property WILL conform to the recommendations of the City's General Development Plan*. The City’s currently adopted General Development Plan designates the subject property for “Neighborhood Retail Activity” land use. The purpose of the “Neighborhood Retail Activity” category is to provide for small to moderate scale commercial activities serving adjacent neighborhoods. The provision of gasoline services is intended to attract members of the traveling public, and not just local, neighborhood traffic, and as such, represents the generation of a level of business activity beyond small to moderate use.

Commissioner Ashworth seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 2: PL-1541 – Request for a Final Plat Approval for the Hernando Industrial Park Subdivision, Phase 1 First Revision, for the purpose of consolidating Lots 9 and 10 into a single Lot 9. The subject property consists of 20.40 acres located on the south side of Vaiden Drive, west of McCracken Road, and east of Mt. Pleasant Extended, in Section 19, Township 3 South, Range 7 West. The property is currently zoned “M-1,” Light Industrial District – Taylor Webb of Rockfield Engineering, Inc., on behalf of Justin Reed, J.R. Squared, L.L.C., owner of the property.**

Mr. Page presented the application to the commission. He explained that this is a request to consolidate two lots into 1 to allow for expansion of an existing building. The commission had no questions for Mr. Page.

Mr. Taylor Webb came forward to represent the application.

Commissioner Thorn asked why they want to consolidate the two lots. Mr. Webb stated it is required by the city to build across the lot lines. Mr. page added that there is an easement that belongs to the city, and it cannot be abandoned by the property owner. It must be done by the city.

Mr. Webb addressed condition 5 of the staff report regarding the requirement of streetlight. He stated that there are no existing streetlights and asked the owner not to be required to add these. Mr. page stated that this is a requirement of the city, but the applicant can ask the Board of Alderman to waive that requirement or any other.

Commissioner Carter asked if there was anyone present to speak for or against the application. There was no one.

Commissioner Thorn a Motion to grant Final Plat approval for the 1st Revision of the Hernando Industrial Park Subdivision, Consolidating Lots 9 and 10 into a single Lot 9, a 9.26 acre parcel, located on the southwest side of Vaiden Road, south of East Oak Grove Road and west of McCracken Road in Section 19, Township 3 South, Range 7 west, based upon a finding that the submitted final plat generally conforms to the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
2. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
3. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, ~~curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick,~~ before the plat of the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. ~~This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks.~~ Prior to recording the final plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
4. Prior to the beginning of utility and improvement construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
5. Streetlights shall be installed at the developer’s expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
6. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
7. Following Plat Approval, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.

Commissioner Skeen seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 3: PL-1543 – Request a Design Review Variance to allow elimination of a 40-foot section of the required public sidewalk on Lot 1 of the Nesbit Industrial Park Subdivision, Phase 7, located on the southwest corner of Nesbit Road and Nesbit Drive in Section 25, Township 2 South, Range 8 West, currently zoned in the “C-1” Neighborhood Commercial District – Greg Smith with Mendrop Wages Engineering Resources, on behalf of Don Loosier, the property owner.**

Mr. Page presented the application to the commission. he explained that just beyond where the existing sidewalk ends there is a ditch or ravine. The property line goes into the middle of the ditch. If required to build to the property line, then it would be to the property line.

Commissioner Ashworth asked if this could be approached as a different variance other than design review . Mr. Page stated that the only other area that this is addressed is in the subdivision regulations which be heard by the Board of Alderman.

Commissioner Ashworth stated that the Gin, next door, had no sidewalk. Commissioner Jordan asked why the Gin does not have a sidewalk. Ms. Duggan stated that it was an error made by the staff.

Commissioner Ashworth stated that future plans call for development of the downtown Nesbit area and there would be pedestrian traffic in the future.

Commissioner thorn stated that an alternative option would be to push the sidewalk to the edge of the street. Mr. Page suggested a bike/walking lane along the road.

Mr. Page instructed the commission that they should ask themselves if the variance request meets the three criteria

Mr. Greg Smith, Mendrop Wages, came forward to represent the application. He stated that the ditch is an Army Corp of Engineer ditch, but it is not maintained by the corp. He added that the road is a two-lane road, and he does not feel there is enough room for a walking lane to be added.

Commissioner Thorn asked if a bridge across the ditch would require approval from the corp. Mr. Smith stated that yes it would.

Commissioner Carter asked if there was anyone present to speak for or against the application. There was no one.

1. Commissioner Clark made a motion to **approve** a Design Review Variance for Timber Ridge, L.L.C., the owner of the property, to allow the public sidewalk along the south side of Nesbit Road to end 40.37 feet east of the west property line on Lot 1 of Phase 7 of the Nesbit Industrial Park Subdivision (Parcel Number 2089-2515.0-00001.00), a 0.92-acre property located on the southwest corner of Nesbit Road and Nesbit Drive in Section 25, Township 2 South, Range 8 West, more specifically known as 889 Nesbit Road, based upon the following findings:
2. *That the special conditions and circumstances that exist are peculiar to the land, structures, or buildings involved, and are not generally applicable to other lands, structures, or buildings in the same district.* The drainage ditch and adjacent major drainageway are clearly special conditions and circumstances that are peculiar to the land not generally applicable to other lands in the same district. South of the subject property the drainageway is located along each adjacent property’s rear lot line where it would not impact the construction of sidewalks, while north of Nesbit Road, there are two properties with street frontages impacted by the drainageway. On the northeast corner of Jefferson Davis Cove and Nesbit Road is a lot in the Old South Subdivision. This property is currently zoned “AR,” Agricultural/Residential District. In the “AR” district, the City’s Ordinances do not require the installation of sidewalks. The second property is located in Winningham Estates Subdivision on the northwest corner of Nesbit Road and Winningham Drive. This property’s Nesbit Road frontage only extends to the top of the bank of the drainageway, not to the centerline of the ditch as is the case on the subject property. As a result, it does not present the same problem relative to the installation of sidewalks as is the case on the subject property.
3. *That the literal enforcement of the provisions of these standards would deprive the applicant of rights commonly enjoyed by other properties within the same district and would not confer on the applicant any special privilege that is otherwise denied to other properties in the same district.* No other site in the immediate area is confronted with the same issues the drainageway creates as it impacts the installation of sidewalks on the subject property. Approval of the variance would not confer any special privilege on the applicant since no other adjacent property has been required to construct a sidewalk to this property line either on the north or south side of Nesbit Road.

1. *That the special conditions and circumstances do not result from the actions of the applicant and are not based upon economic considerations.* The drainageway is a natural part of the site which existed prior to the development of this and other properties in the area and, therefore, is not a result of the actions of the applicant.
2. *That the proposed modification upholds the intent and spirit of the Ordinance by providing an equal or better standard of protection and aesthetic value than the strict requirement of the Ordinance from which the variance is sought.* The modification proposed herein does not break with the spirit of the Ordinance in the fact that sidewalks are provided in all places where other sidewalks could be connected. By shortening the sidewalk on the north side of the lot there is no more hinderance to the neighboring property to the west than there would be if the sidewalk was taken all the way to the property line. The channel is centered on the property line, therefore, if the property to the west wishes to connect, they would also have the hinderance of the channel. However, there is no sidewalk on the west side of the channel to which it could be connected.

Commissioner Brumbelow seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 4: PL-1544 – Request** **for Final Plat Approval for the Nesbit Industrial Park Subdivision, Phase 11, 3 lots, 4.76 acres located south of Nesbit Road, at the southern terminus of Nesbit Drive, in Section 25, Township 2 South, Range 8 West. The property is currently zoned :M-1,” Light Industrial District – Greg Smith with Mendrop Wages Engineering Resources, on behalf of Don Loosier, the property owner.**

Mr. Page presented the application to the commission.

The commission had no questions for Mr. Page.

Mr. Greg Smith came forward to represent the application.

The commission had no questions for Mr. Smith.

Commissioner Carter asked if there was anyone present to speak for or against the application. There was no one.

Commissioner Jordan Motion to grant Final Plat Approval for Phase 10 of the Nesbit Industrial Park Subdivision, 3 lots, 4.74 acres, located at the southern terminus of Nesbit Drive, South of Nesbit Road, West of U.S. Highway 51, and east of Gwynn Road, in Section 25, Township 2 South, Range 8 West, based upon a finding that the submitted final plat generally conforms to the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Revise the plat as follows:
2. Revise the title of the plat to read Phase 10 rather than Phase 11.
3. Include in the title block of the plat the total acreage included in the plat.
4. Revise the plat to include a street name for the east/west street reflected on the plat. Coordinate with the DeSoto County 911 to ensure that the proposed name does not duplicate the name of an already existing street.
5. Revise the plat to reflect the Section corner tie-in.
6. Revise the Owner’s and Mortgagee’s Certificates to state “…and dedicate the right-of-way for the roads and utility easements as shown on the plat of the Subdivision to the City of Hernando, Mississippi, for the public use forever.” Eliminate the wording, “…and reserve for the public utilities the utility easements as shown on the plat.”
7. Revise the plat to reflect 10’ wide utility easements on the front and rear property lines and 5’ wide utility easements on side property lines on all of the lots and include a note on the face of the plat stating that there are 10’ wide utility easements on the front and rear property lines and 5’ wide utility easements on the side property lines of all of the lots.
8. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
9. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
10. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat of the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks. Prior to recording the final plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
11. The Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
12. Streetlights shall be installed at the developer’s expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
13. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
14. Following Plat Approval, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
15. Prior to recording the final plat, the Developer shall submit for approval a schedule of Lot Numbers and associated street addresses to the Office of Planning. Corner lots shall include potential addresses for both streets.
16. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Hawkins seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 5: Proposed Amendment to the Text of the City of Hernando Subdivision Regulations, and the City of Hernando Design Standards Ordinance concerning the provisions of cluster mailboxes.**

Mr. Page presented that application. He explained that this would need an amendment to the Subdivision Regulations, Design Standards, and the Zoning Ordinance to make sure that all avenues are met. There are several things that should be considered in this amendment including parking requirements which could include pull off lanes, drive-throughs, or a small parking lot. Also considered design and architecture requirements of structures.

Commissioner Thorn asked if the parking requirements could be based on the number of mailboxes per structure. For example, up to 50 mailboxes would have a drive-thru, 50-100 mailboxes would need a defined entrance, etc.

Commissioner Jordan asked if the mailboxes are required per phase of a development or the development as a whole. Mr. Page responded that it would be up to the developer. Commissioner Thorn questioned whether they could be required per phase.

Commissioner Carter stated that he would like to see the option of a wood material be removed. The other material options are more durable and easier to maintain.

Commissioner Clark asked if the cluster mailboxes would be part of the original approval and Mr. page stated that they would be reviewed during preliminary approval.

Commissioner Clark stated that the requirement of a roof structure could be a burden to the developer when they are required to build multiple structures per development. Mr. Page stated that it could be a simple structure, not elaborate.

Commissioner Carter asked if the current subdivisions under development would be required to add these structures. Mr. Page stated that it would only be for new sections and developments.

Commissioner Carter asked if there was anyone present to speak for or against this application. There was no one.

Commissioner thorn made a motion to table the application until the September 14, 2021, meeting to allow staff to make the stated changes. Commissioner Jordan seconded the motion. The motion passed unanimously.

Commissioner Carter called for a 5-minute recess.

The meeting resumed.

Commissioner Carter announced the following item:

**Item 6: Review of Updated Comprehensive Plan document**

Mr. Page presented the report to the commission.

Commissioner Carter requested a digital copy of the Comp Plan. He stated the maps are difficult to read in the small paper version.

Commissioner Jordan asked if there was a break down of the changes from the 2007 plan.

Commissioner Skeen then asked if the company that worked on the plan could come and speak to the commission. Mr. Page stated that he would need to look into the obligated meeting that are n the contract.

The commission made the decision to revisit this at the September meeting.

There being no further business to come before the Commission, A motion was made and seconded to adjourn the meeting. the motion passed unanimously. The meeting adjourned at 8:02 p.m.