

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**February 9, 2021 MINUTES**

The Planning Commission met in a regular session on February 9, 2021, at 6:00 p.m. at City Hall Board Room, 475 W Commerce Street. The following Commissioners were present: Commissioner Ashworth, Commissioner Jernigan, Commissioner Cotten, Commissioner Carter, Commissioner Jordan, Commissioner Hawkins, Commissioner Skeen, and Commissioner Wicker. The following staff members were also present Kristen Duggan and BJ Page

Commissioner Carter called the meeting to order at 6:01 p.m. and Commissioner Ashworth gave the invocation followed by roll being called. Commissioner Carter asked if everyone had reviewed the January minutes. Commissioner Wicker made a motion to approve the minutes as written. Commissioner Hawkins seconded the motion. The motion passed unanimously with Commissioner Jordan abstaining.

Chairman Carter announced the following item:

**Item 1: PL-1497 – Request for Final Plat approval, Duley Subdivision, 3.78 Acres, 4-Lots, Parcel No. 208726010 0002300, North of North Nesbit Road, on the West Side of Gwynn Road, in Section 26, Township 2 South, Range 8 West, zoned “R-40,” Single-Family Residential Low-Density District – Kevin Duley, property owner, Ben Smith, IPD LLC, engineer**

Mr. BJ Page presented the application to the commissioner.

Commissioner Cotten asked what the pros and cons were for waiving the road improvement requirement for this development. Mr. Page stated that there were no future plans for widening the road at this time and he added that the landscape in the area is established. Mr. Cotton asked if adding the road improvements would make the area look bad and Mr. Page stated that the other lots in the area are established lots with no road improvements and this is a large lot subdivision.

Mr. Ben Smith then came forward as the representative for the application and stated that they agreed with all changes stated by Mr. Page.

The commission had no questions for Mr. Smith.

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

Commissioner Skeen made a motion to recommend approval of the final plat for Duley Subdivision (Parcel No. 208726010 0002300), a 4-Lot development located o the west side of Gwynn Road, north of Nesbit Road, and north of Dean Road, to the Board of Aldermen, finding that the submitted plat generally conforms to the requirements of the City of Hernando Subdivision Regulations, subject to the following conditions:

1. 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 for the public use forever.” Eliminate the following wording “…and reserve for public utilities the utility easements as shown on the plat.”
2. Revise Note #2 to replace the word “required” with the word “recorded” in two locations. Revise the plat to reflect the required utility easements on each lot.
3. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
4. Grading, drainage, and engineering construction plans shall be submitted to the Office of Planning for review and approval by the City Engineer and Public Works Director.
5. Finished floor elevations shall be listed for each lot.
6. 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.
7. 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.
8. No relocated building will be allowed.
9. Following Final Plat Approval by the Board of Alderman, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
10. Following Final Plat Approval by the Board of Alderman and prior to the beginning of construction, the Developer shall enter into a Developers Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, section B. Procedures for Posting or Release of Bonds of the City of Hernando’s Subdivision Regulations.
11. 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.

Commissioner Cotton seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 2: PL-1498 – Request for Conditional Use Permit Approval for a Liquor Store located on the West Side of McIngvale Road, South of East Commerce Street, otherwise known as 2631 McIngvale Road zoned “C-2” Highway Commercial District – Full Flask, LLC, property owner, Susan Stout, architect.**

Mr. BJ Page presented the application to the commission.

Commissioner Jernigan stated that she feels that the conditional use should be for a ten (10) year period since this is an existing business that has been established for over 10 years. Commissioner Carter stated that it has been a practice of the commission to set a shorter time period for the first conditional use and then extend the time period after the first time period is up.

The commission had n questions for the applicant.

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

Commissioner Jernigan made a motion to approve the Conditional Use Permit for a Liquor Store to be located on Lot 4B of Section B, 1st Revision if I-55 East Subdivision for a period of ten (10) years expiring on February 9, 2031, at which time the applicant shall return to the Planning Commission for an evaluation and a time extension request, based on the following findings:

1. *The proposed use will not substantially increase traffic hazards or congestion*. The proposed liquor store will not generate any more traffic than similar retail uses like a grocery, food store, or convenience store which are currently permitted uses in C-2 district. The site is located in an existing commercially zoned area of the city and is located on McIngvale Road, which is designated a major road under the City’s Major Road Plan. The site does not propose to have direct access on to McIngvale Road thereby not creating an additional conflict on that road that might slow traffic or create additional traffic hazards due to turning movements. Access to the site will be internal to the overall commercial development utilizing existing access points to McIngvale Road that already serve the entire development.
2. *The proposed use will not substantially increase fire hazards.* The building plans will be required to meet all city adopted building and fire codes, and all construction will have to pass inspection by both the City’s Building and Fire Inspectors before occupancy of the building will be permitted. The proposed building will not be located in close proximity to any nearby buildings, preventing the spread of any possible fore event, and has complete accessibility to all sides of the building for fire-fighting equipment. No increase on fire hazards is anticipated beyond those that might occur with any other retail.
3. *The proposed use will not adversely affect the character of the neighborhood.* The surrounding area is an existing commercially developed area of the city. Additionally, since this application involves new construction, the submitted plans will have to meet all requirements of the City’s Design Standards Ordinance in terms of architecture and landscaping.
4. *The proposed use will not adversely affect the general welfare of the City.* This will be a retail establishment with no drinks served on site. Additionally, as new construction, the project will convert a previously vacant property into a beneficial use providing jobs and increasing both the City’s property and sales tax base.
5. *He proposed use will not overtax public utilities or community facilities.* Only typical utilities will be required, and as a retail use will not create a demand for any more use of those utilities than any other similar retail use and certainly less than a residence. Additionally, as a commercial use, approval of the conditional use will not generate the need for additional community facilities such as parks or schools.
6. *The proposed use of the property will confirm to the recommendations of the City’s General Development Plan.* The Future Land Map of the General Development Plan designates the property for commercial land use and assuch contemplates its future commercial development. Additionally, the proposed use is supportive of Commercial Land Use Goal 1, Objective 2:
Encourage the development of locally owned retail establishments, especially in the town square area.”

Commissioner Ashworth seconded the motion. The motion was approved unanimously.

Chairman Carter announced the following item:

**Item 3: PL-1499 – Request for Final Plat approval, Magnolia Commons, Phase 4, 36 Lots, 14.57 acres, located on the East side of Magnolia Drive, North of Magnolia Gardens Drive, at the Northern terminus of Magnolia Bloom Drive, in Section 19, Township 3 South, Range 7 West, zoned “R-12,” Overlay District – C&C Construction (Johnny Coleman), property=owner, Ben Smith, IPD LLC, engineer**

Mr. Page presented the application to the commission. He stated that the gazebo and walking trail would need to be completed with this phase of the subdivision.

Commissioner Cotton asked what would happen if all improvements were not completed. Mr. Page referred Commissioner Cotton to item 11 in the staff report regarding the requirement of all improvement to be completed prior to recording of the final plat.

Commissioner Jernigan asked how many lots require side load garages versus front load garages. Her concern is the eye sore created by open garages. Mr. Johnny Coleman came forward and stated that there were three plans that will have side load garages. He then added that many lots are not large enough for side load garages, but they have hired a property management company that will handle any violation of coven=ants or eye sores that may occur.

Mr. Ben Smith, 2700 Stonebrook, came forward to represent the application. He stated that the final layer of asphalt and sidewalks would be bonded, and the requested corrections would be made to the plat.

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

Commissioner Jernigan made a motion to recommend approval of the final plat for Magnolia Commons Subdivision, Phase 4, a 36-Lot Single Family Residential Subdivision located on the East side of Magnolia Drive, North of Magnolia Gardens Drive, at the Northern terminus of Magnolia Bloom Drive based upon finding that the submitted plat generally conforms to the preliminary plat for the development and the requirements of the City’s codes and ordinances, subject to the following conditions:

1. 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 for the public use forever.” Eliminate the following wording “…and reserve for public utilities the utility easements as shown on the plat.”
2. Revise the plat to complete Note #5 concerning Restrictive Covenants.
3. Revise the plat to include the minimum lot size of Lots 185 and 186. (The lots must meet or exceed the required minimum of 9,000 sq. ft.)
4. Revise the plat to reflect the section corner tie-in.
5. A Homeowners Association is to be established prior to the recording of the final plat. Any buffer area, retention basins, landscape areas, open areas, street medians, entrance signs, and any other common elements, proposed to be dedicated to the Homeowners Association in that phase shall be deeded over to the Homeowners Association with the recorded of the final plat of the respective phase. A copy of the finalized incorporation papers and all deeds transferring common elements to the Homeowners Association shall be submitted to the staff for inclusion in the file.
6. The Homeowners Association covenants shall be submitted to and approved by Planning Staff prior to the recording of the plat. The submitted covenants shall match the covenants that were recoded with Phase 1 of Magnolia Commons. If amendments are requested by the developer, they shall be approved by planning staff. If the p[reposed changes are less than what is currently required by the previous phases of Magnolia Commons, those changes shall be approved by the Planning Commission.
7. As Phase 4 completes the subdivision, all common elements required in all previous phases of the development must be completed and dedicated to the Homeowners Association prior to the issuance of any building permits in Phase 4.
8. The Pattern Book required by Article IV, section B. h. of the City of Hernando Subdivision Regulations Ordinance will ne the same that was approved for Phase 3. Copies are attached to the staff report.
9. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
10. All landscaping in all common open space areas, natural areas, buffer area, streetscape areas, medians, islands, and the entrance signage areas and such other associated improvements shall be installed/constructed prior to the issuance of any building permit within that respective phase of the development. Street trees may be bonded insuring their installation prior to the final inspection and occupancy of the residence upon each lot.
11. The developer shall install drainage pipe, erosion control ,material, sewer mains and service water mains, fore hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil coment base for the streets and one (1) layer of blacktop, 1 ½ “ thick, before the plat of the subdivision if recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1 ½” 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.
12. Sidewalks shall be installed on both sides of all streets.
13. Finished floor elevations shall be listed for each lot.
14. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
15. Streetlights shall be installed at the developer’s expense. Streetlights plans shall be submitted to the Office of Planning for City Engineer and planning Director approval.
16. 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.
17. No relocated buildings will be allowed.
18. Following Plat Approval, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
19. 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.
20. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Wicker seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

 **Old Business:**

 **PL-1493– Request Final Plat Approval for 1st Revision Gateway Subdivision a 2-Lot Subdivision located on the southeast corner of McIngvale Road and Thousand Oaks – Ben Smith IPD, LLC**

Mr. Page announced that the applicant has requested to withdraw the application.

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 6:41