

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**JULY 13, 2021 MINUTES**

The Planning Commission met in a regular session on July 13, 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 Hawkins, Commissioner Skeen, and Commissioner Brumbelow. The following staff members were also present Kristen Duggan, BJ Page, and Steven Pittman

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

Commissioner Hawkins asked if everyone had reviewed the June 8, 2021, minutes. Commissioner Ashworth made a motion to approve the minutes as written and Commissioner Jordan seconded the motion. The motion passed unanimously.

**Election of Officers:**

**Chairman:**

Commissioner Jordan nominated Commissioner Robert Carter. Commissioner Clark seconded the nomination. Commissioner Carter was elected Chairman with a unanimous vote.

**Vice Chairman:**

Commissioner Thorn nominated Commissioner Keith Hawkins. Commissioner Brumbelow seconded the nomination. Commissioner Hawkins was elected Vice Chairman with a unanimous vote.

Chairman Hawkins announced the following item:

**Item 1: PL-1528 – Request for a Zoning Setback Variance to allow construction of a 16’ x 38’ screened in porch to be located 35.0” from the west side property line, instead of the required 40’ rear yard setback, a variance of 5.0’, on Lot 1 of Milam Country Subdivision, a 1.10-acre parcel located on the northeast corner of McIngvale Road and Milam Lane, in Section 8, Township 3 South, and Range 7 West, more specifically known as 1350 Milam Lane, zoned in the “A,” Agricultural District – Ronald Leonard, property owner.**

Mr. BJ Page presented the application to the commission.

Mr. Jared Darby was present to represent the property owner.

Commissioner Clark asked if any neighbors have voiced any concerns. Mr. Ronald Leonard, property owner, stated that he has spoken to the neighbors, and they all are ok with the variance. Commissioner thorn then stated that the neighbor to the east would be the only one affected by this since it would be 5 feet closer to their driveway. Mr. Leonard said that he has spoken with that neighbor, and they have no issue with it. Commissioner Jordan then asked if the porch will be completely within the fenced area. Mr. Leonard stated that it would.

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

Commissioner Brumbelow made a motion to approve a Zoning Setback Variance requested by Ronald Leonard, the owner of the property, to construct a 16’ x 38’ screened in porch 35.0’ from the east property line, rather than the Ordinance requirement of 40’, a variance of 5.0’, as represented on the submitted site plan. The subject property is Lot 1 of Milam Country Subdivision, a 1.10-acre parcel located on the northeast corner of McIngvale Road and Milam Lane, in Section 8, Township 3 South, and Range 7 West, more specifically known as 1350 Milam Lane, based upon the following findings:

1. *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 applicant’s property is is more rectangular in nature while the other corner lots in the subdivision are more of a square. Because of the narrowness of the applicant’s property, the residence pretty much had to be constructed parallel to the long axis of the lot, making the residence face McIngvale Road, placing the rear yard to the east side of the lot, which is the narrow portion of the lot, rather than north where the lot is deeper. Additionally, because of the internal floor plan of the residence, the screened in porch cannot be constructed to the north. Functionally, it must be constructed to the east where the available space is more limited. Due to the size and shape of the property, the location of the home on the lot, and the internal floor plan of the home as it functionally limits the location of the screened in porch, all of these factors constitute special conditions or circumstances.
2. *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 under the terms of this Ordinance.* Because of the various limiting factors to the location of the screened in porch discussed under Criteria #1, the strict enforcement of the requirements of the Ordinance does deny the applicant the opportunity to construct a screened in porch which many of his neighbors already enjoy.
3. *That the special conditions and circumstances do not result from the actions of the applicant and are not based upon economic considerations.* The subdivision was recorded in 1987 and the residence on the property was constructed in 1988, but Mr. Leonard did not purchase the property until 1995, so the size and shape of the lot and the orientation of the residence on the property were already fixed long before the applicant acquired the property in 1995.
4. *That granting the variance requested would not confer on the applicant any special privilege that is otherwise denied by this Ordinance to other lands, structures, or buildings in the same district.* Many of the applicant’s nearby neighbors would be able to construct screened in porches of a similar size because they do not have to contend with the combination of a narrow lot and the orientation of the residence on the property. Therefore, approval of the variance would not confer on the applicant any special privilege otherwise denied by this Ordinance to other lands, structures, or buildings in the same district.

Commissioner Jordan seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following item:

**Item 2: PL-1529 – Request for a Zoning Height Variance to allow a 4-story hotel with a maximum height of 52 feet, 17 feet taller than the maximum 35-foot height allowable under the Ordinance, to be located on Lot 3 of the McIngvale – Commerce Commercial Plaza, on the south side of Creekside Boulevard, east of McIngvale Road, in Section 17, Township 3 South, Range 7 West, Parcel Number 307417240 0000300, zoned “C-2,” Highway Commercial District – Suresh Pandya, on behalf o fPooja Hospitality, property-owner.**

Commissioner Skeen recused himself from the application and left the room.

Mr. Page presented the application to the commission. He explained that all windows will face the commercial zoning district. The only windows facing the residential area will be the windows at the end of the hallway. He also added that the actual height of the building is 45.5 feet tall. The additional 7 feet is a lit beacon that is proposed at the top of the building.

Commissioner Thorn asked if the beacon would be a constantly lit sign. Mr. Page explained that it would not be a sign, but it is a light that is part of the company’s brand.

Commissioner Jordan asked if the building would meet our regulations if it was a 3-story building. Mr. Page stated that it would not. Our ordinance only allows for a maximum of 35 feet in height or 2-story so it would violate the 2-story maximum.

Commissioner Thorn commented that it sounds as though the board is faced with either allowing the variance or not having the business because this seems to be [art of their brand and they do not seem to be willing to waiver.

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

Commissioner Clark made a motion to approve a Zoning Height Variance requested by Mr. Suresh Pandya, on behalf of Pooja Hospitality, Inc., the owner of the property, to allow construction ofa 4-story hotel building with a maximum height of 52 feet, 17 feet taller than the maximum 35-foot height allowable by the Zoning Ordinance in the “C-2,” Highway Commercial District, as reflected upon the building elevations submitted in the application, on property identified as Parcel Number 3074-1724.0-00003.00, more specifically known as Lot 3 of the McIngvale-Commerce Commercial Plaza, a 2.98-acre parcel located in Section 17, Township 3 South, Range 7 West, on the south side of Creekside Boulevard, east of McIngvale Road, based upon the following findings:

1. *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.* There is only one other “modern” hotel in Hernando, and that is the Hampton Inn. The three main hotel corporations, Hilton, Marriott, and IHG (Holiday Inn), brand standards start with a similar four-story prototype for the limited-service hotel market. The four-story hotel has become the minimum for all the quality limited-service hotels. The need for the height variance is mandated by Hilton’s Home2 brand requirements, and that they will not issue a license to hotels that do not meet those standards
2. *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 under the terms of this Ordinance.* In the same commercial corridor of Commerce Street and McIngvale Road, and within the same “C-2,” Highway Commercial District, is a 4-story Hampton Inn. Denial of the variance request would deprive the applicant of rights commonly enjoyed by other properties in the same district.
3. *That the special conditions and circumstances do not result from the actions of the applicant and are not based upon economic considerations.* The need for the height variance is mandated by Hilton’s Home2 brand requirements. Hilton will not issue a license to hotels that do not meet those standards, and that those requirements are beyond the applicant’s control.
4. *That granting the variance requested would not confer on the applicant any special privilege that is otherwise denied by this Ordinance to other lands, structures or buildings in the same district.* Since a 4-story Hampton Inn was approved in the same commercial corridor of Commerce Street and McIngvale Road, and within the same “C-2,” Highway Commercial District, approval of the variance would not confer on the applicant a special privilege than would otherwise be allowed on any neighboring properties in the same district of the same size as the subject property.

Commissioner Brumbelow seconded the motion. The motion passed with the following vote: Commissioner Clark “Yay,” Commissioner Thorn “Yay,” Commissioner Jordan “Nay,” Commissioner Brumbelow “Yay,” and Commissioner Ashworth “Yay.”

Commissioner Skeen returned to the board room.

Chairman Hawkins announced the following item:

**Item 3: PL-1531 – Request a Final Plat Approval for the Kroger Center, Second Revision located on the northeast corner of Mt. pleasant Road and East Commerce Street, more specifically known as 2380 Mt. Pleasant Road in Section 18, Township 3 South, Range 7 West, creating a new Lot 4. The property is currently zoned in the “C-2” Highway Commercial District Andrew Richardson with R&H Engineering, on behalf of David Kelly, Multisite Properties, L.L.C., property owner.**

Mr. Page presented the application to the commission.

Mr. David Kelly was present to represent the application.

The commissioners had no questions for the applicant.

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

Commissioner Skeen made a motion to grant Final Plat approval for the Kroger Center, Second Revision, a 23.41 acre, 4-lot commercial subdivision located on the northeast corner of Mt. Pleasant Road and East Commerce Street in Section 18, Township 3 South, Range 7 West, based upon a finding that the submitted final plat generally conforms to the approved preliminary plat for the development, and generally conforms to the requirements of the City’s codes and ordinances. Commissioner Jordan seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following item:

**Item 4: PL-1532 – Request** **for Preliminary and final Plat Approval, Wampler 2-Lot Subdivision, 2 residential lots on 1.49 acres located on the northeast corner of Gwynn Road and Nesbit Road in Sections 25 & 26, Township 2 South, Range 8 West, zoned “R-20,” Single Family Residential District – Ben Smith with IPD Civil Engineering, on behalf of Ms. Sandra Wampler, the property owner.**

Mr. Page presented that application. He explained that the only issue he found was the requirement of public improvements. Zoning Districts A, Agricultural, and AR, Agricultural-Residential, are the only ones allowed to have open ditches and no curb and gutter. This is now an R-20, Single Family Residential District and the ordinance requires half of the roadway to be widened and improved as well as the installation of curb, gutter, and sidewalk. He went on to explain that there is a recently approved residential subdivision on Gwynn Road that was approved by the Board of Alderman with the requirement of the previously mentioned improvements. However, on Nesbit Road things are a bit different. Winningham Subdivision is just down the road and has the required improvements. On the south side of the road there are also newer commercial lots that have the improvement.

The commission must decide whether to approve with no improvements at all, improvements on Nesbit Road and not Gwynn Road, improvements on Gwynn Road and not Nesbit Road, improvements on both roads, or deny the application.

The applicant was not present to represent the application.

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

Commissioner Jordan asked if the applicant made a specific request to waive the requirements and Mr. Page stated that the request was made to staff.

Commissioner Thorn asked why rezone the property if they only wanted o split the lot. Mr. page explained that the property was originally zoned AR which requires a minimum lot size of 1 ½ acre lot. The new zoning of R-20 allows for a minimum of 20,000 square foot lots.

Commissioner Thorn asked if adding curb and gutter would disrupt the character of the area. Mr. Page stated that there is currently no curb and gutter on Gwynn Road and with the old town lots that exist in the area he does not anticipate it being added. Mr. Page then stated to the commission that the can table the application if the feel they need the applicant present to answer questions.

Commissioner Ashworth asked if approving this without improvements could cause setback issues in the future. Mr. Page stated that the right of way would be dedicated on the plat regardless.

Commissioner Skeen made a motion to recommend preliminary and final plat approval to the Board of Aldermen of for the Wampler 2-Lot Subdivision, a division of Parcel No. 208726010-00030.00, which is a 1.49-acre tract located on the northeast corner of Gwynn Road and Nesbit Road, into two lots currently zoned in the “R-20,” Residential Single-Family District (Low Density), based upon a finding that the submitted plat conforms to the requirements of the City’s ordinances, and subject to the following conditions except the requirement of road and sidewalk improvements:

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 shall be submitted to the Office of Planning for review and approval 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, including ½ the right-of-way of Nesbit Road and Gwynn Road, to the extent that those roads border the subdivision, 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, any Public Improvements shall be installed, completed, and accepted by the City of Hernando.
4. 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.
5. 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.
6. No relocated buildings will be allowed.
7. Following Final Plat Approval by the Board of Aldermen, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
8. Following Final Plat Approval by the Board of Aldermen and prior to the beginning of construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements.
9. 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 Thorn seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following item:

**Item 5: PL-1533 and PL-1534 – Request to Approve Recording of Final Plats, BCMP Subdivision, Sections “A” and “B,” one-lot on each plat, 1.14 acres in each lot, located on the East side of U.S. Highway 51, South of oak Tree Drive and North of Gale Street, in Section 13, Township 3 South, Range 8 West, zoned “C-2,” Highway Commercial District – Daniel Murphy, on behalf of BCMP Properties, the property owner.**

Mr. Page presented that application. He explained that the original approval for these two final subdivisions was granted in 2009, but they were never platted. The ordinance requires that a plat be recorded within one year. If it is not, the application must come before the Planning Commission for approval before recording.

The commission had no questions for Mr. Page.

Mr. Daniel Murphy was present to speak on behalf of the application. The commission had no questions for Mr. Murphy.

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

Commissioner Jordan made a motion to grant approval to record the Final Plats for Sections “A” and “B” of BCMP Subdivision, previously approved by the Planning Commission on August 11, 2009, and subsequently by the Mayor and Board of Aldermen on August 18, 2009, two 1-lot subdivisions of 1.14 acres in size each, located in Section 13, Township 3 South, Range 8 West, on the East side of U.S. Highway 51, South of Oak Tree Drive and North of Gale Street, based upon a finding that the submitted final plats still conform to the originally approved final plats for the development, and meet the requirements of the City’s codes and ordinances. Commissioner Skeen seconded the motion. The motion passed unanimously.

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 7:15 p.m.