

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**JUNE 8, 2021 MINUTES**

The Planning Commission met in a regular session on June 8, 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 6:05 p.m. and Commissioner Carter gave the invocation followed by roll being called.

Commissioner Carter asked if everyone had reviewed the May 11, 2021, minutes. Commissioner Wicker made a motion to approve the minutes as written and Commissioner Jernigan seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Old Business: PL-1513 – Request to Rezone a 13.55-acre tract of land located on the north side of Green T Road and east of McIngvale Road and west of Tchulahoma Road, more specifically known as Parcel Number 207932000-0000700 in Section 32, Township 2 South, Range 7 West, Doug Thornton of AERC representing Joyce Estes, L.L.C. and Greg Drumwright, the property owners**

Mr. BJ Page presented the application to the commission.

Commissioner Cotten asked how the future sports complex next to this lot is zoned. Mr. page stated that it is a C-2 zoning, and this property is an extension of that parcel of property.

Mr. Greg Drumwright,651 Craft Road, came forward to represent the application. The commission had no questions for the applicant.

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

Mr. Mark Knight, 1658 Green T Rd, came forward. He stated that he has lived on the property next door for over 25 years and is now having drainage and run off issues. There is a large pile of dirt that has been dumped on his property and there are no silt fences up. There was a pond that has been filled in and they have built up the property 25 feet and created a slope that falls towards his property. He then presented photos of his property and the drainage and erosion issues that have occurred.

He said that he feels there is no one fighting for the property owners and would like some help from the city, He added that there is currently a property line dispute and would like to have this application denied or postponed until all issues are resolved.

Commissioner Wicker asked if it was a mutual agreement that the pond was filled. Mr. knight said that it was, but the land was built up so high that it is causing all run off and water to dump onto his property.

Mr. James Ellis then came forward. He lives on the east side of Mr. Knight and has also lived there for over 25 years, he stated that he has no problem with the property going commercial but feels as though he is being pushed out. He has a concern with other commercial businesses being built in the area. He feels that this will bring loud noises, brightly lit parking lots, late activity and excess traffic.

Mr. Stephen Knight, 1658 Green T Rd, also came forward. He has grown up on this property and has never seem these types of issues. He feels that there are too many problems that need to be addressed to move forward. He added that there were two other property owners in the area that feel the same way but were unable to attend the meeting tonight.

Commissioner Jernigan made a motion to recommend denial to the Board of Aldermen of the rezoning of Parcel No. 207932000-00007.00, the Raymond Wilson property, which is a 13.55-acre tract located on the north side of Green “T” Road, east of McIngvale Road and west of Tchulahoma Road, in Section 32, Township 2 South, Range 7 West, from the “A,” Agricultural District to the “C-2,” Highway Commercial District, based upon the following findings:

1. How the proposed amendment would conform to the General Development Plan.

The applicant’s request to rezone the subject property to the “C-2,” Highway Commercial District does not conform to the recommendations of the City’s adopted General Development Plan, which recommends the Planned Unit Development District as the preferred zoning district for properties identified as the **“Master Planned Residential – Low Density”** land use designation, which would also require submission of a master plan for the entire development as part of the rezoning approval process.

2. Why the existing zoning district classification of the property in question is inappropriate or improper.

The current “A,” Agricultural District zoning is not appropriate as it does not conform with the **“Master Planned Residential – Low Density”** land use designation recommended in the Future Land Use Plan. However, although the General Development Plan does recognize I-269 and its impacts, it does not recommend commercial zoning for the properties in this area.

3. That major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the General Development Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map appropriate.

The key to this criterion is whether changes have occurred that **were not anticipated** by the General Development Plan**.** The adopted General Development Plan included the proposed interchange between McIngvale Road and Interstate 269 and evaluated its impacts in identifying the land use designations of the properties in this area. In this instance, the subject property, and all of the property to the north and east of the subject property, falls within the **“Master Planned Residential – Low Density”** land use designation, while to the south of Green “T” Road is the Madison Lakes PUD. Therefore, these changes **were anticipated** by the General Development Plan. Finally, it should also be noted that the, as yet unadopted, 2020 Comprehensive Plan designates these same properties for “Suburban Neighborhood – Medium Density” land use, not as commercial.

Commissioner Ashworth seconded the motion. The motion passed unanimously with Commissioner Wicker abstaining from the vote.

Chairman Carter announced the following item:

**Item 1: PL-1523 – Request for a Design Review Variance to allow the elimination of the parapet roof wall on apportion of the rear elevation of a new 27,400 sq. ft. office/maintenance building to be constructed by Entergy on a 15.0-acre tract located on the East side of U.S. Highway 51, south of Christopher drive and north of License Drive in Section 24, Township 2 South, Range 8West, zoned “C-2,” highway Commercial district – Clark Wells CDFL, engineer, Entergy, property-owner.**

Mr. Page presented the application to the commission. he explained that the portion of the building that is in question will only be visible from traffic going east and west along License Drive.

Mr. Gene Crager came forward to represent the application. He stated that this was an oversight that the parapet wall was not addressed in the previous variance application.

Commissioner Jordan asked what the purpose of the variance was other than cost saving. Mr. Crager said none. They felt that it was appropriate to not have a parapet wall in the rear. Commissioner Jordan then asked if the parapet walls were excluded in the building built in the other areas. Mr. Crager stated that they were.

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

Commissioner Skeen made a motion to **approve** a Design Review Variance to allow the elimination of a roof parapet wall in certain portions of the rear elevation of the proposed building for Entergy Mississippi, Inc., as reflected on the plans submitted in their application for construction of an office/maintenance building to be located on Parcel Number 2086240000001500, a 15.0-acre tract on the east side of U.S. Highway 51, between License Drive and Christopher Drive, 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.* Entergy has worked diligently over past few years developing a regionally responsive prototype to address design standards for distribution service center buildings and their ancillary components throughout their service area. The mission with respect to service center design is to create buildings that are safe, energy efficient, have enduring life cycle value, and maximize operational efficiency. The east side of the building includes a canopy structure which extends from the building to provide cover over the dock/loading area. This portion of roof line faces the private/fenced open storage yard area. Due to the building design and recessed nature of the dock/canopy area, visibility towards the east side of the building is limited from public view. Materials and colors are consistent throughout the building design, with continuity of the parapet being the only variable.
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 and would not confer on the applicant any special privilege that is otherwise denied to other properties in the same district.* Existing surrounding properties utilize both materials and designs less visually pleasing. The proposed elimination of the parapet on the materials laydown yard side of this facility does not detract visually from the adjacent properties or detract value to the area.
3. *That the special conditions and circumstances do not result from the actions of the applicant and are not based upon economic considerations.* This design incorporates and utilizes Entergy’s design standards for distribution service center buildings to maintain a consistent exterior design and color schemes and unifying signage that represent Entergy regionally without a multitude of variations dependent upon site specific locations.
4. *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.* When one evaluates the existing developments on the adjacent properties, the proposed design exhibits an exceptional design aesthetic, incorporates high quality, architectural materials and adds value to the area. The ordinance requires continuity of materials and colors, which the project meets.

Commissioner Hawkins seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 2: PL-1524 – Request a Design Review Variance concerning the width and location of the public sidewalk on South Street and the location of the public sidewalk on Ice Plant Lane, adjoining the ice Plant Townhomes project located on the northeast corner of South Street and ice Plant Lane in Section 18, Township 3 South, Range 7 West, zoned “PUD,” Planned unit Development – Jim Kimberlin, on behalf in Kimberlin, Inc., the property owner.**

Mr. Page presented the application. He explained that the sidewalk on East South Street is 3 feet in width and is located directly behind the curb. The sidewalk construction was approved by the city engineer however the city engineer does not have the authority to waive the ordinance requirements.

Commissioner Carter asked if that should have been caught at the time of inspection. Ms. Duggan stated that it is when it was caught.

Commissioner Jordan then asked if the retaining wall would be the responsibility f the individual homeowners. Mr. Page said that the wall is in the city right of way and would need to be accepted as city improvements. That will need to be done by the mayor and Board of Alderman. Commissioner Jordan then stated that if it is in the city right of way would any damage be the responsibility and liability of the city. Mr. Page stated that is an issue that would need to be addressed by the Board of Alderman.

Mr. Joseph “Rick” Sparkman came forward to represent the application. He stated that Mr. Kimberlin had many conversations with Mr. Briley during the design process regarding the sidewalk. This property is unique in that it is 12 feet above road elevation which limits the options for the sidewalk and retaining wall. He added that the 3-foot sidewalk is an improvement since there are no other sidewalks to the east of this site.

Commissioner Jordan stated that he has concerns regarding the retaining wall. Mr. Sparkman stated that there are other improvements located in the right of way in this area.

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** a Design Review Variance to allow the construction of a sidewalk along the north side of South Street three (3) feet wide, rather than the Ordinance requirement of five (5) feet in width, a variance of two (2) feet, and the location of the sidewalk on the north side of South Street and the east side of Ice Plant Lane immediately behind the back of the curb on both of those streets rather than the Ordinance requirement of five (5) feet from the back of the curb, allowing a zero (0) setback, to the extent those sidewalks border the Ice Plant Townhomes project on both of those streets, for Kimberlin, Inc., the owner of the property, as reflected on the plans submitted in their application, located on Parcel Number 307418003-00031.00, a 1.0-acre parcel located on the northeast corner of South Street and Ice Plant Lane in Section 18, Township 3 South, Range 8 West, 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 slope along these streets, which is 12 feet on a 2 to 1 slope, is unique to this property. The subject property was the site of an old City swimming pool that was filled-in and the site built-up from surrounding properties many years ago.
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 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 slope issues present on the subject property.
3. *That the special conditions and circumstances do not result from the actions of the applicant and are not based upon economic considerations.* The location and width of the sidewalk is a function of the severity of the slope of the property, which was built-up by the filling in of an old City swimming pool and in existence long before the purchase of the property by the applicant and beyond the applicant’s control.
4. *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 proposed retaining wall is already four (4) feet in height. Denial of the variance would require construction of a retaining wall eight (8) to ten (10) feet tall in order to achieve the sidewalk width and locational requirements of the Minimum Design Standards Ordinance, creating a much more massive structure and creating a much more negative “blank wall effect.” Approval of the variance maintains an adequate sidewalk travelling surface, while reducing the negative impacts of the necessary retaining wall.

Commissioner Wicker seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 3: PL-1527 – Request** **to Approve Recording the Final Plat, Lee’s Summit Subdivision, Second Addition, 32 single-family residential lots on 16.84 acres located on the south side of E. Commerce Street at Della Street on Section 17, Township 3 South, Range 7 West, zoned “PUD,” planned Unit Development District – Robbie Jones of jones Davis Engineering, on behalf of Mark Anglin, the property owner.**

Mr. Page presented that application. He explained that this application was approved in 2018 but never recorded. The ordinance stated that a plat must be recorded within 2 years or must come back to the Planning omission for approval.

The commission had no questions for Mr. Page.

Mr. Mark Anglin came forward as the owner and developer of the property. The commission had no 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 grant approval to record the Final Plat for Lee’s Summit Subdivision, Second Addition, previously approved by the Planning Commission on September 11, 2018, and subsequently by the Mayor and Board of Aldermen on September 18, 2018, a 32-lot single family residential subdivision located on the south side of E. Commerce Street, at Della Street in Section 17, Township 3 South, Range 7 West, based upon a finding that the submitted final plat still conforms to the approved preliminary plan for the planned unit development, and meets the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Revise the final plat to address the following:
2. Revise the Owner’s and Mortgagee’s Certificates to eliminate the following wording, “…and reserve for the public utilities the utility easements as shown on the plat,” and replace it with: “…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.”
3. Re-label “Commerce Street” to read “E. Commerce Street.”
4. Revise the plat to reflect the Section corner tie-in.
5. Revise the plat to identify the right-of-way widths of all of the streets.
6. All landscaping in all common open space areas, natural areas, buffer areas, 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.
7. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
8. 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.
9. Sidewalks shall be installed on both sides of all streets.
10. Finished floor elevations shall be listed for each lot.
11. 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.
12. 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.
13. No relocated buildings will be allowed.
14. Surrounding properties that are within 100 ft. shall be outlined with ownership records given.
15. Federal Emergency Management Agency (FEMA) designated floodplain and flood elevations shall be illustrated on the plat.
16. Following Plat Approval, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
17. Prior to the beginning of construction, the Developer shall enter into a Development Agreement 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.
18. Prior to recording the final plat, all Public Improvements shall be installed, completed, and accepted by the City of Hernando.
19. Prior to recording the final plat, the Developer shall include all required certificates and execute those that are applicable to him and his assigns.
20. 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.
21. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.
22. Prior to Construction Plan approval, the Developer shall obtain a Large Area Grading Permit from the Mississippi Department of Environmental Quality (MDEQ) and submit a copy to the Office of Planning.

Commissioner Wicker seconded the motion. The motion passed unanimously.

Commissioner Carter thanked the commissioner for the past four years of service.

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 7:19 p.m.