

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**February 8, 2022, MINUTES**

The Planning Commission met in a regular session on February 8, 2022, 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 Skeen, Commissioner Brumbelow, and Commissioner Hawkins. The following staff members were also present Kristen Duggan, Kendra Cobbs, and BJ Page.

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

Commissioner Carter asked if everyone had reviewed the January 11, 2022, minutes. Commissioner Skeen made a motion to approve the minutes as written and Commissioner Jordan seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 1: PL-1580** – Request to Rezone a 10.70-acre tract of land located on the south side of Green “T” Road east of U.S. Highway 51 and west of Interstate 55, in Section 1, Township 3 South, Range 8 West, from the “R-12,” Single Family Residential District (Medium Density) to the “C-2,” Highway Commercial District, J. Byron Houston with Houston Engineering, P.L.L.C., representing Creative Constructions, L.L.C., the property-owner.

Mr. Page presented the application to the commission. He then introduced Mr. George Ready as being present to represent the application.

Mr. Ready explained that this property was previously zoned commercial and then changed to residential. Due to the amount of change in the area, including the I-69 corridor opening, the owner is now requesting to change to a C-2, Highway Commercial zoning.

Commissioner Jordan asked what the future plan is for the development. Mr. Ready explained that the commercial area on the corner would be developed first and that would include a convenience store. A strip center is also planned along with multiple hotels. The residential area is planned to be upscale living.

Commissioner Thorn then asked what the plan will be for the area between Crossroads Subdivision and the planned residential. Mr. Byron Houston came forward to speak as the engineer on the project. He explained that there would be a buffer between the commercial and residential zones that meets the city requirements. Mr. Page explained that the City of Hernando Zoning Ordinance requires a 30-foot buffer between the zoning districts that would include a 6-foot brick wall and landscaping.

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

Commissioner Jordan made a motion to recommend **APPROVAL** to the Board of Aldermen of a rezoning requested by Mr. J. Byron Houston with Houston Engineering, representing Creative Construction L.L.C., the owner of the property, of a 10.70-acre tract of land from its current zoning of the “R-12,” Single-Family Residential District (Medium Density) to the “C-2,” Highway Commercial District. The subject property is located on the south side of Green T Road, east of U.S. Highway 51 and west of Interstate 55 in Section 1, Township 3 South, Range 8 West, based upon the following findings:

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

The subject property is zoned “A” which is an agricultural district with a minimum lot size of 1.5 acres. This property is in the immediate vicinity of developments of much lower sizes. For this reason, I feel that the current zoning would be out of character with the surrounding properties and thus inappropriate.

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

Within 1.5 miles of this property there already exist approximately 2300 homes with another 200 to follow. There are very few retail services in the area. A preliminary plat for Crossroads North Subdivision with 71 additional lots has already been approved for 30 of the 35 acres in this parcel. That remains is at the southeast quadrant of the intersection of Highway 51 and Green T Road. Because of the unprecedented residential activity, commercial interests, and MDOT projects, this intersection has become a vital link for commercial services that will be needed in this area.

1. ***What 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 amendments to the Zoning District Map appropriate.***

The property was zoned commercial in 2007. The economy crashed, and 10 years of marketing yielded no prospects. The residential market rebounded to a degree in 2017. The decision was made to rezone at least part of the property to R-12. We were told that because the entire 70 acres was in a commercial PD, we would need to rezone the entire parcel to rescind the PD, which we did. The southern portion was developed into residential lots and sold to a builder between 2017 and 2020. That left the 35 undeveloped acres at the intersection of Highway 51 and Green T Rd.

As plans were being made to develop this section, the area was undergoing drastic changes. I-269 was completed and an exit was installed at McIngvale Road. The LeBlonde property has been developed into warehouses creating many jobs and much more traffic. MDOT has several major projects in the works: Improvements to HWY 51/Green T intersection to include widening and a traffic signal/red light; improvements to the Pleasant Hill intersection with widening and a round-about; another exit at Starlanding Road; the closing and improvement of the I-55 Hernando exit for an extended period which will divert a lot of traffic through the Highway 51/Green T intersection to get to the McIngvale Exit; additional lanes added to I-55 between Southaven and Hernando.

Within 1.5 miles of this property there already exist approximately 2300 homes with another 200 to follow. There are very few retail services in this area. With all of this activity, and in anticipation of what’s to come, commercial developers are making offers in this area. Having our corner zoned C-2 will help meet the growing demand for those needed commercial services.

Commissioner Thorn seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 2: PL-1581** – Request to Amend Preliminary Plat Approval, Crossroads North Subdivision, from 70 residential lots and 2 common open space lots to 48 residential lots, 6 commercial lots, and 1 common open space lot on 34.86 acres located on the southeast corner of U.S. Highway 51 and Green “T” Road in Section 1, Township 3 South, Range 8 West. The property is currently zoned in the “R-12,” Single-Family Residential District (Medium Density) and the “C-2,” Highway Commercial District, – J. Byron Houston with Houston Engineering, P.L.L.C., representing Creative Constructions, L.L.C., property-owner.

Mr. Page presented the application to the commission.

Commissioner Thorn asked if there would be access to the commercial from Green T Road and access to the residential from Highway 51. Mr. Page stated that was correct.

Mr. George Ready then came forward to represent the application. He requested to table this application to allow Mr. Houston to review the road configuration and discuss it with the developer.

Commissioner Brumbelow made a motion to table the application until March 8, 2022. Commissioner Clark seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 3: PL-1582** – Request for Preliminary Plat Approval for the Oak Grove Minor Lot Subdivision, 7 lots, 20.03 acres located on the north side of West Oak Grove Road, west of Scott Road, and east of Oak Crossing Drive, in Section 15, Township 3 South, Range 8 West. The property is currently zoned in the “A,” Agricultural District – Nick Kreunen, with Civil-Link, on behalf of Mike Bailey, the property-owner.

Mr. Page presented the application to the commission. He then explained that the applicant did not submit any of the discussed changes to the application.

Mr. Chase Stubbs came forward to represent the application for Mr. Kreunen.

Commissioner Thorn asked if the access to lots 6 and 7 would be an easement and Mr. Stubbs stated that it would be a paved easement. Commissioner Jordan then asked who would be responsible for maintaining the easement and if the easement would have curb and gutter. Mr. Stubbs stated that the owners of lots 6 and 7 would be responsible for the maintenance and there would be no curb and gutter. Commissioner Jordan asked if that would be stated in the covenants and if a copy of the covenants was available. Mr. Stubbs said he did not have covenants and was not sure if the maintenance would be notated in the covenants.

Commissioner Thorn asked whether there would be a connection made to Weatherby West and Mr. Stubbs said no.

Commissioner Skeen stated that he feels there are too many unanswered questions and thinks that Mr. Kreunen needs to be present to give more information. He added that there were questions regarding the sewer and Mr. Stubbs stated that it would not be economically feasible to run sewer such a long distance for so few lots. Commissioner Skeen replied that the planning commission did not have the authority to waive the sewer requirement.

Commissioner Jordan added that the cluster mailboxes are not notated on the plat and there does not seem to be a location for the mailboxes to be located. It looks as though the preliminary plat would need to be changed to accommodate the cluster mailboxes.

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

Commissioner Skeen made a motion to table the application until March 8, 2022, to allow Mr. Kreunen to be present to answer some of the commissioners’ questions. Commissioner Brumbelow seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 4:** **PL-1587.** – Request to Rezone 2.70-acres in 3 lots (Lots 1, 2, and 4 of the Grove Park Office Plaza Subdivision), from the “O,” Office District to the “RM-6,” Residential Multi-Family District (High Density). The subject properties are located on both sides of Grove Park Office Drive, east of Interstate 55, and west of McIngvale Road, in Section 7, Township 3 South, Range 7 West, Vance Daly, representing Michael J. Austin, the property-owner.

Ms. Cobbs presented the application to the commission. She then introduced Mr. Vance Daly as being present to represent the application.

Mr. Daly stated that lots 2, 3, and 4 are the lots that are included in the application. These lots do not fit with the single-family dwellings of Grove Park Subdivision. The hope for these lots is garden/townhomes. These garden/townhomes would decrease the traffic volume opposed to the current zoning of office. He also added that the developer is very conscience of the property values because this is in his front yard. He is focused on maintaining the value of these lots.

Commissioner Cater stated that this would be going from a low-density zoning to a high-density zoning and asked why this particular use is being requested. Mr. Daly stated the layout of the lots is a limitation for development. There is a ditch running through lots 2 and 3 which cuts down on the buildable space. These lots are not part of Grove Park Subdivision, and this is an attempt to fit something on these lots that blends the office with the residential.

Commissioner Thorn asked why have they waited 14 years to move forward on these lots. Mr. Daly explained that the current owner just purchased these lots from the bank one year ago Commissioner Thorn asked if he has determined in one year that office is not feasible for these lots. Mr. Daly explained that the current owner built the office building on lot one and has occupied it since 2013. Commissioner Thorn then stated that it seems the owner does not want to build office buildings on these lots because they won’t sell.

Commissioner Jordan stated that the lots were purchased as office zoning, so they knew what they were purchasing at the time of the sell. Mr. Daly explained that he purchased these lots with the intention to rezone.

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

Mr. Michael Flynn, Grove Park HOA President, came forward. He stated that no plans have been submitted for the lots yet and does not feel what is proposed is feasible. He also stated his concerns with traffic on the narrow road. He added that multi family does not fit the character of the area. Decrease in property value is a concern for the residents and no residents of Grove Park are in favor of this.

Mr. Dave Guyer came forward and stated that he agreed with Mr. Flynn. Traffic is already an issue on that street, and this will only add to the existing problem.

Mr. Cory Patrick stated that this is not an area that this type of development would fit in.

Ms. Jody Hubbard stated the creek is currently eroding and causing problems and traffic is a large problem. This development would only add to these issues. She added that likes the quaint atmosphere and does not want it to change.

Mr. Tim Gullow stated that he agrees with the planning director’s recommendation that this should be a single-family residential area.

Mr. Robin Cotton stated that he purchased his home based on the integrity of the neighborhood and this would change that. Byhalia Road is a big thoroughfare for people passing through Hernando and what would this look like sitting on right on the road. This would be what people passing through our town saw and this would be the impression they got of Hernando.

Ms. Melissa Loper voiced her concern with safety factors and keeping the “riff-raff” out. Rentals would bring crime to the area.

Ms. Sarah Langston stated that there are a lot of empty lots currently zoned office and if this is allowed then the city would be setting up for this in the entire area. She also voiced her concerns of rentals bring in “riff-raff.”

Ms. Victoria Miller stated that rental property brings down property values and bring crime to the area.

Mr. Glen Steele stated that there are very strict architectural regulations in Grove Park and a multi-family structure would not conform to the regulations.

Ms. Dana McKnett came forward in favor of the application. She stated that she has worked for the applicant, Mr. Austin, and no one has mentioned these being rentals. Any project would be done well and be higher scale, not done to bring in “riff raff.”

Ms. Melanie Drizzle stated that Desoto County is already facing a problem with rental properties. Madison Circle, in Grove Park, had a rental home that was recently busted as a meth house.

Mr. Rod Robinson asked why Mr. Austin wasn’t present to answer some of the concerns of the residents.

Mr. Vance Daly stated that Mr. Austin was out of town and could not be present. He then stated that multi-family homes do not always mean rental property. This project is not even at that point yet. This is a land zoning request. There is no discussion of the proposed development at this time. If the zoning is approved, the next step would be the actual development intended for the site. At that time a site plan and covenants would be presented.

The commission had no further question for the applicant.

Commissioner Thorn made a motion recommend DENIAL of a rezoning request by Mr. Vance Daly, on behalf of Michael J. Austin, owner of the property, of 2.70 acres identified as Parcel Numbers 307307280 0000100 (Lot 1), 307307280 0000200 (Lot 2) and 307307280 0000400 (Lot 4) located east of Interstate 55, west of McIngvale Road and south of Byhalia Road in Section 7, Township 3 South, Range 7 West from current zoning “O” Office District to “RM-6” Residential Multiple-Family District (High Density), based upon the following findings:

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

Being that the Future Land Use Map designates the area as Single-Family Low-Density Dependent, rezoning the property to RM-6 would not conform to the General Development Plan. However, it is worth noting that the current Office zoning of the subject property and surrounding properties, also does not conform to the General Development Plan. On November 15, 2005, the Board unanimously voted to rezone four acres consisting of Grove Park Office from R-12 to Office. This rezoning predates the adoption of the current General Development Plan, which was adopted in 2007.

Additionally, although not yet adopted, the Hernando Comprehensive Plan drafted March 22, 2021, recommends the development pattern be medium density residential with the designation of Suburban Neighborhood – Medium. Such a land use designation proposes single-family detached housing on lots 0.5 acres and less in size.

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

The subject properties are currently zoned Office, which does not conform to the recommended zoning district stated in the General Development Plan. The General Development Plan recommends zoning districts R-12, R-15 and R-20.

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.

There are no changes in the area unanticipated or unaccounted for in the General Development Plan. Potential growth and/or changing development patterns initiated by major developments like the extension of McIngvale Road and the Interstate 269 interchange have been considered.

Commissioner Jordan seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 5: PL-1586** – Request to Rezone 0.40-acres in 2 parcels, from the “R-10,” Residential Single-Family District (Medium Density) to the “R-8,” Residential Single-Family District (Medium Density). The subject properties are located on the south side of E. Valley Street, east of Northview Street and west of Northern Street, in Section 13 and 18, Township 3 South, Range 7 and 8 West, Greg Smith with Mendrop Engineering Resources, representing Miller Farms, L.L.C. (Butch Davis), the property-owner.

Commissioner Brumbelow recused himself and left the board room.

Ms. Cobbs presented the application to the commission.

Commissioner Thorn asked why go from R-10 to R-8 since they are both residential zoning districts. Ms. Cobbs explained that it is based on the size of the lots. An R-10 district has a minimum size requirement of 10,000 square foot lots and an R-8 district has a smaller an 8,000 square foot minimum.

Commissioner Jordan asked if there were any other R-8 zoning districts on Valley Street and Ms. Cobbs stated that she did not see any. Commissioner Jordan then asked if ingress/egress would be required to the commercial lots. Ms. Cobbs explained that would be addressed during the site review. This was strictly a land use request.

Mr. Greg Smith came forward to represent the application. He stated that this is a request for two lots which would have a 2800 square foot home minimum and would meet all setback requirements.

Commissioner Jordan asked why not place one large home on a larger lot. Mr. Smith said that the client would rather split the lot and put two homes.

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

Commissioner Clark made a motion to recommend APPROVAL of a rezoning request by Mr. Greg Smith, on behalf of Miller Farms, L.L.C. (Butch Davis), owner of the property, of 0.40 acres identified as Parcel Numbers 308613001 0012700 and 307418002 0005100 located on the Southside of East Valley Street, East of Northview Street and West of Northern Street, in Section 13 and 18, Township 3 South, Range 7 and 8 West from current zoning “R-10” Residential Single-Family District (Medium Density) to “R-8” Residential Single-Family District (Medium Density), based upon the following findings:

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

The future land use plan designates this area as mixed use. This could possibly include various zonings including commercial, residential and/or Planned Development. This proposal requests a zoning from one residential zone to another. This would be in keeping with the plan by the fact that, should the request be approved, the property would provide the diversification in the neighborhood that is called for in the Future Land Use Plan.

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

The existing zoning is R10. The block is bounded by Commerce Street, West Valley Street and the railroad track is comprised of zones ranging from R10, PUD, C2, C4 and O, with the majority of the land area being C2. The current classification of this property as R10 is inappropriate because the area is called out as Mixed Use in the Future Land Use plan. To adhere to that plan, more diversification in the block should be sought after. The requested zoning would diversify that area by offering another option other than R10 or PUD for residential housing.

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.

There have been various changes in the neighborhood the most significant of which is the zoning and construction of the West Layne Townhomes just east of the proposed site. Also, the old Fred’s building was purchased and upgraded into a new flooring store. And with that, the frontage of Commerce Street was upgraded.

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

Commissioner Brumbelow returns to the board room.

Chairman Carter announced the following item:

**Item 6:** **PL-1588** – Request for a Design Review Variance to allow the construction of light industrial buildings on lots within the Nesbit Industrial Park with 2/12 pitch roofs rather than the 6/12 pitch required by the Design Review Ordinance, and without constructing a parapet to screen the roof except on the front elevation of each building. The subject property is located on the south side of Nesbit Road, west of Winningham Drive and east of Jefferson Davis Cove, in Section 25, Township 2 South, Range 8 West, currently zoned “M-1,” Light Industrial District. Greg Smith with Mendrop Engineering Resources, representing Butch Davis, the property-owner.

Mr. Page presented the application to the commission. He stated that he feels it makes more sense to take this variance request as a development variance rather each individual lot. Previous buildings that have been built in this development are built with a one side parapet wall and a 2/12 pitch roof.

Mr. Greg Smith comes forward to represent the application. He stated that all other buildings in this development except for one have a 2/12 roof pitch and a parapet wall on only one side. The applicant is asking to match the other buildings in the development.

The commission has 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 Skeen made a to **approve** a Design Review Variance to allow construction of light industrial buildings within the Nesbit Industrial Park with 2/12 pitch roofs, but without extending a screening parapet wall on all sides of the building, except on the front elevations of the buildings. The Nesbit Industrial Park, the subject property, is located on the south side of Nesbit Road, west of Winningham Drive and east of Jeff Davis Cove in Section 25, Township 2 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 large number of buildings already constructed in the development following the same design approach has established an overall design concept for the development that should continue to be pursued throughout the remaining lots of the development. Materials and colors are consistent throughout the building design, with the roof pitch and the continuity of the parapet wall 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.* Variances are considered on a case-by-case basis. Since so many buildings within the development have been constructed following this same design concept, by allowing the remaining lots in the development to be constructed following this same design approach would not grant a special privilege but would merely allow the maintenance of a continuity of design throughout the development.
3. *That the special conditions and circumstances do not result from the actions of the applicant and are not based upon economic considerations*. The fact that so many of the existing buildings within the Industrial Park were allowed to be constructed with 2/12 pitch roofs and without screening parapet walls set the overall design concept for this development under the oversight of three City Planning Directors. As a result, the special conditions and circumstances result less from the actions of the applicant, but more from the actions of the City’s staff.
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.* Granting the variance, allows the continuation of a unified design throughout the development as opposed to requiring the applicant to pursue a major jarring design change in the middle of the development, which meets the “equal to or better than” the Ordinance requirements.

Commissioner Jordan seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 7:** **PL-1589** – Request for Design Review Variance to allow the construction of additional parking serving the Hernando Baptist Church with the following modifications: (1) allow parking spaces 10’ wide by 18’ deep rather than the required 10’ x 20’ dimensions; (2) allow two-way traffic aisles ranging in width from 21’ wide to 24’ wide rather than the required 25’ width; (3) allow elimination of the required concrete curb and gutter along the eastern boundary of the parking lot to allow for proper storm water drainage; and, allow elimination of the public sidewalk requirement along the E. South Street frontage of the new parking lot. The subject property is located on the south side of East Center Street and the north side of East South Street, west of Ice Plant Lane, and east of School Street, in Sections 13 and 18, Township 3 South, Ranges 7 and 8 West, currently zoned in the “O,” Office District and the “R-10,” Residential Single-Family District (Medium Density). Ben Womble of Womble Engineering, representing the Hernando Baptist Church, the property-owner.

Ms. Cobbs presented the application to the commission. The commission had no questions for Ms. Cobbs.

Mr. Jared Darby was present to represent the application. He stated that the church needs additional parking for the congregation. They are requesting to remove the curb, reposition the sidewalk, allow 10 x 18 parking spaces, and reduce the traffic aisle from the required 25’ to 21’ and 24 ‘wide.

Commissioner Jordan asked if the sidewalk is required. Mr. Darby stated that it was required, and they are requesting to move the sidewalk from the required area on the south side to the north side. This would provide better pedestrian access and connectivity.

Commissioner Carter asked about any drainage concerns. Mr. Ben Womble came forward, also representing the application. He said that he met with the city engineer and discussed many possibilities which include improved swells and berms.

Commissioner Carter then asked of there are any restrictions on the number of parking spaces required. Mr. Page stated that the ordinance requires 1 space per 4 seats.

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 by Mr. Ben Womble of Womble Engineering, on behalf of Hernando Baptist Church, to allow construction of additional parking with the following modifications: (1) allow parking spaces 10’ wide by 18’ deep; (2) allow two-way traffic aisles ranging in width from 21’ wide to 24’ wide; (3) allow elimination of continuous curb and gutter along the eastern boundary of the parking lot; and, (4) allow elimination of the public sidewalk requirement along East South Street for the subject property located on the south side of East Center Street, the north side of East South Street, west of Ice Plant Lane and east of School Street in Sections 13 and 18, Township 3 South, Ranges 7 and 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.*

**Modification of Parking Stall Dimensions and Aisle Width Reduction** - As with most urban cores parking is at a premium. Hernando Baptist is no different. Located in an urban core it is difficult to maximize parking in a limited space. Unlike new construction development, which is often associated with larger parcels where traditional parking dimensions are not space restrictive, Hernando Baptist is confined to infill development along residential streets. A slight reduction in aisle widths and an alteration for stall dimensions would allow the church to maximize the number of parking stalls available to the public.

**Continuous Curb Exception** - When continuous curb and gutter is required, storm water is typically collected by curb inlets and conveyed to the storm sewer system via underground infrastructure. The Hernando Baptist Church site is unique in that it is situated at the top of a ridge and no public sub-surface drainage network is available. As a result, storm water sheet flows across the property where it is collected by swales that exit the property at grade. Elimination of the curb along the eastern portion of the parking lot will allow storm water to maintain its current sheet flow pattern into improved drainage swales. Addition of curb in these areas would require intermittent curb openings creating concentrated flows which contribute to channel erosion and scour.

**Sidewalk Requirement Compromise** - The design regulations require sidewalk to be installed along all improved portions of the new proposed parking lot. The parking lot as it exists now does not have any sidewalks. Many of the older commercial buildings and residential areas are without sidewalks in the downtown area. Recent infill development at locations facing similar challenges within the City do not have sidewalks that cover the length of the improved properties.

1. *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.*

**Modification of Parking Stall Dimensions and Aisle Width Reduction** - Most parking variance requests are for a reduction of required stalls. In this case, Hernando Baptist is requesting an alteration to the required parking stall dimensions and aisle widths in order to increase the total spaces available for on campus parking by approximately 65 spaces. Requested alterations would improve access at points of ingress/egress as well as traffic circulation.

**Continuous Curb Exception** - The removal of continuous curb requirements to allow for sheet flow is becoming common practice for sites that have the advantage of grade to allow for sheet flow stormwater conveyance. In addition, sheet flow from pavement edge to green areas aids in improving storm water quality by reducing concentrated flow velocities and turbulence within the channel.

**Sidewalk Requirement Compromise -** The existing grade and space challenges at the south side of the property make it impossible to install sidewalks at this location. Sidewalk installation in this area would eliminate an existing curb cut that is critical to ingress/egress and traffic circulation.

1. *That the special conditions and circumstances do not result from the actions of the applicant and are not based upon economic considerations.*

**Modification of Parking Stall Dimensions and Aisle Width Reduction -** Hernando Baptist is requesting parking stall and aisle width dimension variances to increase available parking within the confines of space available between existing buildings and adjacent properties. The existing buildings were constructed prior to adoption of the current design regulations; therefore, the stated challenges do not result from actions of the applicant. Additional on campus parking will also reduce the need for members and guests to park in adjacent areas and cross streets to access the church campus.

**Continuous Curb Exception** - Conditions result from geographic location, topography and existing drainage patterns. Due to the property’s location within the drainage basin, public underground infrastructure is not available which is not the result of any actions of the applicant and has no economic impact regarding the proposed improvements.

**Sidewalk Requirement Compromise -** As noted in criteria #2, the existing grade and space limitations along the south side of the HBC property result from natural topography and construction of infrastructure that occurred before the current regulations were adopted. As a result, the circumstances do not result from current proposed improvements or actions of the applicant.

1. *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.*

**Modification of Parking Stall Dimensions and Aisle Width Reduction** - The request maintains the overall area of the stall at 180 square feet, while altering the perimeter dimensions from 9’ x 20’ to 10’ x 18’. The request also reduces the drive aisles from the required 25’ to 24’, except for the westernmost aisle on the south side of the parking lot which would be reduced to 21’ due to space limitations along the existing Education Building. The 10’ wide parking spaces will provide extra width for maneuvering and loading/unloading while the proposed 24’ and 21’ aisle widths would provide ample space for two-way traffic. The Planning Commission will find that the required width of a curb cut at the ROW line is only 24’. Furthermore, the Hernando Subdivision Regulations state that the minimum width for an alley is just 20’ for two-way traffic. Hernando Baptist respectfully requests the stall and aisle dimensions be reduced to allow for additional parking stalls. The planned improvements will meet the entirety of the landscape and lighting requirements drastically improving the aesthetics of the property, while enhancing pedestrian safety and traffic circulation.

**Continuous Curb Exception** - Continuous curb will be provided in all other locations as required by the design requirement. The new parking improvements will meet or exceed all design requirements except for the variance request presented herein. Wheel stops will be provided at all parking spaces where continuous curb is not required. In addition, additional evergreen plantings have been incorporated into the landscape plans to provide an aesthetic barrier between parking lot and adjacent properties while preventing vehicular encroachment into green spaces.

**Sidewalk Requirement Compromise -** Hernando Baptist understands the importance of pedestrian safety and mobility and wishes to uphold the intent of the Design Regulations. Rather than placing a sidewalk on the south side of the property, HBC respectfully requests to improve the north side of the parking area and extend additional sidewalk to the west. From this point, the south side of Center Street from Hernando Baptist to Hwy 51 does have a mostly intact sidewalk system. The proposed improvements along the north side of the property will provide better pedestrian access from the parking area to the Church Park playground, tennis courts and the downtown square, facilitating community parking during City events.

Commissioner Brumbelow seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 8:** **PL-1591** – Request to Rezone 0.80-acres in 1 parcel, from the “C-2,” Highway Commercial District to the “PUD,” Planned Unit Development District. The subject property is located on the southeast corner of U.S. Highway 51 and Southern Street, in Section 13, Township 3 South, Range 8 West, Bob Barber with Orion Planning and Design, representing Mickey Davis, the property-owner.

Mr. Page presented the application to the commission.

Mr. Bob Barber came forward to represent the application. He explained that this would be individual units with 2300 square foot heated minimum. They would be on individual lots and would be for purchase. This is an infill re-development. It will be an upgrade to the lot and the area. The lot is currently zoned C-3 which does not fit the topography of the land. The elevations submitted to the commission will be the design. This is not a conceptual plan; this is the actual elevations.

Commissioner Thorn asked if there would be two garages per unit and Mr. Barber said yes.

Commissioner Jordan asked if there is anything in the covenants regarding rental. Mr. Barber explained that these units will be for purchase. Mr. Jordan again asked if it would be stated in the covenants. Mr. Barber said that it can be discussed but they would not want to put that the units can not be rented. We can say that they will be marketed for purchase.

Commissioner Hawkins stated that he is concerned with how a prohibition on rental would be policed and how that type of restriction would limit the buyer.

Commissioner Carter asked what the city does to safeguard properties as purchase instead of rentals. It was stated that the city cannot enforce that type of restriction. If it is added into the covenants, then it would be up to the HOA to enforce that restriction.

Commissioner Thorn asked Mr. Barber to explained that corrugated metal issue. Mr. Barber stated that the corrugated metal would be a decorative piece as opposed to a main building material. He added that he will note that as an architectural aspect.

Mr. Barber stated that they would remove corrugated metal from the list of possible roofing material as stated in the staff comments (C.3) and remove smooth finish wood, vertical board and batten siding, and random width cut wood as possible clodding material (C.4) and use these as decorative material

Commissioner Thorn also asked what the plan is for the water donation lot. Mr. Barber stated that they would like to work with the city on the future plan, but Mr. Davis, the developer, will clean it up and get the lot green again.

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

Commissioner Jordan made a motion to recommend APPROVAL to the Board of Aldermen of a rezoning requested by Mr. Bob Barber, with Orion Planning and Design, on behalf of Mickey Davis, the property-owner, requesting a rezoning and preliminary development plan approval for a 0.80-acre parcel from its current zoning in the "C-2," Highway Commercial District to the "PUD," Planned Unit Development District, located on the southeast corner of U.S. Highway 51 and Southern Street in Section 13, Township 3 South, Range 8 West, based upon the following findings:

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

On the Future Land Use Map of the City's adopted General Development Plan, the subject property falls within the area designated as "Central Business Mixed Use." This category is characterized by a mix of commercial, office, public, and institutional, and residential uses of varying densities of smaller scale design (less than 20,000 sq. ft.). Generally, this designation applies to the town square and its surrounding areas. The zoning classification recommended by the General Development Plan for properties identified in the "Central Business Mixed Use" land use designation could include either the "PUD," Planned Unit Development District, the "TND," Traditional Neighborhood Development District, the "C-3 General Business District, or the "C-4," Planned Commercial District. Therefore, since the "Central Business Mixed Use" land use designation contemplates the inclusion of residential uses and one of the recommended zoning districts is the "PUD," Planned Unit Development District, the applicant's request to rezone the property to the "PUD" District, would conform to the recommendations of the General Development Plan.

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

The current "C-2," Highway Commercial District zoning does not conform with the "Central Business Mixed Use" land use designation recommended in the Future Land Use Plan, since the General Development Plan recommends either the "PUD," Planned Unit Development District, the "TND," Traditional Neighborhood Development District, the "C-3," General Business District, or the "C-4," Planned Commercial District for "Central Business Mixed Use" land use designated properties.

1. *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 need to show change only comes into play where the proposed rezoning does not conform to the recommendations of the adopted General Development Plan. In those instances where an applicant seeks to change the zoning district to one which does not conform to the adopted General Development Plan, then it becomes incumbent on the applicant to show what changes have occurred in the neighborhood that were not anticipated by the General Development Plan, making the proposed amendment appropriate. Since this request does conform to the recommendations of the General Development Plan, then evidence of change is not necessary since the proposed amendment furthers the implementation of the Plan.

And approve the preliminary development plan subject to the following conditions:

* 1. Submit a revised PUD document addressing the following items prior to submitting a preliminary plat for any portion of this development:
     1. Submit architectural elevations of the proposed buildings conforming to all requirements of the Design Standards Ordinance and identifying specific materials and colors.
     2. Revise the PUD document to include a specific statement that each residence shall be located on its own individual lot and that the development shall consist of 10 individual lots for individual sale.
     3. Revise the "Town Home and Site" notes on Page 10 of the PUD document as follows:
        1. Note that the size of each residence shall be the minimum heated "finished" floor area.
        2. Note that driveways will be "washed aggregate" concrete or pavers, not just concrete. To allow concrete on rear of the development
        3. Remove "corrugated metal" from the list of possible roofing materials. To allow decorator accents of corrugated metal
        4. Remove smooth finish wood, vertical board and batten siding, and random width cut wood as potential cladding materials. To allow as accents.
        5. Revise the note concerning street trees to reflect that they will be planted 35' on center to comply with the requirements of the Design Standards Ordinance
     4. Revise the PUD document to state that the adjoining "Water Donation Property" is not part of the requested rezoning, that should the rezoning be approved, such approval will not restrict or otherwise obligate the City in any way concerning the disposition, use, and development of the City's Water Donation Property.
     5. Revise the PUD document to specifically state how and where detention/retention will be provided if required.
     6. Revise the PUD document to state that the construction specifications for access drive at the rear of the residences shall meet the City's construction specifications for public streets.
     7. Revise the PUD Plan to reflect a sidewalk from the front of each residence to the public sidewalk along right-of-way of U.S. Highway 51.
  2. Submit with any preliminary plat the proposed location of the cluster mailbox site that will serve this development, along with a proposal for construction of the cluster mailbox structure conforming to the amendment to the City's Subdivision Regulations recently adopted by the Board of Aldermen.
  3. The restrictive covenants shall be submitted to the Planning Commission for review and approval prior to the submission of any preliminary plat for this property. The submitted covenants shall include:
  4. The minimum finished, heated floor area requirements and architectural provisions for the residential portion of this development.
  5. Requirements concerning the maintenance of the cluster mailbox site and how that cost will be shared between the property-owners.
  6. A provision that no amendments may be made to the restrictive covenants and recorded unless such amendments have previously been approved by the City of Hernando Planning Commission.
  7. A provision that none of the residential lots may only be used for residential purposes.
  8. Restrictions regarding rentals.

1. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
2. 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 the development. Street trees may be bonded insuring their installation prior to the final inspection and occupancy of the residence upon each lot.
3. Following Preliminary Plat Approval, but prior to the initiation of construction of public improvements, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning
4. 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 (I) layer of blacktop, 1 h" thick, including 1/2 the right-of-way of Southern Street to the extent that road borders the development, and such improvements to U.S. Highway 51, as determined by the City Engineer, to the extent it borders the development before any 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 1 h" of blacktop making a total of three (3") of blacktop surface and sidewalks. Prior to recording any plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
5. 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, 5B. Procedures for Posting or Release of Bonds of the City of Hernando's Land Subdivision Ordinance.
6. Sidewalks shall be installed on the east side of U.S. Highway 51 and the south side of Southern Street bordering the development, and as otherwise depicted in the amended PUD document.
7. Finished floor elevations shall be listed for each lot.
8. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
9. 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.
10. 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.
11. Prior to recording any 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.

In addition to above listed conditions, there will be a revision to the following comments

Preliminary Development Plan conditions (also shown above in red)

1, C., (2) – To allow concrete on rear area of the development.

1, C., (3) – To allow corrugated metal as a decorator accent

1, C., (4) – To allow as decorator accents

3.E. – Restrictions regarding rentals

Commissioner Brumbelow 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 9:35 p.m.