

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**April 12, 2022, MINUTES**

The Planning Commission met in a regular session on April 12, 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 Carter, Commissioner Jordan, Commissioner Hawkins, Commissioner Skeen, and Commissioner Brumbelow. The following staff members were also present Steven Pittman, City Attorney, Kristen Duggan and BJ Page.

Commissioner Carter called the meeting to order at 6:04 p.m. and Commissioner Jordan gave the invocation followed by roll being called.

Commissioner Carter asked if everyone had reviewed the March 8, 2022, minutes. Commissioner Hawkins 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-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 and stated that the applicant has requested to table until May 10, 2022.

Commissioner Clark made a motion to table the application until May 10, 2022. Commissioner Skeen seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 2: PL-1599** – Request for Final Plat Approval, Clark Estates Two-Lot Minor Subdivision, 2 Lots, 4.98 acres, located on the north side of West Oak Grove Road, west of Fletcher Street and east of Scott Road, in Section 14, Township 3 South, Range 8 West. The property is currently zoned in the “A,” Agricultural District – Judy Clark, the property owner.

Commissioner Skeen recused himself and left the room.

Judy Clark, owner, and Joseph Brower with Skeen Engineering were present to represent the application. The commission had no questions.

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 grant Final Plat Approval for Clark Estates, 2 lots, 4.89 acres, located in the southeast quarter of Section 14, Township 3 South, Range 8 West, based upon a finding that the submitted final plat generally conforms to the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Revise the plat as follows:
2. In the title block, add the zoning district.
3. Correct within the title block “R9W” to instead read “R8W.”
4. Revise the Mortgagee’s Certificates to state “…and dedicate the right-of-way for the roads and utility easements as shown on the plat of the Subdivision to the City of Hernando, Mississippi, for the public use forever.”
5. Revise the notes on the face of the plat to reflect that there are 5’ wide utility easements on the side property lines.
6. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
7. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
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. Prior to recording the final plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
9. The Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
10. 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.
11. 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.
12. Following Plat Approval, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
13. 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.
14. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Thorn seconded the motion. The motion passed unanimously.

Commissioner Skeen returned to the board room.

Chairman Carter announced the following item:

**Item 3: PL-1602** – Request to Rezone a 155.975-acre tract of land located on the northwest corner of Getwell Road and the I-269 Interchange, in Section 23, Township 2 South, Range 7 West, from the ”A” Agricultural District to the “M-1,” Light Industrial District, Barry Bridgeforth, Jr., with Bridgeforth and Buntin, Attorneys, representing Arthur W Anderson, Jr., the property owner.

Mr. Page presented the application to the commission. The commission had no questions for Mr. Page.

Mr. Barry Bridgeforth came forward to represent the application.

Commissioner Thorn asked what is planned for this property if the zoning is approved. Mr. Bridgeforth stated that warehouse is planned. Mr. David McDaniel with Huntington Industrial Partners came forward to speak.

Mr. McDaniel stated that this would be a professionally landscaped development with very little truck traffic. It would create approximately 600 jobs for Hernando. It will also bring in revenue for the City of Hernando.

Commissioner Jordan asked if the road would go through to McIngvale Road. Mr. McDaniel stated that they were willing to do whatever the city would like whether that be a cul-de-sac or put in a future stub out for connection.

Commissioner Thorn asked what the zoning to the west of this property is. Mr. Page stated that the surrounding property is zoned mostly Agricultural.

Commissioner Skeen stated that the Comprehensive Plan calls for mixed use and then asked what the I-269 Corridor Plan calls for. Mr. Page explained that the 269 Corridor Plan is a county plan not city. Commissioner Jordan asked what the plan for the southeast corner is and Mr. Page stated it calls for a mixed-use district.

Commissioner Carter asked if there is anything that can be put in place to enforce the truck route. Mr. Pittman stated that it could be done. Commissioner Thorn then asked if there are any plans to improve Getwell Road. Mr. McDaniel stated that they were willing to do whatever the city required of them.

Commissioner Thorn asked how many trucks this will attract. Mr. McDaniel stated that there would be approximately 700 trucks added to the traffic count.

Commissioner Jordan stated that his concern is that this is an entrance into Hernando from the east. This is the first thing people visiting Hernando would see. Mr. McDaniel stated that this property has the advantage is a hill and the elevation would make it impossible to se a majority of the building. The other sides will be heavily landscaped with a landscaping buffer.

Commissioner Thorn stated that the renderings show an attractive building, but he is concerned with the location and the addition of 700 trucks a day. Mr. McDaniel stated that any other use would create more traffic than this.

Commissioner Skeen added that this use is not in accordance with any of the long-range plans. Mr. McDaniel stated that the City of Hernando long range plans call for 900 acres of mixed use which is entirely too much for Hernando.

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

Mr. Wayne Spell came forward and stated that he was involved in the 269 Corridor Plan, and he does not believe this is what was intended for this area. He then asked the Planning Commission if the City of Hernando needs another distribution center and if so, is this where we want it. Getwell Road is an entrance to Hernando, and this will be visible. He wants to go on record as being against this rezoning because he does not feel it benefits the quality of life.

Mr. Kenneth Stevenson stated that the hill mentioned that would shield this development can be redeveloped and go away at any time. There is no sewer in this area and no plans for sewer in the near future. He also believes that the traffic counts mentioned are wrong. He feels there is much more traffic than stated. Water pressure is also an issue. He is not for or against the rezoning but is concerned with the issues mentioned.

Ms. Pam French stated she is speaking on behalf of her mother-in-law. Hernando is a bedroom community to Memphis, not an industrial city. She would like to see more upscale development in this area. She has concerns with how the roads will handle the traffic and the lack of water or sewer. There are residential homes on the side of this property that will be negatively affected. She also added that if the warehouses go out of business, then that leave large empty building that will not be maintained.

Mr. Lee Anderson came forward and explained that this is his father’s property. He went on to say that this property has been in his family for many years. They did not ask for I-69 to come through and take out half of the property, but that is what happened, and this is what they are asking for now with what they have left.

Commissioner Skeen made a motion to recommend DENIAL of a rezoning request by Mr. Barry Bridgforth, Jr., on behalf of Arthur W. Anderson, Jr., owner of the property, of 155.98 acres identified as Parcel Number 207833000 0000201, located just west of Getwell Road North , east of McIngvale Road and north of Interstate 269, situated in Section 33, Township 2 South, Range 7 West from current zoning “A” Agricultural District to “M-1” Light Industrial District,, 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 property as Mixed Use and Activity – Master Planned Commercial, rezoning the property to M-1 would not conform to the General Development Plan.

Additionally, although not yet adopted, the Hernando Comprehensive Plan drafted March 22, 2021, proposes the development pattern for the subject property and surrounding area be designated as Rural Community. The Rural Community designation recommends that development be confined to three-acre minimum lot sizes and development consists of undeveloped open space and low-density single-family residential.

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

The subject property is currently zoned Agricultural, which does not conform to the recommended zoning district found in the General Development Plan. However, the Agricultural Zoning is consistent with properties in this area being annexed into the City. At the time of annexation, a zoning district would have been applied to the property, which Agricultural was the most appropriate zoning at that time for the area and proposed annexations.

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. Pending growth in the area supports designating the property as Mixed Use and Activity – Master Planned Commercial, which recommend Planned Unit Development (PUD), “C-4” Planned Commercial, “P-B” Planned Business and Traditional Neighborhood Development (TND) Zoning Districts.

Commissioner Thorn seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 4:** **PL-1603** – Request to Rezone a 40.60-acre tract of land on the west side of Tchulahoma Road, north of Green T Road, Section 32, Township 2 South, Range 7 West, from the “A,” Agricultural District to the “C-2,” Highway Commercial District, Brian Bullard with Urban Arch, representing the Frances Ann Luckett Revocable Trust, the property owner.

Mr. Page presented the application to the commission.

Commissioner Brumbelow recused himself and left the room.

The commission had no questions for Mr. Page.

The applicant was not present to represent the application.

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

Mr. Charles Craig came forward and stated that there was no access to Green T Road. He also stated that Tchulahome Road is not wide enough for two vehicles. This is a secluded piece of property with no highway access, and he does not feel that this property should be rezoned.

Mr. Allen Salt stated that there is no access to this property. He is also concerned with what is planned for this property because it is in his backyard. He feels that they should have a plan to show.

Commissioner Jordan asked if this is a PUD zoning request. Mr. Page explained that it is not. It is a straight zoning of C-2 which does not require a plan. He also explained to the commission that they should always make sure they are comfortable with all uses for a zoning when making a rezoning decision.

Commissioner Carter stated that this request does not conform with the General Development Plan. He added that Tchulahoma Road is a one lane road which is concerning.

Commissioner Thorn made a motion toto recommend **DENIAL** to the Board of Aldermen of the rezoning of Parcel No. 2079-3200.0-00005.00, the Frances Ann Luckett Revocable Trust property, which is a 40.60-acre tract located on the west side of Tchulahoma Road, north of Green “T” Road, and east of McIngvale Road, **i**n 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 Jordan seconded the motion. The motion passed unanimously.

Commissioner Brumbelow returned to the board room.

Chairman Carter announced the following item:

**Item 5: PL-1604** – Request for Approval of an Amendment to the Text of the Zoning Ordinance. More specifically to add “Accessory Dwelling Unit” not the list of conditional uses in the “AR,” Agricultural Residential District – Todd Steele, with AERC, representing Pete Cookston of 414 Green T Lake Drive East.

Mr. Page presented the application to the commission.

The commission had no questions for Mr. Page.

Mr. Todd Steele came forward to represent the application.

Mr. Pittman stated that this would be a conditional use and would be reviewed on a case-by-case basis. Mr. Page added that each request would be a public hearing and neighboring property owners would be notified of the hearing. This would allow anyone with concerns to have an opportunity to speak.

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 of an Amendment to the Text of the Zoning Ordinance to add “Accessory Dwelling Unit” to the list of conditional uses in the “AR,” Agricultural-Residential District with the following additional standards:

1. The accessory dwelling unit is situated on the lot so as to meet the yard requirements of an actual subdivision;
2. All property is vested in single ownership; and,
3. The exterior appearance of the accessory dwelling is compatible with the character of residences in the neighborhood and/or immediate surrounding area.

Commissioner Thorn seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 6:** **PL-1605** – Request for Approval to the Text of the Lees Summit Planned Unit Development Project Text. More specifically to add “Self-Storage/Mini-Warehouses” to the list of uses permitted in the Lees Summit PUD. – Greg Russell, with Neel Schaffer Engineering, representing Summit Park, L.L.C., owner of the property.

Mr. Page presented the application to the commission. He added that staff recommends adding the same criteria as set forth in our zoning ordinance if approved.

Commissioner Jordan stated that there is a mini warehouse located next to Toyota which is across the street from this property.

Mr. Greg Russell came forward to represent the application. He stated that the facility next to Toyota is very prominent in the area. This piece of property in discussion will have a very low visibility.

Commissioner Thorn stated that his concern is that there is a like business across the street. Mr. Chad Fisher came forward and stated that the existing facility is strictly an indoor climate-controlled facility and is completely full. Commissioner Thorn asked if there was a survey showing the need for another storage facility in that area. Mr. Fisher stated that they do not have one.

Commissioner Jordan asked what changes have occurred in the area to have a need for this. Mr. Fisher stated that the number of rooftops has increased which means more people need a location to store their things.

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 DENIAL of an Amendment to the Project Text of the Lees Summit Planned Unit Development to add “Self-Storage/Mini-Warehouse” to the list of permitted uses within the “C-4” designated areas of the PUD. Commissioner Thorn seconded the motion. The motion failed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Yay,” Commissioner Jordan “Yay,” Commissioner Brumbelow “Nay,” Commissioner Hawkins “Nay,” Commissioner Ashworth “Nay,” and Commissioner Skeen “Nay.”

Commissioner Skeen stated that he would like to see the original Master Plan/Project Text with amendments for Lees Summit PUD.

Commissioner Skeen then made a motion to table the application until May 10, 2022, to allow staff to present to original Master Plan for Lees Summit PUD. Commissioner Brumbelow seconded the motion. The motion passed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Yay,” Commissioner Jordan “Nay,” Commissioner Brumbelow “Yay,” Commissioner Hawkins “Yay,” Commissioner Ashworth “Yay,” and Commissioner Skeen “Yay.”

Chairman Carter announced the following item:

**Item 7:** **PL-1606** – Request for Final Plat Approval, Re-subdivsion of Lot 5B of the First Revision of Lees Summit PUD, into 4 Lots, 10.0 total acres, located on the southeast corner of McIngvale Road and Monteith Avenue in Section 17, Township 3 South, Range 7 West. The property is currently zoned in the “PUD,” Planned Unit Development District. – Greg Russell, with Neel Schaffer Engineering, representing Summit Park, L.L.C., owner of the property.

Mr. Page presented the application to the commission.

The commission had no questions for Mr. Page.

Mr. Greg Russell came forward to represent the application.

Commissioner Jordan asked if Mr. Russel was ok with the comments stated by Mr. Page. Mr. Russell said he was in agreement with them but did have a concern with the drainage comment. He stated that the flow of drainage comes down through this lot. It is not practical to extend the no disturb area. Mr. Page said that this is in the project text. If you can’t or don’t want to do this requirement, then an amendment would need to be done.

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

Commissioner Skeen then made a motion to grant Final Plat Approval for Re-subdivsion of Lot 5B of the First Revision of Lee’s Summit PUD, into 4 Lots, 10.0 total acres, located on the southeast corner of McIngvale Road and Monteith Avenue in Section 17, Township 3 South, Range 7 West., based upon a finding that the submitted final plat generally conforms to the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Revise the plat as follows:

1. Revise the title of the plat to read “the Re-subdivision of Lot 1 of Phase 5B of the First Revision of Lee’s Summit PUD.”
2. Revise the Owner’s and Mortgagee’s Certificates to state “…and dedicate the right-of-way for the roads and utility easements as shown on the plat of the Subdivision to the City of Hernando, Mississippi, for the public use forever.”
3. Revise the plat to identify the 30’ wide buffer yard along the eastern and southern boundaries as a 30’ wide “no disturb buffer yard easement”
4. Either remove the shaded area reflected along the eastern boundary or extend it to the full 30’ of width and north to Monteith Avenue as reflected in the approved project text. Revise the plat to reflect the 30’ wide no disturb buffer yard easement along the entire southern boundary as reflected in the approved project text.
5. Revise the plat drawing to reflect the associated utility easements along the southern and eastern boundaries **outside** the 30’ buffer yards, not as being inside the buffer yard areas.
6. Revise the plat drawing to reflect cross-access easements between Lots 1, 2, and 3.
7. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
8. 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. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
9. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat of the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks. Prior to recording the final plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
10. Prior to the beginning of utility and improvement construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
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. Sidewalks shall be installed on both sides of the internal cul-de-sac, on the east side of McIngvale Road, and the south side of Monteith Avenue, to the extent that McIngvale Road and Monteith Avenue border the subdivision.
14. 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.
15. Prior to the recording of any final plat for this property the applicant shall submit full construction drawings for the proposed cluster mailbox facility to the Planning Department Staff for review and approval conforming to the requirements of the amendment adopted by the Mayor and Board of Alderman concerning cluster mailboxes.

Commissioner Jordan seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 8:** **PL-1607** – Request for Final Plat Approval, Trans Development Commercial Subdivision, 1 Lot, 4.52 acres, located on the northeast corner of Green T Road and U.S. Highway 51 in Section 1, Township 3 South, Range 8 West. The property is currently zoned in the “C-2.,” Highway Commercial District. – Greg Russell, with Neel Schaffer Engineering, representing Green T Trans Development, L.L.C., the property owner.

Mr. Page presented the application to the commission.

The commission had no question for Mr. Page.

Mr. Greg Russell came forward to represent the application.

The commission had no question for Mr. Russell.

Commissioner Carter asked if there was anyone present to speak for or against the 3application. There was no one.

Commissioner Jordan made a motion to grant Final Plat approval to the Trans Development Commercial Subdivision, 1 Lot, 4.52 total acres located on the northeast comer of U.S. Highway 51 and Green "Tee" Road in Section 1, Township 3 South, Range 8 West, based upon a finding that the submitted plat generally conforms to the requirements of the City's codes and ordinances, subject to the following conditions:

1. Revise the plat as follows:

A. Revise the Owner's and Mortgagee's Certificates to state .and dedicate the right-of-way for the roads and utility easements as shown on the plat of the Subdivision to the City of Hernando, Mississippi, for the public use forever."

B. Identify the lot as Lot 1.

C. Complete the Section corner tie-in note

1. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
2. 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.  Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
3. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1 h" thick, before the plat of the subdivision is recorded, including one-half of the right-of-way of Green "Tee" Road, and such improvements to U.S. Highway 51 as determined necessary by the City Engineer, to the extent that those roads border this development. 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 the final plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
4. Sidewalks shall be installed on the east side of U.S. Highway 51 and the north side of Green "Tee" Road to the extent that those roads border the subdivision.
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. Streetlights shall be installed at the developer's expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
7. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
8. 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.
9. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Brumbelow seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 9:** **PL-1608** – Request for Final Plat Approval, Creekside Subdivision, 2 Lots, 4.63 acres, located on the north side of Creekside Boulevard, east of McIngvale Road in Section 17, Township 3 South, Range 7 West. The property is currently zoned in the “c-2,” Highway Commercial District – Nick Kruenen with Civil-Link, representing Mark Anglin, owner of the property.

Mr. Page presented the application to the commission.

The commission had no questions for Mr. Page.

Mr. Nick Kruenen came forward to represent the application.

Commissioner Skeen stated that there is a sewer easement that goes along the north and south side property lines. Mr. Kruenen stated they would make sure that it was shot and notated on the final plat.

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 grant Final Plat approval to Creekside Commercial Subdivision, 2 Lots, 4.63 total acres located on the north side of Creekside Boulevard, east of McIngvale Road, north of East Commerce Street, in Section 17, Township 3 South, Range 7 West, based upon a finding that the submitted plat generally conforms to the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Revise the plat as follows:
2. Revise the 50’ wide “preserve” area to read as a 50’wide “no disturb landscape easement.”
3. Revise the plat drawing to correct note #5 to state that the utility easement along the rear property line of the lots is 10’ wide not 5’. Adjust the plat drawing to reflect the utility easements to the proper scale. Label the utility easements on the other property lines accordingly.
4. Revise the plat drawing to correct note #6. A portion of the subject property **does** lie within the 100’ floodplain.
5. Revise the plat drawing to reflect the previously recorded 30’ wide sanitary sewer easement along the south and easter areas of the subject property.
6. Owner’s and Mortgagee’s Certificates to state “…and dedicate the right-of-way for the roads and utility easements as shown on the plat of the Subdivision to the City of Hernando, Mississippi, for the public use forever.”
7. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
8. 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. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
9. 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, including one-half of the right-of-way of Creekside Boulevard to the extent that the road borders this development. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks. Prior to recording the final plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
10. Sidewalks shall be installed on the north side of Creekside Boulevard to the extent that the road borders the subdivision.
11. Prior to the beginning of utility and improvement construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
12. Streetlights shall be installed at the developer’s expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
13. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
14. 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.
15. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Hawkins seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 10:** **PL-1609** – Request for Final Plat Approval, Douglas Estate Consolidation Plat, 3 Lots being combined into a single lot, 0.36 acres, located on the southwest corner of East Commerce Street and Ice Plant Lane in Section 18, Township 3 South, Range 7 West. The property is currently zoned in the “C-2,” Highway Commercial District – Greg Smith, with Mendrop Engineering Resources, representing Dale Wilson, owner of the property.

Mr. Page presented the application to the commission.

The commission had no question for Mr. Page.

The applicant was not present.

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 grant Final Plat approval for the Douglas Estate Consolidation Plat, combining three existing lots into a single lot with a total acreage of 0.36 acres, located on the southwest corner of East Commerce Street and Ice Plant Lane, in Section 18, Township 3 South, Range 7 West, based upon a finding that the submitted plat generally conforms to the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Revise the plat as follows:
   1. Revise the plat drawing to include the Section Corner tie-in.
   2. Revise the plat drawing to correct note #5 to state that the utility easement along the rear property line of the lot is 10’ wide not 5’. Adjust the plat drawing to reflect the utility easements to the proper scale.
   3. Revise the plat drawing to include a Mortgagee’s Certificate, if necessary.
   4. Revise the Owner’s and Mortgagee’s Certificates to state “…and dedicate the right-of-way for the roads and utility easements as shown on the plat of the Subdivision to the City of Hernando, Mississippi, for the public use forever.”
2. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
3. 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. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
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 (1) layer of blacktop, 1½" thick, before the plat of the subdivision is recorded, including such improvements to East Commerce Street, Ice Plant Lane, and East Center Street as determined necessary by the City Engineer.one-half of the right-of-way of Creekside Boulevard to the extent that those roads border this development. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks. Prior to recording the final plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
5. Sidewalks shall be installed on the south side of East Commerce Street, the west side of Ice Plant Lane, and the north side of East Center Street to the extent that those roads border the subdivision.
6. Prior to the beginning of utility and improvement construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
7. 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.
8. 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.
9. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Chairman Carter announced the following item:

**Item 11:** **PL-1610** – Request for Zoning Variance to allow construction of a fence within the front yard setback, and a Design Review Variance to allow construction of a 6-foot-tall black cyclone sight-proof fence rather than with compliant materials required by the Design Review Ordinance. The subject property is located south of Nesbit Road, on the northeast corner of Nesbit Drive and Bramont Drive, in Section 25, Township 2 South, Range 8 West, more specifically known as 1308 Nesbit Drive. The subject property is 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 explained that the fence has already been installed without a permit.

Commissioner Jordan asked if cyclone fence is the same a chain link. Mr. Page explained that it was with a black coating.

Mr. Johnny McBride came forward to represent the application. He explained that there is a woven material in the fence that creates the sight proof for privacy. The back and sides of the fence do not have the woven material.

Mr. Page explained that the cyclone fence is allowed in the rear and sides of the property in the Industrial Zoning District.

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 **approve** two Zoning Variances, (1) allowing construction of a fence within the front yard setback of an “M-1” zoned property, and (2) allowing construction of a vinyl-coated sight-proof fence within the front yard setback of an “M-1,” zoned property rather than with compliant materials. The subject property is 1308 Nesbit Drive, located south of Nesbit Road, on the northeast corner of Nesbit Drive and Bramont Drive 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.* This is a corner lot, and the requirement of two front yard setbacks is a special circumstance that severely limits the developable area of the lot. The materials and colors for use on the proposed fence allows a consistent design throughout.
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.* Other lots within the subdivision are allowed to put their fences on side and rear lot lines and utilize the same materials proposed in this application, which allows them to utilize their entire property. By our property having the requirement that our fence must be built on the building setback we are not able to utilize all of our property since it is a corner lot or maintain a consistent fence design.
3. *That the special conditions and circumstances do not result from the actions of the applicant and are not based upon economic considerations*. This property is a corner lot, and the double front yard setbacks reduces the useable property available in the lot. The variance request is in response to the front yard setback requirements of the Ordinance, not due to the actions of the applicant.
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.* Granting the variance, allows the continuation of a unified design throughout the subject property as opposed to requiring the applicant to pursue a major jarring design change in the middle of the project, which does not confer a special privilege on the applicant.

Commissioner Clark seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

**Item 12:** **PL-1611** – Request for Final Plat Approval, Nesbit Industrial Park, Phase 12, 3 Lots, 6.41 total acres, located at the southern terminus of Nesbit Drive, south of Nesbit Road, west of U.S. Highway 51, and east of Gwynn Road, in Section 25, Township 2 South, Range 8 West. The property is currently zoned in the “M-1” Light   
Industrial District – Greg Smith, with Mendrop Engineering Resources, representing Butch Davis of Timber Ridge L.L.C., owner of the property.

Mr. Page presented the application to the commission.

The commission had no question for Mr. Page.

The applicant was not present.

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

Commissioner Clark made a motion to grant Final Plat Approval for Phase 12 of Nesbit Industrial Park, 3 lots, 6.41 acres, located at the southern terminus of Nesbit Drive, South of Nesbit Road, West of U.S. Highway 51, and east of Gwynn Road, in Section 25, Township 2 South, Range 8 West, based upon a finding that the submitted final plat generally conforms to the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Revise the plat as follows:

1. Include in the title block of the plat the total acreage included in the plat.
2. Revise the Owner’s and Mortgagee’s Certificates to state “…and dedicate the right-of-way for the roads and utility easements as shown on the plat of the Subdivision to the City of Hernando, Mississippi, for the public use forever.” Eliminate the wording, “…and reserve for the public utilities the utility easements as shown on the plat.”
3. Revise the plat to reflect a 10’ wide utility easements at the front and rear property lines and 5’ wide utility easements on side property lines.
4. Revise in the notes on the face of the plat that there are 10’ wide utility easements on the front and rear property lines.
5. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
6. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
7. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat of the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks. Prior to recording the final plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
8. The Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
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. Following Plat Approval, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
12. 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.
13. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Thorn 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 8:55 p.m.