



**City of Hernando, Mississippi
Office of Planning**

PLANNING COMMISSION

June 14, 2022, MINUTES

The Planning Commission met in a regular session on June 14, 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 Carter, Commissioner Jordan, Commissioner Hawkins, and Commissioner Brumbelow. The following staff members were also present Steven Pittman, City Attorney, Kristen Duggan via video, BJ Page, and Austin Cardosi.

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

Commissioner Carter asked if everyone had reviewed the May 10, 2022, minutes. Commissioner Brumbelow made a motion to approve the minutes as written and Commissioner Ashworth seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

- Item 1: PL-1615** – Request to Rezone 2.70-acres in 3 lots (Lots 2, 3, and 4 for the Grove Park Professional Office Plaza Subdivision) from the “O” Office District to the “R-12,” Single Family Residential District (Medium 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.

Mr. Cardosi presented the application to the commission.

Mr. Vance Daly is present to represent the application. He stated that the R-12 zoning conforms with the City of Hernando Master Plan and the surrounding subdivision.

Commissioner Jordan asked if the submitted layout is the proposed plan. Mr. Daly stated that is the current layout of the Office zoned lots. The plan will be 5 lots on the side using the existing 2 vacant lots and 2 lots on the other side using the existing one lot. Mr. Cardosi then stated that this is a conceptual plan. The lot layout will be addressed at the preliminary subdivision plat approval.

Commissioner Jordan then asked if the median in Grove Park Office Drive dedicated and maintained by the city. Mr. Michael Austin stated that he currently maintains the median.

Mr. Page added that the maintenance of the median can be addressed in the covenants at the preliminary approval. Commissioner Thorn asked if this could be looped into the existing HOA. Mr. Page -stated that it could not be added to the existing HOA unless they accepted it.

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

Mr. Matt Hutchison came forward and stated that this would be a better use of the lots rather than the vacant lots that have been sitting for years.

Commissioner Brumbelow made a Motion to recommend approval of a rezoning request be Mr. Vance Daly, on behalf of Michael J. Austin, owner of the property, of 2.70 acres identified as Parcel Number 307307280 0000200 (Lot 2), 307307280 0000300 (Lot 3), 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 their current zoning of the "O" Office District to "R-12," Residential Single-Family District (Medium Density), based on the following findings:

1. How the proposed amendment would conform to the General Development Plan.
The Future Land Use Map of the currently adopted General Development Plan, designates the subject property in the "Single Family Low-Density Dependent," land use designation. Under the General Development Plan, the recommended zoning district for properties designated in the "Single Family Low-Density Dependent," land use designation would be either the "R-12," "R-15," or "R-20" zoning districts. Therefore, the request to rezone the subject property from the "O" Office District to the "R-12," Single Family Residential (Medium Density) District would conform to the recommendations of the General Development Plan. It is also worth noting the Board unanimously voted on November 15, 2005, to rezone the four acres consisting of Grove Park Office Plaza from its then zoning of "R-12" to the "O" Office District. This rezoning predates the adoption of the current General Development Plan, which was adopted in 200\ . Therefore, the current request will bring the property back into conformance with the City's currently adopted General Development Plan.

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.

The Future Land Use Map of the currently adopted General Development Plan, designates the subject property in the "Single Family Low-Density Dependent," land use designation. Under the General Development Plan, the recommended zoning district for properties designated in the "Single-Family Low-Density Dependent" land use designation would be either the "R-12," "R-15," or "R-20," zoning districts. Therefore, the request to rezone the subject property from "O" Office District to the "R-12," Single Family Residential (Medium Density) District would conform to the recommendations of the General Development Plan. There have been 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 were considered.

Commissioner Thorn seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

Item 2: **PL-1616** – Request for Conditional Use Permit Approval for "Wrecker Service and Temporary Storage of Wrecked Vehicles" to be located on a 0.283-acre portion of a 1.30-acre lot located on the east side of U.S. Highway 51, north of Pleasant Hill Road in Section 25, Township 2 South, range 8 West, zoned "C-2," Highway Commercial District – Michael Likes of Likens Towing Service, L.L.C. representing Paul E. Milam, Jr., the property owner.

Mr. Page presented the application to the commission. He explained that the business would not utilize the building for office space. This is only for the storage behind the building.

Commissioner Carter asked of the commission needs to set a length of time that the vehicles can be stored. Mr. Page stated that the commission could set a time frame and that the applicant would likely have an approximate time frame that vehicles are usually kept.

Mr. Michael Likens came forward. Commissioner Thorn asked if he owned the property. Mr. Likens stated that he would be leasing the property. Commissioner Thorn asked about the time frame of the vehicles being stored. Mr. Likens stated that he has never had a vehicle over six months.

Mr. Page stated that there are requirements of paving and sight proof fencing that go along with this type of business. He then stated that Mr. Likens has stated that he does not want to get to invested in this property since he is only leasing.

Commissioner Thorn asked what is currently in the back area and if there is an existing fence. Mr. Likens stated that the back area is graveled and there is currently a chain link fence.

Commissioner Jordan asked if the new convenience store would have a fence along the property line. Mr. Cardosi stated that they would not.

Commissioner Jordan asked if Mr. Likens only plans to be at this location for one year. Mr. Likens said that is correct. He plans to have another location by that time.

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

Mr. Matt Hutchison came forward. He stated that there are many eyesores in that area currently and he does not believe that an 8-foot fence would block the visibility. He is concerned about the aesthetics of this business proposal.

1. Commissioner Brumbelow made a motion to approve the Conditional Use Permit for a Wrecker Service and Temporary Storage of Junk Cars for Likens Towing, L.L.C., to be located on a 0.283-acre portion of a 1.30-acre lot located on the east side of U.S. Highway 51, north of Pleasant Hill Road in Section 25, Township 2 South, for a period of one (1) year expiring on June 14, 2023, at which time the applicant shall return to the Planning Commission for an evaluation and a time extension request,

A. Subject to the following conditions:

- (1) The vehicle storage area behind the existing building on the lot shall be used only for the parking of tow trucks, employee parking, and the temporary storage of towed vehicles. The vehicle storage area shall not be used for the commercial parking of eighteen-wheel semi-trucks and/or other forms of business trucks, tractor-trailers, campers and/or recreational vehicles, agricultural equipment, or cargo containers.
- (2) Stored vehicles shall not be stacked.
- (3) The storage area site shall be screened with a solid board fence or brick/masonry wall and shall be paved with an asphalt or concrete surface prior to use and occupancy.
- (4) The applicant shall submit a site plan for the proposed vehicle storage area for review and approval by the Planning staff.

B. And, based upon the following findings:

- (1) *The proposed use will not substantially increase traffic hazards or congestion.* The site is located on U.S. Highway 51, a federal highway, and designated as a major road on the City's Major Road Plan. Therefore, U.S. Highway 51 is designed and intended for a high level of traffic. Approval of the conditional use permit should not increase traffic hazards or congestion.

- (2) *The proposed use will not substantially increase fire hazards.* This will be a lot for temporary storage of towed vehicles. These towed vehicles are constructed of largely inflammable materials.
- (3) *The proposed use will not adversely affect the character of the neighborhood.* The subject property is surrounded by other commercially zoned and developed properties and will have no direct impact on any nearby residential developments or uses. The proposed use will not adversely affect the character of the neighborhood since it is located in existing commercial area of the city.
- (4) *The proposed use will not adversely affect the general welfare of the City.* The proposed use will not adversely affect the general welfare of the City since the project will convert a currently unoccupied property into a beneficial commercial use providing jobs and services to the City.
- (5) *The proposed use will not overtax public utilities or community facilities.* Since the applicant has indicated that the existing building on the site will not be used to house the tow company's office, the parking of vehicles on the subject property should have no particular impact on public utilities or community facilities.
- (6) *The proposed use of the property will conform to the recommendations of the City's General Development Plan.* The Future Land Use Map of the General Development Plan designates the property for commercial land use and as such contemplates its future commercial development, and in the case of a conditional use, providing that the Commission finds that the proposed use has no negative impacts on the community. Additionally, the proposed use is supportive of Commercial Land Use Goal 1, Objective 2: *Encourage the development of locally owned retail establishments, especially in the town square area.*

Commissioner Thorn seconded the motion. The motion passed with the following vote: Commissioner Thorn "Yay," Commissioner Jordan "Yay," Commissioner Brumbelow "Yay," Commissioner Hawkins "Yay," and Commissioner Ashworth "Nay."

Chairman Carter announced the following item:

Item 3: PL-1621 – Request for Zoning Variance Approvals to:

- A. Allow construction of a 6' tall, galvanized chain-link fence with an additional three strands of barbed wire along the top, along the sides, rear, and encroaching within the front yard setback of the subject property.
- B. Allow waiver of the Type "10" buffer yard requirement between Industrially zoned properties.
- C. Allow the access drive around the east end of the building to be 20' wide rather than 25' wide and allow the use of gravel paving for the access drive and the vehicle maneuvering area to the south of the building rather than asphalt or concrete.
- D. Allow waiver of the curb and gutter requirement in portions of the vehicle movement areas, as identified on the submitted site plan.

- E. Allow waiver of the screening requirement for the dumpster located behind the building.
- F. Allow waiver of the “opaque barrier” requirement for parking spaces facing Vaiden Drive.

For Tastemaker Foods, located on Lot 9 of the 1st Revision to the Hernando Industrial Park Subdivision, which is located on the southwest side of Vaiden Drive, south of East Oak Grove Road and west of McCracken Road, in Section 19, Township 3 South, Range 7 West, more specifically known as 495 Vaiden Drive. The property is currently zoned in the “M-1,” Light Industrial District. – G. Taylor Webb, with Rockfield Engineering, representing Justin Reed of JR Squared, the property-owner.

Mr. Page presented the application to the commission. He explained that the addition to the building triggers the requirement of the City of Hernando Design Standards and Zoning Ordinance to be met.

Commissioner Jordan asked if there was a fire hazard issue in regards to the decrease in the width of the access road. Mr. Cardosi stated that the plans showing the decrease in the width has been sent to fire for their review and whatever decision made tonight will be subject to the fire review.

Mr. Taylor Webb came forward to represent the application. He explained that the request for the fence was to extend the existing 6-foot tall, galvanized fence and to connect to the neighbor’s fence which is also 6 foot tall and galvanized.

The buffer yard requirement includes a large canopy tree every 40 feet along the entire property. He stated that he was unable to find anywhere that has met that requirement. He added that the type 10 buffer yard requirement isn’t even in the Design Standards. It is only stated in the Zoning Ordinance Buffer Requirements.

The access drive request of a 20-foot wide rather than a 25-foot wide is based on his interpretation of the ordinance. It states that a 25-foot aisle is required when there is 90-degree parking. The ordinance does not address the minimum access width. This is typically regulated by fire code which states 20 feet requirement.

Curb and gutter is offered throughout the public parking area. The only place it isn’t offered is adjacent to where it goes into the ditch, which flows into the detention area. The Mississippi Department of Environmental Quality standards for erosion control methods state that this is how you reduce stormwater runoff and increase stormwater quality.

The gravel behind the building is purely for aesthetic value. As well as most of the design review items mentioned. They do not provide a function. This is behind the building and not visible. The plan for this business is to continue to grow the business and provide jobs. Anything you build in this area will eventually have to be destroyed to allow for future expansion.

The opaque barrier was more a concern of the requirement of a brick wall as opposed to a vegetative barrier.

The dumpster area is almost 500 feet from the road and not easily visible. Again, this is strictly an aesthetic issue and no functional value.

Commissioner Thorn asked where the dumpster is located. Mr. Webb stated that it is in the turn on the east side of the building in a low spot.

Mr. Webb then added that asphalt/concrete is intended to extend all the way to the rear of the building. Only the rear area will be gravel. Commissioner Thorn asked if the rear area is currently gravel. Mr. Webb stated that it is gravel.

Commissioner Jordan asked if they were okay with the opaque barrier requirement if it wasn't a brick wall. Mr. Webb stated that they were ok with that requirement. He then asked if that was only for the new area or if it would be required to extend into the existing building area. Mr. Page stated that this requirement does allow for a closely compacted vegetative barrier which must be at least 3-foot tall at time of planting. He then added that he feels the business would want to extend into the existing building for conformity.

Mr. Page also added that one of the reasons that the issue with the gravel has come about is during the review for the Phase 1, which consisted of the renovation and addition, we raised the issue of paving the gravel at that time. It was stated that the gravel drive would be covered by the new addition, and they would have to rip it up at that time. Staff understood that and agreed to allow the gravel to remain until the expansion was made. They were informed that if they decided to maintain the drive then a completely new drive around the addition would need to be paved. He also stated that the drawing that were submitted show the gravel beginning before the rear of the building. Mr. Webb stated a new site plan was submitted showing the gravel beginning at the rear.

Commissioner Jordan stated that if the fire marshal requires a 25-foot drive it must be done. Mr. Webb agreed.

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

Commissioner Jordan asked if they were withdrawing the variance request regarding the opaque barrier. Mr. Webb stated they were.

Mr. Justin Reed, owner of Tastemaker Foods, came forward. He stated that he opened the business in 2019 and has since and has since added seven new positions. This addition will add 10 new jobs. He stated that they would like to keep the gravel in the rear of the building.

Commissioner Jordan made a motion to motion to **approve** the following variance requests (excluding request F regarding opaque barriers) for Justin Reed of JR Squared, the owner of the property, to allow construction of a 20,000 square foot addition to the existing

Tastemaker Foods facility located on Lot 9 of the First Revision to the Hernando Industrial Park Subdivision, located on the south side of Vaiden Drive, south of East Oak Grove Road and west of McCracken Road in Section 19, Township 3 South, Range 7 West, more specifically known as 495 Vaiden Drive. The variances being approved are the following:

- A. Allow construction of a 6' tall, galvanized chain-link fence with an additional three strands of barbed wire along the top, to be constructed along the sides and rear of the property, and encroaching within the front yard setback of Vaiden Drive as reflected on the submitted site plan.
- B. Allow waiver of the Type "10" buffer yard requirement between Industrially zoned properties.
- C. Allow the access drive around the east end of the building to be 20' wide rather than 25' wide and allow the use of gravel paving for a portion of the access drive and the vehicle maneuvering area to the south of the building rather than asphalt or concrete as reflected on the submitted site plan.
- D. Allow waiver of the curb and gutter requirement in portions of the vehicle movement areas, as identified on the submitted site plan.
- E. Allow waiver of the screening requirement for the dumpster located behind the building as reflected on the submitted site plan.

Commissioner Thorn seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

- Item 4: PL-1622** – Request to approve Zoning Setback Variance for James Jefferys to allow construction of a storage shed within the side yard of his lot, rather than within the required rear yard, and located 2 feet from the side property line rather than the required 5 feet, to be located on Lot 65 of Copperleaf at Arbor Pointe Subdivision, more specifically known as 537 Howell Way, on the south side of Howell Way, west of Memphis Street in Section 12, Township 3 South, Range 8 West, currently zoned in the "R-10," Single Family Residential (Medium Density) District. James Jefferys, applicant and property-owner.

Mr. Cardosi presented the application to the commission. He explained that there is a significant drainage issue on this lot as well as this being an odd shaped lot which limits where an accessory building can be located. He added that due to the requested location of this accessory building being on the utility easement, staff has looked into this and as long as a permanent foundation is not poured, the building can be located on the easement dependent on the commission's decision.

Mr. James Jeffreys came forward to represent the application. He explained that his lot has significant water issues which prohibits him from placing a building in his rear yard.

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** a Zoning Setback Variance by James Jeffery, the owner of the property, to construct a 12' x 20' detached storage building 3.0' from the residence and 2.0' from the west side property line as represented on the submitted site plan, granting a variance of 3.0' from the 5.0' side yard setback requirement on the subject property identified as 537 Howell Way (Parcel #3081.1231.0-00065.00), a 0.36-acre tract located on the south side of Howell Way, west of Memphis Street, north of Whitfield Drive and south of Abey Lane, in Section 12, Township 3 South, and Range 8 West, more specifically known as 537 Howell Way., 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 topography of the lot and the presence of a major drainageway along the rear portion prohibit the structure from being located in the rear yard. These special conditions and circumstances are all limiting factors on the potential location of the detached storage building.
2. *That the literal enforcement of the provisions of these standards would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Ordinance.* Only a small number of residences in the development share the same drainageway and associated topographical problems. As a result, the vast majority of the lots within the development are of sufficient size and topography that compliant locations where a detached storage building might be located are available on those lots. Therefore, denial of the variance would deprive the applicant of the ability to construct a detached storage building that would be available to those other lots where such drainage and topographical issues are not present.
3. *That the special conditions and circumstances do not result from the actions of the applicant and are not based upon economic considerations.* Copperleaf at Arbor Pointe Subdivision was recorded on July 10, 2019, and the building permit for the residence on the property was not issued until November 19, 2019, so the size, shape, and topography of the lot, as well as the location of the major drainageway to the south were already fixed by the developer of the subdivision before the applicant acquired the property.
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.* Only a small number of residences in the development share the same drainageway and associated topographical problems, and additionally, since all of the residents of the subdivision must seek approval from the subdivision's Homeowners Association for any similar construction on their individual properties, and since the applicant has already successfully completed that process, approval of the variance would not confer on the applicant any special privilege otherwise denied to other lands, structures, or buildings in the same subdivision.

Commissioner Thorn seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

Item 5: **PL-1623** – Request to approve Project Text and Preliminary Site Plan for Gilbreath Ridge PUD, 54.13 acres, 99 residential lots, located south of Holly Springs Road and west of Getwell Road, in Section 21, Township 3 South, Range 7 West, zoned “PUD,” Planned Unit development District. Blake Mendrop of Mendrop Engineering Resources, representing Mr. Butch Davis, owner of the property.

Mr. Cardosi presented the application to the commission.

Commissioner Jordan asked about the lot sizes in the development. Mr. Cardosi stated there are only two lots under 10,000 square feet. Mr. Page added that only approximately six lots are under 12,000 square feet.

Commissioner Jordan then asked if Jefferson Estates and Saint Ives are both Planned Unit Developments. Mr. Page stated that they are in a sense. The majority is PUD, but there are certain sections that were rezoned straight residential. Mr. Cardosi added that they are all consistent with R-12 subdivisions.

Commissioner Thorn asked if the ordinance requires one cluster mailbox per 99 homes. Mr. Page stated that it is one per 80 homes per phase. If this is done in one phase, they would need two mailboxes. If it is done in three phases, they would need one per phase.

Mr. Greg Smith came forward to represent the application. He stated that the layout has changed minimally. They have added an entrance to Jefferson Estates and eliminated one on Getwell Road. He then said that there is a stub out to St. Ives, but the ditch is on St. Ives side, and they would need permission to connect.

Mr. Smith stated that they have had studies done along the ditch to make sure that nothing is done to adversely affect the surrounding properties.

Commissioner Jordan asked if they plan to preserve the trees or take them out. Mr. Smith said they would save as many as possible. Commissioner Jordan then said he would like something in writing stating that they would save as many as possible. Mr. Smith agreed to have a statement added referencing saving as many as possible.

Mr. Cardosi added that the tree ordinance would be applied to this development and there is a formula regarding saving trees.

Commissioner Thorn asked if the lake would serve as a retention pond. Mr. Smith said yes. Modifications have been done for this.

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

Mr. Buddy Malone came forward. He owns the adjoining property. He stated that the minimum home size is listed at 2400 square feet and there are only three homes in the area that are close to that size. Jefferson Estates has many large homes, and this could affect the property values of the surrounding homes.

He then said that trees have already been cut down off the property. They clear cut the trees for timber. He added that the lake has always been a problem, but now beavers are building dams and if those break it is going to be a problem for his lot.

He then reiterated his concern for the minimum home sizes and the possibility of depreciating their property values.

Mr. Smith said he was not aware of any trees being cleared for timber. Commissioner Jordan said he wants to know more about the possibility of trees being cut without adhering to the tree ordinance. He added that he feels the commission should table this application until this is investigated.

Commissioner Thorn asked if this is just a rezoning of the land. Mr. Cardosi stated that since this is a Planned Unit Development, it serves as the preliminary plat and the approval of the Plan documents.

Commissioner Thorn made a motion to recommend approval for the rezoning of Parcel No. 307521000-0000900, which is a 54.13-acre tract located on the southwest corner of Holly Springs Road and Getwell Road, in Section 21, Township 3 West, Range 7 South, from the "A," Agricultural District to the "**PUD,**" **Planned Unit Development District** (with the project text and preliminary development plan to be submitted for review and approval, at a later date), 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 PUD does 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 in the "**Master Planned Residential**" land use designation.

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

Since the property is zoned PUD currently, this question is not applicable.

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 changes in the neighborhood which sufficiently alter the nature of the area to justify the recommended PUD zoning. Among them are the properties currently under development including Jefferson Place, St Ives and the rezoning of the Oliver tract. There has also been a PUD approved named Short Fork Farms PUD just north of the subject site less than a mile away that lies within the City of Hernando Water and Sewer Service Area that constitutes a substantial change in the neighborhood. There are currently upgrades taking place on Holly Springs Road east of the subject property which will allow for better traffic flow on that East-West Corridor. Recent upgrades to sewer infrastructure have created a more efficient way to serve the subject property as well, thus allowing for a more urban level of development.

According to the General Development plan, this area is designated for **Master Planned Residential** land use. In this area there are several existing developments. Jefferson Place PUD is currently being developed and has lots as small as 11,046 square feet. St Ives, Section "A," which is also zoned PUD, has lots as small as 9,230 square feet. St Ives Section "B" is currently under construction and is zoned R-15, and St. Ives will connect with the subject property near the south end. The Oliver Tract has been zoned as an R-20 planned overlay district. Given the nature of the developments which have been developed and are being developed in this area, much of which will interconnect, the recommended PUD zoning for the subject tract is in keeping with general character of the existing developments in this area, and the recommendations of the General Development Plan. This area is experiencing major growth and is a desirable place to live. This proposal would tie the area together thus fulfilling a public need and demand for more residential infrastructure in that area.

Commissioner Hawkins seconded the motion. The motion is denied with a unanimous "Nay" vote.

Commissioner Jordan made a motion to table the application until July 12, 2022, to allow staff to investigate and gather more information on the possible logging of this property. Commissioner Brumbelow seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

- Item 6: PL-1627** – Request to approve Zoning Fence Height Variance for Frank Herman to allow construction of two (2) 6' 8" tall fence gates within the

front yard setback of his lot, one on Middle Buster Road and one on Double Shovel Drive, rather than at the 4.0' maximum height allowed by the Ordinance, to be located on Lot 22 of Short Fork Farms Subdivision, more specifically known as 1360 Middle Buster Road, located east of McIngvale Road, on the northwest corner of Middle Buster Road and Double Shovel Drive in Section 8, Township 3 South, Range 8 West, currently zoned in the "A," Agricultural District. Frank Herman, applicant and property-owner.

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

Mr. Frank Herman came forward to represent the application. He stated that his wife has requested a gate at the entrance to the driveway. The commission had no question for Mr. Herman.

Commissioner Hawkins made a motion to approve the Zoning Fence Height Variance for Frank Herman to allow construction of two (2) 6' 8" tall fence gates within the front yard setback of his lot, one on Middle Buster Road and one on Double Shovel Drive, rather than at the 4.0' maximum height allowed by the Ordinance, to be located on Lot 22 of Short Fork Farms Subdivision, more specifically known as 1360 Middle Buster Road, located east of McIngvale Road, on the northwest corner of Middle Buster Road and Double Shovel Drive in Section 8, Township 3 South, Range 8 West, currently zoned in the "A," Agricultural District. Frank Herman, applicant and property-owner 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.*
2. *That the literal enforcement of the provisions of these standards **would** deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Ordinance.*
3. *That the special conditions and circumstances **do not** result from the actions of the applicant and are not based upon economic considerations.*
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.*

Commissioner Ashworth seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

Item 7: Consideration of Amendment to the Zoning Text Concerning Medical Cannabis.

Mr. Cardosi presented the proposed ordinance amendment concerning Medical Cannabis. He explained that this ordinance amendment is based largely on the State guidelines.

The Board of Alderman formed a committee to study the state guidelines and come up with any changes specific to Hernando. These following regulations were proposed:

- Follow all State guidelines regarding the licensure and setback requirements of all facilities
- Prohibit all Medical Cannabis facilities from the Historic District and also 500 feet from the Courthouse, measured parcel line to parcel line
- Adopt a \$1000 business license fee
- Add all definitions, as listed in the State Law
- Add these defined uses, as shown on the attached chart
- Hours of operation for dispensaries are proposed at 9am to 9pm.

Mr. Cardosi added that based on the timeline of the State issuing licensing beginning July 1, 2022, the city needs these regulations in place prior to that date.

Commissioner Carter asked if the commission propose that the regulations be more stringent than the state laws. Mr. Cardosi said yes. Mr. Steven Pittman, City Attorney, added that the local jurisdictions can be more stringent, but can not make thing too difficult for the applicants.

Commissioner Carter said he would like things to be stricter in relations to schools and churches.

Commissioner Thorn asked what would happen if a dispensary were in place and a day care decide to open within 1000 feet. Mr. Cardosi stated that the state regulations address that scenario.

Mr. Pittman explained that laws regarding medical cannabis will be enforced very similar to ABC liquor laws.

Commissioner Carter stated he would like to see the 1000-foot distance doubled around schools, churches, and day cares. Commissioner Thorn asked if a 2000-foot requirement is impractical.

Mr. Page stated that adopting these regulations does not close the door on the matter. Amendments can be made if the need arises. If the city sees that some of the regulations are not working, changes can be made.

Mr. Pittman added that the vote tonight is a recommendation not the final decision. ‘

Commissioner Carter stated that the only issue he sees is the need to be stricter regarding schools, churches, and daycares.

Commissioner Jordan asked if a change to 2000-foot requirement from schools and 1000--foot from daycares and churches is possible.

Commissioner Hawkins stated that the state did extensive research on the matter and the city has done their own research. Between the two, they have done their due diligence and have set a foundation in the direction that we should go. The opt-in is done. The state has set the minimum standards. The city can always come back to make amendments if necessary.

Commissioner Jordan asked if a \$1000 business license fee is common. Mr. Cardosi stated that although not common, it is not unheard of. The city has some business that pay this amount based on the number of employees and or the value of their inventory.

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

Commissioner Hawkins made a motion to recommend approval of the amendment as written. Commissioner Jordan 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 8:50 p.m.