



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

PLANNING COMMISSION

September 13, 2022, MINUTES

The Planning Commission met in a regular session on September 13, 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 Max, Commissioner Jordan, Commissioner Hawkins, Commissioner Skeen, and Commissioner Brumbelow. The following staff members were also present Steven Pittman, City Attorney, Kristen Duggan, and Austin Cardosi.

Commissioner Carter called the meeting to order at 6:03 p.m. and Commissioner Skeen gave the invocation followed by roll being called.

Commissioner Hawkins asked if everyone had reviewed the August 9, 2022, minutes. Commissioner Brumbelow made a motion to approve the minutes as written and Commissioner Ashworth seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following item:

Item 1: PL-1639 – Robinson and Highway 51 C4 Rezoning – Request to Rezone, 1.20 acres consisting of 2 Lots from R-12, Single Family Residential Medium Density to C-4 Planned Commercial. The subject properties are located on the West side of Highway 51 and North of W Robinson Street, more specifically 2165 Highway 51 S and 340 W Robinson Street, in Section 13, Township 3 South, Range 8 West, Ben Smith, IPD Solutions representing Prewet Holdings, owner of properties.

Commissioner Brumbelow recused himself and left the board room.

Mr. Cardosi presented the application to the commission. He then corrected the total acreage as being 1.85 acres instead of the 1.20 acres listed in the description.

Mr. Ben Smith came forward to represent the application. He stated that this is one of the busiest intersections in Hernando. MDOT has recently installed a light at this intersection because of the traffic. The surrounding corners have been rezoned to commercial and the third corner is a funeral home. Traffic will continue to increase in this area and commercial is a better use for the area.

He went on to say that a tree survey had been done by the applicant and they are proposing to increase the buffer to 30 feet to save the trees on W Robinson. He then explained that they are planning to move the entrance further north on the Highway 51 side and keep the W Robinson entrance.

The applicant has trimmed down the use list to more low impact uses that will not cause issues for the surrounding properties. Most of the proposed uses would be closing no later than 10:00 p.m. and, if necessary, they would make a 10 p.m. closing a requirement for the proposed exercise center.

Commissioner Jordan asked if the applicant had considered a PUD zoning so that the Planning Commission could see the building design. Mr. Smith stated that the building would go through the Certificate of Development process to make sure that it meets all of the design requirements.

Commissioner Thorn asked if the trees in the buffer yard will remain. Mr. Smith stated that they plan to keep those trees.

Commissioner Jordan asked what the maximum square footage is for the building. Mr. Smith stated that they plan to construct a 5,000 square foot building. Commissioner Jordan then asked about the Highway 51 entrance. Mr. Smith stated that they plan to move the Highway 51 entrance as far from the intersection as possible.

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

Mr. John Tippitt came forward to speak. He stated that he is against this development. He is concerned about traffic issues that will arise. He stated that there are no other commercial properties on that side of the street, and he feels it should remain commercial.

Mr. Michael McLendon came forward. He stated that the Fairway Mortgage rezoning across the street was a C-4 zoning and they worked with the neighbors on hours of operations. He then stated that he has questions for this application regarding the hours of operation. He added that he feels there should be no street parking and the lighting is a concern. He feels that the lighting should be at a minimum because of the surrounding homes.

He then stated that the city is hurting for commercial and needs more but feels that it needs to be in the right area.

Mr. David Johnson came forward. He stated that a 5000 square foot shopping center will have a lot of people coming in and out and does not feel that this is the best area for a commercial building. It should remain residential.

Commissioner Skeen stated that he feels that the commission should have an actual plan for this project. He then asked if that was not needed. Mr. Cardosi said that it was not required. Some applicants do submit plans with C4 zoning, but it is not required. Commissioner Skeen then asked Mr. Smith why more than a site plan was not presented.

Mr. Smith stated that some people do plans at zoning and some wait and submit at a later date. Commissioner Thorn said he feels that a plan would give the commission more of an idea of whether this fits the character of the neighborhood. Commissioner Jordan agreed. He added that a PUD zoning would provide language that could dictate what is allowed and what hours of operations are allowed. Mr. Smith explained that a PUD requires a minimum of 4 acres.

Ms. Valentine Hinds came forward. She stated that traffic and speeding is already bad on W Robinson, and this will only add to the problem.

Mr. Kenny Francis also came forward. He and Ms. Hinds have lived at 340 W Robinson for 6 years and don't want to lose their home to this rezoning.

Commissioner Jordan asked if the applicant is prepared to provide more information if requested by the commission. Mr. Smith stated that they were not. He then asked if there were specific uses that the commission is concerned with.

Commissioner Jordan stated that the retail and day care could bring a lot of traffic. Mr. Smith stated that they were willing to eliminate the nursery school/day care from the use list. They could remove number 3 and number 8 and place a 10 pm closing time.

Commissioner Skeen said that he wished the commission had some architectural designs on this project based on how close it is to the historical district.

Commissioner Jordan made a motion to recommend **APPROVAL** to the Board of Aldermen of a rezoning requested by Mr. Ben Smith, IPD Solutions representing Prewett Holdings, owner of properties of a 4.85-acre parcel of land from its current zoning in the "R-12," Single-Family Residential District (Medium Density) to the "C-4 Planned Commercial District, consisting of Parcel Numbers 308613001 0001800 and 308613001 0001900, is located on the west side of Highway 51 and North of W Robinson Street, more specifically 2165 U.S. Highway 51 S and 340 W Robinson Street in Section 13, Township 3 South, and Range 8, based upon the following findings:

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

The subject property is zoned "R-12" which is a single-family residential district that is less conducive to higher traffic and commercialization caused by construction of I-269 and, as well as increased traffic on U.S. Highway 51.

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

Within 1 mile of this property approximately 1000 homes exist. The continued development around the downtown square demonstrates that there is a need for retail services in the area. 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.

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 continued substantial residential growth of The City of Hernando, and the planned improvements to Highway 51, and the continued redevelopment of downtown Hernando are all major contributors to factors of change in the area, that were not anticipated and have substantially altered the area.

With the addition that the applicant must comply with lighting regulations, must have a 10 p.m. closing time to foot traffic, and the removal of use number 3 and number 8 from the use list.

Commissioner Max seconded the motion. The motion was denied with the following vote: Commissioner Thorn "Nay," Commissioner Jordan "Yay," Commissioner Max "Yay," Commissioner Ashworth "Nay," and Commissioner Skeen "Nay."

Commissioner Brumbelow returned to the room.

Chairman Hawkins announced the following item:

Item 2: PL-1656 – Magee Trucking Conditional Use for a Mining Permit – Request for a conditional use to mine dirt and clay gravel in the M2 zone. The subject property is located between Industrial Drive and McCracken Road, south of Vaiden Road in Section 19, Township 03, Range 07, John Crawley, representing JTS Capital, the landowner

Mr. Cardosi presented to application to the commission.

Commissioner Max asked if there would be a bond required for the road. Mr. Cardosi stated that staff will suggest a bond amount be set by the city engineer for the truck route.

Mr. John Crawley came forward to represent the application. He stated that his client purchased this property over a year ago with the intent to grade the property. He soon realized the amount of excess dirt that was produced during this process. Since he owns a trucking company, he came with the idea to haul and sale the dirt. This will not be a constant thing. When they have excess dirt, they stockpile it and sale.

Commissioner Max asked if this would be gravel as well or only dirt. Mr. Crawley stated that they would only sale dirt.

Commissioner Brumbelow asked about the estimated truck traffic. Mr. Crawley said that it is hard to tell since this is not going to be a constant thing. They may have 20 trucks one day but none for the next 3-4 weeks.

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

Commissioner Skeen made a motion to approve the application by John Crawley, representing Magee Trucking, owner of the property, for the request of a Conditional Use to allow mining of material, specifically dirt and clay gravel. The subject property is located on the south side of Industrial Drive and west of McCracken Road, in Section 19, Township 3, Range 7, based on the following:

1. The proposed the proposed use WILL NOT substantially increase traffic hazards or congestion.

The applicant has successfully demonstrated that their hours of operation and designated haul route will address any possible substantial increases in traffic hazards or congestion. The area is currently zoned industrial and other allowable uses could generate similar or even more significant traffic.

2. Explain how the proposed use WILL NOT substantially increase fire hazards.

The proposed use does not create any additional fire hazard, based on the fact that the proposal is to haul organic material, which has no flame spread.

3. Explain how the proposed use WILL NOT adversely affect the character of the neighborhood.

The surrounding neighborhood is zoned industrial. The proposed use is in general keep the character of the neighborhood.

4. Explain how the proposed use WILL NOT adversely affect the general welfare of the City.

As stated by the applicant, the operation will be conducted by licensed personnel, and be appropriately monitored by City officials. The general welfare of the City is protected by the designated haul route, and any possible associated road bond

5. Explain how the proposed use WILL NOT overtax public utilities or community facilities.

The proposed use doesn't create a need for any additional public utilities and no community facilities are affected by the operation.

6. Explain how the proposed use of the property WILL conform to the recommendations of the City's General Development Plan.

The general development plan recommends industrial uses for the parcel in question. Although the use is listed as a conditional use, it is in general keeping the goals of the plan.

With the addition of the following Maximum number of trips per day is limited to 20, Conditional use granted for 18 months, will expire March 13, 2024.

Commissioner Brumbelow seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following item:

Item 3: PL-1658 - Holiday Inn Express Height Variance – Request for a height variance to exceed the allowable 35' height in the C2 zone. The subject property is located on the north side of Creekside Boulevard, east of McIngvale Road, in Section 17, Township 3 South, Range 7 West, Nick Kreunen, representing Kal Patel, developer of the property.

Mr. Cardosi presented the application to the commission

Commissioner Thorn asked if the city is getting to a point that they need to revise the height regulations in the ordinance. Mr. Cardosi said that it has been discussed but no changes at the time.

Mr. Alex Ganya came forward to represent the application. He stated that the application is for a 58-foot height to the top of the parapet. Mr. Cardosi stated that the actual request is 50 feet to the top of the roof.

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

Commissioner Jordan made a motion to **approve** a Zoning Height Variance requested by Nick Kruenen, on behalf of Kal Patel the designated agent of the property, to allow

construction of a 4-story hotel building with a maximum height of 50 feet, 15 feet taller than the maximum 35-foot height allowable by the Zoning Ordinance in the "C-2," Highway Commercial District, as reflected upon the building elevations submitted in the application, on property identified as Parcel Number 307417000 0000202 more specifically known as 1100 Creekside Blvd, the future Lot 1, of Creekside Commercial Subdivision, a 2.00-acre parcel located on the north side of Creekside Boulevard, east of McIngvale Road. , on the south side of Creekside Boulevard, east of McIngvale Road, based upon the following findings:

- (1) *That the special conditions and circumstances that exist are peculiar to the land, structures, or buildings involved, and are not generally applicable to other lands, structures, or buildings in the same district.*
- (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 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.