



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

PLANNING COMMISSION

August 9, 2022, MINUTES

The Planning Commission met in a regular session on August 9, 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, 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 Jordan gave the invocation followed by roll being called.

Commissioner Carter asked if everyone had reviewed the July 12, 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-1639 – 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. Greg Smith of Mendrop Engineering Resources, representing Mr. Butch Davis, owner of the property.

Mr. Cardosi explained that the red sign notification had not been placed within the 15-day time frame and the application would need to be tabled until the September meeting.

Commissioner Jordan made a motion to table the application to September 13, 2022, to allow the applicant time to place the proper notification. Commissioner Brumbelow seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

Item 2: PL-1644 – 414 Green T Lake E Conditional Use – Request for a Conditional Use to allow an accessory dwelling unit. The subject property is located on the east side of Green T Lake East and north of Bradley Drive, more specifically, 414 Green T Lake E, in Section 6, Township 3, Range 7, Todd Steele, AERC L.L.C, representing Pete Cookston, owner of property.

Mr. Cardosi presented to application to the commission. He then introduced Mr. Todd Steele as being present to represent the application.

Commissioner Thorn asked they will convert the existing garage. Mr. Steele stated that they would add on to the garage

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 grant Conditional Use Approval Todd Steele, AERC L.L.C, representing Pete Cookston, owner of the property is requesting approval of a Conditional Use for an Accessory Dwelling Unit for a period of 10 years, expiring August 9, 2032. The subject property is located on the east side of Green T Lake East. and north of Bradley Drive, more specifically, 414 Green T Lake E, in Section 6, Township 3, Range 7. Based on the following:

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

With the addition of only one additional vehicle, there will be no significant volume added to the current traffic patterns, thus no increase in hazard or congestion.

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

The ADU will be constructed of materials similar to the existing residence. Wood framing with brick veneer. Fire hazard will not increase.

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

The ADU will attach to an existing detached garage and the materials will match the existing residence.

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

No adverse affects. The additional square footage of the ADU will add property tax dollars to the City.

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

Sewer: the existing residence has a septic system. Electrical: this will not greatly affect the existing infrastructure. Water: this will not greatly affect the water existing infrastructure. All facilities for the ADU will connect to the meters for the main residence.

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

This ADU will be added to a current agriculture-residential district and will conform to the existing development plan.

Commissioner Brumbelow seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

Item 3: PL-1646 – Starlanding Market Final Plat – Request for a final plat approval of 1 lot on 3.47 acres. The subject property is located on the south side of Starlanding Road and west side of U.S. Highway 51, in Section 24, Township 2 South, Range 8 West, Byron Houston, Houston Engineering, PLLC

Mr. Cardosi presented the application to the commission. He then introduced Mr. Byron Houston as being present to represent the application.

Commissioner Jordan asked if this would be a C-4 zoning and Mr. Cardosi stated that it would.

Mr. Houston stated that there would be a shared access easement for the surrounding properties added. Commissioner Jordan asked if that should be noted in the motion. Mr. Cardosi stated that it would be helpful.

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

Commissioner Thorn A motion to recommend **APPROVAL** to the Board of Aldermen of a final plat requested by Mr. Byron Houston with the requirement of an updated plat showing a shared access easement for access along Starlanding Road and Highway 51. The subject property is located on the south side of Star Landing Road and west side of U.S. Highway 51, in Section 24,

Township 2 South, Range 8. Commissioner Hawkins seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

Item 4: PL-1649 – Request to revise a C-4, Planned Commercial. The subject property is located on the south side of Starlanding Road and west side of U.S. Highway 51, in Section 24, Township 2 South, Range 8 West, Byron Houston, Houston Engineering, PLLC

Mr. Cardosi presented the application to the commission. He then introduced Mr. Byron Houston as being present to represent the application.

Mr. Houston explained that the plan meets the general Development Plan for the city. The commission had no questions for the applicant.

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

Commissioner Jordan made a motion to recommend **APPROVAL** to Byron Houston, Houston Engineering, PLLC. For the request to revise the C4 zoning of a 3.33-acre tract. The subject property is located on the south side of Star Landing Road and west side of U.S. Highway 51, in Section 24, Township 2 South, Range 8, based upon the following findings:

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

The general development plan calls for this parcel to be developed according to the recommendation in the “activity retail” designation. The applicant proposals are in line with this recommendation.

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

The existing site zoning of C4 is not proposed to be changed, and the proposed site plan and plan text are typical with other plans of similar scale.

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 applicant has successfully demonstrated a significant change in the area that justified a public need for the proposed plan.

Commissioner Thorn seconded the motion. The motion passed unanimously.

Chairman Carter announced the following item:

Item 5: **PL-1650** – Request to vacate lots 2, 3, 4, of **Grove Park Professional Office Plaza** - Request for to vacate lots 2, 3, and 4 of an existing subdivision recorded in Book 100, Pages 37 and 38 on August 30th, 2006. The subject property is located on the south side of Byhalia Road, adjacent to the Grove Park Subdivision in Section 7, Township 3 South, Range 7 West, Vance Daly, representing the applicant Michael Austin, owner of the property.

Mr. Cardosi presented the application to the commission. He then introduced Mr. Vance Daly as being present to represent the application.

Mr. Daly explained that these are just the steps that needed to be taken to make sure the R-12 zoning, which was approved last week by the Board of Aldermen, is done correctly. The commission had no questions for Mr. Daly.

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

Commissioner Brumbelow made a motion to approve an application by Mr. Vance Daly, on behalf of Michael J. Austin, owner of the property to vacate three lots on 2.70 acres of three parcels of land. the property is zoned “R-12,” Single Family Residential (Medium Density) District. The subject property consists of three lots identified as Parcel Numbers 307307280 0000200 (Lot 2), 307307280 0000300 (Lot 3), and 307307280 0000400 (Lot 4). The lots are platted within the Grove Park Professional Office Plaza subdivision (recorded on August 30th, 2006, in Plat book 100 Page 37 and 38), and are located east of Interstate 55, west of McIngvale Road and south of Byhalia Road. The lots are situated in Section 7, Township 3 South, Range 7 West. This is a request for Lots 2,3, and 4 only. All existing Right of Way and Lot 1 are to remain.

Commissioner Ashworth seconded the motion.

Chairman Carter announced the following item:

Item 6: **PL-1651** – **Grove Park Heights Final Plat** - Request for a Final Plat approval of 7 lots on 2.7 acres. The subject Property is located on the south side of Byhalia Road, adjacent to the Grove Park Subdivision in Section 7, Township 3 South, Range 7 West, Vance Daly, representing the applicant Michael Austin, owner of the property.

Mr. Cardosi presented the application to the commission. He then introduced Mr. Vance Daly as being present to represent the application.

Mr. Daly stated that the covenants will mirror Grove Park Subdivision covenants.

Commissioner Thorn asked where the cluster mailboxes will be located. Mr. Aly stated that they will most likely be on the back of Lot 7.

Commissioner Thorn then asked if the language regarding rental properties is in the covenants. Commissioner Jordan stated that Grove Park HOA is currently working to get the covenants changed to add a rental provision. He then asked if Mr. Daly would be willing to add this provision. He then stated that item 12 in the staff comments addresses individual mailboxes and that needs to be removed. Mr. Daly stated that he would discuss this with his client.

Commissioner Skeen then stated that lot 7 easement needs to indicate that it is a sewer easement.

Commissioner Jordan asked what the minimum home size will be. Mr. Daly stated that it would be 1800 square foot minimum. It mirrors Grove Park minimum.

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

Commissioner Thorn made a motion to recommend **APPROVAL** of a final plat approval for the Grove Park Heights Final plat by Mr. Vance Daly, on behalf of Michael J. Austin, owner of the property, of 7 lots on 2.70 acres located east of Interstate 55, west of McIngvale Road and south of Byhalia Road in Section 7, Township 3 South, Range 7 West based on the following staff comments and a revision to # 12 of the covenants to address the cluster mailbox if applicable as determined by the postal service:

1. All landscaping in all common open space areas, natural areas, buffer areas, streetscape areas, medians, islands, and the entrance signage areas and such other associated improvements shall be installed/constructed prior to the issuance of any building permit within that respective phase of the development. Street trees may be bonded insuring their installation prior to the final inspection and occupancy of the residence upon each lot.
2. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
3. Grading, drainage, and engineering construction plans shall be submitted to the Office of Planning for review and approval 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, or any phase 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, if applicable.

5. Sidewalks shall be installed on both sides of all streets.
6. Finished floor elevations shall be listed for each lot.
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. No relocated buildings will be allowed.
10. Surrounding properties that are within 100 ft. shall be outlined with ownership records given.
11. Federal Emergency Management Agency (FEMA) designated floodplain and flood elevations shall be illustrated on the plat.
12. Prior to recoding the final plat, all Public Improvements shall be installed, completed, and accepted by the City of Hernando.
13. Prior to recording the final plat, the Developer shall include all required certificates and execute those that are applicable to him and his assigns.
14. Following Final Plat Approval by the Board of Aldermen, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
15. Following Final Plat Approval by the Board of Aldermen and prior to the beginning of 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.
16. 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.
17. Prior to Construction Plan approval, the Developer shall obtain a Large Area Grading Permit from the Mississippi Department of Environmental Quality (MDEQ) and submit a copy to the Office of Planning, if applicable.
18. 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 6: PL-1652 – 1547 Monteith Ave - Request for a Conditional Use to allow a studio with a floor area not exceeding 2500 square feet – to be used as a tattoo shop. The subject property is located on the North side of monteith Ave. and East of McIngvale Road, more specifically 1547 Monteith Avenue in Section 17, Township 3, and Range 7, Natasha Watts, Watts Empire Tattoos.**

Mr. Cardosi presented the application to the commission. He then introduced Ms. Natasha Watts as being present to represent the application.

Commissioner Jordan asked what the hours of operation would be Ms. Watts stated that they plan to be open from 10 a.m. to 8 p.m.

Commissioner Carter asked why that location. Ms. Watts stated that it was a location that would allow her to run her business with this conditional use.

Commissioner Brumbelow asked about outside signage. Ms. Watts stated that there would be no changes to the exterior of the building. The sign would be a slide in name plate on the existing monument signage.

The commission then discussed, at length, the concerns regarding the other businesses. Ms. Watts stated that, if approved, she plans to meet with neighbors to ease any concerns they may have.

Commissioner Hawkins stated that the business will not be visible to the other neighbors.

Commissioner Brumbelow expressed his concern with the word tattoo being on the sign. He requested that she use the word studio. Ms. Watts agreed to use Watts Empire Studio.

Mr. Steven Pittman, City Attorney, stated that the commission cannot regulate the sign language. You can suggest but not dictate verbiage.

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

Mr. Vance Daley came forward. He stated that he is in favor of this business. He stated that she has followed all regulation for a conditional use, and he feels that the commission is setting a dangerous precedent by asking her to knock on doors of surrounding properties. The legal requirements for notification were met and this requirement would be singling her out based on her type of business.

Commissioner Carter stated that tabling the application is not an extra step and those were just suggestions for the applicant.

Ms. Claire Agner came forward. She stated that she is a small business owner in the city and is in favor of this application. The owners of this business bring a lot to the community and would be a great asset.

Commissioner Hawkins stated that the city planner placed this business as a conditional use in his [professional opinion and the commission should respect his opinion.

Commissioner Thorn stated that this business is similar to a photography studio and feel it fits for this conditional use category.

Katie Gunter came forward in favor.

Arianna Sizemore also came forward in favor. She stated that the questions are simply because of a bad stigma of tattoo shops.

Commissioner Hawkins made a motion to grant approval to Natasha Watts of a request for a Conditional Use to allow a studio with a floor area not exceeding 2500 square feet – to be used as a tattoo shop for one year, expiring August 9, 2023. The subject property is located on the North side of Monteith Ave. and East of McIngvale Road, more specifically 1547 Monteith Avenue in Section 17, Township 3, and Range 7 based on the following:

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

The applicant's proposal for appointment only reservations successfully addresses any possible substantial increase in traffic or congestion.

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

The applicant has agreed to meet or exceed all fire code requirements and the proposed operation will not substantially increase fire hazards.

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

With the applicant agreeing to have no exterior façade change to the building, there will be no adverse affect on the character of the neighborhood.

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

The applicant has successfully demonstrated that the proposed use will not adversely affect the general welfare of the City.

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

The proposed use will be in general keeping with other businesses in the area, and will not overtax public utilities or community facilities.

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

The proposed use is not specifically mentioned in the City's General Development Plan. The proposed use is in general keeping with other businesses in the Office District, therefore does comply with the City's General Development Plan.

Commissioner Thorn seconded the motion. The motion failed with the following vote: Commissioner Thorn "Yay," Commissioner Jordon "Nay," Commissioner Brumbelow "Nay," Commissioner Hawkins "Yay," Commissioner Ashworth "Nay," Commissioner Skeen "Nay."

Commissioner Hawkins made a second motion to grant approval to Natasha Watts of a request for a Conditional Use to allow a studio with a floor area not exceeding 2500 square feet – to be used as a tattoo shop for one year, expiring August 9, 2023. The subject property is located on the North side of Monteith Ave. and East of McIngvale Road, more specifically 1547 Monteith Avenue in Section 17, Township 3, and Range 7 based on the following:

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

The applicant's proposal for appointment only reservations successfully addresses any possible substantial increase in traffic or congestion.

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

The applicant has agreed to meet or exceed all fire code requirements and the proposed operation will not substantially increase fire hazards.

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

With the applicant agreeing to have no exterior façade change to the building, there will be not adverse affect on the character of the neighborhood.

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

The applicant has successfully demonstrated that the proposed use will not adversely affect the general welfare of the City.

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

The proposed use will be in general keeping with other businesses in the area, and will not overtax public utilities or community facilities.

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

The proposed use is not specifically mentioned in the City's General Development Plan. The proposed use is in general keeping with other businesses in the Office District, therefore does comply with the City's General Development Plan.

Also, Clients are by appointment only. The hours of operation are from 10 a.m. to 8 p.m., no neon lights, and the proposed language for signage will not include tattoo.

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

Election of Officers:

Chairman:

Commissioner Skeen nominated Commissioner Keith Hawkins as Chairman. Commissioner Thorn seconded the motion. The motion passed unanimously.

Vice Chairman:

Commissioner Skeen Nominated Commissioner Jordan as Vice Chairman. Commissioner Hawkins seconded the motion. The motion passed unanimously.

Secretary:

Commissioner Skeen nominated Commissioner Thorn. No second on the motion. Commissioner Brumbelow nominated Commissioner Clark. Commissioner Skeen 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.