

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**DECEMBER 12, 2023, MINUTES**

The Planning Commission met in a regular session on December 12, 2023, 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 Max, Commissioner Jordan, Commissioner Hawkins, Commissioner Skeen, and Commissioner Safley. The following staff members were also present, Josie Gilder, City Attorney, Kristen Duggan, and Austin Cardosi.

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

Commissioner Hawkins asked if everyone had reviewed the November 14, 2023, minutes. Commissioner Clark made a motion to approve the minutes as written. Commissioner Safley seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1775 – Hilltop Body Shop Variance –** Request for a Variance to allow a 6-foot fence and a 20-foot bufferyard. The subject property is located on the west side of U.S. Hwy 51 N, north of Nesbit Rd and south of License Dr, more specifically 2181 U.S. Hwy 51 N, in Sections 24, Township 2, and Range 8, Chance Walker, IPD, representing Ronnie Rowland, owner.

Mr. Cardosi presented the application to the commission.

Commissioner Clark asked if the property was zoned M-1, would the bufferyard and fence height be required. Mr. Cardosi stated that the bufferyard would not be required for the same zoning district.

Mr. Chance Walker came forward to represent the application. He stated that the surrounding property has a future land use plan of M-1 zoning and it would not need a 40-foot buffer yard or a 10-foot fence.

Commissioner Skeen asked what the future land use called for. Mr. Cardosi stated that it calls for a commercial zone.

Commissioner Max asked if the fence variance for the perimeter is only for the north end. Mr. Walker stated that yes it was a perimeter fence. Commissioner Max then asked if the chain-link fence meets the requirements. Mr. Cardosi stated that in the industrial zoning district you can have a black coated chain-link fence.

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

Mr. Langston Worley came forward to speak. He said that when the neighborhood on the south side of his property was approved, it was supposed to have a 25-foot bufferyard. The bufferyard requirement was not enforced. He went on to say that he would like for the 40-foot bufferyard requirement and the 10-foot fence requirement to be kept and enforced so that they do not have to look at the business for their residence.

Commissioner Safley asked if the property was visible from Mr. Worley’s property. Mr. Worley stated that it was visible.

Commissioner Safley then asked what the height of the landscaping would be. Mr. Cardosi said that they are required to be 3-inch caliper trees at the time of planting. The goal is to create an opaque barrier between the properties to obscure visibility.

Mr. Worley asked what happens if the landscaping dies. Mr. Cardosi said that those things are caught during U & O inspections and change in use inspections.

Commissioner Clark made a motion to **APPROVE** a variance request to the required bufferyard and fence height as described in the application. The subject property is located on the west side of U.S. Hwy 51 N, north of Nesbit Rd and south of License Dr, more specifically 2181 U.S. Hwy 51 N, in Sections 24, Township 2, and Range 8 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 Safley seconded the motion. The motion failed with the following vote: Commissioner Clark “Yay,” Commissioner Thorn “Nay,” Commissioner Jordan “Nay,” Commissioner Safley “Yay,” Commissioner Max “Nay,” Commissioner Ashworth “Nay,” and Commissioner Skeen “Nay.”

Commissioner Jordan made a motion to **DENY** a variance to the required bufferyard and fence height as described in the application. The subject property is located on the west side of U.S. Hwy 51 N, north of Nesbit Rd and south of License Dr, more specifically 2181 U.S. Hwy 51 N, in Sections 24, Township 2, and Range 8 based upon the following findings:

1. *That the special conditions and circumstances that exist* ***are not*** *peculiar to the land, structures, or buildings involved, and* ***are*** *generally applicable to other lands, structures, or buildings in the same district.*
2. *That the literal enforcement of the provisions of these standards* ***would not*** *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*** *result from the actions of the applicant, and/or are based upon economic considerations*.
4. *That granting the variance requested* ***would*** *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 Max seconded the motion. The motion passed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Yay,” Commissioner Jordan “Yay,” Commissioner Safley “Nay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” and Commissioner Skeen “Yay.”

Chairman Hawkins announced the following items:

**PL-1776 – Longview Point Design Variance -** Request for a Design Review Variance to allow metal panels on the exterior of the building. The subject property is located on the south side of Byhalia Road and east of McIngvale Road, more specifically 1100 McIngvale Road, in Section 8, Township 3, Range 7, Patrick Smith, AERC, representing the owner.

Commissioner Clark and Commissioner Safley recused themselves and left the board room.

Mr. Cardosi presented the application to the commission.

Mr. Doug Thornton came forward to represent the application. He explained that the color would be gray, and no screws would be visible from the outside. He went on to say that this is a secondary design material that will be more durable and require less maintenance.

Commissioner Thorn asked if this is the same material that is on the previous expansion. Mr. Thornton said yes.

Commissioner Jordan voiced his concern that this proposal is a majority metal. Also, one of the conditions of approval for the previous expansion stated that no further metal façade would be entertained in any future expansions.

Mr. Thornton stated that the approval that is being mentioned was granted in 2016. The times and materials have changed since that time, and he feels that the City of Hernando needs to review and update the allowed building materials in their Design Standards.

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

Commissioner Skeen made a motion to **APPROVE** a design for Longview Point Church, as described on the attached exhibits. The subject property is located on the south side of Byhalia Road and east of McIngvale Road, more specifically 1100 McIngvale Road, in Section 8, Township 3, Range 7based 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.*

The motion failed due to lack of second.

Commissioner Jordan made a motion to **DENY** a design for Longview Point Church, as described on the attached exhibits. The subject property is located on the south side of Byhalia Road and east of McIngvale Road, more specifically 1100 McIngvale Road, in Section 8, Township 3, Range 7based upon the following findings:

1. *That the special conditions and circumstances that exist* ***are not*** *peculiar to the land, structures, or buildings involved, and* ***are*** *generally applicable to other lands, structures, or buildings in the same district.*
2. *That the literal enforcement of the provisions of these standards* ***would not*** *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*** *result from the actions of the applicant, and/or are based upon economic considerations*.
4. *That granting the variance requested* ***would*** *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 Max seconded the motion. The motion passed with the following vote: Commissioner Thorn “Nay,” Commissioner Jordan “Yay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” and Commissioner Skeen “Nay.”

Commissioner Clark and Commissioner Safley returned to the board room.

Chairman Hawkins announced the following items:

**PL-1777 – Forest Meadows Lot 8 setback Variance –** Request for a Variance to encroach 15-feet into the 50-foot setback. The subject property is located on the west side of Jaybird and south of Trapper Dr in Sections 8, Township 3, and Range 7, Jon Stevenson, the owner.

Commissioner Jordan recused himself and left the board room.

Mr. Cardosi presented the application to the commission.

Mr. Jon Stevenson came forward to represent the application. He there are several mature trees in the rear of the property that would have to be removed if the house were built at the setback. He also stated that there have been other variances granted for front setbacks along Jaybird Rd. This is an extremely large front yard setback for residential structure.

Commissioner Safley asked how many trees would be removed if the house were placed at the 50-foot setback. Mr. Stevenson stated that they would need to remove 3-4 large White Oaks. He added that there is a plan to plant a large row of Crepe Myrtles along the south property line to screen the house from the neighboring lot.

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

Mr. Chris Tunney came forward to speak. He is the neighbor on the south side and is concerned about drainage. There have been issues with run off from Jaybird Rd in the past and he is concerned that this will cause further issues. Mr. Tunney then stated that this house is only about 4-5 feet below Jaybird Road. His house is around 10-feet below

Mr. Stevenson stated that the grading is not complete. They will finish once they know the decision of the variance request. He added that they are trying to save trees. They are willing to remove the 40–50-year-old trees and move the house back but would rather do whatever they could to save them.

Commissioner Clark made a motion to **APPROVE** front setback variance to encroach 15 feet into the required setback. The subject property is located on the west side of Jaybird and south of trapper Dr in Sections 8, Township 3, and Range 7 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.*

The motion failed due to lack of second.

Commissioner Max made a motion to **DENY** a front setback variance to encroach 15 feet into the required setback. The subject property is located on the west side of Jaybird and south of trapper Dr in Sections 8, Township 3, and Range 7 based upon the following findings:

1. *That the special conditions and circumstances that exist* ***are not*** *peculiar to the land, structures, or buildings involved, and* ***are*** *generally applicable to other lands, structures, or buildings in the same district.*
2. *That the literal enforcement of the provisions of these standards* ***would not*** *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*** *result from the actions of the applicant, and/or are based upon economic considerations*.
4. *That granting the variance requested* ***would*** *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 Skeen seconded the motion. The motion passed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Nay,” Commissioner Safley “Yay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” and Commissioner Skeen “Yay.”

Commissioner Jordan returned to the board room.

Chairman Hawkins announced the following items:

**PL-1774 – Hilltop Body Shop Conditional Use –** Request for a Conditional Use to allow limestone. The subject property is located on the west side of U.S. Hwy 51 N, north of Nesbit Rd and south of License Dr, more specifically 2181 U.S. Hwy 51 N, in Sections 24, Township 2, and Range 8, Chance Walker, IPD, representing Ronnie Rowland, owner.

Mr. Cardosi presented the application to the commission.

Mr. Chance Walker came forward to represent the application. He explained that the limestone would be behind the fence and at least 25-feet from the entrance. He went on to say that pavement would not withstand the heavy weight of the trucks.

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

Commissioner Max made a motion to **APPROVE** a Conditional Use Approval for an equipment parking lot to have a gravel surface in the rear of the property, behind the fence, at 2181 Highway 51 North in the M-1 Light Industrial Zoning District for a period of 50 years at which time the applicant shall return to the Planning Commission for an evaluation and a time extension request, Subject to Staff Comments and based on the following:

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

**2. The proposed use WILL NOT substantially increase fire hazards.**

**3. The proposed use WILL NOT adversely affect the character of the neighborhood.**

**4. The proposed use WILL NOT adversely affect the general welfare of the City.**

**5. The proposed use WILL NOT overtax public utilities or community facilities.**

**6. The proposed use of the property does conform to the recommendations of the City's General Development Plan.**

Commissioner Jordan seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1773 – Getwell Farms Phase 1 Final Plat** - Request for final plat approval for 1 lot on 2.96 acres for The Collection at Getwell Farms. The subject property is located on the west side of Getwell Road, south I-269 in Sections 33, Township 2, and Range 7,

Mr. Cardosi presented the application to the commission. He explained that this is the lot that represents the convenience store. He then assured the commission that all Certificates of Developments will meet the City of Hernando Design Standards and the Planned Unit Development requirements.

Mr. Chance Walker came forward to represent the application. He explained that the site will have a private treatment plant until sewer is run to the area. He also stated that the water flow is adequate for this project.

Commissioner Skeen asked about the on-site treatment for this project. Mr. Cardosi explained that the Health Department would have to give approval before a building permit is issued. No other phase will be approved until the city sewer is run and the new water plant is constructed.

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

Commissioner Jordan made a motion to **APPROVE** a Final Plat to Mr. Chance Walker, IPD LLC, representing the owner is for Final Plat Approval for Phase 1 for The Collection at Getwell Farms, 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. 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 water 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.
5. Sidewalks shall be installed on the 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 recording 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.

Commissioner Max seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1779 – Nesbit Phase 14, Lot 10** Request for final plat approval for 1 lot on 3.52 acres. The subject property is 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,

Mr. Cardosi presented the application to the commission.

Mr. Greg Smith came forward to represent the application. The commission had no questions for Mr. Smith.

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

Commissioner Max made a motion to **APPROVE** a Final Plat Approval for Phase 14 of Nesbit Industrial Park, 1 lots, 3.52 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. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
2. 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, 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.
4. 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.
5. 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.
6. 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.
7. Following Plat Approval, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
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. Corner lots shall include potential addresses for both streets.
9. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

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 meeting was adjourned at 7:21 p.m.