

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**MAY 14, 2024, MINUTES**

The Planning Commission met in a regular session on May 14, 2024, 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, and Commissioner Safley. The following staff members were also present Kristen Duggan, Josie Gilder, and Austin Cardosi.

Commissioner Hawkins called the meeting to ord0er at 6:01 p.m. and Commissioner Thorn gave the invocation followed by roll being called.

Commissioner Hawkins asked if everyone had reviewed the April 9, 2024, minutes. Commissioner Jordan 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-1785 – Crestview Rezoning** – request for rezoning of 49 acres from A to R15. The subject property is located on the west side of Keenlan Lane, south of Milam Lane in Section 8 Township 3 Range 7 Cory Brady, representing the owner.

Mr. Cardosi presented the application. He explained that this is an application that was previously heard by the Planning Commission, but the plat has substantially changed from the original proposal. The applicant has requested that the plan come back to the Planning Commission for review.

Mr. Billy Myers came forward to represent the application. He explained that this is a straight rezoning that is recommended by the General Development Plan. This application follows the Future Land Use Plan that was adopted by the City of Hernando. He added that the character of the neighborhood has substantially changed since the original Agricultural zoning.

Mr. Cory Brady then came forward as a representative. He stated that the plan conforms with the General Development, which designates this area as a low-density residential zone with R-15 and R-20 as a recommendation.

He then said that the existing zoning classification is inappropriate because it is a predominately residential use in this area. It is surrounded by urbanized residential with access to public infrastructure.

He went on to say that the General Development Plan was developed by professionals to guide the city for zoning and other public uses. This rezoning request meets the zoning requirements stated in the General Development Plan.

The plan will exceed the minimum bulk requirements set up for an R-15 zoning.

The original plan was met with opposition from the neighbors, so the developers met with the neighbors to address the concerns. Based on that meeting the developers agreed to reduce the number of lots from 80 to 55 lots. There have also been parameters set for the tree preservation area on the estate lots. A 110-foot buffer along Milam Country has been added. The density is in line with or below the surrounding subdivisions minus Milam Country. These will all be part of a conditional approval for the plat, if approved. He also added that the construction access will be from McIngvale Rd through the property owned by Danny James.

Commissioner Jordan asked if the conditional approval is approved, is there any language to govern these conditions. Mr. brady stated that the conditions would come with the preliminary plat and referenced on the plat.

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

Mr. Dale Bellflower came forward. He stated that there have been no social or economic changes in the area to justify the rezoning. Forest Meadows has the only small lots in the area. All other lots in the area are one acre to four acres.

Hernando General Development Plan stated that residential subdivisions should be located on arterial and collector roads. A local street is not a proper throughfare for this development.

He then said that there is already erosion along the creeks, and they are using rocks to stabilize the sides of the creek. No additional water can be added. He also stated that tree cover and preservation cannot be guaranteed.

Mr. Tommy McDonald then came forward and stated that the property is zoned agricultural. The developers are asking to rezone 49 acres to R-15. He is opposing this request due to the traffic increase this will cause.

Mr. Ramon Tate came forward. He began by saying he worked with MDOT for many years and has seen many drainage issues. He also currently works with the Corp of Engineer and deals with the damage done by water. Scouring is something that is already occurring at Short Fork Creek. This development will increase the rate of water entering the creek and cause more scouring. There are already significant drainage issues, and this development will cause more.

Ms. Priscilla Harper stated that she is very concerned about additional water. The new plan is very misleading. The tree preservation area is not an actual preservation area. This area could be divided up and developed into R-15 lots in the future. She added that the density is misleading. The proposed lots are mostly under 20,000 square feet and this will lower the property value. There will be an increase in noise and traffic.

The additional waterflow into the creek is another concern. The retention ponds do not look effective and are not a solution.

The square footage is 2400 minimum and most of Milam Country and Thousand Oaks are larger. This will decrease the property value of these homes. She is asking the commission to deny this request.

Ms. Karen Goldman stated that her main concern is traffic issues. Milam Lane already has a lot of pedestrian traffic. This additional traffic will cause safety concerns. Milam Lane is also very difficult to turn onto McIngvale Road, especially in the mornings. The added traffic that this development will create more problems than Milam or Single Tree can handle. It would be a nightmare for the residents.

Ms. Amy Stewart is requesting a no vote due to stormwater issues. The Notting Hill HOA has spent over $100,000 on stormwater stabilization of the creek. The addition of this subdivision, inside a subdivision, is very concerning and will destroy homes.

Ms. Christie Gondelock said that this is not a major arterial road or a collector road so this development does not meet the requirements. This is an inappropriate request.

Mr. Jon Stevenson said that he feels the neighbors are trying to stop this development over fear of what could happen. Stormwater is mandated and controlled by MDEQ. The permit will require that the development does not increase any water flow. All water issues that the neighbors are concerned about will be regulated by both the city and MDEQ.

Ms. Teresa Pino said she is opposed to this rezoning request. This property is not suitable for this rezoning. There have been no major or minor changes in the area to warrant this zoning request. The property could be developed as agricultural. This is a watershed for Dhort Fork Creek and the development would destroy this. Any added water in that creek will devastate Forest Meadows. This would be a disservice to the surrounding area and the people who purchase those homes.

Mr. Kelvin Lake said his backyard is currently flooded and he cannot cut the grass. Any added development in the area will create more water issues for the existing neighbors. He is concerned with shoring up the creek.

Mr. John Pino said there have been many changes thrown in tonight and it is not feasible to approve these changes tonight.

Mr. Brett Davis said he was told that the city does not have the money to fix culverts and roads on Milam Lane. How will they maintain the roads? He was against the development of Forest Meadows when it was proposed and there has been nothing but issues since. Now the city has no money to fix any of the issues.

Cory Brady stated the MDEQ is regulated by EPA and they will review and approve any plans associated with Short Fork Creek. There will be a 110-foot buffer to protect Short Fork Creek. The connections at Keenlan Dr and Milam are a direct result of the requirements listed in City of Hernando Subdivision Regulations. He added that the density is well below the threshold of the surrounding properties.

Billy Myers stated that the preservation of the trees will be a legal requirement and the lots will not be able to be subdivided.

Commissioner Max asked how this would be done. Mr. Myers said there would be deed restrictions and plat notes that regulate these issues. Mr. Brady added that deed restrictions are hard to overcome, and any plat revisions would have to come back to the city for approval.

Commissioner Max asked about subdividing the estate lots to 15,000 square foot lots. Mr. Myers stated that would not be legally feasible.

Mr. Brady stated that this is the best plan to preserve the trees and help with the water flow issues.

Commissioner Max said that R-30 and R-40 lots are also low density as described in the General Development Plan however this application only discusses R-12, R-15, and R-20. Mr. Brady explained that the General Development Plan specifically stated R-12, R-15 and R-20 for this property.

Commissioner Max then asked about there being no detention ponds shown on the plat. Mr. Brady explained that those would be reflected at the time of design and presented on the preliminary plat.

Commissioner Max also questioned the width of the Single Tree entrance. Mr. Brady stated that Single Tree Dr is a city street that already meets the city standards.

Commissioner Safley asked what would happen if the developer kept the property as an Agricultural district with one acre lots. Would the tree preservation area remain? Mr. Brady stated that the tree preservation area would go away, and the developer would take down the hill, clear the land, and place minor road for one acre lots. Commissioner Safley then asked how that would affect the area. Mr. Brady said the hills and trees would go away and there would be no buffer.

Commissioner Jordan asked if the runoff from the creek is a concern. Mr. Brady explained that the drainage conditions must be improved post development. You cannot discharge additional runoff. Commissioner Jordan then asked if the downstream runoff had been evaluated. Mr. Brady explained that they have analyzed this, but no MDEQ permits yet.

Commissioner Max stated that the construction entrance is through a driveway and asked if the new city sidewalk would be bonded. Mr. Brady said that the infrastructure would be bonded.

Mr. Brady stated that the developers have bent and gave to make this project work. They have decreased the number of lots from 80 to 55 lots and presented a plan that meets the requirements of the City of Hernando General Development Plan.

Commissioner Jordan voiced concerns with this being a straight zoning with a proposed plan attached. How this would be enforced and what would happen if the proposed plan is not met. Would the zoning revert back to Agricultural.

Mr. Brady said that they could present a preliminary plan and PUD document by the Board of Alderman meeting. They can change the request to a PUD zoning if that makes the planning commission more comfortable.

Commissioner Max made a motion to **DENY** a rezoning request by Cory Brady, representing the owner of the property, for 49 acres from A to R-15. The subject property is identified as parcel 3073080000000202, and is located on the located on the west side of Keenlan Drive, South of Milam Lane in Section 8, Township 3, Range 7 based upon the following findings:

1. The proposed amendment does not conform to the General Development Plan.
2. The existing zoning district classification of the property in question is not inappropriate or improper.
3. Major economic, physical, or social changes have not 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.

Commissioner Thorn seconded the motion. The motion failed with the following vote: Commissioner Thorn “Yay,” Commissioner Jordan “Nay,” Commissioner Safley “Nay,” Commissioner Max “Yay,” Commissioner Ashworth “Nay.”

Commissioner Jordan made a motion to **APPROVE** a rezoning request by Cory Brady, representing the owner of the property, for 49 acres from A to PUD with the plat as presented with the submitted at the Planning Commission meeting. They will also adhere to the tree preservation and common space area as presented, along with the 120-foot buffer along Short Fork Creek. The density must remain consistent with the presented application and meet all DEQ requirements. The subject property is identified as parcel 3073080000000202, and is located on the located on the west side of Keenlan Drive, South of Milam Lane in Section 8, Township 3, Range 7 based upon the following findings:

1. The proposed amendment generally conforms to the General Development Plan and does not substantially deviate from the intended goals.
2. The existing zoning district classification of the property in question is inappropriate or improper.
3. Major economic, physical, or social changes 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.

Commissioner Safley seconded the motion. The motion passed unanimously.

Commissioner Hawkins called for a 5-minute recess.

Commissioner Hawkins called the meeting back to order.

Chairman Hawkins announced the following items:

**PL-1792 - 2587 Jaxon Dr. Variance** – Request for a fence variance to encroach into the front yard setback. The subject property is located on the south of Jaxon Dr, West side of Honeysuckle Ln, more specifically 2587 Jaxon Dr, Hunter Johnston, owner.

Mr. Cardosi presented the application to the commission.

The applicant was not present.

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

Commissioner Max made a motion to recommend **APPROVE** a Request to approve a fence variance to encroach 1-foot into the setback, as described in the attached exhibits. The subject property is located on the south of Jaxon Dr, West side of Honeysuckle Ln, more specifically 2587 Jaxon Dr 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 Jordan seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1809 –3195 Autumn Wind Fence Variance –** Request for a variance to encroach in the front yard setback. The subject property is located on the north side of Jaxon Dr and west side of Autmn Wind Dr, more specifically, 3195 Autmn Wind Dr. in Section 21, Township 3, Range 8.

Mr. Cardosi presented the application to the commission.

Mr. Greg Dukes came forward to represent the application

The commission had no questions for the applicant.

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

Commissioner Thorn made a motion to **APPROVE** a fence variance to encroach 3.3-feet into the setback, as described in the attached exhibits. The subject property is located on the north side of Jaxon Dr and west side of Autmn Wind Dr, more specifically, 3195 Autmn Wind Dr. in Section 21, Township 3, 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 Max seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1813 - 1160 Dean Road Fence Variance –** Request for a variance to encroach in the allowable setback for the construction of a fence. The subject property is located on the north side of Dean Road and south side of Nesbit Dr, more specifically in Section 26, Township 2, Range 8. Henry Woodruff, the owner of the property

Mr. Cardosi presented the application to the commission.

Mr. Henry Woodruff came forward to represent the application.

The commission had no questions for the applicant.

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

Mr. Eddie Jones came forward. He lives across the street from the subject property and feels this should be granted.

Commissioner Jordan made a motion to **APPROVE** a fence variance to encroach 2-feet into the setback, as described in the attached exhibits and is located on the north side of Dean Road and south side of Nesbit Dr, more specifically 1160 Dean Road in Section 26, Township 2, Range 8.

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 passed unanimously.

Chairman Hawkins announced the following items:

**PL-1808 - Perry Commercial Final Plat –** Request for final plat approval of 1 lot on 1.13 acres. The subject property is located on the west side of Highway 51, north of Oak Grove Road in Section 13, Township 3, Range 8 – R&H Engineering

Mr. Cardosi presented the application to the commission.

Mr. Andy Richardson came forward to represent this application. There were no questions for the applicant.

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

Commissioner Max made a motion to recommend to **APPROVE** a Final Plat for Perry Commercial Subdivision, 1 Lot, 1.13 total acres located on the west side of Highway 51, north of Oak Grove Road in Section 13, Township 3, Range 8 based upon a finding that the submitted plat generally conforms to the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
2. Prior to the initiation of construction of public improvements, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
3. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat of the subdivision is recorded, including one-half of the right-of-way of Creekside Boulevard to the extent that the road borders this development. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks. Prior to issuing a certificate of occupancy, all public improvements shall be installed, completed, and accepted by the City of Hernando.
4. Sidewalks shall be installed on the west side of Highway 51 to the extent that the road borders the subdivision.
5. Prior to the beginning of utility and improvement construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
6. Streetlights shall be installed at the developer’s expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
7. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
8. Prior to recording the final plat, the Developer shall submit for approval a schedule of Lot Numbers and associated street addresses to the Office of Planning.
9. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Safley seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1815 - Magnolia Sportsplex Final Plat –** Request for final plat approval of 1 lot on 3.33 acres.The subject property is located on the north side of Holly Springs Road, east of McIngvale Road, in Section 17, Township 3, Range 7 R&H Engineering

Mr. Cardosi presented the application to the commission.

Mr. Andy Richardson came forward to represent this application. There were no questions for the applicant.

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 recommend to **APPROVE** a Final Plat Magnolia Sportsplex Commercial Subdivision, 1 Lot, 3.33 total acres. The subject property is located on the north side of Holly Springs Road, east of McIngvale Road, in Section 17, Township 3, Range 7 upon a finding that the submitted plat generally conforms to the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
2. Prior to the initiation of construction of public improvements, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
3. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat of the subdivision is recorded, including one-half of the right-of-way of Creekside Boulevard to the extent that the road borders this development. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks. Prior to issuing a certificate of occupancy, all public improvements shall be installed, completed, and accepted by the City of Hernando.
4. Sidewalks shall be installed on the north side of Holly Springs Road to the extent that the road borders the subdivision.
5. Prior to the beginning of utility and improvement construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
6. Streetlights shall be installed at the developer’s expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
7. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
8. Prior to recording the final plat, the Developer shall submit for approval a schedule of Lot Numbers and associated street addresses to the Office of Planning.
9. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Max seconded the motion. The motion passed unanimously.

**Dumpster Ordinance**

Mr. Cardosi presented the proposed change to the dumpster ordinance.

Commissioner Thorn asked if a requirement could be added that the trash must not accumulate in the surrounding enclosure.

Commissioner Jordan suggested that the ordinance state commercial use instead of commercial zone. That will encompass any dumpsters that are located in other zoning districts. The addition of Office Use was also suggested.

Commissioner Safley made a motion to **APPROVE** the recommendation of the proposed amendment to Chapter 16 Environment, Article IV – Nuisance and abatement ordinance concerning dumpster doors on commercially zoned property. Commissioner Max 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 9:05 p.m.