

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**JULY 9, 2024, MINUTES**

The Planning Commission met in a regular session on July 9, 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 Clark, Commissioner Max, Commissioner Hawkins, Commissioner Skeen, and Commissioner Safley. The following staff members were also present Kristen Duggan, Josie Gilder, and Austin Cardosi.

Commissioner Hawkins called the meeting to order at 6:00 p.m. and Commissioner Safley gave the invocation followed by roll being called.

Commissioner Hawkins asked if everyone had reviewed the June 11, 2024, minutes. Commissioner Clark made a motion to approve the minutes as written. Commissioner Ashworth seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1825 – Colonial Hill Church Variance** - Request for a variance of the design standards to allow portable classrooms and an appeal of the determination of the building and fire official. The subject property is located on the south side of Monteith Avenue, east of McIngvale, specifically 1225 Monteith. Section 3, Township 7, Range 7 **-Luke Saunders, Colonial Hills Church**

Mr. Cardosi presented the application. He explained that the fire chief has reviewed this request and has reached an agreement with the applicant. He submitted a letter addressing this agreement. He has also asked for a removal date to be defined by the commission. Mr. Cardosi also stated that a design variance is still needed/

Mr. Luke Saunders came forward. He explained that the church has experienced extreme growth and many children. The church is working on an 11,000 square foot expansion that will break ground in the fall, but needs a temporary space to accommodate the children until the expansion is completed. They are requesting 18 months.

Commissioner Max asked if there would be one or two temporary structures. Mr. Saunders stated they would be happy with whatever the city is willing to allow.

Commissioner Safley asked what the time frame is for the expansion. Mr. Saunders stated that it is 12 months from groundbreaking.

Commissioner Max expressed his concern over the location being an issue for the dumpster to be picked up.

Commissioner Clark asked if anyone has spoken with the neighbors. Mr. Saunders stated that they have not reached out to the neighbors.

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

Mr. Paul Whitfield came forward. He stated that the church is in real need of additional space. He believes that the buildings can be hidden with the expansion construction. He added that the neighbors have an 8-foot brick wall between the buildings and neighboring properties.

Mr. Steve Cubbage then came forward. He is very concerned with this request. This church has previously requested a variance for their sign which was denied, but they went ahead and did it anyway. He said he is concerned that this request for a temporary allowance will turn into a permanent structure. The church does not even have current financing for the expansion and there is no guarantee for this construction. He is concerned they will ignore the time frame if granted.

Commissioner Safley asked if there is anything to hold the applicant to ta timeframe and enforce this. Mr. Cardosi deferred to the fire chief. Chief Berry stated that we would set a time frame with no allowance of extensions. A possible daily fine could be assessed if not removed.

Commissioner Max asked if this building met all fire code requirements would it be allowed to stay. Mr. Cardosi stated that a temporary building would be hard to retrofit to meet all code requirements.

Commissioner Max made a motion for **APPROVAL** of a design variance and overturn the determination of the building and fire official for Colonial Hills Church, as described on the attached exhibits. This will be for a time frame of 18 months, ending December 31, 2025.The subject property is located on the south side of Monteith Avenue, east of McIngvale, specifically 1225 Monteith. Section 3, Township 7, 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.*

Commissioner Thorn seconded the motion. The motion passed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Yay,” Commissioner Safley “Yay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” and Commissioner Skeen “Yay.”

Chairman Hawkins announced the following items:

**PL-1824 - West Valley Massage Therapy Conditional Use -** Request for a renewal a Conditional Use for massage therapy establishment in the C2 zone. The subject property is located at 324 W Valley, on the north side of Valley, west of Memphis Street in Section 13, Township 03, Range 08 **-Melanie Markwell, owner of the business.**

Mr. Cardosi presented the application to the commission. He explained that this is an extension of an existing conditional use.

Ms. Melanie Markwell came forward as the owner.

Commissioner Thorn asked of anything is changing with the business. Ms. Markwell said that there are no changes.

Commissioner Max asked how long the lease is for. Ms. Markwell stated that it is a one-year lease until the conditional use is approved.

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

Commissioner Safley made a motion to **APPROVE** the application by Melanie Markwell, owner of Magnolia Muscle Therapy, for a renewal of a conditional use to operate a message therapy establishment in the C2 zone for a period of 10 years. The subject property is located at 324 W Valley, on the north side of Valley, west of Memphis Street in Section 13, Township 03, Range 08

1. **The proposed the proposed use 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 WILL conform to the recommendations of the City's General Development Plan.**

Commissioner Skeen seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1826 –1720 Highway 51 Food Truck Conditional Use –** Request for a Conditional Use Approval for a food truck. The subject property is located on the east side of Highway 51, south of North Parkway, in Sections 12, Township 3, and Range 8 **-Blake Sanders and Robert Hendricks**

Mr. Cardosi stated that this application has been withdrawn at the applicant’s request.

Chairman Hawkins announced the following items:

**PL-1827 – Montclair Phase 7 Final Plat –** Request for final plat approval for Montclair Phase 7, 44 Lot, 29.96 acres. The subject property is located on the South of Ivy Road on Scott Road, east of Claire Circle and Creek Haven. Situated in Section 23, Township 3, Range 8 **-Greg Smith, representing the applicant.**

Mr. Cardosi presented the application. There were no questions by the commission.

Mr. Greg Smith 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 Clark made a motion to recommend **APPROVAL** for Montclair Subdivision, Phase 7, consisting of 41 single-family residential lots and 3 common open space lots, South of Ivy Road, east of Claire Circle and Creek Haven. Situated in Section 23, Township 3, Range 8based upon a finding that the submitted final plat generally conforms to the approved preliminary plan for the planned unit development, and generally meets the requirements of the City’s codes and ordinances, subject to the following conditions:

1. Any buffer areas, retention basins, landscape areas, open areas, street medians, entrance signs, and any other common elements, proposed to be dedicated to the Homeowners Association in Phase 7, **or any of the previous phases**, shall be deeded over to the Homeowners Association. A copy of the finalized incorporation papers and all deeds transferring common elements to the Homeowners Association shall be submitted to the staff for inclusion in the file.
2. The Homeowners Association covenants shall be submitted to and approved by Planning Staff prior to recording of the plat for Phase 7. The submitted covenants shall match the covenants that were recorded with Phases 1 – 6 of Montclair Subdivision. If amendments are requested by the developer, if the proposed changes are more restrictive than what is currently required by the previous phases of Montclair Subdivision, then those changes may be approved by the Planning staff. If the proposed changes are less restrictive than what is currently required by the previous phases of Montclair Subdivision, then those changes must be approved by the Planning Commission.
3. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
4. 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.
5. Following Plat Approval, 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.
6. 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 inches (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.
7. 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.
8. Sidewalks shall be installed on both sides of all streets.
9. 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.
10. 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.
11. 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.
12. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Skeen seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1806 – Request for Final Plat Approval**, Hernando Hills Phase 2, First Revision, Reclassification of a Common Open Space Parcel, recently voted to sell by The City of Hernando. The Subject property is listed as Parcel # 307307070 0006000 located on the east side of Green T Blvd, north of Byhalia Road

Mr. Cardosi presented the application. There were no questions by the commission.

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 **APPROVAL** Final plat for Hernando Hills Phase 2 First Revision by the City of Hernando, subject to staff conditions. The Subject property is listed as Parcel #307307070 0006000 located on the east side of Green T Blvd, north of Byhalia Road. 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 meeting was adjourned at 6:42 p.m.