

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**JANUARY 9, 2024, MINUTES**

The Planning Commission met in a regular session on January 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 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 6:01 p.m. and Commissioner Max gave the invocation followed by roll being called.

Commissioner Hawkins asked if everyone had reviewed the December 12, 2023, minutes. Commissioner Clark made a motion to approve the minutes as written. Commissioner Max seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1781 – Edgewater PUD Revision -** Request to revise 1.3 acres of the Edgewater PUD to allow an auto repair facility. The subject property is located on the south side of Holly Springs Road, east of McIngvale Road. Parcel Number 307420000 0001000 in Section 20, Township 3, Range 4, Robbie Jones, representing the owner.

Mr. Cardosi presented the application to the commission. The commission had no questions for Mr. Cardosi.

Mr. Bob Ginn came forward to represent the application. He stated that they are requesting to amend the PUD text to allow an auto repair shop to be located on Holly Springs Rd. There have been many changes to the area including the Toyota dealership. This is a very reputable company that is wanting to move to Hernando. The building will have a buffer yard including a 6-foot masonry fence. The business will be open Monday – Friday and will close at 6:00 p.m. There will be no broken-down vehicles in the parking area.

Commissioner Max asked if there will be a fence on the side property lines. Mr. Gin stated that there are no plans for a fence on the side at this time.

Commissioner Thorn asked about the abundance of parking spaces.

Mr. Chris Moore, the owner, came forward and stated that there would be no inoperable vehicles left in the parking lot. All vehicles would be brought into the building at night.

Commissioner Safley asked if the berm and buffer yard will make this building less visible than the building next door. Mr. Gin said yes.

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

Melynda Peoples came forward. She stated that she is opposition to this application. She stated that they already have Burleson Auto, which is an eyesore. She would like to keep the property retail.

Angie Flarity came forward. She stated that Edgewater was a quiet, safe area and excess development has taken that away. She is against this rezoning.

Martin Hall, Edgewater HOA President, then came forward. He stated that this was originally designated as retail to support the neighborhood. The residents of Edgewater were hoping for something better than an automotive repair shop. Burleson Auto looks like a pull apart junk yard. This is not what they are looking for in this area.

Commissioner Thorn stated that he is concerned about another auto repair shop in the area. Ther are three on McIngvale. There is a need for an auto repair shop but not in this area.

Commissioner Clark made a motion to recommend **APPROVAL** to the Board of Aldermen of a rezoning requested by Jones Davis Engineering, representing the owner of the property for preliminary development plan approval to amend the existing PUD for the Edgewater Commercial Subdivision. The subject property is located on the south side of Holly Springs Road, east of McIngvale Road, in Section 17, Township 3, Range 7 based upon the following findings:

1. The proposal conforms to the general development plan’s recommendation of PUD designation.
2. The existing zoning district’s PUD regulations are inappropriate.
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 Max seconded the motion. The motion passed with the following vote: Commissioner Clark “Yay,” Commissioner Thorn “Nay,” Commissioner Jordan “Yay,” Commissioner Safley “Yay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” and Commissioner Skeen “Yay.”

Chairman Hawkins announced the following items:

**PL-1782 – Getwell and Holly Springs C4 -** Request to revise 2 acres. The subject property is located on the south side of Holly Springs Road, west of Getwell Roadin Section 21, Township 3, Range 7 West, Houston Engineering, representing the owner.

Mr. Cardosi presented the application to the commission.

Commissioner Jordan asked why this is presented as a C-4 zoning instead of C-1. Mr. Cardosi explained that C-4 dis a planned zoning which gives the city more control than a C-1, which is a straight zoning.

Mr. Byron Houston came forward to represent the application. He explained that the proposed design will have a residential look. The pumps will be behind the building and the design will meet the character of the neighborhood. There will be a buffer yard on the west and south side of the property which will include a fence and landscaping.

Commissioner Max asked how many pumps will be on the property. Mr. Houston stated that there will be four pumps.

Commissioner Max then asked about additional suites on the building. Mr. Houston stated that there is one additional bay.

Commissioner Max stated his concern with some of the uses. He asked if the applicant would be willing to remove some of the uses on the list. Mr. Houston said that would be possible. Commissioner Max then asked if they needed to table the application to allow Mr. Houston to meet with his client to discuss removing some uses. Mr. Houston asked the commission to give ideas of what they would like removed.

Commissioner Jordan stated that he did not see much that concerned him in the use list.

Commissioner Thorn stated that # 21*- radio tower, antennas, earth stations or wireless communities’ facilities* use and the #24 – *self service laundry and dry cleaning* would be the only two that he would like to see removed.

Commissioner Safley voiced his concern that this will set a tone for future development. Mr. Cardosi stated that, if approved, he believes this will be used as a change in neighborhood for future developments.

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

Kathy Davis Sanders came forward and stated that there are no gas stations close to this area. Nowhere to grab milk or gas without driving into town. A store in this area is much needed.

Barry McDermott voiced his concern about the road conditions and asked for that to be considered.

Ms. Jill Davis Pulliam said that this is the third time they have tried to get a store in this area. She went on to state that Getwell and Bright Road have been resurfaced and there has been so much change in the area and a store would be beneficial. Commissioner Jordan asked if there are any uses that she is concerned with. She said maybe the laundry mat.

Mr. Jared Darby came forward and stated that he found many concerns about this application. He urges the Planning Commission to table the application to allow time for him to meet with the applicant and staff to discuss the issues and make changes. There are many uses that should be looked at closer including the cannabis facilities. He is not completely against the application, but he feels this is an opportunity to make this great plan.

He then stated that the commissioner needs to be careful of this being spot zoning also.

Commissioner Jordan asked what other uses concern Mr. Darby. Mr. Darby stated that uses #13 – *Indoor recreation center, arcade with video, pinball machines but excluding theaters, bowling alleys, skating rinks*, #1 – *Accessory dwelling unit*, #14 – *Music or dancing academy*, #21 - *radio tower, antennas, earth stations or wireless communities facilities*, #24 – *Self-service laundry and dry cleaning* #25 – *Veterinary clinic where there are no open kennels*, #28 – *Cannabis research facility or “research facility”*, #29 – *Cannabis testing facility or “testing facility*,” #30 – C*annabis transportation entity*, #31- *Medical cannabis dispensary or dispensary*, #14 – *Music or dance academy,*  are some that are just not feasible for the area. There are several conditional uses that don’t make sense for this property.

Commissioner Safley asked if someone working with staff is common. Mr. Cardosi stated that it was not common. Staff cannot shape an application so it would need to be Mr. Darby working with the applicant to make changes. Staff will be available to answer any questions.

Mr. Houston stated that he would like to have a decision made tonight and he can work with Mr. Darby to make changes between now and the Board of Alderman meeting. Mr. Darby stated that he would ask the commission to table this application to give a month to work on the application.

Commissioner Thorn made a motion to **TABLE** the item to the February 13, 2024, meeting to allow the applicant to revise the use list on the application. Commissioner Max seconded the application. The motion passed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Yay,” Commissioner Jordan “Nay,” Commissioner Safley “Yay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” and Commissioner Skeen “Yay.”

Chairman Hawkins announced the following items:

**PL-1783 – Elm Street & Robinson PUD –** Request to revise 0.32 acres from R-12 to PUD. The subject property is located on the southeast corner of Elm Street and W Robinson, east of McIngvale Road. Parcel Number 308613071 0386100 in Section 13, Township 3, Range 8, Jon Lovell, owner of the property.

Mr. Cardosi presented the application to the commission.

Mr. Jon Lovell came forward to represent the application. He explained that he owns many rental properties and has had requests for units in this area. He plans to design the structure to meet a historic look.

Commissioner Max asked if the drive off Elm Street would be on the property line next to the neighboring property. Mr. Lovell stated that it would be since there is an above ground gas line at the other corner of the property. There will also be an egress off of West Robinson.

Commissioner Clark stated that 3 units with 6 parking spaces on this small lot is a concern. He then asked if they would consider reducing this to a two-unit building. Mr. Lovell stated that these are only one-bedroom units.

Commissioner Thorn asked if this is in the historic district. Mr. Cardosi explained that it is not. This property is the first house outside of the historic district.

Mr. Lovell stated that there are multiple duplexes in the area. Commissioner Jordan asked if these duplexes were zoned R-12. Mr. Cardosi stated that they are zoned R-12, and he is not sure how it happened.

Commissioner Jordan stated that he liked the structure but is concerned with the size of the lot.

Mr. Lovell stated that his other option is to build a 1,000 square foot house with 4 bedrooms and rent it out.

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

Ms. Aileen Fields came forward. She stated that she sees this lot from her window and is concerned with the traffic on W Robinson. This is a well-traveled road, and she is concerned with vehicles parking on the street. She said that West Robinson is used as a cut through which creates additional traffic. This is not safe to put a three unit building on this lot.

Mr. Lawson McDermott stated that parking safety is a concern. He is also concerned with the property value.

Mr. Thomas Stevenson said that he owns property on Timber Lane and feels this is a good use for that lot. The thought of townhomes seems to be a concern and they should not be. There are several townhomes in the downtown area that are an asset to the community.

Rhonda Purdy came forward and stated that it is a beautiful design, but she is concerned with parking.

Mr. Barry McDermott asked if they are separate units or do they have a shared kitchen. Mr. Lovell stated that they are all separate units. Mr. McDermott stated that traffic and parking are also a concern. He then stated that he is concerned with the vetting of the renters and the type of vehicles that will be parked there. Would they be broken down vehicles parked in the lot.

Amy Brown said this is a beautiful design but what in the change in the neighborhood that warrants a rezoning. This property borders the historic district, and a multi-family unit does not fit with the character of the neighborhood.

Commissioner Jordan asked if there are any other PUDs on this small of a lot. Mr. Cardosi stated that there are in the downtown area that are townhomes.

Commissioner Thorn asked if this is a two-level building. Mr. Lovell said that there would be two units downstairs and one unit upstairs.

Commissioner Max stated that PUD is a mixed-use development and not typically one lot. This also borders the historic district that is concerning.

Commissioner Jordan made a motion to recommend **DENIAL** to the Board of Aldermen of a rezoning requested by Jon Lovell, for a rezoning of .319 acres from R-12 to PUD. The subject property is located on the south side of W Robinson St, east side of Elm Street in Sections 13, Township 3, and Range 8 based upon the following findings:

1. The proposal does not conform to the general development plan’s recommendation of PUD designation.
2. The existing zoning district classification of the property in question is not inappropriate or improper.
3. That 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 Max seconded the motion. The motion passed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Nay,” Commissioner Jordan “Yay,” Commissioner Safley “Yay,” Commissioner Max “Yay,” Commissioner Ashworth “Nay,” and Commissioner Skeen “Yay.”

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 7:47 p.m.