



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

**PLANNING COMMISSION**

**FEBRUARY 13, 2024, MINUTES**

The Planning Commission met in a regular session on February 13, 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 6:00 p.m. and Commissioner Safley gave the invocation followed by roll being called.

Commissioner Hawkins asked if everyone had reviewed the January 9, 2024, 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-1782 – Getwell and Holly Springs C4** - Request to rezone 2 acres. The subject property is located on the south side of Holly Springs Road, west of Getwell Road in Section 21, Township 3, Range 7 West, Houston Engineering, representing the owner.

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

Mr. Shane King came forward to represent the application. He stated that he has worked with Mr. Cardosi and Mr. Jared Darby on this application and feels that everyone's concerns were addressed.

Commissioner Jordan asked what uses were removed. Mr. King said that they removed the vape shop, all cannabis uses and changed some of the species in the landscaping. A few shrubs were also added to the landscape plan.

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

Mr. Jared Darby came forward to state that he is in favor of this application.

Ms. Brittany Roark then came forward. She stated that she is strongly opposed. There are many health and safety concerns with this type of business. There are crime increases with gas stations and convenience stores. A risk of gas weeping and explosions and emission are put out from gas stations causing an increase in concerns with her children.

She then stated that self service laundry mat and some of the other uses are concerning. Traffic, noise, and light pollution are issues. Property value and the type of people these establishments bring in are a major concern also. There are 12 gas stations within 5 miles, and this is not needed. She then said she does not want this property to be commercial.

Commissioner Clark recommended **APPROVAL** to the Board of Aldermen of a rezoning requested by Shane King with Houston Engineering, representing the owner of the property for a rezoning and preliminary development plan for 2 acres from A to C-4 Planned Commercial. 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 Jordan seconded the motion. The motion passed with the following vote: Commissioner Clark "Yay," Commissioner Thorn "Yay," Commissioner Jordan "Yay," Commissioner Safley "Yay," Commissioner Max "Nay," Commissioner Ashworth "Yay," and Commissioner Skeen "Yay."

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 to the commission.

Mr. Billy Myers came forward to represent the application. He stated that the applicant has acquired additional property to allow for a more cohesive subdivision. The prior

application had many concerns by residents and the applicant took those into consideration. The new application that is presented tonight has addressed all those concerns.

Mr. Cory Brady then came forward as another representative for the application. He stated that the prior application did not meet the criteria. Those issues have now been addressed as well as the neighbor concerns. Significant changes have occurred in this area. Water and sewer are available, and this application meets the density requirement as stated in the City of Hernando General Development Plan. The lots are a minimum of 15,000 square feet with a density of 1.67 units per acre. This density is lower than the required density. The average density in the area is 2.01 units per acre and the average lot size is 14,500 square feet. This subdivision meets all requirements.

Commissioner Safley asked if the construction egress will remain after construction is complete. Mr. Brady said that all construction traffic will be internal. Berms will be added at any connection to the surrounding subdivisions. They will not be removed until construction is complete.

Commissioner Jordan asked why the Milam Lane lots were left out when the average density was calculated. Mr. Brady stated that the outlier lots were not included. Large lots were developed prior to having sewer availability in the area.

Commissioner Thorn asked if traffic studies have been done for the additional traffic that will be added to the subdivisions that are connecting. This development will bring in approximately 160 additional cars. He then asked if this development could have an entrance on the southern end of the property. Mr. Brady stated that the application meets all requirements and they do not own the southern property. Commissioner Thorn then said it was something to think about since they are putting this in the middle of an existing development.

Commissioner Max asked why there was a change from R-20 to R-15. Mr. Brady said that they are the exact same lot as the R-20, but R-15 promotes better drainage with curbs, gutter, and sidewalks.

Commissioner Jordan asked about the ditch issues that currently exist. Mr. Brady stated that the floodway is contained within the banks, and they will have engineering done on the construction plan. They cannot add additional water to the ditch.

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

Mr. Dale Bellflower stated that the traffic will increase by at least 160 vehicles, which will cause problems for the residents. He then added that the tree removal on Thousand Oaks will be massive and add to current drainage issues. R-15 lots are not compatible with the lots on Milam Lane and Thousand Oaks. The lot sizes and home sizes will not be compatible with these lots. This approval will decrease the property value.

Kevin Wright then came forward. He stated that the stormwater will be impacted. There are delineated wetlands in this area that do not need to be disturbed. He then requested that the city require that any developer acquires the appropriate permits from the Corp before work begins, a wildlife habitat survey be done for any species that lives in those woods, all MDEQ permit be acquired, and the developer identifies their plan to manage post construction runoff including all detention ponds. Commissioner Safley asked if he had the elevation change and Mr. Wright stated that it was around 60 feet.

Priscilla Harper came forward and stated that she does not feel that we need more residential growth. This area is better as the natural habitat that it is. She then added that more residential is needed, but not in this area. She does not feel that the utilities are adequate. Her main concern is the change in the landscape and drainage issues. The traffic is also a concern. There are no sidewalks in this subdivision and children are always playing outside.

Mr. Amy Stewart came forward. Her main concern is erosion. Notting Hill has continuously dealt with drainage and erosion issues with the ditch. Traffic is also an issue. The lot sizes are concerning. There are no other R-15 lots in the area and she feels this lot size is inappropriate. There is no change to constitute this zoning change.

Mr. Tommy McDonald said that the traffic is his main concern. Smaller lots create more homes and more traffic.

Mr. Steve Delugach came forward and stated that erosion is a concern. There is already an erosion problem on his property, and he has lost 6-12 inches of land. Removal of trees will create more issues. He also is concerned with the traffic turning from Milam Lane onto McIngvale Road. This is already a safety issue, and the added traffic will only increase the problems. He added that this development will ruin the quality of life for the residents in the area.

Ramon Tate came forward and stated that this development would require 60 feet of gradient to be flattened and that will change the drainage dramatically. The proposed lots will be significantly smaller than the surrounding lots and this development will add a traffic concern.

Kelvin Lake is concerned about property value, safety of the children with the increased traffic, and drainage.

Teresa Pino is worried about the wildlife being displaced. There is a natural waterway/creek that runs through her backyard and there are already erosion issues, and this will only add to it. Traffic is going to increase, causing a traffic problem. She added that this development does not meet the character of the surrounding properties.

John Pino also came forward to- voice his concern over the environmental and wildlife impact. He stated that this area has reverted back to wetlands and should remain that way. He also said he is concerned about the property value decreasing if approved.

Karen Golden said that traffic and erosion are huge concerns Wildlife, flooding, noise pollution, traffic, and safety are also concerns for her. She would love to have this as protected land for animals.

Kevin McGuffie said she has the same concerns as her neighbors. She is also concerned with what will happen if she has erosion issues on her property if this is developed.

Mr. Cory Brady came forward again and stated that the issues raised by the neighbors are issues that would be addressed at the subdivision phase of the project not the rezoning. The request before the commission is for a rezoning that is in accordance with the city guidelines and in compliance with the City of Hernando General Development Plan/

Mr. Billy Myers then came forward and reiterated that tonight's application is for a rezoning. The applicant has met the burden of proof. The neighbor's concerns will be addressed at the proper time.

Commissioner Thorn made a motion to recommend 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 Max seconded the application. The motion passed with the following vote: Commissioner Clark "Nay," Commissioner Thorn "Yay," Commissioner Jordan "Yay," Commissioner Safley "Yay," Commissioner Max "Yay," Commissioner Ashworth "Yay," and Commissioner Skeen "Nay."

Commissioner Hawkins called for a five-minute recess.

Commissioner Hawkins called the meeting back to order.

Chairman Hawkins announced the following items:

**PL-1784 - Broady Road Variance** – The request is for a variance to the allowable size of an accessory building. The subject property is located at 1190 Broady Road, south of Pleasant Hill Road. in Section 3, Township 2, Range 7 Jonathan Hicks, the owner

Mr. Cardosi presented the application to the commission.

Mr. Jonathan Hicks came forward to represent his application. He stated that his property is a larger lot in the A-R zoning district. He added that this is a shop that will be used for storage and personal use.

Commissioner Clark asked if he had spoken to any neighbors and Mr. Hicks replied that he had, and the neighbor did not voice any concerns.

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

Ms. Renai Mansell came forward and asked if this would be a metal prefabricated building or wood built. Mr. Hicks stated that it would be metal and will meet all the city requirements.

Commissioner Max made a motion to **APPROVE** a request to approve to allow an accessory building larger than 50% of the home, as described in the attached exhibits. The subject property is located at 1190 Broady Road, south of Pleasant Hill Road. in Section 3, Township 2, 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 unanimously.

Chairman Hawkins announced the following items:

**PL-1790 - 1938 Millers Way** – Request for a fence variance to encroach 10-foot into the setback. The subject property is located on the south of Millers Way, West of Ava Drive, in Sections 25 Township 2, and Range 8, Robert Harper, owner.

Mr. Cardosi presented the application to the commission.

Mr. Robert Harper came forward to represent his application. He explained that the fence was built without a permit because he did not know a permit was required. He conferred with the neighbor, and they agreed on the location of the fence before construction. The house is on a curve and sits further back than the others.

Commissioner Max stated that he visited the site and there are no site line issues.

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

Mr. Langston Worley came forward and stated his concerns regarding the fences on his property line. He then realized that this fence does not border his property.

Commissioner Max made a motion to **APPROVE** a request for a fence variance to encroach 10-foot into the setback, as described in the attached exhibits. The subject property is located on the south of Millers Way, West of Ava Drive, in Sections 25 Township 2, and Range 8, more specifically 1938 Millers Way based upon the following findings:

- (5) *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.*
- (6) *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.*
- (7) *That the special conditions and circumstances **do not** result from the actions of the applicant and are not based upon economic considerations.*
- (8) *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-1789 - Principle Toyota Sign Variance** – Request for a digital billboard. The subject property is located on the west side of McIngvale Road, north of Holly Springs Road in Section 18 Township 3 Range 7, Denise Lund, with Principle Toyota

Mr. Cardosi presented the application to the commission.

Mr. Garrett McDonald came forward to represent this application.

Commissioner Thorn asked how they would remove the signs if they are not owned.

Mr. McDonald states that Toyota owns the land but leases the signs out. They will give 60 days' notice to terminate the lease and then remove the signs. One concern they have is that they cannot control what is put on the signs when they are leased out

Commissioner Clark asked if he had spoken to any neighbors and Mr. Hicks replied that he had, and the neighbor did not voice any concerns so they would like to do away with the two additional signs and replace the one sign with images of Toyota and community events. Toyota is a sponsor of many community events such as Dickens, Water Tower 10K, and other events for the city. This sign will also advertise school events.

Toyota is requesting the variance for the billboard to change from 60 second intervals to 8 second intervals.

Commissioner Thorn asked if this would be two sided and Mr. McDonald stated that it would.

Commissioner Max asked if all highway standards would still regulate any issue. Mr. Cardosi said that variance would not waive any highway standards.

Commissioner Jordan said that he was concerned with the lights disrupting any residence in the area as well as Hampton Inn guests. Mr. McDonald said that he would speak to Hampton Inn and they would make sure that there are no issues with lighting.

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 **APPROVE** a request to approve a the construction of the billboard, as presented by the applicant with the content as presented by the applicant, and the removal of the three existing billboards, at the subject property located on the west side of McIngvale Road, north of Holly Springs Road in Section 18 Township 3 Range 7.ased upon the following findings:



(9) *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.*

(10) *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.*

(11) *That the special conditions and circumstances **do not** result from the actions of the applicant and are not based upon economic considerations.*

(12) *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 Skeen seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following items:

**PL-1788 - Joyce Estates First Revision** – Request is for 1<sup>st</sup> Revision of Joyce Estates, to create 5 lots on 19.03 acres. Located on the north side of Green T Road, east of McIngvale Road in Section 32, Township 2, Range 7. Joyce Estates LLC, the owner.

Mr. Cardosi presented the application to the commission.

Mr. Jordan Bledsoe came forward to represent his application.

Commissioner Max stated that if the egress to the rear lot is through the existing parking lot, then he is concerned about pedestrian traffic. Mr. Cardosi stated that this is an issue that would be addressed in the Certificate of Development.

Mr. Bledsoe stated that lot 3 will be a retail establishment and will be designed accordingly.

Commissioner Thorn stated that running two lane traffic through a busy parking lot is a huge concern. Commissioner Max added that the center aisle is tight and vehicles backing out there could be many problems.

Mr. Bledsoe stated that the center aisle is the widest lane. He added that there are provisions to make lot 3 walkable. He said that he does not feel that the retail establishment on lot 3 will create much additional traffic. It will be more walking traffic.

Commissioner Thorn said that he is not ready to approve this application without more information. He would like to see the proposed sidewalk for the lots. Commissioner Max added that the access to the back lots is concerning. He then asked if staff could have the fire marshal look at the plans.

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

Commissioner Skeen made a motion to **TABLE** the application until March 12<sup>th</sup>, 2024, meeting for more information. 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 9:14 p.m.