

**City of Clinton  
Planning & Zoning Commission**

May 26, 2015  
6:30 p.m.  
Municipal Courtroom

Minutes recorded by Kelly Hall, Administrative Assistant.

Commission members present: Bettye King, Christine Whitton, Rosemary Horne, Lisa Shoemaker, Gerald Ellis and Benjie Barham

City Officials present: Roy Edwards, Director of Community Development, Mark Jones (Director of Communications/Videographer)

Guests: Jeff Werszner, Phillip McAfee, Dr. Howard Katz, Jennifer McAvoy, Suzanne Lentz, Jake Keys, Bo Barksdale

The meeting was called to order at 6:30 p.m. by Bettye King.

The minutes of the meeting on April 28, 2015 were reviewed. Christine Whitton stated that her meeting packet did not contain a copy of the minutes, but all other committee members indicated they had received the minutes. As there were no changes to be made Benjie Barham made the motion, seconded by Rosemary Horne, to approve the minutes as presented. Following a unanimous vote in favor the motion to approve the minutes from the April 28, 2015 meeting carried.

New Considerations

**A. Northside Elementary – 451 Arrow Drive – Conditional Use**

Jake Keys and Bo Barksdale were on hand to present the conditional use request for Clinton Public Schools to install three modular classrooms behind Northside Elementary School to be used as additional classroom space. Each modular unit will hold two classrooms. It was noted that these modular units will not be visible from Arrow Drive. Mrs. King asked if the units would be new or used; Mr. Barksdale stated they would be used but once the bid is accepted they will get to choose the units they want to purchase from the seller's inventory. Mr. Hudson asked if there would be any fencing erected around these units and was told there would not be any fencing since they won't be visible from the front. Lisa Shoemaker made the motion to forward the conditional use request for three modular classrooms at Northside Elementary School to the Mayor and Board of Aldermen with our recommendation for approval. Benjie Barham seconded the motion and the vote was unanimous in favor.

**B. The Development Company – Springridge Road & Highway 80 – Rezoning**

The Development Company is requesting that two parcels of land which are included in the thirty-eight (38) acre property at the southwest corner of the intersection of Highway 80 and Springridge Road be rezoned from SU to C2. This will permit them to proceed with developing this site for a retail shopping center. Both of the parcels are the property of

Mississippi College. Mr. Edwards reviewed the criteria that must be met before a change in zoning can be approved:

1. Show proof that a mistake was made in the original zoning (clerical or administrative error) ;
2. Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification and that there is a public need for the rezoning.

The appropriate notices were published in the newspaper and signs were placed on the subject property as required by city ordinance. Mr. Jeff Werszner presented materials to support their rezoning request. Since this area was originally developed there has been considerable growth in the immediate area of retail properties, such as Home Depot, Tractor Supply, and Walgreens. In addition, a new hotel has been built near Home Depot and plans for an additional hotel in this area have been approved. Surveys of the community have indicated a desire for quality retail shopping and dining opportunities to be available locally. The property consists of three parcels containing 38 acres on the west side of Springridge Road. After working closely with the Mayor and his staff as well as Mississippi College and the Mississippi Department of Transportation (MDOT) Mr. Werszner believes their proposal meets the criteria for rezoning. The main entrance to the center will be at the traffic light at Capital Street and Highway 80 with an additional entrance proposed east of that entrance but before Springridge Road. In addition, they propose two access points on Springridge Road. The center will contain 245,000 sq. ft. of shopping and dining space. The Development Company is working to keep the style similar to the Colonial Revival style used on the campus of Mississippi College; i.e. the dark red brick with white trim. The name selected for the center is Robinson's Spring to recognize the historic nature of the site and its importance to the City of Clinton. The spring site will be preserved and will be incorporated into the design as a focal point in an area set aside for restaurants with outside dining. Ms. Whitton asked about the cemetery on the property; Mr. Werszner stated it would be left in place but they will clean up the area around it and possibly due some landscaping. Ms. Whitton also asked if alcohol would be served on the parcel owned by Mississippi College and was told that no business serving alcohol would be developed on that eighteen acre parcel. Mr. Ellis asked if MDOT seemed favorable toward placing access to the center from Springridge Road; Mr. Werszner stated they were working with MDOT to develop the best possible solution. With no further comments or questions from the committee, Mrs. King opened the hearing for questions or comments from the public. Bruce Lundgren expressed concern for the spring and urged the developer to be extra cautious when preparing the site so the water table is not adversely affected. There being no further comments, Benjie Barham made the motion, seconded by Rosemary Horne, to forward the request for rezoning of two parcels at the intersection of Highway 80 and Springridge Road presently zoned SU to C2 to the Mayor and Board of Aldermen with our recommendation for approval. The vote was unanimous in favor and the motion carried.

### **C. The Development Co. – Springridge Road & Highway 80 – Conditional Use**

Mr. Edwards introduced The Development Company's request for a Conditional Use. The following uses require Planning & Zoning approval:

1. Per our ordinances, any big box retail development over 50,000 sq. ft. must apply for a Conditional Use.
2. The development plan calls for two hotels to be built on the outparcels facing the interstate which will require a conditional use.
3. Fast food restaurants (no table-side servers) require a conditional use.
4. Nail salons in conjunction with spa salons require a conditional use.
5. Hair styling shops, hair salons, and beauty parlors require a conditional use.

At this time there were no questions from the committee; Mrs. King opened the hearing for public comment. DeAnna Dillard, of 110 Keith Lane, asked if nail salons would be permitted in the center. Mr. Werszner said that yes, nail salons would be permitted. Ms. Whitton asked if there was a limit as to the number of nail salons that would be allowed in the center and was informed that, if a nail salon did request to lease space in the center, it would be limited to only one salon. As there was no other questions or comments from the public Christine Whitton made the motion to forward The Development Company's request for a Conditional Use to the Mayor and Board of Aldermen with our recommendation for approval. Lisa Shoemaker seconded the motion and the vote was unanimous in favor.

### **C. The Development Co. – Springridge Road & Highway 80 – Dimensional Variance**

Mr. Edwards noted that The Development Company has requested the following variances for this retail center:

1. A zero lot line between the Anchor F and Shops B. Some of the larger retail stores prefer to own their space rather than lease it from the developer and requiring ten foot setbacks would decrease the amount of retail space available.
2. Straight line striping of parking spaces instead of hairpin striping (double line). Newer retail centers have maximized the number of parking spaces by eliminating the double stripe between the spaces and using just a single stripe.
3. Require one parking space for every 250 square feet of retail space instead of one for 200 square feet of retail space.
4. Variance from minimum parking spaces of 200 square feet and follow Table 1 of ordinance requiring 9' x 18.5'.

Mr. Ellis asked if parking space size is standardized for most retail centers and was told yes, most parking spaces are now nine feet wide. Mr. Edwards noted that there are two places in our ordinances that address this issue and the proposed size meets one of the ordinance requirements but the other ordinance is different and the proposed width of the parking spaces would not comply with the second ordinance. Mrs. King opened the meeting for public comment but there was none. Rosemary Horne made the motion to forward the requests for a Dimensional Variance to the Mayor and Board of Aldermen with our recommendation for approval. The motion was seconded by Benjie Barham and the vote was unanimous in favor.

### **E. Cedar Hill Place – 1480 Pinehaven Drive – Site Plan**

Mr. Edwards presented the preliminary plat for Cedar Hill Place subdivision, which will lie between Bentwood and Hunters Ridge subdivisions on Pinehaven Drive. It will be developed in three phases with 35 lots in the first phase, 27 lots in the second phase and 15 lots in the third phase. The property is zoned R1 and the plan meets the criteria for lot size. Mr. Ellis asked if the access point on Pinehaven Road is part of the Sherer property and was told that it is and is included in the Cedar Hill Place site plan. At this time Mrs. King opened the meeting for public comment. Mr. Louis Runge, a resident of Cedar Grove subdivision, asked about the water shed from this development as he is concerned about muddy water from site work running across the road into the pond by Cedar Grove. He was assured that water from Cedar Hill should go into the retention area on the west side of the road but if he notes any issues, he was asked to notify the City for assistance with controlling the flow of runoff water. Mr. Gary Walker, 117 Oakhurst Drive, asked if a traffic signal would be erected at the intersection where Oakhurst, Pinehaven and the entrance to the new subdivision will meet. Mr. Edwards said there was not one planned at this time and no traffic study has been done. Mr. Barham asked if the retention pond at the front of the subdivision is the only place where water runoff will be contained and was told that there are two other water retention areas planned in the development. As there were no more comments forthcoming Christine Whitton made the motion to forward the site plan for Cedar Hill Place to the Mayor and Board of Aldermen with our recommendation for approval. Lisa Shoemaker seconded the motion and the vote was unanimous in favor.

### **F. Copiah Bank – Highway 80 – Site Plan**

Copiah Bank has purchased the property that was formerly the Clinton Inn. They are requesting permission to subdivide the property into two tracts in order to allow a medical office building to be built on the second tract. Mr. Ellis asked how many entrances to Highway 80 would be permitted and was informed that the site already has two access points on Highway 80. There being no further comments from the committee or the public, Lisa Shoemaker made the motion to forward Copiah Bank's request to subdivide the property formerly known as the Clinton Inn into two tracts on to the Mayor and Board of Aldermen with our recommendation for approval. Rosemary Horne seconded the motion and the vote was unanimous in favor.

### **G. Text Amendments – Interstate Corridor Signs**

Mr. Edwards presented a draft of text amendments that are needed to update our sign ordinance. (See attached 5/26/15 Draft). In order to qualify for an interstate corridor sign a business must have 300 feet of street frontage. After review it was recommended that Section 2728.01 be revised with the addition of the following wording: "Interstate Corridor Signs must have brick, stone or a stucco/EIFS material base." It was also recommended that Section 2728.08 be removed from the text amendments so that it can be revisited at a later date. Mr. Barham asked about maintenance of these signs; it would be the responsibility of the property owner or the sign company to maintain them. Ms. Whitton asked for a description of EIFS and was told that it is an Exterior Insulated Finish System, similar to stucco. At this time the meeting was opened for public comment but no comments were made. Christine Whitton made the motion to forward the text amendments with the addition

of the wording for Section 2728.01 as noted above and the removal of Section 2728.08 to the Mayor and Board of Aldermen with our recommendation for approval. Lisa Shoemaker seconded the motion and the vote was unanimous in favor.

**H. Ratan & Krishnapriya Guduru – 104 Elizabeth Drive – Dimensional Variance**

Mr. & Mrs. Guduru have requested a variance for Lot 84 in Windsor Plantation subdivision. The current setback is set at 75 feet and they would like to change it to 45 feet so they can build a three-car garage on their house instead of a two-car garage. It would also give them a bigger back yard. Mr. Ellis commented that it seems very early to be granting variances in a subdivision where construction has just begun on the first homes and so many other lots are available. Mr. Barham agreed and felt it is too soon to grant dimensional variances in this subdivision, especially when another subdivision has just been recommended for approval in the same area. Mrs. King opened the meeting for public comment; Ruth Ann Broom, 1014 Post Road, asked for clarification of setbacks and home design. Mr. Edwards gave a brief explanation of subdivision guidelines and the need for setbacks. With no other comments forthcoming, Benjie Barham made the motion to deny Mr. & Mrs. Guduru's dimensional variance request; the motion was seconded by Gerald Ellis and the vote was unanimous in favor.

**I. Neuro Tass – 1481 Pinehaven Drive – Conditional Use**

Dr. Howard Katz, Jennifer McAvoy and Suzanne Lentz were on hand to address questions or concerns related to the conditional use request for Neuro Tass to operate a group home and rehab facility for patients with post-acute traumatic brain and/or spinal injuries. This would be the first facility of its kind in Mississippi. Mr. Edwards noted that a good portion of this property is located in a flood plain; Ms. Horn asked how much is in a flood plain and was told it was approximately seven acres. There are presently two structures on the property. Mr. Ellis asked if this would be a commercial operation and was informed it will be a quasi-public facility that will be paid by its patients or their insurance for their care. If approved, they will be required to apply for a business license.

Dr. Katz addressed the meeting. This facility will be operated as a regulated group home with support to help patients live as independently as possible. They require five bedrooms and four bathrooms in a single-level home. Mrs. King asked if they would be regulated by the Mississippi Department of Health and was informed that Neuro Tass will be applying for a Certificate of Need. Ms. Shoemaker asked how long residents will stay in the home. Some will stay as short as thirty – ninety days but, generally, most will stay approximately one year before they are able to leave. This will be the first facility of its kind in the state. All patients who apply to this facility will be evaluated to determine if they are medically stable. Mrs. King asked what qualification requirements are the staff required to meet. All staff are trained and have the required certifications for providing this specialized patient care. Minimally, there will be two staff members (one an LPN) on site twenty-four hours a day, seven days per week.

Dr. Katz stated this will be a supported living environment and described a daily activity scenario that might be followed in the home. The residents who are able to do so will get up

and get ready for work (here in Clinton). Those who do not work outside the home will have responsibilities at the facility. They will be transported by one of the home's vehicles and a support person will accompany them to their job. At the end of their work day they will return to the home. The emphasis will be placed on learning skills that will help them return to their families and reintegrate into society.

Mrs. King asked about how the two existing structures on the property will be used. Dr. Katz said there will be no drastic changes to the exterior of either house other than landscaping and being repainted. He noted that \$900,000 is budgeted for this property and improvements to the first home (including the purchase price of the property). When that is completed they will determine what improvements, if any, will need to be made to the second home.

Ms. Whitton asked about visitation. Ms. Lentz noted that families can visit any time but are requested to notify them in advance and there is usually no visitation later than eight p.m. Ms. Horne requested confirmation that all residents are adults and was assured that they only accept patients eighteen years and older. She also asked about security measures and was told that there will be no security maintained on the premises. If something should occur, they will notify the Clinton Police Department.

At this time the meeting was opened for public comment. Nancy Anderson, 107 Oakhurst Drive, was the first to address the committee. Her property abuts the Mitchell property that is being considered by Neuro Tass. Their homeowners association met with Neuro Tass representatives but they were not satisfied with the answers given to their questions. She presented a long list of concerns related to this project and the way it has been handled by the city (see attached document). Following her presentation, Gia Ernest, 130 McRaven Road, addressed the committee. Her daughter is a post-acute brain injury patient and she knows first-hand the difficulties faced by these patients. She noted that Mississippi is third in the nation when it comes to the number of brain injury patients. She is in favor of this facility and feels it would be a positive addition to Clinton. Ken Anderson, 107 Oakhurst Drive, stated that his only opposition is to the location chosen for this facility. He feels that it will adversely impact the character and feel of this residential area. Lee Jenkins, president of the Brain Injury Association, addressed the meeting. She reviewed brain injury statistics and where Mississippi ranks in the numbers of injuries and deaths. Her organization worked with the Mississippi Department of Health to develop guidelines for brain injury facilities as well as develop criteria for obtaining a Certificate of Need. Louis Runge, 109 Oakhurst Drive, said he appreciates what Neuro Tass is trying to do and agrees that this facility is needed; however, he is concerned that his property values will decrease and he and his wife will not be able to get the equity out of their home that they have invested. He asked that the committee respect the opinions of the homeowners in this matter. DeAnna Dillard, 110 Keith Lane, agreed that this facility is needed but acknowledged that there is a lot of work to be done before this facility can be built. She does not feel that this is the appropriate location for this type of facility. Randi Jarnagin, 101 McRaven Street, spoke in favor of this facility.

Dr. Katz returned to the podium and noted that there will be no outward changes to the homes on this property. The landscaping will be improved and a fence will be erected, if necessary. Mr. Barham asked about ownership of the property and was told that Neuro Tass

is under contract to purchase the property, pending approval of their application to the city. Ms. Whitton asked who would regulate the facility; the Mississippi Department of Health (MDOH) is the regulatory body but it was noted that regulations for this type of facility have not been finalized at this time. The final meeting to develop regulations for brain injury rehab facilities will be held in the third quarter of this year. Mrs. King asked if there would be routine inspections and was told that the Fire Department will inspect for compliance with applicable fire code requirements and they will also be inspected by the MDOH.

Mrs. King thanked everyone present for their concerns and comments. Ms. Whitton commented that she does not feel that we have enough information at this time to make a recommendation to the Mayor & Board of Alderman. Gerald Ellis made the motion to table this item until we have additional information and was seconded by Rosemary Horne. The vote was unanimous in favor.

#### Other Business

Mrs. King welcomed Gerald Ellis, father of Alderman David Ellis, to the Planning & Zoning Committee. He fills the vacant position on our committee left by Jim Martin's departure to serve as an Alderman.

There was no other business to come before the committee.

#### Next Meeting

The date for the next regular meeting of the Planning & Zoning Commission will be Tuesday, June 23, 2015.

At this time Rosemary Horne made the motion to adjourn and was seconded by Lisa Shoemaker. The vote was unanimous in favor and the motion carried. The meeting was adjourned at 8:40 p.m.