

PLANNING AND ZONING COMMITTEE

August 27, 2024

6:00 PM

Members Present: Benjie Barham, Barbara Linn, Sandra Atterberry, Heyward Bell & Robert Logan

City Officials Present: Roy Edwards, Director of Community Development

Minutes Recorded by: Taylor Seaton, Administrative Assistant

Call to Order

The meeting was called to order at 6:00 p.m. by Benjie Barham

Consideration and Approval of Minutes

Approval of minutes from meetings held on July 23, 2024

Motion made by Sandra Atterberry

Seconded by Heyward Bell

New Considerations:

Site Plan Review – Lilly Grace Crawshaw – 815 East Northside Drive

Presented by Roy Edwards

Lilly Grace Crawshaw Present

Motion made by Barbara Linn to approve the site plan review to paint a mural on the building at 815 East Northside Drive

Seconded by Heyward Bell

Unanimous approval

Conditional Use – Dean Farrar – 205 West Leake Street

Presented by Roy Edwards

Dean Farrar Present

Motion made by Robert Logan to approve the conditional use to operate a short-term rental at 205 West Leake Street

Seconded by Sandra Atterberry

Unanimous approval

Rezoning – Kirkland Development – Clinton Parkway Parcels 2861-30 and 2862-111-376

Presented by Roy Edwards

David Ash Present

Public Hearing opened

Deborah Zetterholm – 908 Cedar Hill Drive – My road will be the entrance to this subdivision – will the trees be left as a buffer? Kentwood is low on the topography maps and if we lose all those trees the water will be more problematic and the street will need to be repaved due to the increased traffic which will then cause the street to be up higher

Roy Edwards stated that the entrance off Kentwood will be removed, the developers have been told that is not an option and the parkway will be the construction entrance. A buffer is required between the residential and commercial buildings but not between residential and residential

Jan Daniel – Submitted written copy of comments and concerns – see attached

Audrey Harrison – The Nature Center – The nature center shares a boundary with this development and has reached out to the seller due to getting a grant and were disappointed to learn the property was under contract and could not be purchased by The Nature Center. After learning who the developer of the property is under contract, a meeting was scheduled with Bennie Kirkland to see how they could work

together to ensure there could be an appropriate buffer but cancelled with no explanation or a date to reschedule. Ms. Harrison stated that a couple of concerns, as a non-profit operating in the city providing people access to nature and being a place that history and nature meet, is that the back property line is an Olde Natchez Trace Road. It is a culturally significant navigation route to the point that MDAH will not allow grant funding to fix any trails without complete costly surveys that the Nature Center cannot afford. This development will likely cause damages to the natural trails and they will not be able to make any repairs. This area is the largest intact forest in Clinton that provides numerous services to our community from children to adults. We are still interested in working with the developer. One thing Bennie Kirkland did tell, is that the common areas will be drainage ponds that directly abuts the Price's land and the spot where the Quinsberry Library's nature trails meet the Nature Center's trails; those areas are already very wet. These are the headwaters for Lindsey Creek within the development site. This land is important for numerous reasons; including being wildlife habitats. There are tri-color bats located here.

Sherri Sarrett – Dunton Road – Lived here for 10 years. My house backs up against the Price's property. There is a change of elevation from up at the Nature Center down to my home. The drainage water runs down to my home and I have tried to mitigate over the years, but it is a massive flash flood issue at my house. Neighbors have had to replace culverts due to their driveways washing out. I have rental next door that I own and I have foundation issues at that home. This is all without the development there that could possibly occur, I know the plan is to install drainage plans but still this exist along old trace and there will not be enough to contain water. There is a home on Dunton that has already experienced flooding into their home. I have a very large drainage pipe in front of my rental that appears city installed. We have asked who is responsible and we are told it is our responsibility. Opposed to this rezoning due to the flooding.

William Twiner – 204 Oakhill Circle – The property floods now in the dead end that goes into the Parkway. Anytime there is rain it backs up and we have church at our house we have to ferry people out or park across the street due to the water. We had 5 oak trees fall because it is already too wet to sustain those trees up. Rental property next to me still has a tree down and nothing is being done about that tree down. My house has standing water right now because of promises that have been made and nothing has happened. It is a different company but still the same city that is holding them to their promises. My daughter cannot play in the backyard due to the water that is currently there.

Has the land been purchased?

David Ash stated it is under contract

William Twiner – I am not affiliated with the Nature Center, but they have reached out to them and scheduled a meeting and then did not show up. How do we know these developers are going to do what they say they are supposed to do?

Benjie Barham stated that they must follow the plans that are approved. They cannot deviate from that.

William Twiner – so the common space will be detention ponds?

Roy Edwards stated that 25% must be common and only 50% of that 25% can be water

William Twiner – I want new construction however the existing homeowners should not be the sacrifices for that new development. Very glad to hear the entrance through Kentwood is removed.

Mary Whitfield – 119 Lakeview Drive – I have been in Clinton since 1967 – The idea of having affordable housing is great idea. I am just concerned about where it is, there are a lot of other places in Clinton that are not forested and not next to the nature center. I am concerned about the ecological impact, I know we have a new person on the City board that is supposed to be concerned about the environment, and I just wonder if there have been any studies on that. A place like the Nature Center is a jewel that not many places have and if we lose the nature center, we will not get it back. One of the things that occurs to me is that maybe if it just was not quite as much stuff and we had nice buffer zone that maybe the Kirkland's donated to the Nature Center and the donation part could be a buffer

Eleanor Lewis – Part of troop 4409 – Trees belong here. The first reason is trees are very important to many cities. In New York they have Central Park. The second reason is that trees make new fresh air. The third reason is that you would be tearing down homes of many animals, plants, and insects. Even dead trees give life. They fall and give insects, plants, and animals a home.

Lizzie Kate Dear – Cedar Cove – Where you want to build this is part of our city park – we all need places to hangout and have fun. Keep the trees here

Ashley Ruppel – Strongly oppose this development. It would break up continuous forest and it would remove habitat for the soon to be endangered tri color bats, eliminates the possibility of expanding trails. Building a housing development surrounding that location would diminish its greatest attribute. It will increase run off to surrounding areas. Clinton has a massive deficit of recreational opportunities for the citizens and I would love to see the Nature Center expand onto this property.

Mark Luckett – Member of the nature center, Clinton has plenty of areas to develop. Retention ponds do nothing but hold water and trash. We all know it does not work. We have a development behind Johnson Milling and nobody is doing anything with that. I oppose this. We do not need low-income houses in the heart of the town. Plenty of land on Pinehaven and Northside drive. Why does it need to be small houses? To much nature and too much history to throw up a bunch of small houses on it.

Joan Blanton – 416 Wayne Street – I am a little stuck because I love trees and Clinton needs more housing and I believe the requirement is 1400 sq ft. but the developer is going to build 1800 sq ft. for around \$300,000. This is not affordable housing so it should not be considered that when you are thinking about it. I am on the fence about it.

Tom Mann – 114 Auburn Drive – Drainage issues have come up several times tonight. Photos attached of drainage issues in areas of Clinton. Somone does a bad job at keeping silt out of the water.

Prentice Cox – One concern is the water. The water at that end drains from everywhere into there and just has no room for more water. Trails will wash and other difficulties will come up. The second concern is the light. The animals and plants need dark. The area does not need to be over loaded with lights. If approved hopefully they can keep lighting down and do something about the drainage there.

Carolyn Dido – I want us to save the trees and protect the animals. If we destroy these trees, I want this to be a beautiful place for kids to play. We go to the Nature Center a lot and I do not want part of that to be destroyed.

Jane Philips – Synchronous fireflies, we have them at the Clinton Nature Center. Has there been an environmental study done?

David Ash – Not aware of one being done at this time, cannot say yes or no

Jane Philips – Is it required by the city?

Roy Edwards – There is usually one done, especially with it being that close to the Natchez Trace

Jane Philips – I would like to know if it is done to protect the animals and insects. and how much water is held by those retention ponds. Do you have any idea?

David Ash – Those studies have not been done yet

Lisa Bullock – 130 Oakleigh Drive – I have been in Clinton since 1965. There are other places that houses can be built and we were hoping for retail instead of a neighborhood stuffed in there. Has the federal gov designated that as part of the Natchez Trace?

Benjie Barham and others speaking – Remains of the old Natchez Trace – not designated – federal government does not own the property

Lisa Bullock – Is it designated wet land?

Benjie Barham – It is not a designated wetland.

Audrey Harrison – It is not on the wetland map but all wetlands are not captured on the National Wetland Inventory Map. A survey must be done to know for sure.

Bill Quisenberry – This section of the Natchez Trace was abandoned by the federal government. My mother donated half to the Nature Center and the other half to the Prices. So, it is still protected just not by federal government

Tony Moore – 102 Mallard Way – The reason Clinton is here is because of the springs. Promises made and promises not kept so well. Our new development across from MC has one of these springs and the developer promised to use the spring in a water feature and our spring is going to be gone.

Ted Gilbert – 340 Fortner Cove – One concern when we were looking at this development is the one access for all these home. Our concern will be the traffic and parking for all the vehicles. If you are trying

to make it a residential area it will become a high traffic area with everyone using one road for 100 plus homes.

Joe Price – 206 Price Hill Cove – Me and my brother live at the bottom left. The retention ponds are a concern. It's obvious to me that no one has walked that property because you cannot put a retention pond on the top of the hill. There is terrible drainage down there. Why not get the studies done before we approve rezoning and get it out of the way now? There is a 40ft drop in elevation in there.

Lydia Hall – This is the third time explaining what happens in Kentwood and what has happened. The first time I came was when the shopping center was developed the water drains into the woods, so we came to the meeting and we tell what we know and there always seems to be a work around.

The experience with the shopping center is that they built up on a hill and pushed the water back up on Kentwood. There is erosion in the drainage areas and we are told it is the property owners' responsibility to clean the ditch out. I got the plats and it shows we do not own the ditch right behind Cedar Hill Drive In 2018 there came a second development at the very corner so we explained if that is done that the houses would flood, they were given a variance in the flood zone and low and behold the homeowners at the end of the street sold their homes because the water came up significantly. Now we are here will there be accountability, what is the plan for Kentwood? It is an older neighborhood. I have watched as people have moved in and out. I have watched people try to keep up their properties and people turn their homes into rentals. What is the process for accountability?

Ruth Cummings – 703 Dunton Road – Bought our house because it backs up to the Nature Center – I am a member of the Nature Center. The nature center is sacred and if anything is built behind it there will be no peace there. I can only imagine the fear and chaos for the animals in that forest if that became a subdivision. Is it worth it? Because once it is gone you cannot get it back. My plea to all of you tonight is to vote no

Barbara Selby - If you do vote against it, can the city do something to buy that land and preserve it for the Nature Center.

David Ash – This is my home town. I was born and raised here, I love this community. I take my kids to the Nature Center on a regular basis. One of the reasons I moved back here is because of the people and the community.

I believe there seems to be some miscommunication about zero lot lines, the houses sizes, and low-income housing.

We do not know what the commercial projects will be at this time. The Single-Family part will be in line with R-1/R-2 zoning. The proposed house sizes are 1800 to 2100 sq. ft. houses. The town houses will be 1600 sq ft. minimums and up. This is very early on in the project so we are still working out the plans. This will not be low-income housing. I cannot speak to other developments that have happened or are happening in Clinton.

What I do know is this is for the rezoning, this does not include the engineering plans. If the rezoning is approved there will be some minor changes to the master plan but the major points of it cannot change later i.e. house sizes and number of houses.

There are no detention ponds shown on the plan at this time. We do not know exactly where those will be. That is the proposed idea, but once engineering is done that may change. However the general development plan cannot change. We have been refused permits in the past if water issues are not dealt with.

I was not aware of the meeting with the Nature Center, I have talked with the Kirklands and they would love to work with the Nature Center. The Mayor even had an idea about talking to the Nature Center and working together on this. Originally, we did plan to tie the road from Kentwood into this new project, however the city expressed concern and that was taken off the table. Access will need to be dealt with and is a concern at this time. The minimum for mixed use is 1400 sq. ft but the proposed is 1800 to 2100 sq. ft. and we will have to do what we have proposed we cannot change it to below 1800 sq. ft. and if the rezoning is approved, we would have to bring a preliminary plat with all the details back to the city for approval.

If it is approved, the minutes will show what is approved and they will legally be able to hold us to that. We cannot deviate from what is approved by the Mayor and Board.

Question asked – How do we approve this if we do not know what all the details are, when is an updated plan submitted.

Roy Edwards – If it is rezoned and this is the master planned used then anything else would have to follow this master plan.

Question asked: So the board making the decision next week is the same one who made the last decision made that flooded Kentwood

Roy Edwards – not sure if it is the same exact board members but the next meeting is the Mayor and Board Meeting.

David Ash – I know that with the Parkway being put in place that is a growing commercial corridor and the future land use map does show that

William Twiner – What is Kirklands track record now? Did they finish all their developments? Is it true they sold the back half of one of their developments to a different group that does not even pretend to do half as good as Kirkland like DR Horton? Is this true?

David Ash – I am not aware of the details of their prior sales. I cannot speak to other developments that I was not a part of.

William Twiner – So they say they want to work with the Nature Center and scheduled a meeting and then cancelled it with no explanation and did not reschedule.

Question asked: You have done a very good job in a very difficult situation. The crucial issues are drainage for Kentwood, access to Parkway, and the Nature Center. Your presentation has been nice but you stated you do not have the answers to the crucial questions and has not changed my position on this project.

David Ash – I understand. With developments it is often the case that it goes through phases. This just being the first step and we will not know some of these things without a little more time. Traffic studies will have to be done as well.

Question asked: My understanding if the zoning is approved and your proposed plan is greater than those minimum requirements can the developer fight the city if they choose to go to the minimums instead of the approved higher square footages?

David Ash – No, the rezoning will have conditions to it. So if the board approves a rezoning with the house sizes presented then we must follow that plan.

Robert Logan – How does a developer go through the process? The land is under contract and then?

David Ash – Before additional expenses are done the rezoning will be Phase 1 and if approved the expenses will be made for all reports that are required to be done. Deals do die all the time due to the reports or engineering does not work.

Robert Logan – Currently it is zoned R-1 so the person that owns it now, what are the restrictions on them now keeping them from clear cutting?

Roy Edwards – They would need to submit a preliminary plat to the city for approval

Robert Logan – What if they did not want to develop and just cut the trees

Roy Edwards – Because it is such a large track of land a storm water plan would need to be submitted

Motion made by Heyward Bell to approve rezoning from R-1 (Single Family Residential) to MU (Mixed Use) contingent on drainage, traffic, zoning and sewer requirements being addressed with preliminary plat or construction plans.

Seconded by Robert Logan

Unanimous approval

Other Business

No other business

Next Meeting

The next meeting will be September 24, 2024

Adjournment

Motion by Sandra Atterberry to adjourn meeting at 8:30 PM

Seconded by Barbara Linn

Unanimous approval