

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, July 19, 2016, at 6:00 P.M. with Mayor Chip Johnson presiding. Aldermen present were: Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, and Alderman Hobbs. Also present for the meeting were: City Clerk Katie Harbin, Fire Chief Hubert Jones, Police Chief Scott Worsham, City Attorney Kenny Stockton, City Engineer Joe Frank Lauderdale, Public Works Director Gary McElhannon, Planning Director Jared Darby, Parks Director Dewayne Williams, Parks Program Director Dolly Brechin, Henry Bailey, John Bower, Merline Hansen, Peggy Barton, Reba Wright, Paula Lauderdale, Cindy Gordon, John Cameron, Curtis Usry Sr., Vickey McLendon, Rita Ray, Jim Seay, Steven Katz, Bill Brown, Cliff McLemore, Jamie Tipton, Rhodes Thompson, Richard, Brankstone, Lee Pierce, Charles Gordon, Amy Byrd, Daniel Murphy, Krista Barnhart, Meredith McAlexander, Preston McAlexander, Melton Harrison, and Jim and Stacy Dorn.

INVOCATION

Alderman Higdon gave the invocation.

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

July 19, 2016

6:00pm

- 1) Call the meeting to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 113820 – 114035 less 114025
- 5) Approve Docket of Claims No.'s (Lauderdale) 114025
- 6) Approve Minutes
- 7) Consent Agenda
 - A) Authorize Mayor Johnson, Gia Matheny, Katie Harbin to attend the Brownfields Conference in Jacksonville, FL on October 16-19, 2016, also authorize to pay registration and travel expenses (paid for by Brownfield grant)
 - B) Authorize Bobby Burton to attend the 41st Annual South Mississippi Water Supply and Pollution Control Short Course in Biloxi, MS on September 12-16, 2016, also authorize to pay registration and travel expenses.
 - C) Authorize Eva Ward and Susan Holloway to attend the Clerks Certification Training on October 26-28, 2016, in Oxford, MS, also pay registration and travel expenses.
- 8) Authorize Dolly Brechin to attend the Rocky Mountains Young at Heart senior trip to Colorado Springs, CO as the trip planner, trip coordinator, trip chaperone, on September 17 - 25, also authorize to pay registration and travel expenses.
- 9) Request from the Desoto Arts Council to use the old City Hall
- 10) Authorize to hire James Richardson for the supervisor position at a rate of \$14.00 per hour in the Parks Department

- 11) Authorize to hire Terry Sims for a seasonal position at the rate of \$8.26 per hour in the Parks Department
- 12) Authorize to give Charles Nelson a 90 day performance/CDL certification raise from \$11.00 to \$15.00 per hour in the Water department of Public Works
- 13) Application for a **Zoning Map Amendment**, submitted by **Daniel Murphy**, is requesting a zoning amendment for 0.71 acres from R-10, Medium Density Residential to PUD, Planned Unit Development. The subject property is better known as Parcel: 3074180020005500; situated in Section 18, Township 3 South, and Range 8 West
- 14) Application for a **Development Plan Amendment**, submitted by **Steven Katz**, is requesting a change in density for 12.7 acres of the 1,139 acres for the Hernando West, Planned Unit Development. The subject property is better known as Parcels: 3086130020002500, 3086130020002200, 3086130020002300, and 3086130020002400; situated in Section 13, Township 3 South, and Range 8 West
- 15) Review and approve Neel-Schaffer contract to conduct required services for the required MDEQ Phase 4 Stormwater Permit
- 16) Interlocal Agreement with First Regional Library and Desoto County Board of Supervisors
- 17) Authorize to declare the following surplus property and dispose of
- | | |
|------------------------------------|-----------------|
| Digital Alley camera system | Property #02859 |
| Genesis radar box | Property #02836 |
| Genesis radar box | Property #02862 |
| Genesis radar box | Property #02868 |
| Decatur radar head | Property #02875 |
| Digital Alley mirror / monitor | Property #02860 |
| Motorola MTX 8250radio front plate | Property #01747 |
| Motorola MTX 8250radio front plate | Property #01137 |
- 18) Adjourn

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to approve the agenda as presented. A vote was taken with the following results:

Those voting "Aye": Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016.

APPROVE DOCKET OF CLAIMS NO.'S 113820 – 114035 LESS 114025

The Board of Aldermen were presented with a docket of claims No. 113820 – 114035 less 114025 in the amount of \$848,663.26 for approval.

Motion was duly made by Alderman McLendon, and seconded by Alderman Hobbs to approve the docket of claims for payment as presented. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderman Hobbs, and Alderman Lauderdale.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

APPROVE DOCKET OF CLAIMS NO.'S 113615 (LAUDERDALE)

Alderman Lauderdale recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 114025 in the amount of \$224,478.44 for approval.

Motion was duly made by Alderman Hobbs, and seconded by Alderman Miller to approve the docket of claims for payment as presented. A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Higdon, Alderman McLendon, Alderman Hobbs, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

APPROVE MINUTES FROM THE REGULAR BOARD MEETING ON JULY 5, 2016

Motion was duly made by Alderman Hobbs, and seconded by Alderman Lauderdale to approve the Minutes from the regular Board Meeting on July 5, 2016 as presented. A vote was taken with the following results:

Those voting "Aye": Alderman McLendon, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, and Alderman Miller.

Those voting "Nay": None.

Alderman Higdon abstained from voting.

ORDERED AND DONE this the 19th day of July, 2016

CONSENT AGENDA

- A) Authorize Mayor Johnson, Gia Matheny, Katie Harbin to attend the Brownfields Conference in Jacksonville, FL on October 16-19, 2016, also authorize to pay registration and travel expenses (paid for by Brownfield grant)
- B) Authorize Bobby Burton to attend the 41st Annual South Mississippi Water Supply and Pollution Control Short Course in Biloxi, MS on September 12-16, 2016, also authorize to pay registration and travel expenses.
- C) Authorize Eva Ward and Susan Holloway to attend the Clerks Certification Training on October 26-28, 2016, in Oxford, MS, also pay registration and travel expenses.

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to approve the Consent Agenda as presented. A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

AUTHORIZE DOLLY BRECHIN TO ATTEND THE ROCKY MOUNTAINS YOUNG AT HEART SENIOR TRIP TO COLORADO SPRINGS, CO AS THE TRIP PLANNER, TRIP COORDINATOR, TRIP CHAPERONE, ON SEPTEMBER 17-25, 2016, ALSO AUTHORIZE TO PAY REGISTRATION AND TRAVEL EXPENSES

Mayor went over the trip and advised that Dolly needed to go with the seniors because she was the trip planner, coordinator and chaperone.

Motion was duly made by Alderman Miller to approve for Dolly to attend the Rocky Mountain Young at Heart Senior trip to Colorado Springs, CO as the trip Planner, trip Coordinator, Trip Chaperone, on September 17-25, 2016, also authorize to pay registration and travel expenses.

The motion failed for a lack of a second.

Mayor Johnson stated that he would make sure Dolly Brechin would attend this trip by finding private funding.

Alderman Miller stated that he would also help with the funding for Dolly to attend.

REQUEST FROM THE DESOTO ARTS COUNCIL TO USE THE OLD CITY HALL BUILDING

Cindy Gordon spoke on behalf of the Desoto County Arts Council. Mrs. Gordon advised that they have a lot of volunteers, a lot of programs, and a lot of camps that they put on. The Desoto County Arts Council pledges to educate people. Mrs. Gordon stated that she thinks the old City Hall building will be a better location for them, it will be more visible. They want something long term and only want to enhance and improve the property.

Alderman Miller stated that he commended them for wanting to use and improve the building.

Alderman Lauderdale stated that would be a great use.

Alderman Hobbs asked who would keep up the maintenance.

Cindy Gordon answered that they will.

Alderman Hobbs asked about the basement.

Cindy Gordon answered that they will.

Mayor stated that Joe Frank Lauderdale and Ray Denison are helping Cindy get the numbers together for the repairs.

Cindy Gordon stated that she is sure it will be several thousand. That is why we want to lease for the maintenance costs, no rent but we would pay the maintenance costs.

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to authorize the City Attorney to draw up a contract with Desoto Arts Council allowing them to rent the old City Hall building for \$1.00, and in lieu of the Desoto Arts Council maintaining the building. A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

AUTHORIZE TO HIRE JAMES RICHARDSON FOR THE SUPERVISOR POSITION AT A RATE OF \$14.00 PER HOUR IN THE PARKS DEPARTMENT

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to authorize to hire James Richardson for the supervisor position in the Parks department at a rate of \$14.00 per hour, based on the recommendation of the Personnel Committee, following the recommendation of the Parks Director. A vote was taken with the following results:

Those voting "Aye": Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

AUTHORIZE TO HIRE TERRY SIMS FOR A SEASONAL POSITION AT A RATE OF \$8.26 PER HOUR IN THE PARKS DEPARTMENT

Motion was duly made by Alderman Higdon, and seconded by Alderman Hobbs to authorize to hire Terry Sims for the seasonal position in the Parks department at a rate of \$8.26 per hour, based on the recommendation of the Personnel Committee, following the recommendation of the Parks Director. A vote was taken with the following results:

Those voting "Aye": Alderman McLendon, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

AUTHORIZE TO GIVE CHARLES NELSON A 90 DAY PERFORMANCE/CDL CERTIFICATION RAISE FROM \$11.00 TO \$15.00 PER HOUR IN THE WATER DEPARTMENT OF PUBLIC WORKS

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to authorize to promote Charles Nelson to a CDL driver with a rate of pay at \$15.00 per hour, in the Water Department of the Public Works department, based on the recommendation of the Personnel Committee, following the recommendation of the Public Works Director. A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

APPLICATION FOR A ZONING MAP AMENDMENT, SUBMITTED BY DANIEL MURPHY, IS REQUESTING A ZONING AMENDMENT FOR 0.71 ACRES FROM R-10, MEDIUM DENSITY RESIDENTIAL TO PUD, PLANNED UNIT DEVELOPMENT. THE PROPERTY IS BETTER KNOWN AS PARCEL: 3074180020005500; SITUATED IN SECTION 18, TOWNSHIP 3 SOUTH, AND RANGE 8 WEST

Alderman Lauderdale recused himself and left the room.

Jared Darby presented the application and went over the Planning Commission report.

**MAYOR AND BOARD OF ALDERMEN
FILE: PL-1145**

DATE: July 19th, 2016

CAPTION: Zoning Amendment, R-10, Single Family Residential, (Medium Density) to PUD, Planned Unit Development; Parcel: 307418002 0005500

INTRODUCTION:

Daniel Murphy, representing the subject property, is requesting a zoning amendment for 0.71 acres located on the south side of East Valley Street just west of the Grenada Railway Line and East Valley Street intersection. The owner is being represented by Cliff McLemore of Westbrook, LLC. The current zoning is R-10, single family residential. The requested zoning is for PUD, planned unit development to allow for townhomes.

DESCRIPTION:

The subject property is a part of a larger parcel with an area of 2.45 acres. The applicant claims that the parcel has already been subdivided through the "Downtown Hernando Plat." Staff did find some evidence to support the applicant statements from the tax information provided for this parcel. Nevertheless, a plat revision would be required if the development is approved. The applicant is proposing a nine lot townhome style multi-family residential development with eight total units separated into two complexes. The square footage of each unit was not explicitly given; however, the Planning Commission was able to determine the area to equal 1,350 sq. ft. per unit.

The subject property is surrounded by several different zoning districts. To the north, there is M-1, light industrial and to the south, there is C-2, highway commercial. The properties to the east and west are represented by R-10, single family residential.

ZONING AMENDMENT CRITERIA:

The Mayor and Board of Aldermen can recommend an alternate zoning if the Board should find suitable evidence supporting the following criteria:

(Applicant responses are per verbatim. Staff does not edit for grammar or other format issues.)

1. Why the existing zoning district classification of the property is inappropriate or improper.

Applicant: The applicant states that there is no mistake in the original zoning district. However, the current zoning limits development potential.

Planning Staff: Staff finds that the original zoning is not a mistake.

(Staff cautions the Board when terms such as best use, highest use, and economic returns are used in any of the criteria. Planning staff is starting to see a bit more of these terms included in rezoning narratives. As board members, you want to remain focused on solid land use planning principles, which often ignores monetary and economic influences. The quality of life, the health and safety, growth management,

and sustainability are the principles that should concern board members when reviewing applications.

2. What major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map appropriate.

Applicant: The character of the community is changing. The property is now surrounded by a mix of residential housing, an industrial business, and commercial buildings. The proposals to development other townhomes and lofts in the Hernando downtown area signal a change in the type of housing that many people are looking for today. This proposal to change the rezoning to a Planned Unit Development to allow for the construction of townhomes would create an affordable housing option in downtown Hernando that would be very suitable for young professionals or retirees.

Planning Staff: There are several items that staff wishes to address for this criteria. First, the Board must determine if the community has changed. A good starting point would be the latest adoption of the Comprehensive Plan or Zoning Ordinance. The current Zoning Ordinance was adopted in 2008, and the Comprehensive Plan was adopted in 2007. The community that was described by the applicant's narrative was well established before either of these documents were approved. Therefore, staff has determined that there has not been a change of character within the surrounding neighborhood of the subject property.

Second, the applicant describes a "downtown area" that is in need of different housing types. There are no available documents either in the Comprehensive Plan or Zoning Ordinance that defines a downtown area. Each Board member has a different perceived geographical area that forms the "downtown area." For this application, in particular, the Board should determine if this subject property fits within their perceived downtown and make that finding. Also, the applicant does not provide any quantitative evidence or analysis to support their statements in regards to the demand for housing in the downtown area.

Finally, the Comprehensive Plan shall be consulted in regards to the subject property; the Future Land Use Map designates this area as a Mixed Use District. Given the vicinity of other land use categories surrounding the subject property, staff further classifies the subject property as Central Business Mixed Use. The General Development Plan defines Central Business Mixed Use as areas which are intended to provide flexibility in design and land uses to protect and enhance the character of the area, provide convenient access to shopping and employment, and be more pedestrian and bicycle friendly. Community-serving areas provide a wide range of retail and service commercial uses for trade area larger than the neighborhood, but less than the regional mixed-use area. Land Use Policy: Uses include higher density residential development, specialty retail, dining and entertainment services, art studio, office and non-industrial employment, pedestrian and bicycle amenities.

3. The public need for the rezoning.

Applicant: The applicant states there is a need for the rezoning. There are limited amount of vacant lots left in the Hernando downtown area that are suitable for a residential development. The downtown area of Hernando has proven to be very desirable area that people want to live in. The proposal to change the zoning of the subject property to a planned unit development to allow for the construction of townhomes would be the best use for this vacant property. The location of this property would allow home owners to be within walking distance of the downtown square, multiple restaurants, parks, banks, retail stores, and professional offices.

Planning Staff: Staff finds that the City of Hernando downtown area is a popular destination. Furthermore, staff agrees with the applicant that residential development is healthy and appropriate for urban core environments. The subject property is currently zoned R-10, a medium density residential zone. Why are townhomes the "best use" of the property when the residential element of a healthy mixed use urban core is already available?

Update: The applicant has provided slightly different criteria responses on page five of the development plan.

DEVELOPMENT PLAN:

General Statement: The General Statement identifies the West Layne Townhomes as an opportunity for infield development and a better opportunity for development for the "highest and best use" for the subject property. The general statement continues by describing the physical nature of the development that has already been highlighted in the Introduction portion of the staff report. The applicant closes by discussing the proximity of parks, businesses, and historic square to the subject property.

Permitted Uses: The use list for West Layne Townhomes is rather focused due to the nature of the PUD. No other uses were provided other than multi-family attached townhome units. It is important at this point to make note that the term townhome was not defined in the project text. According to the Planner's Dictionary (Davidson and Dolnick, 2003) a townhome is defined as:

***Townhouse:** A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.*

Staff believes that the Board should require the applicant to define townhouse and if the units will be sold individually as the definition above references or if renting units by the developer will be allowed.

Update: The applicant defines townhome on page 10 of the development plan.

Bulk Requirements: The development plan did not address bulk requirements. Staff recommends a bulk requirement table. The Proposed Uses and Population Densities section of the development plan mentioned a density of 24 persons per acre.

Update: Bulk requirements are given on page 10 of the development plan.

Roadway, Access, and Circulation: The access to the property shall be limited to East Valley Street. A private drive accesses the rear of the units. Twenty parking stalls are proposed. At two spaces per unit, guest parking calculates to be four stalls. Sidewalk is proposed along the right-of-way. Each dwelling unit will also have a sidewalk that connects to the public sidewalk as well as to the rear of the property.

Landscaping, Screening, and Open Space: The development plan did not have a landscape, bufferyard, or open space plan. In addition, the development plan discusses submitting funds to the Parks Department instead of dedicated park area. The applicant does not explicitly state how much those funds would be nor does the City of Hernando have a mechanism in place for accepting such funds. The applicant may be assuming that the City of Hernando's Subdivision Regulations allows for payment instead of dedicated park space. The city's subdivision regulations do not have that provision as some other jurisdictions do within DeSoto County. Regardless, the zoning ordinance Article V, Section (f), Paragraph [(vii)(6)] mandates that a certain percentage of green space is available.

Update: Landscape has been proposed. Staff has no issues. The developer again references a park fund? The city has no vehicle for this.

Signage: The development plan does not include a sign package.

Update: The developer has not provided a sign plan but states that all signs will conform to the Zoning Ordinance and subject to the approval of the City Planner. The Zoning Ordinance does not have sign standards for the zone. The nature of the PUD is for the developer to provide sign specifications. However, if the applicant is willing to cede that authority to the Office of Planning staff is okay with that.

Drainage Facilities and Service: The development plan did not include any plans or drawings to address the criteria.

Update: A general drainage plan has been submitted. Staff has no issue.

Sanitary Sewer and Water Facilities: Utilities, including sanitary sewer, are available for the development. The subject property has the luxury of infield development with utility services. Staff is unaware if sufficient water supply exists for fire suppression if necessary.

Design and Lighting: The applicant submitted architectural elevations for concept only. Staff recommends the following elements be included with the elevations:

- façade material details
- window and door specifications and details
- scaled drawings for the purpose of determining foundation height
- shingle type
- brushed gravel sidewalks and pedestrian walks where appropriate
- enclosed rear load garages
- front porches shall be usable at six-foot width
- column details shall be provided.

No lighting plan was submitted. Exterior lighting plan with a photometric plan is recommended given the proximity to the single-family dwelling to the north. Fixture specifications shall also be included. Lighting designs shall meet the Design Review Regulations.

Update: The applicant has submitted statements that the site lighting will conform to the City of Hernando design standards and subject to approval by the City Planner. In addition, the applicant has submitted design and site drawings. Furthermore, the applicant stated that all architectural designs shall be approved by the City Planner. Staff has no issues with the statements, except ordinance requires that the Design Review Committee approve all multi-family designs.

Relationship to Comprehensive Plan: Staff finds the proposed West Layne Townhomes Planned Unit Development is in conformance with the Comprehensive Plan's Future Land Use Map.

STAFF COMMENTS:

Staff finds that the applicant has met the requirements of the Planned Unit Development ordinance and has submitted a full development plan. The applicant has addressed all three zoning amendment criteria. The Planning Commission heard this application on June 14, 2016. A motion was made to deny the zoning map amendment based on the application not meeting the required criteria for a zoning amendment and that financial gain was being requested through a denser development, which was already zoned residential. Commissioner Sims made the motion and Commissioner Jernigan seconded the motion. Commissioner Carter voted "nay", Commissioner Wolfe voted "nay", Commissioner Pirtle voted "nay", Commissioner Wills voted "nay", and Commissioner Williams voted "yay". The motion failed on a 3-4 vote. Commissioner Wolfe then made a motion to recommend approval of the Zoning Map Amendment with the associated development plan with all of staff's recommendations. No further findings were made. Commissioner Carter seconded the motion and the motion was approved 4-3 with Commissioners Sims, Williams, and Jernigan voting "nay".

If the Board chooses to approve the proposed development plan and the zoning amendment, the following conditions of approval are recommended:

- A. Quantitative data that supports the need for townhome style homes within the city's urban core environment.
 - B. West Layne Townhomes Planned Unit Development Covenants shall be submitted and approved by Office of Planning.
 - C. A buffer yard plan shall be submitted per the City of Hernando's Design Regulations and included in the development plan. The submitted drawings shall include the proper placement, species, height, and diameter of the landscape material and shall be installed per ANSI Z60 specifications.
 - D. The proposed buffer yard fence materials shall be altered to conform to the City of Hernando Zoning Ordinance.
 - E. Remove language about donation money to city and provide for a small park area.
-

Alderman McLendon asked about the construction traffic.

Jared Darby stated that the Board or engineer can recommend about the direction of the construction traffic.

Alderman McLendon asked how many units will be there.

Jared Darby answered it will be 8 units, 9 lots.

Daniel Murphy stated that it is 8 units and 1 common area.

Alderman McLendon asked how much a unit would go for.

Alderman Miller asked Kenny Stockton if the price of a home have anything to do with the application.

Kenny Stockton answered No, but the builder/developer can answer if he wants to.

Alderman Miller asked so the price cannot be a determining factor.

Kenny Stockton answered No, but the question can be asked.

Motion was duly made by Alderman Higdon, and seconded by Alderman Bryant to approve the application for a zoning map amendment, submitted by Daniel Murphy, is requesting a zoning amendment for 0.71 acres from R-10, medium density residential to PUD, planned unit development. The property is better known as parcel: 3074180020005500; situated in section 18, township 3 south, and range 8 west, with the stipulations listed from the Planning Commission, also to include that all construction traffic enter/exit to the west, away from neighborhoods. A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

APPLICATION FOR A DEVELOPMENT PLAN AMENDMENT, SUBMITTED BY STEVEN KATZ, IS REQUESTING A CHANGE IN DENSITY FOR 12.7 ACRES OF THE 1,139 ACRES FOR THE HERNANDO WEST, PLANNED UNIT DEVELOPMENT. THE SUBJECT PROPERTY IS BETTER KNOWN AS PARCELS: 3086130020002500, 3086130020002200, 3086130020002300, AND 3086130020002400; SITUATED IN SECTION 13, TOWNSHIP 3 SOUTH, AND RANGE 8 WEST

Jared Darby went over the application and the Planning Commission's report.

PLANNING COMMISSION
FILE: PL-1178

DATE: June 14, 2016
ITEM: 2

CAPTION: Development Plan Amendment, Hernando West, Steven Katz

INTRODUCTION:

Steven Katz, of Hernando West., is requesting a development plan amendment of the Hernando West Development. The planned unit development is located west of Elm Street and north of Commerce Street and encompasses 1,139 acres. The amended request encompasses 12.7 acres located at the intersection of Elm Street and Commerce Street as well as some narrative amendments.

DESCRIPTION:

The 12.7 acres of the requested amendment is located at the intersection of Commerce and Elm Streets. The amendment also includes the Banks House. Originally this area was scheduled to house 28 lots. The developer wishes to develop the area with minimum ecological impacts and increase the sustainability of the area. In addition, the developer wishes to better conform to the existing house and lot sizes of the surrounding area. The developer provides a detailed written narrative; which staff has included in the packet. The developer is ultimately requesting 9 lots within the 12.7 acres which is a 19 lot reduction.

The developer is requesting several narrative amendments as well. Please be advised that no design changes are being requested. The first amendment is found on page 62 of the Hernando West Development Plan under the Design Review Committee section paragraph two. The request is to delete paragraph two which states:

Community Developer (Katz Builders & Developing)
City of Hernando (Department of Planning)
Town Architect (Looney Ricks Kiss)
Member of the City of Hernando, Planning Commission

and add:

Master Developer (Community Developer) – as defined in the Hernando West Declaration and Covenants

Town Architect – The Master Developer shall select a “Qualified Architect” to serve on the DRC. Member of the City of Hernando Planning Commission

The second narrative amendment can be found on page 59 under the Loading Area section. There are no deletions. The developer wished to add the following language:

Lot size and building size may be increased and other enhancements may be made at the discretion of the Master Developer (Community Developer) as allowed by the Declaration and Covenants for Hernando West. Adjacent lots may be combined and interior lot lines disregarded to enlarge a lot in the sole discretion of the Master Developer (Community Developer) or its designee.

The narrative pages have been included in the staff report for review.

STAFF COMMENTS:

Staff is in agreement with the applicant in regards to the lowering of the density for the 12.7 acre subject property. Exhibits A, B, and C outline the transformation from the original approved development plan to the proposed development plan.

In regards to the composition of the Design Review Committee, staff does not have an opinion as to who sits on the Committee. The City Planner shall deem what is appropriate as it relates to the design standards and be the final authority for construction and permit process. The City Planner is responsible for the administration of the planned unit development plan as it represents the governing document for the Hernando West (PUD) zone. If the developer or design review committee of Hernando West PUD were to disagree with the City Planner’s decision, the City of Hernando’s Zoning Ordinance allows for the appeal of that decision to the Planning Commission.

Staff finds that the Planning Commission does not have the authority to allow for the additional language outlined above and on page 59. The developer is requesting the ability to adjust lot sizes and building sizes. First and foremost, the Subdivision Regulations are clear that the Governing Authority (Mayor and Board of Aldermen) shall have sole responsibility to approve land divisions. This is also outlined in State Code (17-1-23). Second, to give the ability to alter home sizes within the Hernando West Planned Unit Development solely to the developer could provide for a development that could be different than what was originally approved; thereby, bypassing checks and balances that are in place to insure the development is constructed as intended by the Planning Commission and Mayor and Board of Aldermen.

If the Commission were to recommend approval for the amendment to the Hernando West Planned Unit Development to the Mayor and Board of Aldermen, staff would recommend the following conditions:

1. Do not amend page 59 as presented.
-

Alderman Miller asked about the language amendment, if it will be brought up again.

Bill Brown answered that they have removed the language from the application. They may or may not bring it up at a later time.

Alderman McLendon asked who would is on the Hernando West design review committee.

Jared Darby answered the Master Developer, Town architect and a planning commissioner. Mr. Darby then stated that in his opinion the planning commissioner needs to come off of that committee, it is a conflict of interest.

Mr. Brown stated that removing the planning commissioner from the committee was ok with them. They will replace that position with someone from the community.

Alderman Hobbs asked if the access road is on Commerce and Elm.

Jared Darby answered yes.

Alderman Hobbs asked about the road in the back.

Jared Darby answered that is a trail, walking trail.

Alderman McLendon asked who would maintain the walking trail.

Jared Darby answered the homeowners.

Alderman McLendon asked about the buffer zone, is it 100 feet from the property line.

Jared Darby answered yes.

Motion was duly made by Alderman Higdon, and seconded by Alderman Hobbs to approve the application for a development plan amendment, submitted by Steven Katz, is requesting a change in density for 12.7 acres of the 1,139 acres for the Hernando West, Planned Unit Development. The subject property is better known as parcels: 3086130020002500, 3086130020002200, 3086130020002300, and 3086130020002400; situated in section 13, township 3 south, and range 8 west, for reducing the lots and removing the Planning Commission member from the Committee. A vote was taken with the following results:

Those voting "Aye": Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

REVIEW AND APPROVE NEEL-SCHAFFER CONTRACT TO CONDUCT REQUIRED SERVICES FOR THE REQUIRED MDEQ PHASE 2 STORMWATER PERMIT

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Miller to review and approve Neel-Schaffer contract to conduct required services for the required MDEQ Phase 2 Stormwater permit. A vote was taken with the following results:

Those voting "Aye": Alderman McLendon, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

INTERLOCAL AGREEMENT WITH FIRST REGIONAL LIBRARY AND DESOTO COUNTY BOARD OF SUPERVISORS

Motion was duly made by Alderman Higdon, and seconded by Alderman Lauderdale to approve the Interlocal agreement with First Regional Library and Desoto County Board of Supervisors. A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

AUTHORIZE TO DECLARE THE FOLLOWING SURPLUS PROPERTY AND DISPOSE OF

Digital Alley camera system	Property #02859
Genesis radar box	Property #02836
Genesis radar box	Property #02862
Genesis radar box	Property #02868
Decatur radar head	Property #02875
Digital Alley mirror / monitor	Property #02860
Motorola MTX 8250radio front plate	Property #01747
Motorola MTX 8250radio front plate	Property #01137

Motion was duly made by Alderman Miller, and seconded by Alderman McLendon to declare the following surplus property and dispose of:

Digital Alley camera system	Property #02859
Genesis radar box	Property #02836
Genesis radar box	Property #02862
Genesis radar box	Property #02868
Decatur radar head	Property #02875
Digital Alley mirror / monitor	Property #02860
Motorola MTX 8250radio front plate	Property #01747
Motorola MTX 8250radio front plate	Property #01137

A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of July, 2016

ADJOURN

There being no further business at this time a motion was duly made by Alderman Lauderdale, seconded by Alderman Bryant to adjourn.

Motion passed with a unanimous vote of "Aye".

MAYOR CHIP JOHNSON

ATTEST:

KATIE HARBIN, CITY CLERK