

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, October 17, 2017 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderwoman Brooks, and Alderman Hobbs. Also present for the meeting were: City Clerk Katie Harbin, City Attorney Kenny Stockton, City Engineer Joe Frank Lauderdale, Fire Chief Hubert Jones, Police Chief Scott Worsham, Human Resources Manager Julie Harris, Public Works Director Gary McElhannon, Planning Director Keith Briley, Jared Darby, Shirley McLendon, James A. Vice, Sr., Carolyn Richards, Brian Hill, Mitch Lemmon, Tanner Love, Andrea Love, Robert L Reiner, Barry Bridgforth, Robert Long, Brad Sims, Robbie Toms, Katherine Spears, Robert Spears, Brian Hall, Joseph McLfood, Vance Daly, and Paul Whitfield.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

INVOCATION

Alderman Higdon gave the invocation.

AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

October 17, 2017

6:00pm

- 1) Call the meeting to order
- 2) Pledge of Allegiance
- 3) Invocation
- 4) Approve Agenda
- 5) Approve Docket of Claims No.'s 120459 - 120739
- 6) Approve Minutes
- 7) Appointment Historic Preservation Commissioner members (tabled from July 5, 2017 meeting and September 19, 2017 meeting)
- 8) Authorize to hire Kedrick Merriweather as a full time employee at the rate of \$8.76 per hour (current seasonal employee)
- 9) Authorize to hire Roderick Robertson in the sewer department at a rate of \$12.00 per hour
- 10) Motion by Honorable Barry Bridgforth as Attorney for Lifestyle Communities, LLC to correct the City of Hernando, Mississippi Board Minutes of December 16, 2009
- 11) Application for Preliminary/Final Subdivision titled "Sayle Oil Company" submitted by Global Surveying Consultants, Inc. The subdivision is comprised of two lots totaling 0.968 acres located north of Commerce St. on the west side of Sloan's Way; situated in

Section 18, Township 3 South, Range 7 West. The property is zoned C-2, highway commercial (File: PL-1251)

- 12) Application for a Zoning Map Amendment, submitted by Reiner Development, LLC requesting a zoning amendment for 2.41 acres from R-15, single family residential medium density to R-40, single-family residential, low density. The subject property is known as parcel 3081010000003500; situated in Section 1, Township 3 South, and Range 8 West (File: PL-1265)
- 13) Application for a Zoning Map Amendment, submitted by Reiner Development, LLC requesting a zoning amendment for 2.44 acres from A, Agriculture to R-40, single-family residential, low density. The subject property is known as parcel 3081010000003500; situated in Section 1, Township 3 South, and Range 8 West (File: PL-1266)
- 14) Application for Final Subdivision titled "Phase 5A Of the Lee's Summit Planned Unit Development" submitted by Jones-Davis & Associates. The subdivision is comprised of 1 lot totaling 10.94 acres located on the south side of Monteith Drive just east of McIngvale; situated in Section 17, Township 3 South, and Range 7 West. The property is currently zoned PUD, Planned Unit Development. (File: PL-1276)
- 15) Application for Preliminary Subdivision titled "A and J's One Stop" submitted by A and J One Stop, LLC. The subdivision is comprised of 2 lots totaling 2.66 acres located on the northeast corner of Highway 51 and W. Oak Grove Road; situated in Section 13 and 24, Township 3 South, and Range 8 West. The property is currently zoned C-2, highway commercial. (File: PL-1279)
- 16) Discussion of lights on Commerce St east of McIngvale (Joe Frank)
- 17) Discussion of the Ordinance for Discharging Firearms in City Limits (tabled from October 3rd meeting)
- 18) Adopt Ordinance for Brush Pick up rates
- 19) Authorize to advertise for quotes on interest rates for the tax anticipation loan and authorize City Attorney to prepare necessary document for tax anticipation loan
- 20) Discussion of Stennis Proposal for study/handbook
- 21) 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 Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of October, 2017.

APPROVE DOCKET OF CLAIMS NO.'S 120459 - 120739

Alderman Bryant recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 120459 - 120739 in the amount of \$1,456,637.48 for approval.

Motion was duly made by Alderman Harris, and seconded by Alderman Higdon 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, Alderwoman Brooks, Alderman Hobbs, and Alderman Harris.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of October, 2017

APPROVE MINUTES FROM THE REGULAR BOARD MEETING ON OCTOBER 3, 2017

Motion was duly made by Alderman Higdon, and seconded by Alderman Harris to approve the Minutes from the regular Board Meeting on October 3, 2017 as presented. A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Higdon, Alderwoman Brooks, Alderman Harris, and Alderman Bryant.

Those voting "Nay": None.

Alderman Hobbs abstained from voting.

ORDERED AND DONE this the 17th day of October, 2017

APPOINTMENT OF HISTORIC PRESERVATION COMMISSIONER MEMBERS (tabled from July 5, 2017 meeting and September 19, 2017 meeting)

Mayor Ferguson stated he would like this item to be tabled for further review of the candidates by the Planning Commission.

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to table this item. A vote was taken with the following results:

Those voting "Aye": Alderman Higdon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of October, 2017

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AUTHORIZE TO HIRE KEDRICK MERRIWEATHER AS A FULL TIME EMPLOYEE AT THE RATE OF \$8.76 PER HOUR (CURRENT SEASONAL EMPLOYEE) IN THE PARKS DEPARTMENT

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to table this item. A vote was taken with the following results:

Those voting "Aye": Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of October, 2017

AUTHORIZE TO HIRE RODERICK ROBERTSON AS A FULL TIME EMPLOYEE AT THE RATE OF \$12.00 PER HOUR IN THE SEWER DEPARTMENT

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to authorize to hire Roderick Robertson as a full time employee at the rate of \$12.00 per hour in the Sewer Department, following the recommendation of the Personnel Committee, based on the recommendation of the Public Work Director. A vote was taken with the following results:

Those voting "Aye": Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of October, 2017

MOTION BY HONORABLE BARRY BRIDGFORTH AS ATTORNEY FOR LIFESTYLE COMMUNITIES, LLC TO CORRECT THE CITY OF HERNANDO, MISSISSIPPI BOARD MINUTES OF DECEMBER 16, 2009

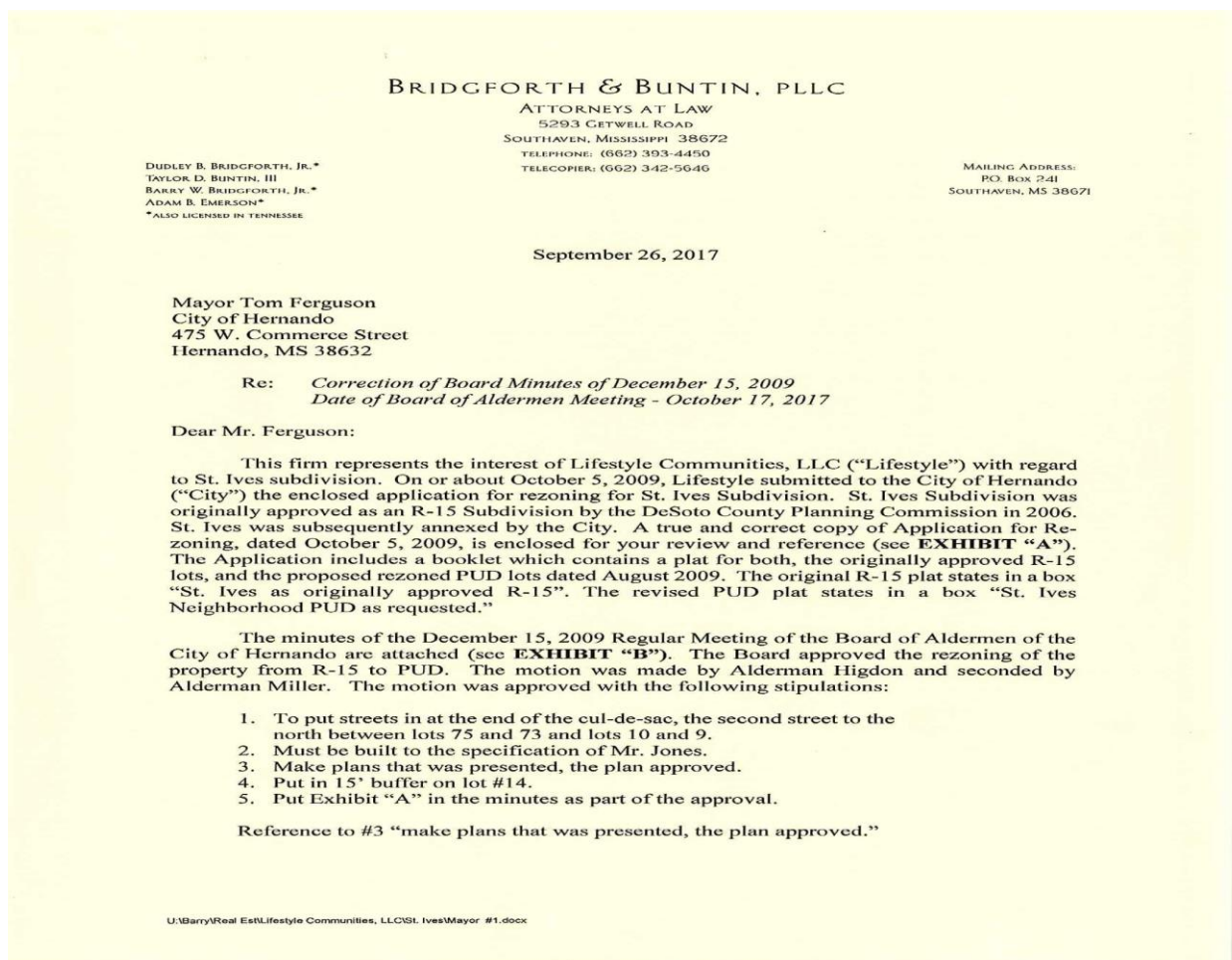
Barry Bridgforth stated that he would like the Board to correct the Board Minutes from December 15, 2009. The incorrect plat exhibit was inserted into the minutes. The exhibit that needs to be inserted has the title "St. Ives PUD as requested".

BJ Page stated that it is important because there is a final plat approval before the Planning Commission. They can't move forward because there is no preliminary plat reported. I recommend to amend/correct the minutes.

Kenny Stockton stated that this isn't something that happens often. This is only to correct the minutes. The minutes should always correctly reflect what actually happened that day. This is correcting the exhibit in the minutes.

Vance Daily stated that he represents some of the home owners in St. Ives, and he wants to make sure that the correct plat/map, exhibit A – St. Ives Neighborhood PUD as requested, is used.

Kenny Stockton stated that we need to make Mr. Bridgforth's report a part of the minutes.



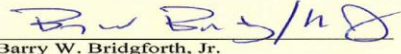
While the Staff Report incorporates the Plats and Master Plan into the record, the minutes contained a copy of a plat of the original R-15 zoning, not "St. Ives Neighborhood PUD as requested." The plat attached to the minutes clearly states "St. Ives as originally approved R-15". The plat does not contain lot numbers and does not reflect the proposed rezoning. It is quite evident that the Board Members were looking at the proposed plat which states "St. Ives neighborhood PUD as requested" when making and approving the Motion. This plat contains lot numbers which correspond to the Board members requirements that additional stub-ins be provided. The minutes also contain the Jones-Davis & Associates, Inc. Drainage Study and a landscaping cross-section of the South Common Area.

I have asked Robert Barber, the Hernando City Planner at the time of the rezoning application, to review the file materials. Mr. Barber has executed the Affidavit attached (see EXHIBIT "C"). Mr. Barber has also agreed to be present at the hearing.

In further support, I have enclosed the minutes from the City of Hernando Regular Meeting on January 19, 2010 regarding the rezoning of 18 lots in Section A of St. Ives Subdivision. Page 6 of the minutes contain the correct plat described as "St. Ives Neighborhood PUD as requested" (see EXHIBIT "D").

Please advise as to any further requirements to perfect the correction of the minutes at the October 17, 2017 Manager and Board Meeting.

Sincerely,



Barry W. Bridgforth, Jr.

BWB, JR. | kh

Enclosures

cc: Katie Harbin

U:\Barry\Real Estate\Lifestyle Communities, LLC\St. Ives\Mayor #1.docx

CIB 1143

CITY OF HERNANDO
 475 West Commerce Street
 HERNANDO, MISSISSIPPI 38632-2197
 Phone 662-429-9092

CASH RECEIPT Date Oct 6 2009 089408

Received From: Lifestyle Communities

Address: _____

For: Rezoning application fee - St Ives Dollars \$ 3750.00

ACCOUNT		HOW PAID	
AMT OF ACCOUNT		CASH	
AMT PAID	<u>3750.00</u>	CHECK	<u>1835</u>
BALANCE DUE		MONEY ORDER / CREDIT CARD	

By: KD

LIFESTYLE COMMUNITIES LLC

CITY OF HERNANDO
 Date 10/6/09 Type Bill Reference St Ives PUD

10/6/09 1835
 Original Amt. 3,750.00 Balance Due 3,750.00 Payment 3,750.00
 Check Amount 3,750.00

BANCORPSOUTH C

3,750.00

104-PUD

Hearing Dates - Sept 8 P/C
Oct 20 Board

City of Hernando Application for Rezoning

As Owner, Agent or Attorney (indicate which) it is requested that the property located in the City of Hernando described as follows: *see attachment.*

Be rezoned from R-15 district to PUD district, for the following reasons*:

Master Plan Due August 31

APPLICANT'S CONTACT INFORMATION

Name Lifestyle Communities LLC

Address 1074 Thousand Oaks

Phone 662-429-2332

Email Address ~~2547~~ Homes@LifestyleHomesMS.com

Owner, Agent or Attorney Signature [Signature]

Each application shall be accompanied by:

The plat of the neighborhood, to scale, on an 8 1/2 x 11 inch sheet of paper and electronic information showing all the property affected by the application, and the name of the owner of each parcel within a 1000-foot radius unless the planning director specifies a greater or smaller distance, to be not less than 500 feet nor more than 1000 feet.

Plat of the property sought to be rezoned, on an 8 1/2 x 11 inch sheet of paper and electronic information to scale and showing dimensions.

List of the names and mailing addresses of the owners shown on the neighborhood plat, supplied on mailing labels. The burden of furnishing accurate information lies with the applicant. Non-delivery may be considered grounds for denial of the application.

A legal description by metes and bounds of the whole property sought to be rezoned.

The application, with plats and description, shall be filed with the required fee in the Office of Planning not later than 30 days prior to the next scheduled Planning Commission meeting.

*Please note that the burden is on the applicant to demonstrate that either there was a mistake in the original zoning, or that the neighborhood has changed since the adoption of the plan to such a degree that the request is justified (demonstrated by objective evidence) and that there is a public need for the request.

Fees:

Planned Districts \$500 base fee + 50 per acre over five acres/\$4,000 maximum fee

Unplanned Districts \$250 base fee + 50 per acre over five acres/\$4,000 maximum fee

\$ 3,750.00

Revised 3/15/07

September 8, 2004 - PC
October 20, 2009 - BOA



SAINT IVES NEIGHBORHOOD PUD

THE CITY OF HERNANDO, MS

OWNER/DEVELOPER
 BH COMMUNITIES, LLC
 1074 THOUSAND OAKS DR, STE 1
 HERNANDO, MS 38632

I. Overview

Saint Ives Neighborhood PUD is located in the City of Hernando, Desoto County, Ms. It is located east of Jaybird Road and south of Holly Springs. Primary access to the site will be from Jaybird Road. When Jefferson - Phase II - is complete, Saint Ives and Jefferson will be tied together allowing additional access to both neighborhoods. Additionally, there is a proposed stub road to the south and the east which will eventually tie into Getwell Road.

This high quality development combines a mixture of residential lots.

The Owner/Developer of Saint Ives Neighborhood PUD is BH Communities, LLC.

II. Mission Statement

BH Communities, LLC and its employees are committed to raising development standards by delivering the highest level of integrity and superior quality all within exceptionally designed and appointed developments.

III. Land Use

The Saint Ives Neighborhood PUD is single family residential community. In addition to residential use, there will be common area with a walking trail at the bottom of the bluff along the creek which is lined with huge oak trees.

SINGLE FAMILY RESIDENTIAL LOTS	
LAND USE	UNITS
60' x 135'	97
100' x 150'	69
Total Lots	166
Acres	70.5
Density	2.355
Common Open Space Required	7.05 acres
Common Open Space Provided	13.27 acres
Common Open Space %	18.8

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LOT SIZE	FRONT BUILD-TO-LINE	SIDE SETBACK	REAR SETBACK	SQUARE FT. MIN.
60' x 135' R-8	30' B.O.C	5' MIN.; 10' total	20'	1800 MIN.
100' x 150' R-15	30' B.O.C	5' MIN.; 10' total	20'	2000 MIN.

Amenities

Numerous amenities are provided in the Saint Ives Neighborhood PUD, for the enjoyment of its residents.

Along the creek at the bottom of the bluff, which is lined with huge oak trees, BH Communities proposes a concrete walking trail with already established lawn on each side which will be maintained by the Homeowner's Association.

There is a bricked fence and landscaped guard shack at the entrance of the subdivision. There is also extensive landscaping at the entrance and common areas along Jaybird Road all of which is irrigated.

All amenities and common areas will be designed and constructed by the developer, and will eventually be placed under the ownership and management of a Neighborhood Homeowner's Association and/or Business Association.

Design Standards

The Saint Ives Neighborhood PUD will be built in an aesthetically pleasing manner.

Throughout the development, existing trees will be preserved, amended or created in small wooded pockets and in extensive wooded buffers around the development. Landscaping will be provided at key locations to enhance the natural and built environment and to provide a unified sense of space within the community. Landscape areas include entryway treatments, landscaped circles, streetscaping, and appropriate treatments throughout the common areas.

Lighting design and signage will be provided in a way that enhances the aesthetics of the development. Lighting and signage design will meet or exceed the standards set by the City of Hernando subdivision and design standards.

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Utilities

Water

Water lines will be provided by the developer, and will be designed in accordance with the standards of the City of Hernando. Water service will be provided by North Mississippi Utility.

Sewer

A sanitary sewer plan will be submitted along with the Final Development Plan. Sanitary sewer service will be provided City of Hernando. All sanitary sewer lines will be provided by the developer, and will be designed according to the standards of the City of Hernando.

Drainage

Site drainage will be in accordance with the standards of the City of Hernando Regulations. A stormwater plan will be submitted along with the Final Development Plan.

The proposed new PUD is a much more environmentally friendly design with the addition of 11.4 acres of common open space all of which is bordering creeks ensuring future storm water runoff will not be affected and allowing surface area for excess water during heavy rains.

Community Impact

The Saint Ives Neighborhood PUD will be a well-designed development that will be an asset to the City of Hernando. Land use to the east of this development is primarily undeveloped although the Desoto County Regional Sewer has now opened up the possibility of development on all land east of this site all the way to the Coldwater River. The acquisition of the Right of Way for the new I-69 provides for an interchange located on Getwell Road just north of Byhalia Road which is the next major road north of this site. This will allow Interstate access from two directions. There is some residential development of existing single family lots to the North and West of the Saint Ives Neighborhood PUD.

The Saint Ives Neighborhood PUD fully embraces the values of the City of Hernando General Development Plan. This planned community emphasized strong design standards, a neighborhood structure, and landscaping throughout. The proposed land uses are fully compatible with the residential uses envisioned by the City of Hernando's General Development Plan.

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Phasing and Timetable

Note that Phase I is currently developed although changes will be made to four acres of Phase I. Changes consisting of eleven lots which will be turned into eighteen lots in which the minimum size will be over 8,000 square feet. This will be done immediately after subdivision approval through the City of Hernando.

Phase II will be anticipated to be one to two years out.

Specific construction start times will vary slightly with any plan since market forces influence the development times. The above phasing represents the developer's best intentions. The developer may alter the proposed phasing plan if necessary, based on the current market forces.

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ST IVES LOCATION MAP & AERIAL





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RESIDENTIAL FRONT LOAD IMAGES



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ST. IVES NEIGHBORHOOD PUD COVENANTS
SECTIONS A & B
SECTION 21, TOWNSHIP 3, RANGE 7 WEST
CITY OF HERNANDO, DESOTO COUNTY, MISSISSIPPI
PLAT BOOK _____ PAGE _____

1. All lots in the Subdivision shall be known and described as residential lots except for common open space, which shall be for common area amenities. No structures shall be erected on any residential lot other than one single family residence, with at least a two car enclosed garage. Additional structures may be erected in the rear yard, subject to approval as provided in this Declaration. All residences shall include a two or three car enclosed garage. No accessory structure erected on any lot shall at any time be used as a residence or business, temporarily or permanently.

2. All residences shall contain a minimum of square feet of heating living area per the following:

R – 8 1800 minimum heated square feet.

R – 15 2000 minimum heated square feet.

Two or three car attached garages shall be included in the construction of all single-family detached residences. An additional 2 car garage detached is allowed.

No buildings shall be more than two stories in height, but the floor space for the second story may be included in computing the minimum square footage of living area. All structures shall be constructed with at least 60% brick or stone veneer unless otherwise approved by Developer. All windows shall be wood or vinyl. No aluminum windows will be allowed. All siding to be hardi-plank.

3. No residence shall be constructed without the construction plans first being approved by BH Communities, LLC (hereinafter referred to as "Developer"). Said construction plans shall be submitted to Developer for its review and approval or disapproval. A written and dated receipt will be issued at time plans are submitted. Keep this receipt. Developer agrees to issue its approval or objections within ten (10) days after receipt of said construction plans. Developer's failure to issue its approval or objections within the ten-day period shall automatically deem the plans acceptable.

4. For the purpose of insuring the development of said lots as an area of high standards, and to assure reasonable compatibility of architectural designs, the Developer shall have the power to control all improvements, as well as to make such exceptions to these Covenants, and to waive particular violations, as the Developer shall deem necessary, appropriate or proper. These covenants may be amended at any time by an instrument signed by the Developer or by not less than 75% of the owners of lots within St. Ives.

5. The build to setback from the front property line to the building and the side and rear yard setbacks shall be as described on the plat of subdivision and shall meet the requirements and approval of the Department of the City of Hernando, Mississippi, or Desoto County (which ever is applicable).

Minimum Building Setback for Residential Use:

Minimum Front Yard Setback: 21.5 feet

Minimum Side Yard Set back: 10 feet (Not less than 5' on either side)

Minimum Rear Yard Set back: 20 feet

6. The right is given to the Developer to require the owner of a damaged or destroyed dwelling upon any lot to make repairs or replacements in order to restore the dwelling to its condition prior to the damage or destruction, including the right to require that insurance proceeds paid to the Owner because of said damage or destruction be applied to the repair or replacement.

7. Each owner shall be responsible for the maintenance and painting of all improvements to the land within his lot. No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon the premises, and no refuse pile, unused motor vehicles or unsightly objects shall be allowed to be placed or to remain anywhere on the premises. In the event that any owner or occupant of any lot in the subdivision shall fail or refuse to keep the premises free from weeds, underbrush, refuse piles, unused motor vehicles or other unsightly growths or objects, then an agent of the Developer may enter upon the lands and remove the same at the expense of the owner and such entry shall not be deemed a trespass. In the event of such a removal, the owner of the lot shall pay 1.5 times the expenses thereof.

8. Homeowner's and guest's vehicles must be parked in homeowner's driveway. No parking in the yard, except when moving, landscaping, or doing home improvements.

9. No car, truck, van, trailer, boat, recreational or commercial type vehicle shall be stored or parked on any lot, unless in a closed garage, nor parked on the streets serving the subdivision, unless engaged in transporting to or from a residence in the subdivision.

10. No car, truck, van, trailer, boat, recreational or commercial type vehicle shall be parked and advertised FOR SALE within the subdivision perimeters including at or along the entrance to St. Ives.

11. No motor vehicle or any other vehicle, including but not limited to a boat, motor, and boat trailer, lawn mover, tractor etc. may be stored on any lot for the purpose of repair of same: no disabled or inoperable vehicle may be stored on any lot.

12. Homeowner's are not allowed to wash muddy vehicles in the neighborhood. Mud washed into the street must be cleaned up by homeowner or homeowner's association will perform said cleanup and bill homeowner for 1.5 times the expenses thereof.

13. No motorized vehicles in common area other than maintenance vehicles. Ex: 4-wheelers, motorcycles, go carts, etc. This will be considered trespassing, and violators will be prosecuted.

14. No animals, livestock or poultry of any kind shall be raised, bred or kept on any of said lots, except that dogs, cats or other generally recognized domestic animals may be kept, provided that they are not kept, bred or maintained for any commercial purpose. The number of animals shall be limited to 2 dogs and/or 2 cats or 2 other household pets. In all instances, household pets shall be restrained within fenced areas or under leash.

15. No basketball goals visible from the street.

16. Vegetable gardening to be allowed only in back yards to rear of house.

17. No structure to be erected in common areas. Ex. Forts, playhouses, tree houses, etc.

18. All signs, billboards, or advertising structures of any kind are prohibited except for two (2) professional signs of not more than sixteen (16) square feet to advertise a lot for sale or lease during a sales period and except for signs,

billboards, or advertising structures erected by or on behalf of Developer during the development and sales period of the Developer's property and unsold Lots. No sign is permitted to be nailed or attached to trees. All signs to be approved by City of Hernando or DeSoto County, whichever applies.

19. No obnoxious or offensive trade or activity shall be carried on upon any lot in this subdivision, nor shall anything be done thereon which may be or become an annoyance or nuisance to the subdivision. Garage/yard sales are not permitted. If any resident holds a garage sale, St. Ives Home Owners Association has the option of assessing said resident a fine of \$500.00.

20. All mailboxes (numerals thereon) and the supports and encasements therefore within the subdivision are to be identical in design and will be selected by the Developer. No decorations except for holiday themes may be affixed or adhered.

21. An electric transformer may be situated on certain lots in the subdivision. If the owner of such a lot should desire relocation of such transformer, he may arrange for its relocation at his expense with the approval of the Developer and the owner of the adjacent property nearest to the proposed new location of the transformer.

22. Once a lot is sold by Developer, the owner there shall be required to construct sidewalks thereon as required by the City of Hernando or DeSoto County, whichever applies. Should a lot owner not have installed the required sidewalk(s) for that lot within eighteen (18) months of the date of the recording of this plat, the lot owner will escrow with the City of Hernando or DeSoto County, whichever applies, such sum as is required by the City of Hernando or DeSoto County, whichever applies to ensure the future construction of the sidewalk to an extent that Developer shall be relieved of the obligation. Should the lot owner refuse to do so, then Developer shall have the right to file a lien on the property or sue for the cost of the sidewalk.

23. Once Developer has closed a lot in the subdivision, the owner or his assignees of such lot shall be obligated to begin construction of a house on such lot within eighteen (18) months and thereafter to complete such construction within 12 months. If a lot owner fails to commence construction of the house within said 18 month period, Developer shall have the option of purchasing the subject lot for the original sale price, exclusive of any closing costs associated with the original purchase.

24. No building shall be erected on any lot wherein there shall be installed any aluminum or metal window. All flashing visible from the street must be copper flashing. No steel front doors allowed.

25. No buildings or structures shall be moved from other locations to a lot in this subdivision.

26. All roofs of all buildings erected on a lot shall be comprised of a dimensional shingle material, unless otherwise approved in writing by Developer. Accent roofs may be copper or coated metal. All exterior colors for initial construction and any subsequent re-paintings (or re-colorings) or renovation or restoration must be earth tones or neutral colors. Re-roofings as to materials, weight, color, and texture must be approved. No awnings on the front or sides of any house will be permitted without approval of the Developer.

- All siding is to be Hardi-Plank wood-grained or textured siding.
- No stucco board is allowed in this subdivision.
- Doors visible from the street must be wood or fiberglass.
- No aluminum or metal windows. Windows must be vinyl, clad or wood.
- All flashing visible from the street must be copper flashing.
- Only smooth painted ceilings are allowed in all houses, unless otherwise approved by Developer. No vinyl flooring is allowed in any house unless otherwise approved by Developer.
- All driveways are to be of washed aggregate.
- All main roof pitches must be at least 10/12 unless otherwise approved by Developer.
- No front yard parking pads.
- Each builder is to provide portable toilets for his house(s) during construction.

27. Developer reserves unto itself the right to impose additional and separate restrictions at the time of sale of any lots sold by it in this subdivision, which said restrictions may not be uniform, but may differ as to different lots.

28. Consideration for a garage facing the street on R-15 lots may be given on corner lots or where there is a request to preserve trees or elements of the topography. R-8 lots may have front facing garages although the garage door must be set back a minimum of 30' from the closest point of the home to the street and they must have a carriage style garage door. Detached garages and storage buildings may face the street, but must be set back beyond the back corner of the house, be constructed of the same brick and roof to match the house. All detached

garages or storage buildings must be approved in writing by developer prior to the commencement of construction. No storage buildings built offsite will be allowed. All storage buildings must be on a slab. Wooden storage sheds are not allowed.

29. The success of a residential subdivision is dependent in critical part on the abilities and integrity of the firms, which construct the homes in the development. Therefore, Developer is vested with the absolute right to approve for use the respective general contractors who will build homes on lots in the subdivision. It is stated expressly that an owner of a lot must obtain such approval whether such owner is the original Purchaser from Developer or not.

30. All fences are to be of wood, brick or ornamental metal material or combination thereof. All fences must have a 2" minimum clearance under fence to allow for surface drainage. No chain link fences allowed. No fence may be constructed closer to the street than the building setback line. All fences are to be approved by the City of Hernando or DeSoto County, whichever applies.

31. Swimming pools and/or hot tubs/spas and their accessory structures shall be installed in accordance with the ordinances and regulations of the City of Hernando or DeSoto County, whichever applies.

32. All equipment, garbage cans, service yards, mechanical equipment, swimming pool pumps and filters, woodpiles or storage piles, shall be kept screened by adequate planting or fencing so as to conceal them from view of streets and neighbors. All rubbish, trash, or garbage shall be regularly removed from the premises and shall not be allowed to accumulate thereon, during construction and all other times.

33. All exterior lighting on each lot shall be of a consistent style and character. All lighting on each lot shall be constructed and maintained to provide illumination for that lot only, and as to avoid illumination of adjacent lots and areas. No polished brass lighting will be allowed on the exterior of the house. No colored exterior lights allowed.

34. Developer will cause to be incorporated a non-profit homeowners association to which every party purchasing a lot, whether the original purchaser or not, will be deemed to have agreed to belong. The organization of such association may, at the option of Developer, be delayed until Developer has closed 90% of all the lots in the subdivision. The primary purpose of the association is to maintain and replace as necessary the entry and other structures, walls, common areas, including

entry monuments and associated landscaping, grass, lighting, and irrigation. Also, to have the funds to legally enforce these covenants, pay taxes, insurance on common areas, management fees should the Developer or Association elect to contract for the services of a management company, or any other expenses deemed necessary by the Developer or Association for the operation of the St. Ives Home Owners Association.

(b) Until 90 % of all the lots in the subdivision are closed by Developer, Developer shall perform the aforesaid anticipated obligations of the association. Each purchaser of a lot shall pay Developer \$300.00 a year to defray the aforesaid expenses until such time as the association is organized and assumes the aforesaid duties. At any time, Developer may organize said association: and if same takes place before Developer sells 90% of said lots, Developer shall have the right to name two (2) members of a three (3) member Board of Directors and Developer shall have five (5) votes per each lot that it owns (although other lot owners will have only one vote per lot owned) until Developer sells 90% of said lots.

Notwithstanding the foregoing, even after Developer has sold 90% of said lots, it may, at its option, continue to perform, or cause to be performed, the obligations set out above which are ultimately to be the responsibility of the association: and, so long as Developer performs such obligations, each lot owner shall pay to Developer a reasonable annual fee to defray said expenses. At the time of lot closing, each Purchaser will pay to Developer, in advance, his pro-rata share of the annual assessment for the year in which closing occurs.

35. All property owners shall be required to be members of the St. Ives Homeowners Association and shall pay dues as set by the Developer or its members and shall be subject to any declarations, covenants, and restrictions enacted by the Developer or the Association and any other declarations, covenants and restrictions hereinafter executed in writing and filed in the Chancery Clerks Office at Desoto County, Mississippi. Initial dues of \$300.00 per year payable January 1 of each year. After January 31, dues will be considered delinquent and a 10% late fee will be added each month dues are delinquent. Should an unforeseen event cause payment for more than is available in the Home Owners Association operating budget, then it will be necessary for a special assessment to be required of all property owners.

36. All existing surface drainage must be maintained. Swales may be constructed to prevent drainage directly onto buildings, but in no case shall surface drainage be diverted or obstructed to prevent the shared sheet surface drainage from entering into or through any lot by means of fences or on-site grading. All wood fencing is

to have a 2" minimum clearance under all portions. All brick fences are to have a 4"x6" open space at ground level 4'-0" on center minimum.

37. Developer reserves the right at any time (a) to change the boundary lines and (b) to impose or remove or change easements on any lot(s) owned by it, if such should become necessary or be deemed desirable to preserve trees or topographical features or to otherwise enhance the desirability of such lots: provided the Developer complies with all ordinances and regulations of the City of Hernando or DeSoto County, whichever applies. If Developer determines to take such action provided for above, no other owner of a lot in the subdivision shall be required, or permitted, to join in any application to any governmental authority for approval of such action.

38. Radio or television transmission or receiving towers or internet antennas are not allowed. Satellite dishes larger than 30 inches cannot be installed. Satellite dishes may not be installed on the front of the house. Internet antennas may be erected on common areas if approved by Developer or by not less than 75% of the owners of lots within all Phases of the St. Ives Subdivision. Proceeds from any lease agreement for internet antennas will be applied to the St. Ives Homeowners Association.

39. Landscape plans must be approved and landscaping installed prior to occupancy. All yards shall be of solid sod except as otherwise initially agreed with the Developer. Any dead plants shall be replaced immediately. There shall be a minimum of one (1) two (2) inch caliper tree within the front yard of a single-family residence.

40. No common area to be used for personal use, ex: storage, grass clippings, gardens, etc.

41. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2035, at which time said covenants shall be automatically extended to successive periods of ten (10) years unless by vote of the majority of the owners of the lots it is agreed to change said covenants in whole or in part.

42. If an owner of a lot shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning real property, or the Homeowner's Association in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any

such covenant either to prevent him or them from so doing or to recover damages or other dues for such violation.

43. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

44. There is a perpetual easement, as shown on the recorded plan of the subdivision, which is reserved for utility installation maintenance.

45. Window treatments must have white lining. Blinds must be white or a natural wood-tone and must be at least 2" faux wood. No mini blinds are allowed. Blinds or window treatments must be installed within 30 days of occupancy. No decorations to be stuck on windows with the exception of holiday décor.

46. No property owner shall oppose Annexation by the City of Hernando or a connection of the development's streets to future developments.

47. All lot owners will be required to register for a residential lot coverage permit thru MDEQ.

48. To the extent that any of these covenants and restrictions are less restrictive than any of the City of Hernando or DeSoto County, whichever applies, ordinances or regulations, the City of Hernando or DeSoto County, whichever applies, ordinances or regulations shall govern.

**BH COMMUNITIES LLC
DEVELOPER
By Brian D. Hill, Member**

**Preparer's Information
Debbie Hill
1074 Thousand Oaks Dr.
Hernando, MS 38632
662-429-2332**

STATE OF MISSISSIPPI
COUNTY OF DESOTO
Personally came and appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2010, within my jurisdiction, the within named _____, who acknowledged that he/she executed the above and foregoing instrument.

My Commission Expires:

Notary Public

CITY OF HERNANDO REGULAR MEETING DECEMBER 15, 2009

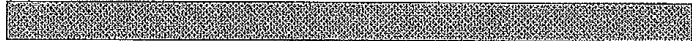
PLANNING COMMISSION

- I) 09-10-RZ6- LIFESTYLE COMMUNITIES, LLC- APPLICATION IS TO REZONE 70 FROM R-15 TO PUD. PROPERTY IS LOCATED ON THE EAST SIDE OF JAYBIRD ROAD AND SOUTH OF HOLLY SPRINGS ROAD.
- II) 09-12-SD10 - DAVIS SUBDIVISION --APPLICATION IS FOR FINAL SUBDIVISION APPROVAL OF TWO LOTS LOCATED AT 200 CENTER STREET.
- III) MPO IMAGINE 2035 - PRESENTATION FROM THE MEMPHIS MPO.

09-10-RZ6-LIFESTYLE COMMUNITIES, LLC- APPLICATION IS TO REZONE 70 FROM R-15 TO PUD. PROPERTY IS LOCATED ON THE EAST SIDE OF JAYBIRD ROAD AND SOUTH OF HOLLY SPRINGS ROAD

Bob Barber presented the following application.

STAFF PLANNING COMMISSION REPORT



CITY OF HERNANDO PLANNING COMMISSION
CASE NAME: St. Ives Planned Unit Development
PROPOSAL: Rezone 70.5 acres from R-15 to Planned Unit Development
LOCATION: South of Holly Springs, East of Jaybird



DATE OF REPORT: October 7, 2009, Updated October 13, 2009
APPLICANT: Brian Hill
REPRESENTATIVE: Brian Hill
MEETING DATE: October 13, 2009



PRIOR ACTION: See description below

PROJECT DESCRIPTION: See description below and Master Plan

SITE DESCRIPTION: Site is partially developed as St. Ives Subdivisions, partially vacant

VICINITY INFORMATION:

Direction	Planned Use	Current Use
North	A	Vacant
East	A	Vacant
South	A	Agricultural
West	A	Vacant

AGENCIES CONTACTED: City Engineer

FINDINGS:

CITY OF HERNANDO REGULAR MEETING DECEMBER 15, 2009

1. Development was approved by DeSoto County and annexed by the City of Hernando in 2007.
2. Developer proposes to rezone site, clustering lots on east portion of property and reducing lot sizes on a 4.5-acre section in existing development.
3. Current approval allows a minimum of 15,000 square feet and will require substantial grading to entire site.
4. Proposed project will allow for preservation of northern and southern boundary environmental features.
5. Development proposes to change lot sizes on eastern most portion of the site to 8000 square feet and add open space of 13.27 acres or 18% of the development.
6. All large lots are proposed at 2000 square foot homes (69 lots).
7. Smaller lots are proposed at 1800 square foot homes (97 lots).
8. Total lot count changes from 150 to 166.
9. City of Hernando General Development Plan indicates the area as Low Density Residential. Subdivision will remain within LDR limits.
10. Elevations of units are compatible with the existing homes in the development and are illustrated in the master plan.
11. Additional exit must be provided.
12. Common areas proposed are to be placed with a Home Owners Association.
13. Detention basin is proposed for eastern most portion of the site.
14. Project plan is consistent with the goals expressed in the City of Hernando General Development Plan for both density and environmental conservation.

STAFF RECOMMENDATIONS:

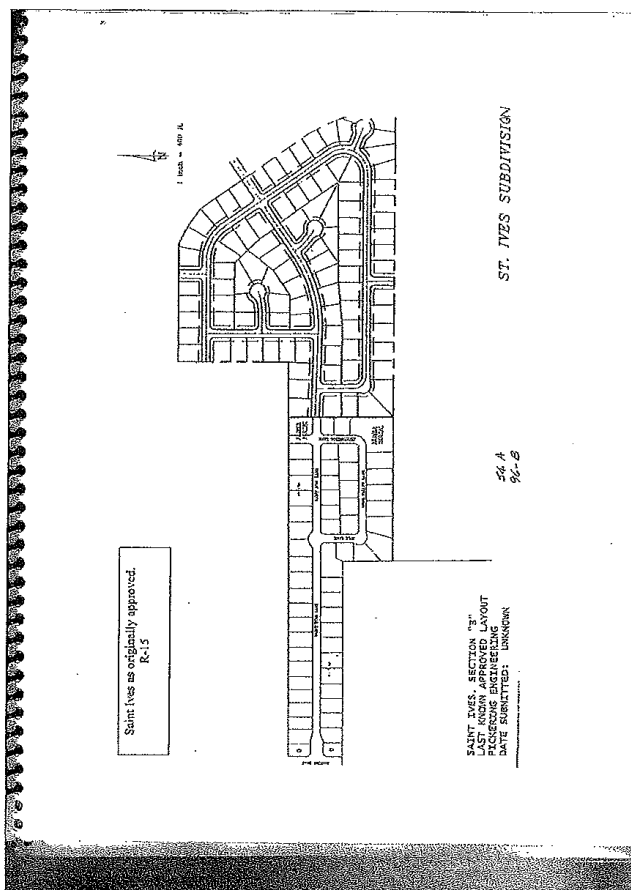
1. Consideration of the above findings and information provided in the master plan.
2. Exit to the north should be provided.
3. Existing Section A must be re-subdivided.
4. Standard conditions of rerecording the plat.

SUPPORTING DOCUMENTS:

1. Master Plan

LEGAL CRITERIA:

The burden is on the applicant to show that a clerical error exists in the zoning classification or that the area has changed to a sufficient degree to justify the rezoning and that a public need exists for the rezoning.



Mayor Johnson – The Board asked for a hydraulic study and they are now presenting this.

Bob Barber – The question from the Board at the last meeting was the drainage. A letter was furnished to the Board from Dewey Jones as follows:

CITY OF HERNANDO REGULAR MEETING DECEMBER 15, 2009

JDA

JONES-DAVIS & ASSOCIATES, INC.
CONSULTING ENGINEERS/LAND SURVEYORS
8319 HAMILTON ROAD
SOUTHAVEN, MS 38671
(662) 342-7273 FAX (662) 342-3356

23 November 2009

Joe Frank Lauderdale, P.E., L.S.
231 West Center Street
Hernando, Mississippi 38632

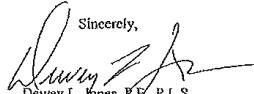
Dear Mr. Lauderdale:

This letter is in reference to the drawings for the St. Ives, Phase II project, which were provided electronically by your office on October 28, 2009. We have reviewed the proposed drainage features and based on the information provided we offer the following comments.

- The location of the proposed detention facility at the southeast corner of the project appears to be reasonable provided that the final design provides for an elevation that precludes flooding from the receiving stream.
- The use of the Common Areas A and B to collect and convey the storm drainage from the project appears to be reasonable. However, if the rear of Lots 15-34 are to be a few feet below the roadway elevations shown considerable area within the Common Area will be required for the fill slope and limit the area available for conveyance of the storm runoff.
- The south limits of the Common Area should include a berm or levee to separate the project runoff from the natural runoff that occurs from the south so as to prevent this runoff from entering the detention basin.
- The proposed detention basin appears to be undersized based on our experience. A detailed analysis using SCS Methodology would likely indicate that as a minimum Lots 33 and 34 would also be required as detention area.
- Additional depth within the proposed basin will probably be required. Also, the affect of the receiving stream water levels on the detention basin outlet should be addressed in regard to the increased depths of the basin.

We hope that this information is sufficient to your needs. If you have any questions or desire additional information please contact us at (662) 342-7273.

Sincerely,


Dewey L. Jones, P.E., P.L.S.
Staff Engineer
Jones-Davis & Associates, Inc.

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CITY OF HERNANDO REGULAR MEETING DECEMBER 15, 2009

Brian Hill – Lifestyle Community – passed out data on market graphics for Hernando and went over this. Fairway Hills had 21 starts and 18 closings. Passed out December 2009 rain report from NCDC. We designed the property for 5" an hour runoff for rain. This plan was calculated with 100% run off with 5" of rain per hour. Mr. Dewey Jones says it could be done. I have designed something that will keep us from having any drainage issues. Lot 33 & 34 was removed from the plan. The entire south border is a detention area with two detention ponds.

Alderman Manning – the neighbors across the road have to make their kids walk to the school bus. Can they get a bus up there?

Brian Hill – It is designed so a bus or fire truck should be able to turn around.

Alderman Manning – In the common areas, what will the neighborhood homeowners association be responsible for in the common area?

Brian Hill – the dues are \$300 per year and the ones I have developed, the dues sustain themselves. Until the point that it is sustainable I will supplement it.

Alderman Tipton – Lets go over the 2nd bullet point in the letter from Mr. Jones

Mayor Johnson – asked Joe Frank Lauderdale, does this design take in all of the bullet points.

Joe Frank Lauderdale – Yes it does

Alderman Higdon – Will fences affect this if they build it to the ground?

Brian Hill – We have it in the covenants that fences must be 2" above the ground

Alderman Higdon – Can we ask them, when they pull a fence permit, to build it 2" above ground.

Alderman Manning – Would like to clarify, the map projected and map we were given is different.

Bob Barber – they are different, the one projected is wrong

Joanne Gooch – 2nd cove headed to North, T off to the south, it is not going to happen it goes to my property.

Susan Harris – can we have a copy of the hydraulic study and would like documentation. Would like to know if Mr. Jones came out and looked at this? Lot 14, is there any green space there?

Brian Hill – There will be a 15' buffer on this yard that I agreed to 15,000 square feet on this lot.

Susan Harris – What are the lot sizes now next to my parent's property?

Brian Hill – 8,300 to 12,000 square feet

Susan Harris – we are not comparing apples to apples. Who will be the final person responsible if there is damage to my parent's property?

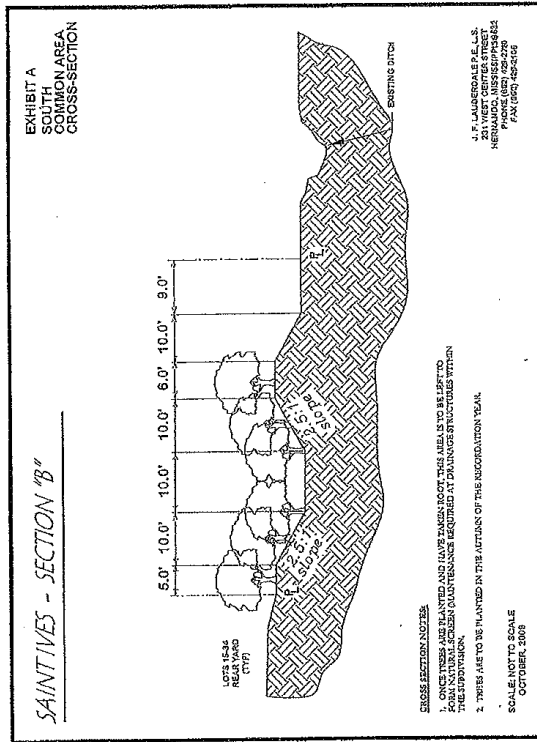
Kenny Stockton – it could be the homeowners if he does something that causes it.

Susan Harris – what about the traffic? We have already had an increase in the traffic. Who is going to be responsible for Jaybird/Holly Springs where there is a two-way stop sign? You need to take into consideration the problems this is going to cause.

Mayor Johnson – We will look at this

MINUTE BOOK 22, PAGE # 2009-12-15- 7

"EXHIBIT A"



CITY OF HERNANDO REGULAR MEETING DECEMBER 15, 2009

Motion was duly made by Alderman Higdon, and seconded by Alderman Miller to approve the Life Style Communities application to rezone 70.5 acres from R-15 to PUD because in Alderman Higdon's opinion there is a public need for this kind of housing. The motion is approved with the following stipulations:

1. To put streets in at the end of the cul-de-sac, the second street to the North between lots 75 and 73 and lots 10 and 9.
2. Must be built to specifications of Mr. Jones
3. Make plans that was presented, the plan approved
4. Put in 15' buffer on lot #14
5. Put "Exhibit A" in the minutes as part of the approval

Alderman Manning -- should we limit the number of homes that can be built before the street is put in?

A roll call vote was taken with the following results:

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

Those voting "Nay": Alderman Lauderdale and Alderman Tipton
ORDERED AND DONE this the 15th day of December, 2009.

Alderman Tipton -- I like everything that has been presented except for the comments from Alderman Manning and Alderman Lauderdale. We have a lot of people with one way out and in and this could be a big problem.

09-12-SD10 – DAVIS SUBDIVISION – APPLICATION IS FOR FINAL SUBDIVISION APPROVAL OF TWO LOTS LOCATED AT 200 CENTER STREET

Bob Barber – Property is zoned C-2, all utilities are there. No public improvements are required. Planning commission had a unanimous approval. Mickey Davis was present to represent the application.

STAFF PLANNING COMMISSION REPORT



CITY OF HERNANDO PLANNING COMMISSION
CASE NAME: Davis Old Town Lot Subdivision
PROPOSAL: Divide existing parcel into two lots
LOCATION: South of Commerce, west of Mt. Pleasant



DATE OF REPORT: December 3, 2009
APPLICANT: Mickey Davis
REPRESENTATIVE: Same
MEETING DATE: December 8, 2009



PRIOR ACTION: None

PROJECT DESCRIPTION: Project proposes to divide an existing parcel into two lots.

SITE DESCRIPTION: Site is occupied by commercial building.

VICINITY INFORMATION:

AFFIDAVIT OF ROBERT L. BARBER, Sr., FAICP

STATE OF MISSISSIPPI
COUNTY OF DESOTO

THIS DAY PERSONALLY came and appeared before me the undersigned authority in and for the state and county aforesaid, the within named ROBERT L. BARBER, Sr., FAICP who after being duly sworn and deposed, stated upon his oath as follows:

1. The information contained in this Affidavit is based on Affiant's personal knowledge, and Affiant is competent to testify to the matters set forth therein.
2. Affiant was the Director of Planning for the City of Hernando from June 1996 until June 2011.
3. The Affiant is a member of the American Institute of Certified Planners. Affiant's duties as Director of Planning include the duty to review applications and produce staff reports and recommendations pursuant to generally accepted planning practices as promulgated by the American Institute of Certified Planners. Affiant has reviewed the purported city file regarding the application to rezone St. Ives Subdivision together with the corresponding documentation. The Staff Report for St. Ives PUD Rezoning, which was produced by affiant for the City of Hernando in his capacity as Director of Planning, is attached hereto as **Exhibit "A"**. Said Staff Report provides as follows:

SUPPORTING DOCUMENTS:
1. Master Plan

The Master Plan of St. Ives PUD was incorporated by said Staff Report by reference and therefore, in the opinion of Affiant, would be incorporated in to the minutes of the Mayor and Board by reference. A true and correct copy of the Master Plan of St. Ives PUD is attached hereto as **EXHIBIT "B"**.

4. The forgoing affidavit is submitted under the provisions of, and in compliance with, the code of Ethics of the American Institute of Certified. Planners.

FURTHER THE AFFIANT SAYETH NOT.


ROBERT L. BARBER, Sr., AFFIANT

SWORN TO AND SUBSCRIBED before me this the 21st day of September, 2017.

(Seal)




Notary Public

CITY OF HERNANDO REGULAR MEETING DECEMBER 15, 2009

PLANNING COMMISSION

- D) 09-10-RZ6- LIFESTYLE COMMUNITIES, LLC- APPLICATION IS TO REZONE 70 FROM R-15 TO PUD. PROPERTY IS LOCATED ON THE EAST SIDE OF JAYBIRD ROAD AND SOUTH OF HOLLY SPRINGS ROAD.
- II) 09-12-SD10 - DAVIS SUBDIVISION - APPLICATION IS FOR FINAL SUBDIVISION APPROVAL OF TWO LOTS LOCATED AT 200 CENTER STREET.
- III) MPO IMAGINE 2035 - PRESENTATION FROM THE MEMPHIS MPO.

09-10-RZ6-LIFESTYLE COMMUNITIES, LLC- APPLICATION IS TO REZONE 70 FROM R-15 TO PUD. PROPERTY IS LOCATED ON THE EAST SIDE OF JAYBIRD ROAD AND SOUTH OF HOLLY SPRINGS ROAD

Bob Barber presented the following application.

STAFF PLANNING COMMISSION REPORT



CITY OF HERNANDO PLANNING COMMISSION

CASE NAME: St. Ives Planned Unit Development
PROPOSAL: Rezone 70.5 acres from R-15 to Planned Unit Development
LOCATION: South of Holly Springs, East of Jaybird



DATE OF REPORT: October 7, 2009, Updated October 13, 2009
APPLICANT: Brian Hill
REPRESENTATIVE: Brian Hill
MEETING DATE: October 13, 2009



PRIOR ACTION: See description below

PROJECT DESCRIPTION: See description below and Master Plan

SITE DESCRIPTION: Site is partially developed as St. Ives Subdivisions, partially vacant

VICINITY INFORMATION:

Direction	Planned Use	Current Use
North	A	Vacant
East	A	Vacant
South	A	Agricultural
West	A	Vacant

AGENCIES CONTACTED: City Engineer

FINDINGS:

CITY OF HERNANDO REGULAR MEETING DECEMBER 15, 2009

1. Development was approved by DeSoto County and annexed by the City of Hernando in 2007.
2. Developer proposes to rezone site, clustering lots on east portion of property and reducing lot sizes on a 4.5-acre section in existing development.
3. Current approval allows a minimum of 15,000 square feet and will require substantial grading to entire site.
4. Proposed project will allow for preservation of northern and southern boundary environmental features.
5. Development proposes to change lot sizes on eastern most portion of the site to 8000 square feet and add open space of 13.27 acres or 18% of the development.
6. All large lots are proposed at 2000 square foot homes (69 lots).
7. Smaller lots are proposed at 1800 square foot homes (97 lots).
8. Total lot count changes from 150 to 166.
9. City of Hernando General Development Plan indicates the area as Low Density Residential. Subdivision will remain within LDR limits.
10. Elevations of units are compatible with the existing homes in the development and are illustrated in the master plan.
11. Additional exit must be provided.
12. Common areas proposed are to be placed with a Home Owners Association.
13. Detention basin is proposed for eastern most portion of the site.
14. Project plan is consistent with the goals expressed in the City of Hernando General Development Plan for both density and environmental conservation.

STAFF RECOMMENDATIONS:

1. Consideration of the above findings and information provided in the master plan.
2. Exit to the north should be provided.
3. Existing Section A must be re-subdivided.
4. Standard conditions of rerecording the plat.

SUPPORTING DOCUMENTS:

1. Master Plan

LEGAL CRITERIA:

The burden is on the applicant to show that a clerical error exists in the zoning classification or that the area has changed to a sufficient degree to justify the rezoning and that a public need exists for the rezoning.



SAINT IVES NEIGHBORHOOD PUD
 THE CITY OF HERNANDO, MS

OWNER/DEVELOPER
 BH COMMUNITIES, LLC
 1074 THOUSAND OAKS DR, STE 1
 HERNANDO, MS 38632

I. Overview

Saint Ives Neighborhood PUD is located in the City of Hernando, Desoto County, Ms. It is located east of Jaybird Road and south of Holly Springs. Primary access to the site will be from Jaybird Road. When Jefferson - Phase II - is complete, Saint Ives and Jefferson will be tied together allowing additional access to both neighborhoods. Additionally, there is a proposed stub road to the south and the east which will eventually tie into Getwell Road.

This high quality development combines a mixture of residential lots.

The Owner/Developer of Saint Ives Neighborhood PUD is BH Communities, LLC.

II. Mission Statement

BH Communities, LLC and its employees are committed to raising development standards by delivering the highest level of integrity and superior quality all within exceptionally designed and appointed developments.

III. Land Use

The Saint Ives Neighborhood PUD is single family residential community. In addition to residential use, there will be common area with a walking trail at the bottom of the bluff along the creek which is lined with huge oak trees.

SINGLE FAMILY RESIDENTIAL LOTS	
LAND USE	UNITS
60' x 135'	97
100' x 150'	69
Total Lots	166
Acres	70.5
Density	2.355
Common Open Space Required	7.05 acres
Common Open Space Provided	13.27 acres
Common Open Space %	18.8

SAINT IVES NEIGHBORHOOD PUD
 THE CITY OF HERNANDO, MS

OWNER/DEVELOPER
 BH COMMUNITIES, LLC
 1074 THOUSAND OAKS DR, STE 1
 HERNANDO, MS 38632

LOT SIZE	FRONT BUILD-TO-LINE	SIDE SETBACK	REAR SETBACK	SQUARE FT. MIN.
60' x 135' R-8	30' B.O.C	5' MIN.; 10' total	20'	1800 MIN.
100' x 150' R-15	30' B.O.C	5' MIN.; 10' total	20'	2000 MIN.

Amenities

Numerous amenities are provided in the Saint Ives Neighborhood PUD, for the enjoyment of its residents.

Along the creek at the bottom of the bluff, which is lined with huge oak trees, BH Communities proposes a concrete walking trail with already established lawn on each side which will be maintained by the Homeowner's Association.

There is a bricked fence and landscaped guard shack at the entrance of the subdivision. There is also extensive landscaping at the entrance and common areas along Jaybird Road all of which is irrigated.

All amenities and common areas will be designed and constructed by the developer, and will eventually be placed under the ownership and management of a Neighborhood Homeowner's Association and/or Business Association.

Design Standards

The Saint Ives Neighborhood PUD will be built in an aesthetically pleasing manner.

Throughout the development, existing trees will be preserved, amended or created in small wooded pockets and in extensive wooded buffers around the development. Landscaping will be provided at key locations to enhance the natural and built environment and to provide a unified sense of space within the community. Landscape areas include entryway treatments, landscaped circles, streetscaping, and appropriate treatments throughout the common areas.

Lighting design and signage will be provided in a way that enhances the aesthetics of the development. Lighting and signage design will meet or exceed the standards set by the City of Hernando subdivision and design standards.

SAINT IVES NEIGHBORHOOD PUD

THE CITY OF HERNANDO, MS

OWNER/DEVELOPER
 BH COMMUNITIES, LLC
 1074 THOUSAND OAKS DR, STE 1
 HERNANDO, MS 38632

Utilities

Water

Water lines will be provided by the developer, and will be designed in accordance with the standards of the City of Hernando. Water service will be provided by North Mississippi Utility.

Sewer

A sanitary sewer plan will be submitted along with the Final Development Plan. Sanitary sewer service will be provided City of Hernando. All sanitary sewer lines will be provided by the developer, and will be designed according to the standards of the City of Hernando.

Drainage

Site drainage will be in accordance with the standards of the City of Hernando Regulations. A stormwater plan will be submitted along with the Final Development Plan.

The proposed new PUD is a much more environmentally friendly design with the addition of 11.4 acres of common open space all of which is bordering creeks ensuring future storm water runoff will not be affected and allowing surface area for excess water during heavy rains.

Community Impact

The Saint Ives Neighborhood PUD will be a well-designed development that will be an asset to the City of Hernando. Land use to the east of this development is primarily undeveloped although the Desoto County Regional Sewer has now opened up the possibility of development on all land east of this site all the way to the Coldwater River. The acquisition of the Right of Way for the new I-69 provides for an interchange located on Getwell Road just north of Byhalia Road which is the next major road north of this site. This will allow Interstate access from two directions. There is some residential development of existing single family lots to the North and West of the Saint Ives Neighborhood PUD.

The Saint Ives Neighborhood PUD fully embraces the values of the City of Hernando General Development Plan. This planned community emphasized strong design standards, a neighborhood structure, and landscaping throughout. The proposed land uses are fully compatible with the residential uses envisioned by the City of Hernando's General Development Plan.

SAINT IVES NEIGHBORHOOD PUD

THE CITY OF HERNANDO, MS

OWNER/DEVELOPER
 BH COMMUNITIES, LLC
 1074 THOUSAND OAKS DR, STE 1
 HERNANDO, MS 38632

Phasing and Timetable

Note that Phase I is currently developed although changes will be made to four acres of Phase I. Changes consisting of eleven lots which will be turned into eighteen lots in which the minimum size will be over 8,000 square feet. This will be done immediately after subdivision approval through the City of Hernando.

Phase II will be anticipated to be one to two years out.

Specific construction start times will vary slightly with any plan since market forces influence the development times. The above phasing represents the developer's best intentions. The developer may alter the proposed phasing plan if necessary, based on the current market forces.

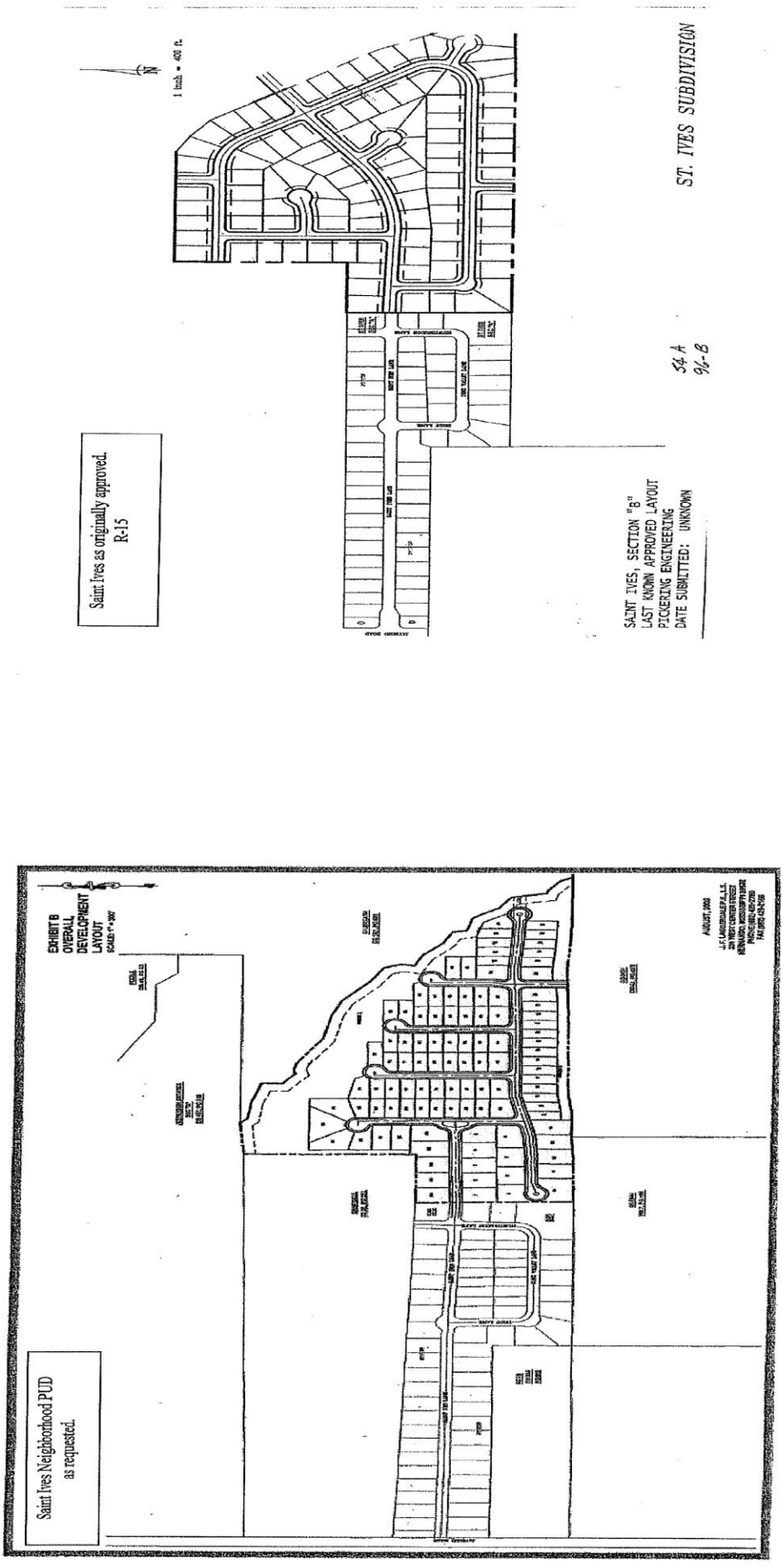
SAINT IVES NEIGHBORHOOD PUD

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OWNER/DEVELOPER
BH COMMUNITIES, LLC
1074 THOUSAND OAKS DR, STE 1
HERNANDO, MS 38632

SAINT IVES LOCATION MAP & AERIAL







SAINT IVES NEIGHBORHOOD PUD

THE CITY OF HERNANDO, MS

OWNER/DEVELOPER
BH COMMUNITIES, LLC
1074 THOUSAND OAKS DR, STE 1
HERNANDO, MS 38632



SAINT IVES NEIGHBORHOOD PUD

THE CITY OF HERNANDO, MS

OWNER/DEVELOPER
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RESIDENTIAL FRONT LOAD IMAGES



SAINT IVES NEIGHBORHOOD PUD

THE CITY OF HERNANDO, MS

OWNER/DEVELOPER
 BH COMMUNITIES, LLC
 1074 THOUSAND OAKS DR, STE 1
 HERNANDO, MS 38632

ST. IVES NEIGHBORHOOD PUD COVENANTS
SECTIONS A & B
SECTION 21, TOWNSHIP 3, RANGE 7 WEST
CITY OF HERNANDO, DESOTO COUNTY, MISSISSIPPI
PLAT BOOK _____ PAGE _____

1. All lots in the Subdivision shall be known and described as residential lots except for common open space, which shall be for common area amenities. No structures shall be erected on any residential lot other than one single family residence, with at least a two car enclosed garage. Additional structures may be erected in the rear yard, subject to approval as provided in this Declaration. All residences shall include a two or three car enclosed garage. No accessory structure erected on any lot shall at any time be used as a residence or business, temporarily or permanently.

2. All residences shall contain a minimum of square feet of heating living area per the following:

R – 8 1800 minimum heated square feet.

R – 15 2000 minimum heated square feet.

Two or three car attached garages shall be included in the construction of all single-family detached residences. An additional 2 car garage detached is allowed.

No buildings shall be more than two stories in height, but the floor space for the second story may be included in computing the minimum square footage of living area. All structures shall be constructed with at least 60% brick or stone veneer unless otherwise approved by Developer. All windows shall be wood or vinyl. No aluminum windows will be allowed. All siding to be hardi-plank.

3. No residence shall be constructed without the construction plans first being approved by BH Communities, LLC (hereinafter referred to as "Developer"). Said construction plans shall be submitted to Developer for its review and approval or disapproval. A written and dated receipt will be issued at time plans are submitted. Keep this receipt. Developer agrees to issue its approval or objections within ten (10) days after receipt of said construction plans. Developer's failure to issue its approval or objections within the ten-day period shall automatically deem the plans acceptable.

4. For the purpose of insuring the development of said lots as an area of high standards, and to assure reasonable compatibility of architectural designs, the Developer shall have the power to control all improvements, as well as to make such exceptions to these Covenants, and to waive particular violations, as the Developer shall deem necessary, appropriate or proper. These covenants may be amended at any time by an instrument signed by the Developer or by not less than 75% of the owners of lots within St. Ives.

5. The build to setback from the front property line to the building and the side and rear yard setbacks shall be as described on the plat of subdivision and shall meet the requirements and approval of the Department of the City of Hernando, Mississippi, or Desoto County (which ever is applicable).

Minimum Building Setback for Residential Use:
Minimum Front Yard Setback: 21.5 feet
Minimum Side Yard Set back: 10 feet (Not less than 5' on either side)
Minimum Rear Yard Set back: 20 feet

6. The right is given to the Developer to require the owner of a damaged or destroyed dwelling upon any lot to make repairs or replacements in order to restore the dwelling to its condition prior to the damage or destruction, including the right to require that insurance proceeds paid to the Owner because of said damage or destruction be applied to the repair or replacement.

7. Each owner shall be responsible for the maintenance and painting of all improvements to the land within his lot. No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon the premises, and no refuse pile, unused motor vehicles or unsightly objects shall be allowed to be placed or to remain anywhere on the premises. In the event that any owner or occupant of any lot in the subdivision shall fail or refuse to keep the premises free from weeds, underbrush, refuse piles, unused motor vehicles or other unsightly growths or objects, then an agent of the Developer may enter upon the lands and remove the same at the expense of the owner and such entry shall not be deemed a trespass. In the event of such a removal, the owner of the lot shall pay 1.5 times the expenses thereof.

8. Homeowner's and guest's vehicles must be parked in homeowner's driveway. No parking in the yard, except when moving, landscaping, or doing home improvements.

9. No car, truck, van, trailer, boat, recreational or commercial type vehicle shall be stored or parked on any lot, unless in a closed garage, nor parked on the streets serving the subdivision, unless engaged in transporting to or from a residence in the subdivision.

10. No car, truck, van, trailer, boat, recreational or commercial type vehicle shall be parked and advertised FOR SALE within the subdivision perimeters including at or along the entrance to St. Ives.

11. No motor vehicle or any other vehicle, including but not limited to a boat, motor, and boat trailer, lawn mover, tractor etc. may be stored on any lot for the purpose of repair of same: no disabled or inoperable vehicle may be stored on any lot.

12. Homeowner's are not allowed to wash muddy vehicles in the neighborhood. Mud washed into the street must be cleaned up by homeowner or homeowner's association will perform said cleanup and bill homeowner for 1.5 times the expenses thereof.

13. No motorized vehicles in common area other than maintenance vehicles. Ex: 4-wheelers, motorcycles, go carts, etc. This will be considered trespassing, and violators will be prosecuted.

14. No animals, livestock or poultry of any kind shall be raised, bred or kept on any of said lots, except that dogs, cats or other generally recognized domestic animals may be kept, provided that they are not kept, bred or maintained for any commercial purpose. The number of animals shall be limited to 2 dogs and/or 2 cats or 2 other household pets. In all instances, household pets shall be restrained within fenced areas or under leash.

15. No basketball goals visible from the street.

16. Vegetable gardening to be allowed only in back yards to rear of house.

17. No structure to be erected in common areas. Ex. Forts, playhouses, tree houses, etc.

18. All signs, billboards, or advertising structures of any kind are prohibited except for two (2) professional signs of not more than sixteen (16) square feet to advertise a lot for sale or lease during a sales period and except for signs,

billboards, or advertising structures erected by or on behalf of Developer during the development and sales period of the Developer's property and unsold Lots. No sign is permitted to be nailed or attached to trees. All signs to be approved by City of Hernando or DeSoto County, whichever applies.

19. No obnoxious or offensive trade or activity shall be carried on upon any lot in this subdivision, nor shall anything be done thereon which may be or become an annoyance or nuisance to the subdivision. Garage/yard sales are not permitted. If any resident holds a garage sale, St. Ives Home Owners Association has the option of assessing said resident a fine of \$500.00.

20. All mailboxes (numerals thereon) and the supports and encasements therefore within the subdivision are to be identical in design and will be selected by the Developer. No decorations except for holiday themes may be affixed or adhered.

21. An electric transformer may be situated on certain lots in the subdivision. If the owner of such a lot should desire relocation of such transformer, he may arrange for its relocation at his expense with the approval of the Developer and the owner of the adjacent property nearest to the proposed new location of the transformer.

22. Once a lot is sold by Developer, the owner there shall be required to construct sidewalks thereon as required by the City of Hernando or DeSoto County, whichever applies. Should a lot owner not have installed the required sidewalk(s) for that lot within eighteen (18) months of the date of the recording of this plat, the lot owner will escrow with the City of Hernando or DeSoto County, whichever applies, such sum as is required by the City of Hernando or DeSoto County, whichever applies to ensure the future construction of the sidewalk to an extent that Developer shall be relieved of the obligation. Should the lot owner refuse to do so, then Developer shall have the right to file a lien on the property or sue for the cost of the sidewalk.

23. Once Developer has closed a lot in the subdivision, the owner or his assignees of such lot shall be obligated to begin construction of a house on such lot within eighteen (18) months and thereafter to complete such construction within 12 months. If a lot owner fails to commence construction of the house within said 18 month period, Developer shall have the option of purchasing the subject lot for the original sale price, exclusive of any closing costs associated with the original purchase.

24. No building shall be erected on any lot wherein there shall be installed any aluminum or metal window. All flashing visible from the street must be copper flashing. No steel front doors allowed.

25. No buildings or structures shall be moved from other locations to a lot in this subdivision.

26. All roofs of all buildings erected on a lot shall be comprised of a dimensional shingle material, unless otherwise approved in writing by Developer. Accent roofs may be copper or coated metal. All exterior colors for initial construction and any subsequent re-paintings (or re-colorings) or renovation or restoration must be earth tones or neutral colors. Re-roofings as to materials, weight, color, and texture must be approved. No awnings on the front or sides of any house will be permitted without approval of the Developer.

- All siding is to be Hardi-Plank wood-grained or textured siding.
- No stucco board is allowed in this subdivision.
- Doors visible from the street must be wood or fiberglass.
- No aluminum or metal windows. Windows must be vinyl, clad or wood.
- All flashing visible from the street must be copper flashing.
- Only smooth painted ceilings are allowed in all houses, unless otherwise approved by Developer. No vinyl flooring is allowed in any house unless otherwise approved by Developer.
- All driveways are to be of washed aggregate.
- All main roof pitches must be at least 10/12 unless otherwise approved by Developer.
- No front yard parking pads.
- Each builder is to provide portable toilets for his house(s) during construction.

27. Developer reserves unto itself the right to impose additional and separate restrictions at the time of sale of any lots sold by it in this subdivision, which said restrictions may not be uniform, but may differ as to different lots.

28. Consideration for a garage facing the street on R-15 lots may be given on corner lots or where there is a request to preserve trees or elements of the topography. R-8 lots may have front facing garages although the garage door must be set back a minimum of 30' from the closest point of the home to the street and they must have a carriage style garage door. Detached garages and storage buildings may face the street, but must be set back beyond the back corner of the house, be constructed of the same brick and roof to match the house. All detached

garages or storage buildings must be approved in writing by developer prior to the commencement of construction. No storage buildings built offsite will be allowed. All storage buildings must be on a slab. Wooden storage sheds are not allowed.

29. The success of a residential subdivision is dependent in critical part on the abilities and integrity of the firms, which construct the homes in the development. Therefore, Developer is vested with the absolute right to approve for use the respective general contractors who will build homes on lots in the subdivision. It is stated expressly that an owner of a lot must obtain such approval whether such owner is the original Purchaser from Developer or not.

30. All fences are to be of wood, brick or ornamental metal material or combination thereof. All fences must have a 2" minimum clearance under fence to allow for surface drainage. No chain link fences allowed. No fence may be constructed closer to the street than the building setback line. All fences are to be approved by the City of Hernando or DeSoto County, whichever applies.

31. Swimming pools and/or hot tubs/spas and their accessory structures shall be installed in accordance with the ordinances and regulations of the City of Hernando or DeSoto County, whichever applies.

32. All equipment, garbage cans, service yards, mechanical equipment, swimming pool pumps and filters, woodpiles or storage piles, shall be kept screened by adequate planting or fencing so as to conceal them from view of streets and neighbors. All rubbish, trash, or garbage shall be regularly removed from the premises and shall not be allowed to accumulate thereon, during construction and all other times.

33. All exterior lighting on each lot shall be of a consistent style and character. All lighting on each lot shall be constructed and maintained to provide illumination for that lot only, and as to avoid illumination of adjacent lots and areas. No polished brass lighting will be allowed on the exterior of the house. No colored exterior lights allowed.

34. Developer will cause to be incorporated a non-profit homeowners association to which every party purchasing a lot, whether the original purchaser or not, will be deemed to have agreed to belong. The organization of such association may, at the option of Developer, be delayed until Developer has closed 90% of all the lots in the subdivision. The primary purpose of the association is to maintain and replace as necessary the entry and other structures, walls, common areas, including

entry monuments and associated landscaping, grass, lighting, and irrigation. Also, to have the funds to legally enforce these covenants, pay taxes, insurance on common areas, management fees should the Developer or Association elect to contract for the services of a management company, or any other expenses deemed necessary by the Developer or Association for the operation of the St. Ives Home Owners Association.

(b) Until 90 % of all the lots in the subdivision are closed by Developer, Developer shall perform the aforesaid anticipated obligations of the association. Each purchaser of a lot shall pay Developer \$300.00 a year to defray the aforesaid expenses until such time as the association is organized and assumes the aforesaid duties. At any time, Developer may organize said association: and if same takes place before Developer sells 90% of said lots, Developer shall have the right to name two (2) members of a three (3) member Board of Directors and Developer shall have five (5) votes per each lot that it owns (although other lot owners will have only one vote per lot owned) until Developer sells 90% of said lots.

Notwithstanding the foregoing, even after Developer has sold 90% of said lots, it may, at its option, continue to perform, or cause to be performed, the obligations set out above which are ultimately to be the responsibility of the association: and, so long as Developer performs such obligations, each lot owner shall pay to Developer a reasonable annual fee to defray said expenses. At the time of lot closing, each Purchaser will pay to Developer, in advance, his pro-rata share of the annual assessment for the year in which closing occurs.

35. All property owners shall be required to be members of the St. Ives Homeowners Association and shall pay dues as set by the Developer or its members and shall be subject to any declarations, covenants, and restrictions enacted by the Developer or the Association and any other declarations, covenants and restrictions hereinafter executed in writing and filed in the Chancery Clerks Office at Desoto County, Mississippi. Initial dues of \$300.00 per year payable January 1 of each year. After January 31, dues will be considered delinquent and a 10% late fee will be added each month dues are delinquent. Should an unforeseen event cause payment for more than is available in the Home Owners Association operating budget, then it will be necessary for a special assessment to be required of all property owners.

36. All existing surface drainage must be maintained. Swales may be constructed to prevent drainage directly onto buildings, but in no case shall surface drainage be diverted or obstructed to prevent the shared sheet surface drainage from entering into or through any lot by means of fences or on-site grading. All wood fencing is

to have a 2” minimum clearance under all portions. All brick fences are to have a 4”x6” open space at ground level 4’-0” on center minimum.

37. Developer reserves the right at any time (a) to change the boundary lines and (b) to impose or remove or change easements on any lot(s) owned by it, if such should become necessary or be deemed desirable to preserve trees or topographical features or to otherwise enhance the desirability of such lots: provided the Developer complies with all ordinances and regulations of the City of Hernando or DeSoto County, whichever applies. If Developer determines to take such action provided for above, no other owner of a lot in the subdivision shall be required, or permitted, to join in any application to any governmental authority for approval of such action.

38. Radio or television transmission or receiving towers or internet antennas are not allowed. Satellite dishes larger than 30 inches cannot be installed. Satellite dishes may not be installed on the front of the house. Internet antennas may be erected on common areas if approved by Developer or by not less than 75% of the owners of lots within all Phases of the St. Ives Subdivision. Proceeds from any lease agreement for internet antennas will be applied to the St. Ives Homeowners Association.

39. Landscape plans must be approved and landscaping installed prior to occupancy. All yards shall be of solid sod except as otherwise initially agreed with the Developer. Any dead plants shall be replaced immediately. There shall be a minimum of one (1) two (2) inch caliper tree within the front yard of a single-family residence.

40. No common area to be used for personal use, ex: storage, grass clippings, gardens, etc.

41. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2035, at which time said covenants shall be automatically extended to successive periods of ten (10) years unless by vote of the majority of the owners of the lots it is agreed to change said covenants in whole or in part.

42. If an owner of a lot shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning real property, or the Homeowner’ Association in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any

such covenant either to prevent him or them from so doing or to recover damages or other dues for such violation.

43. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

44. There is a perpetual easement, as shown on the recorded plan of the subdivision, which is reserved for utility installation maintenance.

45. Window treatments must have white lining. Blinds must be white or a natural wood-tone and must be at least 2” faux wood. No mini blinds are allowed. Blinds or window treatments must be installed within 30 days of occupancy. No decorations to be stuck on windows with the exception of holiday décor.

46. No property owner shall oppose Annexation by the City of Hernando or a connection of the development’s streets to future developments.

47. All lot owners will be required to register for a residential lot coverage permit thru MDEQ.

48. To the extent that any of these covenants and restrictions are less restrictive than any of the City of Hernando or DeSoto County, whichever applies, ordinances or regulations, the City of Hernando or DeSoto County, whichever applies, ordinances or regulations shall govern.

**BH COMMUNITIES LLC
DEVELOPER
By Brian D. Hill, Member**

**Preparer’s Information
Debbie Hill
1074 Thousand Oaks Dr.
Hernando, MS 38632
662-429-2332**

**STATE OF MISSISSIPPI
COUNTY OF DESOTO**
Personally came and appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2016, within my jurisdiction, the within named _____, who acknowledged that he/she executed the above and foregoing instrument.

My Commission Expires:

Notary Public

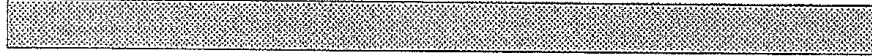
Jan. 19, 2010 - UBA

CITY OF HERNANDO

REGULAR MEETING

JANUARY 19, 2010

STAFF PLANNING COMMISSION REPORT

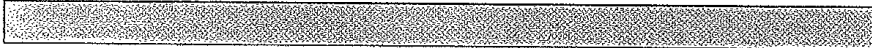


CITY OF HERNANDO PLANNING COMMISSION

CASE NAME: St. Ives First Revision Subdivision Revision

PROPOSAL: Revise Existing St. Ives

LOCATION: South of Holly Springs, East of Jaybird



DATE OF REPORT: January 8, 2010

APPLICANT: Brian Hill

REPRESENTATIVE: Brian Hill

MEETING DATE: January 12, 2010



PRIOR ACTION: Site Rezoned to Planned Unit Development in December, 2009

PROJECT DESCRIPTION: See description below

SITE DESCRIPTION: Site is developed as St. Ives Subdivisions

VICINITY INFORMATION:

Direction	Planned Use	Current Use
North	A	Vacant
East	A	Vacant
South	A	Agricultural
West	A	Vacant

AGENCIES CONTACTED: City Engineer

FINDINGS:

1. Proposed revision is consistent with December Action
2. Developer proposes to respond to current market conditions by revising the original

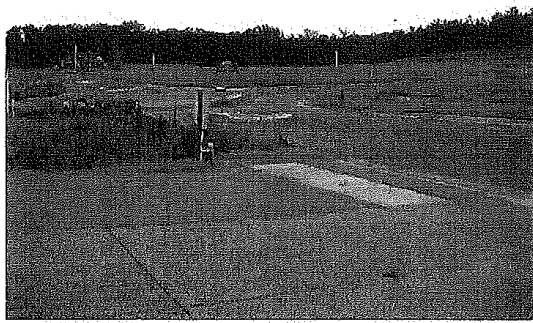
CITY OF HERNANDO

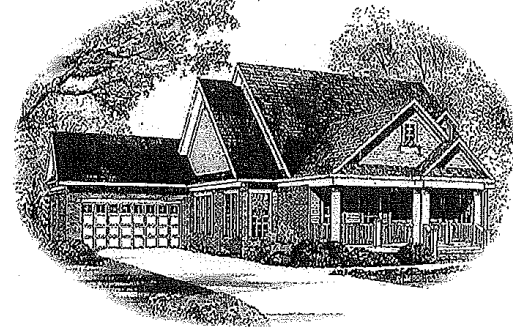
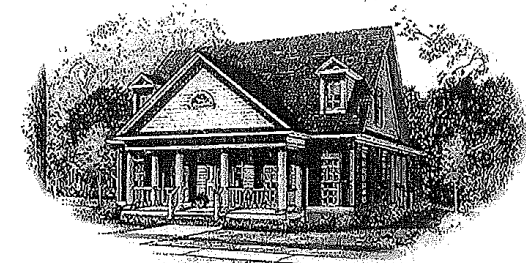
REGULAR MEETING

JANUARY 19, 2010

subdivision by changing a 4.5 acre section from 15000 to 8000 square foot lots in the center of the development (See attached layout) and allowing for 1800 square foot homes in order to accomplish the proposal, rezoning and rerecording of the subdivision are required.

- 3. Elevations of units are compatible with the existing homes in the development.
- 4. Utilities are in place but will require reconstruction.





STAFF RECOMMENDATIONS:

1. Consideration of the above.
2. Standard conditions of rerecording the plat.

SUPPORTING DOCUMENTS:

1. Site layout plat
2. Comments from residents

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CITY OF HERNANDO

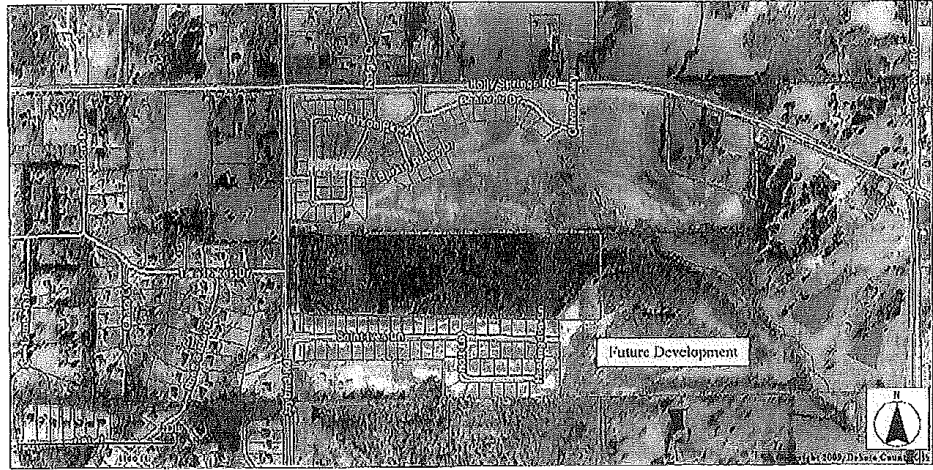
REGULAR MEETING

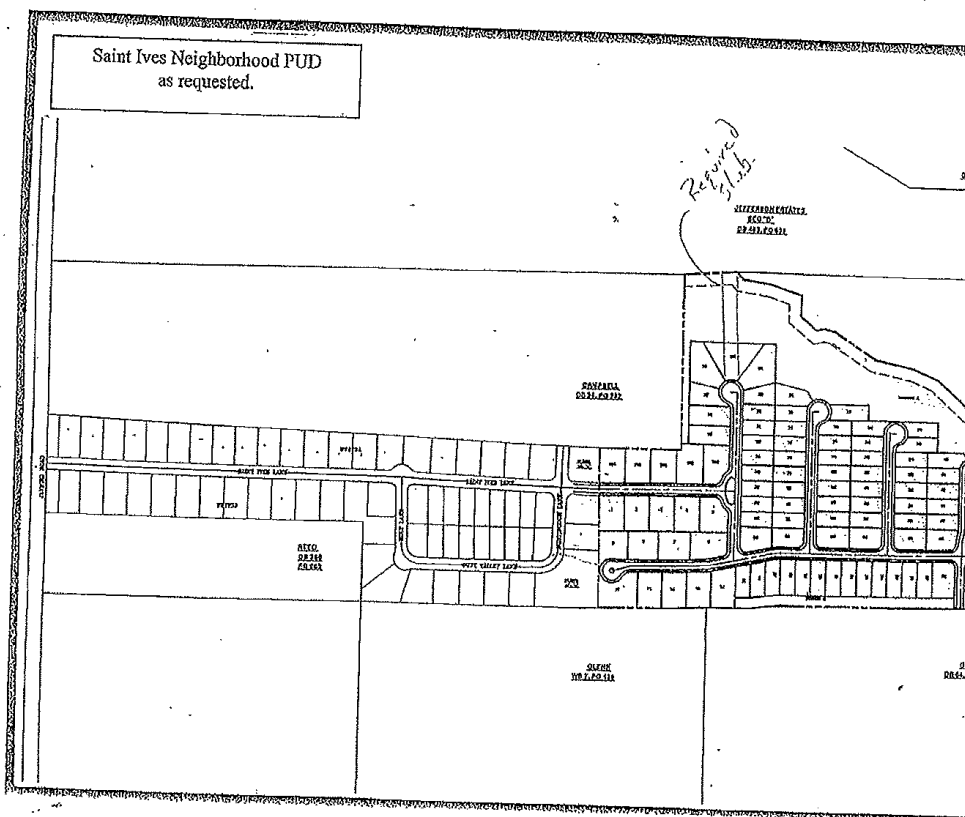
JANUARY 19, 2010

LEGAL CRITERIA:

The burden is on the applicant to show that a clerical error exists in the zoning classification or that the area has changed to a sufficient degree to justify the rezoning and that a public need exists for the rezoning.

ST IVES LOCATION MAP & AERIAL





GENERAL NOTES
 14 BLOCKS - LOTS 44-58 -
 SCALE: 1"=40'
ST. JVES NEIGHBORHOOD
 CITY OF HERNANDO, FLORIDA

RECORDED
 1. THIS PLAN IS THE PROPERTY OF THE CITY OF HERNANDO, FLORIDA. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE CITY ENGINEER.
 2. THIS PLAN IS SUBJECT TO THE CITY ENGINEER'S REVIEW AND APPROVAL. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.
 3. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL AND THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.

LOT LIST

LOT NO.	OWNER
44	...
45	...
46	...
47	...
48	...
49	...
50	...
51	...
52	...
53	...
54	...
55	...
56	...
57	...
58	...

APPROVED BY THE CITY ENGINEER: _____
DATE: _____

APPROVED BY THE CITY COMMISSIONER: _____
DATE: _____

CITY OF HERNANDO

REGULAR MEETING

JANUARY 19, 2010

Bob Barber held the following discussion:

The 18 lots are to be 8,000 square feet in size. Utilities will have to be adjusted. All homeowners in existing subdivision will have to approve. Planning Commission recommendation that it be approved.

Mayor Johnson – I am concerned about the stub out near lot #23.

Alderman Manning – I am concerned about the 2nd layer of asphalt being put in for just the 18 lots, Lot 23 is to be a detention area.

No questions to developers represented.

Alderman Lauderdale – I am concerned about setting a precedent.

Mayor Johnson – The City should adopt county standards. Construction access point is an issue with Alderman Lauderdale and Alderman Manning.

Alderman Tipton – Concerned about additional access

Alderman Lauderdale – Concerned about this developer getting different treatment than others.

Motion was duly made by Alderman Higdon, and seconded by Alderman Bryant to approve the final subdivision application for 18 lots in St. Ives per the Planning Commission's recommendation. A roll call was taken with the following results:

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

Those voting "Nay": Alderman Lauderdale and Alderman Tipton

ORDERED AND DONE this the 19th day of January, 2010.

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Motion was duly made by Alderman Harris and seconded by Alderman Miller to correct the December 15, 2009 minutes by adding in Exhibit A titled "Saint Ives Neighborhood PUD as requested", and removing Exhibit A titled "Saint Ives as originally approved R-15". A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderwoman Brooks.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of October, 2017

APPLICATION FOR PRELIMINARY/FINAL SUBDIVISION TITLED "SAYLE OIL COMPANY" SUBMITTED BY GLOBAL SURVEYING CONSULTANTS, INC. THE SUBDIVISION IS COMPRISED OF TWO LOTS TOTALING 0.968 ACRES LOCATED NORTH OF COMMERCE ST ON THE WEST SIDE OF SLOAN'S WAY; SITUATED IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 7 WEST. THE PROPERTY IS ZONED C-2, HIGHWAY COMMERCIAL (FILE: PL-1251)

Jared Darby presented the application and Planning Commission report. The Planning Commission recommended to deny the application. The applicant has not returned to any of the meetings or complied with requirements.

**MAYOR AND BOARD OF ALDERMAN
FILE: PL-1251**

DATE: October 17, 2017

CAPTION: Preliminary/Final Subdivision; Sayle Oil Company Subdivision; Global Surveying Consultants, Inc.

INTRODUCTION:

Global Surveying Consultants, Inc, representing the owner of the subject property, is requesting a preliminary and final plat approval for Sayle Oil Company Subdivision. The subdivision will consist of two lots totaling 0.968 acres. The subdivision is located west of Sloan's Way north of Commerce Street. The subdivision is zoned C-2, highway commercial.

DESCRIPTION:

The plat represents two lots that are roughly square shaped that encompasses the two existing buildings. The larger of the two lots, Lot 1, is 0.581 acres and has 169.60' of frontage along Commerce St. The second lot, which houses the oil change company, is the smaller of the two lots with 0.387 acres. Staff is unsure of why the hatched area exists. According to the plat, it seems the surveyor is unsure of right-of-way area. The surveyor will need to find the correct dimensions of the lots and resubmit.

PLANNING COMMISSION COMMENTS:

The Commission has found that the geometry of the proposed plat does not meet the City of Hernando's Subdivision Regulations. The Planning Commission recommends to the Mayor and Board of Alderman to deny the application based upon the length of time the application has been tabled, lack of representation by the applicant for the application, and communication with the applicant, and most importantly the plat has undetermined boundaries. If the Planning Commission chooses to recommend approval to the Mayor and Board of Aldermen, staff recommends the following conditions of approval:

INCLUDED EXHIBITS:

- Sayle Oil Company Subdivision

FLOOD STATEMENT: THE INFORMATION SHOWN ON FLOOD INSURANCE RATE MAPS...
GENERAL NOTES: THIS PROPERTY IS WITHIN THE CITY OF HERNANDO, DECATUR COUNTY...
VICINITY MAP - N.T.S.
PROPERTY MAP - N.T.S.
ADJACENT PROPERTY OWNERS:
OWNER OF INTEREST:
INVESTOR/INTEREST:
MUNICIPAL CERTIFICATION:
PREPARED FOR:
GLOBAL SURVEYING CONSULTANTS, INC.
SECTION 18, TOWNSHIP 3 SOUTH, RANGE 7 WEST
COA # 10

Alderman Miller asked how was the applicant notified.

Jared Darby answered by phone and email.

Kenny Stockton stated that they were also present in the meeting when it was tabled.

Motion was duly made by Alderman Higdon and seconded by Alderwoman Brooks to deny the application for preliminary/final subdivision titled "Sayle Oil Company" submitted by Global Surveying Consultants, Inc. A vote was taken with the following results:

Those voting "Aye": Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of October, 2017.

APPLICATION FOR A ZONING MAP AMENDMENT, SUBMITTED BY REINER DEVELOPMENT, LLC REQUESTING A ZONING AMENDMENT FOR 2.41 ACRES FROM R-15, SINGLE FAMILY RESIDENTIAL MEDIUM DENSITY TO R-40, SINGLE FAMILY RESIDENTIAL, LOW DENSITY. THE SUBJECT PROPERTY IS KNOWN AS PARCEL 308101000003500; SITUATED IN SECTION 1, TOWNSHIP 3 SOUTH, AND RANGE 8 WEST (FILE: PL-1265)

Jared Darby presented the application. The Planning Commission recommends approval.

**MAYOR AND BOARD OF ALDERMAN
FILE: PL-1265**

DATE: October 17, 2017

CAPTION: Zoning Map Amendment, Parcel 308101000 0003500, Reiner Development, LLC

INTRODUCTION:

Reiner Development, LLC., the owner of the subject property, is requesting a zoning map amendment for 2.41 acres located along the east side of Highway 51 just north of the Forked Creek Parkway. The subject property consists of parcel: 308101000 0003500. The property is currently zoned R-15, Medium Density Residential. The requested zone is for R-40, Low Density Residential. The subject property is vacant. The subject property is surrounded by R-15. Medium Density Residential to the north and east, and A, Agricultural to the south and west.

ZONING AMENDMENT CRITERIA:

The Mayor and Board of Alderman can approve a zoning map amendment if the Board should find suitable evidence supporting the following criteria:

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

Applicant: The current zoning classification is in error, because I believe it should have been changed when the Deercreek overall was done. I contend that the situation was not closely considered before, due to the geometry of this particular piece of property. The R-15 zoning, which was originally obtained in that zoning years ago, is an inefficient use of property insofar as anyone wishing to do R-15 lots would not be able to make it work due to the physical restrictions of the site. Either very small lots or large lots would work for this site and the owner does not wish to pursue small lots. Therefore, a zoning providing for a large lot would be best suited to the property.

Planning Commission: The Commission finds that the original zoning classification was not an error, as the subject property was zoned in accordance with the last application that dealt with Deercreek. However, the Commission accepts the fact that the applicant did not plan well for the subject property, and also accepts that the Subdivision and Zoning Regulations would most likely place the subject property at a disadvantage for development.

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: Over the past five to eight years, there have been significant changes in the neighborhood which alter the character of the area. There has been an eighteen inch sewer main constructed along this property which will support more lots in the area. Also, in the past years, residential lot sales have begun to rise, particularly in this area. And the proposed zoning for this property would add much needed inventory to the market and make marketable a piece of property which currently is not.

Planning Commission: The Commission finds that the applicant's statements are erroneous. The applicant's statements refer to market, demand, and land value, which is not a consideration the Board should entertain. However, the applicant is correct about the small infrastructure improvements. The Planning Commission denied the same applicant a request for a more dense residential zone several months ago. The Planning Commission gave an opinion that the subject property was not conducive for such a zone. The Commission finds that the applicant's requested zone is ideal for the subject property as it presents a quality buffer between the adjacent agricultural zoned land and the Deercreek Subdivision.

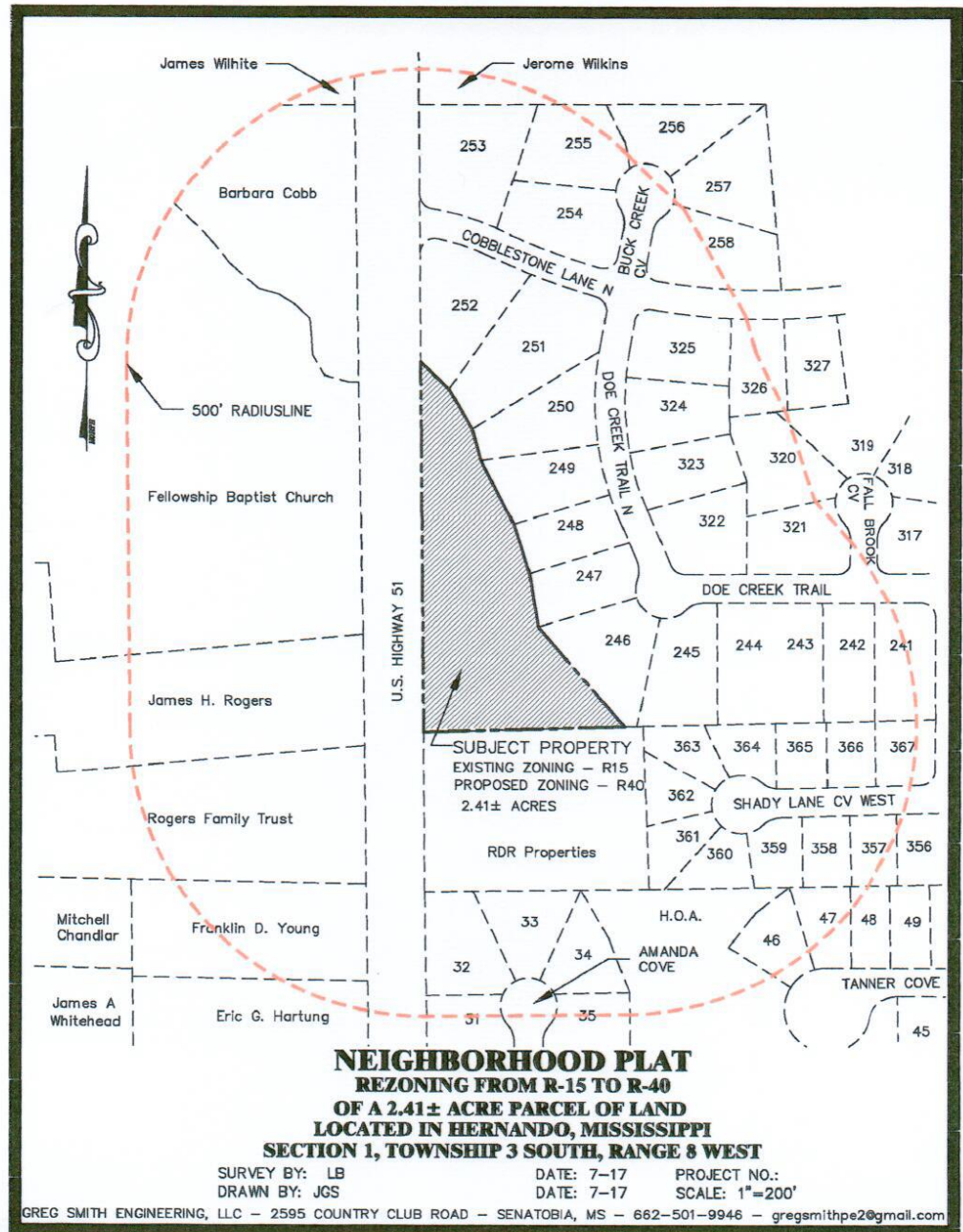
3. The public need for the rezoning.

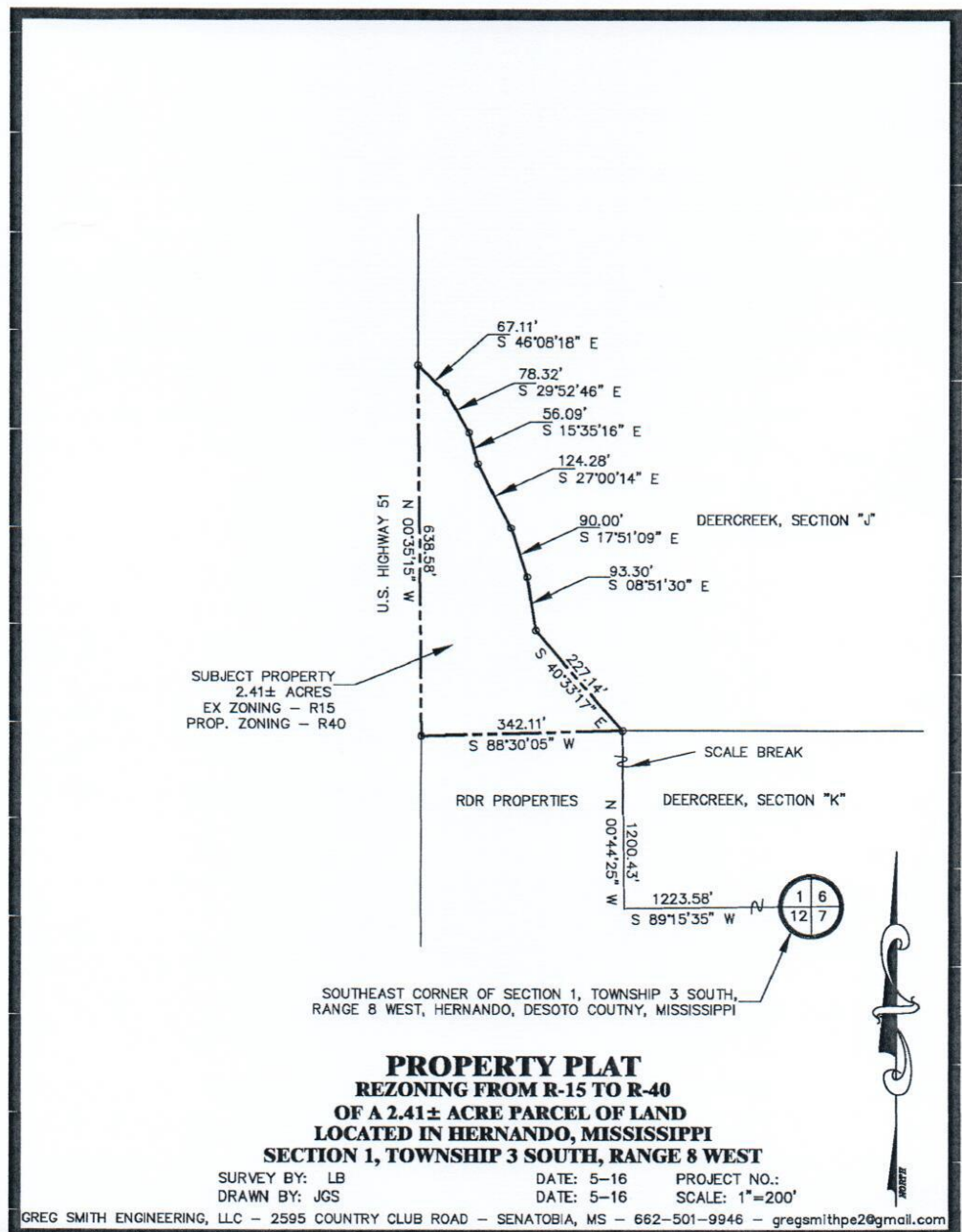
Applicant: The proposed zoning for this property would add much needed inventory to the market and make marketable a piece of property which currently is not. The geometry of the property as it is currently zoned is prohibiting the property from being a productive parcel for the city. This zoning would fulfill the public need by allowing the property to become a productive piece of property for both the public and for the city. With growing demand for housing in the area, I believe a public need exists to substantiate the request. For these reasons, I feel that the proposed zoning of R-40 for this piece of property could be justified.

Planning Commission: Again, the applicant references "market" and "productive" piece of property for the city. These statements should not be considered by the Board. Market demand for housing is a short-term variable, while Planning Commission decisions and recommendations are considered 100 and 150 year decisions based on the General Comprehensive Plan's Future Land Use Map. The Future Land Use Map states that the area is a Residential - Dependent Single Family Low Density, which is compatible with the requested zoning of an R-40 district.

PLANNING COMMISSION COMMENTS:

The Commission recommends the zoning map amendment based upon the General Development Plan's Future Land Use Map.





Motion was duly made by Alderman Hobbs and seconded by Alderman Harris to approve the application for a zoning map amendment, submitted by Reiner Development, LLC requesting a zoning amendment for 2.41 acres from R-15, single family residential medium density to R-40, single family residential, low density. The property is known as parcel 3081010000003500; situated in section 1, township 3 south, and range 8 west. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderwoman Brooks, Alderman Hobbs, and Alderman Harris.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of October, 2017

APPLICATION FOR A ZONING MAP AMENDMENT, SUBMITTED BY REINER DEVELOPMENT, LLC REQUESTING A ZONING AMENDMENT FOR 2.44 ACRES FROM A, AGRICULTURE TO R-40, SINGLE FAMILY RESIDENTIAL, LOW DENSITY. THE SUBJECT PROPERTY IS KNOWN AS PARCEL 308101000003500; SITUATED IN SECTION 1, TOWNSHIP 3 SOUTH, AND RANGE 8 WEST (FILE: PL-1266)

Jared Darby presented the application. The Planning Commission recommends approval.

**MAYOR AND BOARD OF ALDERMAN
FILE: PL-1266**

DATE: October 17, 2017

CAPTION: Zoning Map Amendment, Parcel 308101000 0003500, Reiner Development, LLC

INTRODUCTION:

Reiner Development, LLC., the owner of the subject property, is requesting a zoning map amendment for 2.4 acres located along the east side of Highway 51 just north of the Forked Creek Parkway. The subject property consists of parcel: 308101000 0003500. The property is currently zoned A, Agricultural. The requested zone is for R-40, Low Density Residential. The subject property is vacant. The subject property is surrounded by R-15, Medium Density Residential to the north and east, and A, Agricultural to the south and west.

ZONING AMENDMENT CRITERIA:

The Mayor and Board of Alderman can approve a zoning map amendment if the Board should find suitable evidence supporting the following criteria:

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

Applicant: I believe the existing zoning to be incorrect because of how and when the parcel was acquired. This piece originally had a house on it when the original Deercreek/Forked creek development was constructed all around it, leaving the agricultural zoning in the midst of all the smaller lots. Being bound all around by small lots and by the Highway on the west, left this property inappropriately zoned. Particularly now that the house has been demolished and exists as part of the balance of the Deercreek property, I feel that the current zoning is inappropriate.

Planning Commission: The Commission finds that the original zoning classification was not an error, as the subject property was zoned in accordance with the last approved zoning map.

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: Over the past five to eight years, there have been significant changes in the neighborhood which alter the character of the area. There has been an eighteen inch sewer main constructed along this property which will support more lots in the area. Also, in the past years, residential lot sales have begun to rise, particularly in this area.

And the proposed zoning for this property would add much needed inventory to the market and make marketable a piece of property which currently is not.

Planning Commission: The Commission finds that the applicant's statements are erroneous. The applicant's statements refer to market, demand, and land value, which is not a consideration the Board should entertain. However, the applicant is correct about the small infrastructure improvements. The Planning Commission denied the same applicant a request for a more dense residential zone several months ago. The Planning Commission gave an opinion that the subject property was not conducive for such a zone. The Commission finds that the the applicant's requested zone is ideal for the subject property as it presents a quality buffer between the adjacent agricultural zoned land and the Deercreek Subdivision.

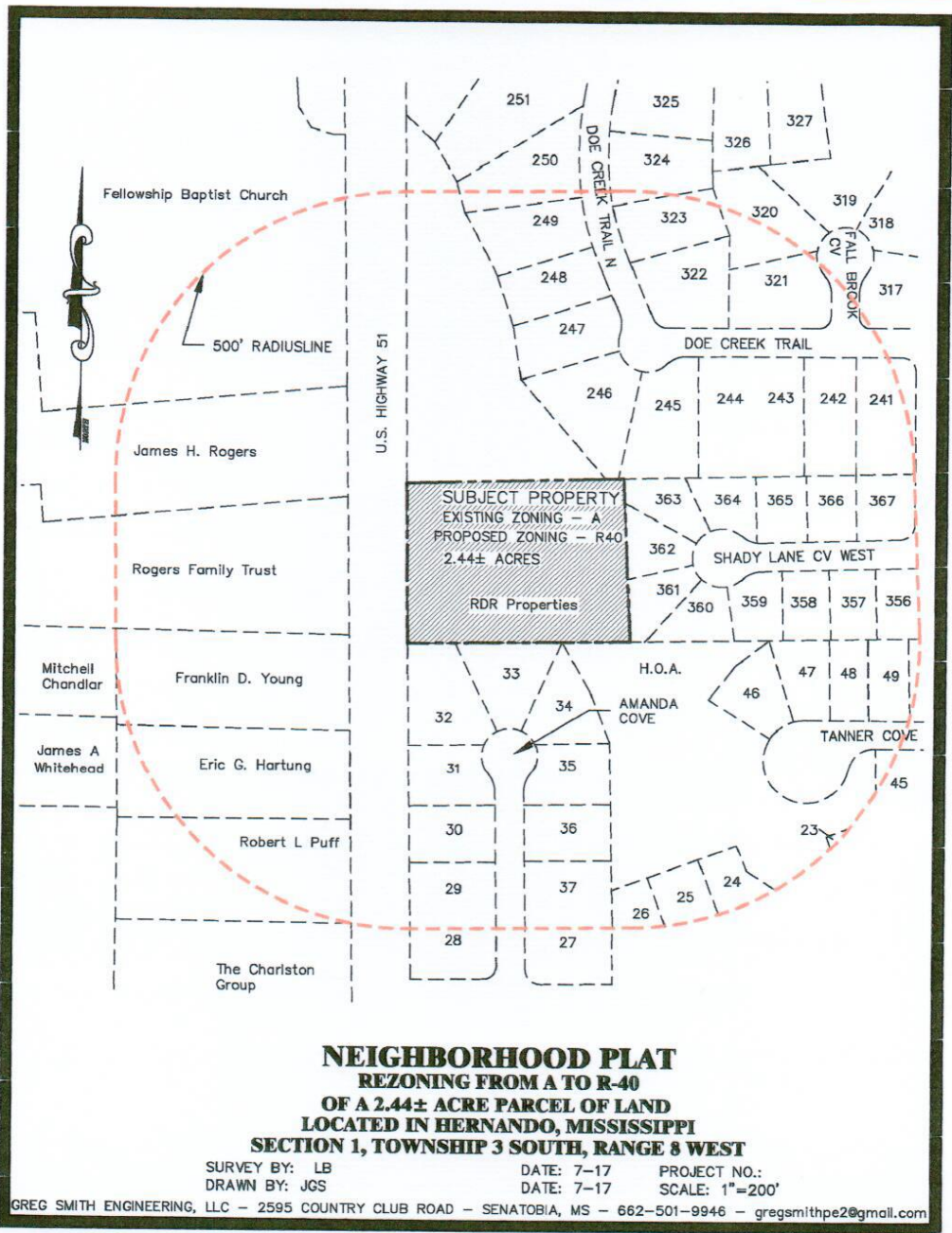
3. The public need for the rezoning.

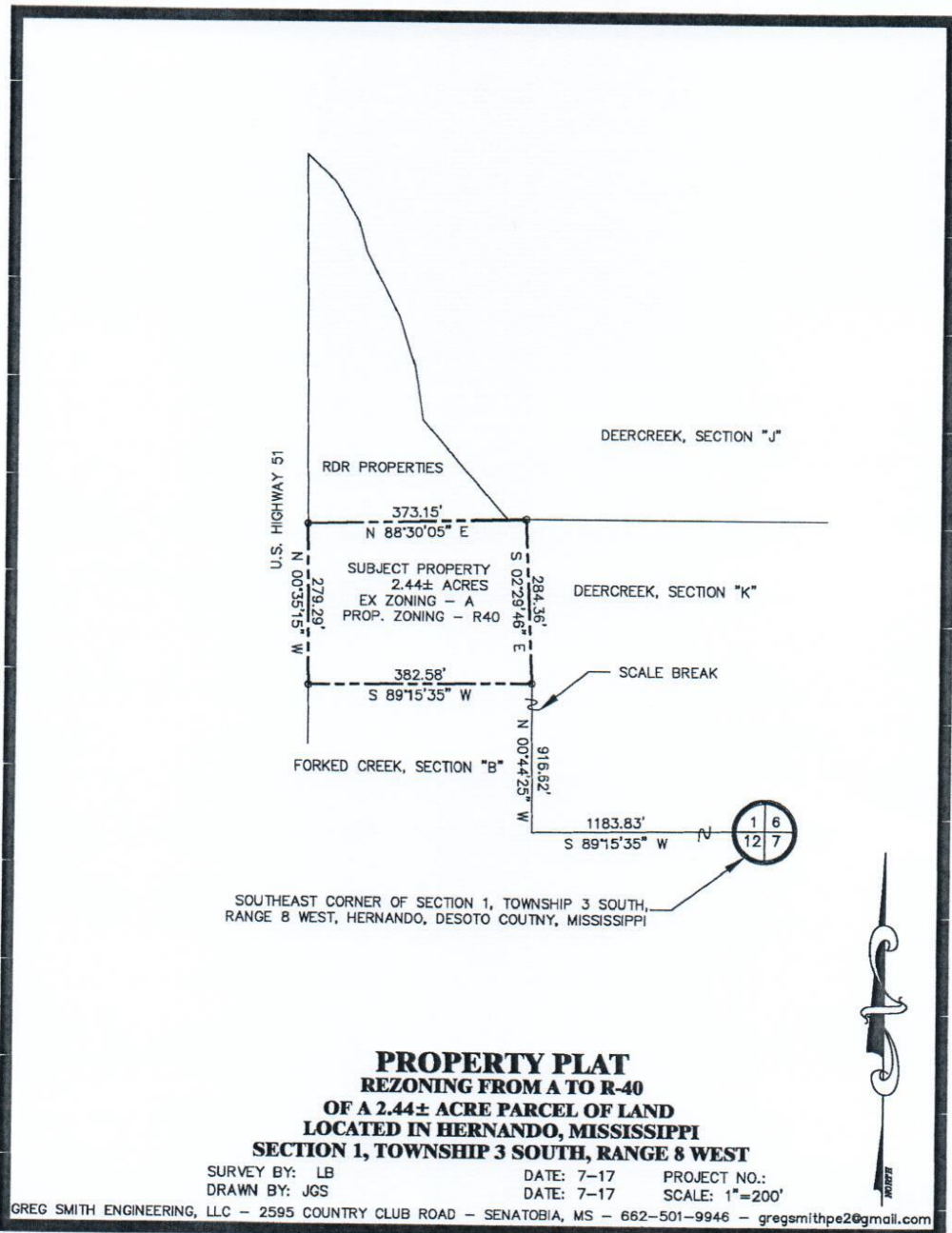
Applicant: The proposed zoning for this property would add much needed inventory to the market and make marketable a piece of property which currently is not. The geometry of the property as it is currently zoned is prohibiting the property from being a productive parcel for the city. This zoning would fulfill the public need by allowing the property to become a productive piece of property for both the public and for the city. With growing demand for housing in the area, I believe a public need exists to substantiate the request. For these reasons, I feel that the proposed zoning of R-40 for this piece of property could be justified.

Planning Commission: Again, the applicant references "market" and "productive" piece of property for the city. These statements should not be considered by the Board. Market demand for housing is a short-term variable, while Planning Commission decisions and recommendations are considered 100 and 150 year decisions based on the General Comprehensive Plan's Future Land Use Map. The Future Land Use Map states that the area is a Residential - Dependent Single Family Low Density, which is compatible with the requested zoning of an R-40 district.

PLANNING COMMISSION COMMENTS:

Planning Commission recommends the zoning map amendment based upon the General Development Plan's Future Land Use Map.





Mitch Lemmon, 639 Doe Creek Trail N, stated that he has learned a lot about blue line creek. NRCS had a grant for work to be done on this creek. I've spoken to Mr. Reiner and it didn't go well. The Core of Engineers said that he didn't know how it was approved to be build that close to the creek. I understand that you have to build a tax base, but it affects the homeowners negatively. My yard is eroding. I respectfully ask that reassurances are made so homeowners are not dealing with this type of situation.

Alderman Hobbs asked if there was a buffer for the creek.

Jared Darby answered no sir, not unless in a flood zone.

Motion was duly made by Alderman Bryant and seconded by Alderman Miller to approve the application for a zoning map amendment, submitted by Reiner Development, LLC requesting a zoning amendment for 2.44 acres from A, agriculture to R-40, single family residential, low density. The property is known as parcel 3081010000003500; situated in section 1, township 3 south, and range 8 west, based on the recommendation of the Planning Commission. A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Higdon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of August, 2017

APPLICATION FOR FINAL SUBDIVISION TITLED "PHASE 5A OF THE LEE'S SUMMIT PLANNED UNIT DEVELOPMENT" SUBMITTED BY JONES-DAVIS & ASSOCIATES. THE SUBDIVISION IS COMPRISED OF 1 LOT TOTALING 10.94 ACRES LOCATED ON THE SOUTH SIDE OF MONTEITH DRIVE JUST EAST OF MCINGVALE; SITUATED IN SECTION 17, TOWNSHIP 3 SOUTH, AND RANGE 7 WEST. THE PROPERTY IS CURRENTLY ZONED PUD, PLANNED UNIT DEVELOPMENT (FILE: PL-1276)

Jared Darby presented the application. The Planning Commission recommends approval.

**MAYOR AND BOARD OF ALDERMAN
FILE: PL-1276**

DATE: October 17, 2017

CAPTION: Final Subdivision; Phase 5A of the Lee's Summit Planned Unit Development; Jones-Davis & Associates

INTRODUCTION:

Jones-Davis & Associates, representing the owner of the subject property, is requesting a final plat approval for Phase 5A of the Lee's Summit Planned Unit Development Subdivision. The subdivision will consist of one lot totaling 10.94 acres. The subdivision is located south of Monteith Drive and east of McIngvale Road. The subdivision is zoned PUD, planned unit development.

DESCRIPTION:

The plat represents one lot that is rectangle in shape and will be the future home of Colonial Hills Church. There are no right-of-way improvements required, except the sidewalk, and all utilities are present to serve the lot. The plat is missing a reserve area for the natural buffer between the development and the surrounding homes. If the developer chooses not to place the reserve area on the plat, the developer will be responsible for placing the full buffer-yard along the boundary of the lot including the continuation of the brick wall, irrigation, and required landscape.

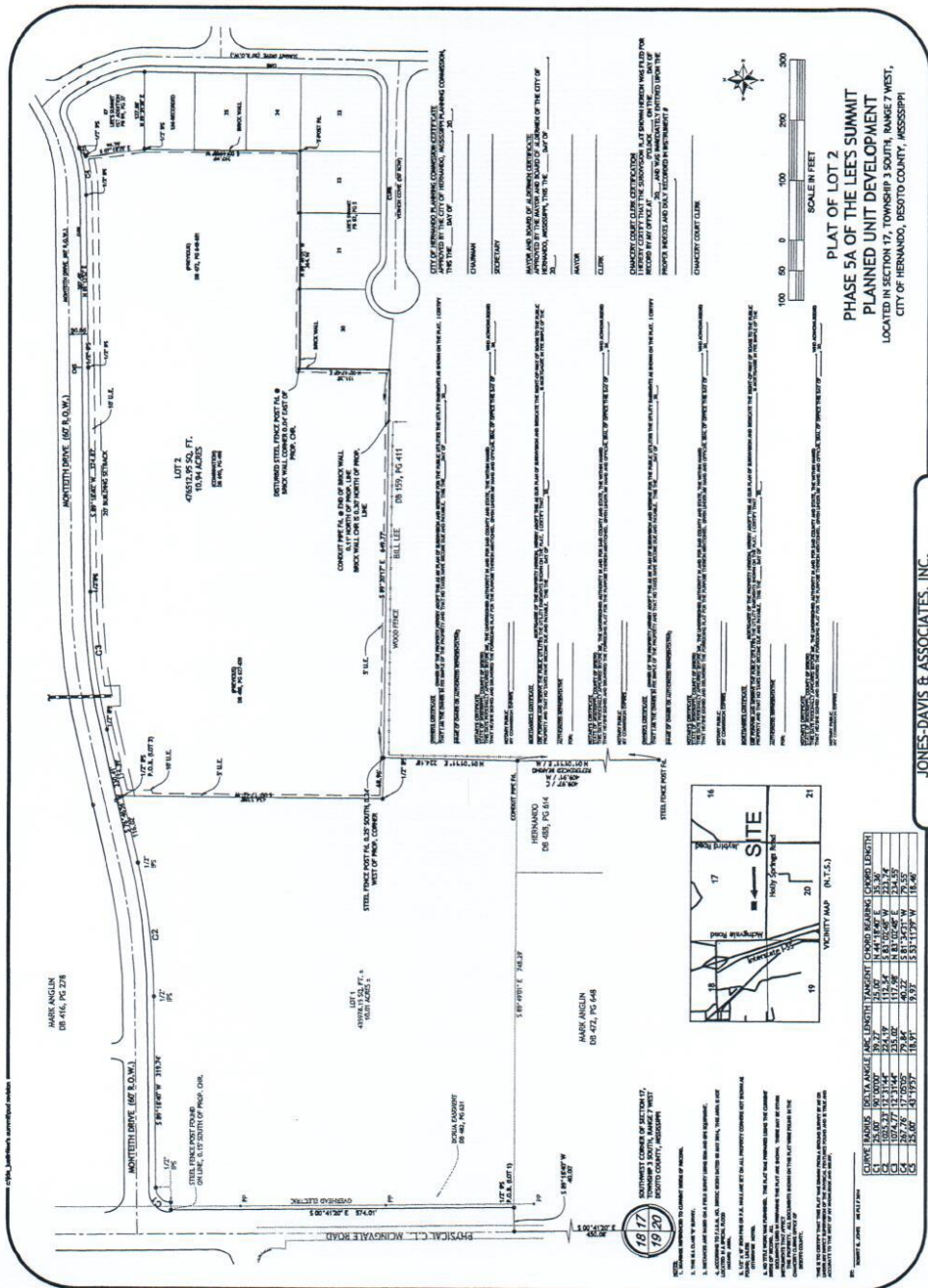
PLANNING COMMISSION COMMENTS:

The Planning Commission has found that the geometry of the proposed plat meets the City of Hernando's Subdivision Regulations, and the lots are within keeping of the character of the neighborhood. If the Mayor and Board of Alderman chooses to approve the plat, the Commission recommends the following conditions of approval:

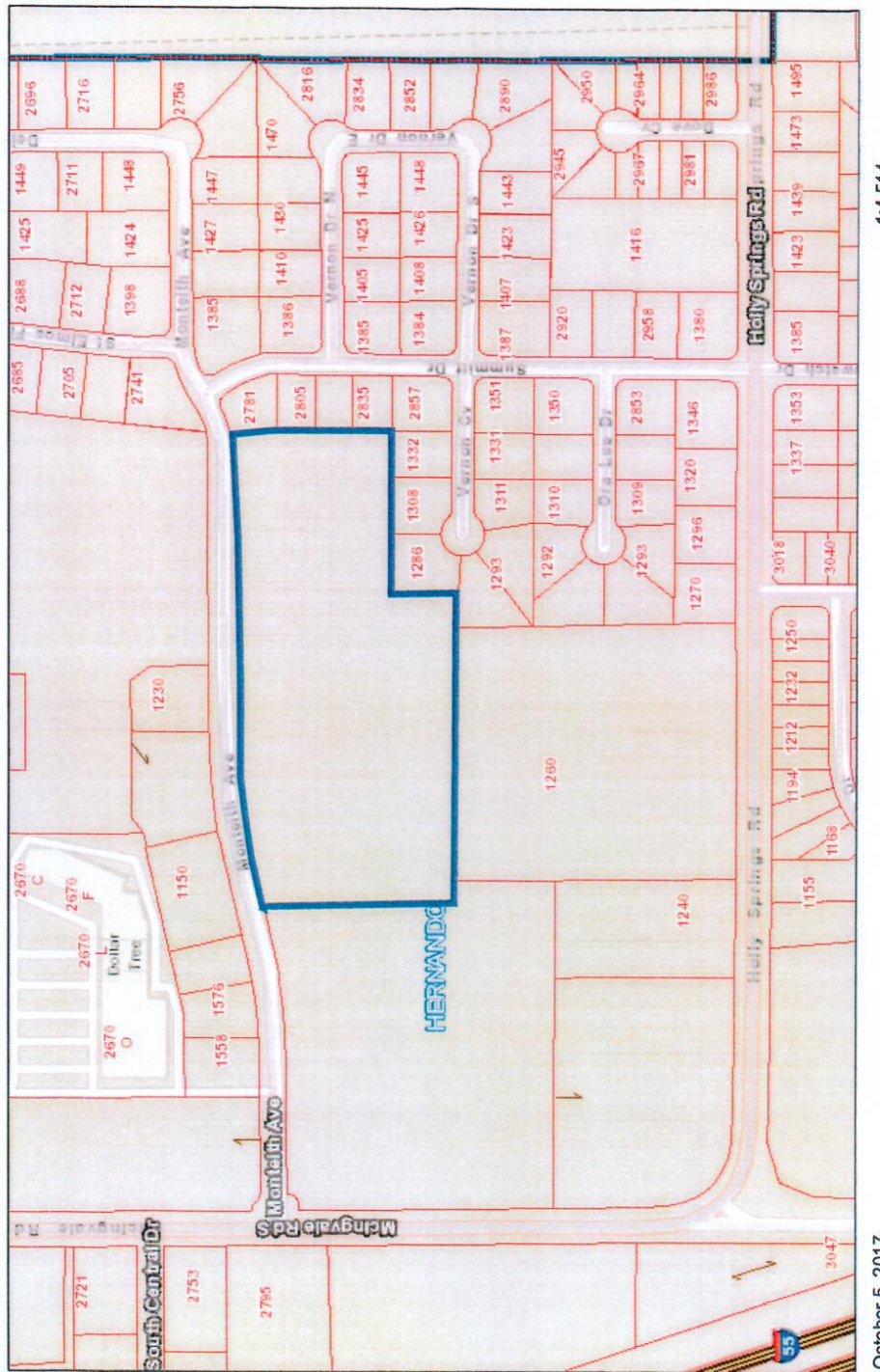
- A. All landscaping in all common open space areas, natural areas, buffer areas, streetscape areas, medians, islands, and the entrance signage areas and such other associated improvements shall be installed/constructed prior to the issuance of any building permit within that respective phase of the development. Street trees may be bonded insuring their installation prior to the final inspection and occupancy of the residence upon each lot.
- B. Improvements to be the responsibility of the developer and not the responsibility of the City of Hernando.
- C. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
- D. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1.5" thick, before the plat of the subdivision, or any phase of the

subdivision, is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1.5" of blacktop making a total of three (3") of blacktop surface and sidewalks.

- E. Sidewalks to be installed along Monteith Ave.
 - F. Finished floor elevations shall be listed for each lot.
 - G. Streetlights to be installed at the developer's expense. Streetlight plans to be submitted to the City Engineer and Planning Director for approval.
 - H. All utilities and services (electric, telephone, cable, etc.) to be installed underground. The water service lines shall be installed with tracing wire at the top.
 - I. Final approval by the Board of Alderman and recording of the plat.
 - J. No relocated buildings will be allowed.
 - K. Public right-of-way, including center lines of streets, shall be illustrated within 100 ft. of the subject property.
-



Vicinity



Sources: Esri, HERE, DeLorme, USGS, Inetmap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

October 5, 2017

Motion was duly made by Alderwoman Brooks and seconded by Alderman Harris to approve the application or final subdivision titled “Phase 5A of the Lee’s Summit Planned Unit Development” submitted by Jones-Davis & Associates. The subdivision is comprised of 1 lot totaling 10.94 acres located on the south side of Monteith Drive just east of McIngvale; situated in section 17, township 3 south, and range 7 west, based on the recommendation of the Planning Commission. A vote was taken with the following results:

Those voting “Aye”: Alderman Higdon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, and Alderman Miller.

Those voting “Nay”: None.

ORDERED AND DONE this the 17th day of October, 2017

**APPLICATION FOR FINAL SUBDIVISION TITLED "A AND J'S ONE STOP"
SUBMITTED BY A AND J ONE STOP, LLC. THE SUBDIVISION IS COMPRISED OF 2
LOTS TOTALING 2.66 ACRES LOCATED ON THE NORTHEAST CORNER OF
HIGHWAY 51 AND W. OAK GROVE ROAD; SITUATED IN SECTION 13 AND 24,
TOWNSHIP 3 SOUTH, AND RANGE 8 WEST. THE PROPERTY IS CURRENTLY ZONED
C-2, HIGHWAY COMMERCIAL. (FILE: PL-1279)**

Jared Darby presented the application. The Planning Commission recommends approval.

**MAYOR AND BOARD OF ALDERMAN
FILE: PL-1279**

DATE: October 17, 2017

CAPTION: Final Subdivision; A and J's One Stop Subdivision; Cerberus

INTRODUCTION:

Cerberus, representing the owner of the subject property, is requesting a final plat approval for A and J's One Stop Subdivision. The subdivision will consist of two lots totaling 2.66 acres. The subdivision is located north of Oak Grove Road and east of Highway 51. The subdivision is zoned C-2, highway commercial.

DESCRIPTION:

The plat represents two lots and is surrounded by commercial to the north and west and residential zoned properties to the east and south. Lot 1 represents the corner lot with 0.93 acres and Lot 2 represents 1.73 acres. The lots are both vacant and well maintained. Lot 2 has a 15' easement for those that wish to have access to the cemetery to the east. All utilities are present and ready to serve the lot.

PLANNING COMMISSION COMMENTS:

The Planning Commission has found that the geometry of the proposed plat meets the City of Hernando's Subdivision Regulations, and the lots are within keeping of the character of the neighborhood. If the Mayor and Board of Alderman chooses to approve the plat, the Commission recommends the following conditions of approval:

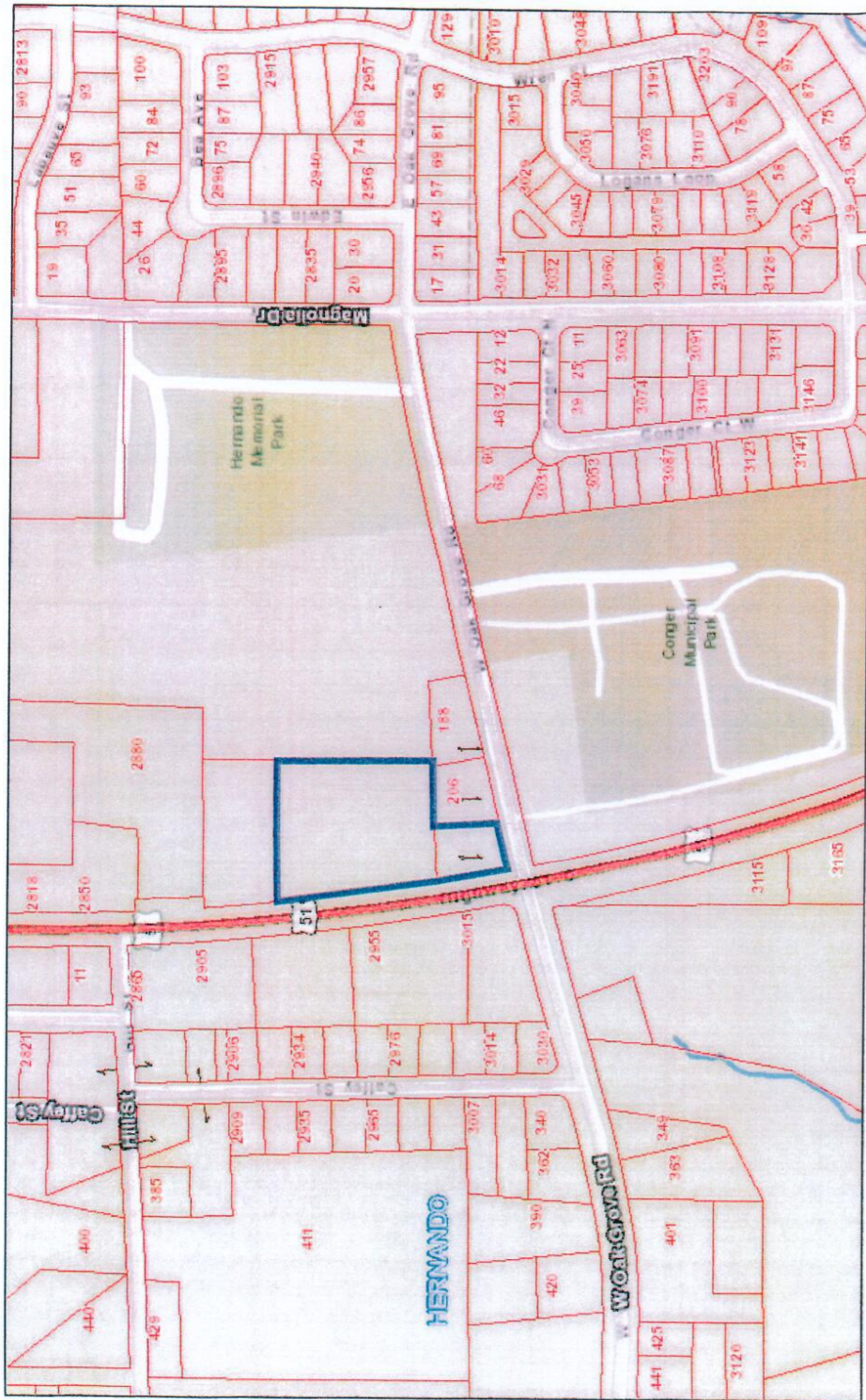
- A. All landscaping in all common open space areas, natural areas, buffer areas, streetscape areas, medians, islands, and the entrance signage areas and such other associated improvements shall be installed/constructed prior to the issuance of any building permit within that respective phase of the development. Street trees may be bonded insuring their installation prior to the final inspection and occupancy of the residence upon each lot.
- B. Improvements to be the responsibility of the developer and not the responsibility of the City of Hernando.
- C. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
- D. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1.5" thick, before the plat of the subdivision, or any phase of the subdivision, is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1.5" of blacktop making a total of three (3") of blacktop surface and sidewalks.
- E. Sidewalks to be installed along Highway 51 and Oak Grove Road.

- F. Finished floor elevations shall be listed for each lot.
- G. Streetlights to be installed at the developer's expense. Streetlight plans to be submitted to the City Engineer and Planning Director for approval.
- H. All utilities and services (electric, telephone, cable, etc.) to be installed underground. The water service lines shall be installed with tracing wire at the top.
- I. Final approval by the Board of Alderman and recording of the plat.
- J. No relocated buildings will be allowed.
- K. Public right-of-way, including center lines of streets, shall be illustrated within 100 ft. of the subject property.

INCLUDED EXHIBITS:

- Sayle Oil Company Subdivision
-

Vicinity



October 5, 2017

The Board inquired about the lot next to this.

Brian Hall answered that nothing is planned for the lot right now, nothing has been agreed upon.

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs approve the application for final subdivision titled “A and J’s One Stop” submitted by A and J One Stop, LLC. The subdivision is comprised of 2 lots totaling 2.66 acres located on the northeast corner of Highway 51 and W. Oak Grove Rd; situated in section 13 and 24, township 3 south, and range 8 west, based on the recommendation of the Planning Commission. A vote was taken with the following results:

Those voting “Aye”: Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting “Nay”: None.

ORDERED AND DONE this the 17th day of October, 2017

DISCUSSION OF LIGHTS ON COMMERCE ST EAST OF MCINGVALE

Joe Frank Lauderdale presented information

The Board held a brief discussion.

Alderman Miller asked if Joe Frank went back to Entergy to get updated prices, or can you.

Joe Frank Lauderdale answered yes he can get some updated prices.

Mayor Ferguson stated that he thinks we need to get more information on this.

Alderman Miller stated that he would like prices for above and underground, brought back to the next meeting.

**DISCUSSION OF THE ORDINANCE FOR DISCHARGING FIREARMS IN CITY LIMITS
(tabled from the October 3, 2017 meeting)**

Alderman Hobbs stated that an organization contacted him about a skeet shoot fundraiser, but according to your Ordinance, they can't do it. The ordinance need to be repealed, it is unlawful.

Police Chief Worsham stated that he agreed that it is unlawful.

Alderman Higdon stated that he thinks we need to have a committee to look at it.

Kenny Stockton stated that we have looked at a couple of ordinances from Horn Lake and Southaven.

Alderman Higdon stated that he likes Horn Lake's.

Kenny Stockton asked if it would be ok with the Board if the Police Chief and I got together and put an ordinance together.

The Board stated they are good with that.

ADOPT ORDINANCE FOR BRUSH PICK UP RATES

**ORDINANCE ADOPTING SANITATION RATES FOR
THE CITY OF HERNANDO, MISSISSIPPI
AND
FOR REPEAL OF THE PRIOR ORDINANCE AS ADOPTED ON FEBRUARY 14, 2014**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF HERNANDO, MISSISSIPPI as follows:

SECTION I. REPEALER

That the City of Hernando, Mississippi does hereby repeal ORDINANCE ADOPTING SANITATION RATES WITHIN AND WITHOUT THE CITY OF HERNANDO, MISSISSIPPI adopted by the Mayor and Board of Aldermen on or about February 14, 2014 and which repeal shall be effective immediately upon this Ordinance becoming effective.

SECTION II. RATES and CARTS/CONTAINERS

The sanitation rates for garbage collection within the City of Hernando, Mississippi are hereby set forth as follows:

A. RESIDENTIAL RATE

The rate shall be \$17.50 per month per container/cart.

B. COMMERCIAL RATE

The rate shall be \$17.50 per month per container/cart.

C. ADDITIONAL CARTS/CONTAINERS

The rate for any additional cart/container shall be charged at the rate of \$4.00 per month. This additional rate shall be applicable to the same customer at the same service address.

D. CARTS/CONTAINERS

- i. All carts/containers to be furnished by the City of Hernando, Mississippi.
- ii. The cart/container is issued to the billing address and must not be removed from the premises. Customers are encouraged to record their container identification number and keep the same for future reference. In the event a property is vacated, the outgoing customer must notify the Utility Billing Department at Phone #662-429-9092 in order to terminate service.
- iii. That in the event a cart/container is damaged or stolen, the following provisions shall be applicable to the customer:
 - a. That in the event the damage is the result of neglect or abuse by the customer, as determined by the City of Hernando Public Works department, then the customer will be required to pay for the cost of a replacement cart/container. The replacement cost will be the current price as charged to the City of Hernando.
 - b. That in the event a cart/container is damaged due to normal use, as determined by the City of Hernando Public Works department it will be replaced at no charge.
 - c. That in the event a cart/container is stolen the cart/container shall be replaced at no charge to the customer.
 - d. That in the event of damage or theft to any cart/container the Customer should report the same to the City of Hernando Utility Billing Department either in person at 475 West Commerce St., Hernando, Mississippi or by calling the aforesaid department by calling phone number 662-429-9092. That if at all possible the Customer should provide the cart/container identification number. Cart/Container lids must remain closed at all times and containers must be kept clean to comply with health and sanitation requirements.
 - e. Cart/Containers shall not be filled to the extent that the lid will not close.
 - f. There shall be no bags, boxes or other items placed on top of the cart/container lid.

- g. That any additional or overflow garbage must be placed in plastic bags or other disposable containers and placed next to the container for pickup. That excessive "overflow use may result in the when reporting any theft and/or damage.
- h. That any additional or overflow garbage must be placed in plastic bags or other disposable containers and placed next to the container for pickup. That excessive "overflow use may result in the requirement for an additional container/cart for the fee as set forth herein.

SECTION III. RECYCLING

Customers that wish to recycle will be issued a recycling container/cart for an additional fee of \$4.04 per cart, per month. Customers who wish to recycle must contact the City of Hernando, Mississippi to request a recycling cart/container.

SECTION IV. DEPOSITS

The purpose of this section is to establish deposit rates for those City of Hernando customers, who due to their location within the City of Hernando, Mississippi receive garbage service only.

That the deposit rates for such customers shall be as follows:

Single Family Residential	\$150.00
All Commercial Property	\$150.00

All such customers shall be required to place such deposit with the City of Hernando, Mississippi prior to receiving such service. That said deposit shall remain with the City of Hernando until such time as the customer terminates garbage service and/or such service is terminated by the City of Hernando.

The City of Hernando may, at its option, apply such deposit(s) toward payment of any amount due the municipality for garbage service provided.

That this provision, shall apply to new subscribing customers only and any existing customers shall remain under the previous guidelines of the City of Hernando, Mississippi.

This section entitled Deposits, shall apply to those customers receiving garbage service only without receiving city water service and in the event a customer is receiving water service from the City of Hernando then the existing deposit requirements shall apply.

SECTION V. BRUSH, REFUSE and TRASH PICK-UP RATES and POLICIES FOR SPECIAL COLLECTION SERVICES

- A. \$75 fee for each ten (10) cubic yards or portion thereof in excess of ten (10) cubic yards of bulky refuse and tree trimmings. There is not a fee for removal of less than ten (10) cubic yards.
- B. \$150 fee per brush truck load (20 cubic yards approximately).
- C. \$25 fee for dead animal removal.
- D. The City of Hernando, will not remove any items that has a special collection service fee unless notified by the customer, either by phone or in person. The customer will be billed on the next utility bill for the special service provided at that time.

- E. All leaves, grass and loose materials must be bagged in plastic bags and securely bound, preferably in a biodegradable bag.
- D. All limbs, brush and tree trunks must be placed at curb side, not in the street, and such limbs, brush, and tree trunks shall not exceed six (6") inches in diameter and four (4') feet in length.
- E. No single item (bag, limb, trunk, etc.) shall exceed forty (40) pounds in weight.
- F. No building materials shall be picked up by the City of Hernando, Mississippi. Any such materials must be disposed of by the customer and/or the contractor who must use a private commercial service for such service.
- J. All contractors/homebuilders or any other such similar person/ entity are required to remove all debris, excess building materials, trash, garbage and landscaping debris associated with any construction whether new construction or renovation.
- K. That in the event a customer hires a person and/or contractor or other such entity to trim and/or cut trees, limbs, shrubs, brush or other comparable items, the customer shall be responsible for having such bulk debris removed from the premises. However, if the debris is less than ten (10) cubic yards then the customer may contact the city to haul off the debris at no charge as set forth in Subsection "A" above.

SECTION VI. SPECIAL PROVISION

All items to be picked up by the City of Hernando must be placed immediately adjacent to the curb and not in the street, unless the customer desiring pick up is physically disabled or over the age of sixty-five (65) years of age. All persons physically disabled or 65 years of age or over shall call the Utility Billing Department and verify their age and/or disability and plan with the city for said items to be picked up at a location on their property other than on the curb.

SECTION VII. EFFECTIVE DATE

The effective date of this ordinance shall be in full force and effect on the 30th day after its passage.

SECTION VIII. OTHER PROVISIONS

- A. That the City Clerk of the City of Hernando shall cause a copy of this Ordinance to be published one time in the DeSoto Times Tribune in the manner and form required by Section 21-19-25 of the Mississippi Code of 1972 Annotated, as Amended.
- B. That the Hernando City Clerk shall cause a copy of this Ordinance to be filed in the Code of General Ordinances of the City of Hernando on or before its effective date.
- C. That all provisions of the ordinances of the City of Hernando in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other provisions of the ordinances of the City of Hernando not in conflict with the provisions of this ordinance shall remain in full force and effect.
- D. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

The above Ordinance was first reduced to writing, the requirement for reading waived and considered by Sections at the regular October 17, 2017, public meeting of the Mayor and Board of Aldermen and on motion duly made by Alderman Higdon, seconded by Alderman Hobbs, for the adoption of said Ordinance and seconded, a vote was taken as follows:

VOTE:

Alderman Higdon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Alderwoman Brooks	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Alderman Bryant	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Alderman Harris	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Alderman Hobbs	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Alderman McLendon	ABSENT	
Alderman Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

APPROVED:

TOM FERGUSON, MAYOR

ATTEST:

KATIE HARBIN, CITY CLERK

(SEAL)

**AUTHORIZE TO ADVERTISE FOR QUOTES ON INTEREST RATES FOR THE TAX
ANTICIPATION LOAN AND AUTHORIZE THE CITY ATTORNEY TO PREPARE
NECESSARY DOCUMENTS FOR THE TAX ANTICIPATION LOAN**

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to authorize to advertise for quotes on interest rates for the tax anticipation loan and authorize the City Attorney to prepare necessary documents for the tax anticipation loan. A vote was taken with the following results:

Those voting "Aye": Alderman Higdon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of October, 2017.

DISCUSSION OF STENNIS PROPOSAL FOR STUDY/HANDBOOK

Mayor Ferguson went over the proposal.

The Board had a brief discussion over the study proposal.

Alderman Miller stated that we do not compare with some of the cities listed.

Mayor Ferguson stated that they evaluate more than just one thing, they consider a lot of information on each city when doing the study.

ADJOURN

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

Motion passed with a unanimous vote of "Aye".

MAYOR TOM FERGUSON

ATTEST:

KATIE HARBIN, CITY CLERK