

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, November 21, 2017 at 6:00 P.M. with Mayor Pro Tem Higdon presiding. Aldermen present were: Alderman Harris, Alderman Bryant, Alderman Miller, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs. Also present for the meeting were: City Attorney Kenny Stockton, City Engineer Joe Frank Lauderdale, Police Chief Scott Worsham, Human Resources Manager Julie Harris, Public Works Director Gary McElhannon, Planning Director Keith Briley, Zoning Administrator Kristen Duggan, Director of Community and Economic Development Gia Matheny, Executive Assistant to the Mayor Jessica Green, James A. Vice, Shirley McLendon, Bill Roberson, Rhonda Alliston, Carolyn Richards, Carolyn Young, Paul Chrestman Jr., Robert Long, Steve Roberts, Brad Sims, Cathy Powers, Brian Hill, L. Scott Rowe, Vance Daly, Lindsey Lanphere, Debbie Foy, Amanda Barnett, Barry Bridgforth, Paul M Beleuchia, Stacey Whitehead, Susan Miller, Bill Brown, John Miller, Les Dennie, Rhonda Thompson, Charles DeSonia, Claire Wright, Marion McLemore, Ed Thomas, C H McLemore, Randy Martin, Bill Witt, and Ben McMinn.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

INVOCATION

Alderman Harris gave the invocation.

AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

November 21, 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 121080 - 121296
- 6) Approve Minutes from regular meeting on November 7, 2017
- 7) Consent Agenda
 - A) Authorize the Mayor and the Board to attend the MS Mid-Winter Legislative Conference in Jackson, MS on January 9-11, 2018, also authorize to pay registration and travel expenses.
 - B) Authorize Gia Matheny and Kristen Duggan to attend the ICSC RECON in Los Vegas, NV on May 20-23, 2018, also authorize to pay registration and travel expenses (Brownfields will reimburse)
 - C) Set the Public Hearing Date on December 19, 2017 for an Application for a Zoning Map Amendment, submitted by Land Development Resources for the zoning amendment of 10 acres from AR, Agricultural Residential, C-2, Highway Commercial. The subject properties are known as parcel 208624000 0000800

and parcel 208624000 000100 situated in Section 24, Township 2, Range 8. File: PL-1282

- 8) Proclaim Sunday November 26, 2017 as Knights Chapel C.M.E Church Day
- 9) Accept donations from Noah's mom (Robin Hurdle – Noah's Gift) to the Police Department in the amount of \$500.00 and to the Fire Department in the amount of \$250.00
- 10) Thank you from Carolyn Young with the Hernando Veterans Day Parade
- 11) Authorize to hire Otis Lester as a fulltime employee in the Shop Department of Public Works at a rate of \$14.50 per hour
- 12) Authorize to give Michael Gross in the Parks Department a raise from \$9.79 to \$11.00 per hour
- 13) Request to speak - Jared Darby
- 14) Application for a Final Subdivision titled, "St. Ives, Section B" submitted by Lifestyle Homes. The subdivision is comprised of 27 lots totaling 9.38 acres at the end of St. Ives Dr. in Section 21, Township 3 South, Range 7 West. File: PL-1247
- 15) Application for a Final Subdivision, titled "West Layne Townhomes" submitted by, Daniel Murphy, Consulting Engineer. The subdivision is comprised of 9 lots totaling 0.71 acres located on the south side of East Valley Street and west of Mt. Pleasant Rd situated in Section 18, Township 3, Range 7. File: PL-1280
- 16) Application for a Final Subdivision, titled "Nesbit Industrial Phase 9, Lot 1" submitted by Timber Ridge LLC. The subdivision is comprised of 1 lot totaling 1.31 acres located on the south side of Nesbit Rd and west of Nesbit Dr situated in Section 25, Township 2, Range 8. File: PL-1283
- 17) Application for a Final Subdivision, titled "Teague Commercial Subdivision" submitted by William Brown. The subdivision is comprised of 2 lots totaling 2.24 acres located on the west side of Highway 51 and north of Green T Rd. situated in Section 1, Township 3, Range 8. File: PL-1284
- 18) Application for a Final Subdivision, titled "Montclair Phase 3" submitted by Montclair LLC. The subdivision is comprised of 45 lots totaling 19.27 acres located on the south side of Oak Grove Rd and west of Scott Rd. situated in Section 23, Township 3, Range 8. File: PL-1285
- 19) Adopt Ordinance of the City of Hernando, Mississippi Establishing Regulations and Hours of Operation for Business Holding Valid Wine, Beer and/or Liquor License for on Premises Consumption and Repealing the Ordinance as approved on May 6, 2008
- 20) Approval for Chief Worsham to sign 5 year agreement with Axon @ 0% interest through the Taser 60 program. (This is a budgeted item)
- 21) Authorize the City to sign Agreement of Understanding and Memorandum of Understanding with Excel by 5
- 22) Discussion of adding a turning lane on McIngvale (Brooks)
- 23) Authorize to accept the lowest and best bid from Argo Construction for the Highway 51 Downtown and Hall Road water line project

24) Discussion of street lights on Commerce St east of McIngvale

25) Adjourn

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017.

APPROVE DOCKET OF CLAIMS NO.'S 121080 - 121296

The Board of Aldermen were presented with a docket of claims No. 121080 - 121296 in the amount of \$1,535,666.18 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

APPROVE MINUTES FROM THE REGULAR BOARD MEETING ON NOVEMBER 7, 2017

Motion was duly made by Alderman Hobbs, and seconded by Alderman Harris to approve the Minutes from the regular Board Meeting on November 7, 2017 as presented. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

CONSENT AGENDA

- A) Authorize the Mayor and the Board to attend the MS Mid-Winter Legislative Conference in Jackson, MS on January 9-11, 2018, also authorize to pay registration and travel expenses.
- B) Authorize Gia Matheny and Kristen Duggan to attend the ICSC RECON in Los Vegas, NV on May 20-23, 2018, also authorize to pay registration and travel expenses (Brownfields will reimburse)
- C) Set the Public Hearing Date on December 19, 2017 for an Application for a Zoning Map Amendment, submitted by Land Development Resources for the zoning amendment of 10 acres from AR, Agricultural Residential, C-2, Highway Commercial. The subject properties are known as parcel 208624000 0000800 and parcel 208624000 000100 situated in Section 24, Township 2, Range 8. File: PL-1282

Motion was duly made by Alderman Harris and seconded by Alderman Bryant to approve the consent agenda. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

PROCLAIM SUNDAY NOVEMBER 26, 2017 AS KNIGHTS CHAPEL C.M.E. CHURCH DAY

Motion was duly made by Alderman Miller and seconded by Alderman Harris approve to proclaim Sunday November 26, 2017 as Knights Chapel C.M.E. Church Day, and waive the reading. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

ACCEPT DONATIONS FROM NOAH'S MOM (ROBIN HURDLE – NOAH'S GIFT) TO THE POLICE DEPARTMENT IN THE AMOUNT OF \$500.00 AND TO THE FIRE DEPARTMENT IN THE AMOUNT OF \$250.00

Motion was duly made by Alderman McLendon and seconded by Alderman Harris accept the donations from Noah's mom, Robin Hurdle – Noah's Gift, to the Police Department in the amount of \$500.00 and to the Fire Department in the amount of \$250.00. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

THANK YOU FROM CAROLYN YOUNG WITH THE HERNANDO VETERANS DAY PARADE

Presentation of thanks by Carolyn Young for Hernando's assistance in making the parade possible. Mrs. Young provided an overview of all participants.

Mrs. Young made a request for the use of the same parade route for Monday November 12, 2018 at 10am

Mayor Pro Tem Higdon commented on how nice the parade was.

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize to temporarily close streets using the parade route on November 12, 2018 for the Hernando Veterans Day Parade, parade starting at 10am. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

AUTHORIZE TO HIRE OTIS LESTER AS A FULLTIME EMPLOYEE IN THE SHOP DEPARTMENT OF PUBLIC WORKS AT A RATE OF \$14.50 PER HOUR

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to authorize to hire Otis Lester as a fulltime employee in the Shop Department of Public Works at a rate of \$14.50 per hour, following the Personnel Committee's recommendation, based on the recommendation from the Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

**AUTHORIZE TO GIVE MICHAEL GROSS IN THE PARKS DEPARTMENT A RAISE
FROM \$9.79 TO \$11.00 PER HOUR**

Alderman Miller stated that this raise is based upon the budget.

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize to give Michael Gross in the Parks Department a raise from \$9.79 to \$11.00 per hour. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

REQUEST TO SPEAK – JARED DARBY

Alderman Miller asked Jared Darby if his question was regarding an upcoming item on the agenda, regarding St. Ives.

Jared Darby responded that it was regarding public speaking. Mr. Darby asked if the public would be allowed to speak on an item on the agenda, regarding St. Ives.

Mayor Pro Tem Higdon stated that the public will be allowed to do so as the City has always done.

**APPLICATION FOR A FINAL SUBDIVISION TITLED, "ST. IVES, SECTION B"
SUBMITTED BY LIFESTYLE HOMES. THE SUBDIVISION IS COMPRISED OF 27 LOTS
TOTALING 9.38 ACRES AT THE END OF ST. IVES DR. IN SECTION 21, TOWNSHIP 3
SOUTH, RANGE 7 WEST. FILE: PL-1247**

Special Planning Consultant B.J Page presented the application and report to the Board. Mr. Page went over the planning process, recognized that zoning is a subjective decision with the three criteria being applicable as a result of case law. Subdivisions are an objective decision. It is basically a "check off" time to look at what has been presented or done by the applicant. The preliminary plan in a subdivision is actually the most important part of the process as most of the important decisions are made during the preliminary plan. The "final plat" is actually a "check off" time to make sure that what is about to be recorded matches that which was approved. Mr. Page noted that the St. Ives preliminary plan was approved in 2009, he noted that the Board of Aldermen did not require a second entrance despite the fact that the Planning Commission recommended the same. He noted that drainage was an issue as well at that time. Mr. Page noted that the final plat must conform to the preliminary plan. The approval of the preliminary plan gives the developer the right to commence work.

The Planning Commission recommends approval of the final plat subject to certain conditions, listed in the staff report

CITY OF HERNANDO

BOARD OF ALDERMEN STAFF REPORT

DATE: Nov. 21, 2017

CAPTION/SUBJECT: Application for a Final Subdivision Plat approval for St. Ives Subdivision, Section "B," submitted by Mr. Joe F. Lauderdale, on behalf of Brian Hill, Lifestyle Communities, the property owner. The request is to subdivide 9.38+/- acres into 27 lots, located on the east side of Jaybird Road, south of Holly Springs Road, and north of Edgewood Boulevard, at the eastern terminus of Saint Ives Lane in Section 21, Township 3 South and Range 7 West. The property is zoned PUD, Planned Unit Development District.

EXHIBITS:

1. Aerial Vicinity Map
2. Local Vicinity Map
3. Preliminary Plan
4. Drainage Study Plan
5. Final Plat

DISCUSSION: Mr. Barry Bridgforth, Jr., representing Mr. Brian Hill, Lifestyle Communities, the owner of the property, is requesting approval of the final plat for Section "B" of St. Ives Subdivision. The proposed plat consists of 27 residential lots on 9.38 acres.

BACKGROUND: The Board of Aldermen deals with essentially two major actions as part of the land development approval process; Zoning and Subdivision Approval. Zoning and the subsequent re-zoning of land is a largely **subjective** decision since the Board of Aldermen is asked to make a value judgment concerning whether the proposed re-zoning makes sense. This is done by evaluating all the potential uses permissible in that zoning district concerning how they may relate to the surrounding development in that neighborhood. The Commission and Board also often consider what the comprehensive plan reflects for the subject property concerning its future development or if there has been sufficient change in the neighborhood to warrant the re-zoning, as well as the sufficiency of local utility systems. Finally, the Board must also make a value judgment concerning whether there is a public need in the community for the desired re-zoning.

Once a re-zoning has been approved (and the 10-day appeal period has gone by), the property-owner becomes "vested" in that zoning district and everything that goes along with it; i.e., the uses permissible under that district, minimum lot size requirements, minimum yard setbacks and so forth. Because the property-owner is "vested," the City cannot subsequently change the zoning of his property at some later point without his permission, short of a comprehensive re-zoning of the entire community, which often only occurs as part of an update of the community's comprehensive plan.

The other major role of the Board of Aldermen is through the approval of the subdivision of land, which is often a two-step approval process involving a preliminary plat and a final plat. Unlike zoning, subdivision approval is a largely **objective** decision. The purpose of the preliminary plat approval is largely to determine if the proposed plat design meets all of the City's various requirements as contained in the Zoning Ordinance and Subdivision Regulations. For example, if the zoning district for the property requires a minimum lot size of 8,000 sq. ft., does the size of all of the lots on the proposed preliminary plat meet or exceed that requirement? If the Subdivision Regulations require that a local street be a minimum of a 50' wide right-of-way, do all of the local streets on the proposed preliminary plat meet that required minimum width? As long as the preliminary plat meets the City's standards it is almost impossible to deny a subdivision plat, particularly if any deficiencies that may be identified can be addressed through the attachment of a condition to the approval. For example, if certain lots on the proposed plat were found to be smaller than the minimum lot size for that district, the Commission or Board can attach a condition requiring that the plat be revised to increase the size of those lots to at least meet the minimum lot size requirement.

Like re-zoning applications, once the preliminary plat has been approved by the Board of Aldermen and the 10-day appeal period has gone by, the property-owner becomes "vested" in that approval. This is largely because under the Subdivision Regulations, the approval of the preliminary plat authorizes the applicant to move forward and expend funds to have grading, drainage, and engineering construction plans prepared for review and approval by the City Engineer. In fact, approval of the preliminary plat actually gives the applicant the ability to begin the

installation of those improvements once the City Engineer has completed his review and approval of those plans. As a result, the preliminary plat approval is actually the more important of the two subdivision actions. So, what is the purpose of the final plat approval if all of the important decisions have already been made and are "off the table" at this point? The final plat approval is what attorneys would call a "ministerial act." The only purpose of the final plat is basically as a "check-off," an opportunity to determine that what is about to be recorded conforms to the plan that was approved by the Board of Aldermen at the preliminary plan stage.

Finally, because subdivision approval is strictly an objective decision, particularly the final plat approval, that is why Mississippi State law does not require subdivision approval to be a public hearing matter. This **does not** mean that the Board of Aldermen is somehow prohibited from recognizing people from the audience who may wish to address the Board, it simply means that the Board of Aldermen is not required by law to do so.

THE APPLICATION: Section "A" of Saint Ives Subdivision was approved in the County prior to its annexation to the City. At that time, the subject property was zoning in the County's "R-15" district with a minimum lot size of 15,000 sq. ft. The County Board of Supervisors approved the final plat on February 7, 2007, and the plat was subsequently recorded in the Chancery Court Clerk's office on April 10, 2007. Later, in 2009, following the properties' annexation to the City, Mr. Hill requested that the property be re-zoned from the "R-15" zoning district to the "PUD," Planned Unit Development District. Under the PUD district, there are no standard requirements as are typically listed under other zoning district regulations. The approval of a PUD involves not only the re-zoning of the property, but approval of a project text which, upon approval is considered the zoning regulations for that specific development, as well as the preliminary plan for the development. Because each of these items are approved through a single action, the PUD district is considered an integrated approval. After a lengthy approval process, the Board of Aldermen approved the rezoning to PUD, the project text, and the preliminary plan on December 15, 2009, subject to the following conditions:

1. To put streets 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. (Mr. Dewey Jones of Jones-Davis & Associates had prepared a drainage study that was submitted at this meeting.)
3. Make plans that were presented the plan approved.
4. Put in 15' buffer on lot #14.
5. Put "Exhibit "A" in the minutes as part of the approval.

Exhibit 3 reflects the approved preliminary plat, subject to the Board of Aldermen's conditions.

In evaluating this final plat application, the staff would note the following:

1. The street design and lot layout for Section "B" conforms to the currently approved preliminary plat.
2. The currently approved project text for the PUD establishes a minimum lot size of 8,100 sq. ft. The final plat reflects that all of the proposed lots are 8,438 sq. ft. in size or larger. As designed, 8 of the lots fall within a range of 8,438 sq. ft. up to 9,514 sq. ft., while the remaining 16 lots fall within a range of 11,082 sq. ft. up to 23,496 sq. ft. in size. Therefore, all of the proposed lots meet or exceed the adopted minimum requirement.
3. Although there is a note on the final plat stating that: "All of the lot owners shall automatically be members of the Homeowners Association and are subject to all covenants and restrictions and easements as set forth in the documents filed of record in the offices of the Chancery Clerk of DeSoto County, Mississippi, in Book 565 on Page 817." The applicant has not submitted a declaration extending the restrictive covenants to include Section "B."
4. The proposed final plat needs to be revised to incorporate that portion of Common Area "A" north of the proposed final plat at least to the extent that it includes the first detention basin site, along with a temporary ingress/egress easement providing access for maintenance of the detention basin. The approved project text calls for construction of a concrete walking trail at the foot of the bluff in Common Area "A." No information has been submitted with this application concerning when the construction of this portion of the walking trail will be completed.
5. The proposed final plat needs to be revised to reflect the required utility easements and any drainage easements required on each of the lots, along with the front yard setback line.
6. The proposed final plat needs to be revised to follow the lot numbering system on the preliminary plat.
7. The proposed final plat needs to be revised to include a name for the street running north and south on the Section "B" final plat.

RECOMMENDED MOTION: The Hernando Planning Commission reviewed this final plat application at their meeting on November 14, 2017, and found that a review of the submitted final plat for Section "B" of Saint Ives Subdivision reflects that the plat generally conforms to the previously approved project text and preliminary plan; therefore, the Commission voted to recommend approval of the final plat to the Mayor and Board of Aldermen on a vote of four (4) members in favor (Wolfe, Jernigan, Upchurch, Hawkins and Wills) and two (2) members voting against (Cotton and Wicker), and one member absent (Lynch) subject to the following conditions:

1. The developer shall extend the restrictive covenants recorded with Section "A" to incorporate the lots in Section "B" into the Homeowners Association (HOA). Copies of the Homeowners Association declaration for Section "B" and a copy of the incorporation papers of the Homeowners Association shall be submitted to the City staff for inclusion into the file.
2. Warranty deeds transferring all common elements in Section "B" from Lifestyle Communities to the Saint Ives Homeowners Association shall be recorded in the Chancery Court Clerk's Office with the recording of the plat. Copies of those warranty deeds shall be delivered to the Planning staff for inclusion in the files.
3. All conditions attached to the original approval of the zoning, project text, and preliminary development plan for Saint Ives Subdivision by the Board of Aldermen on December 15, 2009, and all subsequent amendments and revisions, to remain in full force and effect.
4. Revise the submitted final plat for Saint Ives Subdivision, Section "B" to address the following:
 - A. Revise the final plat to reflect the required utility easements and any drainage easements required on each of the lots, along with the front yard setback line.
 - B. Revise the final plat to reflect the same lot numbering system on the preliminary plat.
 - C. Revise the final plat to reflect a name on the street running north and south on the plat.
 - D. Revise the plat to incorporate that portion of Common Area "A" north of the proposed final plat at least to the extent that it includes the first detention basin site to the east, along with a temporary ingress/egress easement providing access for maintenance of that detention basin. The detention area located on Common Area "A" to the northeast of Section "B" shall be constructed and approved by the City Engineer prior to the issuance of any building permits in Section "B."
5. Improvements are the responsibility of the developer and not the responsibility of the City.
6. Grading, drainage, and engineering construction plans to be reviewed and approved by the City Engineer.
7. The developer shall install drainage pipe, erosion control material, sewer mains and services, water mains and services, fire hydrants, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat 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 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks.
8. Street light plans to be submitted to the City Engineer for approval.
9. Street identification/traffic control signs and devices to be installed by the developer to City specifications.
10. 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.
11. Sidewalks to be installed along both sides of all streets. The concrete walking trail located in that portion of Common Area "A" to be included in and recorded as part of Section "B" shall be constructed and approved by the City Engineer prior to the issuance of any building permits in Section "B."
12. Final edits are to be applied to the proposed final plat of Section "B" of Saint Ives Subdivision as required by City regulations and deemed necessary by City staff.
13. Appoint a temporary City Engineer for this project to exercise the authority and responsibilities of the City Engineer in light of the current City Engineer's conflict relative to this application.
14. Final approval by the Board of Aldermen and recording of the plat.
15. Consider requiring construction of a second entrance to the subdivision prior to the issuance of any building permits in Section "B."

CHECKED FOR SUBMISSION TO THE COMMISSION BY BJP **DATE:** 11/15/17
MOTION BY: _____ **SECOND BY:** _____

VOTE	BROOKS	BRYANT	HARRIS	HIGDON	HOBBS	MCLENDON	MILLER
YES	_____	_____	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____	_____	_____

St. Ives Subdivision



November 7, 2017

EXHIBIT 1 - AERIAL VICINITY MAP

St. Ives Subdivision



November 7, 2017

EXHIBIT 2 - LOCAL VICINITY MAP

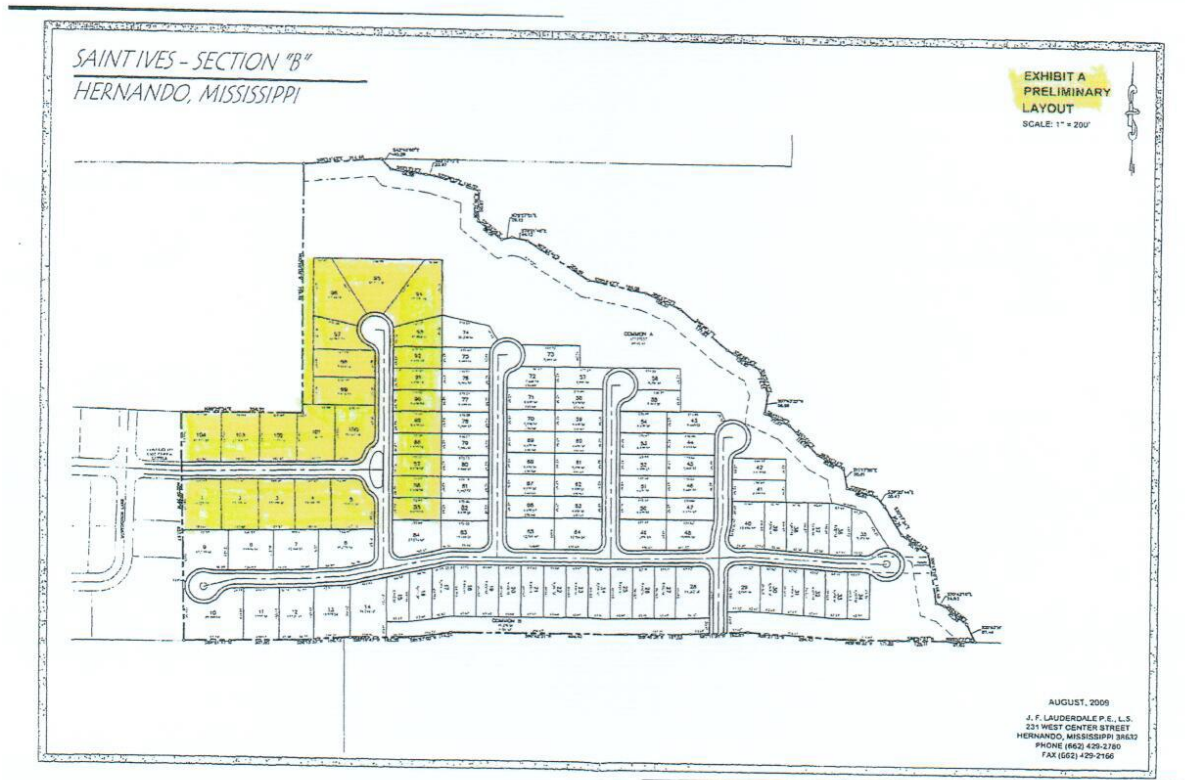


EXHIBIT 3 - PRELIMINARY PLAN

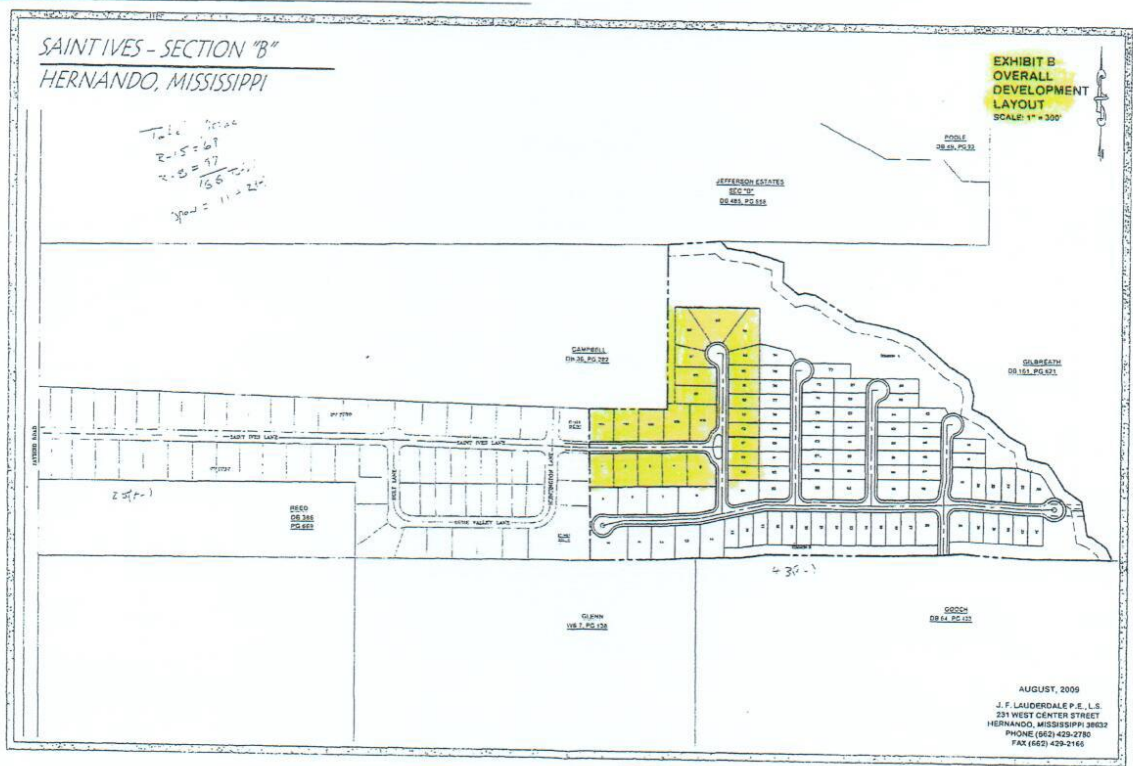
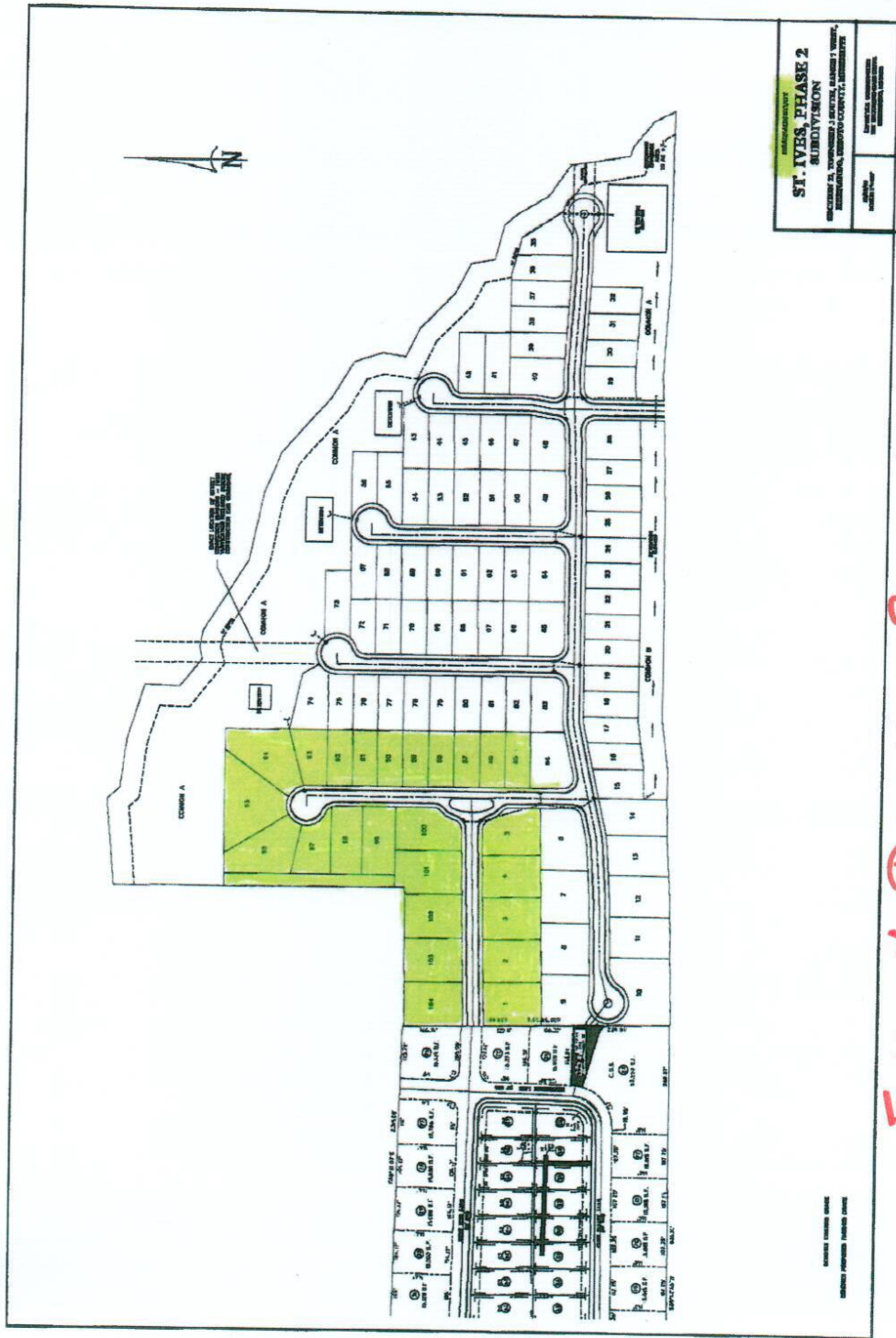


EXHIBIT 3 — PRELIMINARY PLAN



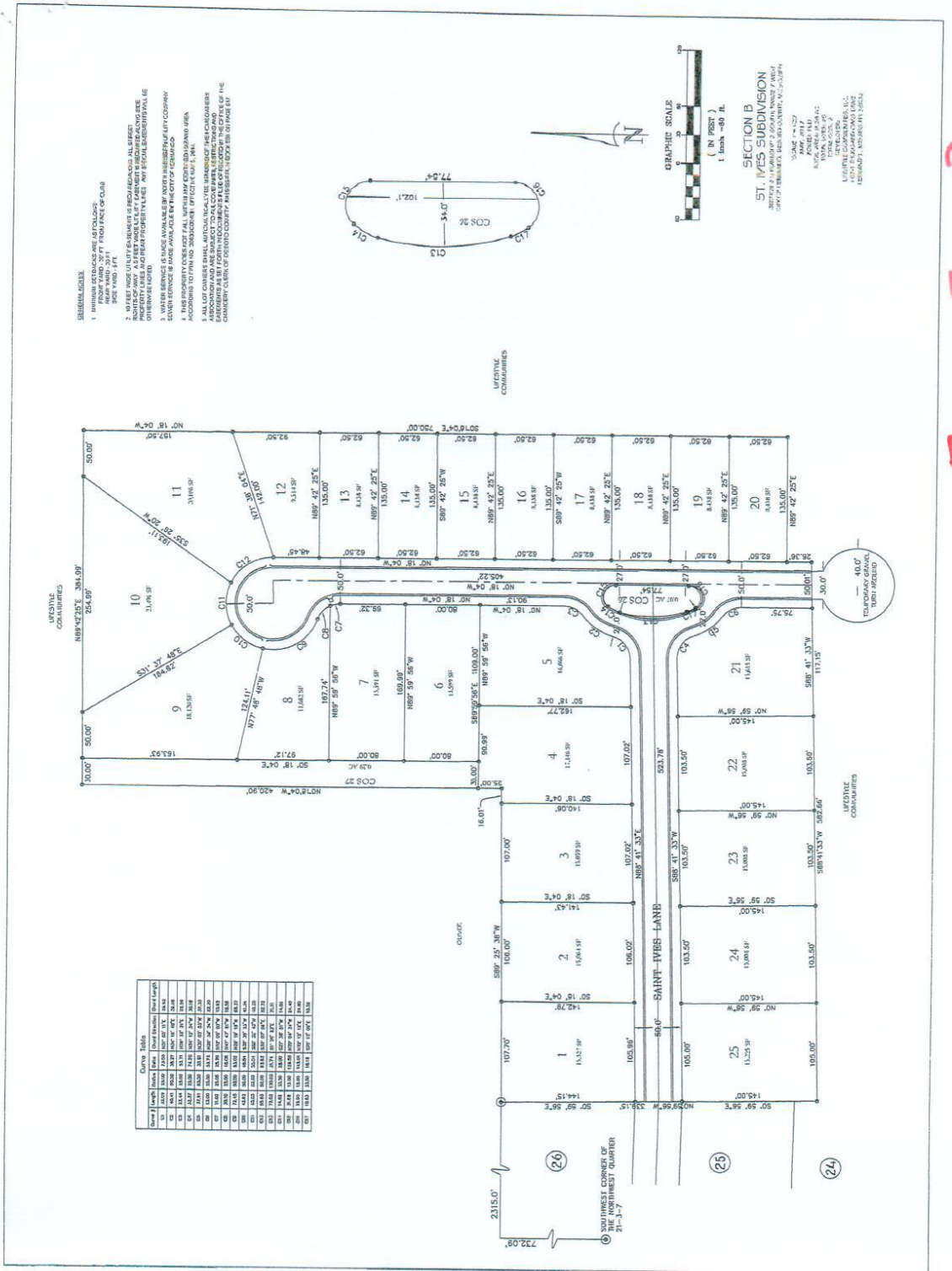


EXHIBIT FINAL PLAN



STATE FIRE MARSHAL'S OFFICE
DIVISION OF THE MISSISSIPPI INSURANCE DEPARTMENT

MIKE CHANEY
Commissioner of Insurance
State Fire Marshal

RICKY DAVIS
State Chief Deputy Fire Marshal

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JACKSON, MISSISSIPPI 39202
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MAILING ADDRESS
Post Office Box 79
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FAX: (601) 359-1076

August 16, 2017

Huber Jones, Fire Chief
Hernando Fire Department
475 West Commerce Street
Hernando, MS 38632

RE: St. Ives Subdivision

Chief Jones:

On August 9, 2017, the State Fire Marshal's Office received a citizen's complaint in reference to the possible lack of fire department access roads in the St. Ives subdivision. In following with Mississippi Code 45-11-105 and the rules and regulations set forth by this statute, *the State Chief Deputy Fire Marshal or his State Deputy Fire Marshal or his duly authorized representative shall enforce the Mississippi Fire Prevention Code pertaining to the prevention, inspection or investigation of fires, whenever:*

1. *The State Chief Deputy Fire Marshal has probable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, or hazardous;*
2. *Required to meet provisions of state agency license requirements;*
3. *A citizen reports an alleged violation;*
4. *The chief of a fire department or other law enforcement authority of any county or municipality reports an alleged violation.*

During our investigation, this office found evidence to support the claim of the lack of fire department access roads, according to the 2012 International Fire Code and the Appendixes adopted by the city.

The St. Ives subdivision has more than the thirty houses allowed for a single fire department access road as required by Appendix D 107.1, which states:

One or two family dwelling residential developments. Developments of one or two family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved access roads, and shall meet the requirements of Section D104.3

Exceptions:

1. *Where there are 30 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.*
2. *The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.*

In conclusion, it is the opinion of the State Fire Marshal's Office the St. Ives subdivision is in violation of the Mississippi Fire Prevention Code. Furthermore, it is the opinion of the State Fire Marshal's Office that no more permits for construction be granted by the City of Hernando, until such time that the developer performs the necessary tasks to bring the fire department access roads up to your currently adopted code.

If you have any questions, feel free to contact our office.



Ricky Davis
Chief Deputy Fire Marshal

By: B.J. Malley
Deputy Fire Marshal, Supervisor
Fire Code Enforcement/ Plan Review
Phone: (601)359-1061
Fax: (601)359-1076

ORDINANCE _____

AN ORDINANCE TO ADOPT AND REFERENCE UPDATED VERSIONS OF THE 2012 INTERNATIONAL CODE COUNCIL (ICC) FAMILY OF CODES AS MODIFIED AND AMENDED, INCLUDING THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL RESIDENTIAL CODE, AND THE 2011 NATIONAL ELECTRICAL CODE, AND THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE,

WHEREAS, the Mayor and Board of Aldermen of the City of Hernando has chosen to adopt and enforce building construction codes for one-family dwellings, two-family dwellings, and all other building types to promote and protect the public health, safety and welfare; and

WHEREAS, the updated ordinances relative to buildings, uses and structures, and systems will consolidate the City's regulations and provide improved clarity, conciseness, and consistency between building construction codes adopted and enforced in the City versus those adopted and enforced in surrounding jurisdictions; and

WHEREAS, the Office of Planning and the Fire Department of the City of Hernando reviewed this ordinance and its proposed updated versions of the ICC family of codes and made a unanimous recommendation to the Mayor and Board of Aldermen to approve the proposal; and,

WHEREAS, a public hearing before the Mayor and Board of Aldermen was held on May 20th 2014 pursuant to notice thereof published in a newspaper of general circulation within the community on May 13th, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN FOR THE CITY OF HERNANDO, MISSISSIPPI, THAT:

THE 2012 INTERNATIONAL BUILDING CODE

Section 1 **The 2012 International Building Code be adopted with the following appendices: Appendix C, Group U—Agricultural Building; Appendix I, Patio Covers with the following modifications and amendments to the 2012 International Building Code:**

Exhibit
B
Page 19

IBC Modification:

When the Building Code refers to the "applicable governing authority", it shall be deemed to be a reference to the Mayor and Board of Aldermen of the City of Hernando. When the Building Code refers to the "code official", it shall mean the person appointed or designated by the Mayor and Board of Aldermen of the City of Hernando to administer and enforce the provisions of the Building Code

IBC Amendment No. 1

THE 2011 NATIONAL ELECTRIC CODE

Section 6 **The 2011 National Electrical Code (NEC) be adopted with the following modifications and amendments:**

NEC Modification

Whenever the National Electrical Code refers to the "code official" it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the Electrical Code.

NEC Amendment No. 1

Amend Article 210, Section 210.12(B) of the 2008 National Electrical Code by adding the following exception;

Exception: Arc-fault circuit interrupters, combination type, shall be required for all bedrooms and in all other rooms shall be optional.

NEC Amendment No.2

Appeals. An appeal, variance request or application for approval of alternative methods or materials as described in IBC Section 104.11 shall be made in writing to the Building Official. The Building Official shall respond in writing within 10 working days of receipt of the request. An appeal of the Building Official's decision shall be requested in writing to the Director of Planning. The Director of Planning shall respond in writing within 10 working days of receipt of the request. An appeal of the Director of Planning decision shall be requested in writing to the Board of Construction Adjustments and Appeals. Appeals and or request for variance to the requirements of the National Electrical Code as adopted and amended by the City of Hernando, shall be heard by the Construction Board of Adjustments and Appeals.

THE 2012 INTERNATIONAL FIRE CODE

Section 7 **The 2012 International Fire Code be adopted with the following appendix: Appendix C – Fire Hydrant Locations and Distribution Appendix B – Fire-Flow Requirements for Buildings, Appendix D – Fire Apparatus Access Roads, Appendix E – Hazard Categories, Appendix F – Hazard Ranking, Appendix H – Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instruction, Appendix I – Fire Protection Systems – Noncompliant Conditions and with the following modifications and amendments to the 2012 International Fire Code:**

IFC Amendment No. 1

APPENDIX D

SECTION D107
ONE- OR TWO-FAMILY RESIDENTIAL
DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

❖ This section requires that one- and two-family dwelling subdivisions with more than 30 dwellings have more than one fire apparatus access road into the development. The second access road is needed in case one access road for any reason becomes unusable. The two access roads must also be remote from one another as required by Section D104.3 to reduce the likelihood that both access roads would be compromised by a single fire or other emergency event.

Exception 1 states that when there are more than 30 dwelling units equipped throughout with an approved sprinkler system in accordance with NFPA 13, 13R or 13D, as applicable or approved, a second access road is not required. This recognizes the effectiveness and reliability of properly designed and installed automatic sprinkler systems in mitigating the need to have two access points.

Exception 2 requires approval by the fire code official any time a new house is constructed on an existing access road. Once the maximum number of dwelling units allowed by this section has been reached, no further development may occur unless the fire code official determines that there will be a future road connection that will prevent creation of an excessive dead-end situation with no means for apparatus turn-around. Such determination by the fire code official should consider the phased-development of an individual project or adjacent projects. Requiring evidence of legal agreements for specific future development would be prudent, especially in times of economic uncertainty. This gives the fire code official an opportunity to assess whether additional access is required in the interim.

D108
REFERENCED STANDARDS

ASTM	F 222	05	Standard Specification for Automated Vehicular Gate Construction
ICC	IBC	2	International Fire Code
IFC	528	05	Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through February 2006

Bibliography

The following resource materials were used in the preparation of the commentary for this appendix of the code:
2009 *International Code Interpretations*, Washington, DC: International Code Council, 2009.

Exhibit
C

Exhibit
D
Page 5

**SUBDIVISION DEVELOPERS GUIDE
To
2006 INTERNATIONAL FIRE CODES
AS ADOPTED AND AMENDED BY DESOTO COUNTY**



DESOTO COUNTY EMERGENCY SERVICES
260 MOTOR SCOOTER DR.
NESBIT, MS 38651
662-469-8017

Letter from the DeSoto County Fire Marshal:



Welcome!

This guide is developed to educate and assist subdivision developers, home builders, community leaders, and Citizens of DeSoto County to better understand the subdivision requirements of the 2006 International Fire Code Adopted by DeSoto County. The intent of this guide is to assist in the process of building subdivisions, long term safety goals for the Citizens of DeSoto County, and to save time and funds in the development of these projects. If you have any questions or concerns, please feel free to call me at 662-469-8017.

Good luck on your project!

A handwritten signature in cursive script that reads "Robert I. Storey, Jr.".

Robert I. Storey, Jr.
Fire Marshal, DeSoto County

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Adoption of Codes

The 2006 International Fire Code was adopted November 4th, 2009 and went into effect January 4, 2010.

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, motor vehicles, and premises.

This code is enacted as an exercise of DeSoto County to protect the public peace, health, safety and welfare, and its provisions shall be liberally construed to accomplish these purposes. The express purpose of this code is to promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected by the terms of this code or ordinance.

The specific intent of this code is to place the obligation of complying with its requirements upon the owners and/or occupiers of new and existing buildings, structures, motor vehicles, and premises within its scope. No provision or term used in this code is intended to impose any duty whatsoever upon DeSoto County, or any of its officers or employees, for whom the implementation or enforcement of this code is discretionary, not mandatory.

**ORDER OF THE DESOTO COUNTY BOARD OF SUPERVISORS ADOPTING
2006 INTERNATIONAL FIRE CODE**

WHEREAS, Section 19-5-9 authorizes county government units to adopt and maintain up to date codes and standards for building, plumbing, electrical, gas, sanitary and other codes related to building; and

WHEREAS, DeSoto County, Mississippi (DeSoto County), so as to protect the health, safety and welfare of its citizens, previously adopted certain codes regulating standards for fire regulation, safety and control; and

WHEREAS, DeSoto County finds that it is in its best interest, so as to better protect the health, safety and welfare of its citizens, and the public at large, to update and modify its adopted standards for fire safety, control and other regulations. DeSoto County further finds that the best way to achieve this result is to adopt the 2006 International Fire Code, the same being presented to the Board, with the amendments as recommended by staff; and

NOW, THEREFORE, BE IT ORDERED by the Board of Supervisors of DeSoto County, Mississippi, as follows:

1. DeSoto County hereby adopts the 2006 International Fire Code, the same being presented to the Board with the amendments as presented by staff (Adopted Code); and
2. The Adopted Codes shall be certified by the President of the Board and the Clerk of the Board. Thereafter the Adopted Code shall be filed as a part of the record of the office of the Clerk, who shall not be required to transcribe and record the same in the minute book or other orders.
3. The Adopted Code shall become effective 60 days from the date of this order.
4. This order shall be published in a local paper three times within thirty days of the date hereof.

SO ORDERED this 4th day of November, 2009.

Tommy Lewis
Tommy Lewis, President

I hereby certify that the foregoing is a true copy of the Order adopted in the regular meeting of the DeSoto County Board of Supervisors on the 4th day of November, 2009.
ATTEST:

W.E. Dinkins
W.E. "Stingy" Davis, Clerk
By *W.E. Dinkins*
Order adoption 2009-11-04 (10/2)

P1: Copy of the DeSoto County Board of Supervisors Adoption of 2006 International Fire Code

Board of Appeals

Please if at any time you feel that we have incorrectly interpreted the provisions of this code, that this code does not fully apply to your project, or you have a proposed equivalent method, protection, or safety standard, follow our appeals process.

2006 IFC as amended: Section 108 Appeals Process

108.1 Appeals Process. In order to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this code, the following appeals process shall be adhered to:

1. Except for an appeal brought in pursuant to 105.5.2(3), an application for appeal shall be based on a claim that the intent of this code or the rules adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method or protection or safety is proposed. This application will be turned in to the fire code official. The fire code official will have ten (10) business days to review the application for appeal and shall issue a final decision in writing sustaining, modifying, or withdrawing the initial decision.
2. If the appeal applicant disagrees with the fire code official's written final decision, the appeal applicant may turn in the application for appeal and a copy of the fire code official's written final decision, to the DeSoto County Board of Supervisors. The DeSoto County Board of Supervisors will meet at times designated by the DeSoto County Board of Supervisors and meet on such business in the order it is received with other county business.

One- or two- family residential developments.

The presence of this section in an appendix of the code often raises the question as to whether it is the intent of the code that its regulations (including duly adopted appendices) concerning fire apparatus roads be applicable to one- and two- family residential development sites upon which buildings are constructed under the provisions of the International Residential Code (IRC). The answer is that the IRC is intended to be a stand-alone code for the construction of detached one- and two-family dwellings and townhouses not more than three stories in height. That is, all of the provisions for the construction of buildings of those descriptions are to be regulated exclusively by the IRC and not by another International Code. Note, however, that the IRC applies only to the construction of the structures of one- and two-family dwellings and not to the development of the site upon which multiple structures are built. Accordingly, where the code is adopted, its fire apparatus access road provisions contained in Chapter 5 and the related appendices would apply cause they are dealing with land development requirements providing fire protection access to the community.

D107.1 One- or two-family residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development as determined by the fire code official.

This section requires that one- and two-family dwelling subdivisions have more than one fire apparatus access road into the complex. The second access road is needed in case one access road for any reason becomes unusable. The two access roads must also be remote from one another as required by Section D104.3 to reduce the likelihood that both access roads would be unavailable during a fire or other emergency.

Exception 1 states that when there are more than 30 dwelling units equipped throughout with an approved sprinkler system in accordance with NFPA 13, 13R, or 13D, as applicable or approved, a second access road is not required. This recognizes the effectiveness and reliability of properly designed and installed automatic sprinkler systems in mitigating the need to have two access points.

Exception 2 requires the approval by the fire code official anytime a new house is constructed on an existing access road. This gives the fire code official an opportunity to assess whether additional access is required.

Required Fire Apparatus Access

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire apparatus by the way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

This section contains more detailed specifications for the road surface and applied roads. We would require this be documented on your subdivision plan for approval.

Remoteness between Fire Apparatus Access Roads

D104.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

This concept is similar to the one dealing with the remoteness of exits. One of the primary reasons for multiple access roads is to ensure that if one access road is blocked or otherwise unavailable, another will allow access to the fire department. Therefore, when more than one access road is required, they need to be separated by enough distance to avoid a situation where both would be blocked or unavailable simply because they are too close to one another. We would require the measurements be shown with your site plan.

Dimensions of Fire Apparatus Access Road

Section 503.2.1 Dimensions. Fire apparatus access roads shall have a unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. (4115 mm).

This intent of the minimum 20-foot width is to provide space for fire apparatus to pass one another during fire-ground operations. The need to pass may occur when engines are parked for hydrant hook-up, laying hose or when trucks are performing aerial ladder operations. When an engine company is connected to a fire hydrant parallel to the curb using a front/rear/side section connection and using a side-discharge port on the pump, the horizontal distance that is needed to make a no-kink bend in the discharge fire hose can be considerable, especially when a large-diameter hose (LDH) is being used. The roadway width needed to accommodate such a common operational scenario would be the width of the apparatus plus the no-kink radius of the discharge hose, leaving minimal roadway width for other apparatus to squeeze by, if needed.

The minimum vertical clearance of 13 feet 6 inches is the standard clearance used for highway bridges and underpasses. This requirement would apply to any canopies, gate entrances, etc that encroaches upon the fire apparatus access road.

Authority of Fire Code Official to Increase Road Width

Section 503.2 Authority. The fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

The fire code official may require greater dimensions based on the size and maneuverability of the anticipated emergency response apparatus, including mutual-aid apparatus from neighboring communities or agencies.

Grade of Fire Apparatus Access Road

Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as approved by the fire chief.

This appendix states a numerical criterion of not more than 10 percent, which is fairly conservative for most situations. There is an exception to this section that would allow the fire chief to approve a grade greater than 10 percent. This gives the fire department flexibility for specific situations where terrain might call for a steeper grades.

Roadway Dead Ends

D103.4 Dead ends. Dead-end apparatus roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Please refer to Figure D103.1 for turnarounds.

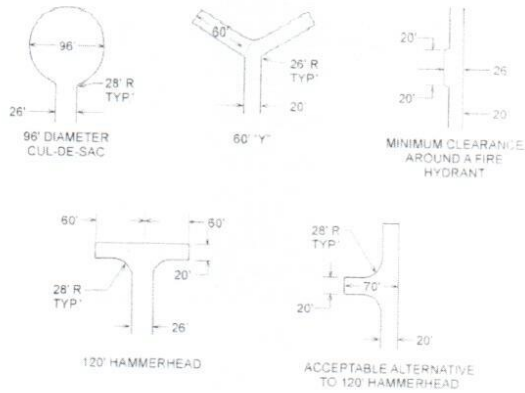


Figure D103.1: Dead-end fire apparatus access road turnaround

Though the widths of the access roadways may be sufficient to move and operate the necessary equipment at a fire scene, they may not be wide enough for the vehicles to turn around. On through streets this is not an issue, but when the road is a dead end and is sufficiently long, some means are necessary to enable fire department vehicles to turn around rather than having to back up excessive distances. The three major methods used to provide a turn-around area are a cul-de-sac, hammerhead, and "Y." Figure D103.1 shows examples of all three types.

Dead ends require a fire vehicle turnaround when they exceed 150 feet. The turnaround is located at the end of the roadway or within 150 feet of the end of the roadway to limit the backing distance to a maximum of 150 feet. Backing a large vehicle, such as a tower ladder, over 150 feet, especially in cases where the engineer may have to use video equipped back-up system due to the vehicles length. In any event, the configuration of the roadway and turnaround must be approved by the fire code official.

Fire Apparatus Access Road Gates

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.

Gates are often used as a security mechanism for gated communities and complexes. This section gives some specific requirements for maintaining gates and requirements for emergency access. The seven requirements stated here all must be complied with. They focus on maintaining the required width, ease of use and ability to open in an emergency situation. The methods for opening gates, whether by manual lock or by an electrical mechanism, must be approved by the fire code official. This ensures that the operating procedures of the fire department are taken into account.

Fire Flow Requirements

Section B105.1 – One- and two- family dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation which does not exceed 3,600 square feet (344.5m²) shall be 1,000 gallons per minute (3785.4 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation are in excess of 3,600 square feet (344.5 m²) shall not be less than that specified in Table B105.1.

Exception: A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an automatic sprinkler system.

However, the appendix uses 1,000 gpm (3785 L/min), which would be equivalent to a 30 foot (9144mm) distance from exposures. If the distance between exposures is 11-30 feet, the minimum fire flow shall be 1000-1500 gpm. If the distance between exposure is 10 feet or less, the minimum fire flow shall be 1500 – 2000 gpm. (ISO Guide, referenced in 2006 IFC Code and Commentary).

NFPA 1141: Standard for Fire Protection Infrastructure for Land Development in Wild land, Rural, and Suburban Areas: Section 9.2.2 – All required fire flows not exceeding 1,500 gpm (5,678 L/min), the water supply system shall be capable of delivering the required fire flow for at least 1 hour at 20 psi (138 kPa).

One of the basic essentials needed to control and extinguish a structure fire is an adequate water supply. Designing the water supply for the new housing subdivisions is an important part of the initial planning for new development projects. Fire Flow is the flow rate of a water supply measured at 20 pounds per square inch (psi) (138kPa) residual pressure, that is available for firefighting. This decision is based on local conditions and circumstances, including but not limited to, water supply system availability land use density, building construction type, structure fire separation, fire apparatus access and street layout, installation of fire protection systems in the buildings, fire department operational capabilities and response time analysis.

**TABLE B105.1
MINIMUM REQUIRED FIRE-FLOW AND FLOW DURATION FOR BUILDINGS***

FIRE-FLOW CALCULATION AREA (square feet)

Type IA and IB ^b	Type IA and IA ^b	Type IV and V-A ^b	Type IB and IIB ^b	Type V-B ^b	FIRE-FLOW (gallons per minute) ^c	FLOW DURATION (hours)
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,000	
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,300	4,801-6,200	2,000	2
38,701-48,300	21,801-24,200	12,901-17,400	9,301-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,300	7,701-9,400	2,500	
59,001-70,900	33,201-39,200	21,301-25,500	15,301-18,900	9,401-11,300	2,750	
70,901-83,700	39,201-47,000	25,501-30,100	18,401-21,800	11,301-13,400	3,000	
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	3
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,900	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,901-37,900	20,601-23,300	4,000	
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-85,700	47,401-51,500	6,000	4
---	---	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
---	---	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
---	---	135,501-145,300	97,901-106,800	60,201-64,800	6,750	
---	---	145,301-156,700	106,801-113,200	64,801-69,600	7,000	
---	---	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
---	---	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
---	---	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
---	---	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

For SI: 1 square foot = 0.0929 m²; 1 gallon per minute = 3.785 L/min; 1 pound per square inch = 6.895 kPa.
 a. The minimum required fire flow shall be allowed to be reduced by 25 percent for Group R.
 b. Types of construction are based on the International Building Code.
 c. Measured at 20 psi.

Fire Hydrants Requirements

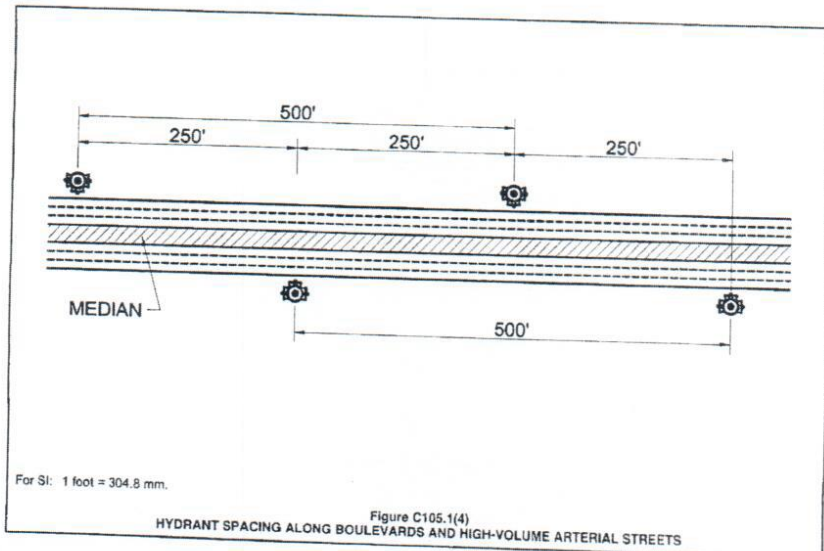
Section C103.1 Number of Fire Hydrants – The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

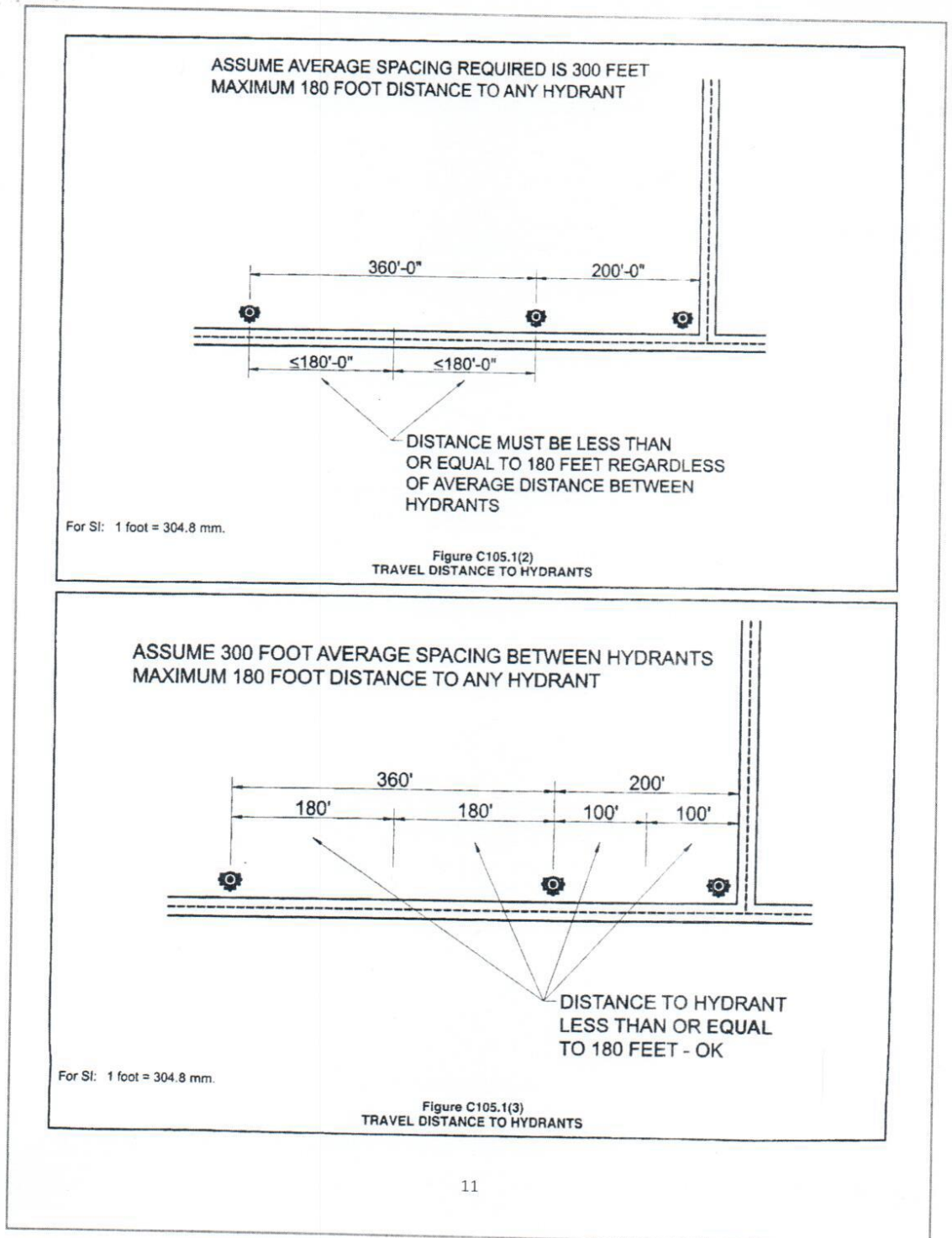
**TABLE C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS ^{a, b, c} (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ^d
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more ^e	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

- a. Reduce by 100 feet for dead-end streets or roads.
- b. Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.
- c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- d. Reduce by 50 feet for dead-end streets or roads.
- e. One hydrant for each 1,000 gallons per minute or fraction thereof.





Alderman McLendon asked about a letter from the State Fire Marshall.

BJ Page answered that the letter pertains to building permits.

Barry Bridgforth, Attorney for Developer, advised the Board that they agreed with the Planning Commission's recommendations and with Mr. Page's representation. When this was approved back into 2009, the Board added a street going to Jefferson, that would be the second entrance. Mr. Bridgforth referred to the Fire Marshals letter, referencing the future access road connecting to a future development, being Jefferson.

Vance Daly, 1708 Roberts Cove, Attorney for some of the residents, brought up two main issues being the 2012 Fire Code and that there were 60 houses in Section A. Mr. Daly referred to the State Fire Marshal's letter. It states that no more permits need to be issued because there needs to be another road, but permits are still being issued. The new fire code that was adopted by the Board in 2012, stated that if you have more than 30 houses, you have to have a second road, the second road is not required if your homes have sprinkler systems. There are sixty something houses in section A, in which none of them have sprinkler systems. Therefore they are already in violation of our current fire code. My next point is that

this Board approved in 2009, the St Ives PUD, states that when Jefferson Phase 2 is complete, Jefferson and St. Ives will be connected allowing addition access to both neighborhoods. Additionally, there is a proposed stub road to the south and east that will eventually tie into Getwell road. This is the first mention that I've heard about Jefferson Phase 2 even come into light. The Board approved of in 2009 has not happened. There is no Jefferson Phase 2 that I know of. It is my opinion that the Final Plat doesn't meet what was approved in 2009. If Jefferson Phase 2 never happens there will be no second access. The whole plan is 166 lots. Fire code says that one road with more than 31 houses is a danger. Mr. Daly acknowledged that the issue of building permits was separate from the plat issue, but they were actually joined.

Alderman Miller stated that building permits and plat approval are two different things.

Jared Darby stated that they are two separate issues. In around about way, they are in the same. This is a Board decision, why would you approve the plat without the second entrance knowing that the this is coming right around the corner. It is not a State Fire Marshal issue, it is the Fire code. What if the connecting road from Jefferson is never completed. Mr. Darby stated why allow the plat if you will not be able to allow the permits.

Alderman Miller and Alderman Hobbs stated that is the Builders problem.

Kenny Stockton stated that the City is not the Builders protector. That will be their issue.

Alderman McLendon requested that the August 17, 2017 Fire Marshall letter be a part of the minutes.

Jared Darby spoke in opposition to the filing of the final plat.

Brad Sims also spoke in opposition to the final plat. Mr. Sims requested that a copy of the ordinance comments to Appendix "D" and the Subdivision Developers Guide to the 2006 International Fire Codes be made a part of the minutes. Presented by Mr. Sims to the Mayor for inclusion. The county has a process to deal with this in the beginning. Since the permit process has failed me already, when this is approved, what is my insurance that someone going to come address my neighborhood.

Motion was duly made by Alderman McLendon and seconded by Alderwoman Brooks to table this request and request an Attorney General opinion on whether or not the 2012 Fire Code supersedes the 2009 Board Action Purpose for "Safety Reasons". A vote was taken with the following results:

Those voting "Aye": Alderman Harris, Alderman McLendon, and Alderwoman Brooks.

Those voting "Nay": Alderman Bryant, Alderman Miller, and Alderman Hobbs.

TIE VOTE.

Mayor Pro Tem Higdon voted No.

MOTION FAILED.

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to approve the St. Ives Subdivision Final Plat and incorporate the Planning Commission recommendation with Items 1-14 to be included. A vote was taken with the following results:

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

Those voting "Nay": Alderman McLendon and Alderwoman Brooks.

ORDERED AND DONE this the 21st day of November, 2017

APPLICATION FOR A FINAL SUBDIVISION, TITLED "WEST LAYNE TOWNHOMES" SUBMITTED BY DANIEL MURPHY, CONSULTING ENGINEER. THE SUBDIVISION IS COMPRISED OF 9 LOTS TOTALING 0.71 ACRES LOCATED ON THE SOUTH SIDE OF EAST VALLEY STREET AND WEST OF MT. PLEASANT RD, SITUATED IN SECTION 18, TOWNSHIP 3, RANGE 7. FILE: PL-1280

Planning Director Keith Briley presented the staff report.
Andy Richardson presented the application.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.: PL-1280
Request: Final subdivision Plat - West Layne Townhomes
Location: South side of East Valley Street and west of Mt. Pleasant Rd situated in Section 18, Township 3, Range 7 – Parcel No. 307418002 0005500
Applicant: Daniel Murphy, Consulting Engineer
Date: November 21, 2017

INTRODUCTION:

The applicant, Mr. Daniel Murphy, is requesting Final Plat approval for West Layne Townhomes Subdivision, a 9-lot, 0.71-acre townhome development.

BACKGROUND:

The Planning Commission recommended approval to the Board of Aldermen a Zoning Amendment for the subject property (Parcel No. 307418002 0005500) from R-10 Single Family Residential (Medium Density) to Planned Unit Development (PUD) on June 14, 2016, (PL-1145). On July 19, 2016, the Board of Aldermen voted to approve the zoning amendment.

DISCUSSION:

The proposed subdivision will consist of 9 lots. Eight (8) are to be developed as townhome style multi-family residential units divided into two (2) separate structures. A common private driveway will separate the two (2) structures. The ninth (9th) lot will be common open space where parking is to be provided. The west and east property lines will have a ten-foot (10') utility easement that runs north and south. The front setback will be fifteen feet (15') and the rear setback will be seventy-five feet (75') to accommodate the common open space.

PLANNING COMMISSION ACTION:

The Planning Commission met on November 14, 2017, and voted to grant Final Plat approval for West Layne Townhomes Subdivision, a 9-lot, 0.71-acre townhome development, subject to Staff Comments.

STAFF COMMENTS:

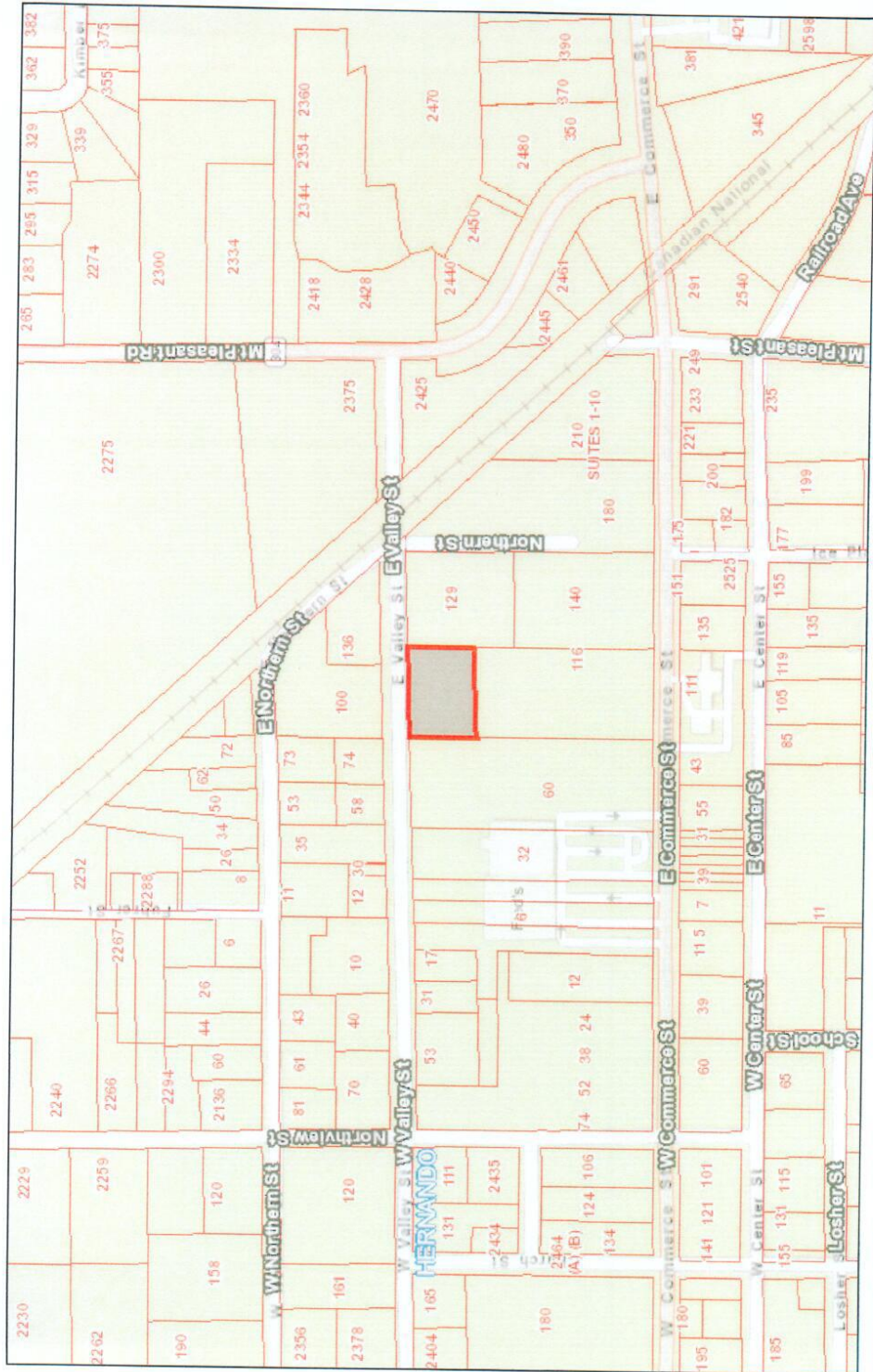
1. If approved and prior to submitting the plat for recording, the applicant shall complete and fully execute all applicable certifications.
2. After the final plat is recorded, the project can be submitted for a Certificate of Development.
3. After receiving a Certificate of Development approval, the project can be submitted for Construction Plan Approval and Building Permit.
4. Improvements are to be the responsibility of the Developer and not the responsibility of the City of Hernando.
5. Grading, drainage, and engineering construction plans shall be submitted to the Office of Planning for review and approval by the City Engineer and Public Works Director.
6. 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.

STAFF RECOMENDATION:

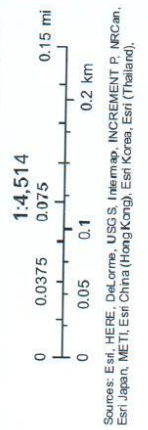
Staff recommendation is for approval.

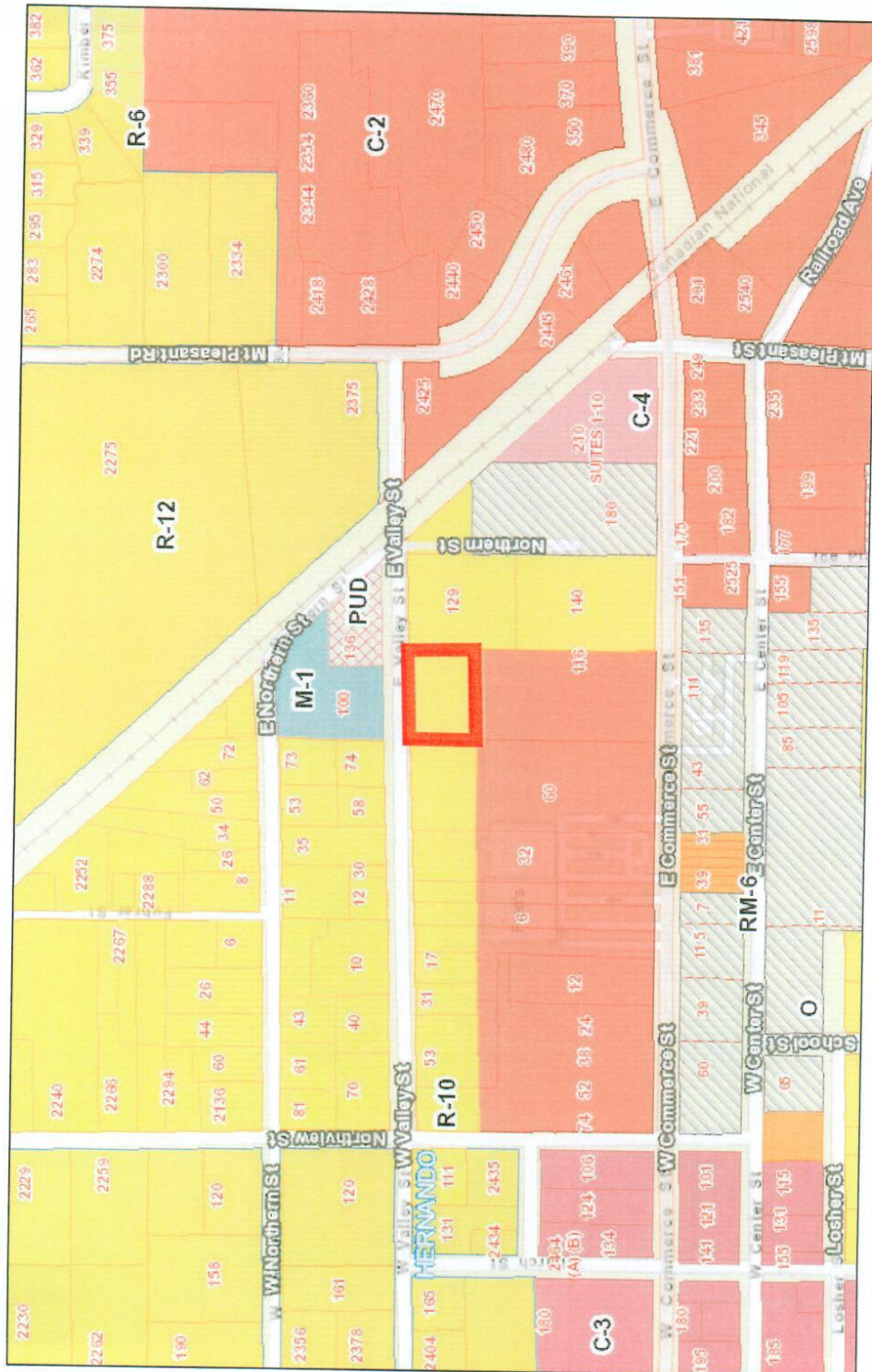
PROPOSED MOTION:

I move to grant Final Plat approval for West Layne Townhomes Subdivision, a 9-lot, 0.71-acre townhome development, subject to Staff Comments.



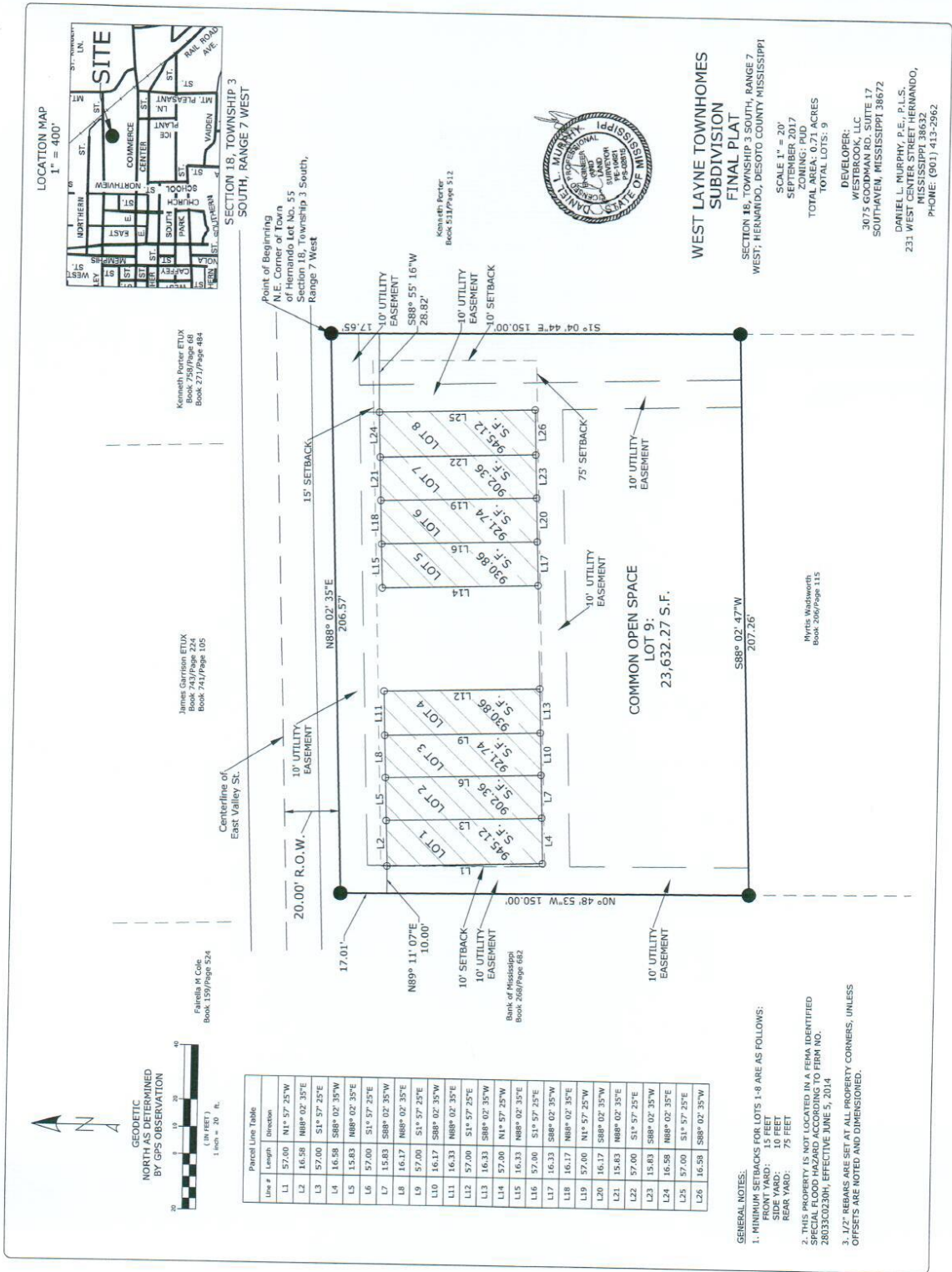
October 18, 2017

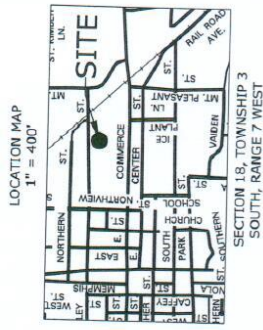




1:4,514
0 0.0375 0.075 0.15 mi
0 0.05 0.1 0.2 km
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).

October 18, 2017





HERNANDO MAYOR & BOARD OF ALDERMEN
 APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF HERNANDO, DESOTO COUNTY, MISSISSIPPI, ON THIS THE _____ DAY OF _____, 2017, MINUTE BOOK _____, PAGE _____.

MAYOR _____
 CITY CLERK _____

CITY CLERK'S CERTIFICATE
 STATE OF MISSISSIPPI, COUNTY OF DESOTO
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON WAS FILED FOR RECORD IN MY OFFICE AT _____ O'CLOCK, _____ M., ON THE _____ DAY OF _____, 2017, AND WAS IMMEDIATELY ENTERED UPON THE PROPER INDEXES AND DULY RECORDED IN PLAT BOOK _____, PAGE _____.

CHANCERY CLERK'S CERTIFICATE
 STATE OF MISSISSIPPI, COUNTY OF DESOTO
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON WAS FILED FOR RECORD IN MY OFFICE AT _____ O'CLOCK, _____ M., ON THE _____ DAY OF _____, 2017, AND WAS IMMEDIATELY ENTERED UPON THE PROPER INDEXES AND DULY RECORDED IN PLAT BOOK _____, PAGE _____.

CHANCERY CLERK _____

OWNER'S CERTIFICATE
 I, _____ OWNER OR AUTHORIZED REPRESENTATIVE OF THE OWNER OF THE PROPERTY, HEREBY ADOPT THIS AS THE SUBDIVISION AND DEDICATE THE RIGHT-OF-WAY FOR THE USE OF ROADS AND UTILITY easements AS SHOWN ON THE PLAT OF THE SUBDIVISION TO THE CITY OF HERNANDO, MISSISSIPPI, FOR THE PUBLIC USE FOREVER. I CERTIFY THAT I AM OWNER IN FEE SIMPLE OF THE PROPERTY AND THAT NO TAXES HAVE BECOME DUE AND PAYABLE, THIS THE _____ DAY OF _____, 2017.

OWNER OR AUTHORIZED REPRESENTATIVE _____

NOTARY'S CERTIFICATE
 STATE OF MISSISSIPPI, COUNTY OF DESOTO
 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY IN AND FOR THE SAID COUNTY AND STATE ON THE _____ DAY OF _____, 2017, _____ ACKNOWLEDGES THAT HE/SHE IS _____ OF _____ AND THAT FOR AND ON BEHALF OF THE SAID LIMITED LIABILITY COMPANY, HE/SHE ACT AND DEED HE/SHE EXECUTED THE ABOVE AND FOREGOING CERTIFICATE FOR THE PURPOSES MENTIONED ON THE DAY AND YEAR HEREIN MENTIONED, AFTER FIRST HAVING BEEN DULY AUTHORIZED BY SAID LIMITED LIABILITY COMPANY SO TO DO.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

MORTGAGEE'S CERTIFICATE

HERNANDO, HEREBY ADOPT THIS AS MY PLAN OF SUBDIVISION AND DEDICATE THE RIGHT-OF-WAY FOR THE USE OF ROADS AND UTILITY easements AS SHOWN ON THE PLAT OF THE SUBDIVISION TO THE CITY OF HERNANDO, MISSISSIPPI, FOR THE PUBLIC USE FOREVER. I CERTIFY THAT I AM THE MORTGAGEE IN FEE SIMPLE OF THE PROPERTY AND THAT NO TAXES HAVE BECOME DUE AND PAYABLE. THIS THE _____ DAY OF _____, 2017.

TITLE _____ SIGNATURE OF MORTGAGEE _____

NOTARY'S CERTIFICATE
 STATE OF MISSISSIPPI, COUNTY OF DESOTO

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY IN AND FOR THE SAID COUNTY AND STATE ON THE _____ DAY OF _____, 2017, WITHIN MY JURISDICTION, THE WITHIN NAMED _____ WHO ACKNOWLEDGED THAT HE/SHE IS _____ OF _____ BANK, AND AS ITS ACT AND DEED HE/SHE EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AFTER FIRST HAVING BEEN DULY AUTHORIZED BY SAID BANK SO TO DO.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I HAVE DRAWN THIS PLAT FROM AN ACTUAL ON THE GROUND SURVEY BY AND FROM DEEDS OF RECORD AND THAT THE PLAT REPRESENTS THE INFORMATION AND THAT IT IS TRUE AND CORRECT.

DANIEL L. MURPHY, P.E., P.L.S.

CITY OF HERNANDO CERTIFICATE
HERNANDO PLANNING COMMISSION

APPROVED BY THE HERNANDO, DESOTO COUNTY, MISSISSIPPI, PLANNING COMMISSION ON THIS THE _____ DAY OF _____, 2017.

CHAIRPERSON _____

SECRETARY _____

WEST LAYNE TOWNHOMES SUBDIVISION

SECTION 18, TOWNSHIP 3 SOUTH, RANGE 7 WEST, HERNANDO, DESOTO COUNTY MISSISSIPPI

SEPTEMBER 2017
 ZONING: F4D
 TOTAL AREA: 0.71 ACRES
 TOTAL LOTS: 9

DEVELOPER:
 WESTBROOK LLC
 3075 GOODMAN RD, SUITE 17
 SOUTHAVEN, MISSISSIPPI 38672
 DANIEL L. MURPHY, P.E., P.L.S.
 231 WEST CENTER STREET HERNANDO,
 MISSISSIPPI 38632
 PHONE: (901) 413-2962

10/18/2017

Real Property Search by Parcel Number

Real Property Land Information Display

PARCEL#:	Twn	Rng	Area	Sct	Sub	Qtr	Lot#	Split	TAX DISTRICT:	5101	Click For Tax Map PDF	Display Tax Receipt Data	Tax Calculator
3	07	4	18	00	2	00055	02		LOT SIZE:	207 X 150	Click for GIS Map		

LANDOWNER INFO:	WESTBROOK LLC
	3075 GOODMAN RD #17
	SOUTHAVEN MS
	38671-0000

LEGAL DESCRIPTION:	PT SW1/4 NW1/4
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DRAINAGE			
CODE:			
BENEFIT:	.00	.00	.00
SUPV. DIST.:	5		

DEEDS	BOOK:	PAGE:	DATE:
	796	347	7/15/16
			0/00/00
			0/00/00

APPRAISED LAND VALUE:	30,000
APPRAISED IMP. VALUE:	0
APPRAISED TOTAL VALUE:	30,000
ASSESSED TOTAL VALUE:	4,500

PROPERTY LOCATION:	0
---------------------------	---

DEEDED ACRES:	.00
CALC. ACRES:	.00

SECTION:	18
TOWNSHIP:	03
RANGE:	07

Item 4:

Application for a Zoning Map Amendment, submitted by Westbrook, LLC, is requesting a zoning amendment for 0.71 acres from R-10, Medium Density Residential to PUD, Planned Unit Development. The subject property is better known as parcel 307418002 0005500; situated in Section 18, Township 3 South, and Range 8 West.

Mr. Darby presented the application to the commission. Commissioner Carter asked if this property was located in or conflicted with the Historic District. Mr. Darby stated that it was not in an H-1 Overlay District, but is fairly close to one. Commissioner Wolfe also asked how this is intended to be for retirees when most of the floor plans show only bedrooms on the second floor.

Mr. Daniel Murphy, 231 W Center Street, came forward to represent the application. He stated that he is representing the potential owner, Cliff McLemore.

Commissioner Pirtle stated that the previous PUD application was originally presented with many of the same issues needing to be addressed and the Commission tabled the application to allow the applicant time to address staff concerns. Commissioner Pirtle feels the same should be done with this application. Mr. Murphy replied that he feels the submitted application adequately addressed all questions. He added that Mr. McLemore would like to make sure the property is rezoned before he purchases the lot and puts a lot of money into the plans.

Mr. Cliff McLemore, 7459 Elsbury Lane Olive Branch, MS, came forward as the applicant. He stated that he would have no problem presenting a better image to the Planning Commission, but most of the items in question will be addressed in the design phase of the project. Mr. McLemore then addressed Commissioner Wolfe's previous concern by explaining that they are looking into having wings on one side that will be one story, one bedrooms townhomes geared toward seniors.

Commissioner Jernigan asked if this could be considered spot zoning. Mr. Darby said that there is a fine line with PUD's because the uses within a PUD are variable. Mr. Darby stated that intensity of the use should be considered when determining if an application is spot zoning. Commissioner Jernigan then asked if this would increase the traffic problems at Valley and Commerce Street. Mr. McLemore said he does not feel that it will bring excess traffic because it is within walking distance of almost everything.

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

Mr. Sam Lauderdale, 2375 Mt. Pleasant came forward and added that he is also representing his father who owns the property at 2275 Mt. Pleasant. Mr. Lauderdale began by stating that the applicant has not presented enough information to make an informed decision. Commissioner Carter asked if he is against the proposed rezoning. Mr. Lauderdale said he would be violently opposed to multi-family rental units at this location, but without more information he cannot say if he is for or against. Mr. Lauderdale added that everything in the area is no less than an R-10, Single Family Residential and there has been no change to the area to warrant a rezoning that allows multi-family units. That type of zoning would have an adverse effect on other property owners in the area. He asked the Commission to consider the property owners in this area when making their decision.

Commissioner Carter made a motion to table the application until the April meeting to allow the applicant time to complete the proposal for rezoning. Commissioner Wolfe seconded the motion. The motion passed unanimously.

CITY OF HERNANDO

REGULAR MEETING

JULY 19, 2016

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

Alderman Lauderdale recused himself and left the room.

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

MAYOR AND BOARD OF ALDERMEN
FILE: PL-1145

DATE: July 19th, 2016

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

INTRODUCTION:

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

DESCRIPTION:

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

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

ZONING AMENDMENT CRITERIA:

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

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

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

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

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

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

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

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

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

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

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

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

3. **The public need for the rezoning.**

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

CITY OF HERNANDO

REGULAR MEETING

JULY 19, 2016

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

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

DEVELOPMENT PLAN:

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

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

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

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

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

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

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

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

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

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

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

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CITY OF HERNANDO

REGULAR MEETING

JULY 19, 2016

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

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

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

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

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

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

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

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

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

STAFF COMMENTS:

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

CITY OF HERNANDO

REGULAR MEETING

JULY 19, 2016

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

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

Alderman McLendon asked about the construction traffic.

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

Alderman McLendon asked how many units will be there.

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

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

Alderman McLendon asked how much a unit would go for.

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

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

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

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

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

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

Those voting "Nay": None.

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

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

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

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Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to approve the application for Final Subdivision, titled "West Layne Townhomes" submitted by Daniel Murphy, Consulting Engineer, following the Planning Commission recommendation and subject to the conditions listed in the staff report. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

APPLICATIN FOR A FINAL SUBDIVISION, TITLED “NESBIT INDUSTRIAL PHASE 9, LOT 1” SUBMITTED BY TIMBER RIDGE LLC. THE SUBDIVISION IS COMPRISED OF 2 LOTS TOTALING 1.31 ACRES LOCATED ON THE SOUTH SIDE OF NESBIT RD AND WEST OF NESBIT DR, SITUATED IN SECTION 25, TOWNSHIP 2, RANGE 8. FILE: PL-1283

Planning Director Keith Briley presented the staff report.
Blake Mendrop presented the application.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.: PL-1283
Request: Final Subdivision Plat – Nesbit Industrial Park, Phase 9, Lot 1
Location: south side of Nesbit Road and west of Nesbit Drive situated in Section 25, Township 2, Range 8
Applicant: Robert Davis with Timber Ridge, LLC
Date: November 21, 2017

INTRODUCTION:

The applicant, Mr. Robert Davis with Timber Ridge, LLC, is requesting Final Plat approval for Nesbit Industrial Park, Phase 9, Lot 1.

BACKGROUND:

Nesbit Industrial Park is located within the northern portion of the City of Hernando on the south side of Nesbit Road and west of Highway 51. Nesbit Drive is the access road into the subdivision from Nesbit Road. Phase 9 Lot 1 is the division of a larger parcel of land owned by Timber Ridge LLC.

DISCUSSION:

The proposed 1-lot subdivision is located on the west side of Nesbit Drive. The proposed lot will be 1.31 acres in size. The subject property is located in the M-1 Light Industrial District. The M-1 district allows for light manufacturing establishments including assembling, processing, storage, and distributing activities. New residential development is not permitted in this district (Article VIII, §a., ¶i.). Specific allowable uses and conditional use can be found Article. VIII, §a., ¶ii. and Article. VIII, §a., ¶iii.

The M-1 district requires the following setbacks for all lots:

Front:50'
Rear:10'
Side:20'

The proposed lot also has two (2) existing 10-foot water and sewer easements located in the rear of the lot. The proposed subdivision meets the setback requirements

PLANNING COMMISSION ACTION:

The Planning Commission met on November 14, 2017, and voted to grant Final Plat approval for Nesbit Industrial Park, Phase 9, Lot 1, subject to Staff Comments.

STAFF COMMENTS:***Standard Comments***

1. Improvements are to be the responsibility of the Developer and not the responsibility of the City of Hernando.
2. Grading, drainage, and engineering construction plans to be submitted to the Office of Planning for review and approval by the City Engineer and Public Works Director.
3. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
4. Sidewalks shall be installed as part of the site development.

Project Specific Comments

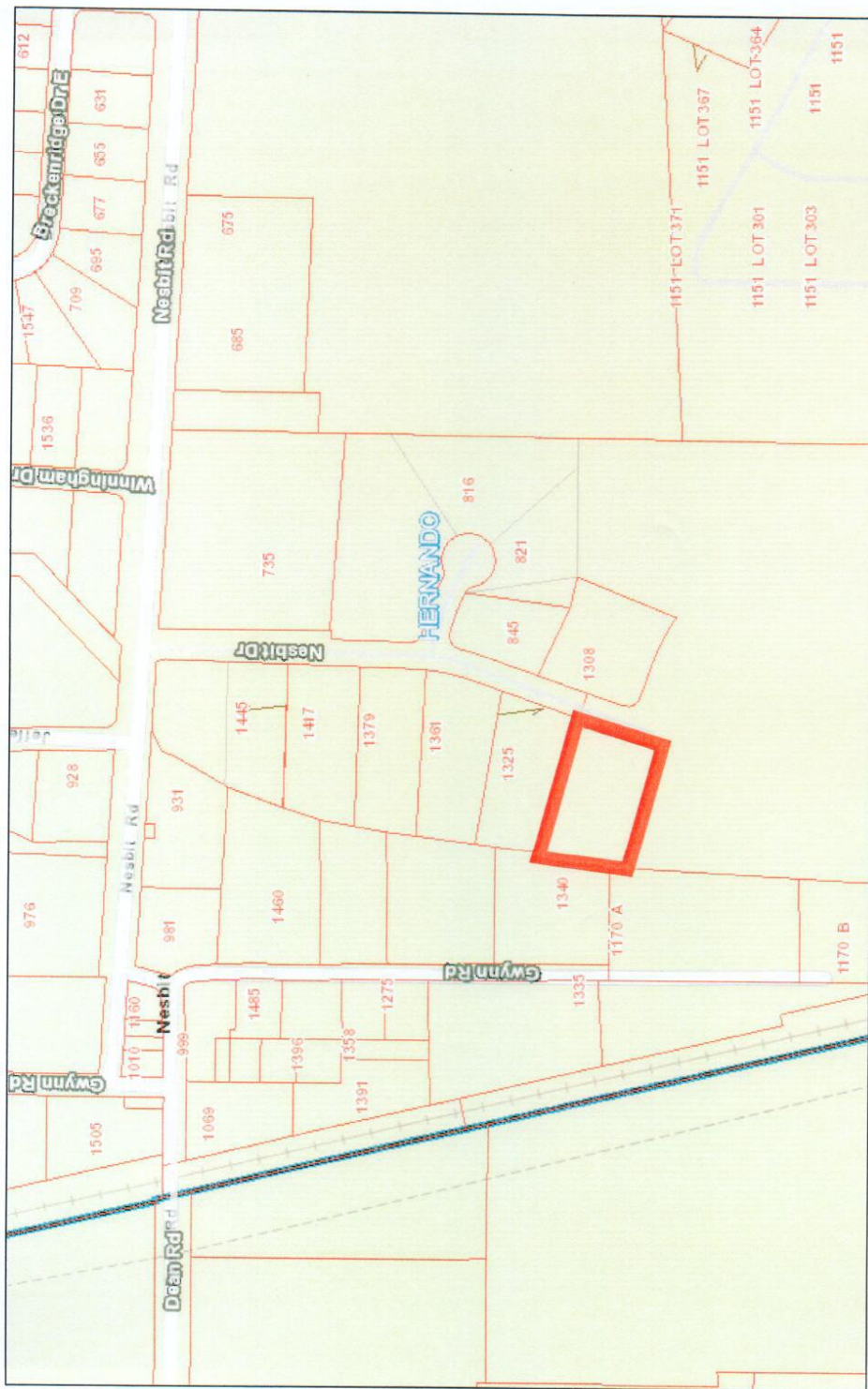
1. Prior to submitting the plat for recording, the applicant shall complete and fully execute all applicable certifications.
2. After the final plat is recorded, the development of the lot shall be submitted for a Certificate of Development prior to Building Permit submission.
3. After receiving a Certificate of Development approval, the project can be submitted for Construction Plan Approval and Building Permit.

STAFF RECOMENDATION:

Staff recommendation is for approval.

PROPOSED MOTION:

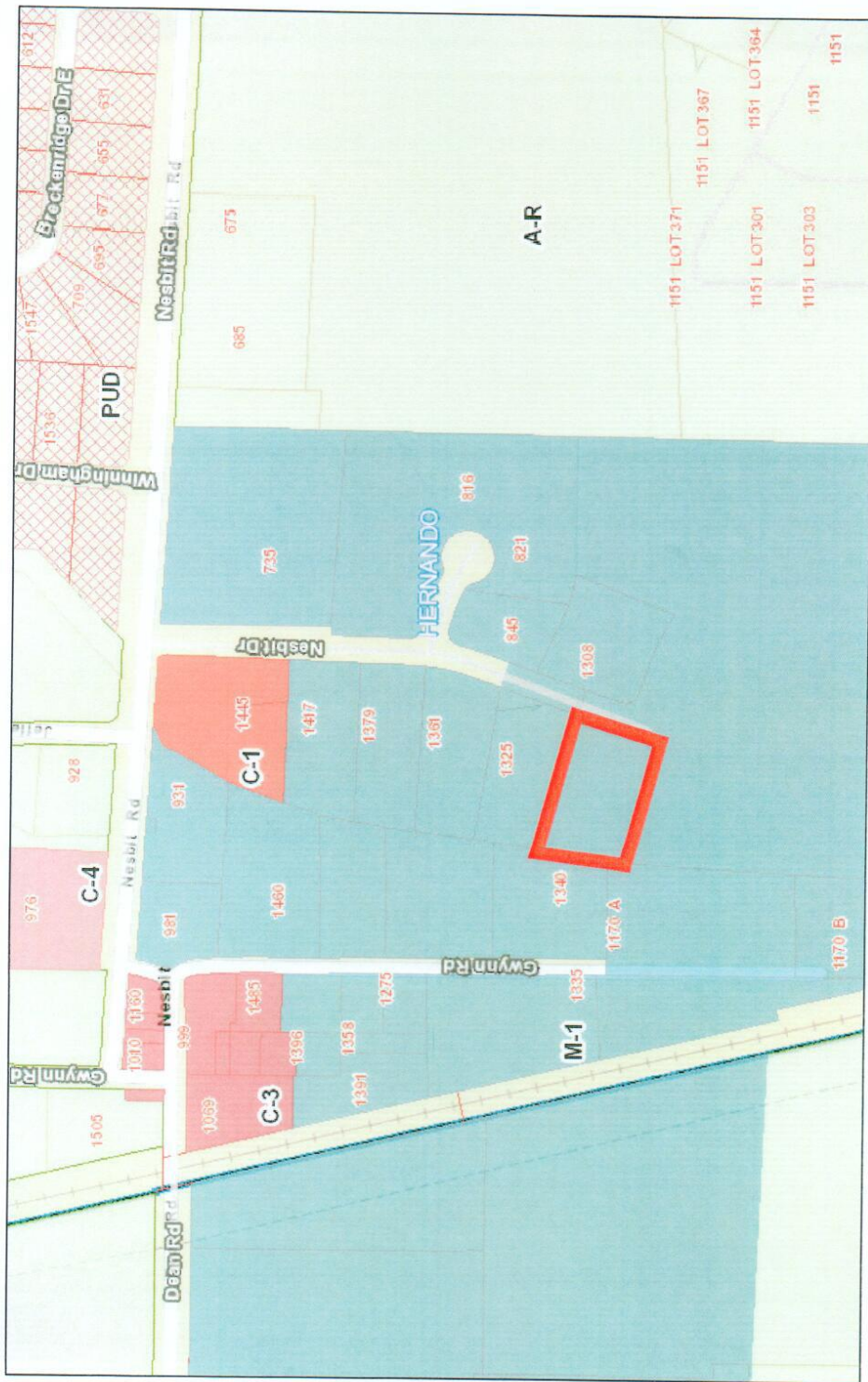
I move to grant Final Plat approval for the Nesbit Industrial Park, Phase 9, Lot 1, subject to Staff Comments.



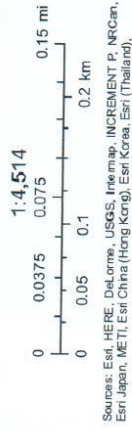
October 18, 2017



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



October 18, 2017



CITY OF HERNANDO

SUBDIVISION APPLICATION

475 West Commerce Street, Hernando, MS 38632

PHONE 662-429-9092

(Office use only)	APPLICATION FEE: See Attached RECEIVED BY: _____	TOTAL FEES _____ DATE RECEIVED: _____	CHECK # _____ CASH: _____
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Select One:

PRELIMINARY SUBDIVISION SUBDIVISION REVISION
 FINAL SUBDIVISION PLAT VACATION

SUBDIVISION NAME: Nesbit Industrial Park

LOCATED ON THE: West SIDE OF Nesbit Drive (Street, Road, Drive)

NEAREST INTERSECTION: Nesbit Cove and Nesbit Drive

SECTION: 25 TOWNSHIP: 2 RANGE: 8 EXISTING ZONING: M-1

GROSS ACREAGE: 1.31 TOTAL NUMBER OF LOTS: 1

TYPE OF SANITARY SEWER: City LIST ANY EXISTING STRUCTURES: _____

ADDITIONAL INFORMATION:

Note: If property owner is to be represented by another person, a designation of agent form must be notarized and turned in with the application materials. (Please Print)

<u>Robert Davis</u>	<u>190 Motor Scooter Drive Nesbit, MS 38651</u>	<u>662-429-7551</u>	<u>rdavis8446@aol.com</u>
Property Owner or Designated Agent	Address	Telephone	E-mail

<u>Robert Davis</u>	<u>190 Motor Scooter Drive Nesbit, MS 38651</u>	<u>662-429-7551</u>	<u>rdavis8446@aol.com</u>
Developer	Address	Telephone	E-mail

<u>Blake Mendrop</u>	<u>854 Wilson Drive Ste. D Ridgeland, MS 39157</u>	<u>601-899-5183</u>	<u>bmendrop@mendrop.net</u>
Engineer/Surveyor	Address	Telephone	E-mail

I, the undersigned, being the owner of record, or the owner's designated agent, certify that the above information is true and correct to the best of my knowledge. I further agree that I am informed concerning the provisions of the subdivision ordinance of the City of Hernando, Mississippi, as it affects the approval of the subdivision by the City. Applicant states that the following items are included with this application at the time of submission:

- Digital copy of the proposed plat in a (.PDF) file format
- Two copies of the restrictive covenants in a (.DOCX) file format and a (.PDF) file format (if required.)
- Engineering, construction, and conservation drawings in a (.PDF) file format (if required.)

Robert Davis
SIGNATURE OF PROPERTY OWNER OR DESIGNATED AGENT

11-4-17
DATE

CITY OF HERNANDO CERTIFICATE OF HERNANDO PLANNING COMMISSION
 Approved by the City of Hernando, DeSoto County, Mississippi, this the _____ day of _____, 20____.

Secretary _____
 Chairperson _____

HERNANDO MAYOR AND BOARD OF ALDERMEN
 Approved by Mayor and Board of Aldermen of the City of Hernando, DeSoto County, Mississippi, this the _____ day of _____, 20____.

City Clerk _____
 Mayor _____

CITY CLERK'S CERTIFICATE
STATE OF MISSISSIPPI, COUNTY OF DESOTO
 I hereby certify that the subdivision plat shown herein was filed for record in my office at _____ o'clock _____ m., on the _____ day of _____, 20____, and was duly recorded in book _____ and duly recorded in plat book _____.

City Clerk _____
 Clerical Clerk _____

OWNER'S CERTIFICATE
 STATE OF _____
 CITY OF _____
 I, We, _____ owner or authorized representative of the owner of the _____, do hereby acknowledge the validity of the subdivision and dedicate the right-of-way for the roads as shown on the plat of the _____, to the public use, and agree to pay the taxes thereon as shown on the plat. I We certify that no encumbrances have been placed upon the property and that no taxes have become due and payable. This the _____ day of _____, 20____.

Name of Owner or Authorized Representative _____
 Name of Company, if Applicable _____

NOTARY FOR OWNERS CERTIFICATE
 State of _____
 County of _____
 Personally appeared before me the undersigned authority in and for the said county and state, on the _____ day of _____, 20____, _____, who acknowledges that he/she is _____, who acknowledged as _____ a Mississippi corporation, and that he and on behalf of said limited liability company, have executed and delivered to me the above and foregoing instrument, after having been duly authorized by said company to do so.

(If the person signing is an individual, said certificate should indicate such)
 My Commission expires: _____
 Notary Public: _____

MORTGAGEE'S CERTIFICATE
 Mortgagee of the property hereon, hereby adopt this as my plan of subdivision and dedicate the right-of-way for the roads as shown on the plat of the subdivision to the public use, and agree to pay the taxes thereon as shown on the plat. I certify that I am an authorized representative of the _____, and that no taxes have become due and payable. This the _____ day of _____, 20____.

BY: _____

TITLE: _____

NOTARY'S CERTIFICATE
 State of _____
 County of _____
 Personally appeared before me the undersigned authority in and for the said county and state, on the _____ day of _____, 20____, within my jurisdiction, the within named _____, who acknowledges that he/she is _____ (company), a Mississippi corporation, and as its act and deed, he/she executed and delivered to me the above and foregoing instrument mentioned on the day and year herein set forth after first being duly authorized by said corporation to do so.

(If the person signing is an individual, and not representative of a company, then the notary's certificate should indicate such)
 My Commission expires: _____
 Notary Public: _____

OWNER'S CERTIFICATE
 CITY OF _____
 I, We, _____ owner or authorized representative of the owner of the _____, do hereby acknowledge the validity of the subdivision and dedicate the right-of-way for the roads as shown on the plat of the subdivision to the public use, and agree to pay the taxes thereon as shown on the plat. I certify that I am an authorized representative of the _____, and that no taxes have become due and payable. This the _____ day of _____, 20____.

Name of Owner or Authorized Representative _____
 Name of Company, if Applicable _____

NOTARY FOR OWNERS CERTIFICATE
 State of _____
 County of _____
 Personally appeared before me the undersigned authority in and for the said county and state, on the _____ day of _____, 20____, within my jurisdiction, the within named _____, who acknowledges that he/she is _____ (company), a Mississippi corporation, and as the act and deed of said limited liability company, he/she executed and delivered to me the above and foregoing instrument mentioned on the day and year herein mentioned, after having been duly authorized by said corporation and said limited liability company to do so.

(If the person signing is an individual, and not representative of a company, then the notary's certificate should indicate such)
 My Commission expires: _____
 Notary Public: _____

MORTGAGEE'S CERTIFICATE
 Mortgagee of the property hereon, hereby adopt this as my plan of subdivision and dedicate the right-of-way for the roads as shown on the plat of the subdivision to the public use, and agree to pay the taxes thereon as shown on the plat. I certify that I am an authorized representative of the _____, and that no taxes have become due and payable. This the _____ day of _____, 20____.

BY: _____

TITLE: _____

NOTARY'S CERTIFICATE
 State of _____
 County of _____
 Personally appeared before me the undersigned authority in and for the said county and state, on the _____ day of _____, 20____, within my jurisdiction, the within named _____, who acknowledges that he/she is _____ (company), a Mississippi corporation, and as its act and deed, he/she executed and delivered to me the above and foregoing instrument mentioned on the day and year herein mentioned, after having been duly authorized by said corporation to do so.

(If the person signing is an individual, and not representative of a company, then the notary's certificate should indicate such)
 My Commission expires: _____
 Notary Public: _____

SURVEYOR'S CERTIFICATE
 This is to certify that I have drawn the subdivision plat shown on this plat from a true and correct survey by and from deeds of record and that the plat represents the subdivision and that it is true and correct.

Date _____

Brian Melampy, P.L.S. 7, 277



VICINITY MAP
 1" = 5000'
 SHOWN CORNERS, S.S.S. B.A.W.
 DESOTO COUNTY, MISSISSIPPI



PHASE 4 LOT 1
PHASE 5 LOT 1

EX NESBIT DRIVE
 PART BOOK 112, PAGE 19
 Neesh Housing Phase 1

PROPERTY 1
 1.31 ACRES
 51' 09" 45' 40" 200' 20'

10' UTILITY EASEMENT
 274.50'

20' SETBACK
 50' SETBACK

107' 00" 37' 50" 67'

TIMBER LEE LLC
 5845 GOODMAN ROAD
 OLIVE BRANCH, MS 38854

POINT OF COMMENCEMENT
 EXISTING SOUTHWEST CORNER OF PHASE 4 LOT 1
 TOWNSHIP 10 WEST RANGE 8 SOUTH
 PLAT BOOK 130 PAGE 24

CITY OF HERNANDO CERTIFICATE OF HERNANDO PLANNING COMMISSION
 Approved by the City of Hernando, DeSoto County, Mississippi, this the _____ day of _____, 20____.

Secretary _____
 Chairperson _____

HERNANDO MAYOR AND BOARD OF ALDERMEN
 Approved by Mayor and Board of Aldermen of the City of Hernando, DeSoto County, Mississippi, this the _____ day of _____, 20____.

City Clerk _____
 Mayor _____

CITY CLERK'S CERTIFICATE
STATE OF MISSISSIPPI, COUNTY OF DESOTO
 I hereby certify that the subdivision plat shown herein was filed for record in my office at _____ o'clock _____ m., on the _____ day of _____, 20____, and was duly recorded in book _____ and duly recorded in plat book _____.

City Clerk _____
 Clerical Clerk _____

NESBIT INDUSTRIAL PARK
 FINAL PLAT ZONED M-1
 PHASE 9 SUBDIVISION, LOT 1
 SW 1/4 SECTION 25, T-2-S, R-8-W,
 DESOTO COUNTY, MISSISSIPPI

OWNER: TIMBER RIDGE, LLC
 5845 GOODMAN ROAD
 OLIVE BRANCH, MS 38854



MENDROP
 ENGINEERS ARCHITECTS
 854 SUITE A
 RIDGELAND, MS 39157
 PHONE: (601) 899-5110
 FAX: (601) 899-5110

PL-1283

10/05/10 8:29:44
DK # BK 643 PG 795
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

Prepared by and Return to:	Grantors Address:	Grantees Address:
Austin Law Firm, P.A. 6928 Cobblestone Drive, Suite 100 Southaven, MS 38672 662-890-7575	5845 Goodman Road Olive Branch, MS 38654 Work: 901-487-5143 Home: same	5845 Goodman Road Olive Branch, MS 38654 Work: 901-487-5143 Home: same
File No.: S09-10-0631		

INDEXING INSTRUCTIONS: Lying in the SW ¼ of Section 25, Township 2 South, Range 8 West

QUITCLAIM DEED

Robert L. Davis, Jr., Don Loosier
and Cecil T. Shoffner

GRANTORS

TO

Timber Ridge, LLC

GRANTEE

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, Robert L. Davis, Jr., Don Loosier and Cecil T. Shoffner, do hereby convey, and quitclaim to Timber Ridge, LLC, the land lying and being situated in DeSoto County, Mississippi, described as follows, to-wit:

See Exhibit "A"

This deed is subject to rights of ways and easements for public roads and public utilities, to building, zoning, subdivision and health department regulations in effect in DeSoto County, Mississippi.

Possession will be given upon delivery of this deed.

3

DK W BK 643 PG 796

WITNESS my/our signature(s) this the 1st day of October, 2010.

Robert L. Davis, Jr.
Robert L. Davis, Jr.

[Signature]
Don Loosier

Cecil T. Shoffner
Cecil T. Shoffner

STATE OF MISSISSIPPI:
COUNTY OF DESOTO:

PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named, Robert L. Davis, Jr., Don Loosier and Cecil T. Shoffner who acknowledged that they signed and delivered the above and foregoing Deed as their voluntary act and deed and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 1st day of October, 2010.

[Signature]
Notary Public

My commission expires:



Sep 29 10 03:12p

Mississippi Valley Title

6524497846

p.2

DK W BK 643 PG 797

EXHIBIT A**LEGAL DESCRIPTION NESBIT INDUSTRIAL PARK PHASE 1:**

COMMENCE AT A FOUND BURIED AXLE MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI AND RUN THENCE N09°26'47"E FOR 1575.17 FEET TO THE POINT OF BEGINNING:

FROM SAID POINT OF BEGINNING, RUN THENCE N04°34'50"E FOR 43.96 FEET; THENCE RUN N07°18'35"E FOR 247.35 FEET; THENCE RUN N07°00'40"E FOR 240.85 FEET; THENCE RUN N09°56'37"E FOR 152.59 FEET; THENCE RUN N18°23'25"E FOR 213.95 FEET; THENCE RUN N30°32'08"E FOR 56.16 FEET; THENCE RUN N29°02'22"E FOR 72.84 FEET; THENCE RUN N28°44'41"E FOR 39.85 FEET; THENCE RUN N64°42'28"E FOR 55.81 FEET; THENCE RUN N28°13'17"E FOR 8.70 FEET; THENCE RUN S86°58'55"E FOR 226.49 FEET; THENCE RUN S00°03'41"W FOR 291.30 FEET; THENCE RUN S87°01'00"E FOR 445.20 FEET; THENCE RUN S27°17'47"W FOR 217.86 FEET; THENCE RUN S89°18'36"W FOR 347.38 FEET; THENCE RUN S27°17'47"W FOR 217.86 FEET; THENCE RUN ALONG A CURVE THAT ARCS TO THE LEFT, SAID CURVE HAVING A RADIUS OF 445.00 FEET, A CURVE LENGTH OF 64.25 FEET, A CHORD BEARING OF N66°50'22"W, AND A CHORD DISTANCE OF 64.19 FEET; THENCE RUN N70°58'32"W FOR 85.67 FEET; THENCE RUN S19°17'16"W FOR 60.00 FEET; THENCE RUN ALONG A CURVE THAT ARCS TO THE LEFT, SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CURVE LENGTH OF 47.05 FEET, A CHORD BEARING OF S64°05'25"W, AND A CHORD DISTANCE OF 42.38 FEET; THENCE RUN N73°59'28"W FOR 60.09 FEET; THENCE RUN N70°50'38"W FOR 274.50 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 734,732 SQUARE FEET OR 16.87 ACRES, MORE OR LESS, AND BEING SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI.

LEGAL DESCRIPTION NESBIT INDUSTRIAL PARK FUTURE PHASE:

COMMENCE AT A FOUND BURIED AXLE MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI AND RUN THENCE S88°49'36"E FOR 226.68 FEET TO THE POINT OF BEGINNING:

FROM SAID POINT OF BEGINNING, RUN THENCE N13°48'17"W FOR 264.46 FEET; THENCE RUN N29°56'04"E FOR 49.06 FEET; THENCE RUN N44°56'02"E FOR 29.75 FEET; THENCE RUN N32°27'11"E FOR 24.28 FEET; THENCE RUN N21°05'36"W FOR 30.86 FEET; THENCE RUN N05°49'35"E FOR 87.48 FEET; THENCE RUN N80°46'59"W FOR 127.82 FEET; THENCE RUN N01°39'47"E FOR 555.47 FEET; THENCE RUN N04°34'50"E FOR 417.02 FEET; THENCE RUN S70°50'38"E FOR 274.50 FEET; THENCE RUN S73°59'28"E FOR 60.09 FEET; THENCE RUN ALONG A CURVE THAT ARCS TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CURVE LENGTH OF 47.05 FEET, A CHORD BEARING OF N66°03'25"E, AND A CHORD DISTANCE OF 42.38 FEET; THENCE RUN N19°17'16"E FOR 60.00 FEET; THENCE RUN S70°58'32"E FOR 85.67 FEET; THENCE RUN ALONG A CURVE THAT ARCS TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 445.00 FEET, A CURVE LENGTH OF 64.25 FEET, A CHORD BEARING OF S66°50'22"E, AND A CHORD DISTANCE OF 64.19 FEET; THENCE RUN N27°17'47"E FOR 217.86 FEET; THENCE RUN N89°16'36"E FOR 347.88 FEET; THENCE RUN S00°03'41"W FOR 234.33 FEET; THENCE RUN S00°11'16"E FOR 1437.07 FEET; THENCE RUN S89°04'56"W FOR 1001.03 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 1,585,945 SQUARE FEET OR 36.41 ACRES, MORE OR LESS, AND BEING SITUATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI.

Received Time Sep. 29. 3:11PM

Motion was duly made by Alderman Miller and seconded by Alderman McLendon to approve the application for Final Subdivision, titled "Nesbit Industrial Phase 9, Lot 1" submitted by Timber Ridge LLC., following the recommendation of the Planning Commission, and subject to the conditions listed in the staff report. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

APPLICATION FOR A FINAL SUBDIVISION, TITLED "TEAFUE COMMERCIAL SUBDIVISION" SUBMITTED BY WILLIAM BROWN. THE SUBDIVISION IS COMPRISED OF 2 LOTS TOTALING 2.24 ACRES LOCATED ON THE WEST SIDE OF HIGHWAY 51 AND NORTH OF GREEN T RD, SITUATED IN SECTION 1, TOWNSHIP 3, RNAGE 8. FILE: PL-1284

Planning Director Keith Briley presented the staff report.

Bill Brown presented the application.



City of
Hernando
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.: PL-1284
Request: Final Subdivision Plat – Teague Commercial Subdivision
Location: Northwest corner of the intersection of Highway 51 and Green T Road
Applicant: Mr. William Brown
Date: November 21, 2017

INTRODUCTION:

Mr. William Brown is representing James Ricky & Jackie L. Teague, property owners, and is requesting Final Plat approval for Teague Commercial Subdivision. The subject property is located on the west side of Highway 51, the north side of Green Tee Road, and the east side of Old Highway 51 South. The property is located within the C-2 Highway Commercial Zoning District

BACKGROUND:

The subject property is 2.24 acres and is formerly known as 23 Highway 51 S. On Tuesday, February 14, 2017, the Planning Commission voted to recommend approval to the Mayor and Board of Aldermen to rezone the subject property from A Agriculture to C-2 Highway Commercial (PL-1215). On Tuesday, March 21, 2016, the Mayor and Board of Aldermen voted to approve the zoning map amendment request.

DISCUSSION:

The proposed subdivision will be 2-lots. Lot 1 will have an area of 0.78 acres with frontage along Highway 51 on the east and Old Highway 51 to the west resulting in a double frontage lot. Lot 2 will be 1.46 acres and will have frontage along Highway 51 on the east, Green T Road to the south, and Old Highway 51 to the west resulting in a triple frontage lot.

PLANNING COMMISSION ACTION:

On November 14, 2017, the Planning Commission voted to grant Final Plat approval for Teague Commercial Subdivision a 2-lot subdivision located at the Northwest corner of the intersection of Highway 51 and Green T Road, subject to Staff Comments.

STAFF COMMENTS:***Standard Comments***

1. Improvements are to be the responsibility of the Developer and not the responsibility of the City of Hernando.
2. Grading, drainage, and engineering construction plans to be submitted to the Office of Planning for review and approval by the City Engineer and Public Works Director.
3. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
4. Sidewalks shall be installed as part of the site development.

Project Specific Comments

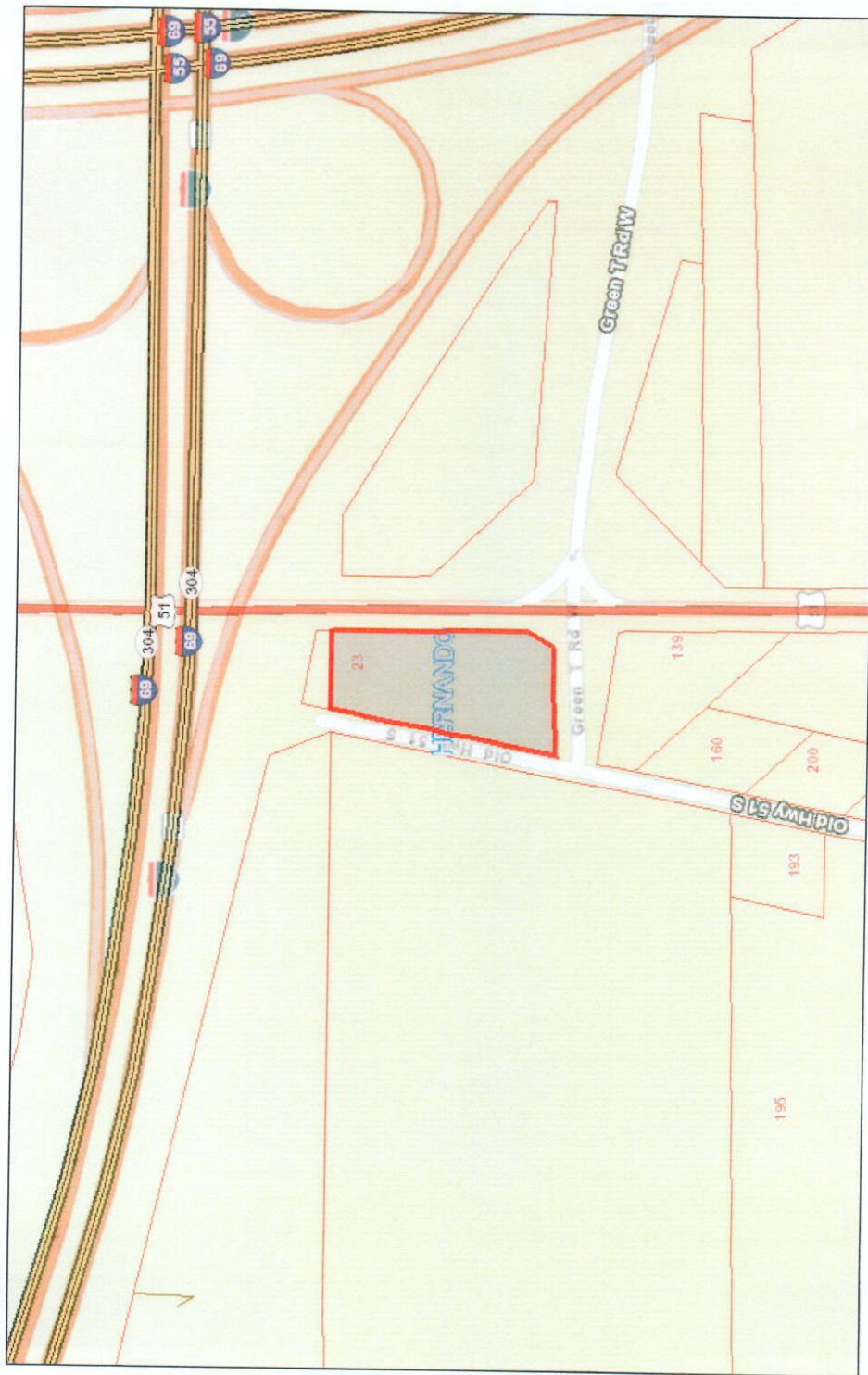
1. Prior to submitting the plat for recording, the applicant shall complete and fully execute all applicable certifications.
2. After the final plat is recorded, the development plans for the lots shall be submitted for a Certificate of Development prior to Building Permit submission.
3. After receiving a Certificate of Development approval, the project can be submitted for Construction Plan Approval and Building Permit.

STAFF RECOMENDATION:

Staff recommends approval subject to staff comments.

PROPOSED MOTION:

I move to grant Final Plat approval for Teague Commercial Subdivision a 2-lot subdivision located at the Northwest corner of the intersection of Highway 51 and Green T Road, subject to Staff Comments.



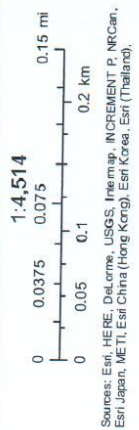
October 18, 2017



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



October 18, 2017



PL-1234

CITY OF HERNANDO

SUBDIVISION APPLICATION

475 West Commerce Street, Hernando, MS 38632

PHONE 662-429-9092

(Office use only) APPLICATION FEE: See Attached TOTAL FEES _____ CHECK # _____
 RECEIVED BY: _____ DATE RECEIVED: _____ CASH: _____

Select One:

- PRELIMINARY SUBDIVISION _____ SUBDIVISION REVISION
 FINAL SUBDIVISION _____ PLAT VACATION

SUBDIVISION NAME: Teague Commercial Subdivision

LOCATED ON THE: west SIDE OF Highway 51 (Street, Road, Drive)

NEAREST INTERSECTION: Highway 51 & Green T Road

SECTION: 1 TOWNSHIP: 3 S RANGE: 8 W EXISTING ZONING: C-2

GROSS ACREAGE: 2.24 TOTAL NUMBER OF LOTS: 2

TYPE OF SANITARY SEWER: City of Hernando LIST ANY EXISTING STRUCTURES: metal building on Lot 1

ADDITIONAL INFORMATION:

Note: If property owner is to be represented by another person, a designation of agent form must be notarized and turned in with the application materials. (Please Print)

James Ricky & Jackie L. Teague
c/o William A. Brown
P.O. Box 276, Hernando, MS 38632 662-429-5277 bbrown@wbblaw.us
 Property Owner or Designated Agent Address Telephone E-mail

James Ricky & Jackie L. Teague P.O. Box 224, Nesbit, MS 38651 901-485-2102 tantrucking@att.net
 Developer Address Telephone E-mail

Lonnie Barham, Jr. PLS 3051 Posgville Rd., Coldwater, MS 38618 901-351-6229 lonnie@barhamsurveying.com
 Engineer/Surveyor Address Telephone E-mail

I, the undersigned, being the owner of record, or the owner's designated agent, certify that the above information is true and correct to the best of my knowledge. I further agree that I am informed concerning the provisions of the subdivision ordinance of the City of Hernando, Mississippi, as it affects the approval of the subdivision by the City. Applicant states that the following items are included with this application at the time of submission:

- Digital copy of the proposed plat in a (.PDF) file format
- Two copies of the restrictive covenants in a (.DOCX) file format and a (.PDF) file format (if required.)
- Engineering, construction, and conservation drawings in a (.PDF) file format (if required.)

[Signature]
SIGNATURE OF PROPERTY OWNER OR DESIGNATED AGENT

10/29/17
DATE

PL-1284

DESIGNATION OF AGENT

I, James Ricky Teague, being owner of the property which is the subject of this application 23 Hwy 51 S. Hernando, MS (name if proposed subdivision, address, or tax parcel ID number) hereby authorize William Brown to act as my representative with the City of Hernando's Planning Commission and/or Board of Alderman, as required by the type of request listed heron.

Such representation shall be for all purposed concerning any matter, right or obligation relating to this petition. This designation authorizes my agent to make verbal or written representation and/or declaration on my behalf and I shall be legally bound by said verbal or written representations and/or declarations relating to this pattern.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

Property Owner's Signature [Signature] Date 10/3/16

STATE: Mississippi

COUNTY: DeSoto

Personally appeared before me, the undersigned authority in and for the said county and state on this 3rd day of October, 2015 within my jurisdiction, James Ricky Teague, who, being first duly sworn, states that he/she executed the foregoing document as his/her ~~free~~ free and voluntary act.



[Signature]

Notary Public

My Commission Expires: 12/18/18

mc
mc
mc
3/11/11 1:51:51
DK W BK 653 PG 574
DESOTO COUNTY, MS
W-E. DAVIS, CH CLERK

GRANTORS:
Amy D. Battles & Jerry A. Battles
23 Highway 51 South
Hernando, MS 38632
Hm: 901-647-1460/Wk: n/a

GRANTEES:
James Ricky Teague & Jackie L. Teague
10977 Highway 304
Hernando, MS 38632
Hm: 662-429-2490/Wk: 662-429-9614

Prepared by / William A. Brown - Bar No. 4708
Return to: Walker, Brown & Brown, P. A.
P. O. Box 276, 2540 Highway 51 South
Hernando, MS 38632, 662-429-5277

Indexing Instructions:
NE Quarter Section
Section 1, Township 3 South, Range 8 West
DeSoto County, Mississippi

WARRANTY DEED

FOR AND IN CONSIDERATION of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable legal consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors, AMY D. BATTLES a/k/a AMY BATTLE and husband, JERRY A. BATTLES a/k/a JERRY BATTLE, hereby sell, convey, and warrant unto the Grantees, JAMES RICKY TEAGUE and wife, JACKIE L. TEAGUE, as tenants by the entirety with full rights of survivorship and not as tenants in common, the land in DeSoto County, Mississippi, being more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

u

DK W BK 653 PG 575

By acceptance of this Deed, the parties agree that this conveyance is made subject to subdivision, health department, zoning and other regulations in effect and rights of way and easements for public roads, flowage, and utilities and any mineral or mineral rights, including oil and gas, leased, granted or retained by current or prior owners. Taxes for the year 2011 shall be estimated and prorated at closing and paid by the Grantee when due with any final adjustments in proration to be made between Grantor and Grantee when the actual ad-valorem tax bill is rendered. Possession is to be given upon delivery of this Deed.

By way of explanation, JERRY A. BATTLES a/k/a JERRY BATTLE previously quitclaimed his interest in said property to AMY BATTLE a/k/a AMY D. BATTLES wherein the names were printed incorrectly but signed correctly. JERRY A. BATTLES a/k/a JERRY BATTLE, husband of AMY D. BATTLES a/k/a AMY BATTLE, joins in this Deed to convey any remaining homestead, marital or any other rights he may have or hereinafter acquire in said property.

EXECUTED this the 11th day of March, 2011.

Grantors:
Amy D. Battles
AMY D. BATTLES
a/k/a AMY BATTLE
Jerry A. Battles
JERRY A. BATTLES
a/k/a JERRY BATTLE

STATE OF MISSISSIPPI
COUNTY OF DESOTO

This day personally appeared before me, the undersigned authority in and for said County and State, the within named AMY D. BATTLES a/k/a AMY BATTLE and husband, JERRY A. BATTLES a/k/a JERRY BATTLE, who acknowledged signing and delivering the above and foregoing Warranty Deed on the day and year therein mentioned as a free and voluntary act and deed and for the purposes therein expressed.

GIVEN under my hand and official seal of office this the 11th day of March, 2011.

Gina M. Arends
Notary Public

My Commission Expires: _____
1917br battles to teague wd



DK W BK 653 PG 576

EXHIBIT "A"

A part of the Northeast Quarter of Section 1, Township 3, Range 8 West, more particularly described as: Beginning at a stake in the Intersection of the North line of the Northeast Quarter of Section 1, Township 3, Range 8 West, and the West right of way line of U.S. Highway 51, thence running along the West right of way line of U.S. Highway 51, South 0 degrees 30 minutes East 636 feet to a stake in the Southeast corner of a tract or parcel of land herein conveyed; thence running North 81 degrees 50 minutes West 307 feet to a point on the East right of way line of Old U. S. Highway 51 for the Southwest corner of the tract or parcel of land herein conveyed; thence running along the East right of way line of Old U.S. Highway 51 North 11 degrees 00 minutes East 595 feet to a point on the North line of said Northeast Quarter for the Northwest corner of the tract or parcel of land herein conveyed; thence running along the North line of said Northeast Quarter North 89 degrees 30 minutes East 180 feet to the point of beginning, which is the Northeast corner of the tract or parcel of land herein conveyed, containing 3.4 acres, more or less, on the North side of the 6.37 acres of land conveyed by R. W. Gale to Mrs. Myrtle Chrisp by deed recorded in Book 24, page 190, of the deed records of said county, and being the same land conveyed by Albert W. Webster and wife, to Orena W. Gill by deed recorded in Book 42, page 339, of the land deed records of said county. And being the same land conveyed to the Grantor in deed of record in Book 89, page 423, of the land deed records of said county.

LESS & EXCEPT:

PARCEL NO. 1

Begin at the point of intersection of the Southern line of Defendants property with the present Western right-of-way line of U.S. Highway No. 51 as shown on the plans for State Project No. 94-0029-02-007-10 (102552/001000); from said point of beginning run thence North 81° 36' 49" West along said Southern property line, a distance of 93.957 meters (308.258 feet) to the present Eastern right-of-way line of Old U.S. Highway No. 51; thence run North 10° 28' 49" East along said present Eastern right-of-way line, a distance of 40.463 meters (132.753 feet); thence run North 86° 36' 00" East along a line that is 23.000 meters (75.459 feet) Northerly of and parallel with the centerline of survey of Green T Road Relocation, a distance of 74.128 meters (243.202 feet) to a point that is 23.000 meters (75.459 feet) Northerly of and perpendicular to the centerline of survey of said Green T Road Relocation at Station 0+975; thence run North 23° 46' 34" East, a distance of 18.748 meters (61.509 feet); thence run North 01° 07' 29" West, a distance of 118.083 meters (387.411 feet) to the Northern line of Defendants property; thence run North 89° 29' 25" East along said Northern property line, a distance of 2.760 meters (9.055 feet) to the said present Western

DK W BK 653 PG 577

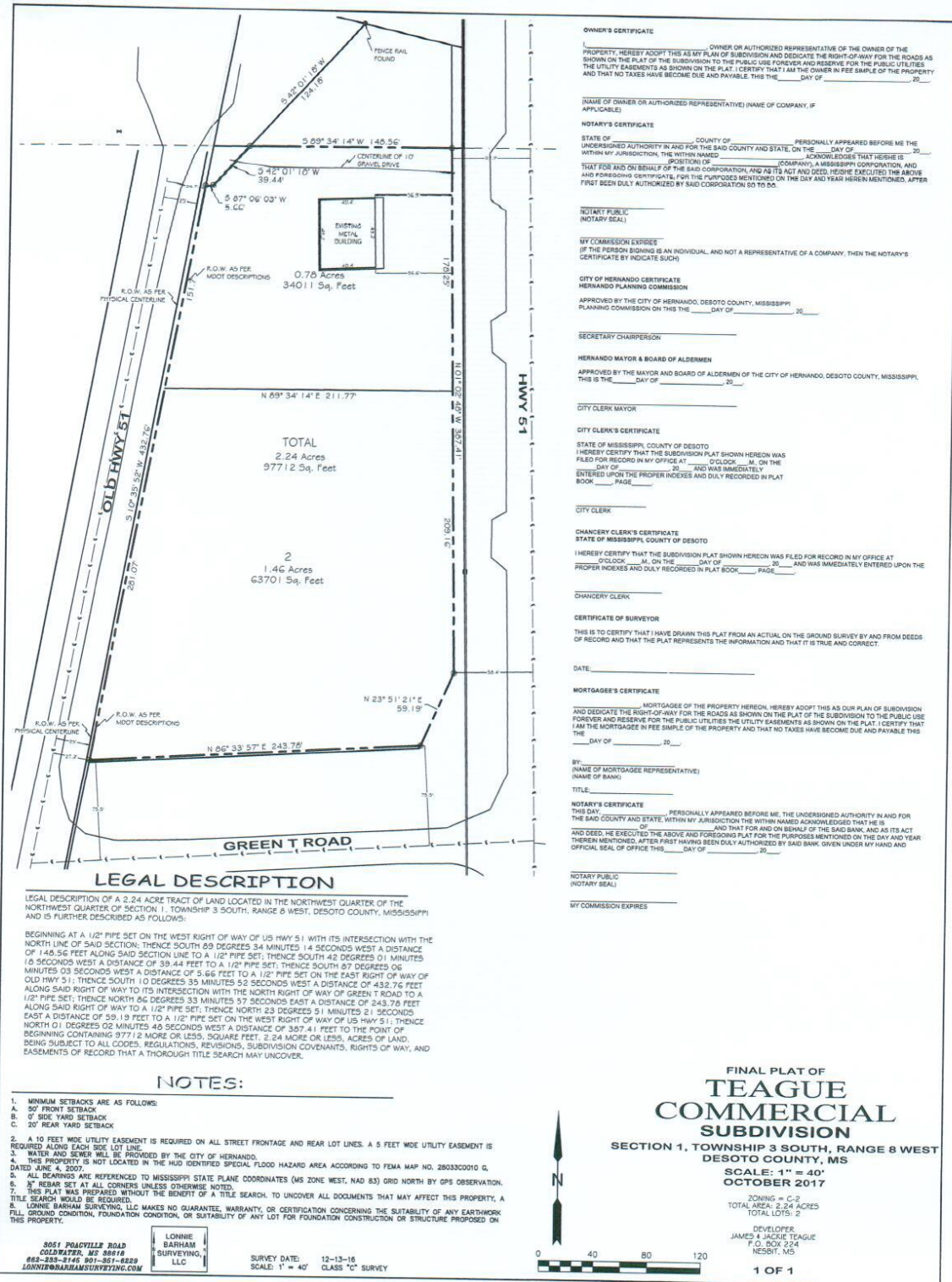
right-of-way line of present U.S. Highway No. 51; thence run South $01^{\circ} 07' 28''$ East along said present Western right-of-way line, a distance of 157.006 meters (515.112 feet); thence run South $00^{\circ} 48' 46''$ East along said present Western right of way line, a distance of 36.157 meters (118.625 feet) to the point of beginning, containing 0.482 hectares (1.191 acres), more or less, and being situated in and a part of the Northwest $1/4$ of the Northeast $1/4$, Section 1, Township 3 South, Range 8 West, City of Hernando, Desoto County, Mississippi, and

PARCEL NO. 2

Begin at the point of intersection of the Northern line of Defendants property with the present Easterly right-of-way line of Old U.S. Highway No. 51 as shown on the plans for State Project No. 94-0029-02-007-10 (102552/001000); from said point of beginning run thence North $89^{\circ} 29' 25''$ East along said Northern property line, a distance of 8.090 meters (26.542 feet); thence run South $41^{\circ} 56' 31''$ West, a distance of 12.017 meters (39.426 feet); thence run South $87^{\circ} 01' 16''$ West, a distance of 1.725 meters (5.659 feet) to the said present Easterly right-of-way line of Old U.S. Highway No. 51; thence run North $10^{\circ} 31' 53''$ East along said present Easterly right-of-way line, a distance of 9.109 meters (29.885 feet) to the point of beginning, containing 0.004 hectares (0.011 acres), more or less, and being situated in and a part of the Northwest $1/4$ of the Northeast $1/4$, Section 1, Township 3 South, Range 8 West, City of Hernando, Desoto County, Mississippi.

Parcels No. 1 and 2 contain an aggregate of 0.486 hectares (1.201 acres), more or less.

All of the above excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.



Motion was duly made by Alderman Hobbs and seconded by Alderman Miller to approve the application for Final Subdivision, titled "Teague Commercial Subdivision" submitted by William Brown, following the Planning Commission recommendation, subject to the conditions listed in the staff report. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

APPLICATION FOR A FINAL SUBDIVISION, TITLED "MONTCLAIR PHASE 3" SUBMITTED BY MONTCLAIR LLC. THE SUBDIVISION IS COMPRISED OF 45 LOTS TOTALING 19.27 ACRES LOCATED ON THE SOUTH SIDE OF OAK GROVE RD AND WEST OF SCOTT RD, SITUATED IN SECTION 23, TOWNSHIP 3, RANGE 8. FILE: PL-1285

Planning Director Keith Briley presented the staff report.

Blake Mendrop presented the application.



City of
Hernando
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.: PL-1285
Request: Final Subdivision Plat – Montclair Subdivision Phase 3
Location: South side of Oak Grove Road and West of Scott Road situated in Section 23, Township 3, Range 8
Applicant: Robert Davis with Timber Ridge, LLC
Date: November 21, 2017

INTRODUCTION:

Robert Davis with Montclair, LLC is requesting Final Plat approval the Montclair Subdivision Phase 3, a 43-lot residential subdivision. The subject property is located in the southwest portion of the City of Hernando at the western terminus of Scott Road. The property is located within a PUD Overlay District.

BACKGROUND:

Ivy Meadows was approved as a 192.40 acres Planned Residential Neighborhood by the City of Hernando in 2005. The area in which the proposed development is located was annexed into the City of Hernando in November of 2005. In 2007, the property underwent ownership change and a change in the name of the project to Montclair Planned Residential Development.

DISCUSSION:

Montclair Subdivision Phase 3 is part of the Montclair (Ivy Meadows) Development Plan. The subdivision consists of 43 residential lots with varying lot sizes as outlined in the Montclair (Ivy Meadows) Development Plan. The proposed subdivision will also have two (2) common open space (COS) areas.

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 and the Montclair (Ivy Meadows) Development Plan.

PLANNING COMMISSION ACTION:

The Planning Commission met On November 14, 2017, and voted to grant Final Plat approval for Montclair Subdivision Phase 3, a 43-lot residential subdivision, located in the Southwest portion of the City of Hernando, subject to Staff Comments.

STAFF COMMENTS:***Standard Comments***

1. 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.
2. Improvements to be the responsibility of the developer and not the responsibility of the City of Hernando.
3. Grading, drainage, and engineering construction plans shall be submitted to the Office of Planning for review and approval by the City Engineer and Public Works Director.
4. 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, 1½" 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 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks.
5. Sidewalks shall be installed on the both sides of all streets.
6. Finished floor elevations shall be listed for each lot.
7. Streetlights shall be installed at the developer's expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director for approval.
8. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
9. No relocated buildings will be allowed.
10. The location map shall be referenced by Section-Township-Range.
11. Surrounding properties that are within 100 ft. shall be outlined with ownership records given.

City of Hernando Board of Aldermen
Page 2 of 3

12. Federal Emergency Management Agency (FEMA) designated floodplain shall be illustrated on the plat.

Project Specific Comments

1. If approved by the Board of Aldermen and prior to the beginning of construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando's Land Subdivision Ordinance.
2. If approved by the Board of Aldermen, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
3. Prior to Construction Plan approval, the Developer shall obtain a Grading Permit from the Office of Planning. This application shall include the MDEQ Large Area Permit.
4. Prior to recoding the final plat, all Public Improvements shall be installed, completed, and accepted by the City of Hernando.
5. Prior to recording the final plat, the Developer shall include all required certificates and execute those that are applicable to him and his assigns.
6. Prior to recording the final plat, the Developer shall submit for approval a schedule of Lot Numbers and associated street addresses. Corner lots shall include potential addresses for both streets.

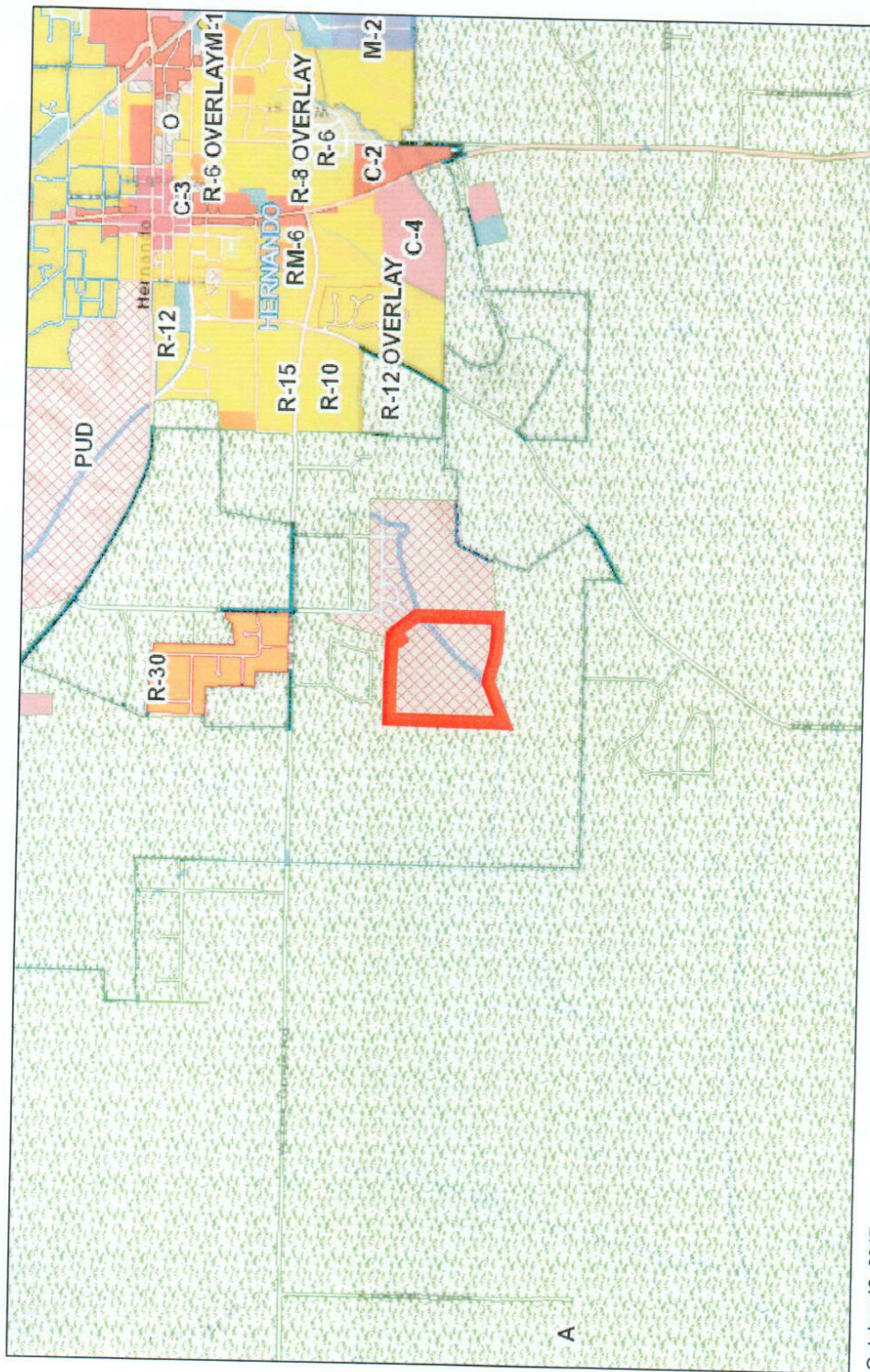
STAFF RECOMENDATION:

Staff recommends approval subject to staff comments.

PROPOSED MOTION:

I move to grant Final Plat approval for Montclair Subdivision Phase 3, a 43-lot residential subdivision, located in the Southwest portion of the City of Hernando, subject to Staff Comments.

City of Hernando Board of Aldermen
Page 3 of 3



1:36,112

0 0.3 0.6 1 1.2 mi

0 0.5 1 2 km

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

October 18, 2017

PL-1285



VICINITY MAP
1" = 400'

MORTGAGEE'S CERTIFICATE

_____, Mortgagee of the property hereon, hereby adopt this as our plan of subdivision and dedicate the right-of-way for the roads as shown on the plat of the subdivision to the public use forever and reserve for the public utilities and utility easements as shown or stated on this plat. I certify that all required authorized representative of the mortgagor in fee simple of the property and that no taxes have become due and payable on this the _____ day of _____, 20____.

BY: _____
TITLE: _____

OWNER'S CERTIFICATE

I/We, _____, owner or authorized representative of the owner of the property hereon, hereby adopt this as my plan of subdivision and dedicate the right-of-way for the roads as shown on the plat of the subdivision to the public use forever and reserve for the public utilities the utility easements shown on the plat. I/We certify that I/We are the single of the property and that no taxes have become due and payable. This is the _____ day of _____, 20____.

Name of Owner or Authorized Representative
Name of Company, if Applicable

NOTARY FOR OWNERS CERTIFICATE

State of _____
County of _____
Personally appeared before me the undersigned authority in and for the said county and state, on the _____ day of _____, 20____, within my jurisdiction, _____, with my acknowledged to me that he/she is _____, a Mississippi company, and that for and on behalf of said limited liability company, and as the act and deed of said limited liability company, he/she executed the above and foregoing instrument of writing and he/she is authorized by said corporation and said limited liability company so to do.

(If the person signing is an individual, and not representative of a company, then the notary's certificate should indicate such)

My Commission expires: _____
Notary Public: _____

**CITY OF HERNANDO CERTIFICATE
HERNANDO PLANNING COMMISSION**

Approved by the City of Hernando, Desoto County, Mississippi Planning Commission on this the _____ day of _____, 20____.
Secretary _____
Chairperson _____

HERNANDO MAYOR AND BOARD OF ALDERMEN

Approved by Mayor and Board of Aldermen of the City of Hernando, Desoto County, Mississippi, this the _____ day of _____, 20____.
City Clerk _____
Mayor _____

**CITY CLERK'S CERTIFICATE
STATE OF MISSISSIPPI, COUNTY OF DESOTO**

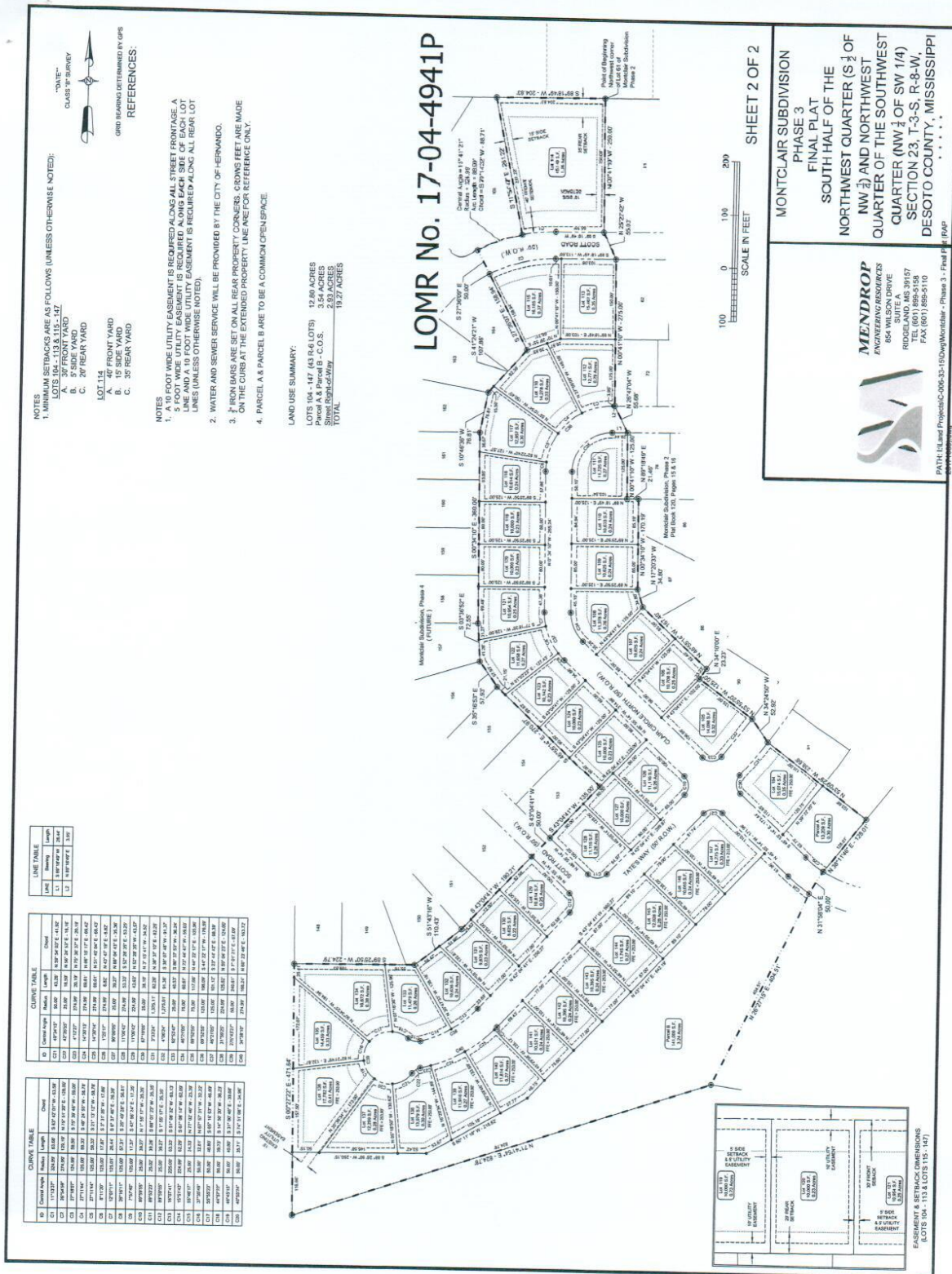
I hereby certify that the subdivision plat shown hereon was filed for record in my office at _____ o'clock _____ m., on the _____ day of _____, 20____, and was immediately entered upon the proper indexes and duly recorded in plat book _____, page _____.
City Clerk _____

**CHANCERY CLERK'S CERTIFICATE
STATE OF MISSISSIPPI, COUNTY OF DESOTO**

I hereby certify that the subdivision plat shown hereon was filed for record in my office at _____ o'clock _____ m., on the _____ day of _____, 20____, and was immediately entered upon the proper indexes and duly recorded in plat book _____, page _____.
Chancery Clerk _____



SHEET 1 OF 2
MONTCLAIR SUBDIVISION
PHASE 3
FINAL PLAT
SOUTH HALF OF THE
NORTHWEST QUARTER (S 1/2 OF
NW 1/4) AND NORTHWEST
QUARTER OF THE SOUTHWEST
QUARTER (NW 1/4 OF SW 1/4)
SECTION 23, T-3-S, R-8-W,
DESO TO COUNTY, MISSISSIPPI



Motion was duly made by Alderman Bryant and seconded by Alderman Hobbs to approve the application for Final Subdivision, titled "Montclair Phase 3" submitted by Montclair, LLC., following the Planning Commission recommendation, subject to the conditions listed in the staff report. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

ADOPT ORDINANCE OF THE CITY OF HERNANDO, MISSISSIPPI ESTABLISHING REGULATIONS AND HOURS OF OPERATION FOR BUSINESS HOLDING VALID WINE, BEER AND/OR LIQUOR LICENSE FOR ON PREMISES CONSUMPTION AND REPEALING THE ORDINANCE AS APPROVED ON MAY 6, 2008

**ORDINANCE OF THE CITY OF HERNANDO, MISSISSIPPI ESTABLISHING
REGULATIONS AND HOURS OF OPERATION FOR BUSINESSES HOLDING VALID
WINE, BEER AND/OR LIQUOR LICENSE FOR ON PREMISES CONSUMPTION AND
REPEALING THE ORDINANCE AS APPROVED ON MAY 6, 2008**

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF
THE CITY OF HERNANDO, MISSISSIPPI, AS FOLLOWS:**

Section 3-3. **BUSINESSES HOLDING VALID WINE, BEER AND LIQUOR
LICENSES PERMITTING ON PREMISES CONSUMPTION -
HOURS OF OPERATION and REGULATIONS OF SALE.**

SECTION I

It shall be unlawful in the City of Hernando, DeSoto County, Mississippi, for the holder of any permit or like for the sale, distribution or consumption of beer, wine or liquor in or on their business premises to permit the same to be consumed in or upon any such licensed premises any alcoholic beverages after 1:00 a.m. through 7:00 a.m. on Monday through Sunday, however, the sale, distribution or consumption of any alcoholic beverage containing more than five percent (5%) of alcohol, by weight, is prohibited on Sundays before 11:00 a.m. with Sunday hours being 11:00 a.m. to 1:00 a.m. for any such alcoholic beverages, containing more than five percent (5%) of alcohol, by weight. That all bottles, containers or other vessels containing any alcoholic beverages are to be removed from any tables, bars, serving areas, or other places within the business premises by 1:00 a.m. with the exception of those beverages being stored on the shelf, rack or in an area set up for display. That all beverages so stored must be unopened and in a sealed condition.

It shall likewise be unlawful for the holder of any permit or like to sell or store beer, light wine or any alcoholic beverage within 400 feet of any church, school, kindergarten, daycare or funeral home. However, in an area zoned commercial or business, the minimum distance shall not be less than 100 feet. The distance shall be measured from the actual location of the business to the nearest building housing the church, school, kindergarten, daycare or funeral home.

SECTION II

Any person, partnership, firm, limited liability company, corporation or any other such entity which violates any of these rules and regulations shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 and/or imprisoned for not more than six (6) months in the county jail, in the discretion of the Court and any failure to pay any such fines and/or court costs imposed by the court may be subject to further action of the court.

SECTION III

That if any part of this ordinance, section or provision is found to be unconstitutional or invalid the remaining part, section or provision shall be continued to be valid it being declared that all constitutional invalid provisions hereof shall be enacted at the exclusion of any section or provision which shall be found unconstitutional or invalid.

That nothing in this ordinance shall be construed to have any effect on the hours or days of sale during which alcoholic beverages may be sold by those holding a package retailer permit from the Mississippi State Tax Commission.

That this Ordinance is made pursuant to the authority as granted the City of Hernando, Mississippi by the October 10, 2017 Order of the Mississippi Department of Revenue as executed by it's Commissioner, Herb Frierson.

SECTION V

This ordinance amendment shall become effective thirty (30) days after its passage pursuant to the laws of the State of Mississippi.

SECTION VI

The previous ordinance entitled "ORDINANCE ESTABLISHING REGULATIONS AND HOURS OF OPERATION FOR BUSINESSES HOLDING VALID WINE, BEER AND/OR LIQUOR LICENSE FOR ON PREMISES CONSUMPTION" as contained in the code of general ordinances of the City of Hernando as adopted on May 6, 2008 shall be deemed repealed upon the effective date of this ordinance.

SECTION VII

The City Clerk shall cause a certified copy of this ordinance commencing with Section 3.3 to be inserted into the code of general ordinances of the City of Hernando, Mississippi. That further the City Clerk shall cause of the Ordinance as repealed to be so marked as such.

SO ADOPTED, on this the 21st day of November, 2017, at the regular meeting of the Mayor and Board of Alderman for the City of Hernando.

CITY OF HERNANDO, MISSISSIPPI

MAYOR TOM FERGUSON

ATTESTED TO:

By: _____
CITY CLERK

(SEAL)

VOTE:

	<u>YES</u>	<u>NO</u>
Alderman Higdon	<u>Mayor Tom</u>	___
Alderwoman Brooks	✓	___
Alderman Byrant	✓	___
Alderman Harris	✓	___
Alderman Hobbs	✓	___
Alderman McLendon	___	✓
Alderman Miller	✓	___

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to adopt the Ordinance of the City of Hernando, Mississippi establishing regulations and hours of operation for businesses holding valid wine, beer, and/or liquor license for on premises consumption and repealing the ordinance as approved on May 6, 2008, and waive the reading. A vote was taken with the following results:

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

Those voting "Nay": Alderman McLendon.

ORDERED AND DONE this the 21st day of November, 2017

**APPROVAL FROM CHIEF WORSHAM TO SIGN 5 YEAR AGREEMENT WITH AXON
AT 0% INTEREST THROUGH THE TASER 60 PROGRAM**

Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to authorize Chief Worsham to sign an agreement with Axon at 0% interest through the Taser 60 program, with the additional language to conform with state law. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017

**AUTHORIZE THE CITY TO SIGN AGREEMENT OF UNDERSTANDING AND
MEMORANDUM OF UNDERSTANDING WITH EXCEL BY 5**

Motion was duly made by Alderwoman Brooks and seconded by Alderman Harris to authorize the City to sign an Agreement of Understanding and Memorandum of Understanding with Excel by 5. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017.

DISCUSSION OF ADDING A TURNING LANE ON MCINGVALE

Alderwoman Brooks stated that she has had several citizens complain to her about the traffic issue, Mrs. Brooks is concerned about the long waits for cars turning left onto Commerce from McIngvale.

Alderman Hobbs made two suggestions made to him the first one was instead of having two straight lanes, have two turning lanes, and the other was to do a traffic study.

Joe Frank Lauderdale advised the Board that MDOT would be concerned about what this would do to the traffic at the interstate.

A recommendation was made that a traffic study be conducted by Charles Sullivan.

**AUTHORIZE TO ACCEPT THE LOWEST AND BEST BID FROM ARGO
CONSTRUCTION FOR THE HIGHWAY 51 DOWNTOWN AND HALL ROAD WATER
LINE PROJECT**

Motion was duly made by Alderman Hobbs and seconded by Alderman Harris to authorize to accept the lowest and best bid from Argo Construction for the Highway 51 Downtown and Hall Road Water Line project in the amount of \$235,787.50. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of November, 2017.

DISCUSSION OF STREET LIGHTS ON COMMERCE STREET EAST OF MCINGVALE

Joe Frank Lauderdale stated that he checked with Miss Herring at Entergy and the present amount would be around \$554.84 per month for 5 poles with two fixtures, LED lights and underground wires.

Alderman Miller requested a price for above ground cost.

Alderman McLendon asked do we allow builders to do overhead wires?

Joe Frank Lauderdale answered no.

Mayor Pro Tem Higdon stated that this will be tabled for Joe Frank Lauderdale to bring back more options with prices.

ADJOURN

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

Motion passed with a unanimous vote of "Aye".

MAYOR PRO TEM GARY HIGDON

ATTEST:

KATIE HARBIN, CITY CLERK