

**Order of Items  
DeSoto County Planning Commission  
January 2, 2003**

**Open with Prayer**

**Roll Call**

**Approval of Minutes            11/21/02**

**MINOR LOT SUBDIVISIONS (5)**

1. Antioch Baptist Church Minor Lot Subdivision (6114) – Application is for one lot of 6.35 acres. Subject property is located on the west side of Highway 161 and north of Delta View Road, zoned Agricultural.  
Section 33, Township 1, Range 9
2. Odum Minor Lot Subdivision (6116) – Application is for one lot of 1.0 acre. Subject property is located on the south side of Austin Road and east of Poplar Corner Road, zoned Agricultural-Residential.  
Section 18, Township 2, Range 8
3. Bowden Minor Lot Subdivision (6116) – Application is for two lots of 7.2 acres and 7.6 acres. Subject property is located on the east side of Getwell Road and south of Stonebrook Drive, zoned Agricultural-Residential.  
Section 22, Township 2, Range 7
4. Roehm Minor Lot Subdivision (6118) – Application is for one lot of 2.0 acres. Subject property is located on the west side of Williams Road and south of Sullivan Road, zoned Agricultural.  
Section 30, Township 3, Range 9
5. Allen Minor Lot Subdivision (6120) – Application is for one lot of 1.5 acres. Subject property is located on the west side of Tulane Road and north of Nesbit Road zoned Agricultural-Residential.  
Section 21, Township 2, Range 8

**OLD BUSINESS**

**ZONINGS (1)**

1. Parker and Flowers (605) – Application is to rezone 44.1 acres from Agricultural (A) to Heavy Industrial (M-2). Subject property is located on the west side of Highway 61 and north of Church Road.  
Section 4, Township 2, Range 9

**NEW BUSINESS**

**MAJOR SUBDIVISIONS (1)**

2. Plantation Oaks Subdivision Section C (6115) – Application is for final subdivision approval for 4 lots on 12.46 acres. Subject property is located on the east side of Highway 305 and north of Plantation Oaks Drive, zoned Agricultural-Residential.  
Section 33, Township 2, Range 6

**ZONINGS (1)**

3. Spring Place Planned Development (607) – Application is to rezone 115 acres from Agricultural-Residential (AR) to Planned Development (PD). Subject property is located on the north side of College Road and west of Pleasant Hill Road.  
Section 11, Township 2, Range 7

**OTHER ITEMS**

4. Update on Comprehensive Plan –William Peacock

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, January 2, 2003, in the Third Floor Boardroom of the Administration Building of DeSoto County located at: 365 Losher Street, Hernando, MS. Commissioners present included: Ed Williams, Charles McNemar, Jimmy Maxwell, Julius Cowan, Claudia Niebanck, Paul Whitfield, Len Lawhon and Leonard Lindsey. Planning Commission Staff present included, Mr. Merritt Powell, Director of the DeSoto County Planning, Michael Garriga, DeSoto County Planner, Jim McDougal, Transportation Coordinator, Mr. Bobby Chamberlin, County Attorney and Denise Dingman, Planning Commission staff.

Chairman Leonard Lindsey called the meeting to order at 7:00 p.m., he then asked Mr. Jimmy Maxwell to lead the Commission in prayer.

Mr. Lindsey asked for a Motion to approve the November 21, 2002 minutes. Ms. Neibanck then questioned the Dean Heights Revision and the Dean Road realignment. Mr. Garriga said he would note the change the minutes could be approved subject to that change. Mr. Lawhon made a Motion to approve the minutes with the revision. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

Ms. Niebanck then gave a report on Charitable Christmas Gifts given by the DeSoto County Planning Commission in December, 2002 to needy families. She stated that the Christmas plans were late due to several factors. Mr. Lindsey's sister had passed away, the board was able to send a card to him, but was unable to contact him regarding the Christmas plans. It was Christmas Eve before the plans were underway. Ms. Niebanck also wanted to let the Board know that, Mr. Lawhon had injured his hand and the board was not able to send out a card to him, because they did not know in time. The report is as follows:

The needy family was given a \$1,000 Wal-Mart gift certificate. In addition, the family is taking care of several dogs, so the board also donated dog food, biscuits and other dog supplies.

Ms. Niebanck then commended the board in saying that over the past three (3) years they have contributed \$4,700.00 plus other donations of toys, clothes, etc. for the Christmas projects.

Mr. Lindsey then stated it is time to elect new officers. He stated he has served a three (3) year term and by state law he cannot serve more than three years. He then opened the floor for nominations for Chairman.

Mr. Julius Cowan nominated Mr. Mike Robison as Chairman. Mr. Len Lawhon seconded the nomination. (No more nominations). Mr. Lindsey made a Motion to close the floor for Chairman nominations. Ms. Niebanck seconded the Motion. Ms. Niebanck made a Motion to accept the nomination by acclamation. Mr. Lawhon seconded the Motion. The Motion was carried unanimously.

Mr. Lindsey then asked for nominations for Vice Chairman. Mr. Lindsey nominated Ms. Claudia Niebanck. Mr. Lawhon seconded the Motion. (No more nominations). Mr. Lindsey made a Motion to close the floor for Vice Chairman nominations. Mr. Lawhon made a Motion to accept the nomination by acclamation. Mr. Maxwell seconded the Motion. The Motion carried unanimously.

Mr. Lindsey then asked for nominations for Secretary. Mr. Lawhon nominated Mr. Jimmy Maxwell. Mr. McNemar seconded the Motion. (No more nominations). Mr. Lawhon made a Motion to accept the nomination by acclamation. Mr. Lindsey seconded the Motion. The Motion carried unanimously.

After the election of officers Mr. Lindsey turned the meeting over to the new Vice Chairman Ms. Claudia Niebanck.

## **MINOR LOTS**

6. **Antioch Baptist Church Minor Lot Subdivision** (6114) – Application is for one lot of 6.35 acres. Subject property is located on the west side of Highway 161 and north of Delta View Road, zoned Agricultural.  
Section 33, Township 1, Range 9
7. **Odum Minor Lot Subdivision** (6116) – Application is for one lot of 1.0 acre. Subject property is located on the south side of Austin Road and east of Poplar Corner Road, zoned Agricultural-Residential.  
Section 18, Township 2, Range 8
8. **Bowden Minor Lot Subdivision** (6116) – Application is for two lots of 7.2 acres and 7.6 acres. Subject property is located on the east side of Getwell Road and south of Stonebrook Drive, zoned Agricultural-Residential.  
Section 22, Township 2, Range 7
9. **Roehm Minor Lot Subdivision** (6118) – Application is for one lot of 2.0 acres. Subject property is located on the west side of Williams Road and south of Sullivan Road, zoned Agricultural.  
Section 30, Township 3, Range 9
10. **Allen Minor Lot Subdivision** (6120) – Application is for one lot of 1.5 acres. Subject property is located on the west side of Tulane Road and north of Nesbit Road zoned Agricultural-Residential.  
Section 21, Township 2, Range 8

Mr. Garriga announced the above items and stated that minor lots conform to the DeSoto County Zoning and Subdivision Regulations and are ready for approval, subject to dedication of road right of way, and health department approval. Mr. Lindsey made a Motion to approve the minutes. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

## **OLD BUSINESS**

### **ZONINGS (1)**

**Parker and Flowers (605) – Application is to rezone 44.1 acres from Agricultural (A) to Heavy Industrial (M-2). Subject property is located on the west side of Highway 61 and north of Church Road. Section 4, Township 2, Range 9**

Mr. Garriga began by saying the applicant has requested this application be carried over. Mr. Danny Rutherford (representative) stated he would like to have this application be carried over due to some of the comments in the staff report, he would like more time to review those comments. He was concerned with number 3 on the staff comments regarding Small Community Preservation by the 2010 DeSoto County Comprehensive Plan. Mr. Rutherford was also concerned with number 7 on the staff report, in that, the Village of Memphis has not responded to the Planning Commission office. Mr. Garriga responded by saying our office is legally required to notice the Village of Memphis due to proximity to their boundary, but we are not required to receive a response. They have had an opportunity to comment and that fulfills the county's legal obligation. Mr. Lawhon stated that he believes in giving time, but this would be the 2<sup>nd</sup> time this application has been carried over and asking for more time to look at plans that have been existence for 12 years is not real good grounds for a carryover. Mr. Lawhon said he would like to give the applicant 30 more days, but at that time he wants to hear this application or it be withdrawn. Mr. Lawhon made a Motion to carryover this application to the January 30, 2003 meeting. Mr. Lindsey seconded the Motion. Ms. Niebank asked if there is a penalty due to the billboards? Mr. Garriga said there is no penalty in relation to billboards. Mr. Chamberlin stated that the resolution from the Board of Supervisors states that the Board is in support of the Mississippi Attorney Generals lawsuit to have them removed and has nothing to do with this application tonight. The Motion passed by a unanimous vote.

**NEW BUSINESS**

**MAJOR SUBDIVISIONS (1)**

**Plantation Oaks Subdivision Section C (6115) – Application is for final subdivision approval for 4 lots on 12.46 acres. Subject property is located on the east side of Highway 305 and north of Plantation Oaks Drive, zoned Agricultural-Residential. Section 33, Township 2, Range 6**

Mr. Garriga presented the application and presented the staff report to the Planning Commission, he added, that there should be no brick mail boxes or concrete structures on the road right of way. He then recognized Mr. Danny Rutherford as being present to represent this application.

Mr. Powell began by reminding Mr. Rutherford that he needs to remind Mr. DePriest to asphalt the turnarounds and to build some of them. Mr. Rutherford agreed.

Mr. Rutherford began by saying the final plat is the same as the preliminary plat and nothing has changed.

Mr. Lawhon made a Motion to approve this application. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

## **ZONINGS (1)**

**Spring Place Planned Development (607) – Application is to rezone 115 acres from Agricultural-Residential (AR) to Planned Development (PD). Subject property is located on the north side of College Road and west of Pleasant Hill Road. Section 11, Township 2, Range 7**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Bob Dalhoff as being present to represent this application.

Ms. Niebanck asked if using the walking trail as a second access would be possible? (Number 8 on the staff report) Mr. Garriga responded by saying he is not sure it is feasible, the regulations do not require two access points with a subdivision of 55 lots. Mr. Garriga added, there is nothing in the ordinance that requires two points of access, this is just a concern to the staff. Mr. Garriga also stated Mr. Bobby Storey (Fire Marshall) would also need to be contacted in regards to emergency vehicle access.

Mr. Ed Williams stated he had talked with Mr. Jim Harris (Fire Chief) and said he lives within one mile of this development, and is also close to Olive Branch City Limits. Mr. Powell then gave the location of the Olive Branch City limits. Mr. Williams concluded by saying, his main concern is the fire protection in gated communities.

Mr. Dalhoff began his presentation by saying Mr. Hancock (fire personnel) is the person that has been contacted regarding fire issues. Mr. Dalhoff then stated the rezoning is needed due to the following reasons:

1. There has been significant change in the area, with the extension of Church Road that is currently being constructed;
2. There is also a lot of growth to the north, south, east & west of the this area;
3. The extension of the public sanitary sewer to the area;
4. The vacant property surrounding the property is currently being master planned for future growth;
5. The market is looking for this type of development;
6. There is a need for an exclusive/upper scale type living environment;
7. This development will exemplify the natural environment and design.

Mr. Dalhoff continued by saying the square footage of the estate type homes begin at 3,000 square feet and continue up to 4,000 square feet. He also said this promotes smart growth development. Mr. Dalhoff then supplied pictures that were taken in February 2002 of the property. He added, the barn will be removed, but the silo will remain and be maintained and become an icon for the front gate of the project. Mr. Dalhoff then gave a site analysis. He said the roads are in the valleys and the houses will be built

higher than the roads. He then presented Exhibit G – Site plan. He stated that area one (1) minimum lot sizes are 20,000 square foot, area two (2) minimum lot sizes of 30,000 square foot, and the remainder of the lots range from 40,000 square feet to 8 acres, the overall density is .47. Mr. Dalhoff then stated they are asking for private streets, this development would also be gated with a guardhouse. He continued to state that he has been doing this for 30 years and has done a lot of gated communities. He added, sometimes Shelby County will allow up to 60 lots with only one point of access, due to the fact, they do not feel like it is an emergency hazard. A international key will be available at the gate for emergencies and even if the power is off the gate will still open. Mr. Dalhoff said the homeowners association is in draft form, but believes it raises the bar as far as homeowners associations. Mr. Dalhoff continued by saying there will be a 50' buffer between College Road and this project. It will be an iron picket fence. Area one will have 22 homes with a minimum of 3,000 square foot. Area two will have 12 homes to be a minimum of 3,500 square feet. Area three will have 21 homes to be a minimum of 4,000 square feet. Mr. Dalhoff stated the roads would be built to county standards, but he does have a concern with the 50' road right of way. He is not sure why 50' is needed because they do have easements and a utility easement, and it is an imaginary invisible line. He then requested to leave the road right of way as presented. Mr. Dalhoff then stated the cul-de-sac will only have four homes, and the county regulations state the 500' can exceed based on the topography, (which is what is going on here). He also stated the roundabouts will be accessible for school buses/emergency vehicles and most roundabouts will be much larger than the minimum requirement. He concluded by saying he expects this to be a special environment and a nice place to live.

Mr. Garriga asked who would be providing the sewer. Mr. Dalhoff stated in the future, Southaven will be the provider, but currently they have local approval for a temporary lagoon.

Mr. Lindsey then asked about number 8 on the staff report regarding curb and gutter. Mr. Garriga responded by saying in area 1 it will be 30' curb face to curb face. Mr. Dalhoff stated there will be 30' on each side of the roundabouts, with the balance to be 24'.

Mr. Williams asked if school buses will be allowed to enter the main gate? Mr. Dalhoff said “yes”.

Ms. Niebanck asked why it is necessary for the community to be gated? Mr. Dalhoff responded by saying since September 11<sup>th</sup>, people want private gated communities, they feel safer, these type of communities also have a lot of advantages. He continued by saying, he has lived in both small and large gated communities and they work well.

Ms. Niebanck then asked if there was anyone here for or against this application.

1. Bruce Niebanck – He began by saying according to Mississippi Code 72, it is up to the developer to prove the change in the neighborhood and need. He asked for the

name of the developers who decided there has been a change in area and a need for this project.

Mr. Dalhoff responded by saying he cannot disclose the names of the developers, but there are home buyers requesting this type of community.

Mr. Williams said the silo is in bad condition, and needs to be repaired, he added, he believes Mr. Dalhoff has done a marvelous job at laying out the roads for this project. Mr. Williams then asked about the cable, water, and electric lines. Mr. Dalhoff stated there is a 10' utility easement that will be used for these services.

Mr. Lawhon stated this looks good, but there could be future problems with this type of development, Shelby County has many of them, henceforth, he would like to see future developments have the same level of engineering as this project.

Mr. Len Lawhon made a Motion to approve this application with staff recommendations. Mr. Williams seconded the Motion. There was a roll call vote of 8-0. This application will be heard by the Board of Supervisors on February 5, 2003.

The Commission then took a 5 minute break.

Mr. William Peacock then gave an update on the Comprehensive Plan.

There being no further business in front of the Planning Commission, Mr. Leonard Lindsey made a Motion to adjourn the meeting, Mr. Ed Williams seconded the Motion. The Motion was carried by a unanimous vote. This meeting adjourned at 10:00 p.m. These minutes were recorded and transcribed by Denise Dingman.