

**Order of Items  
DeSoto County Planning Commission  
January 30, 2003**

**Open with Prayer**

**Roll Call**

**Approval of Minutes            1/02/03**

**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

**APPLICANT HAS SUBMITTED A LETTER TO  
WITHDRAW APPLICATION**

**NEW BUSINESS**

**MAJOR SUBDIVISIONS (0)**

2. Grandview Grove Section A (6119) – Application is for preliminary subdivision approval for 38 lots on 23.72 acres. Subject property is located on the north side of State Line Road and east of Highway 301, zoned R-3 (R-6).  
Section 18, Township 1, Range 8
3. Spring Valley North 1<sup>st</sup> Addition (6122) – Application is for preliminary and final subdivision approval for 3 lots on 5.43 acres, zoned Ag-Res. Subject property is located on the west end of Oakshadow Lane and west of Spring Valley Drive.  
Section 7, Township 2, Range 5
4. Center Hill Downs (6123) – Application is for final subdivision approval for 41 lots on 50.77 acres. Subject property is located on the west side of Center Hill Road and south of Goodman Road, zoned Ag-Res.  
Section 5, Township 2, Range 5
5. Scruggs Creek Section B (6124) – Application is for final subdivision approval of 12 lots on 17.9 acres. Subject property is located on the west side of Holly Springs Road Extended and south of Holly Springs Road, zoned Agricultural.  
Section 23, Township 3, Range 7

**OTHER ITEMS**

4. Comprehensive Plan –William Peacock

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, January 30, 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, Claudia Niebanck, Paul Whitfield, Len Lawhon, Mike Robison, Mitch Mitchell, Howard Blankenship, Robin James, Larry Sykes, Earl Ward 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. Tony Nowak, Katie Jewell County Attorney's Andy Swims, County Engineer, Scott Young, Assistant County Engineer and Denise Dingman, Planning Commission staff.

Chairman Mike Robison called the meeting to order at 7:00 p.m., he then asked Mr. Larry Sykes to lead the Commission in prayer.

Mr. Merritt Powell then introduced the two new Planning Commission members, Mr. Larry Sykes and Mr. Robin James.

Mr. Robison asked for a Motion to approve the January 2, 2003 minutes. Mr. Garriga stated there was a correction regarding the motion for the Parker & Flowers application. Mr. Lawhon had made a Motion to carryover the application to the January 30, 2003 meeting or the application be withdrawn. Mr. Mitch Mitchell made a Motion to approve the minutes with the revision. Mr. Williams 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 he had received a letter by the applicant to withdraw the application due the annexation of this property; which will now be located in the Village of Memphis. The Planning Commission accepted the letter of withdraw and the application was not heard by the board.

## **NEW BUSINESS**

### **MAJOR SUBDIVISIONS (4)**

**Grandview Grove Section A (6119) – Application is for preliminary subdivision approval for 38 lots on 23.72 acres. Subject property is located on the north side of**

**State Line Road and east of Highway 301, zoned R-3 (R-6). Section 18, Township 1, Range 8**

Mr. Garriga began by saying he just received a letter of request to table this application by the Grandview Lakes/Hills View Homeowner Association due to pending litigation concerning the validity of the zoning. Mr. Lindsey made a Motion to carryover this application. Ms. Niebanck seconded the Motion. The Motion was passed by a unanimous vote.

**Spring Valley North 1<sup>st</sup> Addition (6122) – Application is for preliminary and final subdivision approval for 3 lots on 5.43 acres, zoned Ag-Res. Subject property is located on the west end of Oakshadow Lane and west of Spring Valley Drive. Section 7, Township 2, Range 5**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Dan Brown as being present to represent this application. Mr. Garriga added that he had talked with Mr. Andy Swims, County Engineer and he wanted to make sure there is a significant easement for the ditch, which should be 2 times the width of the ditch from bank to bank.

Mr. Powell then there is no longer a need for a temporary turnaround, that it will become a cul-de-sac.

Mr. Larry Sykes asked if the whole lot of number three is buildable? Mr. Garriga responded by saying, “he believes the front part of the lot is buildable”. Mr. Sykes stated he does not think it is a good idea to have a house built on the back part of the lot that would look into neighbor’s backyards. Mr. Garriga said, “maybe a rear setback should be set”.

Mr. Mitchell then asked about number 3 on the staff report, regarding the ditch. Mr. Swims responded by saying it should be 2 times the average size of the ditch.

Mr. Brown said he has no problem with the staff report or staff comments, he agrees with all of them.

Mr. Williams asked if the triangle lot between lot 19 and the ditch will be included with this application. Mr. Brown said “no”.

Mr. Robison asked if there was anyone for or against this application, there was none.

Mr. Lindsey asked if a setback was established for lot three. Mr. Brown answered by saying, lot three was purchased by the lot owner of lot 14. Mr. Powell said that does not remedy the problem with lot three, because that lot could be sold. Mr. Garriga said he is not sure what the setback should be if one is established. Mr. Brown said he would move the building line of lot 3 to be no further than the rear lot line of lot 14.

Mr. Lindsey made a Motion to approve the preliminary and final application of Spring Valley North 1<sup>st</sup> Addition with staff recommendations and with the stipulation that the building site of lot 3 does not go pass the rear lot line of lot 14. Mr. Mitchell seconded the Motion. The Motion was carried with a unanimous vote.

**Center Hill Downs (6123) – Application is for final subdivision approval for 41 lots on 50.77 acres. Subject property is located on the west side of Center Hill Road and south of Goodman Road, zoned Ag-Res. Section 5, Township 2, Range 5**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Greg Russell as being present to represent this application. Mr. Garriga stated that there are no erosion control measures in place and it needs to be done. Mr. Garriga did speak with Mr. Greg Russell and Mr. Russell said the erosion control measures would be in place as soon as possible. Mr. Garriga added, the lot numbers need to be in consecutive order.

Mr. Lawhon asked what the requirement is for screening the sewer lagoon? Mr. Garriga responded by saying, the county does not have a screening requirement, DEQ has the requirements. He said it has to be fenced off, it has to be 150 from the boundary of any property line. Mr. Garriga reminded the board members that originally the lagoon was going to be at the back of the property and Mr. Robbins opposed the location, so it was moved to the current proposed location. Mr. Lawhon responded by saying as long as it is screened it will be o.k., but if it is not, it will be a problem. Mr. Garriga said according to DEQ it has to be screened. Mr. Russell responded saying, DEQ does not have any screening requirements. Mr. Powell said they have a fencing and setback requirement, this board will have to set up the screening requirement. Mr. Lawhon said it needs to be screened, possibly bermed. Mr. Mitchell asked if Mr. Russell has considered any of this at all. Mr. Russell said “no” because we have met all the state and local requirements. Mr. Russell said they have to put up a 8’ chain link fence around the top bank of the lagoon. He added, given the grade the lagoon may not been seen from the road and the interceptor is coming to that location along Center Hill Road. He said there is no way to move the lagoon, and if this board requires a screening, his client will entertain some sort of screening. Mr. Lawhon asked if there is a possibility to berm it, so that the sewage lagoon is not the first thing residents see, because he knows he will here about it. Mr. Russell said the lagoon itself is a berm, there is a big levy, the only way to block it, is to plant pine trees or something that grows fast. Mr. Lawhon said that would be fine, but something does need to be done since the lagoon will be there at least 5 – 10 years. Mr. Russell said hopefully it will not take that long. Mr. Lawhon said he is for this plan, but there has to be some way to screen the lagoon at least on the east and south side. He added, this would also help in their marketing. Mr. Robison stated that maybe weeping privets, Virginia pines, may work as a screen, and they are inexpensive. Mr. Lawhon further stated that there are other people who live in that area who would be concerned with the lagoon, so if the applicant could work that in then he would be in favor of this application.

Mr. Williams asked if lots 40 and 41 would always be large lots or are they going to be redone at a later date. Mr. Russell said they will leave the lots like they are now, because it would be easier to do it now, than revise the plat down the road. Mr. Russell said he would put a note on the plat that lots 40 & 41 cannot be built on until there is proper reclamation documents from the Department of Environmental Quality (DEQ).

Mr. Lindsey asked how much dirt has been moved before the erosion control measures have been put in place? Mr. Russell said 50,000 yards of dirt. Mr. Lindsey replied by saying, shouldn't the erosion control measures been in place before moving any dirt? Mr. Garriga said "yes". Mr. Robison asked if DEQ watches for that? Mr. Garriga responded by saying "yes" and beginning in March DeSoto County will be watching. That is one reason we are trying to enforce erosion control measures. Mr. Garriga said we do have a vague policy that discusses erosion control. Mr. Lawhon said how about holding off a final approval until the erosion control measures are in place? Mr. Lindsey agreed. Mr. Lawhon said it is not just for this application, but we have many complaints regarding this issue and we need to let them know we are serious. Mr. Russell said he was told by his client that he was going to get out there today and start the process and to get it up to the standards. Mr. Powell said at 2:00 p.m. today it had not been started. Mr. Lindsey asked why erosion control was not done before the dirt had been moved? Mr. Russell said, erosion control measures are never to late to do. Mr. Lawhon asked how quickly can these measures be done? Mr. Russell said several days at the most. Mr. Lawhon asked if this could be done before the Board of Supervisors meeting on Wednesday? Mr. Russell said he thinks it could be done, but does not have a copy of the erosion control plan in front of him. Mr. Lawhon added, this board would like to move this application on, but there are a few people who would put this off if it is not done. Mr. Russell said his client has agreed to put recording on hold until erosion control measures are done. Mr. Russell said he would make the promise for his client that the erosion control measures are done before the Board of Supervisors hear this application. Mr. Lawhon said there could be problems on Wednesday if this is not done. Mr. Lindsey informed the board that the engineers know the process and why they come here without erosion control measures before dirt is moved is beyond him, and he wants to make sure the message is clear, that this board will not do this a whole lot. The Planning Commission board agreed.

Mr. Robison asked if this conforms to the preliminary plat? Mr. Garriga said "yes", they split the sewer lots to prevent having to come back and do a plat revision once lots are sold. Mr. Garriga continued saying, he is a little leary of the process, but he does like the fact that they have shown the lagoon footprint, and if a note is on the plat, and someone buys those lots, they would know a lagoon was there. DEQ has their process and as long as it is followed and we receive all of the proper documents, it should be o.k.

Mr. Mitchell made a Motion to approve this application with staff recommendations and screening the lagoon on the east and south side, along with all erosion control measures to be completed before Wednesday, February 5, 2003, Board of Supervisors Meeting. Mr. Lawhon seconded the Motion. The Motion was passed by a unanimous vote.

**Scruggs Creek Section B (6124) – Application is for final subdivision approval of 12 lots on 17.9 acres. Subject property is located on the west side of Holly Springs Road Extended and south of Holly Springs Road, zoned Agricultural. Section 23, Township 3, Range 7**

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

Mr. Williams asked if the Bright Water Association will be servicing the subdivision? Mr. Todd responded by saying, “no” it will be individual wells. Mr. Williams said you cannot have wells. Mr. Todd said all of the subdivision was approved before the Board of Supervisors. Mr. Garriga said, the preliminary plat that was approved in 2001 shows a note on the plat that the water would be provided by the Bright Water Association. Mr. Todd said that is an error in the plat, and that the water issue was addressed by the Board of Supervisors. Mr. Garriga responded by saying, that was only for the first phase. Mr. Mitchell asked for clarification regarding the water issue. Mr. Garriga responded by saying the Board of Supervisors addressed lots 1 – 4 in the first phase, not phase two. Mr. Powell agreed, it was only the first phase that was addressed. He added, there is an appeal process if needed. Mr. Todd responded by saying, the discussion was of the entire plat, and the entire cost, fees, water, expenses, however, at the time we were only recording the first four lots.

Mr. Mitchell asked if that was the staff’s impression? Mr. Garriga said “no”. Mr. Powell said he remembers a big discussion about safety and water of the first four lots, he will not comment any further; except that the Board of Supervisors will know what was decision was made regarding the four lots. Mr. Robison said if we pass this application with staff recommendations, he could appeal it to the board, Mr. Todd said that was fine. Mr. Robison then asked for clarification regarding the roads. Mr. Todd said Mr. Jim Ivy has inspected the road, and the driveway of lot four does come out on Melanie Lane, the culverts are in on all lots, the easement on lot five will be shown on the plat before it is recorded. Mr. Todd said that the homeowners will sign a document at closing that the drainage, individual waste water systems, treatment plants, etc. are maintained by the homeowners. He added, when these are put in they are put where they face the lower part of the property, so if and when the sewer comes along it makes it easy to connect. It is standard procedure that brick mailboxes and concrete structures cannot be placed along the road right of way.

Mr. Robison recapped by asking Mr. Todd if he agrees with everything in the staff report other than the water issue. Mr. Todd said “yes”.

Mr. Mitchell said that there will be a temporary turnaround between lot 10 and 11, and asked if the northern property will be developed eventually. Mr. Todd responded by saying that part of the condition/approval was when this property was cut out of the big piece of property, that there would be no further division of the northern property, unless a road was brought out to Holly Springs at a specific place, because of a big hill. Mr.

Mitchell said if that northern part develops and there is no water coming off of Holly Springs Road at least for these 8 lots, how will that effect the other development. Mr. Todd responded by saying, this is about 400' from the turnaround to the end to Holly Springs Road so there will only be two lots in between.

Mr. Robison entertained a Motion. Mr. Mitchell made a Motion to approve this application with staff recommendations, this board is not for individual water wells, this subdivision should be serviced by Brights Water Association, the water issue to be resolved by the Board of Supervisors. Mr. Blankenship seconded the Motion. The Motion was approved with a 10 – 2 vote.

The Planning Commission took a 10 minute break.

Mr. Peacock from Central Mississippi Planning and Development gave an update on the Comprehensive Plan.

**See Exhibit A**

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 11:15 p.m. These minutes were recorded and transcribed by Denise Dingman.