



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
FEBRUARY 3, 2005**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – January 4, 2005

CONSENT AGENDA

MINOR LOT SUBDIVISIONS

5. **Wright, Kevin (6330)** – Application is for one lot of 0.97 acres. Subject property is located on the south side of Slocum Road and west of McIngvale Road, zoned Agricultural. Section 32, Township 3, Range 7 (District 5)
6. **Tauer, Kurt & Anita (6331)** – Application is for one lot of 6.86 acres and one lot for 3.16 acres. Subject property is located on the south side of Sterlin Lane and west of Highway 51, zoned Agricultural. Section 36, Township 3, Range 8 (District 5)
7. **McKinney, Phyllis (6332)** – Application is for one lot of 1 acre. Subject property is located on the south side of Highway 304 and east of Rising Sun, zoned Agricultural. Section 16, Township 3, Range 8 (District 4)
8. **Bryant, Brad (6333)** – Application is for one lot of 3.75 acres. Subject property is located on the south side of Byhalia Road and on the east side of Louise Road, zoned Agricultural. Section 5, Township 3, Range 5 (District 1)
9. **White, William 1st Revision (6334)** – Application is for one lot of 1.50 acres. Subject property is located on the south side of Woolsey Road and east of Nolan Road, zoned Agricultural-Residential. Section 22, Township 2, Range 6 (District 1)
10. **Viehe (6335)** – Application is for one lot of 3.69 acres. Subject property is located on the east side of Chappel Cove and south of Whispering Pines Drive, zoned Agricultural-Residential. Section 1, Township 2, Range 6 (District 1)

OLD BUSINESS

SUBDIVISIONS (2)

11. **Belmor Lakes Section D (6128)** – Application is for final subdivision plat approval for 52 lots on 42 acres. Subject property is located on the north side of Dunn Lane and west of Highway 305, zoned R-40 Overlay. Section 16, Township 2, Range 6 (District 5)

12. **Jordan Creek Subdivision (6306)** – Application is for preliminary subdivision approval for 19 lots on 64.91 acres. Subject property is located on the north side of County Line Road and west of Massey Road, zoned Agricultural - Residential. Section 33, Township 3, Range 6 (District 5)

REZONINGS (2)

13. **Magnolia Landing (645)** – Application is to rezone 86.5 acres from Agricultural-Residential to R-20 Single Family Residential (Low Density). Subject property is located on the east side of Payne Lane and north of Highway 302, Section 28, Township 1, Range 5 (District 1)
14. **Magnolia Commons (646)** – Application is to rezone 12.44 acres from Agricultural-Residential to Planned Commercial (C-4). Subject property is located on the north side of Highway 302 and east of Payne Lane. Section 28, Township 1, Range 5 (District 1)

NEW BUSINESS

REZONINGS (1)

15. **Ivy Meadows (649)** – Application is to rezone 192.40 acres from Agricultural to Planned Unit Development (PUD). Subject property is located on the south side of Oak Grove Road and west of Scott Road. Section 23, Township 3, Range 8 (District 5)

SUBDIVISIONS (2)

16. **Newberry (6325)** – Application for a preliminary subdivision approval for 39 lots on 24.81 acres. Subject property is located on the south side of Star Landing Road and east of Baptist Road. Section 20, Township 2, Range 7, Zoned R-20 (District 5)
17. **Kyles Creek East (6324)** – Application is for preliminary subdivision approval of 94 lots on 56 acres. Subject property is located on the south side of Goodman Road and east of Payne Lane. Section 33, Township 1, Range 5, Zoned R-20 (District 1)

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, February 3, 2005, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Leigh Graves, Dennis Clemmer, Leonard Lindsey, Wade Carter, Frank Calvi, Robin James, Jimmy Maxwell, Charles McNemar, James Mayfield, Len Lawhon, Joe Forsythe, Paul Whitfield, and Pat Hefley. Planning Commission Staff present included Merritt Powell, Jim McDougal, Andy Swims & Scott Young, County Engineers, and Tony Nowak, Commission Attorney.

After the invocation, Acting Chairman Leonard Lindsey asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on January 4, 2005. Mr. Clemmer made a Motion to Approve the Minutes and the Motion was seconded by Mr. James. The Motion passed by a unanimous vote.

Mr. McDougal then gave a brief presentation regarding the DeSoto County Regional Utility Authority and their new procedures for subdivision approvals. There was a brief discussion among board members, staff and Mr. Ben Smith regarding this issue.

CONSENT AGENDA

MINOR LOT SUBDIVISIONS

Wright, Kevin (6330) – Application is for one lot of 0.97 acres. Subject property is located on the south side of Slocum Road and west of McIngvale Road, zoned Agricultural. Section 32, Township 3, Range 7 (District 5)

Tauer, Kurt & Anita (6331) – Application is for one lot of 6.86 acres and one lot for 3.16 acres. Subject property is located on the south side of Sterlin Lane and west of Highway 51, zoned Agricultural. Section 36, Township 3, Range 8 (District 5)

McKinney, Phyllis (6332) – Application is for one lot of 1 acre. Subject property is located on the south side of Highway 304 and east of Rising Sun, zoned Agricultural. Section 16, Township 3, Range 8 (District 4)

Bryant, Brad (6333) – Application is for one lot of 3.75 acres. Subject property is located on the south side of Byhalia Road and on the east side of Louise Road, zoned Agricultural. Section 5, Township 3, Range 5 (District 1)

White, William 1st Revision (6334) – Application is for one lot of 1.50 acres. Subject property is located on the south side of Woolsey Road and east of Nolan Road, zoned Agricultural-Residential. Section 22, Township 2, Range 6 (District 1)

Viehe (6335) – Application is for one lot of 3.69 acres. Subject property is located on the east side of Chappel Cove and south of Whispering Pines Drive, zoned Agricultural-Residential. Section 1, Township 2, Range 6 (District 1)

Mr. McDougal then announced the Consent Agenda. Mr. McDougal announced the above items and stated that all the 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. Maxwell made a Motion to approve the Minor

lots with staff recommendations. Mr. Clemmer seconded the Motion. The Motion was approved by a unanimous vote.

OLD BUSINESS

SUBDIVISIONS (2)

**Belmor Lakes Section D (6128) – Application is for final subdivision plat approval for 52 lots on 42 acres. Subject property is located on the north side of Dunn Lane and west of Highway 305, zoned R-40 Overlay.
Section 16, Township 2, Range 6 (District 5)**

Mr. McDougal presented the application and the staff report to the Planning Commission. Mr. McDougal said there is an agreement between the developer and the Belmor Lakes Homeowners Association. He then passed out a copy of that agreement. He then recognized Mr. Ben Smith as being present to represent the application.

Mr. Lindsey asked if that agreement has been signed. Mr. Smith answered saying “yes”.

Mr. Smith began by asking if this application will be grandfathered in regards to the new changes to DCURA. Mr. Powell replied saying, in his opinion “yes”.

Mr. Smith continued by requesting this application be approved subject to obtaining the National Pollutant Discharge Elimination System (NPDES) permit and that all other issues be worked out at the Board of Supervisors.

Mr. Lindsey asked if the Homeowners Association is happy with the agreement.

Mr. Mike Sobczak, President of the Belmor Lakes Homeowners Association spoke stating he has no problem with approval of this final subdivision application as long as the issues stated in the agreement are resolved before the plat is recorded. The original plat was recorded with 192 lots and the new proposal is 196 lots, and they are not opposed to the additional lots. He then explained the other issues listed in the agreement, and once again said he is not opposed to this application.

Mr. Lindsey asked if this documented has been executed by both parties. Mr. Sobczak said “yes”.

Mr. Lindsey then entertained a Motion. Mr. Maxwell made a Motion to approve this application with staff recommendations and that the issues in the agreement will be worked out with the Homeowners Association and the developer. Mr. Clemmer seconded the Motion. The Motion was approved by a unanimous vote.

**Jordan Creek Subdivision (6306) – Application is for preliminary subdivision approval for 19 lots on 64.91 acres. Subject property is located on the north side of County Line Road and west of Massey Road, zoned Agricultural - Residential.
Section 33, Township 3, Range 6 (District 5)**

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. Greg Russell as being present to represent the application.

Mr. McDougal asked that number 7 of the staff comment which requests an acceleration-deceleration lane to be built be removed. In addition, Mr. McDougal requested that the name of the subdivision be changed.

Mr. Lindsey then asked about the topography. Mr. McDougal said a topography map was not submitted, but he did look at the GIS topography map and did not see any issues.

Mr. Russell began by pointing to the creek line, and explained the direction of the water flow. He then stated he is okay with the staff recommendations and there will be covenants that will be filed with the final application. There will not be a Homeowners Association. They will also provide temporary turnarounds on any stub streets as long as there is more than one lot attached.

Mr. Lindsey said most lots are over three acres and then asked if this would be a mobile home subdivision. Mr. Russell said “no”, and they received a letter from the Health Department today saying the lots have been approved for onsite systems. Mr. Russell also stated he will work with the Planning Commission staff in regards to changing the subdivision name.

Mr. Carter asked Mr. Russell if he knew what the minimum house sizes would be. Mr. Russell answered saying “no”.

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

Ms. Graves then questioned the access. Mr. Powell answered saying, it will be through County Line Road.

Mr. Carter stated he is concerned with the erosion due to the degrading creek, he does not want to see mud in the back yards. Mr. McDougal addressed this issue by saying the County Engineer has the authority to set up setbacks to assure adequate protection.

At this point there was a brief discussion about mobile homes being located in this subdivision. Mr. Powell said the applicant has to declare this information to you and they have already said there would not be any mobile homes.

Mr. Lindsey entertained a Motion.

Mr. James made a Motion to approve this application with staff recommendations. Mr. Maxwell seconded the Motion. The Motion was passed with a unanimous vote.

REZONINGS (2)

Magnolia Landing (645) – Application is to rezone 110 acres from Agricultural-Residential to R-20 Single Family Residential (Low Density). Subject property is located on the east side of Payne Lane and north of Highway 302, Section 28, Township 1, Range 5 (District 1)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. Greg Russell with Russell and Company as being present to represent the application.

Mr. Russell began by saying there has been a change in the neighborhood. There is the new county wide sewer system (DCRUA). The water will be serviced by the City of Olive Branch. There is also a new school on Center Hill Road, a new fire station and the widening of Highway 302. This plan also follows the comprehensive plan, in addition there are new subdivisions in the area and most are built out or almost built out. There has been several changes since the last hearing, there has been an increase in the acreage so that there will be additional access to this subdivision. Mr. Russell then pointed to the location of the church and the proposed entrance. The main entrance will be dedicated Road Right of Way (ROW) and will line up with the existing curb cut in the MDOT ROW.

Mr. Lindsey asked about the landscape buffer, he said this is an important issue. Mr. McDougal answered saying there will be a 30' landscape buffer.

Mr. Lindsey asked if it was necessary for the subdivision entrance to go through a commercial area, that just seems real unusual. Mr. Russell disagreed and stated there are several areas that are set up like this. This entrance will be a boulevard type entrance.

Mr. Lindsey asked if there would be improvements to Payne Lane. Mr. Russell said "yes", that will be part of the subdivision. There will also be dedicated ROW which will be 40' on the east property line along Payne Lane and 53' along County Line. Mr. Powell said one day the Payne Lane intersection will have a traffic light.

Ms. Hefley asked why there is an entrance through the commercial if other entrances are available. Mr. Powell answered saying, just to have another access.

Mr. Lindsey asked if there was anyone here for or against this application.

1. May Darsen – She lives on the west side of Payne Lane. She asked if there would be any changes to the road on the west side of Payne Lane. Mr. Powell replied saying this issue would be addressed at the preliminary subdivision and engineering stage of the development, but there should be Right of Way for a 3 lane road.

Mr. Lindsey added saying typically the developer only improves his side of the road.

2. Willie Dotson – He began by asking if this development has been approved. Mr. McDougal answered saying "no", this is a 3 step process, he then explained that

process. Mr. Dotson then said he is concerned with the entrance on Highway 302 and asked about the church property.

Mr. Lindsey then closed the floor and entertained a Motion.

Ms. Hefley made a Motion to approve this application with staff recommendations due to the changes in the area proven by the applicant. Ms. Graves seconded the Motion. There was a roll call vote of 11-1 to approve this application.

Magnolia Commons (646) – Application is to rezone 12.44 acres from Agricultural-Residential to Planned Commercial (C-4). Subject property is located on the north side of Highway 302 and east of Payne Lane. Section 28, Township 1, Range 5 (District 1)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. Greg Russell as being present to represent the application.

Mr. Lindsey asked how the maintenance would be handled between the residential and commercial areas. Mr. Russell answered saying the maintenance would be handled separately. The residential area would have a homeowners association and the commercial section would have their own restrictive covenants.

Mr. Russell then began by saying the change in the area and the public need is the same as the previous application (Magnolia Landing). In addition, MDOT's website showed there are 12,000 cars per day that pass this site and has had a 20% increase since the last traffic count, which also shows a public need. He does not have a problem with the staff reports, other than he would like a brief discussion on number 5 of the staff report (permitted uses). He would like numbers 9, 10, 28, and 27 as a conditional use. There was then a brief discussion among the staff, applicant and board members regarding liquor and that it is not allowed in the county.

Mr. Carter questioned the entrances into this property. Mr. Russell said there would be 4 entrances/exits. Mr. Powell said the comprehensive plan states the entrances and exits should be at least 300' apart. Mr. Russell said he would modify this to be 300'.

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

At this time there was additional discussion on what to allow as permitted and conditional uses. It was decided to allow number 27 with some wording change. It should read as follows: # 27 Health spas etc... "Health spas, fitness centers, reducing salons, and similar uses, but not including massage parlors." Number 2 allowed with no outdoor kennels.

Mr. Clemmer made a Motion to approve this application with staff recommendations due to the change in the area proven by the applicant, with the following exclusions from the permitted use list: Numbers 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, and to allow the following

with these changes: # 27 Health spas etc... “Health spas, fitness centers, reducing salons, and similar uses, but not including massage parlors.” Number 2 allowed with no outdoor kennels. Ms. Graves seconded the Motion. There was a roll call vote of 10-2 to approve this application.

At this time there was a 10 minute break.

NEW BUSINESS

REZONINGS (1)

Ivy Meadows (649) – Application is to rezone 192.40 acres from Agricultural to Planned Unit Development (PUD). Subject property is located on the south side of Oak Grove Road and west of Scott Road. Section 23, Township 3, Range 8 (District 5)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Ms. Debra Daws, Dalhoff, Thomas & Daws as being present to represent the application.

Ms. Daws began by giving the location of the property. She then said there has been a change in the area, there are 2 residential subdivisions adjacent to the current property, in addition to the new Williamsbrook PUD. They have also brought this application before the City of Hernando who gave their approval based on the changes in the area. This development would have a density of 1.6 units per acre, there are two existing lakes on this property that cannot be saved. There will also be two residential streets that would lead into this property. Ms. Daws then presented the master plan (exhibit M). She talked about smart growth development, diversity in the market, using natural resources, open space, and lot sizes. In addition there will be a pool, clubhouse, a tot lot area, in addition there will be 2 miles of asphalt walking trails. There will also be sidewalks on both sides of the streets. She then referred to and explained an aerial photo of the property.

Mr. Lindsey then asked if there was anyone here for or against this application.

1. Pat Woody – Lives on Oak Grove Road. She was concerned with the new developments in the area and what that is going to do to the traffic on this two lane road, especially in front of the elementary school that is located down the road.
2. David Woody – He began by saying Oak Manor Subdivision has 1 – 1 1/2 acre lots, this application is high density. They moved out of mid-town Memphis to get away from high density. The access is already limited. He said the applicants on the Weatherby project worked with the neighbors in regards to their lot sizes, he then asked if the applicant would consider changing the lot sizes to at least one acre. Mr. Woody concluded saying if the sidewalks lead to the city then they need to be built.

Mr. Lindsey then closed the floor.

Ms. Daws responded by saying Oak Grove is a 2 lane road and she understands this will increase traffic, but she does not know of any plans by the county or city to widen the road. She then stated the density is less than what is allowed, this is not high density.

Mr. Lindsey then informed the public that this board encourages PUD's, but this is the first time he has seen this application and at this time he does not want to continue with the application until he has further time to review this application. He then suggested this application be taken home by the board members for review over the next 30 days and bring it back on March 3, 2005.

There were several board members that agreed with Mr. Lindsey's statement and suggestion.

Mr. Jeff Williams with Daniel Williams Engineering spoke stating he is not 100% sure, but the cross section of Oak Grove Road is designed for 10,000 cars per day. Furthermore, the flood zone for this property is A, which means it is an estimate. They have hired services from another firm who specializes in flood plain determination and they have established BFE which has been significantly reduced. The flood plain in this development is only 2.64 acres and the flood way is limited to the inside of the channel of the creek. There are 8 lots that are slightly affected. The applicants have made application to FEMA to have this map revised, but the county has not received or reviewed this application.

Mr. Carter asked if there were any wetlands on the property. Ms. Daws said it is dry.

Ms. Graves then made a Motion to carryover this application for 30 days (March 3, 2005). Mr. Forsythe seconded the Motion. The Motion was carried by a unanimous vote.

SUBDIVISIONS (2)

Newberry (6325) – Application for a preliminary subdivision approval for 39 lots on 24.81 acres. Subject property is located on the south side of Star Landing Road and east of Baptist Road. Section 20, Township 2, Range 7, Zoned R-20 (District 5)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. Ben Smith, from Smith Engineering as being present to represent the application.

Mr. Lindsey asked why there are no stubs to the adjacent property. Mr. Smith answered saying it due to the large lake there is no way to stub a road to the west.

Mr. Smith continued saying there are 39 lots that are at least 20, 000 square feet or larger. There will also be a minimum home size of 2, 000 square feet heated with garages, no

carports. We will also be dedicating 53' of Road Right of Way along Star Landing Road. Mr. Smith said he will also put a note on the plat that no structure should be built under the power line, that will be an easement. They have already submitted the proper forms to DCURA. The water will be serviced by Nesbit or the City of Southaven. Covenants will also be provided on the final plat.

Mr. Andy Swims, County Engineer asked if there will be a stub road to the east. Mr. Smith answered saying "no" he would like to have that stub eliminated. He continued saying we are stubbing to the south.

Mr. Lindsey entertained a Motion. Mr. Carter made a Motion to approve this application with staff recommendations and to eliminate the stub road to the east. Mr. Maxwell seconded the Motion. The Motion was approved by a unanimous vote.

Kyles Creek East (6324) – Application is for preliminary subdivision approval of 94 lots on 56 acres. Subject property is located on the south side of Goodman Road and east of Payne Lane.

Section 33, Township 1, Range 5, Zoned R-20 (District 1)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. Ben Smith, from Smith Engineering as being present to represent the application.

Mr. Smith began by saying he has no problems with the staff recommendations. He added saying cove A does exceed the 500' limit, but meets all other requirements. There will also be a stub to the south and the east, there will also be a homeowners association. There will also be a minimum home size of 2, 000 square feet heated with garages. This is the same developer as Newberry and will have the same covenants.

At this time there was a brief discussion on the ROW. Mr. Smith believed that 80' was too much. It was agreed that this would be decided at the Board of Supervisors meeting.

Mr. Lindsey asked why street C cannot be aligned. Mr. Smith said it must meet 150'. Mr. Smith then gave the locations of all road stubs and said all houses will face the street.

Mr. Whitfield asked if there could be a stub into the Looxahoma property; maybe move the lot lines on lots 37 & 38 and offset so that it ends up in the middle of the Looxahoma property. Mr. Smith agreed to make the necessary changes.

Mr. Lindsey entertained a Motion. Mr. Maxwell made a Motion to approve with staff recommendations with an additional stub road to the east into the Looxahoma property. Mr. Carter seconded the Motion. The Motion was passed by a unanimous vote.

At this time Mr. Powell informed the board that the zoning and subdivision regulations need to be updated and asked the board members to review the current ordinance and give suggestions to the Planning Office within the next week.

There being no further business in front of the Planning Commission, this meeting adjourned at 10:00 p.m. These minutes were recorded and transcribed by Denise Dingman.