

**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
FEBRUARY 26, 2004**

Call to Order  
Invocation  
Roll Call  
Election of Officers  
Approval of Minutes – January 29, 20043  
Announcements

**CONSENT AGENDA**

**FINAL SUBDIVISION PLATS**

**Allan Farms Phase II (6231)** – Application is for final plat approval for 25 lots on 89.8 acres. Subject property is located on the southwest side of Coryelle Road and north of Holly Springs Road, zoned Agricultural.

Section 22, Township 3, Range 6

**Andrews Park (6232)** – Application is for final plat approval for 27 lots on 51.65 acres. Subject property is located on the east side of Bethel Road and north of Miller Road, zoned Agricultural-Residential.

Section 13, Township 2, Range 6

**NEW BUSINESS**

**RE-ZONINGS**

**Estates of Turkey Creek (625)** – Application is to rezone 73 acres from Agricultural to R-30 Single Family Residential (Low Density). Subject property is located on the west side of Highway 305 and south of Jones Road.

Section 21, Township 2, Range 6

**OTHER ITEMS**

2030 Comprehensive Plan: Discussion and Final Recommendations

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, February 26, 2004, in the Third Floor Boardroom of the Administration Building of DeSoto County located at: 365 Losher Street, Hernando, MS. Commissioners present were: Jimmy Maxwell, Robin James, Leonard Lindsey, Dennis Clemmer, Wade Carter, Joe Forsythe, Leigh Graves, Frank Calvi, James Mayfield, Mike Robison, Pat Hefley, Charles McNemar and Paul Whitfield. Planning Commission Staff included: Michael Garriga, DeSoto County Planner, Merritt Powell, Director, Jim McDougal, Transportation Coordinator, Denise Dingman, Planning Commission staff and Tony Nowak County Attorney.

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

Election of officers – Mr. Robison opened the floor to nominations. Mr. Lindsey made a Motion to nominate Mr. Mike Robison as Chairman. Mr. Forsythe seconded the nomination. This was passed by a unanimous vote. Mr. Maxwell made a Motion to nominate Mr. Lindsey as Vice-Chairman. This was passed by a unanimous vote. Mr. Mayfield seconded the nomination. Mr. Lindsey then nominated Mr. Maxwell as Secretary. Mr. Mayfield seconded the nomination. This was passed by a unanimous vote.

Mr. Garriga then explained to the new board members the site review committee and how it works. He stated this is a 5-member board which meets on a Thursday about 4:00 p.m., which last approximately 2 to 2 ½ hours. Mr. Garriga said there are two positions available for this committee. Mr. Robison asked who is still on the committee. Mr. Leonard Lindsey, Mr. Len Lawhon and Mr. Mike Robison. Mr. Robison then asked if there was anyone interested. Mr. Robin James volunteered for the fourth district and Wade Carter for the third district.

Mr. Garriga then gave an update on Mr. Julius Cowan's condition.

Mr. Robison asked for a Motion to approve the January 29, 2004 minutes. Mr. Lindsey made a Motion to approve the minutes. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

Mr. Swims then gave a brief presentation on the new proposed drainage regulations. With these new regulations the builder will know what is required of him. The county is also looking at the possibility of having full time inspectors look at the ditches. The Board of Supervisors will be considering this issue on March 4, 2004.

Mr. Lindsey asked if there is a way to cause a developer to leave enough room for an easement to help prevent the filling of ditches. Mr. Swims answered saying, maintenance will always be an issue, before the homeowners moves in we want to be sure the ditches are built to the same specifications as what the constructions plans state.

Mr. Carter asked if the velocity issue is in the ordinance? Mr. Swims answered saying, it is not directly stated, but indirectly.

Mr. Robison asked if the ditch profiles are required to be on the plat. Mr. Swims replied saying, it is required on the construction plans. Mr. Robison then asked if the major drainage creeks will be addressed. Mr. Swims said it is geared toward someone creating a new ditch or dealing with a ditch within a subdivision. If someone is wanting to re-align a ditch, then the new ordinance will address that issue. He added, there is a setback requirement for building near a ditch in the flood ordinance.

Mr. Whitfield asked if a road maintenance bond or ditch maintenance bond is in the ordinance? Mr. Swims said “yes”, they are proposing a 2 year drainage maintenance bond attached with the road maintenance bond. Mr. Whitfield asked if that is a long enough time. Mr. Swims answered saying, that is hard to answer, because sometimes the problem occurs way on down the road. The underground pipes is the big issue.

Mr. Robison asked what type of pipes the county allows. Mr. Swims gave that criteria.

Mr. Carter stated he would like a copy of this ordinance.

## **CONSENT AGENDA**

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Mr. Robison asked if there were any questions regarding these subdivisions, there was none. Mr. Lindsey made a Motion to approve both of these final subdivision applications. Mr. James seconded the Motion. The Motion was passed by a unanimous vote.

## **NEW BUSINESS**

### **RE-ZONINGS**

**Estates of Turkey Creek (Name changed to Creekside) (625) – Application is to rezone 73 acres from Agricultural to R-30 Single Family Residential (Low Density). Subject property is located on the west side of Highway 305 and south of Jones Road. Section 21, Township 2, Range 6**

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

Mr. Robison said he is concerned with the density. Mr. James agreed and stated last year there was an application located up the street from this proposal which was turned down by this board due the density issue.

Mr. Flannigan began his presentation by stating, the comprehensive plan does show 1.0 density for this area. He restated Mr. Garriga's comment that the 2030 comprehensive plan does allow for a higher density in this area. Mr. Flannigan then gave justification reasons for rezoning. One is that the City of Olive Branch is located less than 1 ¼ miles away from this property. The second one is, sewer will soon be provided to the property by North Mississippi. The third is the water service that will also be provided to the subdivision. When this type of infrastructure is available, the area does allow for a more dense development. We are proposing a 1.1 density and the comprehensive plan calls for a 1.0. The R-30 would achieve the same density as an R-40 overlay. Belmor Lakes (R-30 Overlay) Evening Shade and Cypress Creek (AR-Overlay's) are in the same vicinity. The reason they did not apply for an R-30 Overlay is due to the open space issue. We really wanted the homeowners to have control over all of their lots, and did want a Homeowner Association. Mr. Flannigan concluded by saying, the minimum house size will be 2,000 square feet heated and the preliminary plan has already been submitted to the Planning Commission office. He then asked for approval of this rezoning.

Mr. Robison stated he does not believe the changes stated warrant the density that is being requested. Mr. Flannigan is just talking about services, and the City of Olive Branch being over a mile away is a long way. The zonings that were granted in the surrounding area was granted because they are Overlay's with open space.

Mr. James stated this plan cannot be granted just because a preliminary plan has been submitted. Mr. Flannigan said he realizes this application cannot be granted just because a preliminary plan has been submitted. They are trying to make this plan work, and is what we thought was the best plan for us. We can almost achieve the same thing with an AR overlay; we will lose 9 lots, but are willing to do that if necessary.

Mr. Lindsey said he does not believe the applicant has proven a change in the area, utilities are not a change in the area.

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

1. David Simanski – He lives in the Villages of Cedar View. He stated we have 1.3 – 1.5 acre lots and a lagoon that services our subdivision. We do not want to see any lots less than one acre. Cedar View does have a small lagoon and will not be able to handle the additional lots, unless they build a second lagoon. He understands what happens when that lagoon goes down, because he lives right behind it, and the smell is almost unbearable. As a homeowner we like to see the surrounding subdivisions have one acre plus lots with the homes having a minimum of 2,000 square feet.

Mr. Flannigan said he understands the lagoon concern, and they will increase the size or improve the current lagoon, we will comply with DEQ requirements. They test the water and lagoon, then they give us the criteria that needs to be followed. Mr. Garriga added

the City of Olive Branch will eventually service the area, approximately in 2 years, and possibly Cedar View is owned and operated by North MS Utility, and they could expand their area and eventually tie into DCRUA.

Ms. Graves said she would like to see one acre lots with homes of at least 2,000 square feet.

Mr. Lindsey said he would like to see at least an R-40 Overlay or something similar.

Mr. Robison said he has not heard any favorable comments, and asked the applicant if he would like to withdraw the application or ask for a continuance. Mr. Flannigan said he would like to request a continuance.

Mr. Maxwell made a Motion for a continuance of this application. Mr. Lindsey seconded the Motion. The Motion was passed by a unanimous vote.

### **OTHER ITEMS**

#### 2030 Comprehensive Plan: Discussion and Final Recommendations

Mr. Garriga passed out the minutes from the Public Hearing from February 12, 2004. He further stated he feels like the plan is close to being finished, and time to get to the Board of Supervisors. Mr. Garriga added, there will also be a short presentation from Mr. William Peacock and Shelly Johnstone (Public Facility Components of the Comprehensive Plan) tonight. He then stated the major issues tonight should be low density issue and to talk about the map a little bit. Mr. Garriga expressed that the Comprehensive Plan is the county's document and it is now up to this board.

Rural density is 1.0 unit per acre  
Agricultural density is .67 units per acre  
Transition density is 2.0 units per acre  
Low density – 3 or 2.5 units per acre

Mr. Robison stated he cannot find his draft copy of the Comprehensive Plan and asked about the transition zone. He thought it was going to be a floating designation. It would give a little more leverage when making an amendment to the map.

Mr. Garriga responded saying a zoning can be approved with a certain density without changing the map. He then gave the requirements for a zoning change, and the land use map is just a part of the criteria. Mr. Robison said there are times when a line ends at a road, and is sometimes unfair to an applicant. Mr. Peacock said it could be as it appears on the map now, plus this floating transition area. Mr. Robison & Mr. Lindsey agreed that if it is used in this way, it will be abused. Mr. Garriga said this would be adding a layer of red tape to the process. Mr. Peacock said it may be better to add to the goal and objectives policy section rather than changing the map. Mr. Powell said that is what has been done with the corridor section. Mr. Garriga stated that with the lines being at the roadways, could be used as a natural barrier instead of arbitrary boundaries. We are

talking about compatibility to an area. He continued to state we do not want to open the doors to amending the map after adopting this new comprehensive plan. Mr. Robison asked if there will a defined process for amending the plan. Mr. Garriga said “yes”, there is and will be a procedure. He then referred to the case that was brought up 6 months ago. Mr. Robison said that was a matter of timing. There was then further discussion on land use map amendments.

There was then some discussion to possibly incorporate an R-15 into a PUD and having the smallest lot size in a PUD as R-6 or an RM6 or RM8. Mr. Peacock said another option would be to eliminate R-15 and creating an R-17. Mr. Lindsey said he would like to see the smallest lot as an R-8 even in a PUD. It was decided not to create a new zoning district. Mr. Carter then read from Page 80 of the proposed comprehensive plan.

Mr. James then asked if the underlying district ruling a factor on the density or is it going to be a corridor? Mr. Peacock said the answer is yes to both. The corridor district will become an overlay which will add to what is underlying. Mr. Garriga said the corridor will be a Planned District which will be maximized as residential low density. Mr. James said he would like to see the underlying district rule. Mr. Robison said if we did that there is no reason to have the corridor. Mr. Garriga then gave an explanation of the corridor district and said they are trying to apply for grant money to have a detailed study done along the I-69 corridor.

Mr. Robin James then made a Motion to approve the low density designation as 2 ½ units per acre. Mr. Wade Carter seconded the Motion. The Motion was passed with an 11- 2 vote.

Mr. Peacock then gave the locations for the corridor and explained the amount of land that would be inside the corridor district and gave the estimated amount of traffic. There was a brief discussion on the type of buffers and size that would be used in this area. Mr. Robison questioned the greenways. Mr. Garriga said it may be possible to have a consultant to conduct a greenway study.

Ms. Shelly Johnstone gave a presentation on public facilities which included housing, schools, parks and public buildings. She also talked about how the quality of life, transportation, annexation and sewer availability affects all of the above issues.

There being no further business in front of the Planning Commission, this meeting adjourned at 9:30 p.m. These minutes were recorded and transcribed by Denise Dingman.