



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
APRIL 28, 2005**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – March 31, 2005

**CONSENT AGENDA**

**MINOR LOTS**

**Cole, Daron (6353)** – Application is for one lot of 1.5 acres out of 5 acres. Subject property is located on the west side of Craft Road and east of Grass Pond Road, in Section 8, Township 3, Range 6 and is zoned Agricultural. (District 5)

**Worthy, Wade (6354)** – Application is for one lot of 2 acres and one lot of 6.67 acres. Subject property is located on the north side of Star Landing Road and west of Robinson Road, in Section 15, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

**Johnson, Karen (6355)** – Application is for one lot of 8.8 acres. Subject property is located on the east side of Baker Road and west of Baldwin Road, in Section 27, Township 2, Range 9 and is zoned Agricultural-Residential. (District 3)

**Massey, Matthew (6356)** – Application is for one lot of 4.174 acres and one lot of 9.043 acres. Subject property is located on the east side of Robertson Road and south of Pine Tree Loop, in Section 11, Township 3, Range 8 and is zoned Agricultural. (District 5)

**Guy, Terry & Alicia (6357)** – Application is for one lot of 3 acres. Subject property is located on the south side of Goodman Road and east of Center Hill Road, in Section 33, Township 1, Range 5 and is zoned Agricultural-Residential. (District 1)

**FINAL SUBDIVISIONS**

**Notting Hill (6349)** – Application is for final subdivision approval of 89 lots on 112 acres. Subject property is located on the west side of Jaybird Road and south of Oakdale Subdivision, in Section 8, Township 3, Range 7 and is zoned Planned Unit Development. (District 5)

**Weatherby Place (6350)** – Application is for final subdivision approval of 69 lots on 69.22 acres. Subject property is located on the west side of Scott Road and north of Oak Grove Road in Section 14, Township 3, Range 8 and is zoned R-30. (District 5)

## **OLD BUSINESS**

**Chapel Ridge (651)** – Application is to rezone 43 acres from Agricultural-Residential to R-20, Single Family Residential (Low Density). Subject property is located on the east side of Center Hill Road. Section 4, Township 2, Range 5 (District 1)

## **Text Amendments**

**Forest Hill Community, Phase 6, 1<sup>st</sup> Revision (6242)** – Amend a recorded plat (Book 90, Page 19) Lot 288 has an error in the curve data, this error also affects the square footage of 8 other lots. There are also other typographical errors that have been corrected on this new plat.

**Annabelle** – Property is located on the north side of College Road and east of Getwell Road. Applicant is requesting a text amendment to change the development name to Robinson Crossing. The second amendment is to request that the minimum heated home square footage be changed from 3,000 square feet to 2,400 square feet located in Area 5 (34 homes).

**Brentwood East (639)** – Application is to amend the text for a Planned Unit Development. Applicant is requesting the addition of a conditional use to allow Cemeteries, Mausoleums, and Mortuaries.

## **PRELIMINARY SUBDIVISIONS**

**Pecan Estates – 6348** – Application is for preliminary subdivision approval of 61 lots on 61 acres. Subject property is located on the south side of Holly Springs Road and east of Getwell Road in Section 22, Township 3, Range 7 and is zoned R-30. (District 5)

## **REZONINGS**

**Robinson Crossing (656)** – Application is to rezone 240 acres from Agricultural-Residential to Planned Unit Development (PUD). Subject property is located south side of Church Road and east of Pleasant Hill Road, in Section 11, Township 2, Range 7. (District 2)

**Stewartshire West (652)** – Application is to rezone 23 acres from Agricultural - Residential to R-20, Single Family Low Density. Subject property is located on the south side of Star Landing Road and west of Swinnea Road in Section 19, Township 2, Range 7 (District 5)

**Beauvoir Planned Development (653)** – Application is to rezone 508.28 acres from Agricultural to Planned Unit Development. Subject property is located on the north side of Highway 304 and east of Horn Lake Road in Section 10, Township 3, Range 8.

(District 5)

**(APPLICANT HAS REQUESTED THIS ITEM BE CARRIED OVER)**

**Creekside West (654)** – Application is to rezone 54 acres from Agricultural- Residential to R-20, Single Family Low Density. Subject property is located on the west side of Highway 305 in Section 21, Township 2, Range 6.

(District 5)

**McCullar, Meredith/Milton Woosley (655)** – Application is to rezone 112 acres from Agricultural to R-30, Single Family Residential. Subject property is located on the south side of College Road and west of Bethel Road, in Section 14, Township 2, Range 6.

(District 1)

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, April 28, 2005, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Dennis Clemmer, Leonard Lindsey, Frank Calvi, Robin James, Jimmy Maxwell, Paul Whitfield, Len Lawhon, Joe Forsythe, Mike Robison and Pat Hefley. Planning Commission Staff present included Merritt Powell, Jim McDougal, Denise Dingman, Pat Southerland and Mr. Jody Neyman, Commission Attorney.

After the invocation, Chairman Mike Robison asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on March 31, 2005. Mr. Lindsey made a Motion to approve the minutes. Mr. Lawhon seconded the Motion. The Motion passed by a unanimous vote.

At this time Mr. Powell made an announcement regarding Mr. James Mayfield and his accident.

Mr. Powell then stated the applicant for Beauvoir Planned Development has asked for this application to be carried over indefinitely. Mr. Lindsey made a Motion to carryover this application. Mr. Lawhon seconded the Motion. The Motion was approved with a unanimous vote.

## **CONSENT AGENDA**

### **MINOR LOTS**

**Cole, Daron (6353)** – Application is for one lot of 1.5 acres out of 5 acres. Subject property is located on the west side of Craft Road and east of Grass Pond Road, in Section 8, Township 3, Range 6 and is zoned Agricultural. (District 5)

**Worthy, Wade (6354)** – Application is for one lot of 2 acres and one lot of 6.67 acres. Subject property is located on the north side of Star Landing Road and west of Robinson Road, in Section 15, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

**Johnson, Karen (6355)** – Application is for one lot of 8.8 acres. Subject property is located on the east side of Baker Road and west of Baldwin Road, in Section 27, Township 2, Range 9 and is zoned Agricultural-Residential. (District 3)

**Massey, Matthew (6356)** – Application is for one lot of 4.174 acres and one lot of 9.043 acres. Subject property is located on the east side of Robertson Road and south of Pine Tree Loop, in Section 11, Township 3, Range 8 and is zoned Agricultural. (District 5)

**Guy, Terry & Alicia (6357)** – Application is for one lot of 3 acres. Subject property is located on the south side of Goodman Road and east of Center Hill Road, in Section 33, Township 1, Range 5 and is zoned Agricultural-Residential. (District 1)

## **FINAL SUBDIVISIONS**

**Notting Hill (6349)** – Application is for final subdivision approval of 89 lots on 112 acres. Subject property is located on the west side of Jaybird Road and south of Oakdale Subdivision, in Section 8, Township 3, Range 7 and is zoned Planned Unit Development. (District 5)

**Weatherby Place (6350)** – Application is for final subdivision approval of 69 lots on 69.22 acres. Subject property is located on the west side of Scott Road and north of Oak Grove Road in Section 14, Township 3, Range 8 and is zoned R-30. (District 5)

Mr. McDougal then announced the Consent Agenda. Mr. McDougal announced the above items and stated that the minor lots & final subdivisions 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. With the exception of the minor lot for Wade Worthy and the final subdivision application of Weatherby Place. Mr. Maxwell made a Motion to approve the consent agenda with the exceptions of Worthy and Weatherby Place. Mr. Lawhon seconded the Motion. The Motion was approved with a unanimous vote.

Mr. McDougal stated that for Mr. Wade Worthy's minor lot application, we need a legal description of lot 2 and we need 53' of Road Right of Way. Mr. James made a Motion to approve this application subject to receiving the above requirements. Ms. Hefley seconded the Motion. The Motion was approved with a unanimous vote.

Mr. McDougal then talked about the Weatherby Place subdivision application. He stated there have been several complaints regarding erosion control on this property. There is a written MDEQ investigation report on this property also. The county engineer also asked for detention on this property and he has not received a response from the applicant. He then recognized Mr. Ben Smith as being present to represent this application.

Mr. Smith began by saying the final plat conforms to the preliminary application and he does not want to see the county to be a policeman for erosion control and it to be used to set a precedent. Mr. Robison replied saying, this is the first time we have received a written complaint, and does not think carrying over this application would be detrimental. Mr. Smith answered saying the State and Federal laws regulate erosion, the county should not be involved in this issue.

Mr. Lawhon disagreed with the applicant. He stated the ordinance is clear when it states erosion control must be in place. When clear cutting goes on before a final this Board has a right to say "no", to an application when erosion control is not in place. We have a letter from MDEQ in Jackson, and cannot go over their heads, we are obligated. Last month we had a presentation regarding stormwater, and we were informed that the Federal Government is making us responsible for erosion, and this should be a precedent and it will start tonight, we are not going to allow a final until these measures are in place.

Mr. Smith said the county also had been involved wastewater and the county attorney advised the Board that it is a “State” function. The Planning Commission cannot be the police over erosion control. He does not see the Planning Commission being able to deny a final plat when it conforms to the preliminary plat. Mr. Smith added saying, detention was not necessary during construction.

Mr. Jody Neyman, County Attorney stated Mr. Smith was partly correct, but as it pertains to wastewater, erosion, excess run off, and detention it is part of the Planning Commission responsibilities.

Mr. Robison stated he believes due to the above issues this application can be carried over. Mr. Lawhon made a Motion to carryover this application. Mr. James seconded the Motion. The Motion was approved by a unanimous vote.

### **OLD BUSINESS**

**Chapel Ridge (651) – Application is to rezone 43 acres from Agricultural-Residential to R-20, Single Family Residential (Low Density). Subject property is located on the east side of Center Hill Road. Section 4, Township 2, 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. Russell began by giving the location of the site. He continued saying, Miller Station (R-30), Fox Creek, Center Hill Downs and Braybourne subdivisions are located in this area and are either sold out or almost sold out, which proves there is a public need in the area. Changes in the area include the widening of Highway 302, I-69, water from the City of Olive Branch, development of the county sewer, and the new schools in the area. This subdivision proposal follows the general development pattern. There are several properties to the north that are zoned R-20. The width of this property is 800’ wide with 2 east/west streets and the lots work out to be somewhat larger than 20,000, this development will look similar to Miller Station. Mr. Russell continued saying he has met with the Planning Commission staff extensively over the past month to try to find a way to provide information to the Board where all the hurdles would be completed. This development has 66 lots with 1.3 density which is well below 2.0, the dedicated open space is 3%. Mr. Mark Neil, developer, is also here tonight if there are any further questions.

Mr. Lawhon began by asking why a PUD application could not be done. Mr. Russell said it could not be done due to the power lines running through the property, they are trying to work with the topography, and the land that would have been dedicated as open space was not the best part of the property. A PUD is just not appropriate for this property. We have preliminary plans worked out, but he understands it cannot be submitted with the zoning application, but he can guarantee that the lots will be at least ½ acre. Mr. Lawhon said he is an advocate for non-encroachment of surrounding land. He

does not believe that a PUD cannot be done, a PUD is good way to control development, protect land, and it is flexible. Mr. Russell replied saying, a precedent has been set with the R-20 subdivisions already in the area. Mr. Russell believes this board is arbitrarily asking for a PUD when there are already R-20 subdivisions in the area. He continued saying the density for this development is 1.3 and the comprehensive plan states it can be 2 units per acre. Mr. Lawhon responded saying this Board is a recommending body to the Board of Supervisors, we do not have to approve anything, the Board of Supervisors will have the ultimate decision, and he will respect whatever decision is made.

At this time there was some discussion between the board members and applicant regarding PUD's vs. R-20.

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

1. Kenneth Hudson – 5540 Center Hill Road. He began by saying Miller Station is an R-30 subdivision, power lines are also located on their property, they adapted to them. He continued saying 66 lots seem like a lot for that area, he would like to see an R-30 for this property. The lots along Center Hill Road are at least one acre.

There being no one else to speak, Mr. Robison closed the floor.

Mr. Robison stated that maybe this application should be carried over to review the layout/site plan.

Ms. Pat Hefley made a Motion to carryover this application to the June 2, 2005 Planning Commission meeting.

Mr. Russell requested that a vote be done so they can proceed to the Board of Supervisors.

Ms. Hefley withdrew her Motion.

Mr. James then made a Motion to deny the application due to the applicant not being able to prove a change in the area or a mistake in the original zoning and that this development is not compatible with the existing neighborhood. Mr. Joe Forsythe seconded the Motion. There was a roll call vote of 9-1 to deny the application.

### **Text Amendments**

**Forest Hill Community, Phase 6, 1<sup>st</sup> Revision (6242)** – Amend a recorded plat (Book 90, Page 19) Lot 288 has an error in the curve data, this error also affects the square footage of 8 other lots. There are also other typographical errors that have been corrected on this new plat.

Mr. McDougal presented the requested changes to the Board members, which are topography and call errors. Mr. Sluggo Davis, Chancery Court Clerk suggested a new plat be recorded.

Mr. Maxwell made a Motion to adopt the presented changes. Mr. Lawhon seconded the Motion. The Motion was approved with a unanimous vote.

**Annabelle – Property is located on the north side of College Road and east of Getwell Road. Applicant is requesting a text amendment to change the development name to Robinson Crossing. The second amendment is to request that the minimum heated home square footage be changed from 3,000 square feet to 2,400 square feet located in Area 5 (34 homes).**

Mr. McDougal presented the requested changes (in letter) to the Board members. He stated there are a few mistakes in the text. He then recognized Mr. Bob Dalhoff as being present to represent this application.

Mr. Dalhoff began saying, he also wants to add a side yard setback change on the small lots. They would like to have the flexibility of a minimum of 3' with a max of 8' the text reads a 5' fixed side yard set back.

Mr. Lindsey made a Motion to approve all changes. Mr. Maxwell seconded the Motion. The Motion was approved by a unanimous vote.

**Brentwood East (639) – Application is to amend the text for a Planned Unit Development. Applicant is requesting the addition of a conditional use to allow Cemeteries, Mausoleums, and Mortuaries.**

Mr. McDougal presented the requested changes to the Board members. They have requested a change in the text of the allowed conditional uses to include Cemeteries, Mausoleums, and Mortuaries. He then recognized Mr. Clay Lane as being present to represent this application.

Mr. Lane said he is requesting an amendment to the text and a site plan will be submitted when there is a conditional use application. He also understands this type of request will be heard in front of the Board of Adjustment.

Mr. James made a Motion to approve the application. Mr. Calvi seconded the Motion. The Motion was approved by a unanimous vote.

### **PRELIMINARY SUBDIVISIONS**

**Pecan Estates – 6348 – Application is for preliminary subdivision approval of 61 lots on 61 acres. Subject property is located on the south side of Holly Springs Road and east of Getwell Road in Section 22, Township 3, Range 7 and is zoned R-30. (District 5)**

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. Joe Frank Lauderdale as being present to represent the application.

Mr. Lauderdale began by saying there would not be any driveway access to Holly Springs Road. He has no problems with the staff report other than the request for the stub road to the east.

Mr. McDougal asked about the wastewater broadcast plan. Mr. Lauderdale stated this system works the same way as a spray field, the Department of Environmental Quality will need to approve this system. Mr. Robison asked that there be a note on the plat regarding the broadcast system and the location be shaded on the plat. Mr. Lauderdale agreed.

There was then some discussion regarding the two out parcels. Mr. Robison suggested that they be made part of the subdivision and connect to the cove. Mr. Lauderdale agreed and said the lot on southwest corner is not part of the subdivision. Mr. McDougal asked if the 61 lots include that lot. Mr. Lauderdale said “yes”.

Mr. Lauderdale said there is not a lot of land in that area for the east stub, it is blocked off by the drainage area.

Mr. Powell then asked if the buffer could be used as the rear setback on the plat. Mr. Lauderdale answered saying “yes”, and said not all the trees will be clear cut. He added saying there will be restrictive covenants.

Mr. Robison asked Mr. Lauderdale if he knew what the home sizes would be. Mr. Lauderdale said he is not for sure but thinks they will range from 1,800 – 2,400 square feet.

Mr. Lawhon asked if DEQ requires a sign posting for grey water. Mr. Lauderdale said “yes”.

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

1. Susan Harris – She lives on Baldwin Road. She has several concerns. One is the road issue on Getwell, she said it is dangerous. She said if something happened to one of her family members due to the road issue, there will be a lawsuit. She has lived in this area for 38 years, and knows you cannot see at the base of that hill. Mr. Todd is also placing a culvert at the bottom of that hill also. If you are looking down Getwell Road, Buddy’s driveway cannot be seen and whoever pulls out of that subdivision will have the same problem. They cannot see what is going on. The other issue is the sewage. If she smells it, there will be a problem because she will not like it. She then asked how long would it be before they will be hooked up the county system and what can she do and who can she call if there

are problems with the sewer. She said a traffic light is needed at Getwell and Holly Springs Road. She then asked what a 15' buffer was. Mr. McDougal read the buffer requirement.

2. JoAnn Gouch – 3663 Getwell South. She said there are 61 lots but the layout shows 59 with 2 out parcels, this is a problem with her. Mr. Todd began building a house without a permit and she wanted to know how this happened. The house has footings, batterboards, a culvert and a driveway. She is also concerned about the sewer system, and the type of houses in this development. Ms. Gouch added saying the out parcels were included in the rezoning. She also wanted assurance that these will be single family homes and not multi-family housing. Ms. Gouch also wanted to know who would be held accountable for the final plat. Mr. Powell answered saying the developer has to meet code and the homeowner association will be the ones to enforce the restrictive covenants. She was also concerned about the blind spots on Getwell Road, and said they will be a problem.
3. Ray Gailley – 3115 Holly Springs Road. He had a topography/aerial map with the location of his house and the lake. He has worked in the Corps of Engineers in the past regarding this lake and drainage. The lake is deteriorating and the levee will fail. Part of this lake will be on my property and Mr. Todd's, and if it fails, who will be responsible. The lake will be located mainly on lots 29 & 30. The high point of this area is Getwell to the east and Holly Springs to the north, then the land drops off, this is floodplain where most of the homes will be located. Mr. Powell responded saying it is low ground, but it is not floodplain according to FEMA. Mr. Gailley continued this Boards concerns should be to protect the public. The low ground stays wet even with a couple inches of water. He then asked that the topography be considered when approving this application.

Mr. Clemmer asked how big the lake is. Mr. Gailley said he does not know for sure but about 1.5 acres. He has lived in the area for 30 years and has seen a lot of change during that time, he just does not want to see the county's first disaster as it relates to building in low lying areas.

Mr. Powell said the lake needs to be shown on the plat along with the house sites.

Mr. Robison then asked if the County Engineer will look at the road plans. Mr. Powell answered saying "yes". Mr. Lauderdale said construction plans will be submitted and the site distances will need to be approved by the county engineer.

Mr. Robison then asked about the compliant issue made by Ms. Gouch. Mr. McDougal answered saying one of the options available is that they can visit our website which also direct to different links.

Mr. Lawhon asked if the house being constructed is part of this development. Mr. Lauderdale answered saying "no".

Mr. Robison asked if the drainage is in the wet area. Mr. Lauderdale said he is not aware of any wet areas. The spray area will not have any discharge into the ditch. He added saying hopefully DCRUA will be online within a year.

Mr. Lauderdale stated he will place the lake on the plat and agrees that it does need improving.

Mr. Gailley said if the developer decides to do away with the lake he would not object.

Mr. Lawhon asked if Getwell Road would be widened. Mr. McDougal answered saying “yes”, Getwell and Holly Springs Road will be widened 1 ½ lanes by the developer. Mr. Lawhon stated that should help the site distance along those two roads.

Mr. Robison entertained a Motion.

Mr. Lawhon made a Motion to approve the application with the following stipulations:

1. Engineer will make sure the entrance on Getwell Road is up to standard and safe, if not the whole application needs to be brought back to this board and redesigned;
2. The detention of the pond be protected/safe by certification by an engineer and if not that it be done away with and the application be stopped;
3. The staff recommendations in regards to the stub road to the east, at this time not be enforced but in the event that Getwell Road be stopped the application is to be revisited;
4. Any and all parcels being used as water (Broadcast Plan) during reclamation process be marked on the plat;
5. Covenants and a pattern book be included;
6. The lot (outparcel) that is in question which will be investigated in the morning have a stop work order be placed on it if necessary.

Mr. Dennis Clemmer seconded the Motion. The Motion was passed by a unanimous vote.

## **REZONINGS**

**Robinson Crossing (656) – Application is to rezone 240 acres from Agricultural-Residential to Planned Unit Development (PUD). Subject property is located south side of Church Road and east of Pleasant Hill Road, in Section 11, Township 2, Range 7.  
(District 2)**

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

Mr. Dalhoff began by saying water will be supplied by the City of Southaven. He continued saying he agrees with the staff report with the exception of the stub road. Mr. Dalhoff then discussed the change in the area. He stated the Annabelle development is currently under construction, there are new power poles along Church Road and this project will match the Annabelle development, they are also working with the utility

company regarding the utility poles. There have been several subdivision approvals in the area. One would be to the east of this property.

Mr. Dalhoff then explained the following:

- Layout of area
- Rail fence for both projects;
- Marking;
- Lot locations & sizes;
- Site Plan;
- Drainage;
- 196 Lots with density of 1.6 (Comprehensive Plan calls for a maximum 2.5);
- He stated they will save as many trees as possible;
- Curb cuts;
- Land Use Plan (8,000 square foot lots will located on the old mining area);
- Boulevard Entrance (will be 115' wide);
- 40% of the lots will be 20,000 sq. ft. 70% over 30,000 sq. ft.;
- Character of Neighborhood;
- 14% Open Space;
- Church Road Frontage/Streetscape;
- 15 acres of Retail Space;
- Home Sizes;
- Overall road plan;
- Community Uses (page 2)

Mr. Dalhoff continued saying the developers want this to be a special place, they have also changed the downstairs heated square footage because people in the area had concerns. The minimum downstairs heated space will be a minimum of 1,200 square feet.

Mr. Robison asked if the trees that are in the pictures on Exhibit J of the plan are part of the document. Mr. Dalhoff replied saying "yes", it represents tree cover that will be retained in the development.

Mr. Dalhoff then talked about the side setbacks of areas 7 & 8. The plan shows a 5' side setback, but the applicant has requested that it be changed to 3' with a maximum of 8'. He stated there is also a typo on Exhibit F. The text is correct, but the map is labeled wrong. It states there are 10,000 square foot lots, but it should be 12,000 square feet. The lots are actually 80 x 150. There are also trees around the "u" cove, which is not listed in the plan.

Mr. Robison said there were some concerns about the street connection. Mr. Dalhoff stated he is always in favor of street connections, but in this case the neighbors had real concerns with this street connection, which is the reason the street is not connected. It does not matter to him either way, he will adapt to it. Mr. Robison then mentioned Exhibit K and the road tie in. Mr. Powell asked about sidewalks along Church Road. Mr. Dalhoff said he does not remember what happened on the other side of Church Road.

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

1. Everette Bowie – He began by saying he is in agreement with Mr. Dalhoff and what he has said, but he notes with great interest that there are 7.5 families per day moving into DeSoto County from Shelby County. If the Shelby tax increase is approved, there will be a flood of people into DeSoto County. Pleasant Hill Road is a 2 lane road, and believes that every subdivision application from here on out should require a traffic impact study. He also recommends a lane be added to Pleasant Hill & Church Roads for the full length of the subdivision to be consistent with Wedgwood Subdivision. He would also like the minimum home sizes to be 1,800 square feet on the smaller lots, thinks this would enhance the neighborhood. Mr. Bowie would like to see side entry garages and the garage door be closed when not in use. He concluded saying, he wants to make sure there are restrictive covenants and they be included when the plat is recorded.
2. Allen McNeil – Lives in Summers Place Subdivision. He began by commending Mr. Dalhoff and his design. The first concern is the tie into the cul-de-sac on the east side of the subdivision. Summer's Place has one entrance/exit with about 60 families, so we are real concerned about the traffic from 328 homes coming into our subdivision. He said we have a lot of kids and that he does not want to see the traffic increased. His second concern is the east line and the old trees that follow it, they would like them to remain so it would give them a 50' buffer between subdivisions.
3. Ed Williams – Lives on Pleasant Hill Road. The road definitely needs to be widened. He is also concerned about the entrance along Bridgforth and College Roads, it is a bad corner, he is concerned with the safety. He also agrees that the trees need to remain along the Summer's Place Subdivision.
4. John McMorrough – 5030 Summer's View Road. He began by saying he is impressed but has concerns with this development. He does not want to see this development tied into Summer's Place. Their streets are narrow and winding and just cannot handle the additional traffic.

Mr. Robison responded by saying 90% – 95% of our roads connect and the reason is safety. He then closed the floor.

Mr. Dalhoff replied saying most municipalities cannot enforce covenants, so he does not know why they should be recorded on the plat. The smallest lot size is 8,000 square feet, we have no 5,000 square foot lots. Mr. Dalhoff also stated he understands the concerns about the buffer along Summer's Place Subdivision. He believes a 50' buffer is excessive for a back yard, but that there may be a 25' perseveration area, which could be used for utility poles, fences. He also agrees with Mr. Williams that Pleasant Hill will need to be widened in the future, but this project is several years away.

Mr. Robison asked about the acceleration/deceleration lane along College & Bridgforth Roads and a pattern book. Mr. Dalhoff said there is good site distance, the applicant is working with a urban architect for a pattern book and the type of houses.

Mr. Paul Whitfield asked if it will be a problem to have the 25' preservation area. Mr. Dalhoff said "no", he encourages it. Mr. Robison asked if it could be 50'. Mr. Dalhoff said that is a lot, and it takes up a large part of the lots.

Mr. Clemmer asked about the time frame for development of this property. Mr. Dalhoff said it would be 4-5 years.

Mr. James said he does not see a pressing need to tie into the Summer's Place Subdivision. Mr. Lawhon said if there was a fire Pleasant Hill Road would be blocked by the emergency services and a parent would not be able to get into the subdivision to get their kids, the stub outs are placed to allow for safety. Mr. James said he is aware of that, but this board has made exceptions in the past. Mr. Robison said he believes it is beneficial to stub roads.

Mr. Lawhon asked if there is stub road to the south in Summer's Place. Mr. Powell said right now it is a dead end road, but there is a temporary turnaround. The residents agreed that they would rather have that road opened up at the south end, instead of the stub road into this development.

There was then a brief discussion regarding the home sizes on the 8,000 square foot lots. Mr. Dalhoff said he would like to see 1,200 square feet downstairs with the minimum being 1,800 square feet.

Mr. Robison entertained a Motion. Mr. Lindsey made a Motion to approve this application based on the changes in the area proven by the applicant with all changes as noted above:

1. 25' preservation area/buffer between Robinson Crossing and Summer's Place;
2. Stub road to Summer's Place Subdivision recommend by staff be eliminated;
3. The stub road to the south in the Summer's Place Subdivision be opened when development to the south occurs;
4. A pattern book be submitted;
5. Side setbacks in areas 7 & 8 be changed to minimum of 3' with a maximum of 8";
6. With staff recommendations, not addressed above, as presented.

Mr. Clemmer seconded the Motion. There was a roll call vote of 10 - 0 to approve.

**Stewartshire West (652) – Application is to rezone 16.36 acres from Agricultural - Residential to R-20, Single Family Low Density. Subject property is located on the south side of Star Landing Road and west of Swinnea Road in Section 19, Township 2, Range 7 (District 5)**

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

Mr. Smith began by saying the total acreage is 16.36 not 24.4 acres. He then stated the changes in the area included that Stewartshire has recently been rezoned, a corner in the area has been rezoned to C-4; Chateau Point, Newberry, 120 acres along Baptist Road have been rezoned to R-20 and the City of Southaven will be annexing this property. There is a 12' water main along Star Landing Road, there are also sewer access and utilities. This is an ideal zoning district since it is close to the City Limits. This plan meets the comprehensive plan, the density is below what is required for the area.

There was some discussion regarding the road connections. Mr. Powell asked if the north side of the property goes to the road. Mr. Smith answered saying "yes", but there will not be a connection due to the narrow space on the property. His client owns the 3 parcels along Star Landing Road and a road will not be built along Star Landing. We are building Swinnea Road. This development will also have the same covenants as Stewartshire.

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

1. Melton Harper – 2770 Hunter Road. He pointed to an easement and asked if they would be using that easement. Mr. Smith said "no".
2. Janet Stevens – She lives on Hunter Road South. She began by saying their subdivision has 3-6 acres, she wanted to know the lot sizes and house types and sizes of this development. She then asked if this application is approved, what type of recourse would they have if there are problems with this subdivision. Mr. Robison answered her questions.
3. Gloria Rowland – Lives on Swinnea Road. Her concern is flooding and the additional flooding on her property, she then gave locations of the ditches. She has spoken with Waggoner Engineering and the County Engineer and they confirmed there are issues with the ditches.
4. Mr. Ed Williams asked who is building Swinnea Road. Mr. Smith answered saying, the County, we will be dedicating 53" of Road Right of Way (ROW).
5. 615 Star Landing Road – (Did not give his name) He asked about the surrounding large lots vs. these small lots and asked if there would be small homes. He does not understand how these size lots can be approved due to the large surrounding lots. Mr. Robison said this is a straight rezoning, and we cannot ask about house size, he then explained how things have changed over the years, one being when those large lots were approved, central sewer was not available.

Mr. Andy Swims, County Engineer stated additional ROW may be needed due to the ditches and wanted to be sure there are no driveways to Swinnea or Star Landing Roads.

Mr. Smith added saying the homes will have a minimum of 1,800 square feet, 2/3rds brick with double garages, they will be much like Chateau Point. In addition, in the City of Southaven they are approving 10,000 square foot lots, and the City of Southaven limits are across Star Landing Road. He then stated there will be a 30' buffer.

Mr. Lawhon said he feels for the homeowners in the area, but when we began approving 1 ½ acre lots, people were asking why not 5 acre lots. Central sewer has made it possible for smaller lots. If the City of Southaven takes this property this development would not have 20,000 square foot lots, they would be much smaller. We in the County try really hard to raise the bar. He loves PUD's, but R-20's is a gift when there are R-10's across the street. This is a very appropriate zoning request, this is a good decision. We are a growing county, it will eventually be one large urban area. We are trying to keep R-20's and R-30's which will hold down development to something we can live with.

Mr. Robison entertained a Motion.

Mr. Lawhon made a Motion to approve this application based on the changes proven by the applicant and due to the fact that there are 10,000 square foot lots across the street, in the City of Southaven. Mr. Calvi seconded the Motion. There was a roll call vote of 10-0 to approve this application.

**Creekside West (654) – Application is to rezone 54 acres from Agricultural-Residential to R-20, Single Family Low Density. Subject property is located on the west side of Highway 305 in Section 21, Township 2, Range 6. (District 5)**

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

Mr. Smith began by saying Creekside is under development this subdivision and this subdivision will connect to Creekside. Sewer & water are available and eventually this will be located in the City of Olive Branch.

Mr. Robison asked if there would be access to Highway 305. Mr. Smith answered saying "yes". The density is 2.5.

Mr. Robison then asked why not apply for an R-30 so it would match the previous Creekside approval. Mr. Smith answered saying these R-20 will still be 125' wide but the depth will be 195', it will have the same house size, covenants, same lot width. The house size will have a minimum of 2,200 square feet with side loaded garages and homes will be brick.

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

1. Joe Suhian – Lives in the Villages of Cedar View. – He was in the planning business for 13 years with the City of Olive Branch and this looks like spot zoning. He had also thought this was going to tie into the Villages of Cedar View's treatment plant. He did not know City sewer was in the area. He does not know if there treatment plant can handle the additional houses. Mr. Suhian continued saying he has been putting up with a lot of dirt, noise, etc., because they

have been working on this property for several months. He then asked that this application be denied.

Mr. Robison said the final application can only be finalized if there is approval for sewer.

Mr. Smith replied saying, that treatment plant is owned by North MS utilities and they would have to get approval by DCRUA and DEQ. The treatment plant will be expanded to handle this flow, they have 5 years to use that plant and after that, they will have to close that plant. One day there will be a Turkey Creek Treatment Plant. In an R-30 subdivision the density will be about 1.1 and with an R-20 it will be about 1.7, there will be 82 lots on 54 acres.

Ms. Hefley asked what the zoning was in Villages of Cedar View. Mr. Smith replied saying "AR", they have 1 acre lots.

There was a brief discussion regarding the surrounding subdivision lot sizes and that there are no R-20's in the area. Mr. Robison then asked if they would consider changing this application to an R-30.

Mr. Smith said an R-20 zoning is an ideal zoning in a transitional area, he then pointed to subdivision locations along College Road.

Mr. James stated since Creekside is an R-30, he believes this application should match.

Mr. Smith then requested this application be carried over.

Mr. Lindsey made a Motion to carryover this application. Mr. Clemmer seconded the Motion. The Motion was passed by a unanimous vote.

**McCullar, Meredith/Milton Woosley (655) – Application is to rezone 112 acres from Agricultural to R-30, Single Family Residential. Subject property is located on the south side of College Road and west of Bethel Road, in Section 14, Township 2, Range 6. (District 1)**

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

Mr. Dalhoff began by saying Mr. Woolsey is 88 years old and owns about 500 acres. There was a nice plan several years ago for this property, but the developer took his money and ran. He then gave the changes in the area. There is a new development across the street, it is near the City of Olive Branch limits, and the next door property is an AR Overlay. The road will connect Cypress Creek Plantation to College Road. Most of the lots are 1 acre or larger due to the topography of the land, he has placed the roads on the ridges. If this is approved, when we come back with the subdivision application, you will be able to see the nice layout of the development.

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

Mr. Dalhoff stated the only place where trees will be cut is for roads.

Mr. Robison entertained a Motion.

Ms. Hefley made a Motion to approve this application based on the changes in the area proven by the applicant and that it is compatible with the area and with staff recommendations. Mr. Clemmer seconded the Motion. The Motion was approved by a roll call vote of 10-0.

There being no further business in front of the Planning Commission, this meeting adjourned at 11:00 p.m. These minutes were recorded and transcribed by Denise Dingman.