



DESOTO COUNTY PLANNING COMMISSION ORDER OF ITEMS

JUNE 2, 2005

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – April 28, 2005

OLD BUSINESS

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)

NEW BUSINESS

MINOR LOTS

Ray Laughter (6358) – Application is for 4 lots on 6 acres of 1.50 acres each. Subject property is located on the south side of Dunn Lane and east of Craft Road in Section 17, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)

Sheltowee West (Lot 19) (6360) – Application is for 1 lot of 2 acres. Subject property is located on the north side of Sheltowee Trail and west of Massey Road in Section 33, Township 3, Range 6 and is zoned Agricultural. (District 5)

Lewisburg Farms, Phase 1, Revision of lot 21 (6361) - Application is for 2 lots, one lot of 1.371 acres and one lot of 2 acres. Subject property is located on the south side of E. Broadway Ave. and west of Turner Road in Section 22, Township 2, Range 6 and is zoned Agricultural-Residential. (District 1)

MUST BE PLATTED & RECORDED

FINAL SUBDIVISIONS

Hickory Forest – Application is for 82 lots on 16.44 acres. Subject property is located on the west side of Highway 301 and south of DeSoto Road, in Section 25, Township 1, Range 9 and is zoned R-3. (District 3)

Lakeside – Blue Lake Springs – Application is for 22 lots on 15.96 acres. Subject property is located on the north side of Green River Road and west of Highway 301, in Section 31 & 32, Township 2, Range 9 and is zoned R-30 Overlay. (District 3)

OTHER ITEMS

Presentation Re County Greenway Plan

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, June 2, 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, Julius Cowan, Charles McNemar, Wade Carter, Leigh Graves, Joe Forsythe, Mike Robison and Pat Hefley. Planning Commission Staff present included Merritt Powell, Jim McDougal, Denise Dingman, Pat Southerland, Scott Young 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 April 28, 2005. Mr. McDougal informed the Board members that on page 14 of the minutes regarding Robinson Crossing, the Motion included all changes as noted above, we listed each individual change of the Motion and then asked the Board members to review the list. Mr. Clemmer made a Motion to approve the minutes as written. Mr. Maxwell seconded the Motion. The Motion passed by a unanimous vote.

Mr. McDougal then announced that the application of Scenic Hollow will be held over to June 30, 2005.

Mr. McDougal then requested that Creekside West be carried over to the end of the agenda.

CONSENT AGENDA

MINOR LOTS

Ray Laughter (6358) – Application is for 4 lots on 6 acres of 1.50 acres each. Subject property is located on the south side of Dunn Lane and east of Craft Road in Section 17, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)

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MUST BE PLATTED & RECORDED

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

consent agenda. Mr. Clemmer seconded the Motion. The Motion was approved with a unanimous vote.

FINAL SUBDIVISIONS

Hickory Forest – Application is final approval of 82 lots on 16.44 acres. Subject property is located on the west side of Highway 301 and south of DeSoto Road, in Section 25, Township 1, Range 9 and is zoned R-3. (District 3)

Mr. McDougal began by saying this application is for a concurrence due to the fact that the plat was not recorded within 1 year of the final approval. He then explained when this happens the application needs to be reviewed by the Planning Commission Board to look at the matter and approve/deny the final application.

Mr. Lindsey said he has a problem with this application, because there have been major changes in that area. Many board members agreed.

Ms. Graves asked what kind of decision can be made if the zoning is already in place. Mr. McDougal answered saying, the development has to be compatible with the neighborhood and compatibility is within a 2-3 mile area.

Mr. Carter asked if we can look at the zoning.

Mr. Jody Neyman, Board Attorney stated this board cannot change the zoning of the property, but this Board can request the applicant to resubmit a preliminary plan of the subdivision.

There was then a brief discussion among the Board members and staff regarding zoning and subdivision plans/plats.

Mr. Carter made a Motion to carryover this application until the June 30, 2005 Planning Commission Meeting to allow time to look at the previous minutes, orders, and plats. Mr. James seconded the Motion. The Motion was approved by a unanimous vote.

Lakeside – Blue Lake Springs – Application is for final approval of 22 lots on 15.96 acres. Subject property is located on the north side of Green River Road and west of Highway 301, in Section 31 & 32, Township 2, Range 9 and is zoned R-30 Overlay. (District 3)

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 only change from the original plat is the park has been moved, which was a request by Supervisor Russell, this is the best this development is going to be. We have also lost 2 – 3 lots.

Mr. Lindsey made a motion to approve this application. Ms. Hefley seconded the Motion. The Motion was approved by a 10-2 vote.

OLD BUSINESS

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 and said this application was carried over from 4/28/2005. He then recognized Mr. Ben Smith as being present to represent the application.

Mr. Smith began by saying Creekside is currently under development, and this subdivision will connect to Creekside. Sewer & water are available and eventually this will be located in the City of Olive Branch. In addition, Highway 305 will be widened, there are several new developments in the area, Creekside was rezoned to R-30 and Belmor Lakes is an R-40 Overlay and the lots are as small as 15,000 square foot. This also complies with the Comprehensive Plan and is in a transition area which is low density. Mr. Smith stated at the last meeting it was mentioned that there are no other R-20's in the area, but this was a new zoning designation when the Comprehensive Plan was completed. The land use map only shows one R-20 subdivision and that is Dan Brown's development. The Kyle's Creek development was approved as an R-20 subdivision and there are no other R-20's in that area, so he believes this is an invalid argument.

Mr. Robison then questioned the R-20 regulations and roads. The lots must be a minimum of 20,000 square feet and the roads are to be 24' of asphalt with curb and gutter or 27' with sidewalks without curb and gutter. Mr. Smith agreed.

Mr. Smith said the house sizes will be same as Creekside. In addition, the lot size in an R-30 subdivision is 110 x 300 and an R-20 is 110 x 200, the only difference being the depth. Mr. Powell added saying, lots that are less than 100' wide require curb and gutter.

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

1. Joe Suhanin – He began by saying with the current zonings around this property he does not see the R-20 fitting into this area, he thinks this is spot zoning. The land use map shows this area as rural residential and the surrounding area is Agricultural-Residential with some R-30's in the area. He further stated, there is no other development in the area except for these two subdivisions (Creekside & Creekside West). Mr. Suhanin was also concerned with the sewer and asked if the Creekside lagoon had been approved. He concluded by saying he petitioned the area residents and they have requested this application be denied and the zoning to remain Agricultural-Residential.

2. Ray Laughter – 8055 Dunn Lane – He began by saying he comes from a different generation and most of the growth are people his age, and these size lots fits their lifestyles. He then asked for this application to be approved.

Mr. Robison asked if the lagoon would be improved. Mr. Smith answered saying they are adding one it will be an air rated lagoon, he then gave the location of the current lagoon and said this will not be any physical connection between this one and Cedar View.

Mr. Clemmer asked how many entrances there would be to this development. Mr. Smith said “one”, and pointed to that location.

Mr. Carter stated that Creekside was approved a few months ago as an R-30 and believes this development should also be an R-30.

Mr. Robison entertained a Motion.

Mr. Maxwell made a Motion to approve this application due to the changes in the area proven by the applicant. Mr. Cowan seconded the Motion. The Motion failed with a roll call vote of 7-5.

At this point Mr. McDougal informed the Board members that on the light Planning Commission meeting dates, he will try to have a 10 – 15 minute presentation regarding pertinent county information.

Mr. Lindsey then asked that each Board member be called on Planning Commission days to remind them of the meeting.

OTHER ITEMS

Presentation Re County Greenway Plan

Ms. Pat Southerland gave a Greenway presentation which included the following items:

1. Goals
2. Benefits
3. Recreation
4. Economic Benefits
5. National Poll
6. Trail Systems/Underpasses/Highways
7. Types of Trails
8. Greenway Amenities
9. Funding
10. Costs
11. Phasing

Mr. Robison then stated when this Board is looking at plats and/or rezonings, we ask questions regarding the subdivision, but cannot bind the applicant with those answers.

Mr. Jody Neyman, County Board Attorney stated contract zoning is not allowed, but the Board can look at conditions and the law allows those conditions to be taken into consideration, but a zoning decision cannot be based on those conditions.

There being no further business in front of the Planning Commission, this meeting adjourned at 8:50 p.m. These minutes were recorded and transcribed by Denise Dingman.