

DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
JULY 1, 2004

Call to Order
Invocation
Roll Call
Approval of Minutes – June 3, 2004
Announcements:

CONSENT AGENDA

MINOR LOT SUBDIVISIONS

1. **Carol Marsh Minor Lot Subdivision (6273)** – Application is for two minor lots of 1.0 acres and 1.36 acres. Subject property is located on the south side of Love Road and west of Mosby Road, zoned Agricultural.
Section 8, Township 4, Range 7
2. **James Dorris Minor Lot Subdivision (6274)** – Application is for one minor lot of 2.7 acres. Subject property is located on the south side of Ranch Road and west of Highway 51, zoned Agricultural.
Section 2, Township 4, Range 8
3. **Talbot Minor Lot Subdivision (6275)** – Application is for one minor lot of 6.58 acres. Subject property is located on the north side of Star Landing Road between Fogg Road and Horn Lake Road, zoned Agricultural-Residential.
Section 17, Township 2, Range 8
4. **Crawford Minor Lot Subdivision (6276)** – Application is for one minor lot of 7.5 acres. Subject property is located on north side of Star Landing Road between Fogg Road and Horn Lake Road, zoned Agricultural-Residential.
Section 17, Township 2, Range 8
5. **Vernon Raines Minor Lot Subdivision (6279)** – Application is for one lot of 5.0 acres. Subject property is located on the south side of Cathey Road and east of Red Banks Road, zoned Agricultural.
Section 19, Township 3, Range 5
6. **Roderick Smith Minor Lot Subdivision (6280)** – Application is for one minor lot of 3.55 acres. Subject property is located on the west side of Wilson Mill Road and north of Highway 301, zoned Agricultural-Residential.
Section 28, Township 2, Range 9

FINAL SUBDIVISION PLATS

1. **Forest Meadows (6264)** – Application is for final subdivision plat approval with 47 lots on 36 acres. Subject property is located on the west side of Jaybird Road and north of Thousand Oaks Drive, zoned R-30 Overlay (Single Family Residential).
Section 8, Township 3, Range 5
2. **Miller Station (6272)** – Application is for final subdivision plat approval with 55 lots on 57.33 acres. Subject property is located on the east side of Center Hill Road and south of Highway 302, zoned R-30 (Single Family Residential).
Section 4, Township 2, Range 5

NEW BUSINESS

REZONINGS

3. **Shetland Gardens (631)** – Application is to rezone 78.54 acres from Agricultural-Residential to R-20 Single Family Residential (Low Density). Subject property is located on the east side of Baptist Road between Star Landing Road and Pleasant Hill Road.
Section 20, Township 2, Range 7
4. **Russell Broadway Rezoning (632)** – Application is to rezone two tracts of land containing 1.76 acres and 2.73 acres from Agricultural to C-1 (Neighborhood-Commercial). Subject property is located on the southwest and southeast corners of Craft Road and Byhalia Road.
Section 5, Township 3, Range 6

SUBDIVISIONS

5. **Bar E Ranchettes Section C 1st Revision (6277)** – Application is to revise a recorded plat with 8 lots on 30.42 acre. Subject property is located on the north side of Oak Grove Road and east of Rising Sun Road, zoned Agricultural.
Section 17, Township 3, Range 8

OTHER ITEMS

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, July 1, 2004, in the Third Floor Boardroom of the Administration Building of DeSoto County located at: 365 Loshier Street, Hernando, MS. Commissioners present were: Jimmy Maxwell, Len Lawhon, Leonard Lindsey, Robin James, Dennis Clemmer, Wade Carter, Joe Forsythe, , Mike Robison, Pat Hefley, Leigh Graves and Julius Cowan. Planning Commission Staff included: Michael Garriga, DeSoto County Planner, Merritt Powell, Director, Scott Young, Assistant County Engineer, Denise Dingman, Planning Commission staff and Katie Jewell 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.

Mr. Robison asked if there were any questions on the June 6, 2004 minutes. Mr. Robison then asked for a Motion to approve the June 6, 2004 minutes. Mr. Carter made a Motion to approve the minutes. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

MINOR LOT SUBDIVISIONS

Carol Marsh Minor Lot Subdivision (6273) – Application is for two minor lots of 1.0 acres and 1.36 acres. Subject property is located on the south side of Love Road and west of Mosby Road, zoned Agricultural. Section 8, Township 4, Range 7

James Dorris Minor Lot Subdivision (6274) – Application is for one minor lot of 2.7 acres. Subject property is located on the south side of Ranch Road and west of Highway 51, zoned Agricultural. Section 2, Township 4, Range 8

Talbot Minor Lot Subdivision (6275) – Application is for one minor lot of 6.58 acres. Subject property is located on the north side of Star Landing Road between Fogg Road and Horn Lake Road, zoned Agricultural-Residential. Section 17, Township 2, Range 8

Crawford Minor Lot Subdivision (6276) – Application is for one minor lot of 7.5 acres. Subject property is located on north side of Star Landing Road between Fogg Road and Horn Lake Road, zoned Agricultural-Residential. Section 17, Township 2, Range 8

Vernon Raines Minor Lot Subdivision (6279) – Application is for one lot of 5.0 acres. Subject property is located on the south side of Cathey Road and east of Red Banks Road, zoned Agricultural. Section 19, Township 3, Range 5

Roderick Smith Minor Lot Subdivision (6280) – Application is for one minor lot of 3.55 acres. Subject property is located on he west side of Wilson Mill Road and north of Highway 301, zoned Agricultural-Residential. Section 28, Township 2, Range 9

Mr. Garriga 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. James made a Motion to approve the minor lots. Mr. Cowan seconded the Motion. The Motion was approved by a unanimous vote.

FINAL SUBDIVISION PLATS

Forest Meadows (6264) – Application is for final subdivision plat approval with 47 lots on 36 acres. Subject property is located on the west side of Jaybird Road and north of Thousand Oaks Drive, zoned R-30 Overlay (Single Family Residential). Section 8, Township 3, Range 5

Miller Station (6272) – Application is for final subdivision plat approval with 55 lots on 57.33 acres. Subject property is located on the east side of Center Hill Road and south of Highway 302, zoned R-30 (Single Family Residential). Section 4, Township 2, Range 5

Mr. Garriga said with the Forest Meadows subdivision plat the following items have been added, the typical ditch sections, the sidewalk plan and a note on the plat regarding the maintenance of the ditches. Mr. Garriga then announced that the above items are ready for approval. Mr. Maxwell made a Motion to approve the above items with staff recommendations. Mr. Lindsey seconded the Motion. The Motion was approved by a unanimous vote.

NEW BUSINESS

REZONINGS

Shetland Gardens (631) – Application is to rezone 78.54 acres from Agricultural-Residential to R-20 Single Family Residential (Low Density). Subject property is located on the east side of Baptist Road between Star Landing Road and Pleasant Hill Road. Section 20, Township 2, Range 7

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

Ms. Graves said besides the R-30's are there any other R-20's in the area? Mr. Garriga answered by pointing to a tract of land that has recently been rezoned to R-20 and the City of Southaven will also be filling for annexation. Mr. Lindsey respond saying they have filed for annexation.

Mr. Davis began by saying there has been a lot of change in the area, there have been recent rezonings, new subdivisions, and it conforms to the land use map and comprehensive plan, in addition, there is a need for a development like this. The lots will be a minimum of 23,000 square feet and the home sizes will be a minimum of 2,200 square feet. No lots will enter Baptist Road and the road right of way has recently been acquired.

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

1. Larry Taylor – 2702 Baptist Road, he moved here 28 years ago. He has not talked with his neighbors, but believes most of the people here tonight are residents along Baptist Road. Their main concern is the condition of the road. He continued saying from Star Landing Road to Pleasant Hill Road which is about 1 ½ miles long, there are a lot of hills and hollows and there are a lot of driveways that enter Baptist Road that are blind spots. Mr. Taylor said he has not heard how many houses would be built in this subdivision, but he has heard 200, which in turn means an additional 200-300 cars per day. The people here tonight are the public and we don't see the need for this development, nor do we want this development. He moved here to get away from subdivisions and development. There is also a 25 mile per hour speed zone which no one follows, that is also a concern. There are numerous subdivisions in the area, none are completed, why do we need another one.

Mr. Robison then asked how many lots would be in this development. Mr. Garriga said 156 maximum. Mr. Davis said 106 lots are on the preliminary plan.

2. Jerome Moss – 2043 Baptist Road – There are a lot of hills and valleys and this would bring a lot of traffic. He has kids and is concerned about them getting the bus with all of the additional traffic. He also has horses and they like to ride their horses on the road. This also could not be done with all the additional traffic. Mr. Moss continued saying new subdivisions also bring on a lot of crime and he does not want that. He does not see the need for this development.
3. Silios Fulton – He began by asking the difference between the R-30 & the R-20 lots. Mr. Garriga explained. Mr. Fulton then asked about road access and where these access points will be located. Mr. Garriga said he has not seen the preliminary plat and does not know the layout, this is a rezoning application the subdivision application will be heard at a later meeting. Mr. Fulton then asked if this is approved would Baptist Road be widened. Mr. Garriga answered saying an additional lane would be added for the length of the subdivision property.
4. Percy Bachus – 2105 Baptist Road. He wanted to know what would be done with the rest of the road. With 106 lots there will be at least 300 cars, and currently Baptist Road does not have shoulders and is not safe, there are a lot of accidents. When driving down Baptist Road, you realize what a mess it is, but if the whole road was widened it would be o.k.
5. Dennis Metrolis – 1860 Baptist Road, he purchased this property 8 years ago to get out of Fayette county, and now the

same thing is happening here, development. He does not see the need for this development.

6. Carol Thomas – All the residents here along Baptist Road have a minimum of 2 acres, this rezoning is less than ½ acre it does not fit into the area. This development would also diminish the countryside and home values will be diminished. There will be two entrances with access from Baptist Road, there are too many hills and valleys along this road, and it is narrow. There is only one other R-20 subdivision and it is not on Baptist Road. Mr. Garriga said it is on Star Landing Road. The closest thing to the area is R-30 and most of us have 2 acre lots. This development of 106 lots will change the countryside. She has not heard anything to support this development or the change in the area.

Mr. Robison then closed the floor for public comments.

Mr. Davis began by saying the way he has this development designed, the entrances will be located at the bottom of the hill, there will be good site distance from both directions. He understands each person's concerns, but he has been doing business in the county for 68 years and he has seen a lot of change.

Mr. Carter stated he understands that the character of the neighborhood is a subjective thing, but to him, the character of the area along Baptist Road has not changed. Ms. Graves said she agrees.

Mr. James said he believes traffic is a problem in this area. He does not think there are plans in the near future for that road to be improved.

Mr. Lawhon stated that he sympathizes with the community and we are all residents of DeSoto County and understands the changes that have occurred. We don't know what will happen in 5-10 years, but anytime someone is close to a city, there are major changes. When the City of Southaven annexes, there will be rapid change in your area. As fast as the county is and has grown, it will not remain as it is. We just need to try to control the growth not stop it. The R-20's & R-30's are our way of trying to soften the urbanization. It was not too many years ago we were seeing R-8's and overlay's. He added, he would like to see an R-30 development on this property. One and one half acres are hard to come by, maybe an R-20 is a bit intensive, and he would like to see an R-30 development, but an R-20 is possible. The impact that that county would have in regards to this property will be much better than what kind of impact the city will have. He would like a compromise, he would like to see the developer build a nice development.

Mr. Robison said it would be a better agreement if this was an R-30, but we do have R-20's in the county. He added, it would be a better argument for the burden of proof it

were an R-30, but we are looking at R-20 application, and our decision needs to be based on the fundamental change and mistake rule.

At this point Ms. Jewell, County Attorney reminded the board no matter what decision is made, be sure to give the reasons for the decision.

Mr. Davis responded by saying he is not sure an R-30 is economically feasible, but with the exception of four lots the lots will be a minimum of 23,000 square feet. Mr. Robison responded saying the problem is, when and if this property is sold we are bound to the rezoning.

Mr. Robison entertained a Motion.

Mr. Carter made a Motion to deny this application, based on the fact that the proof of the change/character in the area has not been met. Ms. Graves seconded the Motion. There was a roll call vote to deny this application of 11-0.

Russell Broadway Rezoning (632) – Application is to rezone two tracts of land containing 1.76 acres and 2.73 acres from Agricultural to C-1 (Neighborhood-Commercial). Subject property is located on the southwest and southeast corners of Craft Road and Byhalia Road. Section 5, Township 3, Range 6

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Jamie Tipton as being present to represent the application.

Mr. Robison asked about tract 2. Mr. Garriga explained and added, the store has been there for a long time. Mr. Robison asked if the comprehensive plan shows that area as commercial at that intersection. Mr. Garriga talked about the locational criteria in relation to the comprehensive plan. He continued saying it does make sense to have commercial at this corner.

Mr. Lindsey questioned the convenience store with no gas pumps. Mr. Garriga said a convenience store is o.k. but gas pumps are not allowed, they would need a conditional use.

Mr. Tipton began by saying tract 2 has had a store with gas pumps for 61 years. The gas pumps and tanks have been removed. The tanks were above ground tanks, and they have no plans to put them back. The neighborhood has and is changing, we have new schools in the area, I-69 is also being constructed nearby. This is a growing neighborhood. The store does sit on the right of way of that intersection, that intersection will be changing and that is the reason we brought it back out. The store or whatever is developed will sit back in the center of the property, off the road and off the right of way. There is a 40' right of way on Craft.

Mr. Robison asked if tract one finishes out Mr. Broadway's property. Mr. Tipton said, "yes". Mr. Robison then asked if the right of way is expanded, is there much of a

building site. Mr. Tipton said the right of way has been located and determined and we may have to look at the building site.

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

Mr. Lawhon made a Motion to approve the application with the fact that this property has been used as a service station for 61 years and with the changes in the neighborhood with the new school, I-69 and believes this would be an appropriate commercial corner. Mr. Maxwell seconded the Motion. The Motion was passed with a roll call vote of 11-0.

Bar E Ranchettes Section C 1st Revision (6277) – Application is to revise a recorded plat with 8 lots on 30.42 acre. Subject property is located on the north side of Oak Grove Road and east of Rising Sun Road, zoned Agricultural. Section 17, Township 3, Range 8

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

Mr. Smith said the only change to this application is lot 16, there is an existing lake they wanted to include so they are adding 50' to the lot.

Mr. Robison entertained a Motion.

Mr. Lindsey made a Motion to approve the application. Mr. Lawhon seconded the Motion. The Motion was passed by a unanimous vote.

At this point Ms. Graves asked for an explanation of the consent agenda. Mr. Garriga explained the process.

There being no further business in front of the Planning Commission, this meeting adjourned at 8:05 p.m. These minutes were recorded and transcribed by Denise Dingman.