

Order of Items
DeSoto County Planning Commission
July 31, 2003

1. Invocation
2. Roll Call
3. Approval of Minutes – 7/3/2003 and 7/10/2003
4. Comprehensive Plan Update
5. Planning Department Web Site

REQUEST FOR CONTINUANCE TO AUGUST 28, 2003

6. Jefferson Planned Unit Development (613) – Application is to rezone 96.7 acres to Planned Unit Development. Subject property is located on the southeast corner of Jaybird and Holly Springs Roads, currently zoned Agricultural. Section 21, Township 3, Range 7

MINOR LOT SUBDIVISIONS

7. Fox Creek East Church Lot (6182) – Application is for one lot of 7.16 acres. Subject property is located on the north side of Goodman Road and east of Fox Creek Drive, zoned PUD.
Section 29, Township 1, Range 5
PLAT AND RECORD
8. Isom Minor Lot Subdivision (6184)– Application is for one lot of 1.5 acres. Subject property is located on the north side of Byhalia Road and east of Castle Drive, zoned Agricultural.
Section 36, Township 2, Range 7
9. Robert Williams Minor Lot Subdivision (6185) – Application is for one lot of 2.9 acres. Subject property is located on the north side of Dunn Lane and east of Craft Road, zoned Agricultural-Residential.
Section 17, Township 2, Range 6
10. Dodson Minor Lot Subdivision (6186) – Application is for one lot of 1.1 acres. Subject property is located on the east side of Cross Roads and north of Vaiden Road, zoned Agricultural.
Section 5, Township 3, Range 6
11. Renfroe Minor Lot Subdivision (6187) – Application is for one lot of 2.0 acres. Subject property is located on the north side of Bankston Road and east of Sidewinder Road, zoned Agricultural-Residential.
Section 19, Township 2, Range 7
12. Siple Minor Lot Subdivision (6188) – Application is for one lot of 4.48 acres. Subject property is located on the south side of Pine Tree Loop and west of Robertson Road, zoned Agricultural.
Section 3, Township 3, Range 8

OLD BUSINESS

13. Williamsburg Subdivision Phase 1(6170) – Application is to vacate an existing plat with four lots on 11.6 acres. Subdivision is located on the north side of Dunn Lane and east of Craft Road, zoned Agricultural-Residential.
Section 17, Township 2, Range 6

NEW BUSINESS

14. Bright Heights (6178)– Application is for preliminary subdivision approval for 22 lots on 40 acres. Subject property is located on the south side of Bright Road and west of Laughter Road, zoned Agricultural.
Section 11, Township 3, Range 7
15. Greer’s Landing (6179) – Application is for final subdivision approval for 12 lots on 20 acres. Subject property is located on the south side of Bright Road and west of Laughter Road, zoned Agricultural.
Section 11, Township 3, Range 7
16. Pigeon Ridge (6180) – Application is for preliminary subdivision approval for 42 lots on 162 acres. Subject property is located on the south side of Leavell Road and west of Watson-Desoto Road, zoned Agricultural.
Section 33, Township 3, Range 5
17. Lamar Place Section B (6183) – Application is for final subdivision approval for 15 lots on 25.35 acres. Subject property is located on the north side of Highway 304 and west of Scott Road, zoned Agricultural.
Section 10, Township 3, Range 8

OTHER ITEMS

Rules and Procedures Workshop

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, July 31, 2003, in the Third Floor Boardroom of the Administration Building of DeSoto County located at: 365 Loshier Street, Hernando, MS. Commissioners present were: Claudia Niebanck, Len Lawhon, Mitch Mitchell, Ed Williams, Jimmy Maxwell, Robin James, Larry Sykes, Julius Cowan, Charles McNemar, Leonard Lindsey and Mike Robison. Planning Commission Staff included: Michael Garriga, DeSoto County Planner, Merritt Powell, Director, Andy Swims, County Engineer, Scott Young, Assistant County Engineer, Jim McDougal, Transportation Coordinator, Denise Dingman, Planning Commission staff and Katie Jewell, County Attorney.

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

Ms. Niebanck stated the minutes dated 7/10/2003 where Mr. Bruce Niebanck spoke and referred to the Mississippi State Code needs to be corrected to reflect the correct code number of 17-1-22 through 17-1-27. (Correct § 17-1-1 through 17-1-27) Mr. Robison also said there are spelling errors in the minutes, which need to be corrected. Mr. Leonard Lindsey made a Motion to approve the July 3, and July 10, 2003 minutes with the corrected changes. Mr. Maxwell seconded Motion. The Motion was carried by a unanimous vote.

Comprehensive Plan Update

Mr. Michael Garriga then gave an update of the Comprehensive Plan and gave out handouts regarding the interpretation and definitions (Article II) and the Planned Highway Corridor District. He then asked the board members to give recommendations to enhance and amend the Comprehensive Plan to the staff to forward on to Mr. William Peacock.

Mr. Powell suggested that each member take a current ordinance book and write any changes on those pages and give them to the staff, the staff will also make sure the pages are returned to each board member.

Mr. Robison asked if we are still seeking a grant for a Corridor Study? Mr. Powell responded by saying “yes”.

Mr. Garriga added, some things that may need to be looked into is the PUD Ordinance, Subdivision Access, C-2 zones, enhance the regulations, and Site Plan regulations. Mr. Robison then talked about possibly breaking up the commercial zones and moving residential overlay to PUD's. Mr. Garriga then talked about of a mix use, and to possibly take away the words PUD to Planned Development. There was an agreement between staff and board members to look at these issues and to make recommendations.

Planning Department Web Site

Mr. Garriga then gave a short presentation of the DeSoto County Website to the board members.

REQUEST FOR CONTINUANCE TO AUGUST 28, 2003

Jefferson Planned Unit Development (613) – Application is to rezone 96.7 acres to Planned Unit Development. Subject property is located on the southeast corner of Jaybird and Holly Springs Roads, currently zoned Agricultural. Section 21, Township 3, Range 7

Mr. Garriga announced that the applicant for this application has sent a letter requesting this item be carried over. He stated Mr. Dugan (representative) was a part of the power outage in Memphis and was unable to complete the information needed for tonight and they are still deciding what they are going to do.

Mr. Sykes asked if there would be a report to us, if they decide to withdraw the application. Mr. Garriga said “yes”.

Mr. Lawhon made a Motion to carryover this application until the August 29, 2003 meeting. Mr. Mitchell seconded the Motion. The Motion was passed by a unanimous vote.

MINOR LOT SUBDIVISIONS

18. **Fox Creek East Church Lot (6182)** – Application is for one lot of 7.16 acres. Subject property is located on the north side of Goodman Road and east of Fox Creek Drive, zoned PUD.
Section 29, Township 1, Range 5
PLAT AND RECORD
19. **Isom Minor Lot Subdivision (6184)**– Application is for one lot of 1.5 acres. Subject property is located on the north side of Byhalia Road and east of Castle Drive, zoned Agricultural.
Section 36, Township 2, Range 7
20. **Robert Williams Minor Lot Subdivision (6185)** – Application is for one lot of 2.9 acres. Subject property is located on the north side of Dunn Lane and east of Craft Road, zoned Agricultural-Residential.
Section 17, Township 2, Range 6
21. **Dodson Minor Lot Subdivision (6186)** – Application is for one lot of 1.1 acres. Subject property is located on the east side of Cross Roads and north of Vaiden Road, zoned Agricultural.
Section 5, Township 3, Range 6
22. **Renfroe Minor Lot Subdivision (6187)** – Application is for one lot of 2.0 acres. Subject property is located on the north side of Bankston Road and east of Sidewinder Road, zoned Agricultural-Residential. Section 19, Township 2, Range 7

23. **Siplely Minor Lot Subdivision (6188)** – Application is for one lot of 4.48 acres. Subject property is located on the south side of Pine Tree Loop and west of Robertson Road, zoned Agricultural. Section 3, Township 3, Range 8

Mr. Garriga announced the above items (except the Williams Minor Lot #6158) 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. Sykes made a Motion to approve the minor lots with the exception of the Robert Williams Lot #6158. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

OLD BUSINESS

Williamsburg Subdivision Phase 1 (6170) – Application is to vacate an existing plat with four lots on 11.6 acres. Subdivision is located on the north side of Dunn Lane and east of Craft Road, zoned Agricultural-Residential. Section 17, Township 2, Range 6

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He stated this was carried over from last month, and the road right of way is the main issue. He stated that all interested parties will need to relinquish the road right of way and then the road right of way will need to be dedicated once again. Mr. Ed Williams stated he does not believe that will be a problem.

Mr. Lawhon made a Motion to vacate the plat. Mr. Mitchell seconded the Motion. The Motion was passed by a unanimous vote.

Robert Williams Minor Lot Subdivision (6185) – Application is for one lot of 2.9 acres. Subject property is located on the north side of Dunn Lane and east of Craft Road, zoned Agricultural-Residential. Section 17, Township 2, Range 6

Mr. Garriga stated this is now ready for approval. Mr. Lindsey made a Motion to approve this application. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

NEW BUSINESS

Bright Heights (6178)– Application is for preliminary subdivision approval for 22 lots on 40 acres. Subject property is located on the south side of Bright Road and west of Laughter Road, zoned Agricultural. Section 11, Township 3, Range 7

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

Ms. Niebanck asked for the location of roads in relation to the eastern property. Mr. Lauderdale said the road to Laughter is due to the site distance.

Mr. Robison asked if all lots would have nice building sites. Mr. Lauderdale responded by saying, the land is beautiful with a lot of trees and there are only 3 lots that do not have high building sites. The homes would be 1,800 square feet to 2,300 square feet and that Brights Water would be servicing the subdivision.

There was then some discussion regarding the stub road and the cul-de-sac. Mr. Lauderdale agreed to do away with the stub to the west and stub to the south, and elbow the road. Mr. Williams said Brights Road is not a well traveled road, and does not see a problem.

Mr. Mitchell asked if Mr. Lauderdale agrees with the staff recommendations. Mr. Lauderdale said “yes”.

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

Ms. Niebanck made a Motion to approve this application with staff recommendations and to stub the road to the south and eliminate the west stub road. Mr. Lindsey seconded the Motion. The Motion was passed by a unanimous vote.

Greer’s Landing (6179) – Application is for final subdivision approval for 12 lots on 20 acres. Subject property is located on the south side of Bright Road and west of Laughter Road, zoned Agricultural. Section 11, Township 3, Range 7

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

Mr. Mitchell asked if lot 1 would have driveway access to Bright Road. Mr. Garriga responded by saying ‘no’.

Mr. Joe Frank Lauderdale said there would be restricted covenants and they would be recorded. He added, the homes would be from 1,800 square feet to 2,300 square feet.

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

Pigeon Ridge (6180) – Application is for preliminary subdivision approval for 42 lots on 162 acres. Subject property is located on the south side of Leavell Road and west of Watson-Desoto Road, zoned Agricultural. Section 33, Township 3, Range 5

Mr. Garriga presented the application and presented the staff report to the Planning Commission. Mr. Garriga stated this property is in DeSoto & Tate County and borders

Marshall County. He then recognized Mr. Tom Flannigan (from Smith Engineering) as being present to represent the application.

Mr. Mitchell asked for the locations of the roads in Marshall County. Mr. Garriga presented the road locations.

Ms. Niebanck then asked for the location of the closest fire stations. Mr. Powell presented those locations.

Mr. Flannigan began by stating as of this date, they have not made a formal application to Tate Co, but they have sent them a copy of the plat as a courtesy to them.

Mr. Lanier Hurdle stated they are not ready to move forward with the portion of the subdivision that is located in Tate Co. They do own the property to the south which is currently being farmed. He continued saying, he is not sure if they will develop the property that is located in Tate Co., he does not really like the plan nor the double frontage lots. We sent the items to Tate County at the request of the DeSoto Planning Commission 's office. Mr. Hurdle added, they should not be penalized for owning the property.

At this point, there was some discussion regarding the distance for school buses, fire truck and other emergency vehicles in this subdivision.

Mr. Robison asked about the cul-de-sac. Mr. Hurdle replied saying he does not believe the cul-de-sac is a problem, it only serves nine lots, and there are cul-de-sac's all over the county with a large number of homes on them. He added, this problem could be solved by building an additional road, but does not see where it is necessary.

Mr. Mitchell asked where the access is to lots 24 & 25? Mr. Flannigan answered saying it is located on the easement and gave that location. Mr. Hurdle added, this design could be reconfigured and then they could give up the easement.

At this point there was some discussion regarding County Line Road and road right of ways. Mr. Hurdle agreed to 53' road right of way, up to Pigeon Creek. He does not see the need to go pass that because there is no where to go, he then talked about the terrain. He said the county will never develop that road, it is in the flood plain and there is a large ditch. The road would be built in the ditch if the road goes to the county line.

Mr. Robison stated, "this design is so far off", it is a poor design and needs to be redesigned.

Mr. Mitchell then questioned circulation. Mr. Hurdle responded saying, there needs to be a larger number of homes to have the need for additional circulation.

Mr. Lawhon said he has a big problem with the design of this subdivision. He added, the cul-de-sac cannot be over 500' and there should not be any lots on an easement. Mr.

Lawhon said another concern to him is the roads, he understands the constraints and this board is trying to work with him, but this is just not a good design.

Mr. Hurdle said County Line Road is just not feasible. He added, only new doublewide mobile homes will be allowed with a minimum of 1,200 square feet with masonry, no single mobile homes and there would be restrictive covenants.

Mr. Lawhon made a Motion to carryover this item to the August 28, 2003 Planning Commission meeting to allow some time for redesign. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

Lamar Place Section B (6183) – Application is for final subdivision approval for 15 lots on 25.35 acres. Subject property is located on the north side of Highway 304 and west of Scott Road, zoned Agricultural. Section 10, Township 3, Range 8

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

Mr. Mitchell asked if Mr. Lauderdale agrees with the staff recommendations? Mr. Lauderdale said “yes”.

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

OTHER ITEMS

Rules and Procedures Workshop

Mr. Garriga began by saying, he would like to have the Planning Commission board consider having a workshop regarding rules and regulations. In addition, there needs to be some conformity on how the Planning Commission meetings are conducted and the time that is allowed for applicants and the public to speak and at what time to end the meetings.

Mr. Lawhon asked, isn't this the Chairman's duties?

Ms. Niebanck suggested applying Roberts Rule. Mr. Garriga responded by saying, he does not believe the attorney's would recommend Roberts Rule. In addition, it is not fair to board members, staff, recording secretary, etc. Ms. Katie Jewell, County Attorney agreed.

Mr. Lawhon said the Chairman has the right to decide how long the applicant and the public are allowed to speak at a Planning Commission meeting and he should have the flexibility to decide on time by a case by case basis.

At this time there was some discussion regarding the last Planning Commission meeting. Mr. Robison responded to this discussion saying, there was some big issues, along with a delayed start time and he thought it was important to have the meeting in order. There was also some discussion regarding starting a new case after it reaches 10:00 p.m. Mr. Sykes responded saying some presentations do take a long time and some developers waste a lot of time and there should be limitations.

The Board members, and staff then talked about general rules and to possibly have a workshop regarding these issues. Mr. Robison said every case is different and require different rules and should be treated as a case by case basis. Mr. Lawhon and other's agreed that each application should be handled on a case by case basis.

It was decided that there is no need for a workshop, but maybe look at general rules.

The agenda has been completed.

Ms. Niebanck then discussed Mr. Julius Cowan's church singing group and the fund raiser they are having. She thought it would be nice if all members would contribute a ½ or full page in the paper in support of this group. She asked if the board members would like to purchase with private money a page in the newspaper for \$100.00.

There being no further business in front of the Commission, the Planning Commission adjourned at 9:00 p.m. These Minutes were recorded and transcribed by Denise Dingman.

