



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
SEPTEMBER 1, 2005**

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

**CONSENT AGENDA
MINOR LOTS**

Storey, Bobby (6389) – Application is for final subdivision approval of 3 lots on 13.8 acres. Subject property is located on the north & south side of Barbee Road and west of Highway 301, in Section 28, Township 3, Range 9 and is zoned Agricultural. (District 4)

Dill, Nathan (6390) – Application is for final subdivision approval of 2 lots on 4.57 acres. Subject property is located on the east end of Deerwood Place and east of McIngvale Road, in Section 32, Township 3, Range 7 and is zoned Agricultural-Residential. (District 5) **MUST BE PLATTED AND RECORDED**

Wright, Veola (6391) – Application is for final subdivision approval of 1 lot of 4.73 acres. Subject property is located on the south side of Wheeler Road and west of Highway 51, in Section 15, Township 4, Range 8 (District 5)

Scott, Jack (6396) – Application is for final subdivision approval of 1 lot of 3 acres out of 26 acres. Subject property is located on the west side of Crawford Road and south of Fogg Road, in Section 31, Township 3, Range 8 and is zoned Agricultural. (District 4)

Kogler, Chris (6397) – Application is for final subdivision approval of 1 lot of 1.5 acres out of 25 acres. Subject property is located on the south side of Highway 304 W and west of Tulane Road, in Section 16, Township 3, Range 8 and is zoned Agricultural. (District 4)

Ross, Trent (6398) – Application is for final subdivision approval of 1.02 acres. Subject property is located on the south side of Dunn Lane and west of Highway 305, in Section 16, Township 2, Range 6 and is zoned Agricultural Residential. (District 5)

Brooks, Arthur (6399) – Application is for final subdivision approval of 6.5 acres out of 24 acres. Subject property is located on the east side of McGowen Road and south of Star Landing Road, in Section 24, Township 2, Range 9 and is zoned Agricultural-Residential. (District 4)

Stapleton, Angela (6369) – Application is for final subdivision of 3 lots out of 16.66 acres. One lot of 4.82 acres, one lot of 6.84 acres and one lot of 5 acres. Subject property is located on the east side of Love Road and north of Mosby Road, in Sections 5 & 8, Township 4, Range 7 and is zoned Agricultural. (District 5)

Ricks, Tim (6400) – Application is for final subdivision approval of 1 lot of 2.06 out of 298.20 acres. Subject property is located on the south side of Clifton Road and west of Tulane Road, in Section 33, Township 3, Range 8 and is zoned Agricultural. (District 5)

Robertson, Ricky (6401) – Application is for final subdivision approval of 1 lot of 1.5 acres out of 10 acres. Subject property is located on the south side of Denman Road and west of Watson-DeSoto Road, in Section 28, Township 3, Range 5 and is zoned Agricultural. (District 1)

FINAL SUBDIVISIONS

R. D. 4 Lot Subdivision (6392) – Application is for 4 lots on 5.56 acres with 2 easements. Subject property is located on the west side of Craft Road and south of Bethel Road, in Section 30, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5). **MUST BE PLATTED AND RECORDED**

Cordona, Walter (6393) – Application is for 2 lots one lot of 7 acres and one lot of 7.23 acres out of 14.23 acres. Subject property is located on the east side of Swinnea Road and west of Baptist Road, in Section 20 & 29, Township 2, Range 7 and is zoned Agricultural-Residential. (District 5) **MUST BE PLATTED AND RECORDED**

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)

Lakeside Village/Blue Lake Springs, Phase 4 (6385) – Application is for final subdivision approval of 22 lots on 16.61 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 Agricultural-Residential Overlay. (District 3)

StoneBridge 1st Revision (6394) – Application is for final subdivision approval of 23 lots on 28.3 acres. Subject property is located on the east side of Getwell Road and south of Star Landing Road, in Section 22, Township 2, Range 7 and is zoned R-30, Single Family Residential. (District 5)

Estates of Centerhill “D” (6395) – Application is for final subdivision approval of 13 lots on 29.47 acres. Subject property is located on the south side of Burton Road and east of Getwell Road, in Section 9, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

OLD BUSINESS
REZONING

Northcentral Electric Power Association (660) – Application is to rezone 20 acres from Agricultural-Residential to Planned Commercial District (C-4). Subject property is located on the south side of Highway 178 and east of Hacks Cross Road, in Section 12, Township 2, Range 6 and is zoned Agricultural-Residential. (District 1)

OTHER ITEMS

Allen Farms 1st Revision (6217) – Scrivener’s error
Discussion - Attaching conditions to a Rezoning -

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, September 1, 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, Eddie O'Bannon, Robin James, Jimmy Maxwell, Charles McNemar, Frank Calvi, Pat Hefley, Wade Carter, Joe Forsythe, Len Lawhon, Mike Robison. Planning Commission Staff present included Merritt Powell, Jim McDougal, Denise Dingman, 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 July 28, 2005. Mr. Carter made a Motion to approve the minutes as written. Mr. James seconded the Motion. The Motion passed by a unanimous vote.

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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. Forsythe seconded the Motion. The Motion was approved with a unanimous vote.

FINAL SUBDIVISIONS

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Mr. Lawhon made a Motion to approve the R.D. & Walter Cordona Subdivisions with staff recommendations & platting and recording of the plats. Mr. Calvi seconded the Motion. The Motion was approved by a unanimous vote.

FINAL SUBDIVISIONS-CONTINUED

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 presented the application and the staff report to the Planning Commission and stated this application has been carried over several times due to drainage issues. He then recognized Mr. Ben Smith as being present to represent the application.

Mr. Andy Swims, County Engineer began by saying there has been a lot of issues between the applicant and the surrounding landowners. There had been silt problems, flooding across Oak Grove & Scott Road. We met with the developers, DEQ and landowners regarding these issues. The applicant has since addressed all the erosion control issues by placing silt fences, grass, check dams, and hay bales. They have also widened out the ditches and placed undersized driveway culverts. They also placed a permanent rip-rap check dam. Most of the water is not coming from the development, but it will compensate for it. Mr. Swims said he will continue to monitor the drainage situations.

Mr. Robison asked Mr. Smith if the drainage will work “long term”. Mr. Smith said as the development is built out silt will not be a big issue. This developer has done more work with drainage than any one he knows of. He has done a lot of work to the property and has improved the drainage for the adjacent property owners. Mr. Smith concluded by saying “as far as he knows everyone is happy with the drainage”.

Mr. Lawhon asked who will maintain the ditch over Oak Grove Road. Mr. Swims answered saying the County.

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

1. Pat Woody – She lives across the street on Oak Grove Road and is on the City of Hernando’s Planning Commission Board. Ms. Woody began by reading from the Clean Water Act. She would like to see a detention pond built or have a performance bond to insure these issues will be taken care of.
2. Steve Foglesong – 1980 Oak Grove Road – He began by saying he is on the west side of the property, there is a big ditch that does come onto his property. His only concern is that we have not had a rainy season and what is going to happen when we do. He does not believe the ditch can handle all that water. Mr. Foglesong then said there is a check dam, but he does not think it will be permanent and at some time the hay bails and silt fences will be removed. He said the water amount may be the same but with a lot more force.
3. Burke Hendricks – He began by saying the rip rap check dam will be permanent and the velocity of water flow will be slower. We have also removed a lot the slopes out of the lots and planted grass. In the main ditch there are 3 rip rap check dams in place. The plans only required two. We have also placed undersized pipes between the rip rap check dams. The driveways will also have head walls.
4. Clare Maness – 1840 W. Oak Grove Road. She is an adjoining property owner and is not trying to stop the development. Her concern is if the property sells and we continue to have water problems, what kind of recourse do we have to address problems/issues. Also in the first meeting with Mr. Hurdle and Mr. Hendricks,

they stated the house sizes would be a minimum of 2,200 square feet, the homes are now 2,000 square feet.

Mr. Hendricks stated the square footage of the homes started out at 1,800 square feet, after the neighbors concerns it was increased to 2,000 square feet, but most likely they will be larger than that.

Mr. Smith addressed Ms. Maness' concerns about the undersize pipe along Oak Grove Road, he said it could be increased, but it would be up to the county. We have designed this subdivision to utilize the ditches in the front. There are 3 detention ponds already designed in the ditch. During a large rain the ditch will be full of water, the driveways will also act as detention ponds. With this type of development, FEMA favors this type of detention over curb and gutter. The detention is permanent. Once again this developer has done more detention work over any other developer he has worked with. There is a large stream going from east to west and we installed a permanent concrete rock dam in the pipe to choke some of the water back.

Mr. Robison wanted to make sure there is a note on the plat regarding the driveways to be sure the lot owner understands the driveway/ditch is being used for detention. Mr. Smith agreed.

Mr. Smith spoke stating Ms. Maness' yard has flooded before. Mr. Carter asked if a hydro study has been completed. Mr. Smith answered saying, he believes there is enough detention with the rural driveways and R-30 lots and that a study is not needed.

Mr. Robison asked if a bond should be placed for the detention. Mr. Smith replied saying if he were a bonding company, he would not bond anything.

Mr. Foglesong said if all the detention that has been done works, it is fine, but he does not know if will work and what about a rainy season. He just wants to be sure their interest is protected.

Mr. Powell replied saying a maintenance bond agreement could be discussed with the Board of Supervisors, County Engineer and the applicant.

Mr. Carter asked the County Engineer if the pre/post runoff had been satisfied. Mr. Swims answered saying these are 30,000 square foot lots, they have done a lot of work to have the water drain off slower. We are satisfied and believes a maintenance bond is a good idea. Mr. Smith added saying any time there is a disturbed construction site, a plan has to be filed. The pre/post plan is to control erosion and there are monthly inspection reports that have to be filed with DEQ in Jackson, MS.

Mr. Robison asked how long do reports have to be filed with DEQ. Mr. Smith answered saying until all 30 lots are built, unless there is a complaint, then they will come up and investigate.

Mr. Robison entertained a Motion. Mr. Lawhon made a Motion to approve this subdivision with the following stipulations:

- The Board of Supervisors discuss a maintenance bond with the developer, and the County Engineer (for drainage improvements)
- A note on the final plat regarding the front yard/ditches that the culverts are sized and driveways/ditches needs to be maintained for detention system purposes.

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

Lakeside Village/Blue Lake Springs, Phase 4 (6385) – Application is for final subdivision approval of 22 lots on 16.61 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 Agricultural-Residential Overlay. (District 3)

Mr. McDougal presented the application and the staff report to the Planning Commission.

Mr. McDougal said there was a slight change between the preliminary and final, but the staff is o.k. with the design changes.

Mr. Carter asked about the wetness problem. Mr. Powell answered saying he needed some fill dirt to the south. The bluff had so many springs they are placing 2 culverts in the road and pipe it over to the ditch, to keep the water from coming on top of the road. Therefore, it will be used as a detention/retention lake for the homeowners, there will be a homeowners association to maintain the levy and behind the levy on the west side.

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

StoneBridge 1st Revision (6394) – Application is for final subdivision approval of 23 lots on 28.3 acres. Subject property is located on the east side of Getwell Road and south of Star Landing Road, in Section 22, Township 2, Range 7 and is zoned R-30, Single Family Residential. (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. Carter asked about the land to the west side of the ditch and the common open space. Mr. Smith replied saying the land to the west side of the ditch will be common space in place of a lot, there will now be amenities. He continued saying Lot 5 has an existing house which is being remodeled they wanted the lot 30' wider. They will no longer have lots that front along Getwell Road. Area between the ditch and Getwell Road will be common area.

Mr. Powell asked if the lot below the dam has rear building line. Mr. Smith said he will add one to the plat.

Mr. Robison entertained a Motion. Mr. Carter made a Motion to approve the subdivision with staff recommendations and the rear yard setbacks for lots 14-15 be placed on the plat. Mr. James seconded the Motion. The Motion was approved by a unanimous vote.

Estates of Centerhill “D” (6395) – Application is for final subdivision approval of 13 lots on 29.47 acres. Subject property is located on the south side of Burton Road and east of Getwell Road, in Section 9, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

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. McDougal stated some of these lots are in a Community Special Flood Hazard area and the elevations will need to be placed on the plat.

Mr. Clemmer asked about flood insurance premiums in flood zones. Mr. McDougal answered saying the premiums are higher but if certain precautions are taken, example build a home higher than the Base Flood Elevation (BFE) and a discount is given.

Mr. Smith began by saying FEMA does not show this area to be in a flood zone. Mr. McDougal then explained in saying the County can designate a “Community Special Flood Hazard area”, which is what happened in this area. Mr. Smith talked with the County Engineer and the homes will be built 1’ above the Community Special Flood Hazard elevation (297’).

Mr. Lawhon stated he would like to see this marked in big letters or a hatched area on the plat.

At this time there was a brief discussion regarding flood and elevations.

Mr. Powell asked if there would be any further development of the land. Mr. Smith said he is not aware of any additional plans to develop. He then stated he will place the finished floor elevations on every lot on the plat.

Mr. Robison entertained a Motion. Mr. Lawhon made a Motion to approve this subdivision application with the following stipulations:

- Staff recommendations;
- Finished floor elevations of every lot be marked on the plat and hatched;
- Finished elevations be certified by an engineer prior to construction;
- Elevation of the roads be approved by County Engineer

Mr. Lindsey seconded the Motion. The Motion was approved by a unanimous vote.

Northcentral Electric Power Association (660) – Application is to rezone 20 acres from Agricultural-Residential to Planned Commercial District (C-4). Subject property is located on the south side of Highway 178 and east of Hacks Cross Road, in Section 12, Township 2, Range 6 and is zoned Agricultural-Residential. (District 1)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. David Baker from Fisher and Arnold as being present to represent the application.

Mr. Robison asked if the commercial subdivision to the west has restrictive covenants. Mr. Powell said he does not know, but the City of Olive Branch has looked at this plan and has approved it. Mr. Robison added saying, he likes that this is a C-4 zoning application, this will ensure a respectable building.

Mr. Baker began by saying Northcentral Electric Power Association is wanting to consolidate their Olive Branch and Byhalia locations to streamline management. The Byhalia branch services the administration area and the Olive Branch location is customer service, payment center, etc. About 3 months ago they began looking for a new location. They wanted to be located in a centralized area for their distribution, visibility from major roads and easy access. This site fits all the criteria. He then talked about the change in the area. There has been an increase in retail sales, Flying J Truck stop, hotels, restaurants, and the Hacks Cross Business Center. This is also between two State Highways (178 & 78) and the area is not conducive to residential development. Water and sewer are also available and he then gave the locations of the waterlines. Mr. Baker continued saying, the outside storage is critical to the operation, which is the main reason for consolidation. They are going to maintain a 300' corridor to help screen/buffer, in addition this site is heavily wooded, they will also supplement with large evergreen trees. The City of Olive Branch's design review requires a certain percentage of brick façade building with architectural roofing. The building will be a metal frame with the brick façade.

Mr. Robison asked if the roundabout will work and why is it necessary. Mr. Baker answered saying the cul-de-sac radius has been increased to 60' to allow room for us to get around. One of the purposes for this roundabout is for emergency access and the other is for an identity point.

Mr. Robison asked if they have reserved a large enough area for future growth. Mr. Baker said "yes".

Mr. Carter asked if the transformers will be exposed. Mr. Baker answered saying "yes". There will be a staging platform of asphalt and a gravel area for the transformers.

Mr. Robison asked if the south side of building will be used for maintenance. Mr. Baker said “yes”, the building itself will be a 30,000 square foot facility on a 20 acre site.

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

Mr. Clemmer made a Motion to approve this application with staff recommendations based on the changes in the area proven by the applicant; retail sales, DEQ requirements, and location of the major highways, etc. Ms. Pat Hefley seconded the Motion. The Motion was passed by a roll call vote of 12-0.

OTHER ITEMS

Allen Farms 1st Revision (6217) – Scrivener’s error –

Mr. McDougal began by saying there is a scrivener’s error with the Allen Farms 1st Revision Subdivision. Mr. McDougal continued, saying he had received a letter from Rutherford & Associates, Inc. pointing out these errors. The error is as follows: the call distance of 1116.69 feet which ties the subdivision to the northwest corner of Section 22 should be 1364.09 feet. The south line of the Thomas Allen property has an offset of 247.40 feet on the north-south section line between Sections 21 and 22. The 1116.69 foot distance shown on the final plat is the correct distance from the section corner to the Thomas Allen south line in Section 21. In Section 22 the distance to the Thomas Allen south line is 1364.09 feet.

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

Discussion - Attaching conditions to a Rezoning –

Mr. McDougal began by saying Supervisor Russell requested that there be a discussion regarding placing time limits on rezonings.

Mr. Jody Neyman spoke stating in the Attorney Generals opinion conditions can be attached to a zoning upon proving there is a specific purpose and that it must serve as a public need. In addition the condition must be reasonable and used based on a case by case basis. If a time limit is placed it also must be reasonable. He then gave examples of reasonable time frames: 5years for residential 10 years for industrial.

Mr. Lawhon asked if a time limit should be placed on rezonings. Mr. Powell answered saying it is a reasonable request as long as there are facts to support the decision.

Mr. Carter then asked if a straight rezoning is being requested can be ask to see their plan. Mr. Neyman answered saying you can ask, but that cannot be your sole reason to approve or deny the application.

At this point there was some discussion regarding PUD's vs. straight zoning.

Mr. Carter spoke stating he likes the idea to support conditions on zonings on a case by case basis, he then made a Motion to approve this request. Mr. Lindsey seconded the Motion. The Motion was approved by a unanimous vote.

There being no further business in front of the Planning Commission, this meeting adjourned at 9:10 p.m.. These minutes were recorded and transcribed by Denise Dingman.