

**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
SEPTEMBER 2, 2004**

Call to Order

Invocation

Roll Call

Approval of Minutes – July 29, 2004

Announcements:

1. **McKinney Subdivision (6301)** – Application is for two lots of 1 acre and 2.46 acres. Subject property is located on the south side of Highway 304 and east of Horn Lake Road, zoned Agricultural.
Section 16, Township 3, Range 8

CONSENT AGENDA

MINOR LOT SUBDIVISIONS

2. **Rhett Armistead Minor Lot Subdivision (6294)** – Application is for one minor lot of 2.0 acres. Subject property is located on the south side of Bethel Road and east of Craft Road, zoned Agricultural-Residential.
Section 29, Township 2, Range 6
**NO MORE DIVISION OF PROPERTY UNTIL PRELIMINARY PLAT IS FILED*
3. **Phillip McElyea Minor Lot Subdivision (6295)** – Application is for one lot of 3.0 acres from 25 acres. Subject property is located on the west side of Daniel Lane and south of Bluff Road, zoned Agricultural.
Section 29, Township 3, Range 9
4. **Nethercott Minor Lot Subdivision (6300)** – Application is for two lots of one acre and 10.07 acres. Subject property is located on the south side Bankston and west of Swinnea Road and zoned Agricultural-Residential.
Section 19, Township 2, Range 7
5. **Banton/William Knox Minor Lot Subdivision (6302)** – Application is for minor lot subdivision approval for two lots of 1.0 acre and 1.98 acres. Subject property is located on the west side of Bluff Road and south of High Road, zoned Agricultural.
Section 20, Township 3, Range 9
6. **Couch/Billy Todd Homes Minor Lot Subdivision (6303)** – Application is for two lots of 1.67 acres and 1.08 acres from 65 acres. Subject property is located on the southwest corner of Holly Springs and Getwell Road, zoned Agricultural.
Section 26, Township 2, Range 6
7. **Beale Minor Lot Subdivision (6305)** – Application is for two lots of 2.1 acres and 2.4 acres. Subject property is located on the south side of Bethel Road and east of Highway 305, zoned Agricultural-Residential.
Section 26, Township 2, Range 6
8. **Schultz Minor Lot Subdivision (6306)** – Application is for one lot of 9.75 acres. Subject property is located on the south side of Gaines Road and east of Robertson Gin Road, zoned Agricultural.
Section 11, Township 4, Range 8

MAJOR SUBDIVISIONS

9. **Chappel Creek (6299)** – Application is for final subdivision plat approval for 49 lots 42.32 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 23, Township 2, Range 5

NEW BUSINESS

REZONINGS (1)

10. **Kensington Oaks Planned Development (634)** – Application is to rezone 327 acres from Agricultural to Planned Unit Development. Subject property is located on the south side of Byhalia Road and west of Craft Road.
Section 6, Township 3, Range 6

SUBDIVISIONS (3)

11. **Whitetail Lake (6287)** – Application is for preliminary/final subdivision approval for four lots on 23 acres. Subject property is located on the north side of State Line Road and east of Highway 301, zoned R-6.
Section 18, Township 1, Range 8
12. **Bridgestone Subdivision (6293) and Rose Glen formerly North Eudora Farms (6153)**
– Application is to vacate an existing plat (Rose Glen) with 24 lots on 51.1 acres and approve a new plat for 30 lots on 51.1 acres. Subject property is located on the west side of Highway 301 and north of Highway 304, zoned Agricultural.
Section 9, Township 3, Range 6
13. **Grandview Grove Commercial Lot 1 (6292)** – Application is for preliminary and final subdivision plat approval for one lot of 1.08 acres. Subject property is located on the north side of State Line Road and east of Highway 301, zoned C-2 (Highway Commercial).
Section 18, Township 1, Range 8
14. **Richard Neal 1st Revision (6296)** – Application is to revise a recorded plat with three lots on 12 acres to 4 lots on 12 acres. Subject property is located on the north side of DeSoto Road and west of Horn Lake Road, zoned Agricultural-Residential.
Section 20, Township 1, Range 5

OTHER ITEMS

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, September 2, 2004, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included Julius Cowan, Pat Hefley, Dennis Clemmer, Leonard Lindsey, Wade Carter, Joe Forsythe, Frank Calvi, James Mayfield, Robin James, Jimmy Maxwell, Len Lawhon, Charles McNemar and Mike Robison. Planning Commission Staff present included Merritt Powell, Michael Garriga, Denise Dingman, Jim McDougal, Andy Swims, County Engineer, Scott Young and Katie Jewell, Commission Attorney. Chairman Robison called the meeting to order at 7:00 p.m.

After the invocation, Chairman Robison asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on July 29, 2004. There being no suggested additions or deletions, Mr. Maxwell made a Motion to Approve the Minutes and the Motion was seconded by Mr. Cowan. The Motion passed by a unanimous vote.

At this time Michael Garriga also passed out an updated agenda due to the addition of a minor lot.

CONSENT AGENDA

MINOR LOT SUBDIVISIONS

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Section 29, Township 2, Range 6

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Section 11, Township 4, Range 8

MAJOR SUBDIVISIONS

Chappel Creek (6299) – Application is for final subdivision plat approval for 49 lots 42.32 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 23, Township 2, Range 5

Mr. Garriga then announced the Consent Agenda. 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. Lawhon made a Motion to approve the minor lots. Mr. Maxwell seconded the Motion. The Motion was approved by a unanimous vote.

McKinney Subdivision (6301) – Application is for two lots of 1 acre and 2.46 acres. Subject property is located on the south side of Highway 304 and east of Horn Lake Road, zoned Agricultural. Section 16, Township 3, Range 8

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Carl Clark, from Clark Surveying as being present to represent the application.

Mr. Robison asked if the hatch area is the easement. Mr. Garriga said “yes”.

Mr. Clark began by saying he had suggested to the property owners that they go ahead and subdivide the whole piece of property. The owners did not want to, so he designed the lots the way they requested. Ms. McKinney deeded some of this property to her son and they are dividing equally between all children, which will be 2.6 acres each. One acre was left for Ms. McKinney. He then dedicated a 50’ easement, this goes back to the back piece of property. There is a 12’ strip between Ms. McKinney’s and her son’s property. There is a house and trailer on the back property. Once Ms. McKinney passes away her one acre lot and house goes to the daughter. The only easement needed now is a 208’ across the mother in laws property to have 50’ road frontage easement. He is trying to get the dedicated easement back to the property where the house is already built.

Mr. Robison said there is a limit on the length of an easement and the plat only shows one lot of 2.46.

Mr. Lindsey asked about the back lot. Mr. Clark answered saying, it has been divided into a lot, but nothing has been done with it. He has divided the property as the will had called for.

Mr. Lawhon asked if this is platted and recorded. Mr. Garriga said “no”. Mr. Garriga then explained where all the current structures are located on the property. Mr. Lawhon continued saying, there is a difference between the state/court, but we have other regulations, we cannot land lock property. He added, he understands the situation, but going against our regulations does not solve the problem either.

Mr. Garriga said it was divided per the fathers will.

Mr. Lindsey was also concerned about the length of the easement.

There was then general discussion about the length of the easement, land locking the property and the fathers will.

Mr. Clark stated that there will be a new house built on the one acre and when the mother passes away her one acre lot will go with the new house. He added saying there is only 12' between the mother and what was deeded to the son.

Mr. Lindsey simply stated that we cannot land lock property. Mr. Lawhon added saying, we want to help, but, this board cannot go against the regulations. He personally is not ready to approve this application until the applicants change the drawing and they need to understand why the change is needed and why it cannot be approved this way.

Mr. Robison entertained a Motion.

Mr. Lindsey made a Motion to deny the application due to the land locking the south property, which is against county regulations. Mr. Lawhon seconded the Motion. The Motion was passed by a unanimous vote.

NEW BUSINESS

REZONINGS (1)

Kensington Oaks Planned Development (634) – Application is to rezone 327 acres from Agricultural-Residential to Planned Unit Development. Subject property is located on the south side of Byhalia Road and west of Craft Road. Section 6, Township 3, Range 6

Mr. Garriga presented the application and the staff report to the Planning Commission. He then recognized Ms. Brenda Solomito as being present to represent the application. Mr. Garriga then passed out a letter from Brenda Solomito to the board members.

There was a brief discussion regarding this property being located in a flood plain. It was then turned over to Mr. Andy Swims, County Engineer.

Mr. Swims began by saying there is a large drainage area, which is unstudied. The applicants will need to provide a hydrologic study. The flood study ends at College Road. The delineated floodway north of College Road is 2000' wide.

Mr. Lindsey asked if you can build in a floodway. Mr. Swims said you cannot not build in floodways. Mr. Garriga added, their study would determine where the floodway boundaries are along with base flood elevations.

Mr. Wade Carter stated he has seen water across Byhalia Road and he is concerned.

Mr. Lawhon stated if there is a question about the floodway and we are put on notice by our staff, he is not comfortable hearing anything else at this time. There is a big difference between the flood plain and floodway. With this being located in an unstudied area and with the number of houses, sewer and everything else this needs to be put on hold until we get more information about the floodway. "Floodway" is a bad word to this Planning Commission.

Mr. Powell agreed, but stated how does the applicant conduct a study without knowing whether or not this project will be approved.

The Chairman then recognized Ms. Brenda Solomito the representative for the project proposed.

Ms. Solomito – 1634 Grandway Cove, Cordova, TN – She began by saying, she is involved with the DeSoto County school board, Hawks family, and others, we have been looking at all the property in the area. From College Road - south, nothing has been studied. DeSoto County School Board has purchased 150 acres to build several new schools. She has contacted FEMA and the Corp of Engineers to find out who was doing what. She is also working with Allen and Hoshall (Engineers for DeSoto County School Board) to determine how we can share the cost of the study to benefit everyone. One thing she does know is that there is a constraint under Byhalia Road and that the water does back up and causes flooding. She has been working with the Hawks family on a project for their land, Mr. Russell Broadway is also involved. All though we do not know exactly where the floodway is, how can we justify a study if we do not know the out come of this PUD. It is such a large area of Camp Creek and they are aware that this is all zoned Agricultural. There has been a lot of change in the area, the new I-69, new schools, and the county wide sewer. Someone will have to spend the money to do a study to see how this area can be master planned.

Mr. Lawhon responded by saying he respects that this study will be done by private money, but he does not represent their interest, he represents the county and if we jump to far ahead to fast, there could be problems. The schools are being built for overcrowding but in an extremely rural area and may be questionable. This area has not been studied and Craft Road may become industrial, we just really don't know and if we do jump to far ahead Craft Road may not be. Understanding that it floods there, he would hate to put undue pressures to have county or federal money spent on flood control. He would like to hear this plan at some point, but is opposed to hearing the application tonight until all of these issues have been taken care of.

Mr. Robin James agreed and stated we need to know what we are working with.

Mr. Swims added, saying we have historical data and we know it floods out there, but without sometime of study we (the county) cannot give you the floodway boundaries.

Mr. Garriga said we are in the process of working with FEMA and DEQ and based on all the technical data we have, DeSoto County has been put on high priority to get all our flood maps redone digitally and have cross sections of all our streams delineated and elevations for most of our streams and creeks. This should be done in about 18 months.

Mr. Lawhon said he thinks the citizens and developers understand that without that information we need to be careful and does not think this is an appropriate time to hear this application. In addition, our engineer has stated there are issues that need to be solved.

Mr. Jimmy Maxwell stated, that area floods tremendously without a lot of raining, Camp Creek needs to be fixed if not it will continue to flood and maybe get worse.

Ms. Solomito offered a suggestion, since they are working with the school board and the Hawks family to develop their land, to determine drainage, we need to determine this drainage basin and creek with a potential build out. How many homes, commercial, etc, and what this area can

accommodate for post development run off. She proposed to hear the application tonight with a contingent or an acknowledgment that this stage has been completed prior to going before the Board of Supervisors and prior to turning in the Hawks' plan and begin working on the flood & drainage study. This would put everyone in a position to pitch in and the county gets the study. Study just not the property, but do a master grading and drainage plan for this quadrant of the Camp Creek Basin. If this changes the plan, then we come back to this board and look at it again.

Mr. Robison responded by saying, we really need to address this flood/study issue on the front end, it is going to take a long time to hear and go through this application, when there are problems before we even begin. Mr. Lawhon agreed that there are a lot of problems with this plan and agrees that it should not be heard tonight. Mr. Robison said he sees a plan that is totally out of character for the area and does not believe that they have ever had a plan that is potentially in a floodway that is 2000' wide.

Ms. Solomito stated they have gone out and identified the wetlands, habitats and the sensitive areas.

Mr. Lawhon said flooding is not the only issue, even this plan was heard tonight I may still deny due to all other problems with this plan. There is also a problem with density.

Mr. Robison then entertained a Motion.

Mr. Lawhon made a Motion to table this application until we can see something in writing where there is a flood & drainage study and more importantly, more information about the floodway to the west, additional information regarding the engineering department regarding a time table in regards to the study and construction so, we can make a decision whether or not this area is appropriate for any type of development. (Table this for several months with no penalties for the applicant) Mr. Robison suggested that maybe a preliminary study could be done. Mr. Lindsey seconded the Motion. The Motion was approved by a unanimous vote.

Whitetail Lake (6287) – Application is for preliminary/final subdivision approval for four lots on 23 acres. Subject property is located on the north side of State Line Road and east of Highway 301, zoned R-6. Section 18, Township 1, Range 8

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

Mr. Carter made a Motion to approve this application with staff recommendations. Mr. James seconded the Motion. The Motion was approved by a unanimous vote.

Bridgestone Subdivision (6293) and Rose Glen formerly North Eudora Farms (6153) – Application is to vacate an existing plat (Rose Glen) with 24 lots on 51.1 acres and approve a new plat for 30 lots on 51.1 acres. Subject property is located on the west side of Highway 301 and north of Highway 304, zoned Agricultural. Section 9, Township 3, Range 6

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

Mr. Robison asked if the same covenants would forward to the new subdivision. Mr. Smith answered saying “yes”.

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

Grandview Grove Commercial Lot 1 (6292) – Application is for preliminary and final subdivision plat approval for one lot of 1.08 acres. Subject property is located on the north side of State Line Road and east of Highway 301, zoned C-2 (Highway Commercial). Section 18, Township 1, Range 8

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

Mr. Carter stated he would like to know what this property is going to be used for. Mr. Lawhon replied saying, the property has already been rezoned and there are permitted uses, and if it is used as a permitted use, there is nothing we can do, and added, that is why he likes the planned developments.

Ms. Katie Jewell, County Attorney, agrees, all this board can say is whether or not this is o.k. to be platted the way it is presented.

Mr. Garriga said he would like to see the 8 acres of commercial seen as a preliminary plat.

Mr. Robison asked why this piece of property is located in the middle. Mr. Smith gave those reasons the main one being circulation.

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.

Richard Neal 1st Revision (6296) – Application is to revise a recorded plat with three lots on 12 acres to 4 lots on 12 acres. Subject property is located on the north side of DeSoto Road and west of Horn Lake Road, zoned Agricultural-Residential. Section 20, Township 1, Range 5

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

Mr. Neal began his presentation by stating his son lives on lot one and his daughter lives on lot 3 and he and his wife lives on the rear of the property. He wants to give the property to his kids, but has the easement available for possible future use. He has no intent to sell the property.

Mr. Robison asked about the maintenance of the easement. Mr. Garriga said that information will be added to the plat.

Mr. Lawhon made a Motion to approve this application with no further division of the land unless a county road is built and to vacate the recorded plat. Mr. Carter seconded the Motion. The Motion was passed by a unanimous vote.

At this time Mr. Garriga passed out a flyer regarding a storm water public meeting.

There being no further business in front of the Planning Commission, this meeting adjourned at 8:40 p.m. These minutes were recorded and transcribed by Denise Dingman.