



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
SEPTEMBER 29, 2005**

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

CONSENT AGENDA
MINOR LOTS

Knight’s Chapel CME Church (6408) – Application is for final approval of 1 lot of 1.50 acres out of 155 acres. Subject property is located on the west side of Getwell Road and north of Holly Springs Road, in Section 16, Township 3, Range 7 and is zoned Agricultural. (District 5)

Dill, Nathan (6390) – Application is for final subdivision approval of 1 lot from 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)

SUBDIVISIONS

Hunter’s Hollow (6403) - Application is final approval of 16 lots on 20.63 acres. Subject property is located on the south side of Bethel Road and west of Ross Road, in Section 29, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)

The Seasons (6404) – Application is for final subdivision approval of 80 lots on 78 acres. Subject property is located on the south side of Church Road and west of Ross Road, in Section 8, Township 2, Range 6 and is zoned Agricultural-Residential Overlay. (District 5)

Braybourne Section “T” (6406) – Application is for final subdivision approval of 42 lots on 14.86 acres. Subject property is located on the south side of Goodman Road and west of Center Hill Road in Section 32, Township 1, Range 5 and is zoned R-15 Overlay. (District 1)

REZONINGS

Magnolia Gardens (627) – Application is to amend the setbacks in an R-8 Overlay (Single Family Residential) Development. Subject property is located on the east side of Magnolia Road and south of Oak Grove Road, just south of Acree Subdivision. Section 19, Township 3, Range 7 (District 5)

River Grove Estates (663) – Application is to rezone 58.50 acres from Planned Unit Development to R-20 Single Family Residential. Subject property is located on the west side of Center Hill Road and north of Old Highway 78 and south of Goodman Road, in Section 5, Township 2, Range 5 (District 1)

River Bend at Scenic Hollow (665) – Application is to rezone 340 acres from Agricultural-Residential to Planned Unit Development Overlay. Subject property is located on the north side of Goodman Road and on the west side of Poplar Corner, in Section 26, Township 1, Range 9 and is zoned Agricultural-Residential. (District 3)

PRELIMINARY

Dixie Creek (6407) - Application is for preliminary subdivision approval of 13 lots on 39.31 acres. Subject property is located on the south side of Allen Road and west of Highway 305, in Section 35, Township 3, Range 6 and is zoned Agricultural. (District 5)

Other Items

Discussion Re Adopting the R-17 Residential Zoning

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, September 29, 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, 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 September 1, 2005. Mr. Carter stated the minutes are missing the discussion regarding time limits on zonings. Mr. Carter then made a Motion to approve the minutes as corrected. Mr. Maxwell seconded the Motion. The Motion passed by a unanimous vote.

CONSENT AGENDA

MINOR LOTS

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Dill, Nathan (6390) – Application is for final subdivision approval of 1 lot from 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-

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. Carter made a Motion to approve the consent agenda. Mr. Clemmer seconded the Motion. The Motion was approved with a unanimous vote.

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Braybourne Section "T" (6406) – Application is for final subdivision approval of 42 lots on 14.86 acres. Subject property is located on the south side of Goodman Road and west of Center Hill Road in Section 32, Township 1, Range 5 and is zoned R-15 Overlay. (District 1)

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

Mr. James made a Motion to approve the above two applications with staff recommendations. Mr. Lindsey seconded the Motion. The Motion was approved with a unanimous vote.

The Seasons (6404) – Application is for final subdivision approval of 80 lots on 78 acres. Subject property is located on the south side of Church Road and west of Ross Road, in Section 8, Township 2, Range 6 and is zoned Agricultural-Residential Overlay. (District 5)

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

Mr. Lawhon asked if this application was turned in late, he has problems with applications not being in on time. Mr. McDougal replied saying the application was filed on time, but there was a mix up on the final plat.

Mr. Lindsey asked if there were any lots in the flood plain. Mr. Smith answered saying “no”. Mr. Robison asked that there be hatching placed on the plat showing the flood plain. Mr. Smith agreed.

Mr. Lawhon then asked if there would be any localized flooding along Church Road. Mr. Smith stated it would be short term, it will have a down water backwater effect, but does not think there will be a flood issue according to the FEMA maps.

Mr. Powell then gave the location of the floodway limits.

Mr. Robison asked why the Base Flood Elevations (BFE) are not noted on the plat. Mr. Smith answered by saying that the elevations are 1’ higher. Mr. Lawhon stated the flood plain needs to be marked on the plat. Mr. Robison stated the flood boundary is located outside of the lots, which is the reason the lots are not hatched. Mr. Powell added saying the lots are not located in the floodplain, but the applicant is making sure the houses are higher in case the flood maps are incorrect.

Mr. Lawhon asked about the probability of this area flooding. Mr. Powell said according to FEMA “none”. The dotted line is the BFE and is 1’ above the flood line.

Mr. Smith stated the flood maps are 30 years old, we send out engineers, we place the elevations to be sure they do not flood. The area has been filled because of the proximity of the flood plain.

Mr. Lawhon stated since the lots have been filled will the outbuildings have a minimal chance of flooding. Mr. Smith said “yes”.

Mr. Powell added saying if the floodplain is hatched on the plat then the homeowners will have to buy flood insurance.

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

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

REZONINGS

Magnolia Gardens (627) – Application is to amend the setbacks in an R-8 Overlay (Single Family Residential) Development. Subject property is located on the east side of Magnolia Road and south of Oak Grove Road, just south of Acree Subdivision. Section 19, Township 3, Range 7 (District 5)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. Jason Walters as being present to represent the application.

Mr. Walters began by saying the reason for the request to amend the setbacks is due to the minimum house size. The original application stated the house size would be 1,400 and that was changed at the Planning Commission meeting to a minimum of 1,600 square feet. The builder said he cannot build that size house with the current setbacks.

Mr. Robison responded saying that seems like a drastic change on the rear loaded lots. Mr. Lawhon agreed saying that is a change to the character of the subdivision.

Mr. Walters said there are 13 lots that are 110 x 50 where the 1,600 square foot house would not fit. Mr. Carter asked why not build a two story home. Mr. Walters said it is a larger cost to the builder. Mr. Lindsey responded saying he had always thought it was cheaper.

Mr. Lawhon stated this sounds like an architectural drawing issue, not an issue to revise.

Mr. Powell then asked about cars being located in the back alley. Mr. Walters answered saying he is not familiar with the house plans so he does not how much space there will be for parking cars.

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

1. Martha Coleman – 68 Conger Court. She began by saying, the developers have gone in and removed all the trees, leveled the site. They were approved for this development over 1 year ago, and questioned why they are just now coming in with this problem. She is also concerned about where these people are going to park their cars, because they will not have a back yard.
2. David Pounders – 908 Lake Forest – He questioned the setbacks and “designated yards”. He stated the setback issue was an unknown factor when this was approved for larger homes. He asked that the board consider these factors. He does not see what else could be done with the lots or house size. He is in favor of the request to amend the setbacks. Mr. Robison asked if he is one that will be working with the developers/owners. Mr. Pounders said “yes”.
3. Robert Long – 60 Conger Court – He requested that the board members listen to the surrounding residents and applauded the Planning Commission members for the suggestion of building a 2nd story home rather than revising setbacks. This would also be much more attractive to the development.

Mr. Robison then closed the floor.

Mr. Joe Forsythe made a comment asking if this development was creating a bicycle community.

Mr. Carter made a Motion to deny this application because it does not conform to the county regulations. Mr. Lindsey seconded the Motion. The Motion was passed by a roll call vote of 11-0.

River Grove Estates (663) – Application is to rezone 58.50 acres from Planned Unit Development to R-20 Single Family Residential. Subject property is located on the west side of Center Hill Road and north of Old Highway 78 and south of Goodman Road, in Section 5, Township 2, Range 5 (District 1)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. Bob Dalhoff as being present to represent the application.

Mr. Dalhoff began by saying this property was approved several years ago for a Planned Unit Development and contained 140 lots. It had a density of 2.4 units per acre and this proposal will be 1.6 units per acre. This application is requesting 91 lots with a minimum lot size of 20,000 square feet. He then talked about the changes in the area and stated this development is much more appropriate for the area. Mr. Dalhoff continued saying Mr. Kostka the developer will be building the homes himself and building larger homes than what was previously approved (1,600 square feet). The entrance will be stone columns with a boulevard entrance.

Mr. Carter asked about the minimum house size. Mr. Dalhoff said he is not sure but they will be at least 2,000 square feet. Mr. Carter then asked when they plan on starting on this development. Mr. Dalhoff said they would like to begin this year or early next year. He further stated there is a sewer/lagoon and when the county wide sewer goes in, Braybourne will go off line.

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

1. Robert Webb – He owns a small lot to the north and stated he has no problem with the development but asked if it would be possible to purchase a small piece of their land.

Mr. Robison closed the floor.

Mr. Andy Swims, County Engineer was concerned about the drainage and asked if it drains under the Burton property. Mr. Dalhoff said “it does not”.

Mr. Lawhon then made a Motion to approve this application with staff recommendations and that there has been a change in the neighborhood and that there was a mistake in the zoning when it was zoned to PUD and with the fact that the raising the minimum home size and lot size matches the surrounding area. Mr. Maxwell seconded the Motion. The Motion was approved by a roll call vote of 11-0.

River Bend at Scenic Hollow (665) – Application is to rezone 340 acres from Agricultural-Residential to Planned Unit Development Overlay. Subject property is located on the north side of Goodman Road and on the west side of Poplar Corner, in Section 26, Township 1, Range 9 and is zoned Agricultural-Residential. (District 3)

Mr. McDougal presented the application and the staff report to the Planning Commission. He further pointed out numbers 15 & 16 on the staff report regarding open space, and that Homeowners Associations tend to struggle with the management of open space. This board will also need to review the planned business. He then recognized Mr. Bob Dalhoff as being present to represent the application.

Mr. Dalhoff began his presentation by saying that the justification reasons are the same as what was discussed for the Scenic Hollow rezoning application. He said there has been growth along Goodman Road/Highway 304, and the surrounding area.

Exhibits discussed –

- A. Location Map
- B. Area location map
- C. Boundary plot plan
- D. Property description
- E. Aerial Photo
- F. Existing site conditions
- G. Outline Plan
- H. Minimum home sizes
- I. Preliminary site plan
- J. Open space
- K. Master plan
- L. Land use plan
- M. Vehicular circulation plan
- N. Road cross sections
- O. Streetscape and buffer plates
- P. Plan data density chart
- Q. Preliminary phasing plan
- R. Recommended plant material

Mr. Dalhoff then talked about item number 6 on the staff report. He stated the architectural guidelines will be noted in the covenants and pattern book. He then talked about number 7 of the staff report in regards to the number of R-8 lots. Mr. Dalhoff stated the development across the street that has 6,000 square foot lots have service drives where the 8,000 square foot lots do not. He then explained number 13 in regards to the location of curb and gutter and referred to the site plan. Mr. Dalhoff informed the board members that there was a meeting this past Tuesday with some of the surrounding neighbors. There were about 20-25 people in attendance and lasted about 1 ½ hours. This is a rough piece of property and referred to Exhibit D. He stated the houses will be located on the ridges so they do not have to move as much dirt or remove the trees. Mr. Dalhoff then talked about “smart design” and used Delta Bluffs as an example. He then

talked about the site plan and stated there are 466 homes being proposed and there are only 54 homes being located on the 8,000 square foot lots. Mr. Dalhoff continued saying that along Poplar Corner Road there will be iron fencing with open columns and that they will copy the street space as the development across the street along Goodman Road. There will be no curb and gutter on the west side of the property. In addition there will be 3 miles of asphalt trails and ponds are also located on the property. They have striped the streets to make connections. He then explained the aerial photo and land use pages. Mr. Dalhoff stated the Planned Business will be an office showroom not distribution. It will cover .25% of the land the ordinance states it can cover up to 50 and the building height is 35'. He then read the list of uses from the county ordinance. This will have a professional business park look and feel to it. He further stated the open space will be maintained by the Homeowners Association and should be inexpensive because there are no pools or private roads. They will maintain the asphalt trails, park benches, lakes and mowing grass. For signage there will be trail head markers.

Mr. Clemmer asked what kind of buffer will there be between the commercial and residential areas. Mr. Dalhoff answered saying, there is already a fence and there will be a 30' buffer.

Mr. Robison asked if the open space and lakes will be natural and if there would be parking for the lakes and a boat dock. Mr. Dalhoff replied saying the trees will remain but they will be underbushed. He said there would not be any parking for the lakes but if that is a request parking could be put in easily and does not have a problem doing so. The lake is about 20 acres but there would not be a boat launch and would be not be open to the public.

Mr. Carter asked if the timber from that property has ever been harvested. Mr. Dalhoff said about 15 acres of it.

Mr. Forsythe stated that there are too many small lots we need to send a message to developers to stop the small lots. One reason is because we wind up with no control because people will get behind on their Homeowner Association dues. He said to say "no" to the 8,000 square foot lots.

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

1. Robert Vincin – DeSoto Road – He stated the property was used as a wildlife refuge for years and he thought once in a program like that it is non-revocable. He does not believe that property can be sold if in a wildlife preserve.

Mr. Dalhoff turned this over to the property owner, Mr. Westmoreland. He stated he loves the property and this is a bittersweet development. He added saying he privately put this into a wildlife preserve and did file it with the state, but this can be withdrawn with a written letter to do so.

At this time Mr. Dalhoff passed out a copy of a revised phasing plan to each board member.

Mr. McDougal asked if item number 12 (emergency services) on the staff report could be addressed. Mr. Dalhoff replied saying the developer and engineer have been working in regards to sewer and water. He also understands that the fire & police station will be

serviced by the same departments that currently service the area. He also understands there will be a new fire department in Walls.

Mr. Robison said his concern is the same as Delta Bluffs and the crossing of a trunkline. Mr. Dalhoff said Delta Bluffs was originally planned by another firm and the topography was a problem with the original design.

Mr. McDougal asked about sidewalks and curb and gutter. Mr. Dalhoff replied saying they will abide by county standards along Poplar Corner and DeSoto Road.

Mr. Carter informed Mr. Dalhoff that he likes the concept of building on the ridges, but stated there are too many small lots. The lots could be increased in size and can be wider. He knows this board has been recommending approving small lots, but we seem to be over loading ourselves. Mr. Carter further stated he knows there are people who like small lots, but not all. He then stated he would to see the lot size increased. Mr. Robison agreed.

Mr. James then talked about the development across the street (Lake Forest) he sated those houses are 1,300 – 1,500 square feet. Those lot sizes are 80x150 wide, the subdivision was developed about 1975. The subdivision has held up better than newer R-6 & R-8 subdivisions.

Mr. Robison said one of his concerns about building on the ridges, are the driveways going straight down and how dangerous that can be.

Mr. Lindsey asked if the developer would be willing to take half of the R-8 and making them R-10's. Mr. James suggested making the R-8 lots half of R-10's & and half of R-12's.

Mr. Clemmer's concern is the homes being pushed off the cliff. Mr. Carter suggested reducing the number of lots and making them wider not deeper.

Mr. Lawhon asked the size of the smallest lot in the Lake Forest Subdivision. Mr. Powell said he thinks it is an R-15 Overlay and the smallest one is 10,000 square feet. Ranch Meadows lots are at least 10,000. Mr. Lawhon continued to say if this project was located in side a city he would understand, but he is concerned about fire & police protection. The county is rural a development like this is not appropriate with so many R-8 lots. We are a rural county and should have rural planning. He then asked about annexation. Mr. McDougal answered saying it is within Horn Lake's annexation area, but he did not give a time, it will most likely be a while.

Mr. Carter said we made an exception with the Villages of Scenic Hollow because it was unique concept. This development is just too much with too many small lots. Mr. Lawhon stated he was not too crazy about that development either. He is worried that exceptions will become precedent. There is still a big safety issue with the emergency services protection.

Mr. Robison stated it is not necessarily a matter of R-8 & R-10's, it sounds like the lots need to be larger than that. We need to look at the whole project, it does have good amenities and quality of homes but don't know if it is enough to justify the small lots. There needs to be a compromise.

Mr. Forsythe said it is a beautiful concept/property, but he would still like to see larger lots.

Mr. Carter then asked about the Planned Business District and asked what items 2, 4, 5, and 6 are. Mr. McDougal answered saying it was in the hand out.

At this time the board members reviewed the conditional use list.

Mr. Dalhoff stated the county regulations state the density can be 2.5 we are at 1.5. He understands the fear of smaller lots but it is the square feet of the home that matters not the size of the lots.

Mr. Robison then talked about phases 4 & 5 and to look at everything that borders the open space, it looks like the lots could be made wider. Maybe there should be a mix of lots. Mr. Dalhoff stated there are only 54 lots that are 8,000 square feet, 41 lots that are 8,500 square feet, 41 lots that are 9,000 and 120 lots over 9,000 square feet.

Mr. Robison suggested that the 8,000 square foot lots be increased to at least 10,000 square feet. Mr. Dalhoff said it can be done, most of the lots are close to that size anyway and agreed to make the change.

Mr. Forsythe said if we continue to approve small lots, we will see an increase of small lot applications from developers and he believes the county has enough small lots. Mr. Lindsey responded saying based on what is being said we need to change the comprehensive plan. Mr. Robison and other board members stated we have tried doing that and it has not worked. Mr. Forsythe stated we need to study this plan a little longer because in the long haul this may not even be good for this developer.

At this point there was further discussion among board members, staff and applicant, regarding the small lots and topography.

Mr. Lindsey made a Motion to approve the application based on changes in the neighborhood with staff recommendations and with the following stipulations:

- Of the 257 R-8 lots - 125 of those lots shall be increased to R-10 lots
- Planned Business conditions be amended to use 2, 4, 5, 6 & 7

Mr. Clemmer seconded the Motion. The Motion was passed by a roll call vote of 7-4. Mr. Dalhoff said when this application has been completed through the Board of Supervisors process he will submit an updated approved plan to the Planning Commission.

PRELIMINARY

Dixie Creek (6407) - Application is for preliminary subdivision approval of 13 lots on 39.31 acres. Subject property is located on the south side of Allen Road and west of Highway 305, in Section 35, Township 3, Range 6 and is zoned Agricultural. (District 5)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. Joey Treadway as being present to represent the application.

Mr. Robison began by saying he is surprised of the road right of way amount. Mr. McDougal said it is meeting the county requirements of 80'.

Mr. Clemmer asked how far on Highway 305 is this property located. Mr. Powell answered saying it is south of Cockrum almost to the county line.

Mr. Carter asked about the large ditch. Mr. McDougal stated he and the applicant have met with the County Engineer and have reviewed the drainage plans.

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

Other Items

Discussion Re Adopting the R-17 Residential Zoning

Mr. McDougal began by talking about the land use plan and trying to accommodate the 2.5 unit density. This is not possible with R-15 or R-20, so we came up with something in the middle which is the R-17. There have several inquires from developers on how they can get 2.5 units with the current available zonings. Currently the zoning ordinance is under review and hopefully consistent with the comprehensive plan by the end of the year or early next year.

Mr. James began by saying he is not real concerned about the 2.5, we are doing a lot of R-20's and does not see the necessity of adding another zoning. If we add the R-17 all that is going to happen is, we will be bombarded by R-17 applications. He added saying, this not a direction he wants to go. Mr. Carter agreed.

Mr. Lawhon said a way to respond to the developers when they ask the question is to say do a PUD. He will not even consider doing an R-17 as a straight zoning, he is 100% opposed.

At this time there was a brief discussion regarding this issue when it was discussed during the comprehensive plan changes.

Mr. Lawhon said the density is a way to allow for a creative PUD.

Mr. Robison said he is not crazy about the R-20's as a straight zoning, he thinks we are losing a lot.

At this point there was some discussion regarding R-17 vs. PUD's. It was decided and agreed upon that they do not want an R-17 designation. Mr. Powell replied saying then an amendment to the comprehensive plan may be necessary.

Mr. Lawhon made a Motion for the Board of Supervisors to consider an amendment to the comprehensive plan and for the words not to create confusion regarding 2.5 unit density vs. the R-17. Mr. James 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.