



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
JANUARY 4, 2005**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – December 2, 2004
5. Presentation from the DeSoto County School Board Re Plans for DeSoto East and DeSoto West Campuses

**CONSENT AGENDA**

**MINOR LOT SUBDIVISIONS**

District (5)

6. **Bridgforth Properties/Guy Leonard (6328)** – Application is for one lot of 1.5 acres. Subject property is located on the east side of Malone Road and south of Pleasant Hill Road, zoned Agricultural Residential.  
Section 26, Township 2, Range 7
7. **Poppenheimer, Billy (6329)** – Application is for one lot of 10 acres. Subject property is located on the south side of Pleasant Hill and west of Getwell Road, zoned Agricultural-Residential.  
Section 28, Township 2, Range 7

**FINAL SUBDIVISION PLATS (1)**

8. **Oak Hill Estates 3<sup>rd</sup> Revision of lots 2 & 3 (6326)** – Application is for final subdivision plat approval for 2 lots on 11.50 acres. Subject property is located on the south side of Highway 304 and east of Scott Road, zoned Agricultural.  
Section 14, Township 3, Range 8 (District 5)

**OLD BUSINESS**

9. **Belmor Lakes Section D (6128)** – Application is for final subdivision plat approval for 52 lots on 42 acres. Subject property is located on the north side of Dunn Lane and west of Highway 305, zoned R-40 Overlay. Section 16, Township 2, Range 6 (District 5)

## **NEW BUSINESS**

### **PRELIMINARY SUBDIVISIONS**

10. **Bakersfield (6311)** – Application is for a preliminary subdivision approval of 97 lots on 64 acres. Subject property is located on the west side of Laughter Road and south of Pleasant Hill Road, zoned R-20, Residential Single Family (Low Density).  
Section 25 & 26, Township 2, Range 7 (District 5)

### **REZONINGS (2)**

11. **PECAN ESTATES (641)** – Application is to rezone 60 acres from Agricultural to R-30, Residential Single Family (Low Density). Subject property is located on the south side of Holly Springs Road and on the east side of Getwell Road.  
Section 22, Township 3, Range 7 (District 5)
12. **OAKWOOD TRAILS (648)** – Application is to rezone 150 acres from Agricultural- Residential to R-20, Residential Single Family (Low Density). Subject property is located on the south side of State Line Road and east of Highway 301.  
Section 19, Township 1, Range 8 (District 3)

## **OTHER ITEMS**

Election of Officers

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, January 4, 2004, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Leigh Graves, Dennis Clemmer, Leonard Lindsey, Wade Carter, Frank Calvi, Robin James, Jimmy Maxwell, Charles McNemar, James Mayfield, Len Lawhon, Joe Forsythe, Paul Whitfield, Julius Cowan and Pat Hefley. Planning Commission Staff present included Merritt Powell, Jim McDougal, Scott Young, County Engineer, and Tony Nowak, Commission Attorney.

Mr. Powell then stated the election of officers has been placed at the end of tonight's agenda.

After the invocation, Acting Chairman Leonard Lindsey asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on December 2, 2004. Mr. Clemmer made a Motion to Approve the Minutes and the Motion was seconded by Mr. Cowan. The Motion passed by a unanimous vote.

Mr. McDougal then introduced Mr. Gary Bailey and Mr. Stan Clinck from DeSoto County Schools.

Mr. Bailey, Construction Program Manager for DeSoto County Schools began by introducing Mr. Stan Clinck from Allen and Hoshell Engineering. Mr. Bailey stated this is a major project that impacts everyone which is the reason they are here tonight, they are trying to keep everyone informed. He further stated the DeSoto West Campus is 150 acres and is north of Star Landing and east of Highway 61 which is the Leatherman Property. He then presented a preliminary site plan of the campus. This campus will include K-12. This will be a prototype school with 3 access points, when finished it will service 3,000 students. The middle school will be open August of 2006, and the elementary will be open August of 05.

Mr. Bailey then began talking about the DeSoto East Campus which is located on the west side of Center Hill and East of Polk Lane. This also is a 150 acre tract of land, he then presented a site plan of this campus. He also said there will be improvements to the eastern leg of DeSoto Road and Kirk Road and that there will be emergency access to Looney Road, which will also be improved. The first phase will include the middle and high school which will be combined and will open August of 2006. The elementary school will be next and eventually a separate middle school will be built and this construction which will be the last phase. There was a brief discussion on the floodplain areas and it was stated the creek will be crossed at two different points. Mr. Bailey concluded thanking the board for allowing him to speak.

## **CONSENT AGENDA**

### **MINOR LOT SUBDIVISIONS (2)**

District (5)

**Bridgforth Properties/Guy Leonard (6328) – Application is for one lot of 1.5 acres. Subject property is located on the east side of Malone Road and south of Pleasant Hill Road, zoned Agricultural Residential.  
Section 26, Township 2, Range 7**

**Poppenheimer, Billy (6329) – Application is for one lot of 10 acres. Subject property is located on the south side of Pleasant Hill and west of Getwell Road, zoned Agricultural-Residential.  
Section 28, Township 2, Range 7**

### **FINAL SUBDIVISION PLATS (1)**

**Oak Hill Estates 3<sup>rd</sup> Revision of lots 2 & 3 (6326) – Application is for final subdivision plat approval for 2 lots on 11.50 acres. Subject property is located on the south side of Highway 304 and east of Scott Road, zoned Agricultural.  
Section 14, Township 3, Range 8 (District 5)**

Mr. McDougal then announced the Consent Agenda. Mr. McDougal 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. McDougal then referred the board members to the Oak Hill Estates staff report. He stated the lot owners of 2 & 3 want to purchase part of each other's lot, which is the reason for the change. Mr. Maxwell made a Motion to approve the consent agenda with staff recommendations. Mr. Carter seconded the Motion. The Motion was approved by a unanimous vote.

## **OLD BUSINESS**

**Belmor Lakes Section D (6128) – Application is for final subdivision plat approval for 52 lots on 42 acres. Subject property is located on the north side of Dunn Lane and west of Highway 305, zoned R-40 Overlay. Section 16, Township 2, Range 6 (District 5)**

Mr. McDougal requested that this item be carried over for one more month. Mr. Carter made a Motion to carryover this item until February 3, 2005. Mr. Maxwell seconded the Motion. The Motion was approved with a unanimous vote.

## **NEW BUSINESS**

### **PRELIMINARY SUBDIVISIONS**

**Bakersfield (6311) – Application is for a preliminary subdivision approval of 97 lots on 64 acres. Subject property is located on the west side of Laughter Road and south of Pleasant Hill Road, zoned R-20, Residential Single Family (Low Density). Section 25 & 26, Township 2, Range 7 (District 5)**

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 plan was approved one year ago, at that time Bridgforth did not own the property. Tonight's plan has been revised since the original approval. He continued to say he does not have any problems with the staff report, but would like clarification on number 7 of the staff report. He said that according to the comprehensive plan, Laughter Road is a collector road and should be 60' Right of Way (ROW), not the major arterial ROW of 106'.

Mr. McDougal replied saying, the developer had agreed to a lane and half. Mr. Dalhoff then asked if the one and half lane is from the center line or an additional one and half lanes. Mr. McDougal said it is from the center of the road. Mr. Dalhoff said he would work with the planning & engineering staff regarding this issue.

Mr. Lindsey then asked about the covenants. Mr. Dalhoff replied saying when the original plan was filed a copy of the covenants were submitted, and have not been changed.

Mr. James asked about the "T" that was an old ROW which goes to Pleasant Hill Road. Mr. Dalhoff said it was a mistake, a computer error, but there will be a road that goes to Pleasant Hill the ROW already exists.

Mr. Carter asked what the contours are on the topo. Mr. Joe Frank Lauderdale answered saying 2'.

Mr. Lindsey then asked Mr. Dalhoff if he has any problems with number one on the staff report. Mr. Dalhoff said "no".

Mr. Lindsey then asked if there was anyone here for or against this application, there was no one.

Mr. Lindsey then asked about the ROW along Laughter Road and if it is a collector road or a main thoroughfare. Mr. Powell answered saying we looked at this road as a section line road which is the reason for the 53' ROW, if the applicant request less than that, then it would need to be addressed by the Board of Supervisors.

Mr. Lawhon then made a Motion to approve this application with staff recommendations (1-8), with the exception of number 7 which will be addressed at the Board of Supervisors meeting. Mr. Mayfield seconded the Motion. The Motion was approved by a unanimous vote.

## REZONINGS (2)

**PECAN ESTATES (641) – Application is to rezone 60 acres from Agricultural to R-30, Residential Single Family (Low Density). Subject property is located on the south side of Holly Springs Road and on the east side of Getwell Road. Section 22, Township 3, Range 7 (District 5)**

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

Mr. Lindsey asked if there are any subdivisions in the area similar to this one. Mr. Powell answered saying, to the west is the Poole property which is a PUD.

Mr. Lauderdale began by saying, the old Oliver Davis home site which is about 6 acres is not a part of this application. He continued talking about the change in the area. Subdivision growth is headed in this direction, the Jefferson PUD, Edgewood, and Edgewater subdivisions are also surrounding this property. This property lies at a major intersection of Getwell and Holly Springs Road. In addition, there is a new Wal-Mart and commercial business within 2 miles of this property along with a new fire station that is to be built within 1 ½ miles of this property. The regional sewer system has an interceptor main at Short Fork Creek. North Mississippi Utilities will be providing service to this property. The comprehensive plan allows for 2 lots per acre, the owner is proposing 1 lot per acre with about 60 lots. Mr. Lauderdale continued saying, in talking with DCURA they are hoping to come up with a map of all of DeSoto County that will show zones of properties that will be serviced within 5 years. This property is one that will be able to connect within 5 years. The area has changed and will continue to change which proves the need for the rezoning.

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

1. Susan Harris – Lives on Bolen Road. She was raised on 49 acres on Getwell Road, and does not think this area has changed. There are a lot of deer in the area, DeSoto County is using up all the wildlife property. Most of the people in this area own a minimum of 5 acres, and a lot of land owners in the area have 49 acres or more. There are 180 acres across the road from them now which is undeveloped. Getwell Road has a problem with cars speeding, and there is no police service, this is a problem. In addition the exit on Getwell is also a major problem, it is very dangerous due to the large hill. If a new subdivision is built, it will increase these problems. Currently she lives on 10 acres, and is afraid of these properties being annexed by the city and the amount of taxes these large land owners will have to pay. She does not think it is fair to the current landowners, this is not a city area. Ms. Harris concluded by saying she knows development is happening, but there needs to be some control.

2. Ray Gailey – He owns property that adjoins the property in question. He began by saying if you look at the topography of this property, this is not a place to build homes. There is a lot of low ground and gullies along with a pond/lake that already carry large amounts of water. The levy in which he is part owner, is deteriorating, and if it lets go, due to the bulldozers, etc., it will cause major problems. He is also concerned about his liability and how much would he be responsible for. The density is a problem, there are areas where this property floods and homes should not be located there. Mr. Gailey continued saying he has lived in this area for more than 30 years and knows what happens with the land, and if homes are built on the property, there will be problems. He concluded saying, he is opposed to this development.
3. JoAnn Gouch – She has lived in the area for 35 years and has owned property for more than 40 years. There is a very large ditch which is about 20' deep, it holds a lot of water, and will be a problem if this subdivision is not developed correctly. She also agrees with everything Mr. Gailey said. Ms. Gouch is also concerned about the traffic and speed along Getwell Road. She also wanted to know if Mr. Todd will be held accountable for making sure this looks like a nice subdivision, not like the one around Catfish Country. She is opposed to back doors looking at front doors. Mr. Lindsey answered saying, this is only a rezoning issue tonight, the subdivision application will come back at a later date. Ms. Couch concluded saying, she is not opposed to this development, but is concerned.
4. Buddy Malone - He pointed to the 5 acre tract of land he owns. All the water concentrates on his property. He then explained all the different locations where the water comes from. He added saying, he has seen 6" of water over Getwell Road. Mr. Malone concluded by saying, he is not opposed to development, but he is concerned about the ditches and all the water backup once this development begins.

Mr. Lindsey then closed the floor to the public.

Mr. Lauderdale began by explaining the water flow, and said this issue will be addressed in the construction plans. He then pointed to the entrance location on Holly Springs Road and said it will be adjusted if necessary at the subdivision stage.

Mr. Lawhon then addressed some of the comments made by the residents. He stated he is sympathetic to development pressures. Mr. Lawhon continued saying when the City of Hernando takes in this area, what kind of development would be constructed then. R-30's is the county answers to larger lots, they are rural subdivisions. The developer will have to address the drainage issues at the subdivision stage. The R-30 is a good compromise to the small lots and patio homes. That area is developing and developing rapidly. The concerns over the subdivision lay out are good, but when the subdivision application comes back it could be turned down, if it is not what we think it should be or does not meet county regulations, each comment made here tonight is relevant and will be considered. What we are looking at today is a straight rezoning and we can only consider if there has been a change in the neighborhood or a mistake in the original rezoning.

At this time Mr. Lindsey entertained a Motion. Mr. Lawhon made a Motion to approve this rezoning based on the changes proven by the applicant. Changes in the neighborhood, new development along Holly Springs Road, services are available, the new Wal-Mart, and that the R-30's will fit nice into the area. Mr. Mayfield seconded the Motion. There was a roll call vote of 14-0 to approve. This item will be heard by the Board of Supervisors on February 9, 2005.

**OAKWOOD TRAILS (648) – Application is to rezone 150 acres from Agricultural-Residential to R-20, Residential Single Family (Low Density). Subject property is located on the south side of State Line Road and east of Highway 301. Section 19, Township 1, Range 8 (District 3)**

This item began with a discussion of whether or not this application should or could be heard tonight. Mr. Lawhon said normally if a straight zoning has been denied, then it is one year before it can come back before the board, otherwise it is contract zoning. If this was a Planned Unit Development (PUD), it could be different. He concluded by saying he does not want to hear this case until something substantially changes. Mr. James agreed.

Mr. Carter informed the board that the applicant had talked with several different people in the community and the people in the neighborhood are agreeable with what the applicant wants to do, but it needs to be in the correct format. He also agreed that this application should not be heard tonight.

Mr. Lawhon said this application cannot be heard, if it were a PUD then it would be more appropriate. He then encouraged the applicants to put this application in the correct format. He suggested that this application be carried over, so that the developers would not lose their rezoning application money.

Mr. Nowak further stated, this board does have the right to reject this application based on legal terms.

Mr. Yearwood, application representative – Said he would like this application be heard tonight, and if they still deny it, they could come back next month with a PUD. Mr. Lindsey said this application will not be heard tonight. Mr. Yearwood said the only reason this application was denied because he failed to prove that there was a mistake in the original rezoning or a change in the neighborhood. There was further discussion regarding this application.

The applicant said he would come back with a PUD.

Mr. Lawhon made a Motion to carryover this item to allow time for the applicant to come back with a PUD. Mr. James seconded the Motion. The Motion was carried by a unanimous vote.

## **ELECTION OF OFFICERS**

Mr. Lindsey opened the floor to nominations. Mr. Clemmer made a Motion to nominate Mr. Mike Robison as Chairman. Mr. Whitfield seconded the nomination. This was passed by a unanimous vote. Mr. Clemmer made a Motion to nominate Mr. Lindsey as Vice-Chairman. Mr. Whitfield seconded the nomination. This was passed by a unanimous vote. Mr. Clemmer then nominated Mr. Maxwell as Secretary. Mr. Whitfield seconded the nomination. This was passed by a unanimous vote. Mr. Clemmer also made a Motion that the Site Review Committee members remain the same as they were in 2004. (Mr. Leonard Lindsey, Mr. Len Lawhon and Mr. Mike Robison, Mr. Robin James, and Mr. Wade Carter).

There being no further business in front of the Planning Commission, this meeting adjourned at 8:30 p.m. These minutes were recorded and transcribed by Denise Dingman.