



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
January 3, 2008**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – November 29, 2007

**CONSENT AGENDA**

**MINOR LOTS**

**Tracy Scott (6698)** - Application is for final subdivision approval of one (1) lot of 2.08 acres out of 12.80 acres. Subject property is located north of Fulton Road and west of Laughter Road in Section 14, Township 3, Range 7 and is zoned Agricultural. (District 5)

**Guess Minor lot (6700)** - Application is for final subdivision approval of three (3) lots of 8.4 acres out of 52 acres. Subject property is located north of Holly Springs Road and east of Thompson Lane in Section 28, Township 3, Range 5 and is zoned Agricultural. (District 1)

**Turner Place (6701)** - Application is for final subdivision approval of one (1) lot of 3.9 acres out of 140 acres. Subject property is located north of Strickland Road and east of Red Banks Road in Section 8, Township 3, Range 5 and is zoned Agricultural. (District 1) **\*\*MUST BE PLATTED AND RECORDED\*\***

**Mathis Minor lot (6702)** - Application is for final subdivision approval of three (3) lots merging into one (1) lot of 9.05 acres. Subject property is located south of Austin Road and west of Robertson Road in Section 15, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

**Sara - Addison Estates (6703)** - Application is for final subdivision approval of three (3) lots on 20.51 acres. Subject property is located south of Miller Road and east of Bethel Road in Section 19, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

## **NEW BUSINESS**

### **REQUEST FOR EXTENSION**

**Riverbend Crossing (671)** – Application is to rezone 4,100 acres from Industrial and Agricultural to Planned Unit Development. The subject property is located on the west side of Highway 61 and east of the River Levee, in Sections 22, 23, 24, 25, 26, 27, 28, 29, 32, 33 and 34, Township 2, Range 10 and is zoned Industrial and Agricultural. (District 3)

### **FINAL SUBDIVISION**

**Forest Ridge (McCullar Woolsey) (6647)** – Application is for final subdivision approval of 75 lots on 112 acres. Subject property is located south of College Road and west of Highway 305 in Sections 14, Township 2, Range 6 and is zoned R-30. (District 1)

### **REZONING**

**Starlanding / Tulane (697)** - Application is to rezone 2.52 acres from Agricultural-Residential to C-1. Subject property is located south of Starlanding Road and east of Tulane Road, in Section 22, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

**Dale Wilson Rezoning (698)** – Application is to rezone 2.6 acres from Agricultural-Residential to C-3. Subject property is located on the east side of Hacks Cross Road and north of Whispering Pines, in Section 1, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

**Whitaker Industrial Park (699)** – Application is to rezone 14.65 acres from Agricultural-Residential to M-1. Subject property is located south of Kirk Road and east of Polk Lane, in Section 19, Township 1, Range 5 and is zoned Agricultural-Residential. (District 1)

**Sunset Farms Lot 1 (700)** – Application is to rezone 1.9 acres from Agricultural to C-4. Subject property is located north of Highway 304 and east of Tulane Road, in Section 9, Township 3, Range 8 and is zoned Agricultural. (District 4)

**Sunset Farms Lot 8 (701)** – Application is to rezone a portion of lot 8 from Agricultural to C-4. Subject property is located north of Highway 304 and east of Tulane Road, in Section 9, Township 3, Range 8 and is zoned Agricultural. (District 4)

### **PRELIMINARY SUBDIVISION**

**Vaiden Estates (6645)** – Application is for preliminary subdivision approval of 34 lots on 60.33 acres. Subject property is located west of Highway 305 and north of Vaiden Road in Sections 4, Township 3, Range 6 and is zoned Agricultural. (District 4)

**OTHER ITEMS**

1. Development Agreement
2. Sustainability Conference

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, January 3, 2007, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Len Lawhon, Pat Hefley, Leonard Lindsey, Mike Robison, Joe Forsythe, Frank Calvi, Robin James, Jimmy Maxwell, and Wade Carter. Planning Commission Staff present included Jim McDougal, Gina Tynan, Kristen Duggan, and Mr. Jody Neyman, DeSoto County Attorney.

After the invocation, Mr. Carter asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on November 29, 2007. Mr. James made a Motion to approve the minutes. Mr. Robison seconded the Motion. The Motion was passed by a unanimous vote.

At this time, Mr. McDougal took the opportunity to introduce Gina Tynan, the new Deputy Director of Planning. She then told the commission a little about herself.

### **CONSENT AGENDA**

#### **MINOR LOTS**

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**Sara - Addison Estates (6703) - Application is for final subdivision approval of three (3) lots on 20.51 acres. Subject property is located south of Miller Road and east of Bethel Road in Section 19, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)**

Mr. McDougal announced the Consent Agenda, including the above items, and stated that the proposed 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. Maxwell made a Motion to approve the consent agenda. Mr. Robison seconded the Motion. The Motion was passed by a unanimous vote.

## **NEW BUSINESS**

### **REQUEST FOR EXTENSION**

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Mr. McDougal explained to the commission that there was a request by the applicant to extend the order for 180 days. This is only a precautionary measure. He then stated that preliminary engineering has begun. Mr. James asked what amount of land has been purchased. Mr. McDougal said that he was not sure.

Mr. McDougal then stated that there was a two year limitation on the order relative to the anticipated project start date and that the state was satisfied with the amount of work having begun as per the state incentives.

Mr. Robison then stated that the preliminary concept plan was all that has been approved and they need to be aware that plans need to be presented to the commission before any substantial work begins. Mr. Carter agreed that final plans would need to be reviewed by the Planning Commission.

Mr. Lawhon stated that he does not see a problem with granting a 180 day continuation. Mr. Lindsey then asked if the developers would be willing to sign a development agreement, and Mr. McDougal stated that they have already signed an agreement with the county.

Mr. Carter asked if 180 days would be enough time, and Mr. McDougal stated that the developers said it would be an adequate amount of time.

Mr. Lawhon made a Motion to extend the time by 180 days as requested. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

### **FINAL SUBDIVISION**

**Forest Ridge (McCullar Woolsey) (6647) – Application is for final subdivision approval of 75 lots on 112 acres. Subject property is located south of College Road and west of Highway 305 in Sections 14, Township 2, Range 6 and is zoned R-30. (District 1)**

Mr. McDougal presented the application to the commission. He then introduced Mr. Greg Smith as being present to represent the application.

Mr. Smith began by stating that the entrance road is shown 3 ½ feet from the property line, but it will be moved to align with the property line prior to recording. He then said that there will be a Homeowners' Association established and covenants filed prior to recording. They will also make sure that there is a final letter from Olive Branch regarding utilities submitted prior to recording.

The 40 feet drainage easement is adequate, but they will increase this if there is need. The top bank is no larger than 16 feet at the widest point. Mr. McDougal stated that this will need to be verified with the county engineer. Mr. Smith said that he would contact Mr. Swims regarding this matter.

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

### **REZONING**

**Starlanding / Tulane (697) - Application is to rezone 2.52 acres from Agricultural-Residential to C-1. Subject property is located south of Starlanding Road and east of Tulane Road, in Section 22, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)**

Mr. McDougal presented the application to the commission and explained that this is a straight rezoning. He then introduced Mr. Ben Smith as being present to represent the application.

Mr. Smith stated that there was no mistake in the original zoning, but there has been significant change in the neighborhood to justify a rezoning. Utilities are now available. There is an 8 inch water line for fire protection. Starlanding Road is a major east/west corridor. Interstate 69 is now open with the Tulane Road interchange being the first interchange west of Hernando. This property is located at the intersection of two arterial roads as designated in the Comprehensive Plan. Tulane Road is complete from Goodman Road to Highway 304. He went on to say that there is a ditch carrying 600 + acres of water running through this property which makes it less desirable for residential use.

Mr. Smith then explained the need in the area. He said that there are no other commercial uses west of Highway 51 to Highway 61. There are also no commercial uses south on Tulane Road and none north until Nail Road.

Mr. Carter asked why the request is for C-1 and not C-4. Mr. Smith said that other municipalities will allow C-4 without a site plan and at this time there are no specific uses for this property. Mr. Smith then said that he is only requesting to rezone 2.52 acres

because there is no sewer in the area. He also said that he would be happy to accept a C-4 zoning if the site plan is waived until a specific use is found.

At this time, Mr. Carter asked if there was anyone present to speak for or against the application.

Mr. Lonny Kilpatrick, 3400 Sherrod, stated that he wanted to know what will be built and would also like to know what will be done with the remaining 63.5 acres of this property. Mr. Carter stated that there is a list of permitted uses that would be allowed, but at this time there is not a plan. Mr. Kilpatrick stated that he purchased his lot as residential and doesn't want to see the nearby lot rezoned to commercial.

Mr. Austin White, 2197 Scenic View Drive, stated that there are large lots in this residential area. He feels that this will bring excessive traffic to the area.

Mr. Philip Mansel, West Starlanding Road, said that there is a major drainage issue in the northwest corner of the property. All of the water is coming from the west and south and draining under the road. He doesn't feel that there is a need for the commercial in the area. The developer needs to come with a plan to show what will be built in the area.

James Tarzone, 2888 Laverne, stated that they went through this about 2 years ago on the northeast corner and that was denied. There is a Quik Stop about 2.5 miles from this location and that is close enough. He doesn't feel that this is the time for commercial in this area.

Mr. James Moore said that he lives west of Tulane Road and south of Starlanding Road. Progress is on the way and it can't be stopped. He said that he supports this rezoning. Mr. Robison asked if his residence is on his property and he said yes.

Mr. Smith came forward to answer some of the questions raised. He began by stating that he does not feel the need to rezone the entire parcel of land. The 2.52 acres is enough. He went on to say that the northeast corner of land that was denied for rezoning was a large commercial planned development which was too much for the area. He then said that any extra traffic generated in this area will be from the I-69 interchange. Street Improvements will also cause an increase in traffic. He also stated that there is an extreme amount of water which makes this land unsuitable for residential development.

Mr. Lawhon said that he like planned commercial developments, and he would like to see a one for this area. There is no need for commercial on every corner. This is a rural area and we need to do that justice. If this was a planned commercial it might make a difference, but he sees this proposal as premature. Mr. Robison added Cherry Tree Park was approved at the corner of Highway 51 and Starlanding Road and once this is built there will be commercial on all four corners. He doesn't feel that this is the right time for commercial at this location because it would change the dynamic of the area.

Mr. Robison made a Motion to deny the application due to no change in the neighborhood to support the zoning and the Comprehensive Plan also does not support this change. Mr. Lawhon seconded the Motion. The Motion was passed by a unanimous vote.

**Dale Wilson Rezoning (698) – Application is to rezone 2.6 acres from Agricultural-Residential to C-3. Subject property is located on the east side of Hacks Cross Road and north of Whispering Pines, in Section 1, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)**

Mr. McDougal presented the application to the commission. He then recognized Mr. Greg Smith as being present to represent the application.

Mr. Smith stated that there has been a change in the neighborhood to justify this rezoning. There has been a recent expansion in the Olive Branch industrial area. This caused an expansion of Hacks Cross Road to five lanes. He then stated that the White property was zoned to commercial and he requests that the board follow the pattern of development. Mr. Smith then added that there are tremendous ditches on the south property line and is not suitable for residential. There are utilities in the area to service property. Only a portion of the property is being requested to be rezoned and the remainder will serve as a buffer between the commercial and residential.

Mr. Lawhon asked why this was not submitted as a planned commercial. Mr. Smith said that there is no user for the property yet. Mr. Lawhon then said that this must be a planned commercial. The commission cannot rezone property just for economics of one person. This area would be appropriate for planned commercial, but not straight rezoning. He then asked if the client would entertain a planned commercial for this property. Mr. Smith said yes, but there is no plan at this time.

Mr. Carter then asked if this application would need to be carried over for plans to be made. Mr. McDougal stated that this would need to be carried over with a date certain. Mr. Smith stated January 31, 2008 would be enough time.

Mr. Lawhon made a Motion to carry over this application until January 31, 2008. Ms. Hefley seconded the Motion. The Motion was passed by a unanimous vote.

**Whitaker Industrial Park (699) – Application is to rezone 14.65 acres from Agricultural-Residential to M-1. Subject property is located south of Kirk Road and east of Polk Lane, in Section 19, Township 1, Range 5 and is zoned Agricultural-Residential. (District 1)**

Mr. McDougal presented the application to the commission and then stated that there was a request by the applicant to carry over until January 31, 2008.

Mr. James made a Motion to carry over this application until January 31, 2008. Mr. Lindsey seconded the Motion. This Motion was passed by a unanimous vote.

**Sunset Farms Lot 1 (700) – Application is to rezone 1.9 acres from Agricultural to C-4. Subject property is located north of Highway 304 and east of Tulane Road, in Section 9, Township 3, Range 8 and is zoned Agricultural. (District 4)**

**Sunset Farms Lot 8 (701) – Application is to rezone a portion of lot 8 from Agricultural to C-4. Subject property is located north of Highway 304 and east of Tulane Road, in Section 9, Township 3, Range 8 and is zoned Agricultural. (District 4)**

Mr. McDougal presented the application to the commission. He then stated that copies of the plans were sent to Hernando for comments from their Planning Department. Mr. Bob Barber, Hernando Planning Director, originally stated that there were no plans for commercial north of Highway 304, but they would prefer C-4 if any. A new letter was then submitted from the City of Hernando stating that this application will need to be heard before their Board of Alderman which is scheduled for January 8, 2008.

Mr. McDougal also stated that the covenants for this subdivision allow for commercial zoning on lots 1 and 8 if permitted by the governing authority. The original covenants were filed in May 2000 and the amended covenants were filed in August of 2000.

At this time, Mr. McDougal introduced Mr. Ben Smith and Mr. George Ready as being present to represent the application.

Mr. Smith stated that this is a planned corridor. There are permitted uses submitted for both lots. They have been proposed in the letter dated December 19, 2007. These permitted uses are much the same as for C-1. This site plan includes the required buffers. The site plan for lot 1 is a convenience store with a car wash. The bottom 215 feet of lot 8 is planned for a small drive thru bank. The remainder of lot 8 will remain Agricultural.

Mr. George Ready came forward to state the change in the neighborhood. He began by stating that Interstate 69 has completely changed this area. Hernando West is a major development with commercial included. This is located at a major intersection of two arterial roads. The traffic counts have already increased in this area due to Interstate 69. The 2010 Comprehensive Plan states that general commercial will be allowed at major intersections. The John Deere Lot is within 1 mile to the east as well as a commercial horse arena ½ mile to the west. He also stated that this is in the planned annexation area for Hernando. This is a planned commercial zoning request. There are no tenants at this time, but the proposed uses are before the commission for review.

For those people who are asking ‘why now’, developers are often criticized for not getting in front of development. That is what we are attempting. The longer you wait the more neighbors there will be and the more problems.

He went on to say that as zoned now, a church can be built, greenhouses, schools, public facility offices, and utility substations. Traffic is a problem that will not go away. With the increase in population there is an increase in traffic and an increase in the need for commercial. The restrictive covenants state that these two lots may be allowed for commercial. This was public knowledge at the time that all the lots in this subdivision were purchased. He ended by stating that he feels that this is enough change in the area for C-4 zoning.

Mr. Carter then asked if there was anyone present to speak for or against this application. Several members of the public identified themselves.

Mr. Preston Roebuck, 1942 Tulane Road, stated that he cannot conceive the idea of a gas station or a convenience store being located next to his house. It will greatly devalue his property and the neighborhood. Mr. Carter asked if he received a copy of the covenants at the time of purchase. Mr. Roebuck said no.

Ms. Gina Wilington, 1912 Tulane Road, stated that she did not receive a copy of the covenants and would not have purchased the property if she had known about the possibility for commercial. She also did not know that Tulane Road would be extended. She feels that gas stations and car washes should not be located in this residential area because they bring crime. Banks and gas stations are for the cities. The residents of this area were not told about any of these changes and do not feel that commercial is appropriate in this area. This will also cause an increase in traffic in this residential neighborhood.

Ms. Natalie Gordon, 3282 Highway 304, said that she is concerned with the value of the neighborhood. There is plenty of access to commercial. She and her family moved to this area for the wide open spaces and if they wanted to be surrounded by commercial they would have moved to the city.

Ms. Shirley Van Over, 1897 South Tulane Road, said that the quality of life will be changed. The residents of the neighborhood worked hard to keep a nice area. This will create a safety hazard with bringing a bank or gas station. Traffic will increase which will make even more safety concerns. The drainage in this area is already bad and this will only create more problems.

Ms. Barb Cleveland, 2578 Lamar Place, commented that Hernando West will have plenty of commercial and there is no need for more. There is also the issue of fire protection. She asked where will water come from because drainage and sewer are already issues.

Ms. Jan Luster, 1945 Eventide, stated that she hasn't heard any advantages for the area as per this application. The opening of Tulane Road and Interstate 69 have already caused an increase in traffic and excessive speed. There is no need to add to that.

Mr. Mel Van Over, 1897 South Tulane Road, said that if this property is rezoned to commercial, the only hope for selling his home would be to rezone it to commercial also.

There are other options without allowing commercial in a residential area. He then stated that a petition has been submitted to the commission from all the homeowners in the area. The only person that would gain anything from this rezoning is Mr. Smith and the homeowners are the ones that will be hurt. He then stated that if he would have known about the possibility of commercial he would have never purchased. If this commercial is approved, it will damage everyone's future.

Mr. Noel Lynch, Lamar Place, stated that his concern was traffic. His is a U shaped subdivision and people are already using the subdivisions road as a turn around. The proposed rezoning will only cause more traffic. There is a sight problem due to a large hill. Any additional traffic will create more safety hazards.

Ms. Beverly Busby, 2796 Highway 304, said that she is a member of the health care profession and that car washes create stagnate water which creates health problems.

Mr. Ballard, 2830 Highway 304, said that he has seen much change in the area. The purchase of these homes was a significant investment for these people and he feels that a change in the zoning will be detrimental for the homeowners. He then said that Mr. Ready discussed the Hernando West project, but nothing has been done yet on this project. There is potential for commercial along Interstate 69, but this property is not the area for the type of development proposed. He has lived in this area for 15 years and this is not the place for commercial.

Mr. Larry Butler, 1878 Tulane Road, said that these lots were originally intended for houses so he feels that houses should be built on the lots.

Mr. Ready came forward again to speak on behalf of the applicant. He stated that traffic has increased due to the Interstate 69. This development would not increase any traffic flow. The covenants were recorded stating that these lots could be rezoned as commercial. He then stated that this is not a conspiracy by Mr. Smith. He then stated that the lighting for a bank will be comparable to the lighting for a church, which is a permitted use as currently zoned. The value of property and the crime concerns can be addressed in many ways; one is by thick screening and buffering. They are willing narrow the C-4 zoning down to professional office buildings being the only permitted use.

Mr. McDougal stated that there will be a requirement of 1 ½ lanes being constructed. They will also follow all design guidelines and sidewalks will be required.

Mr. Lindsey then asked if the commission could strike all permitted uses except #13 Offices. Mr. Ready responded that #6 Day Care Center, #7 Doctor or Dentist Office, #13 Offices, and #17 Veterinary Clinic where there are no open kennels will be the only requested permitted uses.

Mr. Robison said that if these parcels were out parcels then it would lead to easier rezoning, but it is difficult to rezone lots in a platted and recorded residential subdivision.

Mr. Lawhon said that the Comprehensive Plan doesn't mean that there should be commercial on every corner; it only states that it should be concentrated, not spread out. Highway 304 is mainly local travelers and he does not feel that this proposal is appropriate for the area. Mr. Forsythe agreed. Mr. James added that there is no significant change in the area. Mr. Lindsey said that he felt Interstate 69 is significant change. Mr. Lawhon added that there is a lot of vacant commercial and industrial property elsewhere in the county and he doesn't feel that these lots should be rezoned.

Mr. James made a Motion to deny the application due to lack of change in the neighborhood and lack of public need. Mr. Forsythe seconded the Motion. The Motion passed by an 8-1 vote with Mr. Lindsey voting against the Motion.

### **PRELIMINARY SUBDIVISION**

**Vaiden Estates (6645) – Application is for preliminary subdivision approval of 34 lots on 60.33 acres. Subject property is located west of Highway 305 and north of Vaiden Road in Sections 4, Township 3, Range 6 and is zoned Agricultural. (District 4)**

Mr. McDougal presented the application. He then introduced Mr. Tommy King as being present to represent the application.

Mr. King began by stating that there would be no problem changing the name of the subdivision to better distinguish it from others. He also said that lot 34 will be part of the subdivision and the existing house is 1450 square feet. Mississippi Department of Transportation currently has 50 feet of right of way dedication and the developer will dedicate an additional 3 feet giving a total of 53 feet of right of way. The Health Department has approved the subdivision as a whole and will approve each individual lot. There will be a Homeowners' Association along with covenants that will be recorded at the time of plat recording.

He then addressed the issue of flood. There is no flood area in the lots or road. The flood area is adjacent to the subdivision and they will hatch the flood maps onto the plat to show this. He also stated that he will meet with the County Engineer and Jim Ivy to discuss any issue regarding the cove.

Mr. Lawhon asked where lot 1's access will be. Mr. King stated that this lot will access from Thomas Warren Drive. Mr. Lawhon said that should be specifically stated on the plat because access from Highway 305 will need state approval. This should also be stated for lot 33. Mr. King said that could be placed on the plat. Mr. McDougal suggested that it be stated on the face of the plat that no other lot but lot 34 should access Highway 305.

Mr. King added that due to site issues they were not allowed to connect Oliver Cove to Highway 305. He also stated that the homes will be 70% brick and a minimum of 1800

square feet. Mr. Robison asked if the homes would have side load garages. Mr. King stated that some might and there would not be a problem for a certain percentage to be required to have side load garages. Mr. Lawhon said that it will utilize the lot better and will create a better looking subdivision. There has been a precedent set in that area and they should follow suit. Mr. King said that side load garages could be added into the restrictive covenants.

Mr. Lawhon made a Motion to approve the application with staff recommendations and the following stipulations:

- \*Plat should read that only lot 34 will access Highway 305.

- \*All houses will have side load garages.

- \*Comprehensive Plan reads that Planned Development is not appropriate for this area.

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

### **Development Agreement**

Mr. McDougal explained to the commission that he is requesting to carry over the discussion of the development agreement. They are still working on language regarding the Homeowners' Associations. He also said that he is holding off on the release of the development agreement to the public. He feels that this should not be released until it is closer to being finalized.

Mr. Robison made a Motion to carry over the discussion. Mr. Lawhon seconded the Motion. The Motion was passed by a unanimous vote.

### **Sustainability Conference**

Mr. McDougal stated that the Board of Supervisors has approved payment and would like to see our Planning Commissioners attend this conference. If anyone would like to attend then they should phone our office and we will get you scheduled.

The meeting adjourned at 10:25 p.m. These minutes were recorded and transcribed by Kristen Duggan.