

**Order of Items**  
**DeSoto County Planning Commission**  
**October 30, 2003**

1. Invocation
2. Roll Call
3. Approval of Minutes –October 2, 2003
4. Announcements

**REQUEST TO CARRY OVER UNTIL NOVEMBER 20, 2003**

5. Anderson Place (619) – Application is to rezone 76.65 acres from Planned Unit Development to R-15 Single Family Residential (Low Density). Subject property is located on the west side of Highway 301 and south of Highway 302. Section 36, Township 1, Range 9

**MINOR LOT SUBDIVISIONS**

6. Charles Faulkner Minor Lot Subdivision (6208) – Application is for subdivision approval for one lot of 1.5 acres from 15.6 acres. Subject property is located on the west side of Bluff Road and south of Highway 304, zoned Agricultural. Section 17, Township 3, Range 9
7. Peyton Minor Lot Subdivision 1<sup>st</sup> Revision (6211) – Application is for subdivision approval for 3 lots on 10.62 acres on an existing easement. Subject property is located on the north side of Bethel Road and east of Highway 305, zoned Agricultural. Section 23, Township 2, Range 6

**SUBDIVISION MUST BE PLATTED AND RECORDED**

8. Debra Glover Minor Lot Subdivision (6212) – Application is for subdivision approval for two lots of 1.5 acres each. Subject property is located on the south side of Threat Road and east of Getwell Road, zoned Agricultural-Residential. Section 27, Township 1, Range 7
9. David Ingerson Minor Lot Subdivision (6213) – Application is for subdivision approval for two lots of 4.9 acres and 2.53 acres. Subject property is located on the south side of Nail Road and the west side of Highway 301, zoned Agricultural-Residential. Section 1, Township 2, Range 9

**OLD BUSINESS**

10. Hendrix Planned Commercial (John Deere Dealership) Text Amendment – Applicant is requesting **Temporary Living Quarters for Caretaker** to be added to the list of conditional uses. Subject property is located on the south side of Highway 304 and west of Scott Road, zoned Planned Commercial (C-4)
11. Westmoreland Rezoning – Application is to rezone 3.9 acres from Agricultural-Residential to Neighborhood Commercial (C-4). Subject property is located on the west side of Highway 301 and south of Highway 302. Section 36, Township 1, Range 9

## **NEW BUSINESS**

### **MAJOR SUBDIVISIONS**

12. Hickory Forest Section A (6202) – Application is for a concurrence of final subdivision approval for 34 lots on 6.62 acres. Subject property is located on the west side of Highway 301 and north of Highway 302, zoned R-3.  
Section 25, Township 1, Range 9
13. Hickory Forest Section B (6203) – Application is for a concurrence of final subdivision approval for 51 lots on 9.82 acres. Subject proper is located on the west side of Highway 301 and north of Highway 302, zone R-3  
Section 25, Township 1, Range 9
14. Logan Subdivision (6206) – Application is for preliminary and final subdivision approval of 6 lots on 26.9 acres. Subject property is located on the north side of Gaines Road and east of Robinson Gin Road, zoned Agricultural.  
Section 11, Township 4, Range 8
15. Westmoreland Commercial Subdivision (6207) – Application is for preliminary and final subdivision approval for 4 commercial lots on 3.94 acres. Subject property is located on the west side of Highway 301 and south of Highway 302.  
Section 36, Township 1, Range 9
16. Jordan Creek Estates (6210) – Application is for final subdivision approval for 23 lots on 74.8 acres. Subject property is located on the south side of Holly Springs Road and west of Highway 305, zoned Agricultural. Section 29, Township 3, Range 6.

### **OTHER ITEMS**

17. Comprehensive Plan – Update/Workshop
18. Meeting Date Changes – November 27 meeting will be held on Thursday, November 20 and the January 1 meeting will be held Tuesday, December 30, 2003

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, October 30, 2003, in the Third Floor Boardroom of the Administration Building of DeSoto County located at: 365 Losher Street, Hernando, MS. Commissioners present were: Ed Williams, Jimmy Maxwell, Robin James, Larry Sykes, Julius Cowan, Mitch Mitchell, Paul Whitfield and Mike Robison. Planning Commission Staff included: Michael Garriga, DeSoto County Planner, Merritt Powell, Director, Jim McDougal, Transportation Coordinator, Andy Swims, County Engineer, Denise Dingman, Planning Commission staff and Katie Jewell County Attorney.

Chairman Mike Robison called the meeting to order at 7:00 p.m., he then asked Mr. Jimmy Maxwell to lead the Commission in prayer.

Mr. Robison asked for a Motion to approve the October 2, 2003 minutes. Mr. Jimmy Maxwell made a Motion to approve the minutes. Mr. Mitchell seconded the Motion. The Motion was passed by a unanimous vote.

Mr. Garriga then announced at Ms. Neibanck's request that she is still collecting money for the Planning Commission to sponsor an ad for Mr. Cowan's choir, he added \$70.00 is still needed. This concert will be held at the Olive Branch Middle School on Tuesday, November 4, at 6:00 p.m.

**Anderson Place (619) – Application is to rezone 76.65 acres from Planned Unit Development to R-15 Single Family Residential (Low Density). Subject property is located on the west side of Highway 301 and south of Highway 302. Section 36, Township 1, Range 9  
REQUEST TO CARRY OVER UNTIL NOVEMBER 20, 2003**

Mr. Garriga said he received a letter from the applicant on Tuesday requesting that the application be carried over until the November 20, 2003 meeting. He then read the letter. Mr. Mitchell made a Motion to carryover the application until November 20, 2003. Mr. Cowan seconded the Motion. The Motion was carried by a unanimous vote.

## **MINOR LOT SUBDIVISIONS**

**Charles Faulkner Minor Lot Subdivision (6208)** – Application is for subdivision approval for one lot of 1.5 acres from 15.6 acres. Subject property is located on the west side of Bluff Road and south of Highway 304, zoned Agricultural. Section 17, Township 3, Range 9

**Peyton Minor Lot Subdivision 1<sup>st</sup> Revision (6211)** – Application is for subdivision approval for 3 lots on 10.62 acres on an existing easement. Subject property is located on the north side of Bethel Road and east of Highway 305, zoned Agricultural. Section 23, Township 2, Range 6

### **SUBDIVISION MUST BE PLATTED AND RECORDED**

**Debra Glover Minor Lot Subdivision (6212)** – Application is for subdivision approval for two lots of 1.5 acres each. Subject property is located on the south side of Threat

Road and east of Getwell Road, zoned Agricultural-Residential. Section 27, Township 1, Range 7.

**David Ingerson Minor Lot Subdivision (6213)** – Application is for subdivision approval for two lots of 4.9 acres and 2.53 acres. Subject property is located on the south side of Nail Road and the west side of Highway 301, zoned Agricultural-Residential Section 1, Township 2, Range 9.

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. He added the Peyton Minor lots will need to be Platted and Recorded. Mr. Sykes made a Motion to approve the minor lots. Mr. Williams seconded the Motion. The Motion was passed by a unanimous vote.

**Hendrix Planned Commercial (John Deere Dealership) Text Amendment – Applicant is requesting Temporary Living Quarters for Caretaker to be added to the list of conditional uses. Subject property is located on the south side of Highway 304 and west of Scott Road, zoned Planned Commercial (C-4)**

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

Mr. Hendrix began by saying, theft is a problem in the area and in the business in general due to the equipment having serial numbers but no title. He said they have had approximately \$110,000 worth of equipment stolen within one month. His insurance company is requiring him to come up with a plan to detour the theft, or his insurance company will be dropping his coverage. Mr. Hendrix then gave examples of other dealerships in and out of the area that have had the same problems. He added, Canton, Mississippi, is the hardest hit dealership and they are surrounded by a chain link fence. He continued saying, lights and security camera's have not worked. Mr. Hendrix said his plan is to have an employee stay in the mobile home, which will be nicely landscaped and never seen from the road. They do not want to hurt the appearance of our property or the county property. The mobile home will be located on the west side of the property by the large oak trees. In conclusion he said he wants either a single person or someone with a spouse, no families.

Mr. Garriga responded saying, originally when this came about, it was thought that this should be a permitted use, but it was decided that a conditional use would be better, because the Board of Adjustment could put a time limit on the mobile home and other conditions if necessary. This would be more appropriate at this time because this area is not highly commercialized, but it could be in the future.

Mr. Mitchell made a Motion to approve this application with the Board of Adjustments stipulations. Mr. Williams seconded the Motion. The Motion was approved by a unanimous vote.

**Westmoreland Rezoning – Application is to rezone 3.9 acres from Agricultural-Residential to Neighborhood Commercial (C-4). Subject property is located on the west side of Highway 301 and south of Highway 302. Section 36, Township 1, Range 9**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. His main concern is the curb cuts, the plan calls for five curb cuts. Mr. Robison said that all curb cuts will need to be approved through the Mississippi Department of Transportation (MDOT). Mr. Garriga agreed. He then recognized Mr. Monty Westmoreland as being present to represent the application.

Mr. Westmoreland began by saying he tried to utilize what curb cuts were already there. He would be willing to work with the curb cuts on the other 3 lots when they come back for final. He added, MDOT will need to approve any and all curb cuts. Mr. Robison said he has done a good job at combining the curb cuts, he then asked if it would be possible to remove the center one and possibly the southern most curb cut. There was then some discussion on the locations of the current curb cuts. Mr. Robison asked if there are five curb cuts out there now? Mr. Westmoreland said “yes”. Mr. Sykes said he knows there are at least four out there now.

Mr. Robison then asked about the materials for landscaping. Mr. Garriga responded by saying, they have shrub and tree planting, crepe myrtle’s, they also met the liner frontage. Mr. Westmoreland said that all buildings will be stucco and brick. Mr. Robison then asked Mr. Westmoreland to reiterate the justification for rezoning. Mr. Westmoreland then read the minutes from 8/28/2003. The area has changed, the church’s property backs up to this property so there will be no more commercial, there is also public sewer and all other utilities are available, there are about 20,000 cars a day at that corner. In addition, there are only 2 five lane intersections in the county, one is Highway 301 & 302, the second one is Highway 51 & 302. The Highway 51 intersection has commercial on all four sides for long distances. Highway 301 – Highway 61 the road is going to be widened. The new interchange is also taking place. Mr. Westmoreland believes over some time this particular Highway will move in that same direction. He continued saying sewer is already located on these lots. There are seven subdivisions within one minute of this property. He then gave the names of those subdivisions. There are 5 subdivisions within 2 minutes, 6 subdivisions within 3 minutes and 4 subdivisions within 4 minutes, he then gave the names of each of these subdivisions. There is also a new 1,200 lot subdivision that is going in on Church Road. He added, there are also 4 apartment complex’s in this same area. With a total of 22 subdivisions, 12 of these have been built out within the last 5 years. There is also a newer commercial building that has 13 bays, and 7 bays are already rented with 2 additional leasing bays pending. He concluded saying, there has been a drastic change in the area and there is a public need. He plans on building a bank on lot 1 of this development. He then requested approval of this rezoning request.

Mr. Sykes asked once the house is removed will development begin? Mr. Westmoreland said "yes".

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

Mr. Westmoreland said he does need the front two curb cuts for the bank, and he will be willing to negotiate the rest at a later date.

Mr. Robison entertained a Motion. Mr. Sykes made a Motion to approve the application with staff recommendations. Mr. Maxwell seconded the Motion. There was a roll call approval vote of 8-0. This application will be heard by the Board of Supervisors on Wednesday, November 5, 2003.

## **NEW BUSINESS**

### **MAJOR SUBDIVISIONS**

**Hickory Forest Section A (6202) – Application is for a concurrence of final subdivision approval for 34 lots on 6.62 acres. Subject property is located on the west side of Highway 301 and north of Highway 302, zoned R-3. Section 25, Township 1, Range 9**

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

Mr. Robison reiterated that this application is a concurrence of a final subdivision. Mr. Smith responded saying this is a concurrence of the 1997 final subdivision and that he agrees with staff recommendations. Mr. Smith continued saying, he believes construction will began on this project. The applicants (Chambliss Builders) had a lot of available land to develop and was not able to get to this property, they are now ready to move forward.

Mr. Powell said a concurrence is an agreement that the Planning Commission concurs that since the time the approval was done the area has not changed and the development is still feasible for the area. Mr. Robison said that if a subdivision application conforms to the preliminary that a concurrence is needed.

Mr. Robison entertained a Motion. Mr. Mitchell made a Motion to approve this application with staff recommendations. Mr. Cowan seconded the Motion. The Motion carried with an approval vote of 7-1.

**Hickory Forest Section B (6203) – Application is for a concurrence of final subdivision approval for 51 lots on 9.82 acres. Subject proper is located on the west side of Highway 301 and north of Highway 302, zone R-3. Section 25, Township 1, Range 9**

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

Mr. Robison asked about the park. Mr. Garriga responded saying it is a Homeowner Association Park.

Mr. Powell said that the lots along River Birch Drive are double frontage lots and there is a green strip along the south side.

Mr. Williams asked if there would be a planting strip on the 2 outside lots. Mr. Powell said "yes".

Mr. Robison entertained a Motion. Mr. Mitchell made a Motion to approve this application with staff recommendations. Mr. Maxwell seconded the Motion. The Motion was carried by an approval vote of 7-1.

**Logan Subdivision (6206) – Application is for preliminary and final subdivision approval of 6 lots on 26.9 acres. Subject property is located on the north side of Gaines Road and east of Robinson Gin Road, zoned Agricultural. Section 11, Township 4, Range 8**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He continued saying this is part of an estate property and we recognize court ordered divisions, but they are requesting a change to that court order division. In addition the easement is 2,600 square feet. He then recognized Mr. Jason Brewer as being present to represent the application.

Mr. Robison asked if there could be a stipulation on lots 5, 5a, 7, 7a, stating no further division of the land. Mr. Powell answered saying "yes" this board has the right to put stipulations on those lots if this is approved.

Mr. Mitchell asked if lots 6 & 4 could be divided in the future? Mr. Powell responded by saying they could be.

There was some discussion among board members and staff regarding the division of the land, easement and the options for building a county road.

Mr. Jason Brewer from Jim Walters Homes began by introducing Ms. Carolyn Logan. He said he does not have any questions regarding this application.

Mr. Mitchell asked if the property is family owned? Ms. Logan said all of it is family owned. Mr. Mitchell then stated that he doubts the health department would allow smaller lot sizes.

Mr. Robison entertained a Motion. Mr. Maxwell made a Motion to approve the application with staff recommendations, no further division of lots 5, 5a, 7, 7a and that this be platted and recorded. Mr. Cowan seconded the Motion. The Motion passed by a unanimous vote.

**Westmoreland Commercial Subdivision (6207) – Application is for preliminary and final subdivision approval for 4 commercial lots on 3.94 acres. Subject property is located on the west side of Highway 301 and south of Highway 302. Section 36, Township 1, Range 9**

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

Mr. Garriga said this application is for a final on one lot and a preliminary the other four lots.

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

**Jordan Creek Estates (6210) – Application is for final subdivision approval for 23 lots on 74.8 acres. Subject property is located on the south side of Holly Springs Road and west of Highway 305, zoned Agricultural. Section 29, Township 3, Range 6.**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. Mr. Garriga also commended the applicant for doing such a great job with erosion control, he said it is a good example of what should be done. He then recognized Mr. Greg Smith as being present to represent the application.

Mr. Smith began by saying mobile homes would not be allowed and the homes will be just under 2,000 square feet. The cove length has also been corrected, it is now below 500'. He added, the county engineer already has drainage plans and believes this subdivision will be an asset to the community.

Mr. Robison asked if there would be covenants? Mr. Smith said “yes”, he would get a copy of them to the Planning Commission office.

The driveways have to be asphalt or concrete within two years.

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

**OTHER ITEMS**

Mr. Garriga then gave the November & January Planning Commission date changes. The November meeting will be held on November 20, 2003 and the January 1<sup>st</sup> meeting will be held Tuesday, December 30, 2003.

At this time the commission took a 10 minute break.

Mr. Garriga gave an update regarding the Comprehensive Plan. He began by saying Mr. William Peacock from Central Mississippi can be here on November 13, 2003 to have a workshop with the Planning Commission. He then passed out a complete draft copy of the transportation map. Mr. Garriga added the four major items are the Land Use, Density, Curb/Gutter and the Transportation Plan. Mr. Robison said that the City of Hernando R-20 lots no longer requires curb and gutter.

Mr. Garriga said the one of the items that needs to be decided is the Transportation Plan. This plan is based on the counties goals and objectives. This plan is important to the Land Use Map due to the number of people that will be here in 30 years, and additional services will be needed due to additional growth.

Mr. Russell asked for clarification between straight and planned zonings. Mr. Garriga explained the difference.

They then discussed the proposed Planned Zoning along the highway corridor. Mr. Garriga then explained and gave the locations of the three study paths for the new I-69 Interstate. He said that MDOT (Mississippi Department of Transportation) and TDOT (Tennessee Department of Transportation) are conducting the study paths. Mr. Garriga added, that eventually they would like to apply for enhancement monies to be able to conduct a study regarding the Planned Zoning along the corridor. Mr. McDougal said that Highway 304 and 269 will be the same path, he added, the study results are expected to be released next month. Mr. Powell said that there is a 269 and I-69 interstate, they are not the same. There was then some discussions regarding the interchanges and their locations.

Mr. Garriga reminded the board that the land use and comprehensive plan are not set in stone, they are subject to change and updates. This plan is more an update than a complete change and will need to be looked at again in another 4-5 years.

Mr. Garriga then gave the locations of what he believes will be the major arterial and collector roads in years to come. There was then some discussion between board members and staff regarding this issue. Mr. Swims said that Star Landing and west of Gwyn Road will be a four lane underpass. Mr. Garriga then presented the locations of the newly annexed areas, by the cities. There was also some discussion regarding section line and half section lines roads.

Mr. Sykes stated that the perception of the public regarding a Planned Corridor will be commercial or high density. Mr. Garriga responded saying, it will be a Planned District

with medium to low density. This is not to restrict the uses like industrial, but if someone wanted to come in with an distribution center, they will not be able to do a M-1, this Planning Commission will have the ability to be sure that it is a nice development and will be able to regulate the facade, access, curb cuts, etc. They will also be able to be sure that the proposed development will be located in the correct area with the appropriate services. There was also discussion regarding structures in the flood plain areas. Mr. Garriga stated that FEMA encourages commercial development in flood plain areas rather than residential. Mr. Powell added that commercial developments spend more money developing their land and structures than residential people do.

Mr. Sykes had some concerns with the size of the Planned Corridors, he believes it should be half of the size that is proposed and gave his reasons why. He does not want the same situation as it is on Goodman Road. Mr. Robison said that we do not want a "Goodman Road" and one of the main reasons they decided to go with the size of the Planned Zoning Corridor is so that there would be a nice transition into the residential areas. Mr. Sykes said it needs to come earlier. Mr. Robison responded saying, the transition comes within that area and that is why we need the money to have these areas studied and have the areas protected. Mr. Garriga added, that this Planning Commission does not want "strip commercial". There was additional discussion regarding this matter.

Mr. Robison entertained a Motion. Mr. Sykes made a Motion to endorse the Transportation Plan as presented tonight. Mr. Mitchell seconded the Motion. The Motion was passed by a unanimous vote.

There being no further business in front of the Planning Commission, this meeting adjourned at 10:00 p.m. These minutes were recorded and transcribed by Denise Dingman.