



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
NOVEMBER 3, 2005**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – September 29, 2005

AGENDA

MINOR LOTS

Black, Ted (6411) – Application is for final subdivision approval of 3 lots on 6.6 acres. Subject property is located on the south side of Dean Road and east of Baldwin Road in Section 35, Township 2, Range 9 and is zoned Agricultural-Residential. (District 4)

Brooks, Arthur (6399) – Application is for final subdivision approval of 6.86 acres out of 24 acres. Subject property is located on the east side of McGowen Road and south of Star Landing Road, in Section 24, Township 2, Range 9 and is zoned Agricultural

FINAL SUBDIVISIONS

Allen Farms Section B (6405) – Application is for final subdivision approval of 11 lots on 39 acres. Subject property is located on the south side of Coryelle Lane and west of Highway 305, in Section 22, Township 3, Range 6 and is zoned Agricultural. (District 5)

AJ. Johnson 2nd Revision (6412) – Application is for final subdivision approval of 2 lots on 4 acres. Subject property is located on the north side of Pleasant Hill and west of Tchulahoma Road, in Section 29, Township 2, Range 7 and is zoned Agricultural-Residential. (District 5)

Marshall Farms (6413) – Application is for a concurrence for final subdivision approval of 14 lots on 40 acres. Subject property is located on the south side of Austin Road and west of Highway 301, in Section 14, Township 2, Range 9 and is zoned Agricultural-Residential. (District 4)

Centerhill Plantation Phase 1, Section A (6414) – Application is for final subdivision approval of 107 lots on 80.44 acres. Subject property is located on the east and west side of Centerhill Road and north of Highway 302, in Sections 28 & 29, Township 1, Range 5 and is zoned Planned Unit Development. (District 1)

Creekside Estates (6415) – Application is for final subdivision approval of 82 lots on 73.02 acres. Subject property is located on the west side of Highway 305 and north of Bethel Road, in Section 21, Township 2, Range 6 and is zoned R-30, Single Family Residential. (District 5)

Robinson Crossing (6416) – Application is for final subdivision approval of 93 lots on 60 acres. Subject property is located on the south side of Church Road and east of Malone Road, in Section 11, Township 2, Range 7 and is zoned Planned Unit Development. (District 2)

REZONINGS

Hawks Crossing (667) – Application is to rezone 549.13 acres from Agricultural-Residential to Planned Unit Development. Subject property is located on the north side of Byhalia road and east of Craft Road, in Sections 29, 30, 31 & 32, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)

Lake Cormorant (664) – Application is to amend a 174.58 acre Planned Unit Development. Subject property is located on the south side of Star Landing Road and west of Highway 61, in Section 24, Township 2, Range 10 & Section 19, Township 2, Range 9 and is zoned Planned Unit Development. (District 3)

Jaybird Acres (666) – Application is to rezone 25.24 acres from Agricultural-Residential to R-15-Residential Single Family, Low Density. Subject property is located on the east side of Jaybird Road and south of Holly Springs Road, in Section 21, Township 3, Range 7 and is zoned Agricultural-Residential. (District 5)

Mitchell Corners (668) – Application is to rezone 8 acres from Agricultural-Residential to C-4, Planned Commercial. Subject property is located on the west & east side of Highway 305 and south of College Road, in Section 16, Township 2, Range 6, Section 15, Township 2, Range 6 and Section 10, Township 2, Range 6 and is zoned Agricultural-Residential. (Districts 1 & 5)

Mitchell Corners (670) – Application is to rezone 127.87 acres from Agricultural-Residential to R-30, Single Family Residential. Subject property is located on the west & east side of Highway 305 and south of College Road, in Section 16, Township 2, Range 6, Section 15, Township 2, Range 6 and Section 10, Township 2, Range 6 and is zoned Agricultural-Residential. (Districts 1 & 5)

PRELIMINARY SUBDIVISIONS

Magnolia Commons (6409) – Application is for preliminary subdivision approval of 179 lots on 111.19 acres. Subject property is located on the north side of Goodman Road (Hwy 302) and east of Payne Lane, in Section 28, Township 1, Range 5, and is zoned R – 20 Single Family Residential. (District 1)

Belmont Estates (6410) – Application is for preliminary subdivision approval of 23 lots on 45 acres. Subject property is located on the east side of Belmont and north of Slocum Road, in Section 31, Township 3, Range 7 and is zoned Agricultural-Residential. (District 5)

Southern Trails (Estates of) (6417) - Application is for preliminary subdivision approval of 33 lots on 35.80 acres. Subject property is located on the west side of Highway 305 and south of College Road, in Section 16, Township 2, Range 6 and is zoned R-40, Single Family Residential. (District 5)

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, November 3, 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, Leigh Graves, Eddie O'Bannon, 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 29, 2005. Mr. Carter then made a Motion to approve the minutes. Mr. Clemmer seconded the Motion. The Motion passed by a unanimous vote.

MINOR LOTS

Black, Ted (6411) – Application is for final subdivision approval of 3 lots on 6.6 acres. Subject property is located on the south side of Dean Road and east of Baldwin Road in Section 35, Township 2, Range 9 and is zoned Agricultural-Residential. (District 4)

Mr. McDougal began by saying there were some road right of way issues, that have since been cleared up and that this application is ready to be approved subject to health department approval. Mr. Carter made a Motion to approve this application with staff recommendations. Mr. Maxwell seconded the Motion. The Motion was approved by a unanimous vote.

Brooks, Arthur (6399) – Application is for final subdivision approval of 6.86 acres out of 24 acres. Subject property is located on the east side of McGowen Road and south of Star Landing Road, in Section 24, Township 2, Range 9 and is zoned Agricultural

Mr. Robin James recused himself from this application/vote. Mr. McDougal stated a certificate of title will need to be submitted for this property to be sure there is a clear title on the 40' strip. Mr. Lindsey asked if the property owner agreed to it. Mr. McDougal answered saying "yes". Mr. Lindsey made a Motion to approve this application with staff recommendations and with the condition that a title certificate be submitted to the Planning Commission Office. Mr. Clemmer seconded the Motion. The Motion was passed with a unanimous vote.

CONSENT AGENDA **FINAL SUBDIVISIONS**

Allen Farms Section B (6405) – Application is for final subdivision approval of 11 lots on 39 acres. Subject property is located on the south side of Coryelle Lane and west of Highway 305, in Section 22, Township 3, Range 6 and is zoned Agricultural. (District 5)

AJ. Johnson 2nd Revision (6412) – Application is for final subdivision approval of 2 lots on 4 acres. Subject property is located on the north side of Pleasant Hill and west of Tchulahoma Road, in Section 29, Township 2, Range 7 and is zoned Agricultural-Residential. (District 5)

Marshall Farms (6413) – Application is for a concurrence for final subdivision approval of 14 lots on 40 acres. Subject property is located on the south side of Austin Road and west of Highway 301, in Section 14, Township 2, Range 9 and is zoned Agricultural-Residential. (District 4)

Creekside Estates (6415) – Application is for final subdivision approval of 82 lots on 73.02 acres. Subject property is located on the west side of Highway 305 and north of Bethel Road, in Section 21, Township 2, Range 6 and is zoned R-30, Single Family Residential. (District 5)

Robinson Crossing (6416) – Application is for final subdivision approval of 93 lots on 60 acres. Subject property is located on the south side of Church Road and east of Malone Road, in Section 11, Township 2, Range 7 and is zoned Planned Unit Development. (District 2)

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

PRELIMINARY

Southern Trails (Estates of) (6417) - Application is for preliminary subdivision approval of 33 lots on 35.80 acres. Subject property is located on the west side of Highway 305 and south of College Road, in Section 16, Township 2, Range 6 and is zoned R-40, Single Family Residential. (District 5)

Mr. McDougal presented the application and the staff report to the Planning Commission. He said the only change is that the nodes that are located on the corners will be removed to give more building room on the lots and allow for the ditches.

Mr. Carter made a Motion to approve this application, Mr. Calvi seconded the Motion. The Motion was approved by a unanimous vote.

FINAL SUBDIVISIONS

Centerhill Plantation, Section A (6414) – Application is for final subdivision approval of 107 lots on 80.44 acres. Subject property is located on the east and west side of Centerhill Road and north of Highway 302, in Sections 28 & 29, Township 1, Range 5 and is zoned Planned Unit Development. (District 1)

Mr. McDougal presented the application and the staff report to the Planning Commission. He added saying, he has asked Mr. Dalhoff to give a short presentation of the whole project due to the size of the project and the length of time since the rezoning has been approved. He then recognized Mr. Bob Dalhoff as being present to represent the application.

Mr. Dalhoff began by saying this project was approved seven years ago with a total of 750 acres. This was approved as a PUD with mixed uses. They have since made several changes to the PUD. There is a 32 acre lake to enhance the development. There are several amenities and open space. The lot sizes range from 8,000 square feet – one acre lots along with commercial and a retirement area. He then explained Section A.

Mr. Lindsey asked if they would be using the Braybourne sewer. Mr. Dalhoff answered saying, “yes”.

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

REZONINGS

Hawks Crossing (667) – Application is to rezone 549.13 acres from Agricultural-Residential to Planned Unit Development. Subject property is located on the north side of Byhalia road and east of Craft Road, in Sections 29, 30, 31 & 32, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)

Mr. McDougal presented the application and the staff report to the Planning Commission. He added, saying the Comprehensive Plan states that lots that are located within the flood plain must be a minimum of one acre. He then recognized Mr. Bob Dalhoff as being present to represent the application.

Mr. McDougal then stated that the permitted uses need to be reviewed and to consider removing the following: No retail big box (50,000 square feet and above); #3 – Auto parts store; #12 – Computer and electronics store; #19 – Grocery store; #31 – General office uses (needs more detail of what type of office uses).

Mr. Robison asked about the infield on the 50 plus acres regarding flood plain (Exhibits F & H). He then stated that that at the site plan review committee it was noted that there was an application just south of this development that this Planning Commission Board did not hear due to the fact a hydrology study was needed due to amount of flood plain.

Mr. Robison informed the board members that this applicant is in the process of doing a hydrology study. Mr. McDougal then pointed to the property location of the previous application (Kensington Oaks). Mr. Robison stated we can hear the application, but he is not sure we can get through the whole application tonight, but can give the applicant some direction.

At this point Mr. Robison explained the hearing process to the audience. Mr. Dalhoff said he would give a brief presentation.

Mr. Carter spoke stating there are some key critical issues with this application, one being density, flood plain and the planned retail since this property is four miles from any city. Mr. Robison added saying he is also concerned about the location of this property because there is nothing out there but a school and this application will set the tone for future development in that area. Mr. James also stated there is a big issue with emergency services to the area.

Mr. Robison said this is a peculiar situation, he said there has been a change due to the sewer, school and I-69, but this just means a change in zoning may be warranted from Agricultural to "something", but this board needs to determine what is appropriate for that area. Mr. James added saying there is sewer in the area, but no sewer retailer, he also has a big problem with zoning something that goes against the comprehensive plan.

Mr. Dalhoff began his presentation by saying in time this will be an urban area with the interchange and schools. The sewer retailer may be premature today, but will be needed in the future. DCRUA sewer is in the area and the developer will need to run his own sewer line then tap into to the system. There will be a high traffic area around the interchange, the school on Craft Road was moved to the north due to the location of the proposed interchange. This project will include a large church area, the environmental impact statement is due in by the end of the year. We have tried to maintain the creek area and we will conduct an impact study due to the flood plain and flood way. On the north side of the school fill dirt will be needed. In addition, we plan on retail at the interchange location and in the future, a grocery store will be located at the corner. The project contains lots from 8,000 square feet to 20,000 square feet and the house sizes will be from 1,800 square feet to 2,400 square feet, he then explained the locations of the different size homes. The detention areas will be designated, but as of today, he is not sure how many will be needed. Mr. Dalhoff stated the current density is 2.3 units per acre and that to meet the 2.0 units some of the lots will need to be brought up to 20,000 square feet. The open space is 41 acres and part of that is on the west side of Camp Creek. He continued saying, if the County Greenway is planned along Camp Creek, they will incorporate that into the project. Craft Road and Byhalia Road are major roads and within 7 years they will be carrying a tremendous amount of traffic. This site contains about 550 acres, and he then explained the phasing plan and long term development. He talked about the stub streets and their locations.

Mr. Robison asked about the elevation and the amount of fill. Mr. Dalhoff replied saying on the north side the flood is 279' and our elevations are at 278' with a swell area of 274', so the fill will be 2-5'. On the south side the flood elevation is 273' and the development is at about 266' so it would require about 6' of fill plus 2' because we like to be two foot above the requirement. This will also help the site drain.

Mr. Robison then questioned the north section and the lots closet to the creek and he expressed concern that once the hydrology study is completed it may force the applicant to move the lots. Mr. Dalhoff said the line may have to be moved some. Mr. Dalhoff then stated when the land is filled a channel (dam) is created.

Mr. Robison said there are about 156 acres of land that needs to be filled. Mr. Dalhoff agreed. Mr. Robison, referring to the county ordinance when building in the flood plain, said that the Ordinance requires one acre lots when located within the floodplain, and that this application is in conflict with the Ordinance. He added, saying whole lots will need to be filled. He then asked how the applicant is going to overcome flood plain/density without changing the ordinance. Mr. Dalhoff answered saying, the house pads will be filled. Mr. Robison said there are two issues conflicting with the ordinance. One of those being the whole bottom is being filled and the other is density. Mr. Dalhoff informed the board members that he is going to change this to a 2.0 density.

Mr. Carter stated the common open space located on the other side of Camp Creek is not accessible and is going to do no good for the homeowners in this development. Mr. Dalhoff replied saying, the open space will be dedicated to the county greenway.

Mr. Robison then informed Mr. Dalhoff that this board has been spoiled by his designs and the use of common open space.

Mr. Maxwell asked how much this development would impact the flooding on the property to the north. Mr. Dalhoff answered saying it is currently being impacted by the flood plain. He then explained the flow of the water. Mr. Maxwell asked about the tree line along the north property line. Mr. Dalhoff said it would remain.

Mr. O'Bannon said he is concerned about the backup of water on other properties in the area. Mr. Dalhoff said this is the reason for the hydrology study. Mr. Andy Swims, County Engineer added saying the county flood ordinance has a stipulation where the county can require setbacks be 3 times whatever the typical top bank width is regardless of what shows up in the flood plain.

Mr. Clemmer asked how many homes are located in the flood plain area. Mr. Dalhoff answered saying he does not know.

Mr. Robison said in the staff comments there was a statement about a map revision. Mr. Dalhoff said he is going to amend the application to a density of 2.0. Mr. Robison then asked if there would be a pattern book and if there would be architectural control committee. Mr. Dalhoff replied saying, we require pattern and architectural books on all of their developments. Mr. Powell added stating as far as the commercial he would like the applicant to consider the City of Hernando's Design Review Guidelines due to the fact the county is considering adopting their guidelines but the public hearing will not be held until December.

Mr. Dale Morrow passed out pictures of the property elevations from west to east. This is a tough site, Mr. Dalhoff was having trouble with how to save the tree line. The majority of the land is farm land. In consideration of the density, we thought we had 570 acres the owner has been paying taxes on 570 acres, but the survey only showed 549 acres. He also asked the board members to look at this plan as a 5 year long term, this

will not happen overnight. He does not believe anyone realizes what the economic value of I-69 is going to have on DeSoto County and the state of Mississippi. This will be a heavily traveled highway, and it will take people around Memphis. This highway will consist of a lot of interchanges that will consist of commercial uses and large box facilities and will offer a lot of jobs to DeSoto County. In addition, he has purchased an additional 300 plus acres and will be bringing in an application for that development the first of the year. Mr. Morrow continued saying, that development will consist of lots 15,000 square feet – 3 acres and is located ½ mile from this site. When he went out to this area, he could not imagine a school being located out there. The DeSoto Central School is already full. He put this land under contract because of the potential of 500 students attending the Craft Road Elementary School. Well after the last day of enrollment they started with 803 students. He met with the school board last week and they have predicted that all of these schools when built would be full, and said there would be new schools located between the Craft Road schools and DeSoto Central Schools that will be needed before the next 2 years. DeSoto County has had an increase of 1,800-2,200 students per year over the past 3 years, so we need to see a little ahead in regards to this development. He concluded by once again asking the board members to see ahead and approve a long range plan. Mr. Morrow requested that the board give him an up or down vote on this application tonight. The reason is because the developer is standing here tonight, the schools and the drainage problems. He met with the school and has offered to build them underground storm basin on both sides of the High School and the Elementary School. We are doing a hydrology study to help the school, our property and the adjoining property owners. If this project does not happen, then we will just pass it on and let someone else develop it and he does not know if they will bring it in as one project or in pieces. We have 265 acres (over ½ of the project) on the east side of Craft Road with an elevation/topography change of 3’-14’ higher than the west side. He promises that this will be a well built, first class development and the lowest density plan ever built next to a school. DeSoto Central School has 3.26 units per acre and the elementary school in Olive Branch has over 4 units per acre. Out of the 931 lots there are 155 lots that are 8,000 square feet, so we are giving a good mixture of lot sizes.

Mr. Robison asked how can that much dirt be moved and not impact the school and its traffic. Mr. Morrow replied saying we are negotiating with MDOT about I-69 and they are going to move a lot of that dirt. We have a lot of dirt available across the street, as a rule the county would not place a school in an area where they did not want homes to be constructed.

Mr. Robison asked Mr. Morrow if this is not a feasible tract to follow our regulations on 1 unit per acre in the flood plain. Mr. Morrow answered saying “absolutely not”. The Camp Creek sewer line is the largest line he has ever seen running through a county. We were able to get this line due to the high economic growth of the county and help from Washington. To wonder whether or not there is a retail user for the largest sewer line in the state of Mississippi is in his opinion an unfair question. There are several retail users and someone will gather up those lines. The elementary school is presently operating off that sewer line. Mr. Morrow concluded saying, we just want to slowly develop the land and he is committed to doing these things for the school.

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

1. Terry Mackie – 1200 Craft Road – His property borders this project. He began saying he would like to see less density with 1 acre lots. The water drainage is his main concern. There are 6-8 retention levee's that help drain the water, and, he asked, what would happen if they are removed. The water span is 1,000' wide at times during the year. Mr. Carter replied saying they are not built for flood control, they are built for erosion control, but they do slow the water. With a higher density the water will run faster and will cause additional flash flooding. Mr. Mackie said he would like the tree line that borders his property to remain.
2. Chris Adamson- 1808 Woodland Drive, Carter's Plantation. We have two boys in Lewisburg Elementary, but more importantly she is a teacher at Olive Branch High School and would like to speak from a teacher's perspective. As of this morning Olive Branch High School has 1,919 students enrolled and she knows that Lewisburg is not going to open with that many students right away. Without the 900 homes being proposed, but within 5-6 years there will be that many students. She already has freshman students saying they want to transfer and become the first sophomore class. When the students change classes they literally rub each other in the hall way. She is one of 20 who share class rooms, there just are not enough. She further stated Mr. Morrow has said there is going to be another school between Lewisburg and DeSoto Central, that school may not be needed right away if these 900 homes weren't there. Ms. Adamson concluded saying she is not against residential development but the 8,000 square foot lots are unreasonable.
3. Geraldine Phillips – 1441 Craft Road, She lives north of this development. If this developer builds these lots up, it will make us in a valley. She wants to be assured the flooding will not be like the flooding that happened in Southaven a few months ago.
4. Jean Brinkley – 77 Dixie Hill. She is concerned about the bus traffic and confusion. Her daughter has had to change buses 3 times and has been late to school several times because they are full. If there are more students this problem will be worse. She was also concerned about emergency services.
5. Gary Kieffner – 8354 Belmor Lake Drive – He began by saying when Lewisburg Elementary opened they expected 800 students, after all enrollment applications were completed there were 800 students. With this type of density, the school will not be able to handle all the students. In addition, there is nothing within miles of this property with this kind of density and nothing in the area with a 8,000 or 10,000 square foot lot. The lots that are within that school are at least a 1 – 4 acre tract. A development like this will be a major detriment to the school, county and the area. With I-69 coming through this is an incredible opportunity to do this thing right. People who live in this community think “doing it right” means nothing less than a 30,000 square foot lot. He does see anything in the area that would justify these small lots. Craft Road is the only county road that will connect with two interstates (I-22 & 269). If we can get this right then the rest of Craft Road development will follow, but if it is not done right, we'll have another Goodman Road & Lamar Ave. The commercial should be south of the 269 Interchange, R-30 standard, which will give bigger lots, decreases problems with

the hydrology study. We need to raise the bar on this development. He will fight to ensure his kids have the best school and community. He concluded by giving the results of a survey done by the Belmor Lakes Homeowners Association.

No commercial –76% no commercial; 26% said limited commercial with a high degree of architectural control.

Lot sizes – 65% large lots with a minimum home size of 2,500 minimum;
26% okay with a mixture of lots with the minimum home size of 2,500 square feet.

6. Brooks Bumpus – 1127 Ingrams Mill Road – He spoke stating he is real concerned about the schools. He does not want to hinder development, but the lot sizes are a big concern. If a community like this one is brought in to the county, the crime rates will be higher and we don't want crime around our schools. Mr. Bumpus then asked that the applicant considered larger lots. We also need to be sure the emergency service providers are in place before this development begins. This application is not in conformance with the county Comprehensive Plan, nor the county ordinance.
7. Tina Hill – 960 Ross Road – She spoke stating she has a child in the Lewisburg Elementary School; this is a special area to her and her family. She understands progress but larger lots and homes need to be located in the area. The development needs to encourage higher income families so that down the road the development is not turned into rental proprieties.
8. Ben Caldwell – 8717 Sheltopee. His kids also attend the new schools. He further stated this application is excessive growth and looks like a small city and is not appropriate for this area. The small lots are also a big concern and he believes they should be at least 20,000 square feet. Mr. Caldwell concluded by asking, as this plan sits today he asked the board members to deny this application.
9. Pastor from the St. Matthews Church – 1295 Craft Road. They don't mind the development but not of this kind, they want the best kind. This type of development is not appropriate for this area.
10. Mark DeBois – 4170 Payne Parkway – He has heard the developer and other developers say they cannot make money if they increase the size of the lots. He said they are offering too much money for this land. The problem is a board like this one sets land prices. If no other developer will offer that kind of money to the landowner, eventually the price will go down in which he can build larger lots which is much more appropriate for the area. The developer can still make money. Bottom line, land prices are too high.

At this time Mr. Robison closed the floor.

Mr. Robison began by asking for the detention locations. Mr. Dalhoff pointed to them and said it would not affect anyone off site. He added saying, the tree line would remain. We do not want to negatively impact the area. The 8,000 square foot lots do not mean

less value. The people on the east side of Craft Road are not impacted by this project. Mr. Robison asked if anyone has talked with anyone regarding emergency services and other service providers. Mr. Dalhoff answered saying “no”, but someone services that area, even though he does not know who that is. Mr. Robison then asked about connections to Craft Road and the interchanges and the commercial areas of this project. Mr. Dalhoff said there are two commercial locations. One being to the south, which will be a community service type of commercial and on the east side a general commercial area. Mr. Robison asked what in the planned text assures that. Mr. Dalhoff stated it is not in the text. Mr. Robison said he wants to avoid another Goodman Road corridor. Mr. Dalhoff stated Goodman Road is stripped out commercial, we have planned all our commercial areas. He further stated there are three types of commercial retail; 1. Neighborhood Services (28 acres); 2. Community Services (26 acres); 3. Church (35 acres).

Mr. Robison asked what ties the parcel down to a “church”. Mr. Dalhoff it is will be designated for a church only, maybe even a church and a school.

At this point there was some discussion regarding the small lots and houses. Mr. James stated 95% of the lots in this development are under 15,000 square feet, this is not a “mix use neighborhood”.

Mr. Robison then talked about the transition zones and urban areas.

Mr. Carter spoke stating a change may be warranted, but it does not justify this type of intense development. He is extremely concerned about the flood plain and that the ordinance states one acre lots in flood plain areas. He does not see how the applicant is going to get around that. He continued saying he knows from experience that once hills are cut, people will have trouble with their yards, the land perking, etc. In addition the current open space is not an amenity.

Mr. Robison said over time this area may develop as smaller lots, but he does not see it developing that way today. He added saying, when we started this tonight, I thought we were going to hear an overview of the project and do a hydrology study then make a decision at a later date, but the applicant has requested an up or down vote, so we will continue with a vote. Mr. Robison concluded saying, sometimes a density might be warranted because of the total package, he said this one has some easy things to work with, but on the other hand there are some difficult issues.

Mr. Joe Forsythe said he cannot ignore the complaints and concerns that have been mentioned here tonight, the lots are too small and there are too many flood plain issues, he cannot vote to approve this development tonight.

Mr. O’Bannon spoke stating one of the people who spoke said this is going to set the standard for the area, he agrees. He understands development will happen, but said this development is not appropriate for the area and there are too many other issues/problems with it.

Mr. Robison entertained a Motion. Mr. Carter made a Motion to deny this application, based on the applicant did not meet the burden of proof for a change in the neighborhood for this intense of a development. Mr. Forsythe seconded the Motion. There was a roll call vote of 12-0 to deny the application.

Lake Cormorant (664) – Application is to amend a 174.58 acre Planned Unit Development. Subject property is located on the south side of Star Landing Road and west of Highway 61, in Section 24, Township 2, Range 10 & Section 19, Township 2, Range 9 and is zoned Planned Unit Development. (District 3)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Ms. Debra Daws, Dalhoff, Thomas and Daws as being present to represent the application.

Mr. Mike Robison recused himself from this application/vote.

Mr. McDougal then went through the list of commercial permitted & conditional uses – suggested uses to be discussed and items to be removed:

A – Accessory dwelling units (not sure what this is, needs to be discussed)

E – Cleaning pick-up station

K – Indoor Recreation Center, arcade, etc.

R – Outdoor recreational facility

S - Assisted care facility

U – New automobile sales and service

V – RV sales and services

EE – Outlet stores

HH – Hotels, motels or motor lodge (needs more definition)

JJ & QQ – Utility sub-station

Conditional Uses –

- Mini storage – (Indoor only)

Mr. James asked about the outlet stores. Mr. McDougal strip shopping centers referred to Tunica & Batesville, may want to apply additional architectural control.

Mr. McDougal stated this application is a revision. This PUD was approved in the 90's, and the changes are going from R-6 and now an R-8. This is just a revision to the residential areas, but with some design characteristics on the commercial. Each site plan for each phase of the commercial will need to be approved by this board.

Mr. O'Bannon reiterated saying this application is just to change the lot sizes. Mr. McDougal answered saying "yes" along with the house sizes. The R-6 proposal had a minimum home size of 1,100 square feet the R-8 have a proposed minimum home size of 1,250 square feet with 50% having garages.

Ms. Daws began by saying she is here on behalf of Reeves-Williams. Her clients do not own the commercial property, she is here for the residential portion only, which is all they own.

Mr. McDougal questioned why the applicant submitted a list of commercial uses. Ms. Daws answered saying that list had already been approved it has not been modified, only the residential area has been modified and needs approval.

At this point there was some discussion among board members, staff and the attorney regarding hearing only parts of a PUD and if that is acceptable. It was decided the board would hear the residential presentation.

Ms. Daws began by saying, there are three products to this development including the commercial and was approved in 1998. She then gave the location of the property and said there is a major collector road that runs through the property, which allowed for two different residential type products. This new proposal gives this development a neighborhood feel and a sense of place. They have created a boulevard landscape entrance, 5 acre lake and a 7 acre park at the main entrance of the development. The greenbelt has also been connected and is part of the common open space. This park area is not in the flood plain or flood way. There are two large parks with a series of trails throughout the development. The house sizes were originally approved for 1,100 square feet with 254 homes. There were 51 homes on the 30,000 square foot lots that were 1,600 square feet. We are proposing to increase the lot and house sizes, with 2 car garages with 60% masonry. This will add home value and give a better mixture of product. The sewage lagoon will be removed there will be sewer from Walls. They have also left open space along the bayou.

Mr. Carter asked about the transmission lines. Ms. Daws replied saying they are Entergy's power lines.

Mr. Lindsey (acting Chairman) asked if there was anyone here for or against this application, there was none.

Ms. Graves spoke saying, she has talked with several people in the area and they like this plan a lot better than the previous one.

Mr. Clemmer asked if there would be side or rear loaded garages. Ms. Daws answered saying there will be a mixture.

Mr. Carter made a Motion to approve this application with staff recommendations, due to fact that this proposal is a much better product. Mr. Forsythe seconded the Motion. There was a roll call vote of 10 – 1 (abstain) to approve this application.

Jaybird Acres (666) – Application is to rezone 25.24 acres from Agricultural-Residential to R-15-Residential Single Family, Low Density. Subject property is located on the east side of Jaybird Road and south of Holly Springs Road, in Section 21, Township 3, Range 7 and is zoned Agricultural-Residential. (District 5)

Mr. McDougal presented the application and the staff report to the Planning Commission. He then recognized Mr. Brian Hill as being present to represent the application. Mr. McDougal added saying, we do have a site plan to look at even though this is a straight zoning at the developers suggestion.

Mr. Carter asked about the density. Mr. McDougal replied saying it is about 2.1 or 2.2, the plan allows for 2.5.

Mr. Hill began his presentation saying, there has been many changes in the area. There are some major infrastructure developments going on in DeSoto County. The new I-69 interchange, the intersection at Commerce Road and McInvale has been straightened out so the traffic flow is better, the new DeSoto County sewer system, the new school being built at McInvale and Byhalia and the addition to Hernando High School. In addition, DeSoto County has the new hospital and the new mall along with the second proposed mall. The City of Hernando is also in the process of annexation within 1/8 of a mile north of this property. There are also new subdivisions in the area, Jefferson Place and Notting Hill. Mr. Hill continued saying the reason he chose an R-15 is due to the site lent itself to it and because in the Notting Hill subdivision that lot size has been the most desirable. The property is narrow so they tried to be a little creative. The entrance will be very nice, he gave up lots on each side to make large common areas on both sides of the road and do really nice berms. The entrance median is the same size of Cherry Tree Park off of Getwell Road. Due to the long straight subdivision he is going to place medians at every third lot along the road. He wants to make this a “front porch community”. He is also pulling all the houses to the setback line and all will have side loaded garages. If someone wants siding it will be hardy planks. The roundabout, median’s and common area will be landscaped and irrigated and maintained by the Homeowners Association. There is one common area that will serve as retention at a later date. The minimum home size will be 1,800 square feet, homeowners association, and sidewalks on both sides of the road with curb and gutter. The street lights will be designed by Entergy and all utilities will be underground. There was then a brief discussion regarding street lights/poles,

Mr. Clemmer asked if a neighborhood of this caliber if 1,800 square feet is big enough. Mr. Hill replied saying that is the minimum.

Mr. McDougal asked how the architecture will be controlled. Mr. Hill answered saying he will be in charge of it.

Mr. Robison asked Mr. Hill if he would be building all the houses. Mr. Hill answered saying, he will be doing some of them, but he also has other partners/developers that will also be doing some of the building.

Mr. Robison asked if the stub street to the north is in alignment to Jefferson Place. Mr. Hill answered saying he does not know, there are curvature in the roads.

Mr. Clemmer asked about the house sizes in the area. Mr. Powell informed him of the different sizes in the different subdivisions.

Mr. Hill spoke stating the minimum home size is 1,800 which excludes the bonus room, with the bonus room the minimum home size will be 2,000 square feet. He further stated he is going to create a nice subdivision with nice styled homes.

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

1. Ms. Rita Aster & her sister– She owns 10 acres in the area and believes these are large houses for a narrow space. She is also concerned about this development degrading their house values. There is also a lake on Mr. Hill’s property and it does overflow on to her property. She moved to the area for the “country life”,

but also understands development will occur, but there are just too many houses on this property.

2. Barbara Sloan & Brian Rodinhour– There property faces the entrance to this property. The Tara Lakes subdivision have 1 - 3 acre size lots with 2,500 – 3,000 square foot homes, this proposal does not fit into the area. There will be 53 homes with 100 cars that will have to go in and out onto one road. The road is hilly and cars drive fast, she is concerned about safety. Mr. Rodinhour said he would like to see the home sizes increased to 2,000 square feet which would be in line with the area. He was also concerned about the hardy planks on the homes. He stated all the homes in the area are brick. There is no conformity with the lot sizes, house sizes or building material.
3. Frank Rittenhouse – 4482 Jaybird Road – He is also concerned about the safety on the road due to additional traffic this development would create.

Mr. Robison then closed the floor.

Mr. Robison then responded saying it will be up to the engineer to certify the site line/distance. Mr. Powell added saying the county road manager or the county engineer will need to approve the entrance, it looks like this is the only good place within ¼ of a mile for an entrance or anything.

Mr. Hill stated not all of the homes will have hardy plank, the sides and the back will be brick only the front could have siding. The hardy plank is what creates the type of character for the homes they are building. He stated that “any” siding would be hardy plank, he did not say that all homes would have siding.

Mr. Robison reminded the board members that this is a straight zoning and we have heard a lot more tonight than what is required. He stated we can hold the applicant to his comments if we find that it is for the better of the neighborhood, but the finding will need to be mentioned in the Motion.

Mr. O’Bannon said he would like further information regarding the site line, he has the same problem in his area and is concerned. He cannot vote “yes” until he is assured it would be okay. He would also like to see bigger homes built. Mr. Forsythe and Mr. Clemmer agreed. Mr. Robison stated if this application is approved it could be subject to the county engineer or road manager approving the site line. Mr. McDougal added saying, the road and entrance design is a subdivision application issue and can be discussed at that time.

At this time there was some discussion among board members regarding house size and design. Mr. Powell reminded the board members that this is a zoning issue, not a house size issue that will come back at the subdivision stage. Mr. McDougal added saying, he does not have a problem with the board looking at the plan or ideas of what the developer wants to do, but he wants to make sure everyone understands the difference between a “zoning” and “subdivision”.

Mr. Robison said there are a number of elements in a zoning one being if it is compatible with the area. Mr. James agreed and stated he is not sure an R-15 is compatible with the neighborhood even though he is not sure what can be done on that property.

Mr. Carter suggested to go ahead with a vote but to make sure the county engineer or road manager will approve the site distance. Mr. Powell added saying, this cannot be approved until the subdivision is approved. Mr. Carter then asked if the house size can be increased. Mr. Hill agreed that every house will have a bonus room and be at least 2,000 square feet.

Mr. Robison entertained a Motion. Mr. Carter made a Motion to approve with staff recommendations due to the changes in the area proven by the applicant and that the following conditions were based on the findings/facts that would benefit the neighborhood, approved with the following stipulations:

- All garages be side loaded;
- All homes be a minimum of 2,000 square feet heated;
- The subdivision to have a Homeowners Association;
- Construction must begin within 4 years;
- The submitted layout and architecture style be followed;
- All medians be landscaped and irrigated;
- Sidewalks on both sides of the roads;

Mr. Clemmer seconded the Motion. The Motion was approved with a roll call vote of 12-0.

Mitchell Corners (668) – Application is to rezone 8 acres from Agricultural-Residential to C-4, Planned Commercial. Subject property is located on the west & east side of Highway 305 and south of College Road, in Section 16, Township 2, Range 6, Section 15, Township 2, Range 6 and Section 10, Township 2, Range 6 and is zoned Agricultural-Residential. (Districts 1 & 5)

Mitchell Corners (670) – Application is to rezone 127.87 acres from Agricultural-Residential to R-30, Single Family Residential Subject property is located on the west & east side of Highway 305 and south of College Road, in Section 16, Township 2, Range 6, Section 15, Township 2, Range 6 and Section 10, Township 2, Range 6 and is zoned Agricultural-Residential. (Districts 1 & 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. McDougal added by saying permitted use number 12 should be looked at, he wants to be sure there is no “big box”.

Mr. Robison asked what the land use plan for the corner is. Mr. Powell answered saying, low density. Mr. Robison then asked if any comments were received from the City of Olive Branch. Mr. McDougal replied saying he sent a copy to them, but did not receive any comments.

Mr. Dalhoff began his presentation by saying they will straighten out College Road. The lot sizes will range from 30,000 to 77,000 square feet. He then talked about the justification. The City of Olive Branch is a high growth area, there are a lot of house tops

in the area. The commercial tracks are small, it will be used as a community use, no big box. The plans have changed several times after meeting with the supervisors before coming to you tonight. There is a very small pond with a leaky dam, they are going to do away with that and make some of the open space part of the detention. He then explained the location and drainage flow for this development. They were asked not to stub into Evergreen drive, so they did not connect. The R-30 on the west side of Highway 305 there are 34 lots on 35 acres with a density of .91. On the east side there is 83 lots on 83 acres. He continued saying they are also proposing along Highway 305 and College a 40' wide streetscape area that will be irrigated. Between the retail and residential there will be a 35' landscape buffer. Along the C-4 frontage of both roads there will be a 20' landscape buffer. Mr. Dalhoff further stated there will not be any curb and gutter in the R-30, they would like to keep it rural, but there will be curb/gutter and sidewalks in front of the retail. Mr. McDougal reminded Mr. Dalhoff said the county ordinance requires curb and gutter along the arterial and collector roads. Mr. Dalhoff said he is aware of that there but none on the interior of the development.

Mr. Robison asked if there is an underground pipe under Highway 305. Mr. Dalhoff said he does not know.

Ms. Hefley asked if the detention pond will face College Road. Mr. Dalhoff said "yes". Mr. McDougal asked if he would extend the stub road to the south. Mr. Dalhoff agreed.

Mr. Dalhoff continued saying the minimum house size will be 2,400 square feet with double garages.

Mr. Robison spoke stating he is okay with the residential part of this application but is concerned about the commercial. People will be impacted. Mr. James thinks the commercial portion is a little pre mature right now.

Mr. Clemmer stated he wants a through list of uses.

Mr. Robison stated number 22 of the list of uses needs to be without drive-ins and that there be no check cashing or tattoo shops.

Ms. Hefley asked about the detention pond that is already there and the amount of water that currently runs through the property. She then asked about the TVA lines, she wants to make sure there will be no large trees planted under them or anything else. Mr. Dalhoff said there would not be any additional water after development than pre development and he knows no large trees can be planted.

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

1. Gary Keiffner – He lives in Belmor Lakes. He is in favor of the residential part of this application, but is concerned about the commercial. He did a survey through the Homeowners Association, the results are as follows: 61 % said no commercial, 40% was okay with commercial with architecture control. He then asked what determines commercial. There is already a lot of commercial between Church Road and Highway 78. Is additional commercial really needed, they do not want a Walgreen or a Wal-Mart.

2. Charlie Rider – 3524 Evergreen Drive. His main concern is the drainage. This property currently drains on his property and sometimes flows over the road, especially when there is a heavy rain. He then explained how the drainage flows.
3. William Parker – Lives on Highway 305. He is also okay with the residential application, but he is also concerned about the commercial. He does not want to see large commercial, maybe a small convenience store or something on that order.
4. Tony Ross – Highway 305 – He began by pointing to his property. He then asked if there would be sidewalks along Highway 305 and if they would be built in front of his house. Mr. McDougal stated they will construct sidewalks along the major roads, but they are not required to build them in front of his house.
5. David Perkins – 3621 Holly Cove – He also began by pointing to the location of his property and is concerned about the TVA lines/poles. He stated the poles are in the middle of the property and is 30' - 40' off the property line. Mr. Dalhoff replied saying they are going to do away with the pond and build a new one.
6. Billy Joe Allison – 3725 Evergreen – He asked if there would be a buffer yard between Cedarview and this development. Mr. Dalhoff answered saying there would be a wood privacy fence.

Mr. Dalhoff began by explaining the drainage easement/maintenance and swells, he then stated they may need to add additional staging ponds and will do whatever is necessary to control the drainage. At this time Mr. Powell explained the current ditch and its location.

Mr. Robison said there will be two different votes even though the two applications were heard at one time. He then asked what will happen to the commercial property if it is not approved. Mr. Dalhoff answered saying, 40% of the people said they want quality commercial, he would like to give them what they want. Mr. Robison asked if it would be left as an out parcel. Mr. Dalhoff said most likely.

Ms. Hefley said at this point she would most likely vote “no” on the commercial because it is not compatible with the area. Mr. Robison said this could be a double edge sword. If it is not approved tonight, it would most likely become commercial down the road and don't know what would happen with it at that point.

At this point there was some discussion among board members and staff regarding the commercial part of this application, regarding the pro's and con's of what can and cannot be done and the benefits of the C-4 zoning. Including the commercial plat/plans was also discussed. Mr. Dalhoff requested that if the plan was included in an approval that he would be able to change lot lines to increase the size of the lots. The Planning Commission members agreed to the request.

Mr. Clemmer asked when this property would be annexed. Mr. Powell said between 2-5 years.

Ms. Hefley further stated she is okay with the residential part of this subdivision as long as the drainage issue is corrected.

Ms. Robison entertained a Motion. Ms. Hefley made a Motion to approve the residential subdivision application with staff recommendations because of the changes in the area

proven by the applicant and that it is compatible with the area with the following stipulations: house sizes to be a minimum of 2,400 square feet with side loaded garages on all houses and that a homeowners association be set up and that dirt must be moved within 4 years of this approval. Mr. Clemmer seconded the Motion. There was a roll call vote of 12-0 to approve the R-30 subdivision.

At this point the board members discussed the C-4 application. Mr. Robison informed the board members that it may be better to approve the application tonight because it could be worse down the road if the application is not approved at this time.

Mr. McDougal then requested that the board look at the permitted uses list. The board members requested that on number 7 the gas pumps be removed and that on number 22 the drive-in be removed.

Ms. Graves asked that “specially gifts shops” be narrowed down and that it be family oriented, similar to Hallmark stores. In addition that number #24 no liquor, no adult entertainment, the business must be family oriented.

Mr. Robison added asking how the architecture control would be handled. Mr. McDougal suggested that the City of Olive Branch have the architectural control. Mr. Robison then stated that number 26 will exclude check cashing, tattoo parlors, title loans.

Mr. O’Bannon stated that excluding gas pumps may not be a good idea, there are going to be a lot of homes in the area and this may be a big need for the area. Mr. Robison and Mr. James stated this could change the whole nature of the intersection and make a big impact this area. It was decided to remove the gas pumps from the proposal.

Mr. Robison then entertained a Motion for the C-4 Mitchell Corners application. Mr. Lindsey made a Motion to approve this application with staff recommendations and with the above stipulations and exclusions from the permitted uses list.

1. Number 7 – no gas pumps;
2. Number 22 – no drive in facilities;
3. Number 24 – no liquor, no sexually oriented adult entertainment, the business must be family oriented;
4. Number 26 – Retail shops to exclude: check cashing, tattoo parlors, title loans.

Mr. Clemmer seconded the Motion. There was a roll call vote of 11-1 to approve the application.

PRELIMINARY SUBDIVISIONS

Magnolia Commons (6409) – Application is for preliminary subdivision approval of 179 lots on 111.19 acres. Subject property is located on the north side of Goodman Road (Hwy 302) and east of Payne Lane, in Section 28, Township 1, Range 5, and is zoned R – 20 Single Family Residential. (District 1)

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

McDougal added saying each section of the development will require a separate letter of capacity from Braybourne.

Mr. Robison asked about if the power lines are dedicated/shown on the plat. Mr. Russell pointed to the location and stated they asked if they could be moved and was told “no”. The majority of the lots back up to the power lines, so the development is not impacted so much due to the power lines. Mr. Robison asked if they could shade or hatch that easement on the plat. Mr. Russell agreed.

Mr. Russell continued saying they dedicated 53’ along County Line Road and they will improve Payne Lane.

Mr. Carter asked about detention. Mr. Russell answered saying he is working with the county engineer. Mr. Carter asked if the final plat will show detention. Mr. Russell answered saying “yes” it will also need to be approved by the county engineer. Mr. Carter further asked if the county engineer can give preliminary drainage ideas. Mr. Powell responded saying, the county engineer’s have not worked on the property, they don’t know what the plans are until they are submitted by the project engineer.

Mr. Carter asked for the house size. Mr. Russell said he did not know. He concluded by saying there will not be curb and gutter but they are dedicating open space for detention reasons and they will submit plans to the county engineer.

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

Belmont Estates (6410) – Application is for preliminary subdivision approval of 23 lots on 45 acres. Subject property is located on the east side of Belmont and north of Slocum Road, in Section 31, Township 3, Range 7 and is zoned Agricultural-Residential. (District 5)

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

Mr. Robison asked if there would be a buffer for the railroad. Mr. Lauderdale replied saying they do not plan on clear cutting which will give it a natural buffer so they do not plan on adding any additional buffering.

Mr. James asked about the out parcel. Mr. Lauderdale answered saying the property owner kept that out parcel for the family since it is the old home site.

Mr. Clemmer asked if there would be double garages. Mr. Lauderdale said he does not know at this point, that will come back at the final application stage.

Mr. Robison entertained a Motion. Mr. Lindsey made a Motion to approve this application with staff recommendations. 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 12:00 p.m.. These minutes were recorded and transcribed by Denise Dingman.