



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
November 29, 2007**

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

CONSENT AGENDA

Minor Lots

Blythe Minor lot (6646) - Application is for final subdivision approval of one (1) lot of 2.806 out of 26 acres. Subject property is located west of Highway 301 and north of Nesbit Road in Section 24, Township 2, Range 9 and is zoned Agricultural-Residential. (District 4)

PRELIMINARY SUBDIVISIONS

Valley Springs - (6641) – Application is for preliminary subdivision approval of 240 lots on 563.8 acres. Subject property is located north of Highway 304 and east of Baldwin Road in Section 11, Township 3, Range 9 and is Agricultural. (Districts 4)

FINAL SUBDIVISIONS - REVISIONS

Robinson Crossing Phase II 1st Revision - (6643) - Application is for final subdivision approval to revise lots 118, 119, 120, and 121. Subject property is located south of Robinson Loop East and east of Woodgate Lane Ext. in Sections 11, Township 2, Range 7 and is zoned PUD. (District 5)

Stewartshire Section A 1st Revision and Stewartshire West 1st Revision - (6644) - Application is for final subdivision approval to revise the recorded covenants for minimum home size. Subject property is located south of Starlanding Road and east of Swinnea in Sections 19, Township 2, Range 7 and is zoned R-20. (District 5)

Other Items:

1. Forest Hill sidewalk
2. AW Bouchillon Institute
3. Development Agreement

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, November 1, 2007, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Julius Cowan, Pat Hefley, Leonard Lindsey, Charles McNemar, Mike Robison, Joe Forsythe, Leigh Graves, Frank Calvi, Eddie O'Bannon, Robin James, and Wade Carter. Planning Commission Staff present included Jim McDougal, Kristen Duggan, Meleiah Robbins, 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 1, 2007. Mr. Lindsey made a Motion to approve the minutes. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

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Mr. McDougal announced the Consent Agenda. He then 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. James made a Motion to approve the consent agenda. Mr. Calvi seconded the Motion. The Motion was passes by a unanimous vote.

PRELIMINARY SUBDIVISIONS

Valley Springs - (6641) – Application is for preliminary subdivision approval of 240 lots on 563.8 acres. Subject property is located north of Highway 304 and east of Baldwin Road in Section 11, Township 3, Range 9 and is Agricultural. (Districts 4)

Mr. McDougal presented the application to the Planning Commission. Ms. Graves then asked what the lot sizes in Misty Meadows were. Mr. McDougal replied that they were 1.5 acres and larger.

Mr. Lindsey stated that some of the proposed lots seem to violate the 4 to 1 rule. Mr. Carter then asked if the 4 to 1 rule was looked into, and Mr. McDougal said no.

Mr. Carter then stated that there are a large number of lots that access Highway 304 and Baldwin. Mr. McDougal stated that there are approximately 21 lots fronting these roads.

He then commented that many times if the lot is greater than 1.5 acres and it gives enough room to turn around instead of backing out onto the major road there wasn't a problem. The concern with this is the amount of lots that are accessing Highway 304 and Baldwin Road.

Ms. Graves asked if it is typical to have that many lots of a subdivision front a county road. Mr. McDougal stated that a small number of lots were not a problem, but this is an excessive amount of lots. Mr. Robison suggested doing curb cuts on common lot lines to combine drives and decrease the number of lots accessing both Highway 304 and Baldwin Road.

Mr. Joe Frank Lauderdale then came forward to represent. He began by stating that this is old farm land with rolling hills. The lots range in size from 1.5 acres to almost 6 acres. He then addressed the length of the cul-de-sacs. He stated that they were designed to fit the land and there are not many lots that access each of these cul-de-sacs. Next he addressed the flood issues. He stated that there are some lots that are in the flood zone, but they are large enough to have plenty of room to build a home out of the flood. He then commented on the 4 to 1 rule. He stated that he doesn't think any of the lots violate this rule, but if they do he can shorten them up to meet county regulations.

Mr. Robison asked if he would consider combining curb cuts on common lot lines. Mr. Lauderdale stated that this would not be a problem.

He then added that he did not want to build another road through the flood which is the reason for no stub out. Mr. Carter stated that the reason for concern is that there are only three accesses for a large amount of lots. Mr. Lauderdale asked about a stub out to the east, and Mr. Carter said that would be good. Mr. Robison suggested that it be created between lots 144 and 145.

Mr. McDougal asked if there would be room to build on the flood lots or if there needs to be a finished floor elevation. Mr. Lauderdale stated that there will be room to build, but there will also be a finished floor elevation listed on the plat. Mr. Robison then asked if they could hatch the flood plain on the final plats. Mr. Lauderdale stated that would not be a problem.

Mr. Carter then asked about house size and Homeowners' Association. Mr. Lauderdale stated that the home sizes would be around 1800 square feet minimum and they intend to have a Homeowners' Association.

Ms. Graves then asked if the drives on Baldwin Road will be decreased also. Mr. Robison stated that they had discussed combining curb cuts on common lot lines. Ms. Graves then asked if some of the homes could access the stub out onto Highway 304. Mr. Lauderdale stated that was a possibility. She then asked how many lots that would leave still accessing Highway 304 and Mr. Robison stated that it would leave about four.

Mr. O'Bannon stated that there is a large incline from about lots 137-140 which could cause sight problems.

Mr. Carter then asked if there was anyone present to speak for or against the application. There were none.

Mr. Lauderdale stated that Baldwin Road is a low traffic road and he feels that it can handle these lots. Mr. McDougal stated that this is a section line road and the traffic will be an issue in the future. Mr. Carter then asked if a turn lane will be required for Baldwin Road. Mr. McDougal stated that they were asking for right of way dedication for future need.

Mr. Lauderdale stated that he wanted to clarify that access to Highway 304 will be required. Mr. Carter stated that they would require that stub out as well as combined driveways. Mr. Lauderdale then asked if eleven (11) lots onto $\frac{3}{4}$ mile are too many. Mr. James stated that this would be too in the future due to an increase in traffic.

Mr. McDougal stated that this may be an issue for the County Engineer to look into during the construction phase. He can then make any recommendations that he feels is necessary.

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

- *There will be a road accessing Highway 304.
- *They will eliminate as many driveways as possible onto the county roads.
- *They will hatch the flood plain onto the final plats.
- *The finished floor elevation will be on the plat.

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

FINAL SUBDIVISIONS - REVISIONS

Robinson Crossing Phase II 1st Revision - (6643) - Application is for final subdivision approval to revise lots 118, 119, 120, and 121. Subject property is located south of Robinson Loop East and east of Woodgate Lane Ext. in Sections 11, Township 2, Range 7 and is zoned PUD. (District 5)

Mr. McDougal presented the application to the board. He stated that this was to revise lots 118, 119, 120, and 121. He then stated that only one lot has been sold.

Mr. Lauderdale was present to represent. He began by stating that the owner of lot 118 had his house plans drawn looking at an earlier plat of the subdivision. This change will only square up the lots. All of the lots are still over 10,000 square feet.

Mr. Carter then asked if there was anyone present to speak for or against the application. There was no one.

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

Stewartshire Section A 1st Revision and Stewartshire West 1st Revision - (6644) - Application is for final subdivision approval to revise the recorded covenants for minimum home size. Subject property is located south of Starlanding Road and east of Swinnea in Sections 19, Township 2, Range 7 and is zoned R-20. (District 5)

Mr. McDougal presented the application. He then stated that this is a request to reduce the minimum home size from 2000 square feet to 1600 square feet. The covenants are located on the face of the plat which requires this request to appear before the Planning Commission.

Mr. Robison asked if this was a straight R-20 zoning, and Mr. McDougal said “yes.” Mr. Carter then stated that Chateau Pointe is a subdivision with large homes located across the street. Mr. Lindsey stated that this was a small lot subdivision.

Mr. Robison asked if the home size was a requirement in the rezoning approval. He then asked what the home sizes in the surrounding area are. Mr. Carter asked if this was in Southaven’s annexation area and Mr. McDougal replied that it was.

Mr. Charles Moore came forward to represent the application. He began by stating that he has visited with the Mayor of Southaven regarding the house sizes and some sewer issues. He went on to say the Mayor Davis had no problem with the change in the house sizes, but he made a request to change from front load garages to side load garages.

He then said that there is a large power line and there will be a problem with people wanting to purchase expensive homes around this power line. He also stated that the housing market is on the decline. In October 2006 there were 34 permits pulled in the county and only 17 pulled in October 2007. He stated that they have a potential buyer for this property that is requesting 1600 square foot homes to build.

Mr. McDougal stated that in the past, there was a developer who received a PUD approval and then later, due to economic decline, he requested an approval for a change in lot sizes. This request was approved by the Board of Supervisors.

Mr. Lindsey stated that he believes that the 2000 square foot minimum was offered and not requested by the board on the original approval. Mr. James agreed with him. Mr. Robison then said that he is afraid that the home size may have been a factor in the original approval. Mr. Carter then stated that that he was worried about the surrounding area. He asked if homeowner’s in the surrounding area were notified of this request. Mr. McDougal said that they were not notified because this was only a change in covenants and not a change in the zoning. Mr. Moore said that the previous minutes state that there was no one present to speak for or against this application.

Mr. Robison then stated that if this is due to economic conditions then he would like to see documents supporting this decline. Mr. James stated that the market for homes under \$250,000 is much better than \$250,000 and above. Mr. Lindsey agreed with Mr. James.

Mr. Robison then asked if Mr. Moore felt they could compromise somewhere between 1600 and 2000 square feet. Mr. Moore said that he preferred not to because the potential buyer/builder has requested 1600 square feet. He added that everyone that he has spoken with previously has been okay with this request.

Ms. Graves stated that she does not see a problem with this request. She recently drove through the area and stated that it was desolate. If this change will help the growth in this area she feels that it would be good. She then asked, if approved, how long before building will begin. Mr. Moore stated that this was only a potential buyer and if the deal worked out building should begin within 30 days.

Mr. James stated that he does not want to set a precedent and start a trend. Mr. Neyman, Board Attorney, stated that this type of request has been granted in the past if there is an error in zoning or economic conditions. He also added that Community Bank has foreclosed on this land which is why they are now the owner of this property.

Ms. Graves asked if 1800 square feet is unreasonable, and Mr. James stated that he would be okay with that. Mr. Moore stated that he visited with Mr. Len Lawhon, Planning Commission member, and asked for his suggestions. Mr. Lawhon suggested that he add a subdivision entrance monument for the approval.

Mr. Robison once again stated that he would like to see documentation supporting the claim of economic decline. Mr. Moore proceeded to pass around this documentation. There was discussion among the board at this time.

Mr. Carter then asked if there was anyone present to speak for or against this application. Ms. Gloria Rowland came forward. She stated that she owns the property next to Stewartshire, and she has been in opposition to this development from the beginning. She stated that there is a major problem with flooding in the area. Her property is now flooding due to the absence of a required detention pond. She stated that she is afraid that this property will turn into a large sinkhole if something is not done.

Mr. Carter stated that this is only a request for a change in the home size. They are not authorized to make any other changes. He then added that this is a problem that the County Engineer will need to look into. Ms. Rowland then stated that she has contacted the County Engineer as well as Neel Schaffer and there has not been anything done. Mr. Carter again stated they can only speak on the home size and all other concerns will be directed to the appropriate person. Ms. Rowland then said that she does not want the 1600 square feet homes in this area because it will devalue her property.

Mr. Moore stated that the detention pond is currently being drawn up by Jones Davis Engineering and will be installed before any homes are built.

Mr. Carter then asked if the prospective buyer is willing to go to 1800 square feet. Mr. Moore said he cannot agree to that at this time.

Mr. Gerald Davis came forward to speak. He stated that the tentative alignment of Swinnea Road will be to curve out around the creek. He also added that this is an R-20 subdivision that offered to build curb and gutter and storm drainage. There is a good base coat on the road. There is also sewer, water, and gas lines have been installed. The longer that these things sit the more they will deteriorate.

At this time Ms. Graves asked if the board could approve this at 1800 square feet or is it 1600 or nothing. Mr. McDougal stated that it would be a function of the motion. He then commented on setting a precedent. He said that a precedent is stated with facts which help if there are other requests.

Mr. Robison stated that if there are that many homes and lots sitting vacant in this area then this request should be considered.

Mr. Lindsey made a Motion to approve the application of 1600 square feet with staff recommendations and the following stipulations:

- *Decline in economic conditions
- *Possible deterioration of existing amenities
- *Side load garages
- *Construction of an entrance monument as submitted.

Ms. Hefley seconded the Motion. The Motion was denied by a vote of 8-3.

Ms. Graves made a Motion to approve the application of 1800 square feet with staff recommendations and the following stipulations:

- *Decline in economic conditions
- *Possible deterioration of existing amenities
- *Side load garages
- *Construction of an entrance monument as submitted.

She stated that she is making this motion due to the need for development in this area. This is becoming an eyesore and something needs to be done. Mr. James seconded the Motion. The Motion passed by a 9-2 vote.

Forest Hill request for a change in the sidewalk design.

Mr. McDougal presented the application to the board. He stated that this is a request to waive the sidewalk requirement along Centerhill Road and add a fence and walking trail with accessible entrances around the lake. He then stated that there will still be sidewalks in front of the houses.

Mr. Bob Dalhoff was present to represent. He began by stating that this is a large development with sidewalks and pedestrian paths. He feels that the sidewalk along Centerhill Road is not sensible. They are suggesting that a walking trail be constructed

around the lake with benches and lights along the path. He stated that these will be six foot walking paths that will turn the lake into a park area.

Mr. McDougal said that this is simply a design change and will add an amenity to the lake.

Mr. Robison then added that this is a curve in Centerhill Road and he would not feel comfortable with a sidewalk along this road, so he is in favor of this change.

Ms. Hefley made a Motion to approve this request for a waiving of the requirement of a sidewalk along Centerhill Road and the addition of a walking trail around the lake. Mr. Cowan seconded the Motion. This Motion was passed by a unanimous vote.

AW Bouchillon Institute

Mr. McDougal began by stating that Desoto County was the first county in Mississippi to adopt zoning and comprehensive planning. A strong leader in that was Mr. AW Bouchillon. He then explained that the municipalities of Desoto County have joined together to form the AW Bouchillon Planning Institute. The kick-off celebration is Monday, December 3, 2007 at Desoto Civic Center. It begins at 6 p.m. He stated that he would love for everyone to attend.

Development Agreement

Mr. McDougal explained that the development agreement was sent out along with a list of questions that were asked at the last board meeting. The questions were sent to the Board attorney and lists of those answers were also included in the packet.

Mr. Carter stated that a majority of the Planning Commission members seem to be in favor of this type of agreement. He feels that this will get a handle on the developers that are not holding up to their end of the approvals.

Mr. McDougal stated that there were two big issues. The first is to bond amenities at \$100,000, and the second is a timely manner to begin and complete the developments. This is becoming a big issue.

Mr. Forsythe stated that he strongly agrees with this. There are many issues that he feels strongly about, and he feels that this will control some of this. Mr. Robinson asked if there was a possibility of extensions on the time limits. Mr. McDougal said that there are a substantial number of problems that need to be worked out.

Mr. Calvi then asked if the board can require certain amenities to be built at 30% build out. Mr. Carter then said that he feels that the agreement is ready to be recommended to the Board of Supervisors. Mr. Robinson said that he would like another month to look over the agreement. Mr. Forsythe stated that he agreed with Mr. Robison.

Mr. Robinson made a Motion to carry over the agreement discussion until next month (January 3, 2008). Mr. James seconded the Motion. The Motion was passed by a unanimous vote.