



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
DECEMBER 29, 2005**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes

CONSENT AGENDA

Logan, Boyd (6427) – Application is for final approval of 2 lots, one of 4 acres and one of 5.76 acres. Subject property is located on the east side of McIngvalch and north of Stable Road, in Section 32, Township 3, Range 7 and is zoned Agricultural. (District 5)

Wilkerson, Thomastine (6429) – Application is for approval of one lot of 2.39 acres on an easement. Subject property is located on the north side of Pleasant Hill Road and West of Getwell Road, in Section 28, Township 2, Range 7 and is zoned Agricultural-Residential. (District 5)

Atwood, Anthony (6431) – Application is for final approval of 1 lot of 3 acres out of 25 acres. Subject property is located on the south side of Spring Creek and west of Williams Road, in Section 30, Township 3, Range 9 and is zoned Agricultural. (District 4)

Chrestman, Danny & Donna (6432) – Application is for final approval of 2 lots out of 26.20 acres. One lot of 1.44 acres and one lot of 7.20 acres. Subject property is located on the south side of Star Landing Road and East of Horn Lake Road in Sections 20 & 21, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

FINAL SUBIVISIONS

Newberry (6428) – Application is for final subdivision approval of 39 lots on 24.81 acres. Subject property is located on the south side of Star Landing Road and east of Baptist Road, in Section 20, Township 2, Range 7 and is zoned R-20, Single Family Residential. (District 5)

PRELIMINARY SUBDIVISIONS

St. Ives (6430) – Application is for preliminary subdivision approval of 58 lots on 26.94 acres. 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 R-15, Single Family Residential. (District 5)

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)

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, December 29, 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, Len Lawhon, Julius Cowan, Joe Forsythe, Pat Hefley, 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 November 3, 2005. Mr. Clemmer then made a Motion to approve the minutes. Mr. Lindsey seconded the Motion. The Motion passed by a unanimous vote.

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Mr. Robison asked if the easement for the Thomastine Wilkerson case would be built/paved. Mr. McDougal answered saying the easement already exists. Mr. Lindsey made a Motion to approve the consent agenda. Mr. James seconded the Motion. The Motion was passed by a unanimous vote.

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Mr. McDougal presented the application, staff report, comments to the Planning Commission. He then recognized Mr. Lance Smith as being present to represent the application.

Mr. Smith began by saying the covenants will be ready before the Board of Supervisors meeting. He added saying, the homes will be 2,500 square feet with double garages. There will not be a homeowners association because there will not be a common area.

Mr. Clemmer asked if there would be curb and gutter. Mr. Smith said “no”, all the lots will be 20,000 square feet or larger.

Mr. Powell stated that the drainage easement needs to be noted on the plat. Mr. Smith agreed and said there will be temporary sediment basin and it will be noted at the bottom of the plat, shaded or hatched and it will be removed when the subdivision is complete.

Mr. Clemmer asked for the location of the city limits. Mr. Smith explained.

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

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Mr. McDougal presented the application, staff report, comments to the Planning Commission. He then recognized Mr. Brian Hill as being present to represent the application.

Mr. Hill began by saying there will be covenants and it will provide for a homeowners association, maintenance, minimum house size of 2,000 square feet and minimum of 60% masonry on the house and a whole list of architectural restrictions. An engineer did a site analysis along Jaybird Road and they are going to lower a small section of Jaybird Road in doing so, they will work with the county engineer. Other than that nothing has changed since the rezoning.

Mr. Robison asked if there would be a pattern book. Mr. Hill answered saying he has never had a pattern book, but he does have pictures of houses in the rezoning application and he plans on building the homes himself. Mr. Robison replied saying hardy board does not cover the trim features it may take a book to decide how that will be done.

Mr. Clemmer asked about the lake and if there would be a water problem. Mr. Hill said it has been moved to the south/east part of the development and they are sharing the lake with a neighbor.

Mr. Lawhon then asked about the house setbacks. Mr. Hill replied saying he is going to have “build to lines”, he then used Harbor Town and Windstone as examples. Every

house will have functional front porches with a trees of at least 2" in the front yards. Every third lot will be irrigated. The front yard line will be 10' behind the curb. Mr. Hill asked approval for a 35' setback/build to line.

Mr. Lindsey said the plat says 30'. Mr. Powell responded saying 35' face of curb. Mr. Robison then asked if the plat was correct. Mr. Hill said most likely the plat is correct, the City of Hernando requested it. Mr. Robison said the information is based on the plat information.

Mr. Hill continued to say this development is different than most, it is a front porch community.

Mr. Clemmer asked if the waste water station has been approved. Mr. Hill replied saying it has already been approved.

Mr. Robison asked if there was anyone here, there was none.

Mr. Lawhon said 30' face of curb, 25' from front property line. Mr. Robison said that could be determined at the final subdivision stage, but it should not be placed on the consent agenda.

Mr. Lawhon then made a Motion to approve this application with staff recommendations with 30' face of curb, 25' property line. Mr. Maxwell seconded the Motion. The Motion was approved with a unanimous vote.

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Mr. McDougal presented the application, staff report, comments, and letters submitted by concerned citizens to the Planning Commission. He then recognized Mr. Bob Dalhoff as being present to represent the application.

Mr. Robison asked what the density requirements were in the subdivision regulations for multi-family. Mr. Powell answered saying the comprehensive plan states 7 or 8. We are currently working with Central Mississippi Planning in regard to amending our subdivision regulations and hopefully that will be completed by February or March of 2006.

Mr. Lawhon then asked about the I-69 corridor study. Mr. Powell replied saying we have a planned corridor which states that on either side of the interstate there is an area of 1,000 feet that must be planned, we have also adopted design review guidelines. What we would like to do, if we can come up with the money is hire a consulting firm to come in and design this for us. Mr. Lawhon asked if there was anything wrong or premature about the Planning Commission considering this type of development at each of the

intersections. Mr. Powell said it is okay, we will be looking at it until a consultant can do this for us.

Mr. Robison then stated one of the changes on the preliminary report stated flood elevations would be needed. Mr. McDougal answered by saying that the original staff report contained the requirement of flood elevations because lots would be located within the floodplain; however, in this latest design, all of the lots will be taken out of the floodplain so there will be no need for flood elevations.

Mr. Dalhoff began his presentation by stating this a modification of the last plan. He stated he knows Mr. Dale Morrow, Developer, name has been heard around the county, he then passed a booklet around to each board member showing pictures of other developments he has done in North Carolina.

Mr. Jim Brown, Real Estate Broker, spoke stating he is Mr. Morrow's representative in the purchase of this property. Mr. Brown came to DeSoto County in 1982 as Director of Economic Development and worked there for six years then went to a private business. He also raised his family in this county, so he does have a vested interest. The county is blessed to have a review system as the Planning Commission and Board of Supervisors. He then stated Mr. Morrow has done a lot of developments in Charlotte, NC and referred to the pictures that were passed out. Mr. Morrow is not a builder he is a developer. Mr. Brown then stated last Monday and Tuesday he and Mr. Morrow flew to NC and looked at his other developments and took pictures of them. They are very nice developments; he then named them and talked about the amenities and their Homeowners Associations.

Mr. Dalhoff spoke stating he has worked a lot with the Planning Commission Staff and the developer regarding this application. He then talked about the changes in the area. The new schools (which were built for future growth), the I-69 interstate that will run through the property and that there is sanitary sewer in the area. There is a need in the area for quality growth and proper planning. If this land is sold off in pieces, it will end up being a cut up development and not be a neighborhood, it needs to be planned correctly. Mr. Dalhoff continued saying after the last Planning Commission, there was a hydrology study completed and we now have a lot of good information regarding the flood way and flood plain. At the same time we took a lot of notes from the Planning Commission comments and the residents regarding this project. In addition, at the last meeting a comment was made to me saying this is not my work and it "cut to the bone". This plan is a better/polished design, we have the same goals in that we want this to be a nice development/community. He also stated this project is not going to happen over night.

Mr. Dalhoff then talked about the different exhibits.

- Aerial Photo (currently the property is divided into 3 tracts of land after the interstate it will be divided into 5 tracts of land);
- Floodplain and Floodway lines;
- Greenbelt System (40 acres dedicated to the county);
- Original site plan;
- Land Use plan;

- Town home photos;
- Planned Business photos:
- House sizes, lot sizes, lots, and size of Townhouses
- Development will have curb and gutter along with sidewalks;
- Open space (96 acres = 28% of development);
- Phasing Plan;
- Streetscapes;
- Interstate;
- Commercial Areas

Mr. Dalhoff then said he agrees with all the staff comments with the exception of #11 regarding the brick. He would like to see 2/3rds brick rather than 100%. There will be a combination of brick, hardiplank, stone, etc. He also stated they will provide a fire station site.

Mr. Robison asked if there would be a pattern book and covenants for the commercial areas as well. Mr. Dalhoff answered saying “yes”, this will assure a quality development. Mr. Robison then asked about the small foot print in the middle of the development. Mr. Dalhoff replied saying he left this area for a small office building, he did not think it was a good idea to bring the townhomes to the corner.

Mr. James asked if the town homes will have garages. Mr. Dalhoff said “yes”, this will help hold the value along with making the project look good.

Mr. Robison said there needs to be access to the 40 acre greenbelt tract. Mr. Dalhoff agreed. Mr. Robison said he is concerned about a county park crossing through a neighborhood. Mr. Powell replied saying at some point in time there will need to be a trail head, we need an easement access. Mr. Dalhoff agreed and added saying this will be similar to Shelby Farms.

Mr. Forsythe spoke stating he is concerned about Craft Road being 5 lanes in the future and it resembling Goodman Road as far as traffic is concerned and commercial access. He just does not want to see another Goodman Road. Mr. Dalhoff agreed and stated access will not be off the interstate it will be off the arterial roads it will be like a frontage/service road. Mr. McDougal added saying, all of the commercial areas are planned and must come back for approval. Mr. Dalhoff said there is internal circulation.

Mr. Clemmer asked how many 6,000 square foot lots are located in this project. Mr. Dalhoff said 40 but all have rear access.

Mr. Robison then asked about the entry ways for the retail areas. Mr. Dalhoff said there are 3 access points and pointed to those locations.

Mr. Lawhon informed the board and the audience that Goodman Road was a planned corridor enacted by this board and that it was the City of Southaven and the City of Olive Branch that chose a different direction. Mr. McDougal stated that is what is nice about this project, the County has total control.

Mr. Lawhon then asked about the time table in regards to I-69 and development. Mr. Dalhoff replied saying he thinks the environmental impact statement will be issued in early January. Mr. Lawhon stated he is not happy with the town homes or small lots. He is concerned about the length of time that it will take to construct I-69 and if it will ever be built, money has not been allocated for this project to date. He understands the area along Kimbrough in Germantown (where some of the pictures illustrating townhomes were taken) is a nice area, but it is also an established urban area, this application is in an extremely rural area. If I-69 is completed then he would understand, but he is concerned about the town houses being completed before it is ready for the area. He does not see enough detail in the book to determine the look of the town house and if it is appropriate. With this kind of density there needs to be a lot more landscape planning to assure this will be appropriate for the county and in the middle of a cotton field. If the town homes could be somehow tied to a phase or something, then it may be a possibility. Mr. Dalhoff agreed, but plans will also need to be submitted for final approval. Mr. Lawhon said the problem is the market changes and we don't know what is going to happen over time and what will be needed and if it is not appropriate, we still have this zoning in place and by a school. This could be a problem.

At this time there was some discussion among Board members, staff and the applicant regarding I-69 and the maturity of the development.

Mr. Lawhon asked Mr. Dalhoff what he thought about the impact of this school being the center of the development. Mr. Dalhoff stated people love to live next to schools due to the public facilities and convenience. The school is an important place of a neighborhood.

Mr. Lawhon then asked if the streetscape along Craft Road will be on both sides of the roads. Mr. Dalhoff said "yes", they will also donate trees to place in front of the schools.

Mr. Robison said after looking at the plan the town homes may be tied down to/with phase 9. Mr. Dale Morrow said if I-69 does not happen he will remove the town homes and place home lots instead in that area.

Mr. Clemmer asked if this development is okay with emergency services. Mr. McDougal stated he spoke with Bobby Storey, Fire Marshall, and he said there must be fire station within one mile of a school.

Mr. Robison then opened the floor to the public.

1. Ben Colvill – 8717 Sheltopee Trail – He began by saying the commercial areas are still too dense for this area. The applicant has also not added very many large lots, there are only 44 20,000 square foot lots. The school is already almost full, he would not allow his 16 year old daughter to ride her bike to the school because of the density of this project. He does not believe the retail areas should be here, he is a former Memphis Police Officer and knows crime is a problem when there is retail, especially across from a school it is not safe. In addition he does not like the town homes, or 6,000 square foot lots. Piece mill has also been mentioned here tonight, he does not think this will happen, this board will prevent that from happening. He concluded saying, larger lots should be developed in the county, we are not a city.

2. Leslie Dunlap – 11451 Byhalia Road. She has 3 kids in school, this is a high density development and there is too much commercial. Most people who move to DeSoto County want to get away from the commercial, if they wanted to live next to a Wal-Mart they would move to the City of Olive Branch. She also looked online at the number of homes for sale in the area. There are 2,000 in Olive Branch, Southaven, Nesbit and Hernando, so she does not see a need for this project. Homes are currently available along with the other developments that have been approved and not being built yet. She also agrees that children will not be walking to school at least in this day and age, it is not safe. She does not want DeSoto County to be another Memphis. If we start out at 6,000 square foot lots the size is not going to go up, this is a problem. The commercial is also a problem. Mr. Robison stated the regulations limit commercial buildings to 10,000 square feet there will not be any “big box”.
3. Carol Daugherty – Bethel Road. She is against this project. She moved from Panola County and moved up here. They were looking for land in DeSoto County and had a hard time finding it. She also moved up here due to the school system, her kids’ classes are already full. This development is way too much. We moved to the area because it was rural, this project will change all of that. She cannot do anything about I-69, but growth can be controlled.
4. Michael Hatcher – 12841 Old County Cove, District One. He lives in PUD community with a school, and a fire station. These things are coming there is no way to stop it. He has been in the landscaping business for 22 years, he also planted the trees on Kimbrough they are 22 years old. We also cannot control the time of I-69 or the time frame, but it is coming, even if it does not, the schools are already there. Nor are these the last schools to be built in DeSoto County. We need to have a nice development and it will happen with the schools. The retail can be a great idea, they can help the schools by being adopted (financial) by the business. The greenway issue is being worked on, this is a great opportunity to start the greenway project. We don’t need to design the whole project tonight, the board members corrected him and said this is a PUD. Mr. Hatcher said well this is a preliminary plan and the final will need to come back to this board. In conclusion, we need to look at the future, this is a long term project.
5. Barbara Stewart – We do not want to stop growth, we just want it controlled. She owns 200 acres and is not trying to develop it, not everyone wants small lots. There are people who want larger lots. This is a rural neighborhood. We do not need apartments or town houses, if any thing is developed we need 1 – 1 ½ acre lots with 2,500 square foot homes.

There being no one else identifying themselves as wanting to speak about this application, Mr. Robison closed the floor.

Mr. Dalhoff responded saying there is a demand for different size lots. DeSoto County is the fastest growing county. In the newspaper the other day it stated that in 2020 this county will have 175,000 people and he believes that number is conservative. Not everyone wants large lots, lifestyles are changing. It is also not the size of the lot it is what is placed on that lot. People like a sense of neighborhood, this project would

provide that. The density in this development is not high it is 2 units per acre. In saying that, the architecture of this project will be important (pattern book). He then briefly talked about transect planning. There are still large tracts of land for the people who do want it. There has been a lot of work and money to get this project working and plan for the future. This is the future.

Mr. Lindsey then spoke to the audience and stated he appreciates them coming out tonight and their concerns. This board will consider their concerns. However, DeSoto County is booming. A few years back we would not consider less than anything with 3 acres, over time that has changed. He agrees in that, it is not the size of the lot it is the product that is placed on that lot. He further stated anytime schools are built, projects will be built around them. He used Center Hill Road and Star Landing Road as examples. He does not like to see communities that are not planned and subdivisions sprawled all over the place. He would much rather see a planned development. This developer has done everything this board had asked him to do, the first time this application was brought before us it was turned down because it was not a good plan. He then used Harbor Town as an example regarding small lots. Their lots are 6,000 square feet and the lots sell for \$200,000 and houses on those lots sell for a half-million dollars. This is a good project and he is in favor of it and one reason is that each phase of the plan will come back before this board so we do have control

Mr. Lawhon stated he does not like the town homes and lofts. He still would like to see these tied to the development of I-69. Anyone living within 3 miles of the I-69 corridor had better move if they do not want to see development, because growth/development will happen around it. This developer has chosen a good planner to plan this project and believes this to be an advantage because they have a high track record of doing nice developments. In saying that, there are also problems that arise. This board did not choose the school sites, we do not have control of where the schools will be built. We could have 20,000 square foot lots surrounding these schools, but it will not be a neighborhood. This community will be built with roads and plans. Mr. Forsythe and Mr. James agreed. Mr. James also stated Camp Creek is not the Mississippi River and Kimbrough works because it was already urbanized. The City of Germantown works because of its restrictions. He cannot support town homes or apartments.

Mr. Robison stated I-69 will make this area urbanized and the developer has already agreed that the town homes/lofts/apartments would not be constructed if I-69 does not happen.

Mr. Maxwell asked about the tree line. Mr. Dalhoff replied saying the tree line is there and will remain.

Mr. Robison stated we need something for the record regarding the town homes being tied to the construction of I-69 and the Planned Business. Mr. Dalhoff stated there would be a dedication of the Right of Way, but there is still a long build out time.

Mr. Lawhon disagreed, he wants the townhouse development tied to construction not dedication of right-of-way and if not the town homes need to be removed from this application. If I-69 is built then he would be willing to compromise and then it be done at that phase. We are a rural board we are not an urban area and the appropriate place for this is in the city not the county. The highway may never happen, (money has not yet

been appropriated) it happened in Tunica County because of the casinos and in Shelby County due to the powers that be. When it comes it could be the greatest thing, but if the highway does not happen he does not want town homes in the middle of a cotton field. He is not picking on the developer, but a precedent would be set.

Mr. Robison further stated in a way the Planned Business is not appropriate for area, but economics will control that. It will not happen unless the highway is built. Mr. Dalhoff agreed and said they would tie the construction of the town homes and lofts to the construction of I-69 and said if I-69 does not happen then they will come back with a new plan.

Mr. Robison entertained a Motion.

Mr. Robison asked if they agreed to the stub streets. Mr. Dalhoff said "yes".

Mr. Lindsey made a Motion to approve this application with staff recommendations, with the exception of #11 (100% brick), the homes will be required to be at least 66% brick. This approval is due to the change in the area and the need that has been proven by the applicant and is subject to the following stipulation: town homes not be built until the construction of I-69 begins. If it is not constructed then the applicant must come in with a new plan. Mr. Maxwell seconded the Motion. There was a roll call vote of 9-1 to approve this application.

The meeting adjourned at 9:35 p.m. These minutes were recorded and transcribed by Denise Dingman.