

DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
APRIL 1, 2004

Call to Order

Invocation

Roll Call

Approval of Minutes – February 29, 2004

CONSENT AGENDA

MINOR LOT SUBDIVISIONS

Roger Smith Minor Lot (6239) – Application is for two lots of 1.33 acres and 2.48 acres. Subject property is located on the south side of Green River Road and west of Highway 301, zoned Agricultural-Residential. Section 4, Township 3, Range 9

William McDermott Minor Lot (6240) – Application is for one lot of 4.51 acres. Subject property is located on the south side of Holly Springs Road and east of Dairy Barn Road, zoned Agricultural. Section 30, Township 3, Range 6

Eligah Sledge Minor Lot (6241) – Application is for one lot of 2.0 acres with an easement less than 600'. Subject property is located on the south side of Lester Road and east of Tchulahoma Road, zoned Agricultural-Residential. Section 28, Township 2, Range 7

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

Jerry Mauney Minor Lot (6244) – Application is for one two lots of 1.5 acres and 3.6 acres. Subject property is located on the south side of Star Landing Road and west of Tchulahoma Road, zoned Agricultural-Residential. Section 20, Township 2, Range 7

Holden, Mary Minor Lot (6243) – Application is for two lots of 1 acre and 6.54 acres. Subject property is located on the west side of Ross Road an South of Bethel Road, zoned Agricultural-Residential. Section 29, Township 2, Range 6

FINAL SUBDIVISION PLATS

Bright Heights A & B (6236) – Application is for final plat approval for two phases consisting of 34 lots on 22 acres. Subject property is located on the south side of Bright Road and the west side of Laughter Road, zoned Agricultural.

Section 11, Township 3, Range 7

Dean Heights B & C (6237) – Application is for final plat approval for two phases consisting of 18 lots on 44 acres. Subject property is located on the north side of Dean Road and west of Tulane Road, zoned Agricultural-Residential.

Section 28, Township 2, Range 8

Forest Hill PUD Sections 6, 7, 8 (6242) – Application is for final plat approval for three phases consisting of 86 lots on 44 acres. Subject property is located on the north side of Center Hill Road and east of Highway 178, zoned PUD.

Sections 7 & 12, Township 2, Range 5

OLD BUSINESS

RE-ZONINGS

Weatherby Estates (624) – Application is to rezone 69 acres from Agricultural to R-30 Single Family Residential (Low Density). Subject property is located on the north side of Oak Grove Road and west of Scott Road.

Section 14, Township 3, Range 8

Creekside Estates (625) – Application is to rezone 73 acres from Agricultural to R-30 Single Family Residential (Low Density). Subject property is located on the west side of Highway 305 and south of Jones Road.

Section 21, Township 2, Range 6

NEW BUSINESS

Stonebridge formerly Park Place (6238) – Application is to revise a recorded plat by changing the property boundaries for Lots 23-26. Subject property is located on the east side of Getwell Road and north of Lester Road, zoned R-30.

Section 22, Township 2, Range 7

OTHER ITEMS

2030 Comprehensive Plan: Recommendation to Board of Supervisors

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, April 1, 2004, in the Third Floor Boardroom of the Administration Building of DeSoto County located at: 365 Loshier Street, Hernando, MS. Commissioners present were: Jimmy Maxwell, Robin James, Leonard Lindsey, Dennis Clemmer, Wade Carter, Joe Forythe, Frank Calvi, Len Lawhon, Julius Cowan, Mike Robison, Pat Hefley, and Paul Whitfield. Planning Commission Staff included: Michael Garriga, DeSoto County Planner, Merritt Powell, Director, Jim McDougal, Transportation Coordinator, Denise Dingman, Planning Commission staff and Katie Jewell County Attorney.

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

Mr. Robison asked if there were any questions on the February 29, 2004 minutes. Mr. Robison then questioned the section on the Comprehensive Plan regarding the low density on page 5. Mr. Garriga explained that the low density designation is on page 6. Mr. Robison then asked for a Motion to approve the February 29, 2004 minutes. Mr. Maxwell made a Motion to approve the minutes. Mr. Lawhon seconded the Motion. The Motion was passed by a unanimous vote.

MINOR LOT SUBDIVISIONS

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Mr. Garriga announced the above items and stated that all the minor lots conform to the DeSoto County Zoning and Subdivision Regulations and are ready for approval, subject to dedication of road right of way, and health department approval. Mr. Lawhon made a Motion to approve the minor lots. Mr. Lindsey seconded the Motion. The Motion was passed by a unanimous vote.

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Sections 7 & 12, Township 2, Range 5

Mr. Garriga announced that the above items are ready for approval subject to the Dean Heights Section C needs a flood plain note on the plat. He then presented a layout and map of the Forest Hill Subdivision and explained the area. Mr. Maxwell made a Motion to approve the above final subdivisions with staff recommendations. Mr. Lawhon seconded the Motion. The Motion was passed by a unanimous vote.

OLD BUSINESS

RE-ZONINGS

Weatherby Estates (624) – Application is to rezone 69 acres from Agricultural to R-30 Single Family Residential (Low Density). Subject property is located on the north side of Oak Grove Road and west of Scott Road. Section 14, Township 3, Range 8

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

Mr. James asked if conditional zoning is allowed. Mr. Powell answered saying “no”. Mr. Lawhon said we are only allowed to discuss only what is in our regulations for the R-30 rezoning.

Mr. Carter asked what the agricultural density is? Mr. Garriga answered saying, one acre with sewer or 1 ½ without sewer. Mr. Robison stated the nature of the area is agricultural.

Mr. Smith then began his presentation by saying, they are requesting a rezoning to an R-30, on 69 acres. This property is not across the street from the City of Hernando but it is within an 1/8 of a mile. The change in the area is as follows, we do have city water and have met with the City of Hernando and we have voluntarily agreed to annex this property into the City of Hernando. Therefore, they have agreed to provide utilities

(Water and Sewer). This area has been subdivided and has seen smaller lots, this does fit the Comprehensive Plan. The need is the DeSoto County building boom, in a year or two west Hernando will be the hottest area in DeSoto County. This will be a nice subdivision, we are aware density is one unit per acre, 69 lots on 69 acres. We have also already filed a preliminary plan with the Planning Commission office.

Mr. Carter asked if the subdivision will be one unit per acre, why rezone. Mr. Smith replied saying, it is just the mechanics of it, we loose 12-15% due to roads, etc. We have done the calculations, and we need an R-37 to maintain one unit per acre.

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

1. Patricia Woody – 1767 W. Oak Grove Road, she began by saying, we live in the City, and this property is located across the street from the City.
2. Marvin Oakes spoke and was concerned with the runoff from this property, since the property in question is on high ground. Mr. Robison responded saying, that issue would be discussed at the subdivision stage, that is not an issue for rezoning.
3. Verbon Maness – 1842 W. Oak Grove Road, he began by pointing to his property and stating his property backs up to this. He is not opposed to the R-30 zoning, but when the residents met at the John Deere dealership, covenants were passed out and wanted to know if the developer or anyone who would purchase those lots would be required to stand by the covenants. Mr. Robison answered saying, at this point covenants is not an issue once again, that would be at the subdivision stage, the applicant can do whatever is allowed in the R-30 zoning regulations. Mr. Maness then questioned if they sell this to another developer, and they want to build 1,400 square foot homes, can they? Mr. Robison said if it has not been annexed then it would be a similar process and come before us. If not, it would go before the City of Hernando.
4. David Woody – 1767 W. Oak Grove Road, he asked if the annexation would be just for this property or would it extend further. Mr. Garriga responded by saying this is a voluntary annexation, it does not mean City cannot take more land, but this applicant is filing for the annexation at their cost, he then stated the City of Hernando would be the ones who could answer this question in detail.

Mr. Robison then closed the floor to the public.

Mr. Smith gave the City limits for Hernando. He then stated he is preparing a legal description to annex this property only. He understands this application is for rezoning only, but he has submitted preliminary plans and covenants to the City of Hernando. We will be filing for annexation as soon as possible, we cannot get water and sewer until we are annexed.

Mr. Carter stated the City of Hernando's letter of response states they are in favor of annexation.

Mr. Lawhon added, even though the City is in favor, we are an independent body, and we do what we see fit for the county. This is an appropriate zoning for this area.

Mr. Robison entertained a Motion.

Mr. Len Lawhon made a Motion to approve this application with staff recommendations based on the applicant's proof of change in the area. These changes being the Highway 304 completion, City of Hernando being located across the street which is changing from rural to suburban/urban development in that part of the county. Mr. Leonard Lindsey seconded the Motion. There was a roll call vote of 11-1 to approve this application. This application will be heard by the Board of Supervisors on May 5, 2004.

Creekside Estates (625) – Application is to rezone 73 acres from Agricultural to R-30 Single Family Residential (Low Density). Subject property is located on the west side of Highway 305 and south of Jones Road. Section 21, Township 2, Range 6

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

Mr. Robison asked what the zoning is of the 1st addition of Villages of Cedar Hill. Mr. Garriga said it is an AR zoning, and they do have sewers, so there are some one acre lots. Mr. Robison then questioned the density. Mr. Garriga explained the location of the property and surrounding areas. He also has a letter from North Mississippi Utility and they do have the capacity to provide sewer to this property.

Ms. Hefley asked if these lots will be one acre lots. Mr. Robison replied saying, we keep in mind the density

Mr. James said this still does not meet the comprehensive plan, and is the reason he voted “no” on the previous application (Weatherby Estates). The density is more than one unit per acre.

Mr. Garriga then explained the comprehensive plan regarding this density, net and gross.

Mr. Lawhon stated the plan is a guide line, the property owner has the right to ask for whatever he wants and the ability to be creative. He believes every piece of property has to be examined on its own merits, otherwise good creative development would not be possible. A few years ago applicants were coming in and amending the plan first and it was a nightmare, we need to learn how to balance.

Mr. James stated we do not have any guarantees that there will only be 82 lots. Mr. Lawhon said that is correct. Mr. Lindsey added, but at that time it will need to come before us and we can make a judgement call at that time. Mr. Robison said he cannot remember a single time were we have fallen below the density, we have amended the map in the past, but have never gone against the map. At the last meeting, it seemed to

be the desire of the Planning Commission that this be Planned Development. Mr. James agreed, we wanted the applicant to come back with an R-40 Overlay as is Belmor Lakes.

Mr. Carter said at the last meeting the burden of proof was not proved.

Mr. Ben Smith began by saying this application is similar to the previous application (Weatherby Estates). This area is in transition, this property is about 1 ¼ south of Olive Branch. Highway 305 is a state highway. We also have central sewer available, in the county it is tough to find areas where sewer is available, so when it is found, that is a change in the area. In addition water service is available. The density is one unit per acre. There is a subdivision to the south that has one acre lots which was approved in 1995. In addition the widening for Highway 305 will be taking place in the near future which will be a 5 lane state Highway. Since the last meeting, there has been an announcement from Fedex that they are building a plant in Olive Branch will employ 400-600 people, so the need is here. There are also two major though fairs in the area, Jones Road lines up with Star Landing and Highway 305. We are asking for an R-30 zoning which is an approved zoning district in a rural area. We have also submitted a preliminary plan to the Planning Commission. This will fit into the area if you look at Cedar View to the south, and an R-30 to the north. He then named some of the R-30 subdivisions.

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

Mr. Lawhon began by saying, some places for an R-30 are appropriate. The previous application was right across the street from the City of Hernando, this is 1 – 1 ¼ mile away, which makes a big difference. Circulation will also be an issue, in a rezoning we have to look at a property and houses as it relates to the area. The R-30's do not have any type of amenities. We must be sensitive to the area. He is not certain this will fit into the area.

Ms. Hefley said she agreed.

Mr. Robison asked what would make a difference, lot sizes or a Planned Community. Ms. Helfey said she thinks lot sizes, Belmor Lakes is a nice development, but it is an R-40 Overlay.

Mr. Whitfield replied saying, in his opinion R-30 is not bad, do you want it closer to an acre and give up amenities or do you want to take a chance of a whole stream of 20,000 square foot lots, backing up to these large lots. He sees the R-30 working and economically a small house will not be built on this size of a lot. He would rather see this size of a lot over a PUD with small 12,000 square foot lots with small homes. In addition, when construction begins, most lots will end up being larger than 30,000 square feet.

Mr. Lawhon said he respects Mr. Whitfield's opinion and he has a good point. We may not want R-20's backing up to one acre lots. If we cannot get an Overlay this may be the best solution.

There was a little more discussion among board members and staff about the surrounding area and what would be appropriate.

Mr. Robison entertained a Motion.

Mr. Maxwell made a Motion to approve this application with staff recommendations, based on the applicants proof of change in the area. The widening of Highway 305, and central sewer. Mr. Cowan seconded the Motion. There was a roll call vote of 9-3 to approve the application.

Stonebridge formerly Park Place (6238) – Application is to revise a recorded plat by changing the property boundaries for Lots 23-26. Subject property is located on the east side of Getwell Road and north of Lester Road, zoned R-30. Section 22, Township 2, Range 7

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

Mr. Smith began by saying the changes is as follows:

1. Lot 23 which was a common area lot will be changed to a buildable lot. Lot lines will be shifted for lots 23-26 to give each equal frontage. Ann Motz has not sold any lots. The reason she wants this change is to concentrate the resources of the Home Owners Association on Lot 16, which is in the center of the subdivision, which can be policed better.
2. The minimum heated house size is increased from 2,400 square feet to 3,000;
3. Covenant number 10 is changed to read, driveways will be washed concrete;
4. Covenant number 16 is changed to add "except for lots 23-26, which shall be 10' feet minimum each side"
5. Not 9 was changed to read 'sole property of the developer';
6. Roofs: 2 was changed to eliminate "standing seam metal roofing";
7. Lot 23 was added to the Culvert Table.

Mr. Garriga reminded the board members that the common area is not required in an R-30 subdivision.

Mr. Robison entertained a Motion.

Mr. Leonard Lindsey made a Motion to approve this application with staff recommendations. Mr. Maxwell seconded the Motion. The Motion was passed with unanimous vote.

OTHER ITEMS

2030 Comprehensive Plan: Recommendation to Board of Supervisors

Mr. Garriga began by passing out a final draft copy of the Comprehensive Plan. The highlighted areas are the changes for the Board of Supervisors (BOS). He then requested that if this board is finished with the plan that they make a recommendation to the Board of Supervisors. Mr. Garriga added, he plans on having a workshop of the Board of Supervisors to go over this information and after that, set a date for a public hearing.

Mr. Robison reiterated that if we recommend this plan tonight it then goes to the BOS. Mr. Garriga said "yes", they will receive a copy of the plan and a executive summary of all changes and maps. The Planning Commission board has already got all of the hard work out of the way. Mr. Robison asked if the board is not happy, will they send it back to us. Mr. Garriga said "yes", it could be sent back to this board for additional work.

Mr. Lindsey then suggested that the fire station locations be added to the map. Mr. Garriga said it could be done.

Mr. Lawhon then made a Motion to send the draft Comprehensive Plan to the Board of Supervisors for their review and continued work. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

There was then discussion regarding people wanting copies of the draft plan. Mr. Peacock said he could make additional copies for \$20.00 each.

There being no further business in front of the Planning Commission, this meeting adjourned at 8:40 p.m. These minutes were recorded and transcribed by Denise Dingman.