

**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
APRIL 29, 2004**

Call to Order
Invocation
Roll Call
Approval of Minutes – April 1, 2004
Announcements:

ITEMS TO BE CONTINUED UNTIL JUNE 3, 2004

Magnolia Gardens (627) – Application 68.8 acres from Agricultural to R-8 Overlay (Single Family Residential). Subject property is located on the east side of Magnolia Road and south of Oak Grove Road, just south of Acree Subdivision.
Section 19, Township 3, Range 7

CONSENT AGENDA

MINOR LOT SUBDIVISIONS

Larry Knowles Minor Lot Subdivision (6253) – Application is for two lots of 1.38 acres each. Subject property is located on the south side of Mary Jane Lane and east of Getwell Road, zoned Agricultural.

Section 17, Township 1, Range 7

Jones Dunn Lane Subdivision (6252) – Application is for 3 lots of 2.22 acres, 2.20 acres, and 1.0 acres on an easement less than 600'. Subject property is located on the north side of Dunn Road and west of Highway 305.

Section 17, Township 2, Range 6

SUBDIVISION PLAT MUST BE RECORDED*

FINAL SUBDIVISION PLATS

Morrow Crest North Section C (6251) – Application is for final subdivision plat approval with 59 on 142.7 acres. Subject property is located on the east side of Robertson Road and just south of the 304 Bypass, zoned Agricultural.

Sections 1 & 2, Township 3, Range 8

Bonne Terre Section A (6076) – Application is for final subdivision plat approval for 42 lots on 41.02 acres. Subject property is located on the south side of Church Road between Horn Lake Road and Fogg Road, zoned PUD.

Section 8, Township 2, Range 8

REZONINGS

Noting Hill (626) – Application is to rezone 112 acres from Agricultural-Residential to Planned Unit Development. Subject property is located on the west side of Jaybird Road and north of Bright Road.

Section 8, Township 3, Range 7

Markle Estates (628) – Application is to rezone 31.19 acres from Agricultural-Residential to R-30 (Single Family Residential). Subject property is located on the south side of Lester Road and west of Getwell Road.

Section 28, Township 2, Range 7

Kyle's Creek (629) – Application is to rezone 46.3 acres from Agricultural-Residential to R-20 (Single Family Residential). Subject property is located on the west side of Payne Lane and south of Highway 302 (Goodman Road).

Section 33, Township 1, Range 5

SUBDIVISION PLATS

McPhail Estates (6245) – Application is for preliminary subdivision plat approval for 48 lots on 80.7 acres. Subject property is located on the south side of Highway 304 and one the east side of Bluff Road, zoned Agricultural.

Section 17, Township 3, Range 9

Herbert Plantation (6246) – Application is for preliminary subdivision plat approval for 49 lots on 83.6 acres. Subject property is located on the east side of Getwell Road and south of Bright Road, zoned Agricultural.

Section 10, Township 3, Range 7

Von Estates (6247) – Application is for preliminary subdivision plat approval for 23 lots on 41.24 acres. Subject property is located on the west side of Center Hill Road and north of State Line Road, zoned Agricultural-Residential.

Section 16, Township 1, Range 5

Stewart Estates (6249) – Application is for preliminary subdivision plat approval for 56 lots on 38.07 acres. Subject property is located on the south side of Star Landing Road and west of Swinnea Road, zoned R-20 (Single Family Residential).

Section 19, Township 2, Range 7

Hunter's Hollow (6250) – Application is for preliminary subdivision plat approval for 15 lots on 19.21 acres. Subject property is located on the south side of Bethel Road, west of the Carter's Plantation subdivision, zoned Agricultural-Residential.

Section 29, Township 2, Range 6

Slocum Trails (6254) – Application is for a recorded plat revision with 26 lots on 75.05 acres. Subject property is located on the south side of Slocum Road and east of Highway 51, zoned Agricultural.

Section 31, Township 3, Range 7

OTHER ITEMS

Board of Supervisors Comprehensive Plan Public Hearing – Thursday, May 20, 2004 6:30 p.m.
Circuit Court Room, DeSoto County Courthouse

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, April 29, 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, Mike Robison, Pat Hefley, Charles McNemar, James Mayfield, Leigh Graves 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 April 1, 2004 minutes. Mr. Robison then asked for a Motion to approve the April 1, 2004 minutes. Mr. Lindsey made a Motion to approve the minutes. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

ITEMS TO BE CONTINUED UNTIL JUNE 3, 2004

**Magnolia Gardens (627) – Application 68.8 acres from Agricultural to R-8 Overlay (Single Family Residential). Subject property is located on the east side of Magnolia Road and south of Oak Grove Road, just south of Acree Subdivision.
Section 19, Township 3, Range 7**

Mr. Garriga stated he has received a letter of request to carryover this application. The City of Hernando has not passed this application and the applicants are working out the details with the City.

Mr. Maxwell made a Motion to carryover this application to the June 3, 2004 meeting. Mr. Lawhon seconded the Motion. The Motion was approved with a unanimous vote.

MINOR LOT SUBDIVISIONS

Larry Knowles Minor Lot Subdivision (6253) – Application is for two lots of 1.38 acres each. Subject property is located on the south side of Mary Jane Lane and east of Getwell Road, zoned Agricultural.

Section 17, Township 1, Range 7

Jones Dunn Lane Subdivision (6252) – Application is for 3 lots of 2.22 acres, 2.20 acres, and 1.0 acres on an easement less than 600'. Subject property is located on the north side of Dunn Road and west of Highway 305.

Section 17, Township 2, Range 6

*****SUBDIVISION PLAT MUST BE RECORDED*****

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. James seconded the Motion. The Motion was passed by a unanimous vote.

FINAL SUBDIVISION PLATS

Morrow Crest North Section C (6251) – Application is for final subdivision plat approval with 59 on 142.7 acres. Subject property is located on the east side of Robertson Road and just south of the 304 Bypass, zoned Agricultural. Sections 1 & 2, Township 3, Range 8

Bonne Terre Section A (6076) – Application is for final subdivision plat approval for 42 lots on 41.02 acres. Subject property is located on the south side of Church Road between Horn Lake Road and Fogg Road, zoned PUD. Section 8, Township 2, Range 8

Mr. Garriga began by saying there were a few comments regarding the Bonne Terre Subdivision and hopes that the committee had time to read those comments he then announced that the above items are ready for approval.

Mr. Joe Forsythe said he disagrees with the staff in saying that the ponds in Twin Lakes are only at 70% capacity. Mr. Garriga responded saying Mr. Bill Robertson said they are not at capacity, they are the owners and operators of that system and the county has no jurisdiction of that system. Mr. Forsythe said if we allow an additional 42 lots it would be a mistake. Mr. Calvi added, he receives complainants from property owners already regarding the ponds in Twin Lakes and eventually there will be 75 lots in Bonne Terre, which is 300 gallons per house per day. Mr. Powell then said we will receive written statements from DEQ before recording the plat, that is all we can do. Mr. Forsythe said he talked with Mr. Thompson, City of Horn Lake and he told him that this would be taken care of in February, he does not believe his promises. If we allow the addition of the 42 lots and eventually the 75 lots, it will be the biggest mistake this board has ever made.

Mr. Paul Ryan, of Patten, Taylor, & Ryan, LLC. then informed the board that when the preliminary application was approved, there was going to be an on site sewer system that Mississippi Wastewater was going to install and operate for us. We received all the state approvals, but Horn Lake objected to this, and said we could not have that sewer system. We could not get a permit for it, because Horn Lake objected in front of the state. The City of Horn Lake said they do not want any more private systems in their reserve area and if we wanted this development is approved it must go through the Twin Lakes system. This process delayed us 6 months, because we had to go through the state approval process all over again.

Mr. Forsythe replied saying, everyone wants to dump somewhere else, and he objects to this approval. Ms. Katie Jewell, County Attorney, said the county does not have any control or authority over privately run utility systems. Those systems are under the control of the Mississippi Department of Environmental Quality.

Mr. Lindsey made a Motion to approve the above final subdivision applications with staff recommendations. Mr. Maxwell seconded the Motion. The Motion was passed by a 6-4 vote.

Noting Hill (626) –Application is to rezone 112 acres from Agricultural-Residential to Planned Unit Development. Subject property is located on the west side of Jaybird Road and north of Bright Road. Section 8, Township 3, Range 7

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then read and passed out a letter from the Oakdale Estates homeowners. Mr. Garriga then recognized Mr. Brian Hill, from Lifestyle Communities as being present to represent the application.

Mr. Robison asked if there were any comments from the County Road Manager regarding the stub road into Oakdale Estates. Mr. Swims, County Engineer responded saying there would be good east/west circulation, there would be a better traffic flow if Oakdale was opened, but either way there are two access points.

Mr. Brian Hill began his presentation by saying, he is pleased to submit this application and feels like it has a superb development in overall design. There will be a nice mix of lots which will allow for more than one type of house. The front cover of the book is what we feel like the subdivision would look and feel like. With the common area and trees the subdivision will not be seen from Jaybird Road. This will be low impact to the current beauty of the area. Mr. Hill continued saying, he feels like this subdivision will be in high demand. He and some other members of his family is planning on moving into the subdivision. The homes will be a minimum of 1,800 square feet. Even the R-30 lots will have curb and gutter which shows my commitment to the development. Right now, there is a line of trees that borders Oakdale Estates and when inside of the property, you cannot see out, and when we are done it is going to be pretty much the same way. Mr. Hill further stated that the change in the area is as follows; Hernando is growing and this area is going to be annexed into the City and DeSoto County is going to run the inceptor through this area, thus providing City services. There are also two new subdivisions in the area, Forest Meadow and Thousand Oaks which is in their last phase. It makes sense that this will be one of the next most developed areas.

Mr. Lindsey asked if there are any power lines going through this property. Mr. Hill answered saying "yes" he then gave the location. Mr. Lindsey then stated the drawing looks like they are in the middle of the lots and you cannot build houses under property lines. Mr. Hill stated that from the property line to the easement there is about 110 feet, which gives plenty of room to build a home and still have a back yard. The power line runs through the center of the easement. There was questions weather or not the power line easement is usable by the people who would own the lots, and it is usable. In the book he provided pictures of power lines that is 6-7 miles north of this property that is all used by those residents. The houses appear to sit on the power line easement, our homes will not have to do that, we have enough room so that wont happen.

Mr. Robison asked about the space between lots 139-140. Mr. Hill said that is the power line easement and we made the lots wide enough through there so that we do not have to encroach on that easement. The property lines in between lots 139, 140, 147 and 148 is the center of the power line easement.

Mr. Whitfield asked if the square footage of the lots include the easement. Mr. Hill answered saying on those lots it does include the easement.

Mr. Robison then stated it looks like the easement could be used as open space, without giving up lots. Mr. Hill said he does not disagree with that, but in the area you are talking about, if we had a 25' common area that ran directly under the power lines, it would not be a problem other than the fact that it provides a place for kids to run their four wheelers and things like that. He does not know if it would be beneficial or detrimental to the people who live there. Mr. Robison said that is a good point, but open space becomes important with 8,000/15,000 square foot lots. He has not seen or heard anything that enhances the open space. Mr. Hill answered saying, if we look at the sidewalk plan, there are sidewalks that run through the open space. There will be a bridge and an arbor with seating at the end of each walking trail. We are considering the walking trails will be asphalt and at the end of the walking trail there will be a big enough area to

have a barbecue grill, the area will be like a park. At the same time we need to consider that means fire due to the woods, which is risky. So we are still looking at options.

Mr. Lawhon said the text is nice, but it is important that the pictures and other things be documented and be part of the document. He understands that the walking trails, bridge and the arbor are the things that Mr. Hill is trying to convey, but it is not part of the document and in a PUD there has to be documentation written to bind, the developer and homeowners who are buying into a development what your ideas and visions are for what is intended for the development. We are accustomed to seeing PUD's with amenities. If you are going to have walking trails then they need to tie into the smaller lots. It is great that you are preserving trees, but there needs to be a plan on how you are going to do that. We know for a fact it is difficult to preserve trees, and we will get the phone calls from upset people, so it needs to be documented in an official architectural way. Mr. Lawhon said he is not doubting the applicants intentions, but we must have text. This development is quite dense and it backs up to large lots, he does not think this is not a complete document but feels like it could be.

Mr. Robison agreed with Mr. Lawhon and said this is more like a starting point, and it needs more than the applicant's desires and good reputation.

Mr. Hill responded saying, there is a page in the book that shows where we intend to leave the trees, it is the page as the sidewalk plan. There is also a subdivision outline over an aerial map, and you can see that most of the subdivision is within the pasture area.

Mr. Lindsey said we understand that is your intentions, but this document does not state that information, it needs to be written and in the document because this property may be sold in the morning.

Mr. Robison said this board has been burned before with a document like this, where details were missing.

Mr. Whitfield asked what size houses will be located on the R-30 lots that back up to Oakdale Estates and asked if the minimum could be set a little higher than the 1,800 square feet. Mr. Hill answered saying, he does not know of any subdivision around that have a larger minimum size, but it is just that, a minimum. He already has four houses planned in this subdivision which will be much larger than that. A 2,800 square foot home is a nice size house, and could cost as much as a 5,000 square foot home if it is built nice. It is the quality and character of the houses that they are interested in. I would not mind building 5,000 square foot home next to a 2,800 square foot home if it is built nice. Mr. Whitfield said his concern is the size of the houses next to Oakdale Estates and 2,800 square feet would be more in line with what is currently there.

Mr. Robison the pattern book designates and assures us what you say is actually what will be done. Oakdale Estates is about 3,000 square feet and in fairness the houses along that fence line needs to match their minimum home sizes along with Forest Meadows and Short Fork.

Mr. Whitfield stated that he has received phone calls regarding this application but has not heard much about the lot sizes, most people were interested in the house sizes and the street connection in Oakdale Estates.

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

1. John Strange – Lives in Oakdale Estates. He is exited having Mr. Hill develop this subdivision, he has a good reputation and expects that he will do what he says he will do. He also appreciates the Planning Commission's comments. His main concern is the road connection to Oakdale Estates. He continued saying, he moved to this subdivision 14 years ago, and his father-in-law developed this subdivision about 30 years ago. He likes the fact that he does not have to worry about his kids riding bikes in the road and not having cars on the street. His wife can also jog around the block without having to worry about cars. Mr. Strange then asked the road not be connected to Oakdale Estates and concluded by saying, he believes that not connecting the road would be a hindrance to the proposed subdivision.
2. Jim Rone – He lives in Oakdale Estates. He has a wife and four children and he enjoys the quite, solitude subdivision that they currently have and they bought into the subdivision because of that. Traffic flow is of high importance to him and his family. We chose large lots, fewer roads and only 2 entrances. If this road is connected it will completely destroy what we have bought into, he then asked the board to consider their petition. He then asked if this application is carried over, that there be a decision made tonight not to connect that road and it be in writing.
3. Bill Reid – He developed the Oakdale Estates subdivision 31 years ago. At that time Hernando needed a nice upgraded subdivision, so he developed this large lot subdivision. There are 22 children in this subdivision and we all feel like family. We have a diversified group of people; bankers, lawyers, executives, doctors, etc. We do not want the road connection.
4. Liz Meacham – The people in our community are worried about the traffic, someone here tonight has already stated there is adequate access without the road connection.
5. Bill Simpson – The proposed subdivision will have curb and gutter and if it ties into us, it will not flow. Our subdivision does not have curb and gutter, people walk the streets and if there is increased traffic, this could cause problems.

Mr. Robison then closed the floor.

Mr. Hill then responded to the above concerns by saying, Mr. Strange made a statement that his reputation proceeds me. He continued saying, he developed Grove Park, and he bent over backwards to save every tree he could. That property does not even compare to the beauty he has with this proposal. Mr. Hill continued saying, no one that stood up was opposed to the subdivision, just the road connection and traffic concerns. He further stated he would love to please the residents and not have the road connection, but that is the board's decision, not mine. When inside the subdivision you cannot see out, and when the development is finished it will be the same. The tree line is a large 15' bluff, we will not be tearing down trees to build a house along that bluff. He then wanted to assure the residents of Oakdale Estates that the trees along that fence line would not be disturbed.

Mr. Robison said if we can agree that the stub road would not connect to Oakdale Estates, he would like to see this application brought back to this board with our comments addressed. The applicant can work with the staff to come up with a pattern book. He would also like the home sizes on the R-30 lots to match Oakdale Estates which is 2,800 square feet, he added the home sizes should also match up to Milam and Short Fork Subdivisions. The street changes does need to be reflected in the new document.

Mr. Robison said he does not want to put the applicant in a trick bag. He wants to be sure the applicant knows that this application could be approved if the comments that were made are addressed in the document at the next Planning Commission meeting. We can agree that the

stub road would not be connected to Oakdale Estates tonight, and not hear this part of the application at the next meeting, we only want to review the requested changes.

Mr. Lawhon said we as a board cannot design a subdivision, but this will give the applicant the ability to make changes and redesign as necessary.

Mr. Maxwell asked if the burden of proof has been met? He continued saying, we have been in this situation before and we ended up hearing the whole case over again at the second hearing, we need to be sure the burden of proof has been met tonight and to be sure the applicant knows what is expected of him at the next meeting.

Ms. Graves asked if we will be voting on the road issue tonight. Mr. Robison responded saying, we will try to give direction on what would be approvable, and one of those items that needs to be modified is not connecting the road to Oakdale.

Mr. Hill said he does understand why the text is not binding. Mr. Powell answered saying, the text is binding, there is just not enough of it.

Mr. Whitfield said he does not see a great benefit of having the stub road connect to Oakdale Estates, since there are other access points, and no one wants the road.

Mr. Lawhon added it has been shown that there are adequate exits and entrances and will not jeopardize the safety of anyone in the subdivision, but merely be a convenience to the established neighborhood to the north, we are in the business of connecting roads, but in this case it will not create a safety hazard. In this case it may create more of a safety hazard due to the compatibility issues of the community. He continued saying, this board does not just close roads.

The board then discussed with the applicant what needs to be addressed at the next meeting;

1. Tree diagram-tree preservation;
2. Landscaping; azaleas, etc.
3. Amenities plan; open space, possible bridge, etc.
4. Pattern Book – that includes: styles of houses, roofs, house sizes, character of homes, etc.;
5. No stub road to Oakdale Estates

Mr. Robison then stated he believes the burden of proof has been met by the applicant, with the new developments surrounding this property, it is also in the City of Hernando growth pattern, and sewer and water that will be provided.

Mr. Robison then entertained a Motion. Mr. Lindsey made a Motion to carryover this application to the June 3, 2004 Planning Commission Meeting, to allow time for the applicant to work on additional detail regarding this subdivision plan, in addition the applicant needs to design the street plan so that there is no road connection to the Oakdale Estates Subdivision. Ms. Graves seconded the Motion. The Motion passed by a unanimous vote.

Markle Estates (628) – Application is to rezone 31.19 acres from Agricultural-Residential to R-30 (Single Family Residential). Subject property is located on the south side of Lester Road and west of Getwell Road. Section 28, 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 his presentation by discussing the change in the area. He stated there are several new R-30 developments in the area, Ledgens, Grove Meadows, Stonebridge, Bell Point and Belmor Lakes, there is an existing wastewater system at the Ledgens, and we have a letter by Bill Robertson that he will provide water and sewer. This complies with the current and future Comprehensive Plan for low density. The need is that the surrounding subdivisions are almost built out, which leaves a need for additional subdivisions. He then asked that this application be approved.

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

1. Jeff Berryhill – He began saying he lives in the Ledgens Subdivision and he is pleased to hear that this is not an R-30 Overlay, however, he is distressed over the sewer issue. There are 40 lots in the Ledgens Subdivision with only 2 lots remaining and in the summer you can smell the sewer. He also stated only 2 people in the subdivision received a postcard, but we discussed among ourselves what we would tell this board what is going on out there, and we did not think they would be tying into this sewer system. Mr. Berryhill said he is on the board and he will go back to the association and tell them what is going on and there will be a lot of unhappy people. He then asked if this application could be postponed until the sewer issue is resolved.
2. Michael Moses – He is also concerned about the sewer issue. If approved he would like something set up to help address this issue. For example do some landscaping to help cover this up, and to somehow control the smell. There are 300,000 – 400,000 for a house and it is unfair to smell that kind of sewage. He concluded by asking what type of entrance will be there and what size of homes will be built.

Mr. Robison replied saying, this application is different from the previous application in that, the other application was a PUD which is a planned development and this is a straight rezoning, where we do not look at a plan, and all other information is volunteered by the applicant. He then closed the floor to the public.

Mr. Smith said the burden of proof has been shown and they will come back soon with a preliminary plan which will address those issues.

Mr. Robison asked if Southaven sewer lines come to this area or any plans on exiting to this area. Mr. Smith answered saying he does not know. Mr. Garriga said there is a Hurricane Creek inceptor line that will eventually tie to the west side of the county. Mr. Smith said he has a letter from Bill Robertson that Mississippi Utility Company will be providing the . They will also have to get their discharge permits

Mr. Robison asked when residents have sewer concerns, where can they go? Mr. Smith answered saying DEQ and the Public Service Commission.

Mr. Garriga added, there can no longer be no new discharge of private systems, all of our streams have some kind of impairment. That is why there is a dire need to get the DeSoto County Regional System up and running, tying into existing facilities is a benefit to them. If it is tied into one operating system, those systems can be easily tied into the regional system and the smaller system can go away and be reclaimed.

Mr. James said his concern is over loading the existing facilities. Mr. Garriga responded saying that is DEQ responsibility and we have nothing to do with them. We do require the applicant to get a letter from DEQ stating that their sewer plan is approved, and if we do not receive that letter, the plat is not recorded.

Mr. Robison suggested that DEQ's name and address be listed on the DeSoto County Website so that area residents know who and how to contact them if they have any questions.

Mr. Smith stated this board is not approving more lots tying into a sewer system, just R-30 lots. DEQ has already approved tying more lots into an existing system.

Mr. Robison entertained a Motion. Mr. Maxwell made a Motion to approve this application based on the change in the area and need proven by the applicant. Mr. Clemmer seconded the Motion. The Motion was approved by a roll call vote of 14-0.

Kyle's Creek (629) – Application is to rezone 46.3 acres from Agricultural-Residential to R-20 (Single Family Residential). Subject property is located on the west side of Payne Lane and south of Highway 302 (Goodman Road). Section 33, Township 1, Range 5

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Vince Thillen, from ETI Inc. as being present to represent the application.

Mr. Robison asked about the outline area for road connection. Mr. Garriga talked about Payne Lane and the connection location.

Mr. Thillen began his presentation by stating, there are 3 PUD's on 3 sides of this property in addition to an R-30 subdivision to the south, so this is in keeping with the area. He continued saying 9 acres will remain as the AR zoning, and 46 acres is what we are asking to rezone to R-20. The character of the land has changed, Dogwood Hollow was approved in 1999, we also have an option on that land, and will make it compatible with the R-20 of this property. Development is heading to larger lots like the R-20 & R-30's, example is Center Hill Downs.

Mr. Robison asked about the new curb and gutter regulations. Mr. Garriga replied saying the Board of Supervisors has adopted a new drainage ordinance which beefs up how ditches are maintain. The R-20 lots no longer require curb and gutter. Mr. Swims, County Engineer added, the new drainage ordinance covers all drainage issues.

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

1. Shirley Payne – She began by saying, the road is not wide enough for 2 cars, and her dad's house sits on the road, which will be a problem if road is ever widened. She then asked where the road is going to come from.

2. Mr. Payne – He began by saying Payne Lane is not a public road, he has sold 25', he knows that is not enough for a road. He then asked about the Dogwood rezoning. He said it was commercial all the way to Payne Lane, and wanted to know if that has changed.

Mr. Garriga responded saying there was some property in Dogwood that was going to be commercial, it has never developed.

Mr. Payne continued saying commercial was approved from Center Hill Road to Payne Lane. He does not know how they are going to get any additional right of way. Mr. Garriga replied saying, if it ever developed there will not be any dedication on your side, since you have already given 25', the other 25' would come from the other side.

Mr. Lawhon stated this area is a mess, he then gave a description of the area. He is concerned with Payne lane and how an R-20 subdivision will effect this area. The R-20's is an improvement from the R-12. This is a tough situation, these long strip lots are not good for much, and does not know how all of this will tie in, especially with questionable access.

Mr. Powell reminded the board that rezoning is the issue, and the road matters and subdivision design is a subdivision matter. If the subdivision application comes in without access don't approve it.

Mr. Lawhon then stated that the R-20 is more than appropriate than what is next door, if this development would improve Dogwood and the area he is in favor of it, maybe this is the only way to improve the area and turn it around. He then added, when this comes back for subdivision approval if the people are not taken care of he will fight at that time.

Mr. Robison entertained a Motion. Mr. Lawhon made a Motion to approve the application based on the change in the area proven by the applicant and that this is an appropriate transition on the east side to a less dense zoning as well as an appropriate connection to the zoning to the south. Ms. Graves seconded the Motion. There was a roll call vote of 14-0 to approve this application.

At this time the Planning Commission took a 10 minute break.

McPhail Estates (6245) – Application is for preliminary subdivision plat approval for 48 lots on 80.7 acres. Subject property is located on the south side of Highway 304 and one the east side of Bluff Road, zoned Agricultural. Section 17, Township 3, Range 9

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 he talked with Mr. Bill Brown today, and they have talked about extending the cove to the east and have 2 stubs to the south. Mr. Garriga said the reason he believes there should be 2 stubs to the south is due to the ditch and how hard it may be to cross it.

Mr. Smith then said in relation to the length of the cove, there are only 9 lots on that cove and all lots will be 1 ½ acres or larger. Mr. Garriga replied saying he did not have a problem with the length of the cove.

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

1. Michael White – He stated he owns the property to the south. He said with all the people having individual sewer systems, there is a big ditch on this property and with all of these new lots, that ditch is not set up to handle additional drainage. He is also concerned with the highway access, when the casino's are busy, there is not 12 seconds to get out on Highway 304. That Highway is a speed way and is not safe.
2. Bill White – He owns the land that is attached to lot one. No lots should have direct access to Highway 304, it is dangerous. He has tried to get in touch with the sheriff's office to see how many accidents there have been between Bluff Road and the scout camp, but they did not have the information. They then referred me to MDOT and they referred me to Highway Patrol, but no one could give me an answer. He knows there has been 3 deaths and one near death. There has been several people that has come to my home and asked me to pull them out of the ditch so they would not have to report it to the law. The curve is where most of the accidents start. He also wanted to know the size of the houses and if there will be garages and when the homes will be built. Mr. White concluded saying, he is pleased to know that they have removed most of the driveway access from Highway 304.

Mr. Robison then closed the floor.

Mr. Smith responded saying, he had talked with Mr. Bill Brown and they discussed the safety issue of the driveway access to the Highway, and at that time, they changed the redesigned the subdivision. They will have the cove at the bottom and this is the first time I have heard frowns on one and ½ acre lots. As far as the septic systems, they did have the soil tested and it is excellent soil with 6' of top soil. This development will also have restrictive covenants and the houses will be a minimum of 1,800 square feet with double garages.

Mr. Robison said instead of the cove, could it be stubbed, that would remove access to the highway for lot one. Mr. Smith said he does not see why it could not be stubbed, but he will be able to get Mr. Pounders at a 90 degree, we will be getting it at an angle.

Ms. Lucille White spoke and asked if the 1,800 square foot homes would be heated. Mr. Smith said yes that is heated.

Mr. Robison entertained a Motion.

Mr. Lindsey made a Motion to approve this application with staff recommendations and that there be 2 stub roads. Mr. Lawhon seconded the Motion. The Motion was carried by a unanimous vote.

Herbert Plantation (6246) – Application is for preliminary subdivision plat approval for 49 lots on 83.6 acres. Subject property is located on the east side of Getwell Road and south of Bright Road, zoned Agricultural. Section 10, Township 3, 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. Powell said there needs to be a drainage easement along ditch. Mr. Garriga agreed and said there is a new drainage ordinance that requires that easement.

Mr. Smith began by saying lots 11 & 12 will not have driveway access to Getwell Road. The minimum home size will be 1,800 square feet with double side load garages.

Mr. Garriga then talked about the dedication of Road Right of Way along major roads. In some cases it is not properly dedicated, and is not visibly shown on the plat. Mr. Powell said it is on the legal description, but it needs to be shown on the plats or dedicate at the beginning of the stage, due to problems that have occurred.

Mr. Smith said an additional 13' will be dedicated as right of way and he will shade the area on the plat.

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

Mr. Carter then asked about driveway access for lots 4-13 to Bright Road. Mr. Garriga answered saying, these are large lots and does not see a major concern for access to Bright Road. Mr. Carter then asked about future. Mr. Garriga stated with the land use pattern of large lot residential, we don't feel like the traffic pattern would be that significant over time, Getwell Road, yes, but not Bright Road.

Mr. Robison entertained a Motion.

Mr. Lawhon made a motion to approve this application with staff recommendations. Mr. Lindsey seconded the Motion. The Motion was approved by a unanimous vote.

Von Estates (6247) – Application is for preliminary subdivision plat approval for 23 lots on 41.24 acres. Subject property is located on the west side of Center Hill Road and north of State Line Road, zoned Agricultural-Residential. Section 16, Township 1, Range 5

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He added, he is requesting road right of way dedication along the state line. Mr. Garriga then recognized Mr. Ben Smith from Smith Engineering, as being present to represent the application.

Mr. Robison said he is surprised with what the MPO is going with the state line, he thought there were problems with jurisdictional issues. Mr. Garriga said after talking with B. J. Page, Olive Branch and Clark Odor about what is going to be done with State Line. The goal was to have half of State Line in Tennessee and half in Mississippi. Mr. Jim Mc Dougal, Transportation Coordinator, stated he spoke with Mr. Russell Dorris, County Road Manager and he said it is in the plan in the next 5-10 years to get State Line back on the state line.

Mr. Lawhon talked about giving back 25' along current State Line.

Mr. Smith said he will include 53' of right of way, total of 103' from Tennessee State Line.

Mr. Carter said the right of way needs to be noted on the plat.

Mr. Robison entertained a Motion.

Mr. Lawhon made a Motion to approve this application with the road right of way dedication of 53' for the future state line, note of setbacks and with staff recommendations. Mr. Clemmer seconded the Motion. The Motion was approved by a unanimous vote.

Stewart Estates (Name changed to Stewart Shire) (6249) – Application is for preliminary subdivision plat approval for 56 lots on 38.07 acres. Subject property is located on the south side of Star Landing Road and west of Swinnea Road, zoned R-20 (Single Family Residential). Section 19, Township 2, Range 7

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then stated the name has been changed to Stewart Shire. Mr. Garriga then recognized Mr. Ben Smith from Smith Engineering, as being present to represent the application.

Mr. Robison asked if lots 1-5 would have access to Swinnea Road. Mr. Ben Smith answered saying, out of 56 lots, only one will have access to a major street.

Mr. Garriga asked how wide the ditch is. Mr. Smith answered saying 10' and he will give an easement. We will be required to have 24' on our side of the section line of _____.

Mr. Clemmer asked where are all these people going to come from? Mr. Smith said he asks that question all of the time, but people do come here to DeSoto County. There was then a brief discussion regarding this issue.

Mr. Robison entertained a Motion.

Mr. Lindsey made a Motion to approve this application with staff recommendations. Mr. Lawhon seconded the Motion. The Motion was approved by a unanimous vote.

Hunter's Hollow (6250) – Application is for preliminary subdivision plat approval for 15 lots on 19.21 acres. Subject property is located on the south side of Bethel Road, west of the Carter's Plantation subdivision, zoned Agricultural-Residential. Section 29, Township 2, Range 6

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

Mr. Powell added, a building footprint needs to be shown on lots 9 & 10, to be sure it is a significant distance away from the sewer lagoon. Mr. Garriga said there is a 150' setback from a lagoon.

Mr. Robison asked if there would be restrictive covenants. Mr. Russell said "yes" and they will be similar to Carter's Plantation, which they will provide before the final subdivision application. The homes will be a minimum of 1,800 square feet with double garages.

Mr. Carter asked about the contour. Mr. Garriga said it is 2'.

Mr. Robison entertained a Motion.

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

Slocum Trails (6254) – Application is for a recorded plat revision with 26 lots on 75.05 acres. Subject property is located on the south side of Slocum Road and east of Highway 51, zoned Agricultural. Section 31, Township 3, Range 7

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Robbie Jones from Jones-Davis as being present to represent the application.

Mr. Whitfield requised himself at this time.

Mr. Jones said what has happened is they have filled in an area below the dam, the spillway for the pond is on the right side of that pond which feeds the pond. This change effects lots 20 & 21. They are removing the drainage easement on lot 21.

Mr. Carter asked where lot 20 drains. Mr. Jones answered saying, it stays on lot 20, until it gets down to the drainage swell on lot 20, the easement will remain on this lot.

Mr. Andy Swims, County Engineer, said he looked at this about two weeks ago and it looks like it was functioning well, and does not see a problem.

Mr. Robison entertained a Motion.

Mr. Lawhon made a Motion to approve this application with staff recommendations. Mr. Lindsey seconded the Motion. The Motion was approved by a unanimous vote.

OTHER ITEMS

Board of Supervisors Comprehensive Plan Public Hearing – Thursday, May 20, 2004 6:30 p.m.
Circuit Court Room, DeSoto County Courthouse

Mr. Garriga informed the board members that there was a work session with the Board of Supervisors on April 20, 2004, and they set up a public hearing for May 20, 2004 at 6:30 p.m.

There being no further business in front of the Planning Commission, this meeting adjourned at 10:30 p.m. These minutes were recorded and transcribed by Denise Dingman.