

**Order of Items**  
**DeSoto County Planning Commission**  
**May 29, 2003**

1. Invocation
2. Roll Call
3. Approval of Minutes – 4/3/03 & 5/01/03
4. Resolution to publish Planning Commission Minutes on DeSoto County web site

**MINOR LOT SUBDIVISIONS**

5. Lentz Minor Lot Subdivision (6149) – Application is for one lot on 6.55 acres. Subject property is located on the west side of Belmont Road and east of Highway 51, zoned Agricultural.  
Section 31, Township 3, Range 7
6. Smitty’s Hollow Minor Lot Subdivision (6154) – Application is for two lots on 4.35 acres. Subject property is located on the north side of Dunn Lane and east of Craft Road, zoned Agricultural-Residential.  
Section 17, Township 2, Range 6
7. Bussey Minor Lot Subdivision (6162) – Application is for one lot of 2.36 acres. Subject property is located on the north side of Vaiden Road and west of Craft Road, zoned Agricultural.  
Section 6, Township 3, Range 6
8. Earnestine Davis Minor Lot Subdivision (6163) – Application is for one lot of 4.18. Subject property is located on the east side of Malone Road and north of Bright Road, zoned Agricultural.  
Section 2, Township 3, Range 7
9. Robinson Minor Lot Subdivision (6164) – Application is for one lot of 3 acres. Subject property is located on the west side of Laughter Road and south of Sunset Road, zoned Agricultural.  
Section 35, Township 2, Range 7

**LAND USE MAP AMENDMENT**

10. 2010 Comprehensive Plan Land Use Map Amendment – A request has been made for land use map amendment to change a property from Rural Density to Low Density Residential. Subject property is a 96.7 acre parcel located on the south side of Holly Springs Road and east of Jaybird Road.  
Section 21, Township 3, Range 7

**MAJOR SUBDIVISIONS**

11. Laughter Hills Subdivision (6152) – Application is for a revision of an existing plat and preliminary subdivision approval for 9 lots on 21.08 acres. Subject property is located on the south side of Byhalia Road and west of Laughter Road, zoned Agricultural.  
Section 2, Township 3, Range 7
12. North Eudora Farms (6153) – Application is for final subdivision approval for 24 lots on 51.12 acres. Subject property is located on the west side of Highway 301 and north of Highway 304, zoned Agricultural.’  
Section 9, Township 3, Range 9

13. The Lakes of Delta Bluffs Phases 14-17 (6155) – Application is for preliminary subdivision approval for 114 lots on 59 acres. Subject property is located on the north side of Goodman Road and east of Delta Bluff Parkway, zoned Planned Unit Development.  
Section 27, Township 15, Range 9
14. Milvery Point (6156) – Application is for preliminary subdivision approval for 19 lots on 32.95 acres. Subject property is located on the south side of Sunset Road and east of Malone Road, zoned Agricultural.  
Section 35, Township 2, Range 7
15. Spring Place Estates (6157) – Application is for final subdivision approval for 55 lots on 115.81 acres. Subject property is located on the north side of College Road and west of Pleasant Hill Road, zoned Planned Unit Development.  
Section 11, Township 2, Range 7
16. Scott Subdivision 3<sup>rd</sup> Revision (6158) – Application is for a revision of a recorded subdivision with 6 lots on 19.67 acres. Subject property is located on the east side of Robinson Gin Road and north of Gaines Road, zoned Agricultural.  
Section 11, Township 4, Range 8
17. Saulsbury Creek Revision (6159) – Application is for a revision of a final plat with 11 lots on 18.67 acres. Subject property is located on the south side of Bankston Road and east of Sidewinder Road, zoned R-30.  
Section 30, Township 2, Range 7
18. Misty Oaks Phase 3 (6160) – Application is for final subdivision approval for 5 lots on 19.25 acres. Subject property is located on the on the west side of Horn Lake Road and north of Austin Road, zoned Agricultural-Residential.  
Section 8, Township 2, Range 8
19. Lakes of Delta Bluffs Phases 7 & 8 (6161) – Application is for final subdivision approval for 36 lots on 84.42 acres. Subject property is located on the north side of Highway 302 and east of Delta Bluffs Boulevard, zoned Planned Unit Development.  
Section 26, 27, Township 1, Range 9
20. Johnson Commercial Lot 1 (5909) – Application is for a concurrence of one commercial lot of 5.25 acres. Subject property is located on the west side of Highway 51 and south of Star Landing Road, zoned C-4/C-2.  
Section 24, Township 2, Range 8

### **PUD MASTER PLAN AMENDMENT**

21. Fox Creek East Plan Amendment (612) – Application is to revise an existing Planned Unit Development Site Plan by reducing the number of lots and realigning a road. Subject property is located on the north side of Highway 302 and east of Center Hill Road.  
Section 29, Township 1, Range 5

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, May 29, 2003, in the Third Floor Boardroom of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present were: Claudia Niebanck, Mitch Mitchell, Ed Williams, Jimmy Maxwell, Robin James, Larry Sykes, Julius Cowan, Leonard Lindsey, Howard Blankenship, Charles McNemar, Len Lawhon and Mike Robison. Planning Commission Staff included: Michael Garriga, DeSoto County Planner, Jim McDougal, DeSoto County Transportation Coordinator, Andy Swims, County Engineer, Scott Young, Assistant County Engineer, Denise Dingman, Planning Commission staff and Katie Jewell, County Attorney.

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

Mr. Robison stated a change needs to be made to the minutes the word “whether” needs to be changed. Mr. Mitchell also stated a correction needs to be made to the 4/3/2003 minutes, (Madison Lakes) last paragraph on page 6 in reference to the traffic on Green T. The minutes state the new interchange will also elevate traffic, it should state “help eliminate” traffic. Ms. Niebanck said also on page 6 of the 5/1/2003 minutes in regards to the Jefferson application we were not questioning the veracity of the study, but the way the presentation went, and we construed to seeking an approval of that letter, as opposed to our objecting to the study. Mr. Robison then stated that the 4/3/2003 minutes in regards to Miller Station page 9 and that the staff will look at this paragraph and be sure the minutes are clear in regards to the temporary lagoon and DCURA. Mr. Mitchell then made a Motion to approve the 4/3/2003 & 5/1/2003 Planning Commission minutes with the requested changes. Mr. Lawhon seconded the Motion. The Motion was carried by a unanimous vote.

Mr. Garriga requested to have a resolution to publish the approved Planning Commission Minutes on the DeSoto County Web Site. Ms. Jewell, County Attorney, said a resolution would be taken to the Board of Supervisors for approval. M. Sykes made a Motion to approve the request to have the Planning Commission Minutes be posted on the web site if approved by the Board of Supervisors. Ms. Niebanck seconded the Motion. The Motion was carried by a unanimous vote.

At this time Mr. Garriga announced that the Fox Creek, Cedar View and the Jefferson applications would not be heard tonight.

### **MINOR LOTS**

**Lentz Minor Lot Subdivision (6149)** – Application is for one lot on 6.55 acres. Subject property is located on the west side of Belmont Road and east of Highway 51, zoned Agricultural. Section 31, Township 3, Range 7

**Smitty’s Hollow Minor Lot Subdivision (6154)** – Application is for two lots on 4.35 acres. Subject property is located on the north side of Dunn Lane and east of Craft Road, zoned Agricultural-Residential. Section 17, Township 2, Range 6

**Bussey Minor Lot Subdivision (6162)** – Application is for one lot of 2.36 acres. Subject property is located on the north side of Vaiden Road and west of Craft Road, zoned Agricultural. Section 6, Township 3, Range 6

**Earnestine Davis Minor Lot Subdivision (6163)** – Application is for one lot of 4.18. Subject property is located on the east side of Malone Road and north of Bright Road, zoned Agricultural. Section 2, Township 3, Range 7

**Robinson Minor Lot Subdivision (6164)** – Application is for one lot of 3 acres. Subject property is located on the west side of Laughter Road and south of Sunset Road, zoned Agricultural. Section 35, Township 2, Range 7

Mr. Garriga 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. Lawhon made a Motion to approve the minor lots. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

Mr. Garriga then stated that number 20 on the agenda Johnson Commercial is for a concurrence, and that he has not had much time to look at this application. There is an issue with the road. He then asked the board if they wanted to hear this application tonight? Mr. Mitchell asked if there is a big change or issue? Once again, Mr. Garriga said there is an issue with the road, but it is not a big application. Mr. Lawhon made a Motion to hear this application tonight and keep the application on tonight's agenda. Mr. Mitchell seconded the Motion. The Motion passed by a unanimous vote.

**2010 Comprehensive Plan Land Use Map Amendment – A request has been made for land use map amendment to change a property from Rural Density to Low Density Residential. Subject property is a 96.7 acre parcel located on the south side of Holly Springs Road and east of Jaybird Road. Section 21, Township 3, Range 7**

Mr. Garriga began by saying, he is going to give an explanation of why this request is being heard at tonight's meeting, he then reminded the board of what was discussed at the last Planning Commission meeting on 5/1/03. The applicant felt like he was unjustly denied due process for a land use map hearing. Mr. Garriga further stated that since that Planning Commission meeting, he has talked with other staff members and the site review committee and feels like this applicant should be allowed to be heard. Mr. Garriga explained that the Comprehensive Plan does have language that allows for amendments/changes and is meant to be changed. In addition, the land use map is only a part of the Comprehensive Plan, it is used a guide. Mr. Garriga then informed the board of the surrounding zonings and the City of Hernando city limits as it relates to the subject property. Mr. Garriga then talked about the existing land use map, zoning, development trends in the area, infrastructure issues and the land use map that is currently being worked on. He continued by saying he toured the area and then explained the surrounding subdivisions, the study area was .5 – 1 miles. At this time he presented the

zoning map, and explained the difference between Rural and Low Density. He stated, density can be a useful tool, and we should not be afraid of using it. The Planning Commission staff and board should encourage good and creative development as it applies to density. Mr. Garriga then talked about growth boundaries and the services that are available to the area. He then discussed the changes in the area, and referred to Edgewater which is an R-10 Overlay. Mr. Garriga then talked about the way the original map may have been drawn, in that when the map was drawn we did not have the parcel data we currently have. He talked about the water and sewer services in the area. At this time there was some discussion about where the City of Hernando sewer lines are and where it ends. He continued by saying, if the applicant is turned down tonight, it does not kill the Jefferson rezoning application. The applicant is still allowed due process for the rezoning, they still need to prove the burden of proof, changes in the area and public need. Mr. Garriga concluded by saying do not discount that the 2030 Comprehensive Plan is in process, whether it is updating the old plan or adopting a new plan.

Mr. Robison asked if public notice is required? Mr. Garriga said he could not find anything in the regulations, no cards were sent, nor were there signs posted. Mr. Garriga added, a public notice would be needed for the Board of Supervisors meeting. He added, the board may need to revisit the process/procedure in regards to the Comprehensive Plan, and revisions. Mr. Garriga did state the applicant has changed the date on the posted rezoning sign on the property to July 3rd, and a map amendment advertisement has been submitted for the Board of Supervisors June 4<sup>th</sup> hearing.

Mr. Lawhon stated the process for rezoning is one of the most important issues we handle of as a board. He is against changing maps, and has been all along. The map does not get in the way of the process and used Center Hill and Goodman Road area as an example. He does not want this map revision to bog things down for the board, applicant or the public. Mr. Lawhon stated everyone has a right to ask for a rezoning, and is afraid this map amendment will delay the process.

Mr. Robison stated he did not want the map in the plan in the Comprehensive Plan to begin with, but he law requires it. He said the oddity is we have turned down a number of applications due to the density being greater than the map. It bothers him that we have used the map to be a density guide.

Mr. Mitchell then referred to the Madison Lakes Application. Mr. Robison responded by saying that application was not a land use map issue it is a zoning issue.

Mr. Lawhon talked about spot zoning, and he believes in the process of each application. He said there could be a problem if we amend the map every time there is a request for rezoning, and used Southaven as an example. Mr. Robison said this application is odd, in that one side of the road is 1 unit and the other side is 3.5. Mr. Lawhon said that would be this boards process to work with the applicant and examine the process.

Ms. Niebanck spoke stating there was confusion at the last meeting and the map is confusing. It ended up being, not approving a study, it was approving a letter. She does

not think it was the board intention to deny due process to the applicant, but it was the way it was presented, and it was confusing. The zoning and map amendment are two issues that ended up being interpreted as something else.

Mr. Garriga wanted to go on record by clarifying one statement that had been made as it relates to this Comprehensive Plan and Land Use Map. He said we should not discount this information as it relates as to what is being looked at tonight, we are comparing apples to apples. He does not want to open the door tonight by allowing future zoning applications come in and start applying principals from that map to a zoning application that may be coming forth. He said the current land use map and the map currently being worked on does have a little value in this application, but does not want to open the door in using a document that is not adopted. He added, this is how zoning is progressing and these are the growth areas as we are studying the new Comprehensive Plan.

Mr. Mitchell said why would we be adopting something that is wrong, and if we adopt this in a years time, and find out that time that this map amendment is wrong then we have a problem and changed something that should not have been changed. Members agreed.

Mr. Garriga reiterated that he does not want to open the door, he feels like the process needs to be respected, if we were not working with the Comprehensive Plan it would not be a big deal, but since the plan is being worked on he is fearful of the door being open.

Mr. Garriga then recognized Mr. Jim Dugan as being present to represent this application.

Mr. Dugan began by saying, he is representing Morgan and Dorris Poole rezoning application, which is not tonight's subject. Mr. & Mrs. Poole has requested the map amendment change, in that their property is not classified correctly. They also believe the 2010 Comprehensive Plan more than adequately provides justification to enable the Planning Commission board to correct the error. He continued saying, he is not appearing here tonight as an applicant, but he is a land planner with over 30 years of experience and requested to be here. He is someone who is considered a friend to present a point of view in a case that would set a prescient on a piece of property that he is professionally involved in. Mr. Dugan then made reference to the 2010 Comprehensive Plan. He read from page 3 "General Development Plan" regarding "vision". He said the plan is not the law, Volume 1, page 4, 1<sup>st</sup> paragraph. Sometimes it has been interpreted, particularly the graphic map, which is only one element of the plan as a zoning map. There are several elements to the plan, them being Transportation, goals and objectives, and public service plan and maps. He then read from Volume I, page 5, 1<sup>st</sup> paragraph in regards to applications for re-zonings and the applicants property. He then gave his interpretation of that paragraph. Mr. Dugan then read from Volume I, page 10, paragraph 5 (Demographics). He said the county's Comprehensive Plan is based on trends, forecast and projections into the future. Mr. Dugan then presented a population chart for DeSoto County, which determines how much acreage is to be set aside for residential land. This chart showed the estimated population in the Comprehensive Plan

and the actual population. In 1995 there was 7,020 additional people than what was anticipated. In 2000 there were 22,190 additional people. Woods and Pool economic forecasters projected the 2005 population to be 29,510 additional people than what the current Comprehensive Plan calls for. Mr. Dugan said the DeSoto County plan grossly under estimated the population growth and provided insufficient land area for housing. He then compared the total number of households. In 1995 the plan was under estimated by 2,830 households. In 2000 there was an additional 8,350 households. Mr. Dugan stated no one could have predicted the population growth in DeSoto County. Mr. Dugan then read from Volume I, page 10 regarding suburbanization. He continued by giving the history, past growth, and present growth of the county. Mr. Dugan added, when there is sewer and roads there will be growth. Growth will occur due to the new regional utility authority, Highway 304 and Highway 78. He further stated the county has progressed from a rural farming community of 24,000 in 1960 to an urbanizing community of 70,000 in 1991. In 2002 there was a population of over 118,000, which is above the urbanizing classification. The one acre lot is the most common in DeSoto County will soon give way to subdivisions with greater density in growing areas of the county. He then gave the locations of the growing areas in the county and read from Volume 1, page 13. Mr. Dugan then read the definition of Rural Residential and Low Density, page 39. He continued by talking about the housing need changes, Volume II, page 3, paragraph 1 & 2. The county is a "stand alone community". The plan encourages diversity in housing. Mr. Dugan continued by reading from Volume II, page 8, paragraph 2 & from page 21, regarding different locations/density/roads. Mr. Dugan concluded his presentation by saying, it has been a pleasure to present this plan to the board, and it has been an education to him in going through the plan word for word.

Mr. Robison replied by saying, he thought we would be looking into the surrounding neighborhood in more detail.

Mr. Lawhon began by saying he thought this was a good presentation with good information, and that he has been around for a while and understands the Comprehensive Plan and the process. He said all the documentation is very relevant to the new plan and when the appropriate time comes around he would like all this information forwarded to the people in Jackson. Mr. Lawhon understands the applicant does not want to wait a year for the new plan. He also understands things are changing, but there is still a process. We still can look at the zoning next month. He is against voting on changing the plan tonight.

Mr. Mitchell asked how we got to the point of looking at this application? Mr. Garriga responded by saying the Planning Commission has always done a good job at referring to the map as a guide. The map is used as justification for a rezoning, which is important. With what was being proposed the only way to be heard or receive fair comments in relation to the comprehensive plan was to get that into his favor, and the only way to do that is a land use map amendment study. Mr. Garriga felt like this was a justifiable request. The property is just outside the City limits, with sewer. The staff felt there was a need to bring this to the Planning Commission Board.

Mr. Lawhon said the area to the north has the proper density, which would be a change of character in the area. The arguments and merits are based on all issues of the application. Mr. Lawhon added, we (the board) will look at each case on a case by case basis and make our decisions based on that individual case. He is not prepared to change the map and set a precedent for future cases. The plan is the plan, and believes this board does an excellent job at looking at applications on a case by case basis, and making good decisions. He once again said, the presentation was good, and should be reflected in the next plan.

Mr. Robison then reflected on previous cases, where the applicant was allowed to go back and amend their plan. There was then some discussion regarding the zoning process. Mr. Robison said he thinks there is a legitimate request to amend the map. He would rather be able to work through the zoning process with an amended map, allowing the density not to be discarded. He is troubled to pursue zoning with the incorrect density. There are changes in the area. Mr. Garriga reminded the board that these are two separate applications that we are working on and stated there is an informal process for map amendments, but this is still a formal application. He does not want the board to disregard all of the arguments tonight, a decision does need to be made.

Mr. Lawhon spoke stating he will be more than happy to go along with what ever decision is made on this matter. He does see the point in this case, however, this board does set a precedent, and he is concerned. Mr. Lindsey responded saying, the City has boundaries, the 1993 Comprehensive Plan we set boundaries for land use. Cities annex, and grow, he believes the map should not be amended, because it will set a precedent. Mr. Lawhon then offered a compromise in that, a public hearing will be appropriate and then send a recommendation to the Board of Supervisors, he believes this will be fair to all parties, including the process. A decision does not have to be made tonight. Mr. Lindsey agreed that there are good arguments on both sides.

Mr. Robison then asked if this has ever been research done in the past. Mr. Garriga said he does remember one case, and that was for Mr. Ben Smith, which had applied for a rezoning for medium density at Highway 301/302 commercial. It was the same type of procedure that is being done tonight, in fact, it was all done the same night, including the zoning. Planners have said it is o.k. to have a land use map amendment and a zoning the same night, it may not be the best practice, but can be done.

Mr. Robison said the problem with having it the same night, is that the zoning creeps into the discussion. Mr. Garriga agreed, and that is what he was trying to avoid tonight.

Mr. Lawhon said there is a strong argument and as long as we can add the public input he does not have a problem with the request. Mr. Robison replied saying the applicant has proven there is a justification to request the change. Mr. Lawhon agreed, he just wants the process to be fair to everyone.

Mr. Mitchell asked for clarification, in what is being requested. He said this board is asking for a public hearing and then come back and do the same thing over again, just in

a public hearing. Mr. Lawhon said “yes”, in a public forum. Mr. Garriga said he is real concerned about that, it is going to get real confusing to the public hear these cases on the same night. He said the requirements have been fulfilled as far as the public hearing for a map amendment and will continue to fill the requirements for the rezoning. Mr. Lawhon said we are a public forum and a recommending body.

Mr. Dugan responded by saying, he hears what has been said, however, the applicant has followed the DeSoto County process exactly and within the law. We had a meeting with the staff and the staff recommended this procedure. The applicant reviewed the Comprehensive Plan which lays the ground rules, and gives the applicant the right to request this amendment. The plan states the map amendment will be done solely by staff, it does not state the need for a public hearing. Mr. Dugan said this board may vote to have a public hearing, but that is not the rules. Mr. Lindsey asked if it says we have to have a public hearing or not to have a public hearing. Mr. Dugan responded by saying “no”. He continued saying, this board has always heard a map amendment in a zoning process, and that is fine, but it could be considered contract zoning, which is prohibited in the state of Mississippi. Mr. Garriga is trying to separate the 2 issues and is playing by the rules. Everyone needs to play by the rules, and due process needs to be served.

Mr. Mitchell asked Mr. Garriga if he disagrees with what Mr. Dugan had said. Mr. Garriga responded by saying “no”. His concern and emphasis in this case and every case is due process and public policy. There has to be a rulebook enforced and understood by everyone and we as a public entity play by those rules. Unfortunately, we do not have a formal adopted policy for a map amendment. We cannot make up rules as we go along, it is not fair to the applicant, Planning Commission members, or staff. We must treat everyone fair and have a fair and equitable process applied to everyone. Mr. Garriga added, when this case is finalized, we need to examine our process/policy and have a formal adoption of that policy.

Ms. Niebanck asked if this case could be heard and discussed on its merits. Ms. Jewell, County Attorney, said she does not know any statute that requires a public hearing by the Planning Commission for a Land Use Map amendment. However, if the change is recommended by the Planning Commission tonight, Then there must be a public notice for a hearing by the Board of Supervisors. Mr. Garriga agreed and added, the public notice has been already been given if needed.

Mr. Sykes asked if there is a reason we should not consider the map amendment if there is no legal precedent against it. What are we doing that would be considered legally or procedurally wrong with considering this case?

Mr. Robison said we recognized the way it was done in the past, in that, we heard the zoning and map amendment on the same night. He agrees with Mr. Dugan in that hearing them both on the same night could be considered contract zoning.

Mr. Garriga said the zoning procedure will be followed just like it is every month, but the statutory requirements have been fulfilled for any policy/map change by the Board of

Supervisors. Mr. Robison reiterated that if we decide tonight to change this map, there would be public notice for the Board of Supervisors meeting. Mr. Garriga said “yes”, there will be a public hearing as required by law for any policy/ordinance/map change.

Mr. Lawhon said as long as there will be a public hearing, he has no problem with hearing the case tonight. We are required by law to have this map, but it does not hold any water in the regards that it is subject to change by number. However, the map does influence and sometimes justify zoning decisions. The nature of following the map it gives us (Planning Commission) creditability, by amending the map it makes it arbitrary and capricious. Mr. Lawhon concluded by saying this particular application, location and parcel he is 100% in favor of changing the map, but the process will come back and bite us and it could be difficult to stop the bleeding. There was then discussion regarding this map amendment change, the law and due process. It was decided that when a decision is made list the reasons for that decision, is what determines precedent. It will also be a reference for future applications and decision made by this Commission.

Mr. Robison entertained a Motion. Mr. Lawhon made a Motion to send a recommendation to the Board of Supervisors for a land map amendment for the Poole tract due to the following reasons:

1. Mr. Dugan (friend of the applicant) presentation and proof of the need for the map amendment change;
2. The location in relation to two other PUD tracts with similar density outside and nearby (within .5 miles) to the Poole property;
3. The property’s close proximity to a municipality (City of Hernando) with services for the Poole property.

Mr. Sykes seconded the Motion. The Motion was carried by a Roll Call vote of 6-5.

## **MAJOR SUBDIVISIONS**

**Laughter Hills Subdivision (6152) – Application is for a revision of an existing plat and preliminary subdivision approval for 9 lots on 21.08 acres. Subject property is located on the south side of Byhalia Road and west of Laughter Road, zoned Agricultural. Section 2, Township 3, Range 7**

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

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

Mr. Lindsey made a Motion to approve this preliminary application with staff recommendations. Mr. Mitchell seconded the Motion. The Motion passed with a unanimous vote.

**North Eudora Farms (6153) – Application is for final subdivision approval for 24 lots on 51.12 acres. Subject property is located on the west side of Highway 301 and north of Highway 304, zoned Agricultural. Section 9, Township 3, Range 9**

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

Mr. Mitchell asked if Mr. Smith agrees with the staff recommendations. Mr. Smith said “yes”.

Mr. Mitchell then made a Motion to approve the application with staff recommendations. Mr. Sykes seconded the Motion. The Motion passed with a unanimous vote.

**The Lakes of Delta Bluffs Phases 14-17 (6155) – Application is for preliminary subdivision approval for 114 lots on 59 acres. Subject property is located on the north side of Goodman Road and east of Delta Bluff Parkway, zoned Planned Unit Development. Section 27, Township 15, Range 9**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Bob Dalhoff as being present to represent the application.

Mr. Sykes asked if there would be another proposal to the north for future development? Mr. Dalhoff said “yes”, it is currently being worked on and it will tie into DeSoto Road.

Mr. Garriga said the circulation is not great, and understands there is an issue with the topography, but asked if there would be an additional access to DeSoto Road from the southern boundary? Mr. Dalhoff said he believes there would be, and is working on an overall master plan now, but topography is a problem. Mr. Garriga then asked for the status of the lake. Mr. Dalhoff responded saying it would be a couple of years before it is completed, and it is attached to the third phase, the trees have already been cut.

Mr. Sykes asked if there are any road improvement plans for DeSoto Road? Mr. Garriga said along the area of Ranch Meadows the developer is going to improve DeSoto Road as it goes west from Highway 301. Mr. Sykes responded by saying there is grading currently taking place, and he is concerned with the bottom portion, it is not much of a road. DeSoto Road is part of this development and what are we going to do with the road. Mr. Dalhoff said the original plan had 5 access points, but not sure how this is going to be laid out, a plan will need to come back.

Ms. Niebanck asked about the numbering of the lots? Mr. Dalhoff said, the plan will come back phase by phase and will be a total number of lots.

Mr. Lawhon asked if there would be boat docks. Mr. Dalhoff responded by saying the lakes are common property and individual lot owners will not have boat docks, but they are going to arrange access to the large lake for boat owners.

Mr. Robison asked how large the lake is? Mr. Dalhoff said about 30 acres.

Mr. Mitchell asked if the applicant has any concerns with the staff recommendations? Mr. Dalhoff said “no”, he agrees with all of them.

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

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.

**Milvery Point (6156) – Application is for preliminary subdivision approval for 19 lots on 32.95 acres. Subject property is located on the south side of Sunset Road and east of Malone Road, zoned Agricultural. Section 35, Township 2, Range 7**

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

Mr. Smith began by saying he does not have a problem with putting a stub road to the south, he thinks it makes more sense to put it on the Caldwell tract (west tract) but will agree to put one on one of the two tracts.

There was then some discussion regarding the location of the stub road and where it would most benefit. Mr. Smith decided that it might be best to build the stub road between lots 12 & 13, to the Whitten tract, but that he would decide the best place for it and be sure a stub road is built.

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

Mr. Lawhon made a Motion to approve this application with staff recommendations and a stub road to be placed where it is deemed necessary to one of the two tracts to the south. Mr. Lindsey seconded the Motion. The Motion was passed by a unanimous vote.

**Spring Place Estates (6157) – Application is for final subdivision approval for 55 lots on 115.81 acres. Subject property is located on the north side of College Road and west of Pleasant Hill Road, zoned Planned Unit Development. Section 11, Township 2, Range 7**

Mr. Garriga presented the application and presented the staff report to the Planning Commission, and said there is a question of who will be supplying the water. He then recognized Mr. Ben Smith as being present to represent the application.

Mr. Ed Williams stated Pleasant Hill Water Association will be the ones responsible for supplying the water to this subdivision.

Mr. Mitchell asked about number 2 on the staff report regarding private roads. Mr. Garriga responded by saying there needs to be language on the plat regarding protecting the county or the municipality in charge of the subdivision regarding private roads. He then read the language approved by the DeSoto County Attorney (see staff report). Mr. Garriga added, there needs to be a private road ordinance established in the new Comprehensive Plan. There was also some discussion regarding Homeowners Associations and their duties. Mr. Garriga concluded by saying, the private roads should not be turned over to the county unless the roads are built to county standards and if the county agrees to accept them.

Mr. Smith began by saying he agrees with the staff recommendations, and that Mr. Reeves Attorney is reviewing the language in the staff report that is being required on the plat. Mr. Smith added, the sewer will be located in the easement.

Mr. Garriga reminded Mr. Smith to have the rezoning sign removed and to shade the flood plain on the plat.

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

**Scott Subdivision 3<sup>rd</sup> Revision (6158) – Application is for a revision of a recorded subdivision with 6 lots on 19.67 acres. Subject property is located on the east side of Robinson Gin Road and north of Gaines Road, zoned Agricultural. Section 11, Township 4, Range 8**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He stated that lot 2 has been divided through deed changes and should be numbered as lots 2A & 2B on the plat. He then recognized Mr. Jerry Stafford as being present to represent the application.

Mr. Stafford agreed to correct lot 2 on the plat. Mr. Robison then asked what lots belong to the applicant. Mr. Stafford responded by saying lot 1 and that the new lot 6 she is selling to her sister. Mr. Robison said he thinks if this application is approved there should be no further division of the land.

Mr. Mitchell asked if Mr. Stafford agrees with the staff recommendations. Mr. Stafford said “yes”.

Mr. Mitchell made a Motion to approve this application with the following stipulations:

1. No further division of the land without a county road being built;
2. Lot 2 be numbered lot 2A and the rear lot be 2B;
3. Staff recommendations.

Ms. Niebanck seconded the Motion. The Motion was approved with a unanimous vote.

**Saulsbury Creek Revision (6159) – Application is for a revision of a final plat with 11 lots on 18.67 acres. Subject property is located on the south side of Bankston Road and east of Sidewinder Road, zoned R-30. Section 30, Township 2, Range 7.**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He stated the lots have been reduced from 20 lots to 11 lots. He then recognized Mr. Danny Rutherford as being present to represent the application.

Mr. Robison asked about the ditch and how to stabilize it. Mr. Rutherford said it is a large ditch, but does not have a lot of water, and would like to leave it undisturbed. Mr. Mitchell stated if the developer removes obstructions from a natural ditch, it may require a permit. Mr. Garriga responded by explaining some of the issues that have arose in the past regarding natural ditches and the residents filling those ditches. There was some discussion regarding these ditches.

Mr. Rutherford said in the original plan North Mississippi Utility was to maintain the sewer system, but since then they have backed out. The health department then decided the lots needed to be larger so that they may have their own septic systems. Mr. Rutherford said he will show the outline of the sewer hole on the plat of lots 6 & 7. The ditch is being moved to allow room for an onsite treatment plant on those lots.

Mr. Williams asked how the erosion will be controlled. Mr. Rutherford responded saying they may have to put sod on the banks and there is a lot of gravel in the ditch that is there. Mr. Williams then asked who will be maintaining the ditch. Mr. Rutherford said the homeowners.

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

**Misty Oaks Phase 3 (6160) – Application is for final subdivision approval for 5 lots on 19.25 acres. Subject property is located on the on the west side of Horn Lake Road and north of Austin Road, zoned Agricultural-Residential. Section 8, Township 2, Range 8**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He did ask the developer to be sure the street signs are installed. He then recognized Mr. Danny Rutherford as being present to represent the application.

Mr. Rutherford said he has no problem with staff recommendations.

Mr. Scott Young, Assistant County Engineer stated head walls are needed on culverts over 30” and to be sure these get installed properly. The Engineering Department also needs storm water permit and drainage information.

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.

**Lakes of Delta Bluffs Phases 7 & 8 (6161) – Application is for final subdivision approval for 36 lots on 84.42 acres. Subject property is located on the north side of Highway 302 and east of Delta Bluffs Boulevard, zoned Planned Unit Development. Section 26, 27, Township 1, Range 9**

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

Mr. Jones stated he agrees with the staff recommendations.

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

**Johnson Commercial Lot 1 (5909) – Application is for a concurrence of one commercial lot of 5.25 acres. Subject property is located on the west side of Highway 51 and south of Star Landing Road, zoned C-4/C-2. Section 24, Township 2, Range 8**

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

Mr. Smith requested to have this application be carried over.

Mr. Mitchell made a Motion to carry over this application for one month (July 3, 2003). Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

## **PUD MASTER PLAN AMENDMENT**

**Fox Creek East Plan Amendment (612) – Application is to revise an existing Planned Unit Development Site Plan by reducing the number of lots and realigning a road. Subject property is located on the north side of Highway 302 and east of Center Hill Road. Section 29, Township 1, Range 5**

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

Mr. Smith began by saying they plan on asking the Mississippi Department of Transportation (MDOT) to have the median cuts realigned with the Braybourne and Fox Creek East Subdivision Drive Entrances. Mr. Garriga said that would make everything line and create better traffic circulation.

Mr. Garriga then requested an acceleration/deceleration lane along the frontage of Highway 302. The Planning Commission members agreed, in saying is going to really help the Braybourne traffic. Mr. Smith responded by saying he would talk with the applicant but does not feel it is up for negotiation..

Mr. Lawhon made a Motion to approve this application with staff recommendations and a request for the applicant to consider building the acceleration/deceleration lane. Ms. Niebanck seconded the Motion. The Motion was passed by a unanimous vote.

There being no further business in front of the Commission, the Planning Commission adjourned at 10:45 p.m. These Minutes were recorded and transcribed by Denise Dingman.