



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
October 2, 2008**

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, October 2, 2008, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Jimmy Maxwell, Randy Jones, David Henley, Charles McNemar, Joe Forsythe, Pat Hefley, Eddie O'Bannon, Robin James and Wade Carter. Planning Commission Staff present included Jim McDougal, Gina Tynan, Ashley Hendricks, and Mr. Jody Neyman, DeSoto County Attorney.

After the invocation, Mr. Carter asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on August 28, 2008. Mr. James made a Motion to approve the minutes as presented. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

CONSENT AGENDA

Minor Lots

R.D. Minor Lot (6735) - Application is for final subdivision approval of two (2) lots of 1 acre and one (1) lot of 3.25 acres out of 5.25 acres. Subject property is located on the west side of Craft Road and south of Bethel Road in Section 30, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 5)

Roy McGowan Subdivision 2nd Revision (6737) - Application is for final subdivision approval of one (1) lot of 2.5 acres and one (1) lot of 1.5 acres out of 5 acres. Subject property is located on the north side of Nesbit Road and east of Highway 301 in Section 24, Township 2, Range 9 and is zoned Agricultural-Residential (A-R). (District 4)

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

Mike Green/Triple Creek Minor Lot (6738) - Application is for final subdivision approval of one (1) lot of 1.8 acres and two (2) lots of 1.5 acres out of 4.8 acres. Subject property is located on the north side of Nesbit Road and east of Russell Cove in Section 23, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)

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

Harris Estates Minor Lot (6739) - Application is for final subdivision approval of one (1) lot of 3.37 acres and one (1) lot of 9.61 acres out of 12.8 acres. Subject property is located on the north of Bankston Road North and south of Bailey Road in Section 19, Township 2, Range 7 and is zoned Agricultural-Residential (A-R). (District 5)

Ms. Gina Tynan announced the Consent Agenda, including the above items, and stated that the proposed minor lot subdivisions 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. Carter requested that the easement as part of the Mike Green/Triple Creek Minor Lot be reviewed with the County Engineer prior to platting and recording.

Mr. Maxwell made a Motion to approve the consent agenda with staff recommendations. Mr. James seconded the Motion. The Motion was passed by a unanimous vote.

NEW BUSINESS

Final Subdivision

Vaiden Estates Phase 1 (6736) – Application is for final subdivision approval of 8 lots on 13.35 acres. Subject property is located west of Highway 305 and north of Vaiden Road in Section 4, Township 3, Range 6 and is zoned Agricultural. (District 5)

Ms. Tynan presented the application to the Commission and reviewed staff comments including several procedural items that should be addressed prior to recording the final subdivision plat. She then introduced Mr. Thomas King and Mr. Robert Reeves as being present to represent the application.

Mr. Carter stated that according to the staff report there seem to be some items missing from the application. Ms. Tynan responded the applicant is eager to get the subdivision platted and they have submitted applications to try to address the requested items, but approvals are pending.

Mr. Tommy King stated Health Department approval has been secured. He then stated that due to the economy they only want to develop 8 lots at this time, and that none of the lots are in a flood zone. He added that hatching will be made on the final plat to identify the flood zone adjacent to the subdivision.

Mr. Carter asked if there will be a Homeowners Association. Mr. King stated there will be a Homeowners Association and that they do not have the restrictive covenants at this time, but will provide them for review before the plat is recorded.

Mr. Carter asked Mr. King if he is aware that a Residential Development Agreement and Erosion Control Agreement will be required for this development. Mr. Reeves stated that they can proceed with execution of these documents immediately. Mr. King asked for clarification of what the Residential Development Agreement is. There was general

discussion with Mr. Andy Swims, Mr. Jim McDougal and the Planning Commission about the process and requirements for Residential Development Agreement.

Mr. Carter then stated that generally all items such as the Covenants and the Residential Development Agreement should be presented to the Planning Commission at the time application is made for final approval of the subdivision plat. Mr. King asked if the Planning Commission could approve the application subject to the Covenants being brought to the Planning Commission Office for approval by staff before being platted. There was discussion on what would be involved for the staff of the Planning Commission Office if the approval was given subject to the conditions being met. Mr. McDougal was stating there would be a time crunch for the Planning staff to get the information together, due to the application needing to go before the Board of Supervisors next week if the Planning Commission approved it tonight. Mr. O'Bannon stated that would be putting a lot of pressure on the Planning staff.

Mr. Carter asked the applicants if they would agree to have the Planning Commission entertain a Motion to carry over the application to the October 30, 2008 meeting so they can address covenants, Homeowners Association formation, and the Residential Development Agreement. Mr. Reeves agreed they would address the issues for the next Planning Commission meeting .

Mr. James made a Motion to carry over the application is for final subdivision of Vaiden Estates Phase 1 to the October 30, 2008 meeting. Mr. Forsythe seconded the Motion. The Motion was passed by a unanimous vote of 9-0.

Rezoning

Eastbrooke Planned Development (708) – Application is to rezone 314.4 acres from Agricultural-Residential (A-R) and Residential Single-Family (Low Density) (R-30) to Planned Unit Development (PUD). Subject property is located on the north side of Vaiden Road and east of Craft Road in Section 5, Township 3, Range 6. (District 5)
*****APPLICANT REQUESTS THIS ITEM BE HEARD OCTOBER 30, 2008*****

Ms. Gina Tynan presented a request by the applicant to carry this item over to the October 30, 2008 meeting due to technical issues regarding the application.

Mr. Maxwell made a Motion to carry this item over to the October 30, 2008 meeting. Mr. Jones seconded the Motion. The Motion was passed by a unanimous vote of 9-0.

OTHER ITEMS

1. Presentation on DeSoto County Demographics by Mr. Jimmie Covington

Mr. Jim McDougal introduced Mr. Jimmy Covington of the Commercial Appeal to give a presentation to the Planning Commission of the demographics of DeSoto County. Mr. Covington has been with the Commercial Appeal newspaper for 47 years and writes on demographics for the area. Mr. Covington gave a presentation based on the Census records of the historical changes in population in DeSoto County and gave some possible reasons for these changes.

2. Discussion of upcoming Planning Commission meeting dates

There was general discussion about assigning Planning Commission meeting dates November 20, 2008 and December 18, 2008 to address potential conflicts with holidays. The Commissioners agreed that these dates are acceptable and should be added to the calendar.

3. A.W. Bouchillon Institute Seminar

Ms. Gina Tynan presented information on a training session for Planning Commission members being held by the A.W. Bouchillon Institute on November 13, 2008. Ms. Tynan stated the event would be held at the North West Mississippi Association of Realtors building in Hernando and that the training will begin at 3:00 p.m. At 5:30 p.m. there will be a dinner and key note speaker. Ms. Tynan then stated the Board of Supervisors had approved to pay the fees for anyone on the Planning Commission who would like to attend.

4. Request to lower the required minimum square footage of homes in Miller Farms Subdivision

Ms. Gina Tynan presented the request to reduce the required minimum square footage of homes in Miller Farms Subdivision to the Planning Commission.

Ms. Tynan stated when the subdivision was approved by the Board of Supervisor as specified by the minutes the minimum square footage was 3,500 square feet and the applicant is now asking to reduce some of the lots to 2,200, 2,400, and 2,800 square feet.

Mr. Jim McDougal stated he spoke with Mr. Jody Neyman, County Attorney, and that because the minimum square footage for Miller Farms Subdivision was not made a condition of approval, nor is it recorded on the face of the subdivision plat the applicant will not need to plat and record the revision of minimum square footage if approved.

Ms. Tynan announced Mr. Ben Smith and Mr. Johnny Meadows were present to represent the request.

Mr. Smith stated during the presentation plat of the final subdivision to the Board of Supervisors it was mentioned the minimum square footage would be 3,500 square feet but it was not required they put the restrictive covenants on the face of the plat. He then stated that at the time the presentation was made people were buying larger homes, but due to the economy no lots have been sold in this development. Mr. Smith stated the applicants were advised by builders and realtors that they would be more likely to start building in the subdivision if the minimum square footage of the homes was lower. He then went on to say they are not asking to reduce the minimum square footage of all the homes in the subdivision, they are requesting the size of 38 lots total to be reduced to 2,200-2,800 minimum square feet with only 18 of those lots to be reduced to 2,300 square feet or less.

There was general discussion and concern voiced by some members of the Planning Commission that if reducing the minimum square footage for lots in this subdivision they would be setting a precedent for other developers to request reduction of minimum square footage and what effect it would have on the County. Mr. Robin James stated he

felt that the large minimum house size of this development was not marketable at this time. He stated that reducing the minimum square footage from 3,300 square feet to 2,200 square was a large reduction in terms of total square feet of the homes but this would not feel as substantial as reducing the house size from 2,200 square feet to 1,200 square feet.

Ms. Hefley asked if Mr. Meadows felt Miller Farms Subdivision would fit in with the other developments surrounding it, such as Whispering Pines. Mr. Meadows stated he felt the amenities offered at Miller Farms are far above the amenities offered at the surrounding developments and the high-end character and design of the homes would fit well in this area of the county.

Mr. James made a Motion to approve this request as proposed in the letter presented by Mr. Ben Smith. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote of 9-0.

The meeting adjourned at 8:45 p.m. These minutes were recorded and transcribed by Ashley Hendricks.