

DESOTO COUNTY PLANNING COMMISSION
Order of Items
November 20, 2003

1. Invocation
2. Roll Call
3. Approval of Minutes – October 30, 2003
4. Announcements:

REQUEST TO CARRY OVER UNTIL DECEMBER 30, 2003

5. Anderson Place (619) – Application is to rezone 76.65 acres from Planned Unit Development to R-15 Single Family Residential (Low Density). Subject property is located on the west side of Highway 301 and south of Highway 302. Section 36, Township 1, Range 9

MINOR LOT SUBDIVISIONS

6. New Southern Pines (4817) – Application is for a concurrence of two minor lots with an easement of 4.76 and 5.2 acres. Subject property is located on the east side of Polk Lane and north of Highway 178, zoned Agricultural-Residential. Section 7, Township 2, Range 5

SUBDIVISION MUST BE PLATTED AND RECORDED

7. Tommy Lewis Minor Lot (6220) – Application is for subdivision approval of three lots on 5.45 acres. Subject property is located on the west side of Malone Road and south of Byhalia Road, zoned Agricultural. Section 3, Township 3, Range 7

SUBDIVISION MUST BE PLATTED AND RECORDED

NEW BUSINESS

RE-ZONINGS

8. Swinnea Landing (620 & 621) – Application is to rezone 37.16 acres from Agricultural-Residential to R-20 Single Family Residential and 1.87 acres from Agricultural Residential to Neighborhood Commercial (C-1). Subject property is located on the south side of Star Landing Road and west of Swinnea Road. Section 19, Township 2, Range 7
9. Hoover Rezoning (622) – Application is to rezone 3.53 acres from C-1 (Neighborhood Commercial) to C-2 (Highway Commercial). Subject property is located on the north side of Wheeler Road and west of Robinson Gin Road. Section 8, Township 4, Range 8

MAJOR SUBDIVISIONS

10. Bar E Ranchettes Section C (6189) – Application is for final subdivision application for 8 lots on 28.9 acres. Subject property is located on the north side of Oak Grove Road and east of Rising Sun Road, zoned Agricultural. Section 17, Township 3, Range 8

11. Bakersfield (6209) – Application is for preliminary subdivision approval for 56 lots on 37 acres. Subject property is located on the west side of Laughter Road and south of Pleasant Hill Road, zoned R-20 Single Family Residential.
Sections 25 & 25, Township 2, Range 7
12. Allen Farms 1st Revision (6217) – Application is to revise a recorded plat with 10 lots on 30.31 acres. Subject property is located on the southwest side of Coryelle Road and south of Adair Road, zoned Agricultural.
Section 22, Township 3, Range 6
13. The Neighborhood at Cedar View (6218) – Application is for preliminary subdivision approval for 69 lots on 75.17 acres. Subject property is located on the west side of Highway 305 and south of College Road, zoned R-40 Single Family Residential.
Section 16, Township 2, Range 6
14. Chappel Creek Estates (6219) – Application is for preliminary approval of 50 lots on 42.32 acres. Subject property is located on the east side of Center Hill Road and south of Goodman Road, zoned R-30 Single Family Residential
Section 33, Township 1, Range 5
15. Richmond Woods (6190) – Application is to revise an existing preliminary plat of 32 lots on 80.73 acres. Subject property is located on the west side of Gitter Road and south of Holly Springs Road, zoned Agricultural.
Section 28, Township 3, Range 6
16. Highland Meadows Phase I (6221) – Application is for final subdivision approval of 10 lots on 21.83 acres. Subject property is located on the west side of Holly Springs Road and south of Highway 304, zoned Agricultural.
Section 16, Township 3, Range 9

OTHER ITEMS

17. Brief Discussion on 2030 Land Use Map
18. Possible Procedural Change for Meetings:
Consent agenda with minor subdivisions and final plat approvals
19. REMINDER: The regular January 1st Planning Commission Meeting will be held Tuesday, December 30, 2003 due to the holidays.

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, November 20, 2003, in the Third Floor Boardroom of the Administration Building of DeSoto County located at: 365 Loshier Street, Hernando, MS. Commissioners present were: Ed Williams, Jimmy Maxwell, Robin James, Larry Sykes, Julius Cowan, Mitch Mitchell, Claudia Niebanck, Leonard Lindsey, Charles McNemar and Mike Robison. Planning Commission Staff included: Michael Garriga, DeSoto County Planner, Merritt Powell, Director, Jim McDougal, Transportation Coordinator, Andy Swims, 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. Jimmy Maxwell to lead the Commission in prayer.

Mr. Robison asked for a Motion to approve the October 30, 2003 minutes. Mr. Jimmy Maxwell made a Motion to approve the minutes. Mr. Sykes seconded the Motion. The Motion was passed by a unanimous vote.

REQUEST TO CARRY OVER UNTIL DECEMBER 30, 2003
Anderson Place (619) – Application is to rezone 76.65 acres from Planned Unit Development to R-15 Single Family Residential (Low Density). Subject property is located on the west side of Highway 301 and south of Highway 302. Section 36, Township 1, Range 9

Mr. Michael Garriga passed out and read a letter of request to carryover the application until the December 30, 2003 Planning Commission meeting. There is a gas line along an easement, and they are waiting for reports from the gas company. Mr. Powell suggested that if this application is tabled tonight, and they request again to carryover the application, it should be withdrawn. It is not fair for the people who show up to the meetings after several times to find out it will not be heard. Mr. Mitch Mitchell made a Motion to carryover the application until the December 30, 2003 meeting and if it not heard then, it will be withdrawn or denied. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

MINOR LOT SUBDIVISIONS

New Southern Pines (4817) – Application is for a concurrence of two minor lots with an easement of 4.76 and 5.2 acres. Subject property is locate on the east side of Polk Lane and north of Highway 178, zoned Agricultural-Residential. Section 7, Township 2, Range 5

SUBDIVISION MUST BE PLATTED AND RECORDED

Tommy Lewis Minor Lot (6220) – Application is for subdivision approval or three lots on 5.45 acres. Subject property is located on the west side of Malone Road and south of Byhalia Road, zoned Agricultural. Section 3, Township 3, Range 7

SUBDIVISION MUST BE PLATTED AND 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. Sykes made a Motion to approve the minor lots. Mr. Williams seconded the Motion. The Motion was passed by a unanimous vote.

Swinnea Landing (620 & 621) – Application is to rezone 37.16 acres from Agricultural-Residential to R-20 Single Family Residential and 1.87 acres from Agricultural Residential to Neighborhood Commercial (C-1). Subject property is located on the south side of Star Landing Road and west of Swinnea Road. Section 19, 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. Garriga then passed out a current land use map and a future land use map.

Mr. Ben Smith began his presentation by stating the changes in the area apply to both Swinnea Landing rezoning applications. Mr. Smith said that for the residential application they are asking for an R-20, which is low density, but in all probability the density would be 1.7 per acre. This is considerably less than the R-20 density. There are larger residential lots surrounding this property and a large transmission line running through the property, so it makes sense to have larger lots. The 12' water main for the City of Southaven has not been constructed yet along Star Landing, but it is going to occur before the construction of this subdivision. The City of Southaven has applied with the Department of Environmental Quality a MPDS permit to construct a sewer treatment facility which will handle the wastewater. This will also allow for central sewer, which will be owned and operated by the City of Southaven. He continued saying, there will be an interchange constructed at Star Landing and Highway 55 in the next 5-7 years. Swinnea Road will become the next Church Road. Commercial development has already been approved in and around that area. The City of Southaven has also annexed down to Star Landing Road, the City limits are now across the street from this property. This area is becoming more urban and less rural. There is a new development under construction north of this property. Chatau Point is already under construction with curb and gutter, and homes should be constructed the first of next year. The City of Southaven is in the process and has approved smaller lots (9,000 – 12,000 square feet). Mr. Smith continued saying, this does meet the county's Comprehensive Plan. In regards to the commercial application, Swinnea Road will be a major north/south road. We will need to extend Swinnea Road and if the mall is developed the road will be extended from Church Road north to Goodman Road. The City of Southaven recognizes Swinnea Road as being the next major north/south corridor. The Comprehensive Plan states Commercial can be considered at intersections on major roads. There will be a need for Neighborhood Commercial.

Mr. Mitchell asked if there is a PUD in the north/east corner? Mr. Smith replied saying “yes” one is Cherrytree that is 680 acres with ½ acre lots and 1,500 – 2,000 square foot homes.

Ms. Niebanck asked if the bufferyard requirement will be met? Mr. Smith said he will meet the buffer yard requirements.

Mr. Robison asked Mr. Smith if this is approved as an R-20 we will be looking for heavy drainage easements. Mr. Smith responded saying he will be asking the Board of Supervisors to waive curb and gutter. We will look at slops, swells, etc.

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

Mr. Sykes asked for clarification regarding Swinnea Road. Mr. Garriga responded saying if this application is approved the applicant will be required to extend Swinnea Road, which is set by the major road plan. Mr. Sykes asked if Mr. Smith understands that? Mr. Smith said “yes”.

Mr. Mitchell asked if he agrees with staff comments. Mr. Smith said “no problem”. He will be build about ¼ mile of the road. Mr. Swims said they are doing survey work regarding right of way along Swinnea Road. The location of road to the south has not yet been determined, they are working on it.

Mr. Otis Bailey – 2504 Hunter Road, said they need a turning lane, and he would donate any land needed on a condition that the section line be in the center of the road as built.

Mr. Robison entertained a Motion. Mr. Sykes made a Motion to approve the Residential Rezoning with staff recommendations as per the changes in the area based on Mr. Smith’s presentation regarding the 12’ water line, sewer treatment plant that is going to be built, Highway 55 Interchange, the City of Southaven’s annexation line and the new construction of Swinnea Road, which illustrates the change in the area. Mr. Cowan seconded the Motion. There was a roll call vote approval of 9-1 (abstain). This will be heard by the Board of Supervisors on January 7, 2004.

Mr. Robison asked if further discussion regarding the Neighborhood Commercial rezoning application.

Mr. Sykes asked about the C-1 uses and its limitations, due to the size of the lots. He wanted to be sure there would not be any type of manufacturing, car lots, etc., on that lot. Mr. Garriga read the C-1 uses. Mr. Lindsey then stated C-4 is much more restrictive and more appropriate for a Neighborhood, he then asked Mr. Smith if he would be opposed to the C-4. Mr. Smith said “no”. Mr. Garriga reminded the board, saying a site plan is needed for a C-4 along with a new application. Mr. Robison said a Planned Development will set the tone for the other corners. Mr. Smith then talked about the buffer yards, site control etc., that is required for a C-4. Mr. Robison said we will work with the applicant if a C-4 is approved. Mr. Smith said the City of Olive Branch will approve a C-4

rezoning subject to a site plan being submitted, he would like the application approved tonight even with the C-4 change, he is not prepared to give a site plan tonight.

Mr. Sykes asked if this board can legally make a decision on this rezoning to a C-4 with a site plan that meets the C-4 regulations. Ms. Katie Jewell said “yes”. Mr. Robison said Mr. Smith has already agreed to do a C-4 subject to a site plan and a list of uses being submitted.

Mr. Lindsey made a Motion to table this item to the end of the next case to allow time for Mr. Smith to review the list of appropriate uses. Ms. Niebanck seconded the Motion. The Motion was carried by a unanimous vote.

Hoover Rezoning (622) – Application is to rezone 3.53 acres from C-1 (Neighborhood Commercial) to C-2 (Highway Commercial). Subject property is located on the north side of Wheeler Road and west of Robinson Gin Road. Section 8, Township 4, Range 8

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

Mr. Robison said Wheeler Road is just a county road, not a major road. Mr. Garriga agreed that it is not a major through fair.

Mr. Niebanck asked what the traffic count is. Mr. Garriga responded saying he does not know, but it is minimal. The traffic is seasonable due to the lake and campground.

Mr. Robison asked if the current uses comply with the C-1 zoning? Mr. Powell responded saying for the permits we have issued, “yes”, which is a restaurant and a convenience store.

Mr. Sykes asked if the location of the property meets the C-2 criteria? Mr. Garriga answered saying “not in his opinion”.

Mr. Hoover – 8781 Tulane Road. He began his presentation saying he wants to put in storage units. Delta Savings has approximately 250 –300 members who have sail boats on the lake and they have asked for storage for all the extra items. There are 87 campsites at the campground, and traffic does vary. We sell grocery items, beer, he also has a recreation center with a pool table and occasionally he has live entertainment.

Mr. Robison thought the Corp of Engineers had a place for the boats. Mr. Hoover responded saying, they do, however, there is not a place to put the extra items and keep them out of the weather.

Mr. Mitchell asked if there would be outside storage? Mr Hoover said “yes”, and the C-2 zoning is the only thing that allows outside storage. Mr. Mitchell said is issue is, all uses

in the C-2 zonings are allowed. Mr. Mitchell asked if we could limit C- 2? Mr. Powell said “no”. Mr. Mitchell continued saying he believes C –4 zoning should allow outside storage.

Mr. James asked if the applicant could get a Conditional Use under the current zoning? Mr. Powell answered saying, “no”, he will need to get a Conditional Use under a C-2 if it is considered mini storage.

Mr. Sykes asked if #21 under the permitted uses would apply? Mr. Powell answered saying “no”, that is a parking lot.

Mr. Mitchell said mini/outside storage needs to be addressed in the Comprehensive Plan. Mr. Powell said we are working on it. There was brief discussion regarding this issue and the Comprehensive Plan.

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

Mr. Lindsey stated the applicant has not proven a mistake in the zoning, nor has he proven a change in the area. This application does not qualify for C-2 zoning, it is rare that this board makes decisions that go backwards from a C-1 to a C-2, etc. He concluded saying there is no way he can vote in favor of this rezoning.

Ms. Neibanck spoke stating the traffic count does not justify the Highway Commercial rezoning. Ms. Neibanck then asked if a bar/lodge needs to be a conditional use under the current zoning. Mr. Powell answered saying “no”. She is concerned about the current uses that are not in conformity with the current zoning.

Mr. Mitchell began by stating he wanted the applicant to know that he is not against outside/mini storage, but this area does not qualify for a C-2 rezoning under the current regulations. He continued saying, he would like to see the C-4 zonings allow the mini storage as one of the uses, and maybe the applicant can come back with a C-4 application at a later date.

Mr. Hoover asked about a possible C-3 rezoning. Mr. Garriga answered saying, that a C-3 is intense, but not as intense as C-2. A C-3 also allows for higher/taller buildings and is not really an option for mini storage.

Mr. Robison entertained a Motion.

Mr. Lindsey made a Motion to deny this application due to the applicant not being able to prove a change in the neighborhood and a C-2 is not conducive to the area. Mr. Mitchell seconded the Motion. There was a roll call vote of 10-0 to deny this application. This application will go before the Board of Supervisors which will be held January 7, 2004.

Swinnea Landing (620 & 621) – Application is to rezone 37.16 acres from Agricultural-Residential to R-20 Single Family Residential and 1.87 acres from Agricultural Residential to Neighborhood Commercial (C-1). Subject property is located on the south side of Star Landing Road and west of Swinnea Road. Section 19, Township 2, Range 7

At this time the board came back to Mr. Ben Smith regarding the Swinnea Landing Rezoning applications. Mr. Smith said the following items are the ones he would like to strike from the C-1 permitted uses:

- # 1 - Accessory Dwelling Unit;
- #12 - Indoor recreation Center, arcade with video, pinball machines but excluding theaters, bowling alleys, skating rinks;
- #20- Radio and television towers, antennas, earth stations or wireless communication facilities;
- 25 – Self service laundry and dry cleaning facilities

He would also like to strike the following from the Conditional Uses list:

- #1- Churches
- #2 – Club, lodge, country club
- #3 – Schools, public or private
- #6 – Theaters
- # 7 – Temporary use of prefabricated buildings or mobile homes for any permitted or conditional uses
- #8 – Radio and television towers, antennas, earth stations, or wireless communication facilities, which are not a co-location, or do exceed 35 feet in height;
- # 9 – Expansion of non-conforming uses

He would like to move conditional use # 4 Gas pumps as an accessory use to a convenience store to a permitted use. He would also like to change # 5 of the Conditional Use to a permitted use, but no free standing car wash, it would be an accessory to a convenience store (drive thru car wash only).

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

Mr. Sykes made a Motion to approve the Commercial Rezoning of C-4, with staff recommendations as per the changes in the area based on Mr. Smith’s presentation regarding the 12’ water line, sewer treatment plant that is going to be built, Highway 55 Interchange, the City of Southaven’s annexation line and the new construction of Swinnea Road, which illustrates the change in the area and with the changes as stated by Mr. Smith regarding the Permitted Uses and Conditional Uses. Mr. Lindsey seconded the Motion. There was a roll call vote to approve this application of 10-0.

Bar E Ranchettes Section C (6189) – Application is for final subdivision application for 8 lots on 28.9 acres. Subject property is located on the north side of Oak Grove

Road and east of Rising Sun Road, zoned Agricultural. Section 17, Township 3, 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. Garriga asked if the county can receive 53' of road right of way. Mr. Smith agreed.

Mr. Williams asked if there would be any driveway access to Oak Grove Road? Mr. Garriga answered saying they have eliminated access to Oak Grove Road. Mr. Powell asked if there would be subdivision signs. Mr. Smith said "no".

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

Bakersfield (6209) – Application is for preliminary subdivision approval for 56 lots on 37 acres. Subject property is located on the west side of Laughter Road and south of Pleasant Hill Road, zoned R-20 Single Family Residential. Sections 25 & 25, Township 2, Range 7

Mr. Garriga presented the application and presented the staff report to the Planning Commission. Mr. Garriga added, at the rezoning phase, the Board of Supervisors waived the curb and gutter requirement. He then recognized Mr. Joe Frank Lauderdale as being present to represent the application.

There was a short discussion among the board members and staff regarding erosion control for this property. An erosion control plan must be submitted to the county engineer and then it must be maintained.

Mr. Garriga added, by saying Mr. Bridgforth said he would exceed the road width requirements in place of the sidewalks.

Mr. Robison asked the applicant if he could put a ditch profile, easements, and information regarding fences on the plat. Mr. Lauderdale agreed.

Mr. Williams asked if there would be an extra lane along Laughter Road and Pleasant Hill Road? Mr. Garriga responded saying "yes", it is a section line and the developer is required to add an extra lane and a half. Mr. Sykes asked if that would effect lots 3 and 4. Mr. Powell replied saying it would back them off further.

Mr. Robison said there is a stub road to the north on the west end why not to the south? Mr. Lauderdale said it could be added.

Mr. Swims reiterated that there would be ditch profiles on the open ditches that it would be noted on the plat. Mr. Robison said "yes" there would be a typical note on the plat.

Mr. Swims then suggested that the profile also have a profile view. Mr. Lauderdale agreed.

Mr. Lindsey asked if there would be covenants. Mr. Lauderdale said “yes” and they would exceed Bridgetown’s covenants and will be filed with the final application.

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

Mr. Lauderdale began saying there is nothing north of this property in regards to the street to the north. He said creating another entrance along the curve of Pleasant Hill Road will create additional congestion.

Mr. Lauderdale said he would stub to the south and north to Pleasant Hill Road. He continued saying, there will be a 27’ wide street with a walking lane and a big stripe on at least one side of the road. He added, they are going to go ahead with preliminary plans for the sewer along Bean Patch Creek. Mr. Lauderdale said North Mississippi has already agreed to provide sewer until the Regional Utility comes through. This is not going to be a fast development, it will take years to build all lots.

Mr. Williams said the only problem he has is that curb and gutter had been waived.

Mr. Robison entertained a Motion. Mr. Mitchell made a Motion to approve this application with staff recommendations and that there be a stub road to the south and that all ditch, easements be noted on the plat. Mr. Maxwell seconded the Motion. The Motion passed with a vote of 9-1.

Allen Farms 1st Revision (6217) – Application is to revise a recorded plat with 10 lots on 30.31 acres. Subject property is located on the southwest side of Coryelle Road and south of Adair Road, zoned Agricultural. Section 22, Township 3, Range 6

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

Mr. Garriga stated Josephine Road needs to be corrected on the new plat to Coryelle Road and a name on the stub road before it is recorded. Mr. Russell said the stub road will be Alex Bea Road.

Mr. Russell began saying they are moving a lot line to accommodate the barn on lot 4.

Mr. Mitchell asked if he agrees with the staff reports. Mr. Russell said he agrees.

Mr. Sykes asked about the notes on the current recorded plat. Mr. Garriga responded saying they will take the new plat back to the health department and the same notes be noted on the plat if they still apply.

Mr. Robison entertained a Motion. Ms. Niebanck made a Motion to approve this application with staff recommendations and that there be no mobile homes allowed in this development. Mr. Cowan seconded the Motion. The Motion was carried by a unanimous vote.

The Neighborhood at Cedar View (6218) – Application is for preliminary subdivision approval for 69 lots on 75.17 acres. Subject property is located on the west side of Highway 305 and south of College Road, zoned R-40 Single Family Residential. Section 16, 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 Engineering as being present to represent the application.

Mr. Sykes asked if lots 1-4 & 41 would have access to Highway 305? Mr. Garriga said “no”. Mr. Williams asked if there would be curb and gutter in this subdivision? Mr. Garriga answered saying an R-40 subdivision does not require curb and gutter. Mr. Robison asked about the existing house. Mr. Garriga responded saying the house will be removed.

Mr. Mitchell asked about the objections regarding the Dunn Lane North extension during the rezoning process. Mr. Garriga answered saying there were some people who did not want Dunn Lane North extended, but the Planning Commission staff believes the road needs to be extended. Mr. James said he is not sure extending that road is a good idea, he went and looked at it, and believes that would create too much traffic for that county road. Mr. Powell responded saying, public services is the main reason that the road needs to be extended, most people would use Highway 305 rather than Dunn Lane North, or Dunn Lane but this would be good access for emergency services. Mr. Russell added, he did not handle the rezoning application and he is not aware of the issue, but will do whatever this board requires them to do.

Mr. Powell then stated detention in the southwest corner was also an issue. Mr. Russell said they will be able to meet any detention requirements. He will be required to build a detention basin, there will be a levy structure. Mr. Swims, County Engineer then talked about the detention ponds and non-disturbance of the creek. Mr. Russell stated there will be a note on the plat stating the homeowner will need to maintain the drainage easements and ponds and not to disturb them, he will also submit plans to Andy Swims for his approval. Mr. Swims asked if there could be a note on the plat with setbacks so that there will not be any disturbance to the ditches. Mr. Russell agreed. Mr. Russell once again stated he will be willing to work with Mr. Swims regarding the drainage and ditches. He will also add to the plat a description of a “do not disturb zone”.

Mr. Russell then stated the covenants will be similar to Belmor Lakes and at this time there will not be a Homeowners Association unless there needs to be a common area for the detention.

Mr. Williams then asked about the stub road to the north. Mr. Russell said he would agree to whatever the Planning Commission Board decides.

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

1. Margaret Byrd – 8728 Dunn Lane North; she has 7 acres and pointed to her property. She added, her neighbors all have 5-10 acres. At one time Dunn Cove was shared driveways, they petitioned the county and the county did pave the road. She then explained the road and her and her neighbors property. The land is owned by her and her neighbor across the street, the developer will need to purchase any right of way from them. Ms. Bird also talked about the large tree at the end of the road, she said it will take 3 people to put their arms around it, and if this road is connected that tree will need to be removed. She continued saying there are four families on each side of Dunn Cove and they do not need fire, ambulance, etc., using the road, she does not believe access to Dunn Cove is needed. She and her neighbors like the dead end road, and if it is required that this road be extended they will need to purchase her land, move her fence and move the tree and figure out how much to pay her for the tree. Ms. Byrd then talked about the drainage, and the ditch is 12' deep and there is about 47 acres of water from the west/south corner and if the banks are cut there will be problems. She added, everyone always says it is "someone else's deal", and the maintenance is left up to the homeowners, who do not always take care of things the way they should be, and we will have to live with it. All we are left with is a lawsuit, she does not want a lawsuit and all she wants to do is live in quite enjoyment. She wants her AR rural residential property at the end of a dead end road.
2. Ann Stall – 8500 Dunn Lane –She has no problem with the subdivision as it stands, but she does not want Dunn Lane connected into this subdivision. She continued saying a gentleman connected with the subdivision (could not remember his name) had promised Mr. & Mrs. Sanders (pointed to their property) and assured them that Dunn Lane would not be extended. Ms. Sanders would have been here tonight, except her husband had back surgery and was unable to attend. Mr. Robison stated if we require the stub road the road right of way would be dedicated to the county not the developer. Mr. Powell said, at some point in time if the county ever sees the need to extend Dunn Lane North the county would then talk to Ms. Byrd and any other party involved about the road right of way, the developer is not required to extend the road only provide the stub road for future extension. Mr. Robison added, that for as long as he has been on the Planning Commission the rules tend to work. Ms. Stall then pointed to the location of the ditch on her property and talked about the overflow. Her kids use to ride their go karts across the ditch and at some point in time the ditch was rerouted which has caused the overflow. Mr. Williams asked if the ditch flows north? Ms. Stall said "yes".

Mr. Robison then closed the floor.

Mr. Williams said there is a need for the stub road to the south, it just may need to be moved some to avoid the tree. Mr. Russell said if the tree is as big as Ms. Byrd says it is the road will not need to be moved a little it will need to be moved a lot to get away from the drip line.

Mr. Robison then asked about just dedicating the road right of way and not building the stub road. Mr. Powell answered saying moving the road some may move a lot line, but he does not care if the road swings out to the left or the right. Mr. Williams said he is concerned about the volunteer fire department and other services and their way into the subdivision if this stub road were not there. Mr. Russell responded saying, the way new homes are being built in the area, the fire protection will be upgraded, he does not see the need for the road.

Mr. Sykes stated if no one wants the road, why don't we just dedicate it. Mr. Garriga responded saying, when he does his investigations into subdivisions and find there is road right of way dedication, but the road never gets built, it is frustrating.

Ms. Niebanck asked about stubbing to the north. Mr. Russell said he could somewhere in the middle and agreed to do so.

Mr. Robison entertained a Motion weather or not to require the stub road to be built.

Mr. Williams made a Motion to require the developer to build the road to the his property line. Mr. Linsey seconded the Motion. The Motion passed by a 5-4 vote.

Mr. Robison then entertained a Motion for subdivision approval or denial.

Mr. Mitchell made a Motion to approve the subdivision application with staff recommendations and to require the stub road to the south as Dunn Lane North and a stub road to the north connecting to the large track of land to the east of Belmor Lakes (Powell Property) and the covenants be similar to the Belmor Lakes Subdivision covenants. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

Chappel Creek Estates (6219) – Application is for preliminary approval of 50 lots on 42.32 acres. Subject property is located on the east side of Center Hill Road and south of Goodman Road, zoned R-30 Single Family Residential. Section 33, Township 1, Range 5

Due to no representation Mr. Cowan made a Motion to carryover this application to the December 30, 2003 meeting. Mr. Lindsey seconded the Motion. The Motion was passed by a unanimous vote.

Richmond Woods (6190) – Application is to revise an existing preliminary plat of 32 lots on 80.73 acres. Subject property is located on the west side of Gitter Road and south of Holly Springs Road, zoned Agricultural. Section 28, Township 3, Range 6

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

Mr. Robison asked if they could make a flag lot rather than an easement on lots 8 & 6. Mr. Greenwood stated lots 8 and 6 would be better with an easement. There was general discussion regarding the easements and levy. Mr. Greenwood then agreed to the flag lot.

Mr. Lindsey asked if taking out the cross road would violate the road length requirement? Mr. Garriga said it is getting close, he then checked the length. It does violate the requirement, the road is about 3,000 feet. Mr. Powell added, the topography would be better, so we are o.k. with it, because circulation and traffic will not be a problem within this subdivision.

There was then discussion regarding the cove and the ditch and the concern of having lots that cross the ditch. Mr. Greenwood suggested to take the road to the ditch and make a temporary turnaround in place of the cove.

Mr. Sykes asked if lot 6 would still have an easement? Mr. Powell answered saying “no” it is no longer going to be an easement it will be a flag lot.

Mr. Robison entertained a Motion.

Mr. Sykes made a Motion to approve this application with staff recommendations and with the changes discussed. The cove to be removed and the east/west road be constructed to the end of the property line with a temporary turnaround in place of the cove and lot 6 be a flag lot instead of having an easement. Mr. Maxwell seconded the Motion. The Motion was passed by unanimous vote.

Highland Meadows Phase I (6221) – Application is for final subdivision approval of 10 lots on 21.83 acres. Subject property is located on the west side of Holly Springs Road and south of Highway 304, zoned Agricultural. Section 16, Township 3, Range 9

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

Mr. Brown indicated that the location of the property shown on the overhead screen is on the wrong parcel, he then pointed to the correct parcel location.

Mr. Robison began by asking why the 10' planting easement is required. Mr. Garriga replied saying to prevent having unsightly rear of the houses.

Mr. Robison then asked about the ditch relocation. Mr. Swims, County Engineer, responded by saying, he needs to see additional plans, the set of plans he has is limited.

Mr. Powell said Chad Lane will be removed. Lots 3 or 4 will be increased in size. Mr. Garriga added, that on the southern part of the plat it states possible future phase, he said the word possible needs to be removed.

Mr. Robison asked if there would be covenants? Mr. Garriga replied saying "yes", he has copy of them and they look good. He continued saying the minimum house size will be 1,500 square feet with 2 car garages with a hard paved surface, parking pads and a homeowners association will be set up.

Mr. Swims commented saying before any further development, he does need the road plans submitted to him.

Mr. Brown began his presentation by stating the house sizes will be a minimum of 1,500 square feet, there are restrictive covenants, and a Homeowners Association is a possibility if the homeowners want it. He has no problem with the planting screen along Highway 301, and he does not see where the stub road is needed. He further stated he had thought the construction plans had already been submitted to the county engineer's office, he will make sure this gets done.

Mr. Robison is concerned about Chad Lane being removed, with this being in final form, he does not know where the road will go. Mr. Brown responded saying, if Chad Lane is removed they will dedicate road right of way along lot 3. Mr. Robison said he was not sure if there would be garages. Mr. Chuck Parker said there would be 2 car garages.

Mr. Robison entertained a Motion.

Mr. Sykes made a Motion to approve this application with staff recommendations and that attached 2 car garages will be required and added to the covenants, along with the removal of Chad Lane and road right of way included into lot 3. Mr. Lindsey seconded the Motion. The Motion was passed with a unanimous vote.

Brief Discussion on 2030 Land Use Map

Mr. Garriga passed out the land use books to the members who were not in attendance at last Thursday Comprehensive Plan workshop. He then talked about the land use category's and their flexibility and density. The transition category was the main topic of discussion among Board members and staff. The board members will continue to think about the transition category and land use map.

Possible Procedural change for Meetings: Consent agenda with minor subdivisions and final plat approvals.

Mr. Garriga passed out and the read the ordinance containing the section regarding minor subdivisions and final plats. He continued saying, it may be appropriate to have a consent agenda submitted to the board members, where these could be approved all at one time. Mr. Garriga added, he would still review and write staff reports for every final subdivision application. If a final application did not conform to the preliminary approval then that application would be brought and heard before this board. The consent agenda would only apply to applications that conform to the county regulations and conforms to the preliminary applications. This would make the Planning Commission meeting more efficient. Mr. Powell added, if the board agrees to a consent agenda, then there would be a procedure for someone wanting to talk about a final plat approval. Mr. Mitchell responded saying we do not hear from the audience when it is a final plat, so that procedure may not be necessary.

Mr. Robison said that through out the years, there was a time when minor lots and finals where handled procedurally through the Planning Commission staff.

It was agreed to begin using a consent agenda beginning December 30, 2003.

REMINDER: The regular January 1st Planning Commission Meeting will be held Tuesday, December 30, 2003 due to the holidays.

There being no further business in front of the Planning Commission, this meeting adjourned at 10:40 p.m. These minutes were recorded and transcribed by Denise Dingman.