



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
FEBRUARY 2, 2006**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes –December 29, 2006

**CONSENT AGENDA**

**Gary, C.W. (6433)** – Application is for 4 lots on 8.58 acres. Lot one of 4.59 acres, lot two 1.50 acres, lot three 1.50 acres and lot four .99 acres. Subject property is located on the north side of Love Road and east of Highway 51, in Section 2, Township 4, Range 8 and is zoned Agricultural. (District 5)

**Ross, Trent (6434)** – Application is for 1 lot on 4.04 acres. Subject property is located on the south side of Ingrams Mill Road and east of Highway 305, in Section 22, Township 3, Range 6 and is zoned Agricultural. (District 5)

**Whitten, Chris (6436)** – Application is for 2 lots on 9.9 acres. One lot of 6.9 and one lot of 3 acres. Subject property is located on the north side of Bridgeforth Road and east of Pleasant Hill Road, in Section 13, Township 2, Range 7 and is zoned Agricultural-Residential. (District 5)

**Riley, Charles (6438)** – Application is for 2 lots on 7.40 acres. One lot of 1.07 and one lot of 6.33 acres. Subject property is located on the south side of Bluff Road, in Section 20, Township 3, Range 9 and is zoned Agricultural. (District 4)

**MAJOR SUBDIVISIONS**

**Morrow, John (6435)** – Application is for 2 lots on 11.88 acres. One lot of 8 acres and one lot of 3.88 acres with an easement. Subject property is located on the south side of Wheeler Road and west of Tulane Road in Section 16, Township 4, Range 3 and is zoned Agricultural. (District 5) **MUST BE PLATTED AND RECORDED**

**Hornsby, Charlotte (6437)** – Application is for 4 lots on 15.5 acres. Lot one 4.15 acres, Lot two 3.93 acres, Lot three 3.39 acres and lot four 3.18 acres. Subject property is located on the west side of McIngvale and south of Slocum, in Section 32, Township 3, Range 7 and is zoned Agricultural. (District 5)

**MUST BE PLATTED AND RECORDED**

**REZONINGS**

**Smith, Craig & Wendy (672)** – Application is to rezone 1.30 acres from C-1 to Agricultural. Subject property is located at 8911 Highway 304, south side of Highway 304 and east of Highway 301, in Section 15, Township 3, Range 9 and is zoned C-1 Neighborhood Commercial District. (District 4)

**The Seasons (673)** – Application is to rezone 81 acres from AR Overlay to R-20 Single Family Residential. Subject property is located on the south side of Church Road and west of Highway 305, in Section 8, Township 2, Range 6 and is zoned AR Overlay. (District 5)

**Belmor Farms (674)** – Application is to rezone 18.1 acres from Agricultural-Residential to R-30, Single Family Residential. Subject property is located on the north side of Dunn Lane and west of Highway 305, in Section 16, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)

Other Items:

1. Officer Elections
2. Continuing Education

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, February 2, 2006, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Dennis Clemmer, Robin James, Wade Carter, Joe Forsythe, Frank Calvi, Eddie O'Bannon, Jimmy Maxwell, Charles McNemar, Pat Hefley, and Mike Robison. Planning Commission Staff present included Merritt Powell, Jim McDougal, Denise Dingman, and Mr. Jody Neyman, Commission Attorney.

After the invocation, Chairman Mike Robison asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on December 1, 2005 and December 29, 2005. Mr. Clemmer then made a Motion to approve the minutes. Ms. Hefley seconded the Motion. The Motion was passed by a unanimous vote.

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**Riley, Charles (6438)** – Application is for 2 lots on 7.40 acres. One lot of 1.07 and one lot of 6.33 acres. Subject property is located on the south side of Bluff Road, in Section 20, Township 3, Range 9 and is zoned Agricultural. (District 4)

Mr. McDougal then announced the Consent Agenda. Mr. McDougal 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. Carter made a Motion to approve the consent agenda. Mr. James seconded the Motion. The Motion was approved with a unanimous vote.

## **MAJOR SUBDIVISIONS**

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Mr. McDougal stated that the John Morrow subdivision only needs to be platted and recorded because of the easement. They are dividing this land for mortgage purposes only.

Mr. Robison said he was concerned about the adjoining property owners, he wants to make sure this easement is not granted to them for any reason. He then asked if the easement would follow county regulations. Mr. Powell said “yes”, there will be 16’ of gravel. Mr. Robison said he does like the fact that the easement is not on the property line.

Mr. Clemmer asked if there needs to be a stipulation that only 3 lots may have access to the easement. Mr. Powell said “yes”.

Mr. Carter made a Motion to approve the John Morrow application with the stipulation that only 3 lots have access to the easement and that it may be used for John Morrow’s property only, no matter the length of the easement. Mr. Clemmer seconded the Motion. The Motion was approved by a unanimous vote.

**Hornsby, Charlotte (6437)** – Application is for 4 lots on 15.5 acres. Lot one 4.15 acres, Lot two 3.93 acres, Lot three 3.39 acres and lot four 3.18 acres. Subject property is located on the west side of McIngvale and south of Slocum, in Section 32, Township 3, Range 7 and is zoned Agricultural. (District 5)

**MUST BE PLATTED AND RECORDED**

Mr. McDougal stated this application needs to be platted and recorded and that the county road right of way of 53’ be dedicated along McIngvale.

Mr. Robison asked if there are any restrictions regarding mobile homes and stated they are in the City of Hernando's annexation area.

Ms. Hornsby said she does not want to see a restriction of mobile homes on these lots. There are mobile homes across the street and does not see a need for this type of restriction.

Mr. Powell did say this area is zoned agricultural and mobile homes are allowed with 3 acres of land. In saying that, there are regulations regarding buffers. The applicant will need to place a buffer on the north and south side of the property. He also does not believe that a mobile home restriction can be placed on these lots. Mr. Jody Neyman, County Board Attorney agreed.

Mr. Carter said that to the north there is a real nice residential development.

Mr. Robison asked if mobile homes must be under pinned, have porches, plantings, etc. Mr. Powell said "yes".

Mr. James made a Motion to approve this application with staff recommendations and that the buffer requirement be indicated on the plat. Mr. Forsythe seconded the Motion. The Motion was approved by a unanimous vote.

**The Seasons (673) – Application is to rezone 81 acres from AR Overlay to R-20 Single Family Residential. Subject property is located on the south side of Church Road and west of Highway 305, in Section 8, Township 2, Range 6 and is zoned AR Overlay. (District 5)**

Mr. McDougal presented the application, staff report and comments to the Planning Commission. He then recognized Mr. Billy Grantham, from Russell and Company as being present to represent the application.

Mr. Grantham began by saying the duration of the project is affecting the development, its infrastructure and cost. A 12" water line has been added, the lack of sewer has also been an issue, but it is coming around with the interceptor. There is an 8% natural buffer along Church Road. He then talked about the changes in the area. There has been the installation of the infrastructure throughout the subdivision. They are still in the process of receiving final approval from DCURA. Other changes include, the extension of Craft Road, the widening of Highway 305, FedEx in the area. There is a public need for the project. This is the only subdivision east of Pleasant Hill and west of Highway 305 along Church Road. There are many changes in the area that will promote growth in and around the area. Mr. Grantham also spoke about the increase of building permits for 2005. The only change to this subdivision is the addition of 2 lots. Twenty of the eighty lots are from 26,000 – 30,000 square feet. Most lots are above 30,000 square feet. This is one unit per acre. In addition, we meet the land use plan and the only noticeable change will be toward the entrance of the development.

Mr. Carter asked who the retail provider is for the sewer. Mr. Grantham answered saying Olive Branch is handling the collecting and DCURA is treating it. The water will be provided by Lewisburg.

Mr. Robison asked if the proposed setbacks meet the ordinance. Mr. Powell answered saying "yes, they will need to meet the setback requirement.

Mr. Grantham added saying the subdivision is in the process of being built, they are just requesting an amendment to add the two additional lots.

Mr. Robison asked what change in the neighborhood warrants the change to the R-20. Mr. Grantham answered saying the changes as they were stated above and Willow Creek subdivision which is located on the north side of Church Road and its located inside the city limits of Olive Branch, maintain the integrity of the road, and that there will be an 8% buffer space. Mr. Greg Russell added saying the lots on the south side of College Road vary from 7,000 to 10,000 square feet, this will be a benefit to the area with the new FedEx facility, there is also a new bridge across lick creek which will eventually be extended to Ross Road.

Mr. Robison then asked if there would be any improvements to the open space. Mr. Grantham answered saying they want to leave as much as the natural buffer as possible, they want to leave the existing timber.

Mr. James said if this application is approved he wants to stipulate that there be a maximum of 80 lots inside this development.

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

1. Jeff Waters – He lives at 7540 Kelly Cove, he stated he does not have any problem with the additional two lot, but he is concerned that this will open R-20's to other properties. When reading the original application of the rezoning, it was stated that this property be developed as low density and this is what it should be developed as. Mr. Waters continued saying that there was a house located on Oakwood that burned to the ground because there was no water pressure. With this project and others that will come to the area, the water pressure will not get better it will get worse. He stated Mr. Grantham said the site is wooded, but they have removed a lot of trees, but he does agree that some trees do remain. He also believes the square footage of the lots need to be increased. Mr. Waters concluded saying he does not have a problem with the 2 lots up front, but why wasn't this done in the beginning.

Mr. Robison closed the floor.

Mr. Grantham replied saying this is still being developed as low density, it is one unit per acre, the maximum is 2.5 per acre. He then stated that the Lewisburg Water Department has required the 12" water line. He is not sure if the water is on in the development, but once again the 12" water line was their requirement. The minimum square footage of a one story house is 2,200 and 2,600 for a two story house. Just because there is a minimum lot size does not mean there will be a small home.

Mr. Robison asked when the first rezoning application was approved. Mr. McDougal answered saying June of 2004.

Mr. James made a Motion to approve this application based on the fact the applicant has proved that there has been a change in the area, approve with staff recommendations, the stipulation that there be a maximum of 80 lots, and that work begin on this development within 6 months. Mr. Clemmer seconded the Motion. There was a roll call vote of 10-0 to approve.

**Smith, Craig & Wendy (672) – Application is to rezone 1.30 acres from C-1 to Agricultural. Subject property is located at 8911 Highway 304, south side of Highway 304 and east of Highway 301, in Section 15, Township 3, Range 9 and is zoned C-1 Neighborhood Commercial District. (District 4)**

Mr. McDougal presented the application, staff report and comments to the Planning Commission. There was no one present to represent the application.

Mr. McDougal continued by explaining the background/history of the property and that the applicants are trying to receive a residential appraisal. Mr. Powell added saying the commercial zoning took place in 1983. In addition, the last time the Board of Supervisors adopted a zoning map and if the property were scaled off, the whole property would not be commercial.

Mr. Carter said since this was zoned this way in 1983 not by the request of the applicant, this could be considered a mistake. Mr. Jody Neyman, DeSoto County Board Attorney, said the definition of a mistake is, the properties use over an extend period of time is not in conformance with what it is zoned.

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

Mr. Carter made a Motion to approve this application based that there was a mistake in the original zoning, based on the line that was done in 1983. Mr. O'Bannon seconded the Motion. There was a roll call vote of 10-0 to approve.

**Belmor Farms (674) – Application is to rezone 18.1 acres from Agricultural-Residential to R-30, Single Family Residential. Subject property is located on the north side of Dunn Lane and west of Highway 305, in Section 16, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)**

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

Mr. Russell began by saying this property is located on the north side of Dunn Lane and just west of the entrance of Belmor Lakes, which is, one reason for the name of the project. This development is also modeled after it. The lots will be 30,000 square feet and above, with a minimum house square footage of 2,500, which is 100 square feet more than Belmor Lakes. It also follows the general development pattern. This property is 500' feet wide along Dunn Lane, therefore, it will not allow for creative design. The changes in the area include:

- Final phase of Belmor Lakes;

- Availability of sewer;
- Strong home sales in the area;
- 25% increase in building permits in DeSoto County, which equals 7.5 families per day moving to the area;
- The extensions and widening of area roads;
- The development will be an asset to the community

Mr. Robison stated Belmor Lakes is an R-40 Overlay. Mr. Powell said that is correct and some of their lots are smaller than what is being proposed in this application.

Mr. Clemmer asked if this is in a flood area. Mr. Russell said “no”.

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

1. Forest and Elizabeth Hill – They are the adjoining property owners and have lived here for 15 years. They are very pleased to see this development. They also own a 5 lot subdivision with the Planning Commission’s help. They are extremely pleased with Mr. Tommy White and the Belmor Lakes project. He has controlled the fence line and the drainage. They do have two concerns. The first concern is that there is a low place on their property which is located on lot 4. They had never been standing water and are concerned that there will be with this new project. They do not want their property to flood. The second concern is the fence. Ms. Hill requested that a new fence be built, they cannot afford it. We want to be good neighbors and a good fence will make good neighbors. The land is heavily treed and there are thickets, so they know there will be a big change. They also like the fact that this will follow Belmor Lakes. She said that is a wonderful subdivision and has far surpassed their expectations. She then requested that their considerations be considered and once again requested a fence be built.

Mr. McDougal answered saying the drainage plans will need to be approved by the developers and the County Engineer. Mr. Andy Swims, County Engineer, added saying, the developers cannot disturb the Hill’s property. Mr. McDougal said that with the different zonings between the property, there will be a buffer and a fence could be a part of that.

2. Gary Kieffner – 8143 Valley Ridge Cove, Belmor Lakes –He have several concerns, one being the name of the project. He also understands that they are going to use the Belmor Lakes utility company, this is the lagoon. This is operated inside and in the middle of our common ground. This means there is common ground and the developers will have to come through that ground to get to our lagoon. He does Ms. Hill’s fence idea and maybe that fence could match their fence. Mr. Kieffner further stated he spoke with Mr. Pass and he does want to construct the same type and size of homes that is in Belmor Lakes.

Mr. Robison stated he also questioned the name and how the emergency services will know which development to respond to.

3. Michael Brown – Representing the Belmor Lakes Homeowners Association. He is the treasurer for this year. He has received over 20 complaints about this project's name. Mr. Brown also wanted to know if the sewer is used, how will it be handled, will a easement be automatically granted? The Belmor Lakes property is still under White Development, the common area has not been granted to us yet. Mr. Powell added saying, this is not an automatic deed, but they will be dealing with the person who owns the common ground. They will also be working with DEQ. Mr. Brown continued saying their covenants state chain link fences are not allowed, Mr. White placed a chain link fence around our pumping station.

Mr. Greg Russell then assured Ms. Hill that there will not be any standing water on her property, they will work with the County Engineer. He also does not know about the fence, he will need to talk with the developer, but they will follow all county guidelines. He is also not sure about the development's name, he will also need to talk with the developer regarding this issue. He does not know if there are name restrictions, he always understood that using a name that is close was a form of flattery. Mr. Russell said as far as the sewer access, the development company will have to require permission in some sort of written form. He does not know all the details yet. Mr. Russell concluded saying that with only 22 lots, the main will not have to be that big. They will pick a route that would be less intrusive.

Ms. Hill spoke once again and said the word "Farms" bothers her. She then gave the meaning of the word and used Wedgewood Farms as an example.

Mr. McDougal said the Planning Office will sit down and review the names and if there is a conflict, we will request the change.

Mr. Robison closed the floor.

Mr. Clemmer said he wants to be sure the developer keeps the scale of this project similar to Belmor Lakes, which would consist of houses, lots, style, etc.

Mr. Clemmer then made a Motion to approve this application, based on the changes proven by the applicant and that the project's name be approved with the Planning Commission staff and that there be no more than 22 lots inside this development. Mr. James seconded the Motion. There was a roll call vote of 10-0 to approve.

### **Other Items:**

Officer Elections –

Mr. McDougal gave the names of the current Planning Commission Officers and stated it is time to elect members for the 2006 year.

Mr. Clemmer made a Motion to have the current officers remain for 2006. Mr. McNemar seconded the Motion. The Motion was approved by a unanimous vote. (Chairman – Mike Robison, Vice Chairman – Leonard Lindsey, Secretary – Jimmy Maxwell).

### **Continuing Education:**

Mr. McDougal spoke stating he has been working with transportation issues for sometime and has talked with Mayor Goldberg from Germantown. They have gone through the complete cycle of being a suburban area and have had big growth issues. They have come up with a plan "Vision 2020", to evaluate where they have come from, modern times/current and a look at the future. She is open to coming to DeSoto County and talking about their plan and their growth, since DeSoto County is seeing the same thing.

Mr. Robison asked when this would take place. Mr. McDougal said hopefully during a light Planning Commission month, but he wants the time it would take for her and this board to discuss the issues.

The Planning Commission asked that a meeting be pursued and set up.

Mr. McDougal then he would like to have a recommendation from the Planning Commission to allow him to request a study of an I-69 Corridor qualification.

Mr. Carter made a Motion to recommend this qualification request be forward to the Board of Supervisors. Mr. Clemmer seconded the Motion. The Motion passed by a unanimous vote.

The meeting adjourned at 8:55 p.m. These minutes were recorded and transcribed by Denise Dingman.