



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
January 31, 2008**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – January 1, 2008

CONSENT AGENDA

Minor Lots

Latham Place Minor lot (6704) - Application is for final subdivision approval of one (1) lot of 8.24 acres out of 66 acres. Subject property is located east of Polk Lane and west of Forest Hill Subdivision in Section 7, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

*****MUST PLAT AND RECORD*****

Betts Minor lot (6705) - Application is for final subdivision approval of one (1) lot of 1.50 acres out of 14 acres. Subject property is located on the north side of Fogg Road and east of Shady Grove Subdivision in Section 30, Township 3, Range 8 and is zoned Agricultural. (District 4)

Looney Road Estates Minor lot (6706) - Application is for final subdivision approval of two (2) lots of 3.36 acres each out of 6.72 acres. Subject property is located on the south of Looney Road and west of Centerhill Road in Section 20, Township 1, Range 5 and is zoned Agricultural-Residential. (District 1)

Henigan Minor lot (6707) - Application is for final subdivision approval of one (1) lot of 1.5 acres each out of 4 acres. Subject property is located on the south of Highway 304 Road and east of Emerald Estates in Section 16, Township 3, Range 9 and is zoned Agricultural. (District 4)

Ella's Place (6708) - Application is for final subdivision approval of one (1) lot of 3 acres out of 19.8 acres. Subject property is located on the north of County Line Road and west of Walker Road in Section 36, Township 3, Range 6 and is zoned Agricultural. (District 5)

Ross Minor Lot (6709) - Application is for final subdivision approval of two (2) lots of 1.5 acres each out of 51 acres. Subject property is located on the north of Holly Springs Road and west of Highway 305 in Section 27, Township 3, Range 6 and is zoned Agricultural. (District 5)

FINAL SUBDIVISION

Oakwood Trails (6615) – Application is for final subdivision approval of 149 lots on 155.16 acres. Subject property is located on the south side of Stateline Road and east of Highway 301 in Sections 19, Township 1, Range 8 and is zoned PUD. (District 3)

Ingrams Mill Acres 1st revision (6699) - Application is for final subdivision approval to revise lots 11 and 12. Subject property is located west of Jason Way and north of Fairview Road in Sections 28, Township 2, Range 5 and is zoned Agricultural. (District 1)

REZONINGS

Church Development Property (Valley Crossing) - (694) - Application is to rezone 94 acres from Agricultural to PUD. Subject property is located on the west side of Getwell Road and south of Brights Road, in Section 9, Township 3, Range 7 and is zoned Agricultural. (District 5)

Forest Park (696) - Application is to rezone 236 acres from Agricultural-Residential to Planned Unit Development. Subject property is located on the east side of Polk Lane and north of Goodman Road, in Section 30, Township 1, Range 5 and is zoned Agricultural-Residential. (District 1)

Dale Wilson Rezoning (698) – Application is to rezone 2.6 acres from Agricultural-Residential to C-3. Subject property is located on the east side of Hacks Cross Road and north of Whispering Pines, in Section 1, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

Whitaker Business Park (699) – Application is to rezone 14.65 acres from Agricultural-Residential to P-B. Subject property is located south of Kirk Road and east of Polk Lane, in Section 19, Township 1, Range 5 and is zoned Agricultural-Residential. (District 1)

Madison Tract (702) – Application is to rezone 4.18 acres from Agricultural-Residential to C-1. Subject property is located north of Starlanding Road and west of Fogg Road, in Section 18, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

Other Items:

1. Development Agreement
2. Election of officers

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, January 31, 2008, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Losher Street, Hernando, MS. Commissioners present included: Len Lawhon, Pat Hefley, Charles McNemar, Mike Robison, Joe Forsythe, Leigh Graves, Frank Calvi, Eddie O'Bannon, Robin James, and Wade Carter. Planning Commission Staff present included Jim McDougal, Gina Tynan, Kristen Duggan, 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 January 3, 2008. Mr. James made a Motion to approve the minutes. Mr. Hefley seconded the Motion. The Motion was passed by a unanimous vote.

CONSENT AGENDA

Minor Lots

Latham Place Minor lot (6704) - Application is for final subdivision approval of one (1) lot of 8.24 acres out of 66 acres. Subject property is located east of Polk Lane and west of Forest Hill Subdivision in Section 7, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

*****MUST PLAT AND RECORD*****

Betts Minor lot (6705) - Application is for final subdivision approval of one (1) lot of 1.50 acres out of 14 acres. Subject property is located on the north side of Fogg Road and east of Shady Grove Subdivision in Section 30, Township 3, Range 8 and is zoned Agricultural. (District 4)

Looney Road Estates Minor lot (6706) - Application is for final subdivision approval of two (2) lots of 3.36 acres each out of 6.72 acres. Subject property is located on the south of Looney Road and west of Centerhill Road in Section 20, Township 1, Range 5 and is zoned Agricultural-Residential. (District 1)

Henigan Minor lot (6707) - Application is for final subdivision approval of one (1) lot of 1.5 acres each out of 4 acres. Subject property is located on the south of Highway 304 Road and east of Emerald Estates in Section 16, Township 3, Range 9 and is zoned Agricultural. (District 4)

Ella's Place (6708) - Application is for final subdivision approval of one (1) lot of 3 acres out of 19.8 acres. Subject property is located on the north of County Line Road and west of Walker Road in Section 36, Township 3, Range 6 and is zoned Agricultural. (District 5)

Ross Minor Lot (6709) - Application is for final subdivision approval of two (2) lots of 1.5 acres each out of 51 acres. Subject property is located on the north of Holly Springs Road and west of Highway 305 in Section 27, Township 3, Range 6 and is zoned Agricultural. (District 5)

Mr. Tynan announced the Consent Agenda, including the above items, and stated that the proposed 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. Calvi made a Motion to approve the consent agenda with staff recommendations. Mr. Forsythe seconded the Motion. The Motion was passed by a unanimous vote.

FINAL SUBDIVISION

Ingrams Mill Acres 1st revision (6699) - Application is for final subdivision approval to revise lots 11 and 12. Subject property is located west of Jason Way and north of Fairview Road in Sections 28, Township 2, Range 5 and is zoned Agricultural. (District 1)

Ms. Tynan presented the application to the commission and stated that this was a request to divide a lot in a platted and recorded subdivision. She then recognized Mr. Gerald Davis as being present to represent the application.

Mr. Davis stated that his client has a large lot with two homes on it and would like to divide it into separate lots. The covenants state that there may be two homes on one lot.

Ms. Graves asked if these were 6 acres lots and Mr. Davis said yes. Mr. Carter then asked if all lot owners would be required to sign. Mr. McDougal responded that it would require all abutting lot owner signatures.

Mr. Lawhon asked if the covenants or regulations prohibit this, and Mr. McDougal said that the covenants state that this is allowed.

Mr. Lawhon then made a Motion to approve the application with signatures of the abutting lot owners on the face of the plat prior to recording. Mr. Robison seconded the Motion. The Motion was passed by a unanimous vote.

Oakwood Trails (6615) – Application is for final subdivision approval of 149 lots on 155.16 acres. Subject property is located on the south side of Stateline Road and east of Highway 301 in Section 19, Township 1, Range 8 and is zoned PUD. (District 3)

Ms. Tynan presented the application to the commission. She then introduced Mr. Harvey Marcom as being present to represent the application.

Mr. McDougal said that this is an application for about 150 lots that was heard about two years ago. At that time there was floodplain along the west side of the property, but we have received LOMAR's from FEMA removing these lots from the floodplain. He then stated that we have received documentation stating that the lots with the utility easement running through them will have buildable space. Mr. McDougal then said that there is a space between lots 133 and 134 that will give dedicated access to the common open space. He noted that the commission may not want to require that this be built to county standards, but should be more than a dirt path. He requested that the applicants clarify the proposed fence and landscape improvements along Stateline Road.

Mr. Carter said that in the motion to approve the preliminary application it stated that there would be no net increase in the flood water. Mr. McDougal said that he would allow Mr. Andy Swims to discuss this issue. Mr. Robison added that he feels that the lots

less than 100 foot wide are a big issue, and Mr. Lawhon said that he agreed with Mr. Robison because this is an R-20 subdivision and that is a requirement. Mr. Marcom began by stating that the only lots less than 100 feet wide are the lots surrounding the access road to the open space. The plats are not showing the total frontage from lot line to lot line. He then stated that he would confirm this and adjust the lots if necessary.

Mr. Marcom then addressed the fence issue. He said that he has spoken to Mr. Pelts and he does recall the agreement for a barbwire fence along Ms. Lott's property, but not the other property lines. He said that there will be a buffer along lots 16-21 and 121-127. There other property has large amounts of open space with natural vegetation. Mr. McDougal then said that there is a reference to a fence in certain segments, but not along the entire perimeter. Mr. Lawhon added it must be stated that this land remains a buffer and will not be cleared of natural vegetation.

Mr. Carter then asked about a fence along Stateline Road. Mr. McDougal responded that there are designs that were agreed upon in the rezoning.

Mr. Marcom then addressed the flood issue. He stated that there be soil removed from the common open space on the west side to build up lots and this space will be used as a storm drainage area and it will be graded appropriately. They have had a flood study done and it states that this will not create a significant increase. Mr. Robison asked what year event this study was based on. Mr. Greg Bartlett, Reaves Firm, came forward and stated that this was based on the 10-year and the 100-year flood. It was found to create a 1/100 foot increase.

Mr. Carter asked if Mr. Andy Swims was comfortable with these results. Mr. Swims said that there was no net increase in his opinion. There was about 25 acres of dirt removed and it will create more protection for the houses on the west side. There is an issue with a box culvert that the county will look at and address. It needs to be upsized, but this is not the responsibility of the developer. Mr. Swims also added that they have submitted an extensive grading plan and have agreed to submit final plans to make sure that the work was done as submitted.

Mr. McDougal asked if there will be flood in any of these lots. Mr. Marcom said that there will be some flood in the back of these lots, but not in the buildable area. Mr. McDougal then recommended that the commission require that minimum finished floor elevations be placed on the plat for those affected lots.

Mr. McDougal stated that a major concern for him is how little work has been done to the property. He is requesting that extensive bonds be posted for the necessary work. Mr. Carter then asked when work would begin. Mr. Pelts stated that he would like to begin in about 5-6 months.

Mr. Robison asked about the revision of lot lines for the lots that do not meet the 100 feet requirement. He asked if a final could be approved prior to these changes being made. Mr. McDougal said that this issue would be checked prior to platting and recording. Mr. Lawhon stated that he was not comfortable with this issue and he understands the circumstances, but this does not conform to R-20 subdivision requirements.

Mr. Carter then asked if all lots could be made 100 feet and Mr. Marcom said that the changes would be made even if they had to lose a lot.

Mr. Carter then asked if this application could be considered a final without these changes being made. Mr. Jody Neyman, Board Attorney, stated that it could be heard as a final if the revised plats were submitted prior to the Board of Supervisors meeting on February 6, 2008. Mr. Marcom said that they would be in the Planning Commission office by Monday.

The time frame issue was addressed again and Mr. McDougal said that regulations state the developer has two years from final approval to begin work.

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

- *All lots will be 100 feet in width and final subdivision drawings will be submitted to the Planning Commission staff prior to the February 6, 2008 meeting.

- *Any lots that are affected by the floodplain will be marked and have minimum finished floor elevations noted on plat.

- *There will be a berm and vegetation requirement along Stateline Road.

- *There will be a barbwire fence along Ms. Hazel Lott's property.

- *There will be a 20 foot maintained and undisturbed natural buffer along property line in lieu of a landscaping barrier.

- *An as-built survey will be submitted to the County Engineer for review.

Mr. Forsythe seconded the Motion. The Motion was passed by a unanimous vote.

REZONINGS

Church Development Property (Valley Crossing) - (694) - Application is to rezone 94 acres from Agricultural to PUD. Subject property is located on the west side of Getwell Road and south of Brights Road, in Section 9, Township 3, Range 7 and is zoned Agricultural. (District 5)

Ms. Tynan presented the application to the commission. She then introduced Mr. Dean Thomas as being present to represent the application.

Mr. Thomas began by stating that they have submitted new plans and have had meetings with the neighbors and they now have their support. He then said that there has been extensive change in the area. There are many residential subdivisions in the area. There is a new sewer line. This plan is also consistent with the 2030 Comprehensive Plan. He also added that they have met the 10 % open space requirement without including the proposed church recreation fields.

He went on to say that the previously proposed lots along Short Fork Creek were removed and open space was added with the new plan. They have widened the open space along the lateral creek. He also added that lot 98 was reduced in size and a park area was created in which there will be playground equipment and asphalt trails. He went on to say that there is text in the submitted documents stating that the church is encouraging use of the recreation area by the neighbors except on Sundays and during church events.

Mr. Carter asked if the lateral creek will be stabilized. Mr. Thomas said that they will work with the engineer to stabilize this creek. Mr. Bob Dalhoff added that the narrowest point of the lateral creek is 100 feet and is much wider in other areas. He also said that there will be curb and gutter throughout.

Mr. Robison asked if Short Fork Creek will be stabilized. Mr. Dalhoff said that there are some areas that will require stabilization. Mr. Thomas added that there will be erosion control installed and the ditch will naturally stabilize itself also.

Mr. McDougal stated that Short Fork Creek is a numbered A zone, but the lateral is not. He then asked how the elevation will be set for these lots. Mr. Dalhoff stated that they will have a study done to determine these building elevations to address flood issues.

Mr. Carter then asked if there was anyone present to speak for or against the application.

Mr. Bill Lee (1474 Fountain Gate Drive East) stated that these developers have worked with the neighbors and taken their suggestions. He feels that they will make good neighbors, and have even agreed to allow them to use their open space. He then stated that he is very much in favor of this development.

Mr. Louis Cooksey said that he is also a resident of Fountain Gate and he feels that they have worked very well with the neighbors in this area and he hopes for approval.

Mr. James stated that this is a much better plan than originally submitted. They have worked out many of the issues that the Planning Commission addressed in the first meeting. Ms. Graves said that she feels this is very quality work.

Mr. McDougal requested that the commission look over the permitted use before making a motion. Mr. Carter then asked the commission if there were any concerns with these uses. There were none.

Mr. Robison made a Motion to approve this application due to a change in the neighborhood. He stated that there were many residential subdivisions in the area including Oak Creek, Oakwood Creek, and Fountain Gate. He then stated that there are new sewer lines in the area. Mr. James seconded the Motion. The Motion was passed by a unanimous roll call vote.

Forest Park (696) - Application is to rezone 236 acres from Agricultural-Residential to Planned Unit Development. Subject property is located on the east side of Polk Lane and north of Goodman Road, in Section 30, Township 1, Range 5 and is zoned Agricultural-Residential. (District 1)

Ms. Tynan presented the application to the commission. She then introduced Mr. Bob Dalhoff as being present to represent the application.

Mr. Dalhoff began by stating that he has been working on this project for over two years and wants to do some true planning for this area. This plan was prepared based on about 4 ½ square miles and he feels that this has tremendous potential in this area. The area is changing rapidly and at this time there is no definition and no boundaries. This is not organized growth. He would like to create a workable, quality area. This area needs

stabilization and this plan can begin that stabilization. The plan has been presented to the City of Olive Branch and they are embracing the development.

He went on to say that he is looking for land use transition. In this development he is using natural buffers to divide the different uses. Using these natural buffers will change the alignment of Desoto Road which should defer the truck traffic. That truck traffic on Desoto Road is a big concern for the area. The alignment of Forest Hill Irene has also been changed to connect with Goodman Road.

There is some flooding in the area and they are working with the county on a hydrology study. There will also be nine detention basins with a green belt system.

He then addressed the issue of Desoto Road running through the Kirk property. He stated that this is the current county alignment for Desoto Road, but they will work with Mr. Kirk and the county if realignment is needed.

He then said that he has created an overall concept plan for the area which gives a good transition from Industrial to Office to Residential. It has natural buffer walls dividing the commercial from the residential. He added that this was a challenging piece of property, but feels that it is a good start.

Mr. Carter commended Mr. Dalhoff on his presentation, but said that there were a few issue to address. The first is Desoto Road. Mr. Dalhoff said that Desoto Road will be an 80,000 lb road.

Mr. Carter then asked for clarification of the phase schedule. Mr. Dalhoff said that Phase I will be the distribution portion of the plan. Phases II and III could be changed depending on the economy. Mr. Robison said that he was concerned that there may not be enough revenue left to construct the boulevard by Phase III. Mr. Dalhoff said that they could work with the county engineer to put revenue back after Phase I for the boulevard construction. Mr. Lawhon said that was a great idea.

Mr. Carter then asked if the commission had any questions regarding the permitted uses. Mr. Robison asked for an explanation of #10 *Light manufacturing uses which do not create any more danger to health and safety in surrounding areas*. Mr. Dalhoff said that they were referring to things such as smoke stacks which would not be desirable.

Mr. McDougal said that he feels that #9 *Warehouses, not including dead vehicle storage, trucking companies and moving store companies*, #10 *see above*, and #11 *Wholesale distribution centers* are more appropriate for Area 5. Mr. Dalhoff said no because these refer to office in the front and warehouses in the back. Mr. McDougal asked if that would be considered showrooms and Mr. Dalhoff said yes. Mr. McDougal then stated that use #4 is for merchandise showrooms and asked if #9, #10, and #11 can be removed. Mr. Dalhoff agreed.

Mr. Lawhon then stated that he would like for them to create a truck traffic route exiting from the back, and Mr. Dalhoff said that could be done. He also said that the lighting should be sensitive to lighting designs as not to affect the surrounding residents. Mr. Dalhoff stated that language could be added to the text.

Mr. Robison asked if they had received favorable comments from Olive Branch regarding Forest Hill Irene Boulevard and Mr. Dalhoff said that they were very favorable.

Ms. Tynan took this opportunity to inform the commission that the office received phone calls in opposition to this application. The calls were received from Sandy and Francis Dobbins (7339 Polk Lane), Bill and Marylou Talley (12038 Thompson), and Carol Hunting (7109 Polk Lane).

Mr. Lawhon said he feels that this is a very good plan. It is in the Olive Branch annexation area and he feels that it is very important to start a pattern that Olive Branch will continue with. He then made a Motion to approve the application due to a substantial change in neighborhood with the following stipulations:

- *There will be the placement of a buffer between the industrial and the residential.

- *The Forest Hill Irene alignment as proposed.

- *#9, #10, and #11 will be struck from the permitted uses.

- *Truck traffic will use Desoto Road.

- *There will special attention to the alignment of Desoto Road with regards to Forest Hill Irene and subject to the Kirk property.

- *The lighting design used will cause the least amount of light pollution to the surrounding areas.

- *Revenue for Phase I will be set aside for the construction of Forest Hill Irene.

- *Desoto County design guidelines will be followed.

- *The Industrial section of Desoto Road will be built up to the 80,000 lb weight requirement.

- *There will be flexibility in the pattern book with regards to Phase II and Phase III due to the development of the roads.

Mr. Robison seconded the Motion. The Motion was passed by a unanimous roll call vote.

Dale Wilson Rezoning (698) – Application is to rezone 2.6 acres from Agricultural-Residential to C-3. Subject property is located on the east side of Hacks Cross Road and north of Whispering Pines, in Section 1, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

Ms. Tynan presented the application to the commission. She then said that we have received a request from the applicant to carry over the case until February 28, 2008.

Mr. Robison made a Motion to carry over the application until February 28, 2008. Ms. Graves seconded the Motion. The Motion was passed by a unanimous vote.

Whitaker Business Park (699) – Application is to rezone 14.65 acres from Agricultural-Residential to P-B. Subject property is located south of Kirk Road and east of Polk Lane, in Section 19, Township 1, Range 5 and is zoned Agricultural-Residential. (District 1)

Ms. Tynan presented the application to the commission. She then introduced Mr. Mark Whitaker and Mr. Gerald Davis as being present to represent the application.

Mr. Whitaker began by stating he has been in the commercial real estate business since 1984, and has been creating light industrial developments since 1994. He went on to say that he builds small masonry distribution centers. His tenants include many reputable companies such as Luxottica, Honeywell, Helmet House, US Postal Service, MSI, McKesson, and IDEXX.

Polk Lane has been improved to four lanes to bring this type of business to the area. There are M-1 zonings abutting AR zones with no buffers in the surrounding area. He stated that he hopes this development will provide a transitional area. The proposed landscaping will provide a nice buffer.

He then went on to say that there are many changes in the area. The first of these changes is Olive Branch has announced its plan to annex the area and the subject property. The second change is Polk Lane has been improved to four lanes and has been designated as a "truck route." Next, Williams Sonoma and Excel industrial buildings have been built on Polk Lane. Last, a large 760,000 square foot building is now under construction by I.D.I. on Kirk Road.

Mr. Whitaker then stated that his intentions for permitted uses for this proposed Planned Business District included only three of the uses allowed by the county regulations. Those uses include #3 *Generally those light manufacturing uses which do not create any more danger to health and safety in surrounding areas and which do not create any more or offensive noise, vibration, smoke, dust, lint, heat, or glare than that which is generally associated with light industries*, #9 *Warehouses, not including dead vehicle storage, trucking companies and moving storage companies. Mini-storage warehouses are prohibited*, and #10 *Wholesale distribution center*.

Mr. Whitaker feels that this will be a transitional area. It will be transitional in scope from the area's large 100+ acre industrial parks to Whitaker's 14.65 acres. It will be transitional in building size from the area's huge distribution buildings to Whitaker's smaller office/warehouse buildings. It will also be transitional in zoning from the area's straight M-1, light industrial to Whitaker's P-B, Planned Business Park. It will also establish a buffer between the larger industrial properties on the west side of Polk Lane and the less developed areas to the east.

Mr. Gerald Davis then came forward to speak. He began by saying that there is currently a hydrology study being done in this area and all necessary criteria will be met as per the results. He went on to say that they are asking for a waiver of the 50 foot setback along Polk Lane. They are requesting this setback to be 45 feet. This would allow for the major traffic to be around the back side of the building. They are also requesting that the requirement for parking areas to not abut the streets be waived. They would like for the two buildings to have separate owners and this will not allow for enough space for two accesses and parking.

This proposal meets the criteria for 25% pervious area. There is a concept design of how the storm water detention will work. There will be a flow pattern from the west to east. He went on to say that the lighting designs will meet all requirements set forth by the county design regulations.

He then discussed the road issues. He stated that this is not a section line road. Polk Lane has an 80 foot right of way and the city of Olive Branch is not requiring right of way dedication from the center line. He said that their proposal has allowed for two lanes of asphalt in a curve between the curb and the section line. He then said that he sees no reason for 53 feet of right of way. He would suggest 40 feet of right of way in addition to two lanes of traffic from the section line; which is what Olive Branch is requiring.

Mr. Robison then asked why the entrance lane is only 21 feet wide. Mr. Davis stated that this was done to keep the semi trailer traffic from traveling this route. Trucks would need to go around to the east side of the building to the back loading docks.

Mr. Lawhon then addressed the width of the interior asphalt. He said that this may be a fire hazard which would need to be inspected by the fire marshal. He also said the green space around Williams Sonoma is vast and there should be some softening to the buffering of this project. He also said that the shrubs along Kirk Road need to be much larger than the proposed one gallon to provide adequate softening. Mr. Whitaker said that there will be more detailed landscaping. Mr. Lawhon responded that this is good planning, but he would like to see more detail.

Ms. Hefley made a Motion to approve this application with staff recommendations as well as the following stipulations:

- *There will be trees and other large plantings added to the landscaping buffer.
- *The change in neighborhood has been proven with the industrial buildings that exist along Kirk Road and Polk Lane.
- *There will need to be fire marshal approval.
- *This will be a transitional area for others to follow.
- *This approval will grant the requested variances in setbacks.

Mr. James seconded the Motion. This Motion was passed by a unanimous roll call vote.

Madison Tract (702) – Application is to rezone 4.18 acres from Agricultural-Residential to C-1. Subject property is located north of Starlanding Road and west of Fogg Road, in Section 18, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

Ms. Tynan presented the application to the commission. She then introduced Ms. Julie Wells as being present to represent the application.

Mr. Carter stated that the Planning Commission likes to see planned developments and this has been submitted as a straight rezoning.

Ms. Wells began by stating that the reasons for a change in the neighborhood. She stated that this is located at the corner of a major thoroughfare. There is a four way stop at this location and the traffic counts are increasing due to Interstate 69. Days water has an office in the area and there is a new water line in the area. There is also an Interstate 69 interchange at Fogg Road.

Mr. Carter asked if there is anyone present to speak for or against the application.

Mr. Joel Wilson said that he lives next door to the property and he feels that there is no need to change the area. This area should be kept rural.

Mr. John Duckworth (2586 Fogg Road) said that he built his home in 1979 and it was rural then and is still rural and he would like to keep it that way. There is no need for commercial in the area. This will increase crime in the area and decrease the property values. There is already a planned corridor approximately 2 miles south that would be an appropriate place for this commercial zoning.

Mr. Charles Butler (Lipscomb Lakes) stated that are houses in the area that have been there for 30-40 years. If this request is approved there will be noise pollution as well as a decrease in property value. The residents of this area are proud of their neighborhood and take care of it. They want to keep it that way.

Ken Fulmar (4831 Nesbit Road) said that he built his retirement home in 2003. He moved from Bartlett to get away from the commercial property. He then referred to the Comprehensive Plan saying that it states does not condone haphazard growth. He feels that is exactly what this is. The community does not want this rezoning. It also says that the county is to manage growth to make sure that a rural atmosphere is maintained. This rezoning will take that rural atmosphere away.

He then said that the Planned Corridor was established to provide commercial development along the roadway. Starlanding Road is not a major road. Commercial belongs along Interstate 69. There should be a buffer zone between residential and commercial. In both the Transportation and the Comprehensive Plan, there are no plans to widen Starlanding or Fogg Road for the next 20 years.

Richard Hackett (5285 Sportsman) said that he doesn't feel that this fits in the area because there is no plan. A commercial development like this will change the quality of life in the area. This is a rural part of the county and this rezoning will decrease the property values and create more traffic.

Bill Hart (2778 McGowan) said that he feels there is no need for commercial in the area because it would drastically change the neighborhood. He also stated that there are no public sewers in this area.

Ms. Wells came forward to respond. She stated that she understands that this plan may be somewhat premature, but development is inevitable. She also said that regarding the sewer issue, they will have to meet all health department regulations.

Ms. Graves said that she wants to see healthy development in this area because unhealthy development will destroy an area. She does not feel that this is healthy development. Mr. James said that he agrees with Ms. Graves and the only change he has seen in the area is paved roads. This is still a very rural part of the county.

Mr. Lawhon stated that the philosophy of the Planning Commission is planned development. The needs of the residents outweigh financial gain, and he does not feel that the change in neighborhood has been justified. Commercial zoning would be justified in other areas, but not in this rural setting. He then added that looking at this area; he does not feel that this is an appropriate plan. Mr. Calvi agreed.

Mr. James made a Motion to deny the application due to a lack of change in the neighborhood and lack of public need. Ms. Graves seconded the Motion. The Motion was passed by a unanimous roll call vote.

Development Agreement –

Mr. McDougal presented the draft Development Agreement to the Planning Commission. He then said that it was their decision whether or not to recommend this document to the Board of Supervisors. He then said that if it was recommended to the Board of Supervisors it would be a couple of months before it was presented to them because he would like to give time for public discussion.

Mr. Carter stated that he was ready to send it to the Board of Supervisors. Mr. Lawhon agreed and made a Motion to recommend it to the Board of Supervisors. Mr. Robison seconded the Motion. The Motion was passed by a unanimous vote.

Election of Officers –

Mr. McDougal stated that it is time to elect officers for the Planning Commission. He stated that there is a three year maximum for serving as an officer. The current officers have served for only one year.

Mr. Robison made a Motion to re-elect Mr. Wade Carter as Chairman, Mr. Len Lawhon as Vice-Chairman, and Mr. Robin James as secretary. Mr. Forsythe seconded the Motion. The Motion was passed by a unanimous vote.

Reducing the number of Planning Commissioners –

Mr. McDougal stated that the discussion of the number of Planning Commissioners comes up periodically and the Board of Supervisors would like to know the thoughts of the Planning Commission regarding this matter.

Mr. Carter stated that he feels the current number of commissioners gives a broad representation of the county. It gives a better idea of what is happening in different areas. Mr. Forsythe said that he agreed with Mr. Carter and said that he discussed with Supervisor Russell that he is perfectly content with the current number of commissioners.

Mr. Robison said that he feels that there should be no reduction in the number, but suggested a policy regarding absenteeism.

Mr. Carter then said that each person on the commission knows approximately 250 people in the county and the larger number gives a broader perspective on how the citizens of Desoto County feel about certain issues.

Mr. Lawhon said that he feels everyone brings something important to the discussion and this gives more to the county. He also said that the larger number takes a lot of the

pressure off of the commission. He feels that a reduction in the number would take a lot away from the county.

Ms. Graves stated that she feels that the delta is the reason she is on the commission. If the number is reduced she hopes that the commissioner from her district will represent the delta with passion and want what is best for the county overall. Mr. O'Bannon stated that he also wants what is best for the county and feels that the larger commission gives better representation.

Mr. McDougal added that in comparison with the smaller Board of Adjustment they have a greater amount of pressure and tension with controversial cases. The larger board gives more leeway for its members and represents different aspects of the county.

The meeting adjourned at 11:15 p.m. These minutes were recorded and transcribed by Kristen Duggan.