



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
DECEMBER 1, 2005**

1. Call to Order
2. Invocation
3. Roll Call
4. December Planning Commission meeting date

CONSENT AGENDA

MINOR LOTS

Kimbrough, Steven (6420) – Application is for one lot of 2 acres out of 6.45 acres. Subject property is located on the south side of Bell Road and west of Old Pigeon Roost Road, in Section 21, Township 2, Range 5 and is zoned Agricultural. (District 1)

Hill, Ray & Karen (6424) – Application is for one lot of 2.6 acres out of 19 acres. Subject property is located on the south side of the Deerwood Subdivision and west of Robertson Gin Road, in Section 23, Township 3, Range 8 and is zoned Agricultural. (District 5)

Crow, Bruce (Noah's Way) (6425) – Application is for 3 lots out of 16.9 acres, one lot of 7.10 acres, one lot of 6.23 acres and one lot of 3.34 acres. Subject property is located on the north side of Byhalia Road and west of Douglas Road, in Section 34, Township 2, Range 7 and is zoned Agricultural. (District 5)

Gillispie Estates (6426) – Application is for 2 lots out of 4.7 acres, each lot 2.35 acres. Subject property is located on the south side of Star Landing Road and east of Highway 301, in Section 19, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

FINAL SUBDIVISIONS

Nikki Lake (6418) – Application is for final subdivision approval of 41 lots on 76.52 acres. Subject property is located on the west side of Tulane Road and north of Nesbit Road in Section 21, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

Fox Creek East Section “A” (6419) – Application is for final subdivision approval of 57 lots on 18.10 acres. Subject property is located on the north side of Goodman Road and west of Center Hill Road in Section 29, Township 1, Range 5 and is zoned Planned Unit Development. (District 1)

Dixie Creek (6422) – Application is for final subdivision approval of 16 lots on 39.31 acres. Subject property is located on the south side of Allen Road and east of Highway 305, in Section 35, Township 3, Range 6 and is zoned Agricultural. (District 5)

Highland Meadows (6423) – Application is for final subdivision approval of 10 lots on 21.28 acres. Subject property is located on the west side of Highway 301 and north of Sullivan Road, in Section 16, Township 3, Range 9 and is zoned Agricultural. (District 4)

REZONINGS

Riverbend Crossing (671) – Application is to rezone 4,100 acres from Industrial and Agricultural to Planned Unit Development. The subject property is located on the west side of Highway 61 and east of the River Levee, in Sections 22, 23, 24, 25, 26, 27, 28, 29, 32, 33 and 34, Township 2, Range 10 and is zoned Industrial and Agricultural. (District 3)

Other Items

Design Review Guidelines

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, December 1, 2005, 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, Leonard Lindsey, Robin James, Jimmy Maxwell, Charles McNemar, Frank Calvi, Wade Carter, Len Lawhon, Julius Cowan, Joe Forsythe, Leigh Graves, Eddie O'Bannon, Mike Robison. Planning Commission Staff present included Merritt Powell, Jim McDougal, Denise Dingman, and Mr. Jody Neyman, Commission Attorney.

Mr. Jimmy Maxwell led the invocation.

Mr. McDougal then stated a December Planning Commission meeting needs to be set. The set date is December 29, 2005 but it can be moved to December 22nd if needed due to the holiday's and vacations. He then asked the board members which day they would prefer. The members requested that the meeting remain on December 29th.

CONSENT AGENDA

MINOR LOTS

Kimbrough, Steven (6420) – Application is for one lot of 2 acres out of 6.45 acres. Subject property is located on the south side of Bell Road and west of Old Pigeon Roost Road, in Section 21, Township 2, Range 5 and is zoned Agricultural. (District 1)

Hill, Ray & Karen (6424) – Application is for one lot of 2.6 acres out of 19 acres. Subject property is located on the south side of the Deerwood Subdivision and west of Robertson Gin Road, in Section 23, Township 3, Range 8 and is zoned Agricultural. (District 5)

Crow, Bruce (Noah's Way) (6425) – Application is for 3 lots out of 16.9 acres, one lot of 7.10 acres, one lot of 6.23 acres and one lot of 3.34 acres. Subject property is located on the north side of Byhalia Road and west of Douglas Road, in Section 34, Township 2, Range 7 and is zoned Agricultural. (District 5)

Gillispie Estates (6426) – Application is for 2 lots out of 4.7 acres, each lot 2.35 acres. Subject property is located on the south side of Star Landing Road and east of Highway 301, in Section 19, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

FINAL SUBDIVISIONS

Nikki Lake (6418) – Application is for final subdivision approval of 41 lots on 76.52 acres. Subject property is located on the west side of Tulane Road and north of Nesbit Road in Section 21, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

Fox Creek East Section “A” (6419) – Application is for final subdivision approval of 57 lots on 18.10 acres. Subject property is located on the north side of Goodman Road and west of Center Hill Road in Section 29, Township 1, Range 5 and is zoned Planned Unit Development. (District 1)

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. James made a Motion to approve the consent agenda. Ms. Graves seconded the Motion. The Motion was approved with a unanimous vote.

REZONINGS

Riverbend Crossing (671) – Application is to rezone 4,100 acres from Industrial and Agricultural to Planned Unit Development. The subject property is located on the west side of Highway 61 and east of the River Levee, in Sections 22, 23, 24, 25, 26, 27, 28, 29, 32, 33 and 34, Township 2, Range 10 and is zoned Industrial and Agricultural. (District 3)

Mr. McDougal presented the application, staff report, comments, staff review and considerations to the Planning Commission. He then recognized Mr. Bill Phillips & Bob Pitts as being present to represent the application.

Mr. Robison then informed the other board members of the highlights from the site review committee meeting. Mr. Robison then asked if the public service’s will be discussed. Mr. McDougal answered saying he has spoken with the developer and they will be addressing that issue during their presentation.

Ms. Graves then asked about building 25% of the residential before building the commercial. Mr. McDougal stated in this situation he thinks it is important that the applicant be allowed to at least begin on the commercial maybe simultaneously with the residential. Mr. Robison added saying that was also an old rule when PUD was formed to assure that all residential would be built and not just the commercial portions.

Mr. Phillips began by giving background information regarding this project. He stated this project began 1 ½ years ago. The PBR Company began 25 years ago in California. He then introduced the members of his staff. He then introduced a few other people working with the project and that they are working with Regions Bank and Morgan Keegan.

Mr. Phillips then began a slide presentation and explained each slide.

- Master Plan of 4,100 acres and its boundary’s
- PBR & PDC other master planned projects, including the following:
 1. Rancho Santa Margarita – Orange County, CA
Project Description:
 - 5,000 acres

- 3 residential villas
 - 230-acre town center with office, commercial and residential
 - 400 acre business park
 - 18-hole Ted Robinson golf course
 - Recreational lake; 2,600 acres of natural open space; community trail system
- He stated this project is 95% completed and the home values are \$500,000 +.

2. The Woodlands – Houston, TX

Project Description:

- 25,000 acres
- Numerous residential villages
- Lake woodlands
- The Woodlands Metro Center, a mixed use center with retail, hotel, recreation and housing
- A network of recreational facilities offering golf, tennis, swimming and trails

He added saying the homes now exceed 5 million dollars in value.

3. Euro Disneyland – Paris, France

Project Description

- 4,000 acres
- Mixed use new town with residential, business park, regional shopping and a theme park
- Resort complex which includes the Magic Kingdom, hotels, restaurants, retail and entertainment surrounding a lake and a championship golf course

4. Talega Valley – Orange County, CA

Project Description

- 3,510 acres
- Mix of residential, employment, commercial and recreation
- Luxury resort hotel
- Jack Nicklaus golf course
- 1,045-acre oak woodland preserve

He added saying, when the land was obtained there was no utility, water or sewer. It opened 5 years ago at which time they thought the lots would vary from \$100,000 – \$200,000, today the homes in this project sell at \$350,000 +. We concentrate our efforts on projects that secure investment for the buyer/owner of the houses.

5. Summerlin – Las Vegas, NV

Project Description:

- 28,000 acres
- A series of mixed use villages located to take advantage of the sites natural features

Mr. Phillips stated this project is similar to Tunica, even though this project will not include gaming at any time.

Mr. Phillips continued they have not approached this project lightly, we have experience in developing these types of projects. In addition, we have submitted our personal references/backgrounds and financial data to the Planning Commission. We want this project to be successful as our other projects have been.

He then stated the Master Plan will be long term for a successful project.

- Major Lake at least 15' deep for fishing;
- 4 Golf Courses;
- Hotels - currently located in neighborhood with luxury hotels;
- Entertainment Centers;
- Housing/other communities – prices ranging from \$200,000 + and after doing research throughout DeSoto County we have discovered a market for homes ranging from \$500,000 – 1 Million.

Mr. Phillips continued explaining the following items:

- Regional Location;
- Site Location;
- Access Points;
- Aerial Photos;
- Current Site Photos;
- DeSoto County Zoning Map;
- Current Zoning of property and what is allowed;

Mr. Phillips then explained the entertainment venues. Amusement parks – inside and outside;

- Retail;
- Water Parks;
- Etc. (See page 5-8 of PUD booklet)

They are currently working with 2-3 groups of top people from the industry and we hope to be back in with a site plan within 90 days.

There will also be Travel Land/RV park. They already have letters of intent for the travel land, along with a location for RV sales and service.

Mr. Phillips continued saying the lake will be a key vital part of this development. It will be used for fishing, boating, water type activities along with some of the home locations. He then explained how the lake will be created.

There will be four golf course/clubhouse locations, he then explained where they would be located. This also plays a key role for the identity and quality of the community. There will be three signature courses and are working with two major architects, by the end of the month they will announce who they are.

He then explained the urban villages and said there are 8 components to this village. He explained the locations and illustrations. There will be townhomes, condos, community

gardens, parks and cottage homes. In addition, there will be stacked townhomes, daycare centers and lofts that will be used for living and work. Amphitheaters, library, parking, post office, police and fire stations. He further stated water adds value to property and eventually they do plan on building on the levee.

Mr. Phillips then pointed out the locations of the active adult area and stated they will be facing the golf courses and lakes. The lake will be a total of 500 acres with boat docks. House sizes will vary around the golf and water areas, they will range from 6,000 square feet to 12,000 square feet. He then talked about the locations of the townhomes. The intent is to create a quality of lifestyle.

Mr. Pitts, Pickering Firm, Inc., explained the circulation plans and stated all roads will be built to county specifications. Old 61 will be realigned and will run adjacent to the entertainment and specially retail/commercial areas. The lanes will either be 4 or 6 lanes. He then talked about the arterial and major collector road cross sections and their locations. Mr. Pitts also explained the markings of the pedestrian walks, and minor collector roads and all road landscaping. He stated the entire transportation system will be landscaped.

Mr. Phillips then described the different phasing plans. The total plan is scheduled for 15-20 years for a total build out and said they will most likely exceed that time frame. Phase one will include the roadway access and lake construction. He continued talking about the land uses for the phases, development, lot sizes, and residential distribution. The prices of units on the lakes and golf courses will have a 25% premium add on.

At this time Mr. Pitts explained the technical design issues such as utilities, geotechnical analysis, storm water management, environmental issues and the "smart community", which includes: wireless services, internet access and other state of the art items.

Mr. Phillips continued describing the commercial development such as: community services (fire, police, schools, post office, etc.), village centers, town center functions, lot pricing and design guidelines including CC&R's (Community Control Regulations). The CC&R's is the key in providing the financial security of the buyers and users in the project. Mr. Phillips concluded his presentation by talking about the enhancement of value and quality of life. He stated they are in the process of submitting applications to the State of Mississippi for the alcohol permits for the hotels and entertainment areas. They also will have a combination of two things regarding the homeowners association. There will be district that will apply to the entire project and also individual sections of this project such as, commercial, residential, entertainment, ect., and the design review will fit into the county guidelines. In addition they are working work the levee board and Corps of Engineers in regards to the trail system/greenway. They will be enhancing the levee.

Ms. Cheri Phelps, Phillips Development Company, spoke about the change in the area. She said currently the property is zoned M-2 if that is calculated out it means there is 83 million square feet of industrial manufacturing. This is not the best use of the land. The

changes in the area since the M-2 zoning is that DeSoto County is growing. The circulation plan has changed such as, I-69 interchange, etc. Sewer and water is essentially available, which is an added interest to developing this property. Our market is geared toward people who would be interested in living along the river and the Mississippi River is a great resource of the county. Tunica also creates a draw with the entertainment and gaming industry. Housing facilities for people who work there is another interest/need. The incorporation of Walls has occurred, new schools are also currently being built in the area. Mr. Phillips stated the timing of this is going to be good for economic value for the county and the state. This will be a large income generator.

Mr. Robison asked if property would be annexed into the city or incorporated. Mr. Phillips answered saying it is an option. Mr. Robison then asked the reason why they chose DeSoto County vs. Tunica. Mr. Phillips replied saying they are not interested in placing this type of community into a gaming area. Mr. Robison stated during the site review the members thought the reason DeSoto County was chose is due to the school system and if they are planning on a school site or a donation of land. Mr. Phillips responded saying, the county needs schools but the county is also financially able to build new schools. Mr. Robison stated but you are talking about tax payers and he does not know if they are ready for another bond issue. Mr. Phillips answered saying from previous experience with community facility district bonds paid for by the developers and homeowners can be used for this type of tax. Mr. Robison asked if the county attorney has checked into to see if there are state statues for that type of district taxation. Mr. Phillips said they are currently looking into it.

Mr. Robison stated the applicant talked about lot values and possibly being its own city, he would hate to see the city purchase land at that rate for a city hall and all other services such as, fire, police, etc. He is concerned about where these facilities are located and where it is tied down at in this application. Mr. Phillips replied saying, in reality one way or the other it will be provided. Mr. Robison said he does not see a plan and suggested that the overlay could show where it could go, but be flexible, he would have liked to have seen this process thought of on the front end. Mr. Phillips responded saying, we have thought about governmental functions in the urban village. We are currently working on it, even though nothing has been designated. He continued saying they have not entered into any discussion with the neighbors to the north, but we do know they are looking for a City hall facility. We need to know that we have the rezoning first then we will be very close in submitting a site plan on the 1st phase, at this time the entertainment area is not quite ready.

Mr. Carter then asked about the 9,200 single family dwelling units, including town homes, condos, etc. Mr. Phillips said 9,500. Mr. Carter said if you look at the figures, it looks like 7,500 of the units will be located in the town homes, condos or the 6,000 square foot lots. This looks like it is geared toward the small type house sizes. Mr. Carter continued saying there is nothing in the plan detailing the house sizes, he is concerned about this. Mr. Phillips replied saying, at this point we were trying to focus on quality and pricing. The height of some of the single family homes will be 2.5 stories with the roof cascades to exceed the 35' height limit, we are going for value rather than

house size. The majority of the smaller lots have amenities such as lakes, golf courses, etc. Mr. Carter replied saying he understands but there are going to be 6,000 of them are not going to be on a regular house lot. He then asked about the price of the townhouses. Mr. Phillips said they are anticipating the prices to be \$200,000 and up. Mr. Carter reiterated saying then no single family dwelling will be less than \$200,000. Mr. Phillips said the average will have a minimum of \$200,000 we do not have detailed products yet. Mr. Carter then asked if there would be rental properties. Mr. Phillips answered saying no, but there will be some time share (resort related) or fractional ownership. There will be million dollar homes on golf courses that will be sold in 8th or 12th ownerships. Mr. Carter continued asking about the RV/Travel Land. Mr. Phillips replied saying there will be a lot of landscaping and built around a lake with a restaurant in the middle. This will not be an entry level RV park, it will be top of the line.

Mr. Carter asked if all lots will be filled with the dirt/fill from soil out of the lake. Mr. Pitts said, most likely but soil testing will need to be completed first. Mr. Carter then asked about the river backup and flooding, he understood there would be a pump to pump that backwater over the levy into the lake. Mr. Pitts answered saying, we have several options. We can pump it or drain it into the existing drainage district, he stated it is not anticipated that there will be a permanent pumping station.

Mr. Robison was also concerned about how the lake will be rehabilitated to make it usable. Mr. Pitts said excavation of the lake will provide some of the fill for areas to the top of the levee. Mr. Carter then asked if there would be curb and gutter. Mr. Pitts answered saying "yes". Mr. Lindsey then asked what percentage of the property would be filled. Mr. Pitts said he does not know.

Mr. Burkhart spoke stating at the beginning of the project he looked at the types of soil. He looked at the state soil maps and the type of crops that are being grown there. He stated at the north end there is clay and the south is sand. The mixing of sand and clay makes for good fill. He does not know what type of soil is down deep. Mr. Pitts said this would be an engineering design issue.

Mr. Robison asked about the fill against the levee. Mr. Burkhart answered saying there will be a wider plateau at the top and then a 1-2% slope and 3-1 close to the lake.

Mr. Carter asked if there would be residential above the retail. Mr. Phillips answered saying "yes" in the urban retail, there will also be some under buildings. Mr. Carter then asked if there would be shelter for the vehicles. Mr. Phillips said "yes".

Mr. Clemmer asked about the elevation, the river rises to the top of the levee and he does not want to see this development turn into what has recently happened in New Orleans. Mr. Pitts answered saying if the water gets up to the levee then it is a problem, he does not want that to happen. They have talked with the Corp of Engineers about the integrity of the levee they have done studies/soil borings. There was then some discussion regarding "sand boils" and the backwater flooding. Mr. Pitts agreed to design a pumping station and make sure it is installed. Mr. Carter informed him that it must be installed at Phase 1.

Mr. O'Bannon asked if there has been any engineering done regarding building the lake. Mr. Pitts said not yet. Mr. O'Bannon replied saying if the lake is dug below 15' it will be below the river and he does not see how it can be built without water coming in, even though he knows the lake would need to be that deep. Mr. Pitts replied saying, borings will be done. Mr. Carter asked if the Corp of Engineers have any issues with the lake or the levee. Mr. Pitts replied saying "no", they seem to be more concerned about seepage, he reminded the board members that this is not a small design and they understand infrastructure is important.

Mr. James said he is concerned with the public facilities and the schools. He said the new school that is currently being built will be filled the day they open. He would like to see the developer step up and pay for a new school somehow. In addition Walls is not large enough to supply emergency services, fire, police, etc. Mr. McDougal informed the Board members that there will be a development agreement and these issues will be addressed, this agreement should take place within the next 60-90 days. Mr. Robison said if the rezoning is approved, how can the county be assured that these items will be taken care of. Mr. Powell said because they will come back with the site plans. Mr. James asked if it would be more than just a site for the facilities. Mr. McDougal answered saying "yes", it includes the capitol costs.

Ms. Graves recused herself at this time.

Mr. O'Bannon then questioned the entertainment section of this project. He asked if the feasibility study has been completed and if they know what will be constructed. Mr. Phillips answered saying we are currently working with 3 major companies and within 90 days it should be completed, when it is finished we will come back. The market is calling for the entertainment aspect of the project first then the residential. There are a lot of great projects going on in DeSoto County but not with a lot of mix.

Mr. Forsythe stated the applicants have been working on this project for about a year and a half, it is difficult for us to make a decision in a short time frame, he would like to know more information regarding the sewage and up front money. Mr. Phillips said the state and federal government has allocated 150-170 million dollars to fund the treatment facility. Mr. Forsythe stated he is not talking about the government is going to do, he wants to know what they plan on doing to help with development fees. Mr. Phillips stated they agree with that, and we are a key part of the repayment of capitol financing. Mr. Pitts further stated, the western treatment will need to be upgraded. If looking at the tap fees the DCRUA is now charging, over the course of this 15-20 year development, it is over 17 million. There would be 6 million in tap fees for the 1st phase, plus the annual fees which will reach 1-2 million dollars. Mr. McDougal informed the board members that the applicant has met with DCRUA.

Mr. Robison asked if DCRUA is asking for something above the tap fees. Mr. McDougal answered saying DCRUA & the developer are communicating clearly on what the need are going to be and what the capitol cost will be retired.

Mr. Lawhon asked the applicant about what percentage of the surrounding land in their other developments are not in their control developed and in what time frame. Mr. Phillips replied saying, a project like this always brings others with it, one key thing to go with that is the sewer as it comes down the line. There is a development to the north of Walls with 1,200 units that have been approved they are just waiting on the sewer.

Mr. Lawhon continued saying, this is a beautiful development, but this is the delta. There is a reason there are not a lot of homes in that area and one is due to flooding. There are serious issues with the land in the delta the CORPS have done a wonderful job, but the potential is there. There are engineering questions that need to be answered along with the 500 year flood plain. This is a very nice city.

Ms. Graves spoke stating this is a flat area it is not a bowl the last flood was in 1937 there is a reason for the levee. She said drainage is a very big concern for her.

Mr. Lindsey stated the pumps are not adequate, he is very concerned about drainage and flooding.

Mr. Lawhon stated he is against M-2's, he likes the plan and knows this board can recommend a time limit to the Board of Supervisors along with any other stipulations. He does think there needs to be a specific time table for the engineering design questions need to be answered, he wants to be sure this is a "safe city". Mr. Phillips responded saying he is in agreement, this area cannot be anything else, the development has to work. The last thing we want is flooding and homeowners having to purchase flood insurance. They have been meeting with the CORPS for the past year, there is a wetland study being done and we are working with the COPRS in regards to the master drainage plan which includes the effects in and around the levee. Mr. Phillips continued saying a time schedule makes sense, we will have a development agreement. Our engineering reports will be done thorough the Pickering Firm and validated thorough the CORPS.

Mr. Lawhon then questioned the R-6 lots, he seem to be nice and expensive but how is this going to work, not every one wants this size lot. Mr. Phillips answered saying this is different because it is a PUD. Mr. Robison stated the 6,000 square foot lots may be a strong amenity but there needs to be something bigger in between.

Mr. Lindsey spoke stating he has seen everything come before this board, which is the reason this board loves PUD's, it is a plan that shows the project. It includes infrastructure, density, house size, lot size, etc. None of these questions have been answered tonight. No one has given us the answers that we normally require in a PUD. We need specific answers to specific questions.

Mr. Robison agreed saying we have been asked to look at this as a "concept", but we need additional details. Mr. Phillips stated he understands, but there is a difference between a 50 acre subdivision vs. this type of development and 5,000 acres. Mr. Robison added saying, we see a "city", with no municipality services, he thinks it is a great plan,

but there are some reservations. The applicant has looked at this for 1 ½ years, this is our first look at the project.

Mr. Phillips said there is a temporary sewer plan in place. We have 1 ½ million dollars invested into this project, we have submitted a master plan, everything has not been tied down, but it is close. This has to be done in a coordinating effort with everyone for this to be successful. We cannot just file phase one and not two.

Mr. Lindsey informed the applicant that this board sets a precedent and we need to be careful. Mr. Robison said the development agreement must have all details including how to handle emergency services and the town hall. Mr. Phillips responded saying, he does not have a problem with placing all of this in the development agreement, but he cannot commit to a city hall if we do not have approval. We cannot move forward with the grading plans for the lake until there is a soil analysis. We are almost ready to move forward, we plan on the breaking ground spring or summer of 2006.

Mr. Robison then asked about the amount of residential that will be completed before the commercial. Mr. Phillips replied saying there are technical problems, but it may be that they will be built at the same time.

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

Mr. John Graves – Lake Cormorant. He moved to the area in 1936, at that time he could see the boats at the top of the levee. The problems are different between hills and flat land. He has lived there since 1936 and his house has never seen water. This seems to be a quality development with financial backing and thinks this will help the whole county and the delta. He asked the board to consider the people that live down in the area and asked for approval of the project.

Mr. Robison then closed the floor.

Mr. Carter asked about the 9,500 homes, ball fields, parks, etc. Mr. Phillips said they will come back with the details but he does understand the need for parks on both sides of the levee, and will submit a site plan at a later date.

Ms. Cheri Phelps spoke once again saying, she understands this is a different concept, but all concerns should be addressed in the development agreement along with the site plan. This PUD rezoning is not final, steps will need to be followed. The development agreement ends up being a wish list for all parties it is an assurance for this board to get what is needed.

Mr. Lawhon once again stated he is concerned about the precedent that is being set. He also understands this is a different type of development/city. He purposes that tighter regulations be set with this type of tentative approval and that the development agreement be signed before the first turn of the dirt. If there is any type of special meetings (that

Mr. McDougal was referring to) for designing, etc., be open to the public and funded by the developer. All engineering questions be answered before there the first dirt is moved Development agreement and engineering be completed before subdivision approval. Each individual phase of the subdivision be resubmitted and preliminary approval be given (multiple steps). If we just go on past recommendations of precedent to approve a PUD this would have to be denied, because it is incomplete, but the vehicle to making it complete can be a part of the 2nd & 3rd steps. This way we are not setting a precedent. Mr. Robison agreed and stated we are actually setting the bar a little higher than we have for other developers, this is the 3rd time we have been asked to approve a concept and they have not turned out very well. In looking at this plan, we are looking at pretty good detailed snap shots. His disappointment is in the lack of community public services.

Mr. Lawhon added saying there needs to be a certain percentage amount of acreage that needs to be set up on the front end for municipalities, schools, emergency services, etc., (infrastructure) so that the developer is aware that this needs to be included in the plan and at his cost. Mr. Robison stated we would be approving the zoning and this concept. Other board members agreed.

Mr. Carter stated the 2.8 density seems to be high. Mr. McDougal informed him that in a PUD there could be up to 5 units per acre. Mr. Robison stated he understands but that needs to be removed because our regulations are a little outdated. Mr. McDougal said he understands but as it is today, that is what is allowed. Mr. Carter stated this is different since this is more like an urban type city.

Mr. Lawhon stated the density may be 2.8 but when they come back for the subdivision if we don't think it is something we could be proud of, then we don't have to recommend approval.

Mr. Robison entertained a Motion.

Mr. Carter made a Motion to approve the rezoning application as a concept plan, each phase of development must come back to this board for preliminary and final approvals. He based this on the change in the area with the new schools, Tunica County Resorts, City of Walls and I-69. This approval is subject to the following stipulations:

1. Development agreement between the county and developer must be signed and reduced to details to include the following:
 - The construction & financial agreements regarding public facilities;
 - All engineering issues be completed before any dirt is turned/before construction;
2. Residential construction be worked out;
3. Time limit of two years (dirt must be moved);

He wants to assure that this will be a quality development.

Mr. Clemmer seconded the Motion. There was a roll call vote of 12-0 with one abstaining to approve this application. This will be forwarded to the Board of Supervisors on January 4, 2006.

OTHER ITEMS

Design Review Policy

Mr. McDougal began by saying this policy has two parts one is the City Study Review areas and the second is each city will review any commercial and industrial applications against their own guidelines if the application falls within their study area. We are proposing to use the City of Hernando's design guidelines for the incorporated areas of the county, that does not fall under the city study areas.

Mr. Robison asked who would be on the review board. Mr. Powell answered saying the Board of Supervisors will need to decide that if this policy is adopted. Mr. Robison stated the board needs to consist of people who see this type of information on a regular basis, such as, attorney's, engineer's, architect's, real estate agents, planning commission staff, etc.

Mr. Carter then used the Dollar General on Stateline Road as an example of something needing design guidelines. Mr. Powell stated we are trying to do our best to get along with the cities and each city is willing to review the applications, this will help in processing these applications.

Mr. Lawhon made a Motion to recommend the county adopting the City of Hernando design review guidelines. Mr. Lindsey seconded the Motion. The Motion was approved by a unanimous vote.

There being no further business in front of the Planning Commission, this meeting adjourned at 10:25 p.m.. These minutes were recorded and transcribed by Denise Dingman.