



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
March 1, 2007**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – December 28, 2006

**CONSENT AGENDA**

**McMurry, Greg (6572)** – Application is for final subdivision approval of one (1) lot on 2 acres. Subject property is located on the south side of Bethel Road and east of Craft Road in Section 29, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)

**Riley, Marvin (6573)** – Application is for final subdivision approval of two (2) lots on 8 acres. Subject property is located on the west side of Bluff Road and east of Ben Lomond Cove in Section 20, Township 3, Range 9 and is zoned Agricultural. (District 4)

**Moses, Michael (6574)** – Application is for final subdivision approval of one (1) lot on 2.656 acres. Subject property is located on the south of Lester Road and west of Getwell Road in Section 28, Township 2, Range 7 and is zoned Agricultural-Residential. (District 5)

**FINAL SUBDIVISION**

**NEW BUSINESS**

**Miller Farms Section B (6568)** – Application is for final subdivision approval of 10 lots on 13.41 acres. Subject property is located east of Miller Road and south of Hwy 78, in Section 18, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

**Melton Manor 1<sup>st</sup> revision (6575)** – Application is to revise a lot line in a platted and recorded subdivision. Subject property is located east of Center Hill Road and South of Miller Station Lane, in Section 4, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

## **REZONING**

**Lakes of Georgetown (688)** - Application is to rezone 216 acres from Agricultural to Planned Unit Development. Subject property is located north of Oak Grove Road and west of Scott Road, in Section 15, Township 3, Range 8 and is zoned Agricultural. (District 5)

**Village at Riverland Ridge (689)** – Application is to rezone 130 acres from Agricultural-Residential to Planned Unit Development. Subject property is located south of Dean Road and west of Fogg Road, in Section 31, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

## **PRELIMINARY SUBDIVISION**

**Nielsen Estates (6502)** – Application is for preliminary subdivision approval of 6 lots on 13 acres. Subject property is located north of Bethel Road and east of Johnson Circle, in Sections 23, Township 2, Range 6 and is zoned Agricultural-Residential. (District 1)

**Hidden Hills (6570)** – Application is for preliminary subdivision approval of 12 lots on 38.84 acres. Subject property is located east of Allen Road and both sides of Mosby Lane, in Section 36, Township 3, Range 6 and is zoned Agricultural. (District 5)

**McCullar Woolsey (6571)** – Application is for preliminary subdivision approval of 75 lots on 112 acres. Subject property is located south of College Road and west of Bethel, in Section 14, Township 2, Range 6 and is zoned R-30. (District 1)

**Center Hill Plantation (6414)** – Application is to modify a preliminary application that was approved in 1999. Subject property is located on the east and west sides of Center Hill Road and north of Highway 302 in Section 28 & 29, Township 1, Range 5 and is zoned PUD. (District 1)

## **OTHER ITEMS**

1. Election of Officers

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, March 1, 2007, 2007, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Len Lawhon, Julius Cowan, Pat Hefley, Dennis Clemmer, Leonard Lindsey, Wade Carter, Joe Forsythe, Frank Calvi, Eddie O'Bannon, Robin James, Jimmy Maxwell, and Mike Robison. Planning Commission Staff present included Jim McDougal, Matt Hanks, Kristen Duggan, and Mr. Jody Neyman, DeSoto County Attorney.

After the invocation, Mr. Robison asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on November 30, 2006, there were none. Mr. Clemmer then made a Motion to approve the minutes. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

Mr. Hanks began by informing the commission that Miller Farm Section B, Village at Riverland Ridge, and Centerhill Plantation have all been requested to be carried over by the developers. He then explained that notification cards were sent out regarding the continuation of Village at Riverland Ridge and the new dates will be posted on the sign fifteen days prior to the new meeting date.

Mr. James made a Motion to carry over the applications of Miller Farms Section B, Village at Riverland Ridge, and Centerhill Plantation. Mr. Carter seconded the Motion. The Motion was carried by a unanimous vote.

### **CONSENT AGENDA** **MINOR LOTS**

**Melton Manor 1<sup>st</sup> revision (6575) – Application is to revise a lot line in a platted and recorded subdivision. Subject property is located east of Center Hill Road and South of Miller Station Lane, in Section 4, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)**

**McMurry, Greg (6572) – Application is for final subdivision approval of one (1) lot on 2 acres. Subject property is located on the south side of Bethel Road and east of Craft Road in Section 29, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)**

**Riley, Marvin (6573) – Application is for final subdivision approval of two (2) lots on 8 acres. Subject property is located on the west side of Bluff Road and east of Ben Lomond Cove in Section 20, Township 3, Range 9 and is zoned Agricultural. (District 4)**

**Moses, Michael (6574) – Application is for final subdivision approval of one (1) lot on 2.656 acres. Subject property is located on the south of Lester Road and west of Getwell Road in Section 28, Township 2, Range 7 and is zoned Agricultural-Residential. (District 5)**

Mr. Hanks announced the Consent Agenda. Mr. Hanks then 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. Robison asked if the Melton Manor lot revision was required to have signatures from all property owners. Mr. Hanks informed the commission that the property only has one owner and he will sign. Mr. McDougal added that this will be noted on the plat.

Mr. Lawhon made a Motion to approve the consent agenda as presented. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

## **REZONING**

**Lakes of Georgetown (688) - Application is to rezone 216 acres from Agricultural to Planned Unit Development. Subject property is located north of Oak Grove Road and west of Scott Road, in Section 15, Township 3, Range 8 and is zoned Agricultural. (District 5)**

Mr. Hanks presented the application, staff report and comments to the Planning Commission for Lakes of Georgetown. He then introduced Mr. Joe Frank Lauderdale to represent this application.

Mr. Lauderdale began by saying that the property is located west of Oak Grove Road outside of Hernando city limits. He went on to say that the property owners believe that this area has changed.

He also stated that Hernando will provide utilities. There have been many improvements made in this area such as new school and the fire departments have been upgraded. He also said that there are several developments coming up in this area including the Banks property.

This development will be similar to Notting Hill with a mixture of different size lots. The home sizes will be consistent with the other homes in the area. Interstate 69 and Tulane road will be close to this property. He then said that the property will provide amenities such as three lakes and an additional 16 acres of open space. The owner of this property believes that the time is right to develop this piece of land.

He then addresses the floodplain issue. He stated that the area will go through a study. There is not a base flood elevation at this time, but he doesn't feel that there will be a problem getting a revision from FEMA. He stated that fifty percent of the flood area is in the lakes and they will apply to have the remaining fifty percent to be taken out of the flood area.

Mr. Brian Hill, developer, came forward to speak on behalf of the application. He began by saying that he is very excited about this development. He wants to turn this into a lake area because there are very few in this area. He wants to create natural beauty with the lake because there is not much timber in this area. He would like to have the sense of a lake community. There will be three lakes with piers, parking area, and gazebos on every lake. This will allow for many outdoor activities such as fishing and small boats. There will also be a walking trail that runs east to west linking the communities. The smaller lots on the northwest side have the largest green area.

There will be 16.8% open space and only 10 % is required. In this development fifty percent of the homes adjoin, face, or rear some sort of open space. There will be a diversity of lot sizes to accommodate everyone. There will also be extensive tree planting to create a tree buffer on the west side of the property.

Mr. Lauderdale said that the traffic pattern is great with I-69 and Tulane road.

Mr. Robison stated that he is concerned about the west side of the property having the smaller lots backing up to the large lots. He feels that large lots should be on the west side to be fair to the adjacent property owners. Mr. James said that he feel R-8 and R-10 lots are too small.

Mr. Hill said that Montclair subdivision has narrow lots very similar to what is being proposed. He also said that the density of this development meets all the requirements. The small lots touch nothing but Agricultural land and he feels that they create a better sense of community. They also allow everyone to have an opportunity to live in a lake community.

Mr. Lawhon said that he feels this is more an issue of precedent. This will set a precedent with the small lots in this area if approved. Another issue is the floodplain. He is not prepared to approve a subdivision that is in the flood.

Mr. Hill said that he feels every subdivision needs diversity. There will be one foot retention on every lot. The lakes will also help with the flood issue.

Mr. Robison said that they must be more sensitive to the surrounding area. There is not a tree line separating these properties. Mr. Lauderdale stated that Mr. Hill has proposed to do a screening on this area.

Mr. Carter stated that he has seen water across the roads after heavy rains; and he doesn't like to see flood land built on. The water will go somewhere else, and it will probably be to the neighbors. Mr. Hill replied that building up this property will actually slow down the water excessively. Mr. Lauderdale added that the lakes will help with the flood issue. They will be dug out with a trench in the middle for erosion. Mr. Carter asked if they will fill the flood plain with the dirt coming out of the lakes.

Mr. James then said that the 1400 square foot homes are a concern for him. Mr. Hill said that he feels the size of the home has nothing to do with the quality.

Mr. Lindsey said that Dickens Place subdivision and Cherokee Valley have smaller homes, but they are still larger than 1400 square feet. Mr. Hill then said that Notting Hill has many homes that are 1800 square feet. Mr. Lindsey said that there is a big difference between 1400-1800 square feet.

Mr. Robison asked if they would consider starting off with homes that are larger than 1400 square feet. Mr. Hill said that he wants to give more people an opportunity to live in a lake community. Mr. Lawhon said that is very noble, but this sets a precedent that the county cannot allow. Mr. Robison added that if this is approved the next person will come in with smaller lots.

Mr. Robison then asked if there was anyone present to speak for or against this application.

Ms. Virginia Patterson, 1983 Oak Grove Road, said that she had a concern with traffic. She feels that adding more homes will cause more problems. She is also concerned with the smaller lots.

Ms. Anita Savage, Weatherby Place, said that she is totally against 1400 square foot homes.

Ms. Denise Riner, Royal Lane, said that there are 2800 square foot home in this area and they are located on larger lots.

Claire Manis, 1842 Oak Grove, said that she feels the small lots are an issue. They fought hard to have large lots in Weatherby and, if allowed, this would change the whole dynamic of the area.

Mr. Robison said that the overall density of the subdivision and amenities that are offered are great, but feels that the lot size is an issue.

Mr. Hill said that he knows that the flood plain is an issue, but if FEMA does not approve he cannot build. He then asks the board to please consider this if they are given approval by FEMA. He also added that he will plant trees on both sides of the fence on the west side of the property. He will also agree to do 1600 square foot minimums on the R-8 lots.

Mr. Robison then asked what the connection to Royal Lane will be. Mr. Hill replied that the property is under contract and the road will be developed.

Pat Woody, area resident, stated that if the road on the east of the property is built then there will be three lots north of Gracie that will be double frontage. Mr. Andy Swims, County Engineer, said that is an issue that will be addressed. Mr. Lauderdale then said that a north south road will be built through the subdivision.

Mr. Swims asked where the water from the lakes will go. Mr. Lauderdale replied that it will go to Arkabutla Lake. Mr. Swims then asked if it will cross the road to the ditch and Mr. Lauderdale said "yes." Mr. Swims stated that the lakes in the development ease his mind because if they are done correctly there will be detention.

Mr. Robison asked if the problem with mud in Weatherby Place was due to the undersized pipe. Mr. Swims said that contributed to the problem. Mr. Robison then asked if the county ever requires developers to upsize the pipe.

Mr. Lawhon stated that even if FEMA does a LOMA he is still concerned with the R-8 lots. He said that if they were R-12 lots he could consider, but feels this would set a precedent in the county. Mr. Robison asked if R-8 lots in the middle would be a problem. Mr. Lawhon then said that he doesn't feel that this is the area for smaller lots. There are appropriate place, but he is not sure this is it. He would feel better approving with R-12 lots. He also asked how raising these lots would affect other properties. Mr. Swims said that this also concerns him because he is not sure how it will affect surrounding properties.

Mr. Lauderdale if the board would consider carrying this over to work on these other issues.

Mr. Carter said that he is against the R-8 lots, and Mr. Calvi agreed with him. Mr. Robison and Mr. Lawhon agreed that they like the layout of the property, but R-8's are a big concern.

Mr. Carter asked what a LOMAR was, and Mr. Lauderdale explained that it is a study to determine the BFE of the property. Mr. Lindsey added that if FEMA does not approve this study then the subdivision can not be approved.

Mr. Robison then asked how the Commission would feel about changing to R-10 lots. Mr. Lawhon said that he would feel better. R-8's would be okay in the city, but not in the county.

Mr. O'Bannon then addressed the traffic issue. He asked if the site issues on Oak Grove Road will be addressed.

Mr. Lawhon made a Motion to carry over this application until May 3, 2007. Mr. Carter seconded the Motion. The Motion was passed by a unanimous vote

### **PRELIMINARY SUBDIVISION**

**Nielsen Estates (6502) – Application is for preliminary subdivision approval of 6 lots on 13 acres. Subject property is located north of Bethel Road and east of Johnson Circle, in Sections 23, Township 2, Range 6 and is zoned Agricultural-Residential. (District 1)**

Mr. Hanks presented the application, staff report and comments to the Planning Commission for Nielsen Estates. He then introduced Mr. Greg Smith to represent this application.

Mr. Smith began by stating that there were originally nine lots with nine drives entering Bethel Road. He said that they have changed this to six lots with combined drives. Lots 1 & 2, lots 3 & 4, and lots 5 & 6 have shared drives. Now there are only three lots entering Bethel Road. He then said that they have done an engineering study based on a 55 mph speed limit. He feels that they have further increased the site distance. They have cut down the underbrush that would create problems. He also stated that they have received DCRUA approval. They are in the works with Lewisburg to provide water. He then said that they have addressed and met the safety concerns.

Mr. Andy Swims, County Engineer, said that he has been out there before and after clearing to check the site distance. The north and south site has been improved. The south is much better. There was not much traffic at the time, but he was concerned with the drive between lots 4 & 5. He then said that the property does meet MDOT requirements for site distance.

Ms. Hefley said that there is a large curve on Bethel Road and it makes it dangerous for school buses and garbage trucks to stop. Mr. Smith said that a study has been done for the stopping distance and the smallest distance is 500 feet. The standard is 495 feet. Mr. Lawhon said that this property is located in a curve and it is dangerous to put driveways entering Bethel Road.

Mr. Lawhon then said that from a safety standpoint he cannot approve. Mr. Smith stated that they have addressed the number of drives issue, and Mr. Lawhon said that they made a bad situation better, but it is still not safe. Mr. Smith then recommended the Board of Supervisors lowering the speed limit to 25 mph in this area.

Mr. Eddie O'Bannon stated that he lives in a subdivision like this and feels that it is just not safe. Mr. Lawhon added that he feels this is not appropriate or safe in this area.

Mr. Smith said that as an engineer he could not stamp this plat if it was not safe and he feels that this is a safe situation. Mr. Robison said that this board is looking beyond the written numbers of engineering studies. Mr. Lawhon added that Mr. Smith has done everything to make a bad situation better, but not enough can be done. The Board of Supervisors will make the ultimate decision.

Mr. Robison asked if there was anyone present to speak for or against this application.

Mr. Lonnie Barrell, applicant, stated that this is a beautiful piece of property on Bethel Road. They are aware of the curve and terrain. He also said that they have done a traffic study and meet all requirements. He feels that they should not be penalized for the speed

of others. He then said that they will omit down to two accesses and place them further north.

Mr. Lawhon made a Motion to deny the application based on location. Mr. McNemar seconded the Motion. The Motion was passed on a 12 -1 vote. Members voting for included Wade Carter, Dennis Clemmer, Julius Cowan, Leonard Lindsey, Len Lawhon, Charles McNemar, Mike Robison, Pat Hefley, Joe Forsythe, Eddie O'Bannon, and Robin James. Members voting against included Jimmy Maxwell.

**Hidden Hills (6570) – Application is for preliminary subdivision approval of 12 lots on 38.84 acres. Subject property is located east of Allen Road and both sides of Mosby Lane, in Section 36, Township 3, Range 6 and is zoned Agricultural. (District 5)**

Mr. Hanks presented the application, staff report and comments to the Planning Commission for Hidden Hills. He then introduced Ms. Laura Hendrix to represent this application.

Ms. Hendrix began by saying that the property is located north and south of Mosby Lane. She then said that they have modified the plat according to the staff recommendations except for the 4 to 1 ratio. She then asks the Planning Commission to allow this. She went on to say that they have received DCRUA approval.

Mr. Robison asked Ms. Hendrix about right of way dedication and she informed them that would be n problem. She also said that there will be no mobile homes allowed and the open space has been eliminated. Mr. Carter asked about the existing trailer on lot 7. Ms. Hendrix said that it will be removed and she feels that this development will be an improvement to the area.

Mr. Robison asked about covenants and home size. Ms. Hendrix said that she was not sure. Mr. Lawhon asked how they could improve the area without covenants. Ms. Hendrix then said that they could provide covenants. Mr. Robison then asked again about home size. Ms. Hendrix said that they would be 1400 – 1600 sq. foot minimum.

Mr. Lawhon asked if the county has ever allowed a 6 to 1 ratio. Mr. Robison and Mr. McDougal both said that this has been allowed before.

Mr. Robison said that there should be restrictive covenants note on the plat and the home size should be 1600 square foot. Ms. Hendrix said that they will bring the covenants back with the final, but doesn't feel that this area will hold larger size homes. Mr. Lawhon then said that the only way to make this area better is to start with new developments. He added that covenants are very important.

Mr. Robison stated that they would give in to the 4 to 1 ratio but would require larger home size. Mr. Bill Lyon asked if the compromise could be 1600 square foot with 1400

square foot finished and 200 square foot expandable. Mr. Robison said that the h1600 square foot must be finished and heated area.

Mr. McDougal suggested a carry over so the issue could be discussed with Mr. Davis. Ms. Hendrix asked if she could step out in the hall to call Mr. Davis. The board allowed her to call.

Ms. Hendrix came back in and said that she had spoken with Mr. Mendrop and he approved 1600 square foot homes. She also said that they will have covenants the next time and they apologize.

Ms. Hefley made a Motion to approve the application with 1600 square foot minimum homes and covenants. The Motion was seconded by Mr. McKell. The Motion was passed by a unanimous vote.

**McCullar Woolsey (6571) – Application is for preliminary subdivision approval of 75 lots on 112 acres. Subject property is located south of College Road and west of Bethel, in Section 14, Township 2, Range 6 and is zoned R-30. (District 1)**

Mr. Hanks presented the application, staff report and comments to the Planning Commission for McCullar Woolsey. He then introduced Mr. Greg Smith to represent this application.

Mr. Smith began by stating that they have applied for the additional lots through DCRUA. The city of Olive Branch will provide water. He also said that there will not be a problem putting in turn arounds. He then said that the previous plat had two ditch crossing and they have redrawn to only have one crossing. They have also picked up five additional lots. All of the changes meet standards and regulations. He also added that detention will be provided.

Mr. Robison said that lot 31 and 6 are not great with the large ditch crossing through the lot, and Mr. Smith added that they are buildable. Mr. Robison suggested shifting the lot lines so that the ditch is not running through the lot. Mr. Smith said that he could juggle the lot lines on lot 35 to keep the same number of lots. Mr. Lawhon pointed out that lot 46 is the same way.

Mr. Robison asked who would be responsible for maintaining the ditches, and Mr. Smith said that the lot owner will be responsible. Mr. McDougal then asked about the setback easement for utility work. Mr. Smith said that it will be three times the top width.

Mr. Lawhon asked if they would put it on the plats to state that the homeowner will be responsible for maintaining the ditch and are aware of the utility easements.

Mr. Carter stated his concern with the drainage diverting and creating gullies without structures drainage. Mr. Smith said that the lot drainage will go into the ditch which will be about five feet deep.

Mr. Swims said that the setbacks for the easements should be three times the top width which would be 24 feet. Mr. Smith said they could work with that, and Mr. Swims said that they should be uniform. Mr. Robison said that should be noted on the plat. Mr. McDougal said that new construction plans should reflect the changes that have been discussed.

Mr. Lawhon asked if there are covenants and what the minimum home size was. Mr. Smith said that he was not sure, but they will adhere to all the standards agreed to in the prior approval.

Mr. Robison asked if there was anyone here to speak for or against the application. Ms. Teresa Payton, area resident, said that she owns the ten acres that are north of the development. She is concerned with the road being built and if she would have access. Mr. Smith said that they will have access to this road.

Mr. Lawhon made a Motion to approve this application with the staff recommendations as well as the lots will be adjusted to manage the ditch, the easements will be three times the top bank width, and the adjoining property owner will have access to the road. Mr. Clemmer seconded the Motion. The Motion was passed by a unanimous vote.

#### **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 2007 year. He then stated that there is a three year limitation and all of the officers have met there three years.

In the matter of electing a new Chairman, Mr. Carter nominated Mr. Len Lawhon. Mr. Lawhon declined the nomination because he feels that the chairman is not allowed to speak freely. Mr. Clemmer then nominated Mr. Wade Carter. Mr. James seconded the nomination. This was decided as a unanimous vote.

In the matter of electing a new Vice Chairman, Mr. Clemmer nominated Mr. Len Lawhon. Mr. Lindsey seconded the nomination. This was decided as a unanimous vote.

In the matter of electing a new Secretary, Mr. Maxwell nominated Mr. Robin James. Mr. O'Bannon seconded the nomination. This was decided as a unanimous vote.

Mr. Clemmer made a Motion to reappoint the members of the site review board. Mr. Calvi seconded the Motion. The Motion was approved by a unanimous vote. (District One – Len Lawhon, District Two – Leonard Lindsey, District Three – Wade Carter, District Four – Robin James, District Five – Mike Robison)

The meeting adjourned at 9:35 p.m. These minutes were recorded and transcribed by Kristen Duggan.