



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
August 28, 2008**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – July 31, 2008

**CONSENT AGENDA**

**Minor Lots**

**Bell-Davis Estates (6731)** - Application is for final subdivision approval of one (1) lot of 8.66 acres and one (1) lot of 4.02 acres out of 13 acres. Subject property is located on the north side of Bethel Road and east of Highway 305 in Section 23, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 1)

**Poindexter Minor Lot (6733)** - Application is for final subdivision approval of one (1) lot of 1 acre. Subject property is located on the west side of Baldwin Road and south of Boggan Lane in Section 15, Township 3, Range 9 and is zoned Agricultural (A). (District 4)

**NEW BUSINESS**

**Final Subdivision**

**Love Station Phase 1 (formerly Winding Creek) (6732)** – Application is for final subdivision approval of 24 lots on 40.3 acres. Subject property is located on the north side of Love Road and east of Highway 51 in Section 7, Township 4, Range 7 and is zoned Agricultural (A). (District 5)

**Browning Preserve 1<sup>st</sup> Revision (6734)** – Revision to final subdivision plat approved for 22 lots on 18.75 acres to include access easement. Subject property is located north of Dunn Lane and west of Highway 305 in Sections 16, Township 2, Range 6 and is zoned R-20. (District 5)

**OTHER ITEMS**

1. Proposed Amendments to the Design Standards Ordinance for DeSoto County
2. Proposed Land Use Map revisions to the 2030 Comprehensive Plan
3. 2006 International Building Code

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, August 28, 2008, 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, Randy Jones, Julius Cowan, David Henley, 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, Ashley Hendricks, 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 July 31, 2008. Mr. James made a Motion to approve the minutes as presented. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

### **CONSENT AGENDA**

#### **Minor Lots**

**Bell-Davis Estates (6731) - Application is for final subdivision approval of one (1) lot of 8.66 acres and one (1) lot of 4.02 acres out of 13 acres. Subject property is located on the north side of Bethel Road and east of Highway 305 in Section 23, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 1)**

**Poindexter Minor Lot (6733) - Application is for final subdivision approval of one (1) lot of 1 acre. Subject property is located on the west side of Baldwin Road and south of Boggan Lane in Section 15, Township 3, Range 9 and is zoned Agricultural (A). (District 4)**

Ms. Tynan announced the Consent Agenda, including the above items, and stated that the proposed minor lot subdivisions conform to the DeSoto County Zoning and Subdivision Regulations and are ready for approval, subject to dedication of road right of way and Health Department approval.

Mr. Carter asked if Poindexter Minor Lot could be approved since it is only one (1) acre. Mr. Jim McDougal stated the County Ordinance allows for approval of one (1) acre lots in "A" and "AR" zones as long as water is provided by a utility company.

Mr. Cowan made a Motion to approve the consent agenda with staff recommendations. Mr. Henley seconded the Motion. The Motion was passed by a unanimous vote.

### **NEW BUSINESS**

#### **Final Subdivision**

**Love Station Phase 1 (formerly Winding Creek) (6732) – Application is for final subdivision approval of 24 lots on 40.3 acres. Subject property is located on the north side of Love Road and east of Highway 51 in Section 7, Township 4, Range 7 and is zoned Agricultural (A). (District 5)**

Ms. Tynan presented the application to the Commission. She then introduced Mr. Joe Frank Lauderdale as being present to represent the application.

Mr. Lawhon asked if any of the lots would be located on the filled-in gravel pits, where previous excavation took place. Mr. Lauderdale stated that none of the lots in Phase 1 were located on the filled-in pits, but that there will be some located on filled-in pits in Phase 2. Mr. Lawhon stated that on any lots that include filled-in pits where homes will be built, this needs to be noted on the plat.

Mr. Lauderdale stated the applicant can comply with all of staff's recommendations. He then stated Health Department approval will be stamped on the plat. Mr. Lauderdale stated the subdivision was formerly known as Winding Creek and the developer now wants to change the name to Love Station based on the past use and name of this area.

Mr. Carter asked if all lots are one (1) and a half acres or more. Mr. Lauderdale confirmed that all lots are at least one and a half acres.

Mr. Jones asked about paragraph 21 of the Restrictive Covenants regarding prohibiting solar panels. He then stated he feels it seems to go against trends and the Government's desire to move toward alternative energy, and stated at some point solar panels may become more affordable and have a more desirable look. Mr. Lauderdale stated they can take out that paragraph of the Restrictive Covenants. Mr. Jones then stated he is also concerned with paragraph 22, allowing satellite dishes no bigger than twenty (20) inches. He then stated most of the new High Definition satellites are more commonly thirty (30) inches. Mr. Lauderdale stated he will check into the size of satellite dishes and address this issue in the revised Covenants.

Mr. Carter asked if some of the lot numbers had changed. Mr. Lauderdale stated that some of the numbers had changed. Mr. Carter asked staff if the different lot numbers will cause a problem. Ms. Tynan responded no, they will not be a problem as long as the numbers are consecutive with future phases of the development.

Mr. McDougal asked about curb and gutters for this subdivision. Mr. Lauderdale stated that curb and gutters nor sidewalks are required in this subdivision and will not be provided as part of the site improvements.

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

1. Paragraph 21, no solar panels shall be allowed, shall be struck from the Restrictive Covenants;
2. In Paragraph 22, no satellite communication system equipment or dishes larger than 20" shall be permitted, needs to be addressed to accommodate larger High Definition satellite dishes.

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

**Browning Preserve 1<sup>st</sup> Revision (6734) – Revision to final subdivision plat approved for 22 lots on 18.75 acres to include access easement. Subject property is located north of Dunn Lane and west of Highway 305 in Sections 16, Township 2, Range 6 and is zoned R-20. (District 5)**

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

Mr. Carter asked if the Restrictive Covenants presented to the Planning Commission were for this application. Ms. Tynan stated they are, and that staff will ask that the applicant to change the name on the covenants to reflect the subdivision name Browning Preserve Farms prior to recording them with the Chancery Court.

Mr. Carter asked what is staff's concern with the side setback. Ms. Tynan said the applicant is to strike "sum of 10 feet" from the plat to address previous conditions of approval of the final plat.

Mr. Russell stated that the maintenance of the common area will be transferred to the Home Owners Association as stated in the revised Covenants.

Mr. Russell stated that the proposed easement that is shown on the plat is a gravel drive giving access through the subdivision to Dunn Lane and to an adjacent property owner who does not otherwise have access to Dunn Lane. Mr. Lawhon asked of the gravel drive is for an existing owner and if there is language in the Covenants stating lots 19-22 will not be allowed to use the gravel easement. Mr. Russell stated he had hoped these lot owners would be able to use the gravel drive as well, as he feels this would make it an amenity for these lots. Mr. Lawhon stated that in the County Ordinances no more than 3 lots can use an access easement. Mr. McDougal asked why wouldn't the proposed road, as it turns west on the north side of the subdivision act as access. Mr. Russell stated the existing owner was emphatic about keeping his driveway where it is. Mr. Lawhon asked if this neighbor was the original owner of all the property. Mr. Russell responded no, he is not the owner of the property being developed into the subdivision. Mr. Lawhon asked if the lot owners will be responsible for maintenance of the gravel easement. Mr. Russell stated that as it is set-up now, yes the lot owners would be responsible for each of the sections that are on their property. Mr. Lawhon stated it needs to be clarified on the plat that these lots have an easement that is a gravel drive that will be have cars driving up and down it along the back of their property. Mr. Russell stated he will also note on the plat that each section of the easement is the responsibility of the lot owner to maintain as well as the usage allowance of the easement. Mr. Jody Neyman, Board Attorney, advised the information about the easement needs to be noted on the deeds for these lots as well. Mr. Russell asked if it would be appropriate to add that each section of the easement is the responsibility of the lot owner to maintain as well as the usage allowance of the easement, in the sales contract and deed. Mr. Lawhon stated he would feel better about it, if it was noted on the plat as well as in the deed and sales contract.

Mr. O'Bannon asked what would happen if the lot owners decided to put up locked gates along the easement and gave a key to the existing owner. Mr. Neyman advised that the lot owners can not block an ingress easement.

Mr. Lawhon made a Motion to approve this application with staff recommendations from previous approvals being addressed and the following stipulations:

1. Restrictive Covenants shall have details added to clarify the responsibility of the Home Owners Association to maintain the medians and open areas;
2. A note shall be added to the plat, deed and sales contract to clarify use and any conditions of the easement located on the west side of lots 19, 20, 21, and 22.

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

## **OTHER ITEMS**

### **1. Proposed Amendments to the Design Standards Ordinance for DeSoto County**

Ms. Gina Tynan stated the terms and phrases regarding development of pattern book as part of commercial and industrial development applications on the memo given to the Planning Commission at the last meeting were also given to the Board of Supervisors. She then stated the Board of Supervisors recommended incorporating some of the language from the memo into the County's Design Standard Ordinance.

Mr. Len Lawhon asked if a point system could be developed that would score a project based on livability and sustainability. Ms. Tynan stated there is currently a Design Guideline checklist in use, but a point system as part of the development application could be developed by staff. Mr. Robison stated the current checklist could possibly be broken down into more items and categories.

There was general discussion by the Planning Commission. Based on that discussion, Mr. Wade Carter stated the Planning Commission supports adoption of the proposed amendments and feels they will be beneficial to the planning process.

### **2. Proposed Land Use Map revisions to the 2030 Comprehensive Plan**

Ms. Gina Tynan presented a revised future land use map to the Planning Commission to show the future alignment of Interstate 269 on the east side of DeSoto County.

There was general discussion of the Planned Corridor approved along the western alignment of Interstate 69 and the expansion of intersections along the new alignment of Interstate 269 from Interstate 55 east to the DeSoto-Marshall County line. Mr. Carter recommended the same type of Planned Corridor for the east side alignment as was approved for the west side of the County, be added to the revised Land Use Map to allow the County to more carefully review growth and development along the full length of the new Interstate corridor as it passes through these areas, which are currently agricultural in character.

### **3. 2006 International Building Code**

Ms. Tynan stated Mr. Don Duncan, Chief Building Inspector, will present the new 2006 International Building Codes to the Board of Supervisors on September 3, 2008 and that the new codes will be considered for adoption by the Board of Supervisors on October 8, 2008.