



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
September 3, 2009**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – July 2, 2009

**CONSENT AGENDA**

**Minor Lots**

**Rowe Minor Lot (6766)** – Application is for final subdivision approval of one (1) lot of 2.7 acres and one (1) lot of 5.5 acres out of 8 acres. Subject property is located on the south side of Church Road and east of Fogg Road in Section 8, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)

**Lewis Minor Lot (6768)** – Application is for final subdivision approval of one (1) lot of 5.5 acres and one (1) lot of 1.01 acres out of 6.51 acres. Subject property is located on the east side of Malone Road and north of Brights Road in Section 2, Township 3, Range 7 and is zoned Agricultural (A). (District 5)

**Parker Farms Minor Lot (6770)** – Application is for final subdivision approval of two (2) lots of 1.5 acres each out of 3 acres. Subject property is located at 2455 Clifton Road on the south side of Clifton Road and west of Robertson Gin Road in Section 34, Township 3, Range 8 and is zoned Agricultural (A). (District 5)

**Moberly Minor Lot (6771)** – Application is for final subdivision approval of one (1) lot of 1.8 acres, one (1) lot of 3 acres, and one (1) lot of 11.5 acres out of 16.3 acres. Subject property is located on the west side of Highway 51 and north of Wheeler Road in Section 12, Township 4, Range 8 and is zoned Agricultural (A). (District 5)

**Kris Brady Minor Lot (6772)** – Application is for final subdivision approval of one (1) lot of 1.96 acres, one (1) lot of 95 acres, and one (1) lot of 96.33 acres out of approximately 193.3 acres. Subject property is located on the east side of Highway 305 and south of Bethel Road in Section 27, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 1)

## **OLD BUSINESS**

### **Rezoning**

**Dunbar Hills Planned Unit Development (711)** – Application is for rezoning of 706.11 acres from Agricultural-Residential (A-R) to Planned Unit Development (PUD). Subject property is located on the south side of Starlanding Road and west side of Baldwin Road North in Sections 22 and 27, Township 2, Range 9 and is zoned Agricultural. (District 3)

## **NEW BUSINESS**

### **Preliminary Subdivision**

**Poplar Place Revision (6767)** – Application is for revisions to the preliminary subdivision plat of 22 lots and 2 out parcels on 53 acres. Subject property is located on the east side of Poplar Corner Road and north of Church Road in Section 1, Township 2, Range 9 and is zoned Agricultural-Residential (A-R). (District 3)

### **Other Items:**

1. Update on I-69/I-269 International Trade Corridor

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, September 3, 2009, 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, David Henley, Randy Jones, Charles McNemar, Wade Carter, Joe Forsythe, Joan Robertson, Eddie O'Bannon, Robin James, Jimmy Maxwell and Mike Robison. Planning Commission Staff present included Jim McDougal, Gina Tynan and Mr. Jody Neyman, DeSoto County Attorney.

After the invocation and roll call, Chairman Wade Carter asked if there were any necessary additions to or deletions from the Minutes of the Planning Commission meeting held on July 2, 2009. It was clarified that, as there was no quorum on July 30, 2009 and the meeting did not convene, there were no meeting Minutes to approve from that date. Hearing none, Mr. Maxwell made a Motion to approve the minutes as presented. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

### **Minor Lots**

**Rowe Minor Lot (6766) – Application is for final subdivision approval of one (1) lot of 2.7 acres and one (1) lot of 5.5 acres out of 8 acres. Subject property is located on the south side of Church Road and east of Fogg Road in Section 8, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)**

**Lewis Minor Lot (6768) – Application is for final subdivision approval of one (1) lot of 5.5 acres and one (1) lot of 1.01 acres out of 6.51 acres. Subject property is located on the east side of Malone Road and north of Brights Road in Section 2, Township 3, Range 7 and is zoned Agricultural (A). (District 5)**

**Parker Farms Minor Lot (6770) – Application is for final subdivision approval of two (2) lots of 1.5 acres each out of 3 acres. Subject property is located at 2455 Clifton Road on the south side of Clifton Road and west of Robertson Gin Road in Section 34, Township 3, Range 8 and is zoned Agricultural (A). (District 5)**

**Moberly Minor Lot (6771) – Application is for final subdivision approval of one (1) lot of 1.8 acres, one (1) lot of 3 acres, and one (1) lot of 11.5 acres out of 16.3 acres. Subject property is located on the west side of Highway 51 and north of Wheeler Road in Section 12, Township 4, Range 8 and is zoned Agricultural (A). (District 5)**

**Kris Brady Minor Lot (6772) – Application is for final subdivision approval of one (1) lot of 1.96 acres, one (1) lot of 95 acres, and one (1) lot of 96.33 acres out of approximately 193.3 acres. Subject property is located on the east side of Highway 305 and south of Bethel Road in Section 27, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 1)**

Mr. Jim McDougal presented the above applications for proposed minor lot subdivision and stated the applications appear to conform to the DeSoto County Zoning and Subdivision Ordinance regulations subject to dedication of road right of way and Health Department approvals.

Mr. Carter confirmed that the Lewis Minor Lot would include a lot of 1.01 acres and, as required for a lot smaller than 1.5 acres, central water service is available. Mr. McDougal

clarified that there is an existing home on the one-acre site and existing water and sewer utilities currently serve the lot.

Mr. Carter asked if there was anyone present to speak for or against the applications. There were none.

Mr. Maxwell made a Motion to approve the applications with staff recommendations. Mr. Henley seconded the Motion. The Motion was passed by a unanimous vote.

## **OLD BUSINESS**

### **Rezoning**

**Dunbar Hills (711) – Application is for rezoning of 706.11 acres from Agricultural-Residential (A-R) to Planned Unit Development (PUD). Subject property is located on the south side of Starlanding Road and west side of Baldwin Road North in Sections 22 and 27, Township 2, Range 9 and is zoned Agricultural. (District 3)**

Mr. Jim McDougal presented the application and staff report to the Commission. He explained that the Dunbar Hills application for rezoning of 706.11 acres from Agricultural-Residential (A-R) to Planned Unit Development (PUD) was carried over from the May 28, July 2 and July 30, 2009 meetings to allow the applicants to meet with the neighbors on June 13 and again on August 22, 2009.

Mr. McDougal reviewed the Staff Report to highlight the proposed uses, density, lot sizes and Phasing Plan. He then noted that, if approved, the final subdivision plat for each phase would be required to identify the minimum house size for each lot type/size on the face of the plat as there are a variety of lot and house sizes proposed in each phase. Mr. McDougal also noted that page 25 of the conceptual plan booklet provided by the applicant should be revised to delete text which would limit the County's ability to issue permits until the Dunbar Hills PUD Design Review Committee had approved the house location and design as the conditions of approval of this rezoning application cannot restrict the County's legal obligation to issue permits. Mr. McDougal then stated that, if the Phasing Plan is approved as part of this application, the Planning Commission and Board of Supervisors will need to waive the regulation in the County's Subdivision Ordinance to require that 25 percent of residential construction be completed prior to any commercial development as the first phase of the project is to build out the non-residential uses as part of the Ryan's Ranch facility to provide vacation and therapeutic services for families with disabled children. He also stated that Baldwin, Star Landing and Nesbit Road are all section line roads and would therefore be required to be improved to meet County standards as part of this project and that all private roads within the PUD would be required to be installed and maintained to County specifications by the Developer or the Homeowners' Association. A fully executed Residential Development Agreement and restrictive covenants would be required for final plat approval of each phase of development. He identified letters received from North Mississippi Utility Company and Days Water Association agreeing to provide retail water service if the lines are extended to the project at the developer's cost. Mr. McDougal said the Planning Commission may wish to clarify if the Town of Walls' commitment to providing retail sewer service, as identified in their letter dated June 23, 2009, is conditional upon their request that there would be no opposition to future annexation of the PUD by Walls.

Mr. Carter asked if curb and gutter or sidewalks would be provided by the developer as a large percentage of the lots in the PUD would be 20,000 square feet or less. Mr. McDougal responded that the Subdivision Ordinance allows for additional paving, such as the proposed 6 foot wide bike lane, to be provided in lieu of requiring sidewalks, curb and gutter as long as adequate width was provided to accommodate a future desire to install them.

Mr. Lawhon expressed concern that the commitment of the Town of Walls to provide sewer service would be conditioned upon a commitment by the residents of the PUD and/or the County not to oppose future annexation of the PUD by Walls as utility service commitments are generally made without such conditions. He also expressed concern that subdivisions are not typically approved without confirmation of utility services and that due to the proposed density of this project he would be uncomfortable recommending approval without firm commitments from the utility companies. Mr. McDougal agreed that this matter should be clarified and noted that the PUD is not within the existing service area of the Town of Walls but that the applicant asks that they be recognized as the service provider via the text of the approved plans and documents submitted as part of this rezoning application. Mr. McDougal stated the letter from DCRUA states that individual systems or a central system to be developed for the PUD would be the necessary means for sewer service as DCRUA is not able to provide service to that area currently. Mr. Forsythe also stated that he felt the condition not to oppose annexation by the Town of Walls is not acceptable.

Mr. McDougal then introduced Mr. Bob Dalhoff of Dalhoff, Thomas & Daws as being present to represent the application. Mr. Dalhoff in turn introduced the applicant Mr. Fleet Abston as being present as well. He then proceeded to review details of the proposed PUD with the Commission. In response to the Commission's questions regarding Town of Walls annexation, Mr. Dalhoff expressed that adding that language to their letter confirming retail sewer service provision was a recommendation by the Town's contract planner Mr. Bob Barber, but was not intended as a condition of service. Mr. Dalhoff said they would likely agree to removing that language from the text of the proposal, as needed. Mr. Robison and Mr. Lawhon agreed they would like the request not to oppose future annexation of the project area by the Town of Walls to be removed from the text.

Mr. Dalhoff stated the Abston family desires a high quality development of their property and recognized the opportunity to partner with Ryan's Ranch International as mutually beneficial. Mr. Dalhoff thanked the Commission for allowing this project to be carried over several times to allow the applicants to meet with the neighbors and utility service providers. He identified changes in the area to include new PUDs approved in the area, the recent construction of a new high school, the planned extension of DCRUA service along Johnson's Creek and other large residential projects approved within the Town of Walls as justification for the request for rezoning of the property.

Mr. Dalhoff stated that approval of this project would be important steps to help raise the bar for the quality of development on the west side of the county. He said that the Abston family feels that development of this property as 1-acre lots, as anticipated in the County's Land Use Plan would not honor this property if divided in that traditional way as it would not include appropriate open spaces and neighborhood amenities. Mr. Dalhoff noted that they prepared a slope analysis to identify potential placement of homes on the lots as requested by staff. He went on to highlight unique features of the proposed

development including planned preservation of open space, retention of the existing home and silos, and development of a community clubhouse, observation towers and trails for greenways. He said he met with County Greenway Coordinator Larry Jarrett to discuss potential connections with the project's trails to the planned greenway along Johnson's Creek. Mr. Dalhoff said the intention was to develop a neighborhood rather than just a subdivision.

Mr. Dalhoff reviewed the variety of lot sizes and minimum house sizes; width of roadways to include 24 feet of paving plus a 6-foot bike lane; sidewalks, curb and gutter to be provided in all gated areas of the residential development; an 80-foot landscape buffer between the development and Baker Road; and improvements to section line roads to meet County requirements. He noted that the residential areas are laid out to provide easy walking access to the clubhouse (within 15 minutes of each home) and other common areas and that it was a project goal to provide access from each home to open space including fields and ponds within a four-minute walk.

Mr. Dalhoff stated that since the Commission had seen the plans in July, the layout was revised to address neighbor and staff concerns which also resulted in an increase in the percentage of common open space to be provided. He stated the dedication of roadway along the Nesbit Road section line had been added for possible future county roadway connections and only a portion of Nesbit Road would be built as part of this project to address neighbor concerns.

Mr. Dalhoff then discussed the uses as part of Phase 1, the proposed Ryan's Ranch facility. He said that the facilities would be available to all members of the public by reservation only with an emphasis on providing accommodations for families with disabled children. He said the facilities would be constructed to be all-accessible to provide handicapped access for guests of all ages. Mr. Dalhoff passed out a list of the medical therapies and treatments that would be made available to guests. He said the facilities would include a private outdoor amphitheater for use only by Ryan's Ranch guests and without amplified music and a spray park to serve as a playground with water features. Mr. Dalhoff said there would be two full-time apartments on the site to accommodate 24-hour staff. He said the use was not intended for conventions or for lease for corporate retreats, but as a family retreat center.

Mr. Dalhoff said the land for Ryan's Ranch is being donated by the Abston family and would be a 30-million dollar investment to develop. He said when this facility was previously proposed for a location in Shelby County, it was dictated that a convention center would be included and this was the issue that raised objections to the project by neighbors. Mr. Dalhoff said that he had discussed the proposal with Jim Flanagan of the Economic Development Council as an enticement to attract business to DeSoto County. He stated his feelings that the architecture proposed would contribute to an attractive entrance to DeSoto County from the west.

Mr. Dalhoff addressed the proposed phasing of the project to say that the residential development would follow the Ryan's Ranch facility and would only be built as driven by the market. He reviewed the text changes and the pattern book which identifies both appropriate and inappropriate design features. He said there would be a master Homeowners' Association with subcommittees to address the retail/neighborhood commercial uses and Ryan's Ranch and for each phase of the residential development. He expressed concern for locating emergency sirens in the neighborhoods as recommended

by the Fire Marshal as they would be unsightly. He said he would confer with the appropriate Fire Districts prior to the Board of Supervisors meeting in October.

Discussion between Mr. Robison, Mr. McDougal, Mr. Dalhoff and Board attorney Mr. Neyman commenced regarding how the plan booklet addresses the resort/health center/special use campus uses to clarify that, if Ryan's Ranch International were not the developer or operator of Phase 1 in the future, that the allowable uses would be made clear in the PUD text. Mr. Lawhon recommended that it be identified as a "special use campus" with a list provided by the applicant to identify both appropriate and prohibited uses such as we see in proposals for a business park campus to define an anticipated, approved set of uses. Mr. Robison agreed this would identify appropriate limitations and exclusions on the future use and development. Mr. Neyman confirmed that the Planning Commission may approve a "campus" with specific uses when the proposed uses do not fall under any of the defined use categories in the County's Zoning Ordinance. He clarified that an applicant may propose a specific use as part of a Planned Unit Development and the Commission is not precluded from approving that use even if it is not specifically addressed in the County's regulations. It was noted that if uses outside of the approved list were proposed, it would require the applicant to come back to the Planning Commission for review and approval. Mr. Dalhoff said that the applicant can provide a revised use classification as requested.

Mr. Carter confirmed with staff that if the Commission were to recommend approval of this rezoning application, they would also need to recommend waiving the requirement of the Subdivision Ordinance that 25% of the residential development be completed prior to the special use campus or commercial uses to allow the proposed Phase 1 to be completed first.

Mr. O'Bannon expressed concern that citizens may wish to make group reservations at the Ryan's Ranch facilities and asked how the use by families with children with disabilities would be protected or reserved. Mr. Fleet Abston responded to say that policies would be in place, within legal rights to avoid discriminatory practices, to prevent group rentals and provide preference to families with disabled children. Mr. Abston said that the facilities will be all-accessible, not just built to meet ADA requirements, so that any type of special needs can be accommodated.

Mr. O'Bannon confirmed that there will be barns and horse stables within the Ryan's Ranch facility and asked if residents of the Dunbar Hills PUD would have access to these. Mr. Abston said that, as space is available, stable space would be rented to residents of Dunbar Hills to board horses for a fee. Mr. Abston said that the preference would be for boarding the trained horses used in equestrian therapy for the treatment options available at Ryan's Ranch. He noted that the residential development is not designed to be an "equestrian neighborhood" per se, but that some residents of Dunbar Hills may be able to board horses at Ryan's Ranch and would be able to use the trails within the PUD.

Mr. Carter asked if there was anyone present to speak on this application. Mr. McDougal was provided with a handout to provide to staff and the Commission by Mr. R.G. Moore.

Mr. Moore came forward to identify himself as a neighbor on and stated that most issues had been addressed by the applicants at the neighbor meetings. He stated that a 120-foot landscape buffer would be preferable, but that at least an 80-foot buffer, from the lot line

not the centerline of the right-of-way at Baker/Nesbit Road, should be provided. He asked how North Mississippi Utility Company could serve all of the proposed houses and if it would affect water pressure and water rates to the neighbors. He asked if the PUD is outside of the Town of Walls' service area how service will be provided. He said that residents should not be restricted from opposing future annexation by the Town of Walls. Mr. Moore asked if the neighborhood on Baker Road is also within Walls' proposed annexation area. Mr. Moors said that he was concerned that the PUD approved at Poplar Corner and Goodman Road has failed to be developed and the property looks terrible. He said he would not want to see that happen to this project site. Mr. Moore confirmed with staff that the project would not include apartment units.

Mr. Matt Lipscomb identified himself as the neighbor across Baldwin Road from the project site. He stated he is glad that the Abston family is investing in the property and that, if the plan is followed, it would be a special place. Mr. Lipscomb asked if the Ryan's Ranch facility would be completed prior to starting any residential development. Mr. Abston responded that it would depend on market demand and therefore could be the residential could be developed simultaneously or years after. Mr. Lipscomb asked if Nesbit Road would be extended east of the PUD and across his property. Mr. Dalhoff responded that it is identified in the County's Land Use Plan as a section line road to be developed in the future, but is not proposed as part of this PUD project.

Mrs. Leigh Graves, 6400 Pritchard, Tunica, said that there is another 400 acres of open space close to this property providing a good opportunity to connect open space and greenways. She said she is passionate about the west side of DeSoto County and is very excited and passionate about this project. Mrs. Graves said this is a rare opportunity to approve a project that the county could be proud of. She said she is personal familiar with the applicants and knows them to be honorable citizens who will steward this project. Mrs. Graves said that there are currently only about 150 rooftops to support the new school in Lewisburg and this project would help to support that school as needed housing. She requested that the Planning Commission recommend approval of the project as it will be a shot in the arm for the west part of the county.

Mrs. Linda Austin introduced herself as a property owner adjacent to the northern project boundary and as Deputy Mayor of the Town of Walls. She stated that the Town's Board had met and voted to provide retail sewer service to this PUD. She stated the addition of language to retail sewer service letter to request that the residents and/or the County not oppose future annexation was not intended to be a condition of sewer service. She said that this project would serve as an example of good development on the west side. Mrs. Austin said that the Town of Walls already provides sewer service to another development north of the Town's service area. She said that the language regarding annexation was not intended to be construed as part of a "land grab," but that they felt it may be appropriate as the PUD is already within the pattern of growth area of Walls, which may be anticipated to expand in that direction in 5 to 7 years with or without this development. Mr. Forsythe stated that he feels Mrs. Austin comments are in direct conflict with the text in the proposal regarding annexation. Mr. Robison recognized that the text regarding annexation appears to take away the rights of future Dunbar Hills residents who may not notice this restriction until after the purchase of lots that their rights have been compromised or given away. Mrs. Austin stated that it is the Town of Walls' intent to cooperate with this development and not to engage in any illegal activity or land grab.

Mr. Rusty Volmer stated he owns land south the project across Baldwin Road from the proposed Phase 7. He compared the project to one that was developed well in Collierville and stated that the proposed project is better than what would happen under existing zoning.

Mr. Don Sparks said he lives south of the project and that this project reminds him of the Harbor Town development in Memphis, which is mixed-use with green areas and is a relaxing place to visit and walk due to the way it was designed and built with greenways. He stated we need more of this type of thoughtful development in the county, not to mention the benefits of Ryan's Ranch. Mr. Sparks said he feels this project would be more like a "porch-front community" than what is typically seen here and he supports approval of the project.

At the request of Mrs. Roberston , Mr. Neyman advised the Commission that conditions of approval cannot bind the County to not oppose annexation and that under Mississippi law, the County, or any landowner in the proposed annexation area has a right to contest annexation if it wishes. Mr. Neyman added that the County has a right to contest annexation regarding fire protection, water availability or any other issues that could arise as a result of the annexation. Mr. Neyman advised that the Commission cannot approve as a condition for rezoning that the County waives its right to oppose annexation, as it would bind the County from doing something they are legally obligated to do. He noted that the applicants could make the contractual waiver of the right to contest an annexation as a private agreement between purchasers of lots and the developer through their restrictive covenants if they choose to, but the County cannot make this as a condition of approval of this or any other rezoning application.

Mr. McDougal and Mr. Robison discussed with Mr. Dalhoff that the requirement under the County's regulations require that Star Landing, Baldwin and Nesbit Roads, as section line roads, and would require 53 feet of dedicated right-of-way to be improved to two and a half (2 ½) lanes. Mr. Dalhoff said this would be revised in the plan booklet to verify this requirement.

Mr. Lawhon stated that the applicants' agreement to stub-out and retain existing trees rather than improve the road along Baker/Nesbit Road is a gift to the residents. He stated that, at some point in the future, Baker Road along the section line and the extension of Nesbit Road will occur. Mr. Lawhon said that, compared to what could be developed, this project is a nice compromise. He said that it could be 20 years before it's built, but it will be nicer as a PUD than what could otherwise be allowed in the area. Mr. Lawhon said that the questions about utilities and Ryan's Ranch had been addressed and the proposed uses can be matched together well. He said that after the presentation and his own independent research regarding Ryan's Ranch he fully supports the project. Mr. James agreed that this plan is one of the nicer PUDs the Planning Commission has seen and will have a rural feel to it.

Mr. Moore said he is not opposed to the project but he would like to keep the country feel to his neighborhood on Baker Road and have the developer retain existing trees with more buffer. He stated he would like additional trees and screening to be planted. Mr. Dalhoff responded that the project would only dedicate the right-of-way to the county, it would not cut down the trees along Baker Road.

Mrs. Robertson made a Motion to recommend that the Board of Supervisors APPROVE the application for Rezoning of approximately 706 acres identified as Dunbar Hills from Agricultural Residential (A-R) to Planned Unit Development (PUD) due to significant change in the character of the area as demonstrated by the nearby construction of Interstate 69, DeSoto County schools, and recent annexations by the Town of Walls. These changes provide a public need for the proposed development subject to addressing recommendations by staff and including the following conditions:

1. Prior to platting and recording a final subdivision plat, Revised copies of the Dunbar Hills PUD Conceptual Plan Booklet shall be submitted to the Planning Commission Office to address the following:
  - a. Revise text on page 25 to designate landowner responsibilities to obtain design review approval per the Dunbar Hills Homeowners' Association and/or Design Review Committee process prior to permit application and delete text that would encumber the County's legal obligation to issue required permits;
  - b. Delete text on page 25 regarding annexation by the Town of Walls;
  - c. Clarify resort uses and hours of operation (and etc., as needed) under "Uses Permitted" on pages 25 and 26;
  - d. Width of paving of public and private roads shall be subject to the approval of the County Engineer; and
  - e. The illustration of "Suggested Home Placement" and all revised exhibits presented to the Planning Commission on September 3, 2009 shall be incorporated into the booklet.
2. For each phase of the proposed development, the developer shall be required to execute the Residential Development Agreement with the County before platting and recording may occur in accordance with the County's Subdivision Ordinance.
3. Homeowners' and Business Associations shall be formed to maintain required sidewalks (in Area 14 and Area 16), private roads (in Areas 1, 14 and 16), trails, streetscape areas and common open spaces. The covenants shall also address the proposed observation towers, community clubhouse and all other common use areas. A Design Review Committee and design review process shall be established for all house and neighborhood commercial developments. Covenants shall be provided to the County for review as part of required Final Subdivision Plat approvals for each subdivision phase.
4. The phased installation of required roadway improvements to Star Landing Road; Baldwin Road; the proposed construction of a portion of Nesbit Road between Baldwin Road and Baker Road (to provide access to Phases 4, 6 and 7); and the stub road to be improved by the Developer north of Baker Road (at Phase 6) shall be completed to the satisfaction of the County Engineer prior to recording of the subdivision plat for each respective PUD phase. Dedication of right-of-way of 53 feet from the center line shall be required for these section line roads in accordance with County regulations.
5. The minimum house sizes would range from 2,200 to 2,600 square feet of heated area excluding porches, garages and basements. A minimum two-car garage would be required for each home. These requirements shall be

recorded in the Restrictive Covenants for the Dunbar Hills PUD as well as on the face of the subdivision plat for each phase of residential development.

6. The Planning Commission recommends waiving the County requirement for 25% of the residential development to be completed prior to development of commercial. The Dunbar Hills PUD shall be developed in accordance with the approved Phasing Plan.

Mr. Lawhon seconded the Motion. The Motion to recommend approval was passed by a roll call vote of 11-1 with Mr. Forsythe voting nay.

## **NEW BUSINESS**

### **Preliminary Subdivision**

**Poplar Place Revision (6767) – Application is for revisions to the preliminary subdivision plat of 22 lots and 2 out parcels on 53 acres. Subject property is located on the east side of Poplar Corner Road and north of Church Road in Section 1, Township 2, Range 9 and is zoned Agricultural-Residential (A-R). (District 3)**

Mr. Jim McDougal, Planning Director, presented the application and staff report to the Commission. Mr. McDougal noted that there were previous approvals for this property that were not platted and recorded and due to substantial changes to the layout this application should be reviewed as a new application for Preliminary Subdivision Plat. He expressed concern for the two out parcels identified on the plat as it was unclear if there will be covenants and if the subdivision residents will be made aware of any future proposals including commercial use of the out parcels as they represent the “front door” to this subdivision. He noted that the plat should be revised to state that Walls Water Association will be the water service provider. He then introduced Mr. Joe Frank Lauderdale as present to represent the application.

Mr. Lauderdale stated the two out parcels were approved under previous Minor Lot Subdivision approvals and are owned by Mr. Chuck Taylor, one of the partners in ownership of the subdivision lots. He stated that all parcels are currently vacant. He said that the applicant will include the two out parcels as subject to the restrictive covenants if the Planning Commission requires.

The Commission discussed with Mr. Lauderdale how to appropriately identify the two out parcels on the plat if under a different ownership arrangement. Mr. McDougal suggested that the plat identify the ownership of the two out parcels on the plat as if they were any other adjacent parcels that are under different ownership than the proposed subdivision lots. Mr. Lauderdale agreed this change could be made.

Mr. McDougal, Mr. Lawhon and Mr. Lauderdale discussed how to identify that development of required access road would be the responsibility of the developers of Poplar Place Subdivision. Mr. Lauderdale said that the dedicated 50-foot right-of-way at the Poplar Corner Road entry to the subdivision is part of the Poplar Place Subdivision lots and not part of the two out parcels and would be identified on the plat as such.

Mr. Robison asked if there would be a minimum house size. Mr. Lauderdale responded that it has not yet been determined, but will; be addressed with the application for final subdivision plat of Phase 1, which will include the first 14 lots out of 24 lots total.

Mr. Carter asked, what is the anticipated timing for the phased development of the subdivision? Mr. Lauderdale said that Phase 1 includes lots 1 through 6 and 15 through 20 as shown on the Preliminary plat. He said the dirt work is completed and he anticipates that the final plat for Phase 1 would be brought to the Planning Commission for approvals and recorded before the end of 2009.

Mr. Carter asked if there was anyone present to speak regarding this application. There was no one.

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

1. The two out parcels at Poplar Corner Road previously approved as minor lots will be identified only as adjacent parcels on the face of the plat with their ownership noted;
2. Restrictive Covenants will be provided to address minimum house sizes and other concerns as part of final subdivision application for each phase of the subdivision; and
3. The subdivision will be subject to execution of the Residential Development Agreement prior to platting and recording.

Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote of 13-0.

### **Other Items:**

#### **1. Update on I-69/I-269 International Trade Corridor & Presentation Topics**

Mr. Jim McDougal asked the Planning Commission to review a rough draft of the scope of topics to be included in the "Request for Qualifications" and described the typical format of this type of document. Mr. McDougal described the selection process noting that a team or firm would be selected based upon their qualifications and then a scope of services would be developed.

Mr. Lawhon and Mr. Robison discussed with Mr. McDougal that creativity and excellent public relations skills will be required in order for a firm or team to successfully conduct the study. Mr. Lawhon said there is a need to see how well the consultant can describe, in plain language, a concept that is both creative and meaningful to the DeSoto County resident.

The meeting adjourned at 10:40 p.m. These minutes were recorded and transcribed by Gina Tynan.