



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
MARCH 1, 2018**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – February 1, 2018

PUBLIC HEARING

Rezoning

DG Horn Lake (759) - Application is for approval of Rezoning of property from A-R to C-4, identified as Parcel # 2-09-1-12-00-0-00002-00, located west side of Hwy 301 and south of Church Road in Section 12, Township 2, Range 9 and is zoned A-R (District 3)

Applicant: DG Horn Lake, LLC

Prewett Corner (760) - Application is for approval of Rezoning of property from A to C-4, identified as Parcel # 3-08-4-17-00-0-00003-04, located southeast corner of Hwy 304 in Section 17, Township 3, Range 8 and is zoned A (District 5)

Applicant: Prewett Holdings, LLC

Camp Creek PUD (761) - Application is for approval of Rezoning of property from A to PUD, identified as Parcel #3-06-00-0-00-0-00003-00 and 3-07-1-01-00-0-00008-00, located on the east side of Laughter Road and south of Byhalia Road in Section 1, Township 3, Range 6 & 7 and is zoned A and PUD (District 5)

Applicant: Miller Farms, LLC

New Business

Final Subdivision

Villages at Hawks Crossing, Phase III C (7215) – Application is for final subdivision of 37 lots on 23.99 acres. Identified as parcel #2-06-9-30-00-0-00016-03. Subject property is located on the west side Craft Road and north of Hawks Crossing Dr. West in Section 30, Township 02, Range, 06 and is zoned PUD. (District 5)

Minor

Phillips Buck Lot (7213) – Application is for final subdivision approval of seven (7) lots of 10.00 acre(s). This application includes a waiver of the number of lots served by an easement and a waiver of the maximum easement length. Subject property is identified as Parcel #3-06-3-08-00-0-00004-00 and is located on the south side of Vaiden Road and east of Craft Road in Section 8, Township 3, Range 6 and is zoned Agricultural (A). (District 5)

Applicant: James Cashion

Lee & Emily Anderson Minor Lot (7214) – Application is for final subdivision approval of one (1) lot of 7.47 acre(s) out of 55.0 acres. This application includes a request for a waiver of the 4 to 1 ratio of the lot. Subject property is identified as Parcel #2-07-8-33-00-0-00004-00 and is located on the east side of Tchulahoma Road and north of Byhalia Road in Section 33, Township 2, Range 7 and is zoned Agricultural-Residential (A-R). (District 5)

Applicant: Lee & Emily Anderson

Other

C4 Site Plan Review

Poplar Corner / Goodman Road C4 – Brian Hall

The Desoto County Planning Commission met at 6:30 p.m. on Thursday, March 1, 2018, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Commission members were present: Len Lawhon, Randy Jones, Julius Cowan, Theodore Dorsey, Joan Robertson, Jeanne Shannon, Floyd Fiveash, B.G. Smith, Steve Reeves, David Arnett, Wade Carter and Tom Hunt. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks, and Sam Barber, Board Attorney.

Planning Commission Chairman Mr. Fiveash called the meeting to order and asked whether any member of the Commissioners recommended changes to the Minutes dated February 1, 2018. No changes were suggested. Mrs. Robertson made a Motion to approve the minutes as presented. Mrs. Shannon seconded the Motion. The Motion passed with a unanimous vote.

PUBLIC HEARING

Rezoning

Mr. Carter made a Motion to open a Public Hearing. Mrs. Robertson seconded the Motion. The Motion passed with a unanimous vote.

**DG Horn Lake (759) - Application is for approval of Rezoning of property from A-R to C-4, identified as Parcel # 2-09-1-12-00-0-00002-00, located west side of Hwy 301 and south of Church Road in Section 12, Township 2, Range 9 and is zoned A-R (District 3)
Applicant: DG Horn Lake, LLC**

Mr. Hopkins presented the DG Horn Lake application for rezoning of property from A-R to C-4. Mr. Chris Logan was present to present the application.

Mr. Chris Logan came forward and stated that the applicant feels there has been a change in the neighborhood to include:

1. New residential subdivisions
2. Increased population
3. Is in conformance with the DeSoto County Comprehensive Plan
4. Is in the "Planned Corridor" along Hwy 301 that is defined to include a mix of commercial and residential use in this portion

Mr. Logan stated that the applicant has spent a considerable amount of time finding property on Hwy 301 and feels this location was the less intrusive to other neighbors. He then stated there is a large natural buffer on the south and the west side of the property. He stated the nearest residence to this location is 700 ft. to the north.

Mr. Carter asked where the applicant got the info on the population growth. Mr. Logan stated he got the information from Census Data from the County.

Mr. Carter stated he does not feel there has been a change in the neighborhood.

Mr. Fiveash asked if there was anyone to speak for or against this item.

Nell McCormick – 6333 Church Road – came forward and presented a petition of others in opposition and has the following concerns:

- It is not needed
- There are convenience stores and other similar type stores within 2-7 minutes of the proposed location
- The proposed location is located in a flood zone
- Concerned with water run-off
- There is currently flooding in the area due to all the recent rains. She stated she has been in the area 50 plus years and have seen lots of flooding
- Increased crime
- Don't want to lose the peaceful, safe feeling of the neighborhood

Pat Kelly – 4868 Tucker Ridge – came forward and presented pictures of current flooding in the area and had the following concerns:

- Increased crime
- Flooding

Gary Potts – 4868 Tucker Ridge - came forward and had the following concerns:

- Is not needed
- Increased crime
- Increased flooding
- Lighting will be intrusive

Lynn Greenslade – 6188 Church Road – came forward and had the following concerns:

- Flooding
- The type of development proposed
- Don't want commercial, wants to keep the area residential
- It's not needed
- Don't want to lose the beauty of the area

Mr. Logan stated to address the flooding concerns; the applicant will have to abide by the storm water laws. He then stated they cannot discharge more water post-construction than there was preconstruction.

Mr. Lawhon made a Motion and Mr. Carter seconded the Motion to deny the DG Horn Lake application for rezoning of property from A-R to C-4 due to there being a lack of proof of substantial change in the area. The Motion passed with a roll call vote of 12-0.

**Prewett Corner (760) - Application is for approval of Rezoning of property from A to C-4, identified as Parcel # 3-08-4-17-00-0-00003-04, located southeast corner of Hwy 304 in Section 17, Township 3, Range 8 and is zoned A (District 5)
Applicant: Prewett Holdings, LLC**

Mr. B.G. Smith recused himself from this item.

Mr. Hopkins presented the Prewett Corner application for rezoning of property from A to C-4. Mr. Ben Smith was present to present the application.

Mr. Fiveash asked what the purpose of item #2 listed under the Conditional Uses. Mr. Smith stated that would be like a construction trailer while building is being constructed.

Mr. Smith listed the following as the changes in the neighborhood to justify the rezoning of the property:

1. There is C-4 zoning recently approved on the northwest corner
2. There is C-2 zoning on a portion of the northwest corner
3. Opening of I-269
4. Increased residential
5. The nearest store to the proposed site is 4 miles

Mr. Smith stated the proposal is for a general store with no gas pumps. He then stated that the front of the store would be for general supplies and the rear of the store would be a short order café/restaurant. He stated there would be 5 rental bays with the only uses those listed in the permitted uses. Mr. Smith stated the renderings of the proposed store compliment the architectural style of the Red Barn across the street. He stated there will be a fence along the east and south side of the property.

Mr. Fiveash asked if there was anyone to speak for or against this item.

Ronnie Rucker – 2066 Fogg Road – came forward and had the following concerns:

- Is not needed
- Lighting will be intrusive
- Will be intrusive to his horse training operation
- Detrimental to the peace and quiet of the area
- Ever since grading work was done the proposed site this past summer there has been debris in the ditch causing drainage issues
- There is no natural buffer
- Concerned with the permitted uses

Jo Pitts – 5504 Oak Grove - came forward and had the following concerns:

- There has not been a lot of growth in the area
- It is not needed
- 4 miles is not that far to drive to a store in this day and time
- Do not have city sewer or water
- Would like to see the area stay rural

Mary Vick – 2154 Fogg Road – came forward and had the following concerns:

- Increased traffic
- Not a lot of development in the area
- Would like to keep the area rural

Ms. Shannon asked if there will be gas pumps. Mr. Cardosi stated there are no gas pumps on the site plan. Mr. Smith stated the applicant is willing to strike gas pumps item #27.

Mr. Smith stated there was a subdivision recently approved not far from the proposed site.

Ms. Shannon stated there also seemed to be concern about the permitted use that allows for an arcade. Mr. Smith stated the applicant was willing to strike permitted use #12 from the list.

Mrs. Robertson made a Motion and Mr. Lawhon seconded the Motion to approve the Prewett Corner application for rezoning of property from A to C-4 conditioned that gas pumps be struck from permitted use #27 and permitted use #12 be struck from the list, based on change in the neighborhood. The Motion passed in a roll call vote of 11-0.

**Camp Creek PUD (761) - Application is for approval of Rezoning of property from A to PUD, identified as Parcel #3-06-00-0-00-0-00003-00 and 3-07-1-01-00-0-00008-00, located on the east side of Laughter Road and south of Byhalia Road in Section 1, Township 3, Range 6 & 7 and is zoned A and PUD (District 5)
Applicant: Miller Farms, LLC**

Mr. Hopkins presented the Camp Creek PUD application for rezoning of property from A to PUD. Mr. Blake Mendrop was present to present the application.

Mrs. Robertson asked what portion of the property is in the flood plain. Mr. Cardosi stated the area where the lakes and walking trails are proposed is in the flood way.

Mr. Blake Mendrop listed the following as the changes in the neighborhood to justify the rezoning of the property:

1. Increased development in the area
2. Development of Lewisburg School
3. Planned completion of I-269
4. Planned extension of Laughter Road to Bright Road
5. Conforms with the I-269 Corridor Study

Mr. Mendrop stated that some of the lots in the rear of the development in the flood plain. He then stated there will be 2 entrances on to S. Laughter Rd. He stated there are four phases proposed, larger lots in the front and smaller lots in the rear of the development. Mr. Mendrop stated they are trying to maintain some of the trees along the southern property line as a buffer. He stated the developer is in talks with the City of Hernando about providing sewer service, and plans to upgrade the water line from Bright Road to provide water service.

Mr. Mendrop stated the minimum square footage of the homes will be as follows:

- Area A = 3,000 sqf min.
- Area B = 2,800 sqf min.
- Area C = 2,600 sqf min.

- Area D = 2,400 sqf min.
- Area E = 2,000 sqf min.

Mr. Lawhon stated this is a terrible plan. He then stated he is concerned with approving a plan that includes filling a flood way or flood plain, especially in the Camp Creek area. He stated he is concerned with the amount of traffic this many new homes will cause on Laughter Road. Mr. Lawhon stated the plan uses marginal swampland as common open space and feels it is unusable space. He then stated he is concerned with excavating dirt in the flood plain to build homes. Mr. Mendrop stated there are few connections to the properties to the north and that he understands the traffic concerns. He then stated that FEMA and DeSoto County regulations allow using dirt from the floodway to build up the flood plain, such as was done in the Villages of Hawks Crossing.

Mr. Fiveash asked if there was anyone to speak for or against this item.

Susan Couch – 562 Laughter Rd. S. – came forward and has the following concerns:

- Flooding
- Her property will back up to the proposed subdivision
- A very large portion of the property is swampland
- Lewisburg schools re already at capacity

Danny Anderson – 371 Laughter Road – came forward and has the following concerns:

- The large number of homes
- Too much traffic on Laughter Road

Cassie Anderson – 371 Laughter Road – came forward and has the following concerns:

- Number of homes
- Will ruin the neighborhood
- Increased traffic
- Will overcrowd Lewisburg schools
- Safety due to people wondering on to the old gravel pit property

Don Burgee – 135 Laughter Road - came forward and has the following concerns:

- Laughter Road ends into the gravel pit, how will they get to Bright Road
- Lots are too small for the area
- Don't think will be able to get sewer to the site
- Will over tax the fire department
- Flooding
- Does not fit into the character of the neighborhood

David Hanson – 20 Laughter Road – came forward and is concerned with the overcrowding of the Lewisburg schools.

Ambrey Howard – 4969 Laughter Road – came forward and is concerned with the following:

- Concerned with Laughter Road being widened, house is close to Laughter Road concerned if widened the road will be right beside her house
- Lots are too small
- Too many lots
- Should conform to the area and this plan does not

Tom Hughes – 6761 Byhalia Road – came forward and has the following concerns:

- Flooding
- Presented pictures of raw sewage coming out onto his property

Scott Crestman – 315 Laughter Road S. – came forward and had the following concerns:

- Lots too small
- Too many lots
- Will overwhelm the area

Mr. Mendrop stated there was not sewer available in the past to the existing homes, but the developer is in talks with the City of Hernando to provide sewer service to the proposed lots.

Joseph Williams – 570 Laughter Road – came forward and was concerned with the following:

- Flooding
- Building and development in the flood plane

Mr. Lawhon made a Motion and Mr. Arnett seconded the Motion to deny Camp Creek PUD for rezoning of property from A to PUD based on the lots not being comparable to others in the neighborhood and the incompatibility of the development to community (human as well as natural community). The Motion passed in a 12-0 roll call vote.

Mrs. Robertson made a Motion to close the Public Hearing. Mrs. Shannon seconded the Motion. The Motion passed with a unanimous vote.

New Business

Final Subdivision

Villages at Hawks Crossing, Phase III C (7215) – Application is for final subdivision of 37 lots on 23.99 acres. Identified as parcel #2-06-9-30-00-0-00016-03. Subject property is located on the west side Craft Road and north of Hawks Crossing Dr. West in Section 30, Township 02, Range, 06 and is zoned PUD. (District 5)

Mr. Hopkins presented the Villages at Hawks Crossing, Phase III C for final approval of 37 lots on 23.99 acres. He stated the final plat substantially conforms to the preliminary plat.

Mr. Lawhon made a Motion and Mrs. Robertson seconded the Motion to approve Villages at Hawks Crossing, Phase III C for final subdivision of 37 lots on 23.99 acres. The Motion passed with a unanimous vote.

Minor

**Phillips Buck Minor Lot (7213) – Application is for final subdivision approval of seven (7) lots of 10.00 acre(s). This application includes a waiver of the number of lots served by an easement and a waiver of the maximum easement length. Subject property is identified as Parcel #3-06-3-08-00-0-00004-00 and is located on the south side of Vaiden Road and east of Craft Road in Section 8, Township 3, Range 6 and is zoned Agricultural (A). (District 5)
Applicant: James Cashion**

Mr. Hopkins presented the Phillips Buck Minor Lot for final subdivision approval of 7 lots on 10.00 acre(s). He stated this application includes a waiver of the number of lots served by an easement and a waiver of the maximum easement length. Mr. James Cashion was present to present the application.

Mr. Lawhon stated that 7 lots are a lot for an easement and the Planning Commission rarely consider a waiver for an easement this long. He then stated they usually consider waivers for family situations. Mr. Cashion stated they looked at other alternatives in ways to divide the property and one alternative included an easement down both sides of the property. He stated that he felt that the two easements would make it difficult for property owners to determine property lines and that it will be noted on the plat that the easement will be a private drive. Mr. Cashion stated he will run a 4" water line down the easement to serve the lots. Mr. Lawhon stated the reason the County does not want an easement this long is so that the developer can build a road. He then stated that this type of waiver is usually only granted from family needs. Mr. Reeves asked who will maintain the easement, because if not maintained emergency vehicles will not be able to get to the homes along the easement.

Mr. Lawhon made a Motion and Mr. Reeves seconded the Motion to deny Phillips Buck Minor Lot for final subdivision of 7 lots on 10.00 acres. The Motion passed with a unanimous vote.

**Lee & Emily Anderson Minor Lot (7214) – Application is for final subdivision approval of one (1) lot of 7.47 acre(s) out of 55.0 acres. This application includes a request for a waiver of the 4 to 1 ratio of the lot. Subject property is identified as Parcel #2-07-8-33-00-0-00004-00 and is located on the east side of Tchulahoma Road and north of Byhalia Road in Section 33, Township 2, Range 7 and is zoned Agricultural-Residential (A-R). (District 5)
Applicant: Lee & Emily Anderson**

Mr. Hopkins presented the Lee & Emily Anderson Minor Lot for final subdivision approval of 1 lot of 7.47 acres out of 55.0 acres. He stated this application

includes a waiver of the 4 to 1 depth to width ratio of the lot. Mr. Lee Anderson was present to present the application.

Mr. Anderson came forward and stated that this is family property and half of the property being subdivided is in the lake.

Mrs. Robertson made a Motion and Mr. Lawhon seconded the Motion to approve the Lee & Emily Anderson Minor Lot for final subdivision of 1 lot of 7.47 acres out of 55.0 acres to include a waiver of the 4 to 1 depth to width ratio of the lot. The Motion passed with a unanimous vote.

Other

C4 Site Plan Review

Poplar Corner / Goodman Road C4 – Brian Hall

Mr. Hopkins presented the site plan for the Poplar Corner/Goodman Road C-4 rezoning. Mr. Brian Hall was present to answer any questions the Planning Commission may have.

Mr. Carter asked if the applicant has to have letters stating that the water and sewer have been approved before the site plan is approved, because no one has contacted the water department. Mr. Cardosi stated that the letters are required before the permits for the building will be issued.

Mr. Lawhon asked if there was a landscape plan. Mr. Cardosi presented a slide detailing the landscape plan.

Mr. Carter asked what type of lighting there will be. Mr. Hall stated the lighting will be LED and down lighting.

Mrs. Robertson made a Motion and Mrs. Shannon seconded the Motion to approve the site plan for the Poplar Corner/Goodman Road C-4 rezoning. The Motion passed with a unanimous vote.