



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
March 31st, 2022**

1. **Call to Order**
2. **Invocation**
3. **Roll Call**
4. **Approval of Minutes – March 3rd, 2022**
5. **Preliminary Subdivision**
 - a. **The Groves (SUB-007702-2022)** –Application is for preliminary approval of 42 lots and 3 COS on 160.52 acres. Property is located on the south side of Byhalia Rd and east of Hwy 305, identified as parcel # 306203000 0000100 & #306203000 0000101 in Section 3, Township 3, Range 6 (District 1)
Applicant: Focal Point Investments, LLC
6. **Minor Lot**
 - a. **Short Creek Farms Minor Lot (SUB-007700-2022)**
Application is for approval of 7 lots on 30.0 acres out of 134.62 acres. Identified as Parcel(s) # 306305000 0001400. Subject property is located on the north side of Vaiden Road and east of Craft Road in Section 5, Township 3, Range 6 and is zoned AR (District 5)
Applicant: Chris Fowler
 - b. **Barton Desoto Rd 2 Lot Minor Lot (SUB-007704-2022)**
Approval of 2 lot(s) on 10.00 acre(s). Identified as Parcel #105833000 0001701. Subject property is located on the west side of Watson-DeSoto Rd and south of Goodman Rd in Section 33, Township 1, Range 5 (District 1)
Applicant: Looxahoma, LLC
7. **Election of Officers**

The Desoto County Planning Commission met at 6:30 p.m. on Thursday, March 31, 2022, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Commission members were present: Len Lawhon, Amelia Lovorn, Julius Cowan, Selena Baker, Jeanne Shannon, Floyd Fiveash, B.G. Smith, Steve Reeves, David Arnett and Murry Haslip. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks, Celeste Sanders and Sam Barber, Board Attorney.

Planning Commission Chairman Ms. Shannon called the meeting to order and asked whether any member of the Commissioners recommended changes to the Minutes dated March 3, 2022. No changes were suggested. Mr. Fiveash made a Motion to approve the minutes as presented. Mr. Arnett seconded the Motion. The Motion passed with a unanimous vote.

8. Preliminary Subdivision

- a. The Groves (SUB-007702-2022) – Application is for preliminary approval of 42 lots and 3 COS on 160.52 acres. Property is located on the south side of Byhalia Rd and east of Hwy 305, identified as parcel # 306203000 0000100 & #306203000 0000101 in Section 3, Township 3, Range 6 (District 1)
Applicant: Focal Point Investments, LLC**

Mr. Hopkins presented The Groves application for preliminary approval of 42 lots and 3 COS on 160.52 acres. Mr. Chad Fischer was present to represent the application.

Mr. Haslip stated it looks like on the plat presented some of the lots are bigger than 1.8 acres. Mr. Cardosi stated a couple of lots are bigger than 1.8 acres.

Mr. Fischer stated the 55 acres to far west of the property are wetlands and will be platted separately and used personally as a hunting area. He stated there will be 2-3 ponds on COS 2. He then stated dirt will be taken from COS 2 to elevate the residential portion of the development to take 12 lots out of the flood. Mr. Fischer stated there will be improvements made on Byhalia Road and Hwy 305. He stated there will be a tree buffer behind the existing homes on Byhalia Road. Mr. Lawhon asked if the barrow pits for the dirt will be on the property Mr. Fischer is keeping for personal use. Mr. Fischer stated no they will be on the COS. Mr. Lawhon asked if the ponds/pits on the plan. Mr. Fischer stated the ponds will be on the grading plan. Mr. Haslip asked how high the fill will need to be. Mr. Fischer stated they will need 3-4 feet of fill dirt to lift the lots out of flood. Mr. Lawhon stated he is concerned with fill dirt to elevate lots in the 100 year flood plan. Mr. Lawhon stated he would rather see the barrow pits/ponds on the property that the applicant is keeping. Mr. Fischer stated the land they are keeping is wetland and they cannot change or do anything gin the wetland. Mr. Fischer then stated the tree line on the east side of the property is where the wetland is so they will not be disturbing those trees. Mr. Lawhon stated the plan presented makes sense now knowing about the wetland.

Mr. Haslip asked who will access and maintain the ponds. Mr. Fischer stated the HOA will maintain the ponds and he is not sure about the access to the ponds because he is not sure the ponds could be accessed.

Mrs. Shannon asked if there is anyone to speak for or against this item.

Adam Deshazo – 58 Hwy 305 – came forward and had the following concerns:

- Will there be any buffer between the development and the existing homes on Hwy 305
- Concerned with a subdivision in the area
- How much of a buffer will there be

Ms. Lovorn asked if the developer if he is going to clear cut the property for the development. Mr. Fischer stated he can leave a buffer on the Hwy 305 side of the development also. He then stated they plan to select cut for the road and remove enough trees for house pads. Mr. Deshazo asked how much of a buffer will there be. Mr. Fischer stated he is not sure yet. Mr. Cardosi stated whatever buffer is decided needs to be specific. Mr. Lawhon stated the buffer needs to be a “no disturb zone” and it needs to be stated on the plat. Mr. Lawhon then stated usually only see this type of buffer when the new lots are smaller than the existing lots, but if the developer is offering the buffer than it needs to be noted on the plat.

There was discussion of the width of the buffer/no disturb zone.

Mr. Fischer stated he agreed to a 10 ft. buffer on a previous development on Jaybird and ended up doubling the buffer in the field. He then stated they will leave as much of a buffer as possible. He stated he is requesting a 15 ft. buffer and it not be perpetual. Mr. Fischer stated the new lot owner should be able to clear out whatever trees they want to clear out. Mr. Lawhon stated the other option is to make the buffer common open space and it be maintained by the HOA. He stated he would be more concerned with there being a buffer if the lots in the subdivision were smaller and not compatible with the surrounding lots. Mr. Reeves stated he understands if he bought a lot and wanted to clear out the undergrowth, he wouldn't want the County to tell him he couldn't. Mr. Lawhon stated he agrees to back off that requirement and the developer just agree to leave sizable trees. Mr. Deshazo stated currently there is already a 20 ft. wide strip cleared for power lines. He stated he would like to see a good thicket to block the existing homes from the subdivision.

Barbara Stewart – 740 Box Corner – came forward and has the following concerns:

- Her family has 100 plus acres in the area and wants to keep the rural character of the area
- This company has clear cut other developments and we don't want that in this area
- This area is flood and there was standing water on this property for several days after the last big rain event

- Knows development is coming but does not want developers coming in and making money and then leaving and we are left to live in the area

Mr. Hopkins reminded the Planning Commission this is a Preliminary Subdivision application and anything having to do with the Flood Plane will be addressed by FEMA.

Mr. Lawhon stated this application is appropriate for the area, it is a rural subdivision. He then stated it is next to I-269 and it could be worse, it could be a much higher density development.

Mr. Lawhon made a Motion and Ms. Lovorn seconded the Motion to approve The Groves application for preliminary approval of 42 lots and 3 COS on 160.52 acres to include a notion being added to the plat the intention to maintain a 15 ft. buffer between the development and the existing homes on Byhalia Rd and Hwy 305. The Motion passed with a unanimous vote.

9. Minor Lot

- a. **Short Creek Farms Minor Lot (SUB-007700-2022)**
Application is for approval of 7 lots on 30.0 acres out of 134.62 acres. Identified as Parcel(s) # 306305000 0001400. Subject property is located on the north side of Vaiden Road and east of Craft Road in Section 5, Township 3, Range 6 and is zoned AR (District 5)
Applicant: Chris Fowler

Mr. Hopkins presented the Short Creek Farms Minor Lot application for approval of 7 lots on 30.0 acres out of 134.62 acres to include waivers of the maximum easement length and the maximum number of lots served by the easement. Mr. Hopkins stated the easement is over 3,000 ft. long the maximum length allowed is 600 ft. and will serve 6 additional lots. Mr. Chris Fowler was present to represent the application.

Mr. Fowler stated he tried to buy the front lot, but the seeker talked him into buying the back lot. He stated he bought the property to have an area to have all his family together. He stated within three miles there are examples of drives over 600 ft. with more than 3 lots. He gave examples of 720 Craft Rd and 1523 Woodridge Dr. Mr. Fowler stated he has a lot of money tied up in this property and wants all of his family living out there with him. He stated he understands the property is in the flood zone. He then stated he doesn't want to build a public road, it would be \$300,000 or more to build a road to County standards. He then stated he would be selling lots to his family.

Mr. Haslip stated he is concerned because it's a private drive in a flood zone with no oversight of the building of the road. Mr. Fowler stated he is not asking the County to build the road if it is built wrong. Ms. Lovorn stated what they see over the years is that some lots are sold and then those buyers come to the County and say can't get to their homes. Mr. Lawhon stated they are trying to look out for

future buyers as well to make sure their property is accessible as well and able to be sold in the future. He then stated they have the responsibility to uphold the County regulations.

Mr. Fowler stated that this is not right because other lots are approved on longer easements. Mr. Haslip stated those are not in the flood zones and the one in this application are in the flood.

Mr. Reeves stated he feels this is a subdivision and a County road needs to be put in.

Mr. Byron Houston came forward and stated he designed this project and also put together County road specifications and the applicant is only narrowing the road. He then stated the road could be widened and paved later if the applicant wanted to.

There was discussion of the easement length.

Mr. Fowler stated he didn't want a public road, he wants it to be a private driveway. He then stated he does not want a 28 ft. wide road to come through his property. Mr. Reeves stated that is until something is on fire and a firetruck can't get down the road. Mr. Fowler stated anything can get down an 18 ft. road.

Mr. Reeves made a Motion and Mr. Lawhon seconded the Motion to deny the application. The Motion passed with a unanimous vote.

**b. Barton Desoto Rd 2 Lot Minor Lot (SUB-007704-2022)
Approval of 2 lot(s) on 10.00 acre(s). Identified as Parcel
#105833000 0001701. Subject property is located on the
west side of Watson-DeSoto Rd and south of Goodman
Rd in Section 33, Township 1, Range 5 (District 1)
Applicant: Looxahoma, LLC**

Mr. Hopkins presented the Barton DeSoto Rd 2 Lot Minor Lot application for approval of 2 lots on 10.0 acres to include a waiver of the 4 to 1 ration requirement. Mr. Joe F. Lauderdale was present to represent the application.

Mr. Lauderdale stated the applicant has a contract on two of the lots that are 5 acres each that run the length of the property. He stated the lots are heavily wooded. Mr. Haslip stated he owns the connecting property could he not add from that property to make these lots wider. Mr. Reeves stated the lots are 200 ft. wide, they would be sufficient to build a home on as they are presented.

Mr. Fiveash made a Motion and Mr. Haslip seconded the Motion to approve the Barton DeSoto Rd 2 Lot Minor Lot application for approval of 2 lots on 10.0 acres to include a waiver of the 4 to 1 ration requirement. The Motion passed with a unanimous vote.

10. Election of Officers

Mr. Lawhon made a Motion and Ms. Lovorn seconded the Motion to nominate the following as Officers for the Planning Commission for 2022:

Jeanne Shannon (Chairman)
Murry Haslip (Vice-Chairman)
Floyd Fiveash (Secretary)

The Motion passed with a unanimous vote.

Mr. Fiveash made a Motion and Mr. Haslip seconded the Motion to adjourn. The Motion passed with a unanimous vote.