



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
June 30th, 2022**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – June 2nd, 2022

5. **Public Hearing - Rezoning**

a. **Neighborhood Market C-4 (RZNE-000808-2022) –**

Application is for rezoning of 2.65 acres from Agricultural-Residential to C-4, Located on the south west corner of Nail Rd and Hwy 301, identified as parcel # 209101000 0000100 in Section 1, Township 2, Range 9 (District 3)

Applicant: Brenda Simpson

6. **Preliminary Subdivision**

a. **River Grove Estates, Phase 3 (SUB-007740-2022) -**

Application is for approval of preliminary subdivision of property 45 lots on 26.09 acres, identified as Parcel # 2-05-3-05-00-0-00010-00, located on the north side of River Grove Lane and west of Center Hill Road in Section 5, Township 2, Range 5 and is zoned R-2 (District 1)

Applicant: Forest Hill, LLC

7. **Final Subdivision**

a. **Baileigh Subdivision (SUB-007726-2022) -** Application is for approval of final subdivision of 76 lots and 3 COS on 41.33 acres, identified as Parcel # 3075210001 0000600, located on the east side of Jaybird Road and south of Holly Springs Road in Section 21, Township 3, Range 7 and is zoned R-20 Overlay (District 5)

Applicant: Focal Point Investments, LLC

b. **Foxwood Plantation, 1st Rev of Lots 12 & 14 (SUB-007728-2022) -** Application is for approval of final subdivision of 2 lots on 5.31 acres, identified as Parcel #

307204010 0001200 & 307204010 0001400, located on the west side of Foxwood Circle East and south of Byhalia Rd in Section 4 Township 3 Range 7 and is zoned A (District 5)

Applicant: Jennine Rammage

- c. **The Orchard (SUB-007733-2022)** - Application is for approval of final subdivision of 20 lots and 4 COS on 24.21 acres, identified as Parcel # 206515000 0001000, located on the east side of Hwy 305 and north of Stewart Road in Section 15, Township 2, Range 6 and is zoned AR Overlay (District 1)

Applicant: Woolsey Road Group, LLC

- d. **Pear Orchard Subdivision (SUB-007745-2022)** - Application is for approval of final subdivision of 27 lots and 5 COS on 27.0 acres, identified as Parcel # 307204000 0001007, located on the north side of Bright Rd and east of Jaybird Rd in Section 04, Township 03, Range 07 and is zoned PUD (District 5)

Applicant: Wilson Development

8. Minor Lot

- a. **Mueller Minor Lot (SUB-007723-2022)** Approval of 6 lot(s) on 52.72 acre(s) to include a request of a waiver of the easement length. Identified as Parcel # 306725000 0000300. Subject property is located on the west side of Fox Glen Rd and north of Allen Rd in Section 25, Township 3, Range 6 and is zoned A (District 5)

Applicant: Christine Mueller

- b. **Mike Malone Minor Lot (SUB-007737-2022)** Application is for approval of 2 lots on 12.2 acres to include a request of a waiver of the 4 to 1 ratio. Identified as Parcel # 305417000 0000200. Subject property is located on the south side of Strickland Rd and east of Red Banks Rd in Section 17, Township 3, Range 5 and is zoned A (District 1)

Applicant: Robert Farley

- c. **Gargis 3 lot Minor Lot (SUB-007743-2022)** Approval of 3 lot(s) on 7.57 acre(s) to include a request of a waiver of the 4 to 1 ratio. Identified as Parcel # 208521000 0001300. Subject property is located on the east side of Horn Lake Rd N and south of Starlanding Rd W in Section 21, Township 2, Range 8 and is zoned A-R (District 4)

Applicant: Willard & Pam Gargis

The Desoto County Planning Commission met at 6:30 p.m. on Thursday, June 30, 2022, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Commission members were present: Selena Baker, Julius Cowan, Randy Denton, Scott Ferguson, Floyd Fiveash, Murry Haslip, Ron McCluskey, Jim Holland, Len Lawhon, Greg Ryan and B. G. Smith. Staff members present included Bennie Hopkins, Ashley Hendricks, Celeste Sanders and Sam Barber, Board Attorney.

Planning Commission Chairman Mr. Haslip called the meeting to order and asked whether any of the Commissioners recommended changes to the Minutes dated June 2, 2022. No changes were suggested. Mr. Ryan made a Motion to approve the minutes as presented. Mr. Fiveash seconded the Motion. The Motion passed with a unanimous vote.

2. Public Hearing – Rezoning

Mr. Fiveash made a Motion and Mr. Ryan seconded the Motion to open a Public Hearing. The Motion passed with a unanimous vote.

a. Neighborhood Market C-4 (RZNE-000808-2022) – Application is for rezoning of 2.65 acres from Agricultural-Residential to C-4, Located on the south west corner of Nail Rd and Hwy 301, identified as parcel # 209101000 0000100 in Section 1, Township 2, Range 9 (District 3) Applicant: Brenda Simpson

Mr. Hopkins presented the Neighborhood Market C-4 application for rezoning 2.65 acres from Agricultural-Residential to C-4. Mr. Byron Houston of Oxford, MS was present to represent the application.

Mr. Ryan asked how many property owners were sent notices. Ms. Hendricks replied 96. Mr. Ryan asked if there had been any response back from Horn Lake. Ms. Hendricks responded no.

Mr. Houston stated he was representing Ms. Simpson. They would like to move forward with the re-zoning due to changes in the area over the years. He stated that there are developments going in all over the area. They would like to get started soon and open early 2024.

Mr. Fiveash asked if improvements had been made on Nail Road. Mr. Houston responded that they plan to do a traffic study and meet MDOT requirements. He stated that the property already meets access distance.

Mr. Hopkins stated that the county would be involved in access points and road improvements.

Mr. Fiveash asked if there were 3 buildings proposed. Mr. Houston stated that there are 3 buildings and they will all be constructed at the same time.

Mr. Haslip asked if there was anyone present to speak for or against the application. There was no one present to speak.

Mr. Hopkins stated that the Planning Department did not receive any phone calls regarding this application. The applicants submitted rough renderings which allowed the planning department to make suggestions.

Mr. Ryan asked if this application would have to come back with a preliminary design after this is approved. Ms. Hendricks stated no, that they would have to come back with a site plan.

Mr. Lawhon made a Motion to approve the Neighborhood Market rezoning of 2.65 acres from Agricultural-Residential to C-4 due to changes in the area and Ms. Baker seconded the Motion. Motion was approved by a unanimous roll call vote by all 11 Planning Commission members.

Mr. Fiveash made a Motion to close the Public Hearing and Mr. Ryan seconded the Motion. The Motion passed with a unanimous vote.

3. Preliminary Subdivision

- a. River Grove Estates, Phase 3 (SUB-007740-2022) - Application is for approval of preliminary subdivision of property 45 lots on 26.09 acres, identified as Parcel # 2-05-3-05-00-0-00010-00, located on the north side of River Grove Lane and west of Center Hill Road in Section 5, Township 2, Range 5 and is zoned R-2 (District 1)
Applicant: Forest Hill, LLC**

Mr. Hopkins presented the application for River Grove Estates, Phase 3 application for approval of preliminary subdivision of property 45 lots on 26.09 acres.

Mr. Ryan asked if this phase was consistent with Phases 1 and 2. Ms. Hendricks replied that it is.

Mr. Ferguson asked what the range of square footages of the homes to be built.

Mr. Jimmy Catt, engineer from Oxford, came forward to represent the application. He stated that the homes were 2,500 square feet and up.

Mr. Fiveash asked if this was the last phase of the subdivision and if there were any stub outs. Mr. Catt replied that this is the last phase and there were no stub outs. Mr. Haslip stated that River Lane does connect in the last phase to which Mr. Catt replied yes.

Mr. Hopkins stated that the staff would like to note that the Building and Planning Department has been working closely with existing builders to require sidewalks on each lot. He stated that the sidewalks need to be completed for final

inspection. He said that both sides of the street and corner lots need to have sidewalks. Mr. Catt said that in the other 2 phases they have been putting sidewalks only on one side of the street. Mr. Hopkins stated that they will be required to have sidewalks on both sides of the street.

Mr. Ryan asked if the sidewalks will be connected between all phases. Mr. Hopkins responded yes.

Mr. Haslip asked if anyone had any other questions. No one had questions.

Mr. Haslip asked if there was anyone present to speak for or against the application. No one was present to speak.

Mr. Ryan made a Motion and Mr. Fiveash seconded the Motion to approve the River Grove Estates, Phase 3 application for preliminary subdivision of property 45 lots on 26.09 acres. The Motion passed with a unanimous vote.

4. **Final Subdivision**

- a. **Baileigh Subdivision (SUB-007726-2022) - Application is for approval of final subdivision of 76 lots and 3 COS on 41.33 acres, identified as Parcel # 3075210001 0000600, located on the east side of Jaybird Road and south of Holly Springs Road in Section 21, Township 3, Range 7 and is zoned R-20 Overlay (District 5)
Applicant: Focal Point Investments, LLC**

Mr. Hopkins presented the Baileigh Subdivision application for approval of final subdivision of 76 lots and 3 COS on 41.33 acres. Mr. Greg Russell of 5740 Getwell Road was present to represent the application.

Mr. Haslip asked if the plat matched the preliminary submitted. Mr. Russell stated yes.

Mr. Holland made a Motion and Mr. Lawhon seconded the Motion to approve the application for Baileigh Subdivision for approval of final subdivision of 76 lots and 3 COS on 41.33 acres. The Motion passed with a unanimous vote.

- b. **Foxwood Plantation, 1st Rev of Lots 12 & 14 (SUB-007728-2022) - Application is for approval of final subdivision of 2 lots on 5.31 acres, identified as Parcel #307204010 0001200 & 307204010 0001400, located on the west side of Foxwood Circle East and south of Byhalia Rd in Section 4 Township 3 Range 7 and is zoned A (District 5)
Applicant: Jennine Rammage**

Mr. Hopkins presented the application for Foxwood Plantation, 1st Rev of Lots 12 & 14. Ms. Jennine Rammage was present to represent the application.

Mr. Ryan asked if all of the buildings were on the same lot. Ms. Hendricks replied yes.

Mr. Ferguson asked if Lot 14 would have an easement to the road. Ms. Hendricks responded yes.

Mr. Hopkins stated that the commission needs to ask the applicant to state any and all affected land owners.

Ms. Jennine Rammage of 2775 Byhalia Road stated that she owned all of the surrounding land and this subdivision would not affect anyone else.

Mr. Ryan made a Motion and Mr. McClusky seconded the Motion to approve the Foxwood Plantation, 1st Rev. of Lots 12 & 14 application for final subdivision of 2 lots on 5.31 acres. The Motion passed with a unanimous vote.

- c. The Orchard (SUB-007733-2022) - Application is for approval of final subdivision of 20 lots and 4 COS on 24.21 acres, identified as Parcel # 206515000 0001000, located on the east side of Hwy 305 and north of Stewart Road in Section 15, Township 2, Range 6 and is zoned AR Overlay (District 1)
Applicant: Woolsey Road Group, LLC**

Mr. Hopkins presented the application for The Orchard final subdivision of 20 lots and 4 COS on 24.21 acres. Mr. Hopkins stated that after working with the fire department, MDOT and emergency agencies to allow a public access gate at the entrance. Mr. Hopkins also stated that the application as presented is in conformance with the Preliminary Plat.

Mr. Ferguson asked about the pond affecting Lots 6 & 7, what was the purpose of that pond.

Mr. Rusty Norville of 317 West Market Street stated that that pond was a retention pond for storm water.

Mr. Ferguson made a Motion and Mr. Holland seconded the Motion to approve The Orchard application for approval of final subdivision of 20 lots and 4 COS on 24.21 acres. The Motion passed with a unanimous vote.

- d. Pear Orchard Subdivision (SUB-007745-2022) - Application is for approval of final subdivision of 27 lots and 5 COS on 27.0 acres, identified as Parcel # 307204000 0001007, located on the north side of Bright Rd and east of Jaybird Rd in Section 04, Township 03, Range 07 and is zoned PUD (District 5)
Applicant: Wilson Development**

Mr. Hopkins presented the application for Pear Orchard Subdivision for approval of final subdivision of 27 lots and 5 COS on 27.0 acres.

Mr. Ryan asked if the application substantially conforms to the preliminary plat. Ms. Hendricks replies yes.

Mr. Holland made a Motion and Mr. Ryan seconded the Motion to approve the Pear Orchard Subdivision application for approval of final subdivision of 27 lots and 5 COS on 27.0 acres.

5. Minor Lot

- a. **Mueller Minor Lot (SUB-007723-2022) Approval of 6 lot(s) on 52.72 acre(s) to include a request of a waiver of the easement length. Identified as Parcel # 306725000 0000300. Subject property is located on the west side of Fox Glen Rd and north of Allen Rd in Section 25, Township 3, Range 6 and is zoned A (District 5)
Applicant: Christine Mueller**

Mr. Hopkins presented the application for Mueller Minor Lot approval of 6 lot(s) on 52.72 acres to include a request of a waiver of the easement length. Mr. Shae Skeen was present to represent the application.

Mr. Haslip asked how wide the ingress/egress road was. Mr. Skeen stated it he believed it was at least 50 feet wide, maybe 60 feet. Mr. Skeen said they wanted to have plenty of room if the road ever goes public.

Mr. Fiveash asked if Lot 1 was included on the easement. Mr. Skeen stated that there was also an easement on the north side of the property that services Lot 1 and Lot 2. Mr. Fiveash asked what the easement length was to the other lots. Mr. Skeen stated that he thought it was about 1570 feet long. Mr. Fiveash asked if lots 1 & 2 would have dual access to both easements. Mr. Skeen stated that they could. Mr. Fiveash asked if all 6 lots would be on that one easement and Mr. Skeen replied that they could specify who had access to which easement.

Mr. Ryan asked if the 1570' long easement is for Lots 3 – 5. Ms. Hendricks stated that the easement is actually over 2100' long.

Mr. Haslip asked what type of surface would be used. Mr. Skeen said whatever surface that was acceptable to emergency services but probably crushed limestone.

Mr. Ryan asked if there were county standards for easement roads. Mr. Hopkins stated that it depends on the Board of Supervisors but typically they require a hard surface.

Mr. Holland was concerned about there being no radius where the easement turns north and if fire trucks could navigate those turns. Mr. Skeen said they

would work with the fire department to see what was needed for emergency access.

Mrs. Cynthia Dixon of 14421 Santa Fe Drive and her sister Christine Mueller, the applicant, came forward to speak. Mrs. Dixon stated the following:

- she and her sister, Christine Mueller, are buying the property together
- she has 2 sons that are going to live on the property whether they want to or not
- the easement goes all the way back
- they were particular about where the houses will go

Mr. Ferguson asked what the plans were for Lot 6. Mrs. Mueller stated that Lot 6 was for her and her husband to maintain.

Mr. Lawhon had the following concerns:

- distance of easement
- planning on taking the lots and deeding to family members
- the family members will have the right to sell
- if family members sell, will the new owners have emergency personnel access
- don't like to grant easements over 600-900 feet
- if easements are longer they must be up to county standards
- the Planning Commission's responsibility is to help the county
- this application is concerning due to the easement length, don't recall ever Having one over ½ a mile long
- have to be careful to maintain ordinances and order
- have no control over what the kids do in the future
- looking for something shorter than 2000'

Mrs. Mueller stated that they were working with someone on the culverts needed. She also stated that the property is landlocked and there are only 2 entrances. Mrs. Dixon said they had tried to buy the surrounding property but the others are not willing to sell.

Mr. Haslip had the following comments:

- the Planning Commission will continue to see these parcels surrounded by farm Land
- the next owners don't have to buy the property if they do not like the easement
- think the 600' should be increased

Mr. Ryan asked who owns the land. Mrs. Mueller stated that she was the owner. Mr. Ryan then asked if there was any thought to moving Lot 4 and 5 to the front. Mrs. Mueller stated that there is a giant ditch on the property and low land that they are working around.

Mr. Hopkins stated that Lot 5 is 600' deep and if they shortened the easement by that amount that would help.

Mr. Lawhon stated the following:

- stop the easement at Lot 5
- it will be expensive to build this easement up to county specs.
- still concerned about fire truck access

-road has to be built to be maintained.

Mrs. Mueller stated that Tim McFarland would be working on the road.

Mr. Fiveash asked if the county would have to maintain the road. Mr. Lawhon said no.

Mr. Haslip said he didn't think this was a parcel that would ever extend and become a subdivision.

Mr. Fiveash reminded the commission that they had just denied a similar easement on Vaiden Road.

Mr. Skeen stated that when they get ready to build the easement it might need to change. Mrs. Dixon stated they wanted to make the easement easy to maintain. Mr. Skeen recommended that they correspond with the county.

Mr. Holland asked if they would consider talking to the county engineer, emergency management, and the fire department. He said he does not want to approve if the easement is going to change.

Mrs. Mueller stated that they have been waiting to have this approved since January and her daughter is ready to start building.

Mrs. Dixon stated the following:

- tight knit family
- lifelong residents of the county
- all have a lake together
- we are going to do what's right
- will not put our children at risk
- there will be no fighting

Mrs. Mueller added:

- there is nothing else to do with the property
- want us to sell it back to the farmer

Mr. Lawhon said that it is the commission's job to do what is best for the county. This proposal is totally against what is allowed. The commission is just trying to do the right thing.

Mr. Ryan stated that the easement is actually 2300 feet and that does not even include the one on the north side of the property.

Mr. Fiveash made a Motion to deny the application for Mueller Minor Lot subdivision of 6 lots on 52.72 acres due to the easement length and number of lots. Mr. Cowan seconded the Motion. The Motion passed with a unanimous vote.

b. Mike Malone Minor Lot (SUB-007737-2022) Application is for approval of 2 lots on 12.2 acres to include a request of a waiver of the 4 to 1 ratio. Identified as Parcel # 305417000 0000200. Subject property is located on the south side of Strickland Rd and east of Red Banks Rd in Section 17, Township 3, Range 5 and is zoned A (District 1) Applicant: Robert Farley

Mr. Hopkins presented the application for Mike Malone Minor Lot for approval of 2 lots on 12.2 acres. Mr. Bob Farley was present to represent.

Mr. Fiveash asked if there was an easement involved with this application. Mr. Hopkins stated no.

Mr. Ryan asked there was no easement, it was strictly the length. Ms. Hendricks stated it was the 4:1 ratio. Mr. Ryan asked if this was also family.

Mr. Farley said the following:

-yes, it is family

-Mr. Malone and his 2 daughters

-mobile home will be removed once houses are built

-the south end of the property is on the Tate county line

Mr. Haslip made a Motion and Mr. Ryan seconded the Motion to approve the Mike Malone Minor Lot application for approval of 2 lots on 12.2 acres to include a request of a waiver of the 4 to 1 ratio. The Motion passed with a unanimous vote.

c. Gargis 3 lot Minor Lot (SUB-007743-2022) Approval of 3 lot(s) on 7.57 acre(s) to include a request of a waiver of the 4 to 1 ratio. Identified as Parcel # 208521000 0001300. Subject property is located on the east side of Horn Lake Rd N and south of Starlanding Rd W in Section 21, Township 2, Range 8 and is zoned A-R (District 4) Applicant: Willard & Pam Gargis

Mr. Hopkins presented the application. Mr. Shae Skeen was present to represent the application.

Mr. Haslip asked if Lot 3 has its own driveway. Mr. Skeen stated yes.

Mr. Ryan asked if there was already a home and a barn on the property. Mr. Skeen said yes. Mr. Ryan then asked if there was an asphalt drive on the property to which Mr. Skeen said that there was and existing asphalt driveway.

Mr. Gargis stated that the driveway was asphalt.

Mr. Hopkins stated that Lot 1 needs a waiver to the 4:1 ratio, there is no distance issue, just the waiver.

Mr. Ryan made a Motion and Mr. Lawhon seconded the Motion to approve the application for Gargis 3 lot Minor Lot for approval of 3 lot(s) on 7.57 acre(s) to include a request of a waiver of the 4 to 1 ratio. The Motion passed with a unanimous vote.

Mr. Hopkins stated that the Planning Commission was given the latest information regarding the Medical Cannabis Zoning and Ordinances for their review. The information is also on the county website with links to the state information.

Mr. Hopkins also made the Planning Commission aware that the Board of Supervisors approved Ms. Ashley Hendricks as the new Deputy Director of the DeSoto County Planning Department.

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