



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
January 28th, 2021**

1. **Call to Order**
2. **Invocation**
3. **Roll Call**
4. **Approval of Minutes – January 7, 2021**

5. **Public Hearing 6:30pm (Tabled at the 1-7-21 meeting)**
 - a. **Bright Wilson PUD** – Application is for rezoning of 74 acres from AR to PUD. Identified as parcel # 307204000 0001000 located on the north side of Bright Road, east of Jaybird in Section 4, Township 3, Range 7 and is zoned AR (District 5)
Applicant: Dale Wilson

6. **Other**
 - a. **Dollar General Site Plan Review**

The Desoto County Planning Commission met at 6:30 p.m. on Thursday, January 28, 2021, 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, Randy Denton, Ron McCluskey, Jeanne Shannon, Greg Ryan, Floyd Fiveash, B.G. Smith, David Arnett, Jim Holland, Murry Haslip and Scott Ferguson. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks, Mauri Staten and Sam Barber, Board Attorney.

Mr. Ryan made a Motion and Mr. Lawhon seconded the Motion to nominate the following officers for the Planning Commission:

Jeanne Shannon as Chairman
Murry Haslip as Vice-Chairman
Floyd Fiveash as Secretary

The Motion passed with a unanimous vote.

Planning Commission Chairman Mrs. Shannon called the meeting to order and asked whether any member of the Commissioners recommended changes to the Minutes dated January 7, 2021. No changes were suggested. Mr. Ryan made a Motion to approve the minutes as presented. Mr. Cowan seconded the Motion. The Motion passed with a unanimous vote.

7. Public Hearing 6:30pm (Tabled at the 1-7-21 meeting)

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

- a. Bright Wilson PUD – Application is for rezoning of 74 acres from AR to PUD. Identified as parcel # 307204000 0001000 located on the north side of Bright Road, east of Jaybird in Section 4, Township 3, Range 7 and is zoned AR (District 5)
Applicant: Dale Wilson**

Mr. Hopkins stated this item was tabled at the January 7, 2021 meeting for the applicant to present restrictive covenants and architectural requirements.

Mr. Hendry Minor – 1510 Notting Hill Cv – came forward and presented the covenants and architectural requirements that were requested. He stated he feels the documents will help make this a quality development.

Mr. Minor stated there has been a change in the neighborhood and a public need to justify the rezoning as presented:

- Increased residential growth
- Increased subdivision development
- New schools

- Opening of I-269
- Increased population
- Increased permits for new homes
- Demand is outpacing the supply for homes in the area

Mr. Minor went over the covenants and architectural requirements for each section of the development as presented.

Mr. Haslip asked if engineering had any comments. Mr. Cardosi stated that any cross section outside of the subdivision regulations will have to be approved by the Board of Supervisors.

Mr. Minor stated they are working with the City of Hernando about providing water.

Mr. Ryan asked if they have done engineering on the property to make sure they have the proper compaction. Mr. Minor stated that will be done when the grading is done.

There was discussion of the changes made to the covenants and plan book. Mr. Minor stated that all changes made to the covenants and plan book will be included in the packets going to the Board of Supervisors. Mr. Ryan asked if the architectural standards will be included in the restrictive covenants. Mr. Minor stated they will be included in the restrictive covenants. There was discussion of HOA fees and how they will be divided.

Mr. Ryan asked if solar power will be allowed on the roofs of the homes. Mr. Dale Wilson – 3737 Robertson Gin Rd – came forward and stated if they are architecturally pleasing then yes, they will be allowed, but if not they will not be allowed.

Mr. Ryan asked if each yard has to have an irrigation system. Mr. Wilson stated an irrigation system is required for each lot. Mr. Ryan stated the wording in the covenants needs to be corrected because that is not what is precisely stated.

Mr. Ryan asked if storage buildings will be allowed. Mr. Wilson stated they will be if they are architecturally correct and if proven there is a need for one.

Mr. Ryan asked if the perimeter fencing will be maintained by the HOA. Mr. Wilson stated the frontage fencing will be maintained by the HOA and the rest of the fencing will be maintained by individual lot owners.

Mr. Ryan stated he feels the wording in the covenants does not assure that Mr. Dale Wilson and Mr. Austin Wilson are on the Design Review Committee until the 90% threshold is met.

Mr. Lawhon stated he is concerned with the “Iris” section of the development because it is a rental business owned by one individual. He stated he is

concerned it will not age gracefully and that it could be sold. Mr. Minor stated the structures will be built with high quality designs and finishes, all single story and the yards and homes will be maintained by the Wilson's.

Mr. Lawhon stated he is concerned this is a commercial business and could be sold and nothing protects the community from future buyers of the commercial business. He then stated the plan leaves out how this development will impact the community 10, 15, 30 years from now. He then asked what kind of protections are in place. He stated the Planning Commission needs to make sure the community is protected. Mr. Hopkins stated the covenants cannot be enforced by the County.

There was discussion whether the managing/ownership of "Iris" can be regulated by the County.

Mr. Lawhon stated he wants a vehicle that gives Planning Staff the authority to make sure what is being presented and approved is what is done. Mr. Wilson stated he feels that this portion of the development is being seen in a completely wrong picture.

Ms. Lovorn asked why "Iris" has to be on one plot of land instead of individual lots for each home. Mr. Wilson stated it could be done either way one lot for the whole section or one lot for each house.

Mr. Lawhon stated the fact remains they could sell this section 6 months down the road and there is nothing making the next owners hold to the same standards.

Mr. Cardosi stated he wants to make sure the Planning Commission is sticking to discussing the use and the density of the application. Mr. Hopkins explained if this application is approved as a PUD the documents presented must be followed by any owner. Mr. Ryan asked if the County can require a deed restriction for the "Iris" portion of the development. Mr. Sam Barber reminded the Planning Commission a Residential Development Agreement will be required for this development. Mr. Cardosi stated that whoever owns the development will have to uphold the standards approved in the document/plan.

Mr. Haslip asked how "Iris" will be accessed. Mr. Minor stated whether a land bridge or not, access will be designed and will adhere to all County standards. Mr. Ryan asked if the developer would consider a span bridge as opposed to a land bridge. Mr. Minor stated they will meet all engineering requirements.

Mr. Minor stated the "Iris" will only have one owner, so covenants would not work that's why there are design requirements. Mr. Ryan suggested that having or establishing an HOA of one in "Iris" with its own declaration of covenants and restrictive covenants might resolve the concerns raised with respect to potential future ownership changes and adherences of existing and future potential owners to the expectations set in this meeting and the design standards presented in this meeting both now and throughout the development's history.

Mrs. Shannon asked if the rules of the PUD stand no matter who owns it. Mr. Barber stated that yes they stand, any changes would require a rezoning.

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

George Ready – 1604 Byhalia Rd – came forward and had the following concerns:

- Feels that Declaration of Covenants and Restrictive Covenants are needed for “Iris”
- Feels there has been a change in the neighborhood
- Lots 4, 14, 30, 37 and 19 should be removed and made into greenspace, it would also decrease the number of trips created by the development
- Increased traffic with I-269 and this development
- Feels roundabouts are needed in this area
- Rental issues
- Would like the Covenants and the pictorial images provided be made a part of the language of the Motion of the approval

Mark Utley, Sr – 8101 Hacks Cross Rd – came forward and had the following concerns:

- He is planning a development with ½ acre to 3 acre lots on the property to the west of the proposed site
- Not the place for rentals
- Increased crime, gave example of drug dealers driving Mercedes renting the rental units as evidenced by the area around the Hickory Hill mall in Memphis
- The “Iris” portion is not connected to the “Orchard” portion because the developer does not want to connect the rentals to the large lot portion
- Does not feel the applicant has met the burden of proof, he does not feel there has been a change in the neighborhood to warrant re-zoning
- This will set a precedent
- Does not meet the public need
- Does not conform to the land use plan
- The idea of the land bridge is to block his property access to the lake
- The plan is inappropriate
- The environmental impact
- Rentals are a transient nature

Mr. Hopkins asked who owns the property to the west of the proposed site. Mr. Utley, Sr. interrupted and said that he was not finished speaking. Mrs. Shannon advised that Mr. Hopkins is the Director of Planning and if he is asking a question it is something that is relevant and needs to be answered. Mr. Utley, Sr. stated he owns the property to the north. Mr. Utley, Sr. then stated that the Clays own the property to the west.

Mr. Utley, Sr. stated this plan does not conform to the Comp Plan, the mix of housing types is not appropriate according to the Comp Plan as presented.

Mr. Mark Utley, Jr came forward and presented aerials and pictures of the property between the "Iris" section and "Orchard" section stating he feels there is ample room to make a connection between the two sections. He then presented a copy of the land use plan map.

Mr. Utley, Jr stated the proposal does not conform to the Comp Plan and listed the following as evidence of it not conforming:

- Long term planning (i.e. rentals)
- Area is low density residential on the land use plan
- The zoning must be based on the Comprehensive Plan

Mr. Utley, Jr. then stated he strongly encourages the Planning Commission to read the first 26 pages of the Comprehensive Plan.

Mr. Minor stated to address Mr. Ready's concerns, the applicant agreed to have the restrictive covenants and the pictorials/images be made a part of the approval. He then stated the applicant is not willing to eliminate the 5 lots mentioned by Mr. Ready.

Mr. Minor then addressed the Utleys concerns by stating they have met with the Utleys at their request and with their civil engineer. He then stated the applicant agreed to look at their plan to see what could possibly work to connect the developments but they were never given a plan to review. He then stated the density does adhere to the Comp Plan and the Corridor Study. Mr. Minor stated the Comp plan calls for a density of 2.5 units per acre and the density of the proposal is 1.33 units per acre. He then stated the Corridor Study states that suburban developments, such as the one presented, should be promoted in this area. Mr. Minor stated they have met with the neighbors and addressed their concerns.

Ms. Lovorn asked if the "Jasmin" section will be similar to Windstone Subdivision. Mr. Minor stated that it will be similar to Windstone Subdivision.

Mr. Ryan made a Motion and Mr. Arnett seconded the Motion to approve Bright Wilson PUD application for rezoning of 74 acres from AR to PUD based on a change in the neighborhood and a demonstrated public need as presented in the presentation conditioned upon the following:

1. That Article VI Sect. 1 of the Covenants shall be changed to require Dale Wilson and Austin Wilson serve on the Architectural Review Committee until 90% completion of the development requirement is met;
2. That Article III Sect. 3(A) of the Covenants requires clarification of the irrigation system requirement specifying separately that installation of an irrigation system is required and that the installer of that system be approved by the Architectural Review Committee (or HOA board);

3. That Additional landscape screening be added the south side of the “Jasmine” section of the development;
4. That Restrictive Covenants be adopted for “Iris” as an HOA of one member adopting the building standards as presented to the Planning Commission (or comparable to those building standards defined for the “Orchard” and “Jasmin” phases), and if this provision is determined to be legally impossible that this item #4 may be severed from this motion for approval;
5. That a span bridge be preferred rather than a land bridge connecting “Iris” and “Jasmine”; and
6. That included in the Motion to Approve the PUD zoning is the requirement that the submitted covenants and photographic representations included in the applicants’ booklet and documents are made part of the approval and any change thereto shall require an application, with public notice, for any change.

The Motion passed in an 8-6 roll call vote.

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

Mr. Hopkins stated that this item will be heard by the Board of Supervisors on February 16, 2021 at 1:00 p.m.

8. Other

a. **Dollar General Site Plan Review**

Mr. Cardosi presented the Dollar General Site Plan Review and stated the parking variance is no longer needed as they have increased parking. He stated the site will only be accessed from Hwy 305.

Mr. Ryan asked if the road department is ok with the plan. Mr. Cardosi stated access is from Hwy 305 so has to have MDOT approval.

Mr. Robert Bingham came forward and stated they are adding a 12 ft. lane on the west side to create a center turn lane for a full 600 ft. to the south.

Mr. Ryan asked how far the entrance is from the intersection. Mr. Bingham stated it is 220 ft. from the intersection.

Mr. Fiveash asked if there is an easement to College Road. Mr. Cardosi stated the easement is just to connect to the property to the north.

Mr. Lawhon suggested 3 substitutions to the landscape detail. He suggested substituting the sweetgums with willow oak tree, dogwoods with redbuds and boha red maple with willow oak tree or blaze maple. He then stated he would like the sign to be white instead of yellow and to have downward directional lighting on the building.

Mr. Lawhon made a Motion and Mr. Fiveash seconded the Motion to approve the Dollar General site plan with the following conditions:

1. substituting the sweetgums with willow oak tree, dogwoods with redbuds and boha red maple with willow oak tree or blaze maple;
2. the yellow sign be white;
3. there be a turn lane; and
4. there be downward directional lighting on the building.

The Motion passed with a unanimous vote.

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