



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
April 29, 2021**

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

5. Public Hearing 6:30pm

Kopas Corner Market (REZ-000023-2021) - Application is for approval of Rezoning of property from AR to C4, identified as Parcel # 206209000 0000900, located on the south side of College and west side of Hwy 305 in Section 09, Township 2, Range 6 and is zoned AR (District 5)
Applicant: David Bray

6. Preliminary Subdivision

- a. **East Lake Subdivision (1-2021)** – Application is for preliminary subdivision of 130 lots on 120.93 acres. Identified as Parcel # 307204000 0001002 and 307204000 0000800, located on the south and east side of Byhalia Road, west of Foxwood Lane in Section 04, Township 3, Range 7 is zoned R-20 (pending approval) (District 5)
Applicant: Mark Utle

7. Minor Lot

- a. **Spring Hill Minor Lot (SUB-000026-2021)** Final Approval of 3 lot(s) on 15.21 acres to include a waiver of easement length. Identified as Parcel # 2-07-7-35-00-0-00013-01 Identified as Parcel # 2076130000000500. Subject property is located on the east side of Pleasant Hill Road and south of College Rd in Section 13, Township 2, Range 7 (District 5)

Applicant: Joe Whitfield

b. Alex Woods Estates, Rev. of Lot 15 (SUB-000028-2021)

Final Approval of 5 lot(s) on 11.95 acres to include a waiver of easement length. Identified as Parcel # 3077360000001500. Subject property is located on the north side of Byhalia Road and east of Laughter Rd in Section 36, Township 2, Range 7 (District 5)

Applicant: KO Capital, LLC

c. Lee Corner Minor Lot (SUB-000045-2021)

Final Approval of 6 lot(s) on 19.85 acres to include a waiver of easement length. Identified as Parcel # 306120000000500. Subject property is located on the west side of Lee Road and south of Byhalia Rd in Section 12, Township 3, Range 6 (District 5)

Applicant: April Perkins

8. Concurrence

a. Hawks Crossing Commercial

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The Desoto County Planning Commission met at 6:30 p.m. on Thursday, April 29, 2021, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Commission members were present: Amelia Lovorn, Julius Cowan, Selena Baker, Ron McCluskey, Jeanne Shannon, Greg Ryan, Floyd Fiveash, B.G. Smith, Steve Reeves, David Arnett, Jim Holland, and Murry Haslip. Staff members present included Bennie Hopkins, Austin Cardosi, Mauri Staten and Sam Barber, Board Attorney.

Planning Commission Chairman Mrs. Shannon called the meeting to order and asked whether any member of the Commissioners recommended changes to the Minutes dated April 1, 2021. No changes were suggested. Mr. Ryan made a Motion to approve the minutes as presented. Mr. Haslip seconded the Motion. The Motion passed with a unanimous vote.

9. Public Hearing 6:30pm

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

- a. Kopas Corner Market (REZ-000023-2021) - Application is for approval of Rezoning of property from AR to C4, identified as Parcel # 206209000 0000900, located on the south side of College and west side of Hwy 305 in Section 09, Township 2, Range 6 and is zoned AR (District 5)
Applicant: David Bray**

Mr. Mustafa Kopas 6840 Magnolia Dr. Olive Branch, MS stated his engineer was not available to attend this meeting and requested to table this item until the next meeting.

Mr. Ryan Made Motion and Ms. Lovorn seconded the Motion to table the Kopas Corner Market application for rezoning of property from AR to C4 until the June 3, 2021 meeting. The motion passed with unanimous vote.

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

10. Preliminary Subdivision

- a. East Lake Subdivision (1-2021) – Application is for preliminary subdivision of 131 lots on 120.93 acres. Identified as Parcel # 307204000 0001002 and 307204000 0000800, located on the south and east side of Byhalia Road, west of Foxwood Lane in Section 04, Township 3, Range 7 is zoned R-20 (pending approval) (District 5)
Applicant: Mark Utley**

Mr. Hopkins presented East Lake Preliminary Subdivision application for preliminary subdivision of 131 lots on 120.93 acres. Mr. Bill Brown was present to represent the application.

Mr. Brown stated that there was a typo and there are 131 lots not 130. Mr. Brown stated that Supervisor Denison requests restrictions on fences and roof pitch.

Mr. Brown stated this is a straight R-20 rezoning and a variance has been requested for the lane improvement. He stated there will be asphalt walking trails and fences will be required on the rear lot lines. He then stated they will preserve the buffer between the development and the Taker property. Mr. Brown gave an overview of the covenants.

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

Mr. George Ready came forward and expressed concerns about traffic and thinks roundabouts could alleviate some issues.

Mr. Ryan made Motion and Mr. Haslip seconded the Motion to approve East Lake Preliminary Subdivision for preliminary subdivision of 131 lots on 120.93 acres to approve the East Lake Preliminary Subdivision application based upon the applicant's presentation to the Planning Commission, the documents presented, and the Developer having addressed the concerns of the neighbors; and that this approval is conditioned upon substantial compliance with the master plan as presented by the applicant, including, but not limited to the lot sizes, lot layout, home size, amenities package, and the graphic representations of the home designs, and the street cross sections all as provided in the master plan presented to the Planning Commission, noting that the architectural renderings submitted by the developer with the application for subdivision approval are used to illustrate architectural design and character, and construction shall conform accordingly including readily discernible design characteristics and features of the images; further noting however, that the house plans are not limited to the specific ones used for illustration; and further, that any change to the Master Plan inconsistent with this approval shall require an application, with public notice, for any such change to the Master Plan as presented to the Planning Commission; and further, that the following are also a part of this approval as additions to or clarifications to the Master Plan and governing documents:

1. In addition to traditional landscaping of the homes, that a deciduous shade tree be included in the front yard of each home;
2. That all state or county road street facing perimeter fences be installed by the Developer (inclusive of those to the rear or sides of homes on Lots facing such roads), as well as the presented common area fencing, and that such fences to later be maintained by the HOA;
3. That a variance be permitted to delay the lane and a half turn lane addressed in the Planning Commission meeting to a later phase;

4. That the Planning Commission recommends to the BOS the planning and construction of a round-about at Byhalia and Jaybird; as well as Byhalia and Tchulahoma;

The Motion passed with a unanimous vote.

11. Minor Lot

- a. **Spring Hill Minor Lot (SUB-000026-2021) Final Approval of 3 lot(s) on 15.21 acres to include a waiver of easement length. Identified as Parcel # 2-07-7-35-00-0-00013-01 Identified as Parcel # 2076130000000500. Subject property is located on the east side of Pleasant Hill Road and south of College Rd in Section 13, Township 2, Range 7 (District 5) Applicant: Joe Whitfield**

Mr. Hopkins presented Spring Hill Minor Lot application for Final Approval of 3 lots on 15.21 acres to include a waiver of the maximum easement length. Mr. Joe Whitfield was present to represent the application.

Mr. Whitfield stated the easement would be a limestone drive and the homes will be a minimum of 3,000 sqf.

Mr. Whitfield stated that maintenance of the easement will be owners responsibility not that of the county. Mr. Whitfield stated that nearby properties have similar layouts. Mr. Whitfield stated that a turnaround for fire services can be installed and will provide an engineer letter.

Mr. Ryan made Motion and Mr. Arnett seconded Motion to approve Spring Hill Minor Lot application for Final Approval of 3 lots on 15.21 acres to include a waiver of the maximum easement length. The Motion passed with a unanimous vote.

- b. **Alex Woods Estates, Rev. of Lot 15 (SUB-000028-2021) Final Approval of 5 lot(s) on 11.95 acres to include a waiver of easement length. Identified as Parcel # 3077360000001500. Subject property is located on the north side of Byhalia Road and east of Laughter Rd in Section 36, Township 2, Range 7 (District 5) Applicant: KO Capital, LLC**

Mr. Hopkins presented the Alex Woods Estates, Rev of lot 15 application for Final approval of 5 lots on 11.95 acres to include a waiver of the maximum easement length. Mr. Joe Whitfield was present to represent the application.

Mr. Whitfield stated the easement would be a limestone drive and the homes will be a minimum of 2,700 sqf.

Mr. Whitfield stated that maintenance of the easement will be owners responsibility not that of the county. He stated that nearby properties have similar layouts. He then stated that a turnaround for fire services can be installed and will provide an engineer letter. He stated they plan to leave as many trees as possible.

Mr. Ryan made a Motion and Mr. Arnett seconded the Motion to approve the Alex Woods Estates, Rev of lot 15 application for Final approval of 5 lots on 11.95 acres to include a waiver of the maximum easement length. The Motion passed with an 11-1 vote.

c. Lee Corner Minor Lot (SUB-000045-2021) Final Approval of 6 lot(s) on 19.85 acres to include a waiver of easement length. Identified as Parcel # 306120000000500. Subject property is located on the west side of Lee Road and south of Byhalia Rd in Section 12, Township 3, Range 6 (District 5) Applicant: April Perkins

Mr. Hopkins presented the Lee Corner Minor Lot (SUB-000045-2021) application for Final approval of 6 lot(s) on 19.85 acres to include a waiver of the maximum easement length. Mrs. April Perkins was present to represent application.

Mrs. Perkins stated the driveway for the property would be 20 ft. wide and made of red clay with crushed asphalt. Mrs. Perkins stated there will be a gravel turn around. Mr. Holland said this is a larger driveway to serve all the lots and he is in support of the application.

Mr. Arnett asked where the mailboxes will be located. Mrs. Perkins stated that would be determined by the Post Office.

Mr. Arnett asked what size the homes will be. Mrs. Perkins stated the houses will be 3,000 sqf or more.

Mrs. Perkins stated that the subdivision would have restrictive covenants. Mr. Haslip asked about the blue line stream on the property. Mrs. Perkins stated that they would be crossing the ditch not obstructing it. She then stated that they would not be clearing many trees.

Mr. Ryan made Motion and Ms. Lovorn seconded the Motion to approve the Lee Corner Minor Lot (SUB-000045-2021) application for Final approval of 6 lot(s) on 19.85 acres to include a waiver of the maximum easement length to include conditioned that the 20 ft. wide driveway is installed before building permits are issued and that there be a turn-around. The Motion passed in an 8-4 vote.

12. Concurrence

a. Hawks Crossing Commercial

Mr. Hopkins stated Villages at Hawks Crossing, Ph 6 (Subdivision #7423) was approved by the Board of Supervisors on 1/21/2020, but the plat was never recorded. According to the County Subdivision Ordinance, if a plat is not recorded within one (1) year of approval, "such plat shall have no validity and shall not be recorded without concurrence of the Planning Commission." He then stated staff is requesting approval to record the plat at this time.

Mr. Ryan made Motion to approve and Mr. Fiveash seconded the Motion to approve the concurrence to allow staff to record the Villages at Hawks Crossing, Ph 6 plat. The Motion passed with unanimous vote.

b. Planning Commission Minutes

Mr. Ryan stated he feels that the timing of when items heard by the Planning Commission for recommendation to the Board of Supervisors is too quick.

Mr. Ryan stated the following are his concerns:

1. Currently, matters approved or denied by the Planning Commission are forwarded to the Board of Supervisors typically within a week or two following action by the Planning Commission;
2. As such, these matters are actually being sent to the Board of Supervisors prior to the Planning Commission having seen the minutes of the meeting within which the matter(s) were considered, thus having an opportunity for the Planning Commissioners to see in final form the motions and having the opportunity to correct any errors in the recording of such motions;
3. Further, as many of the motions include matters of presentation, questions and answers critical to the context of such motions, the Planning Commissioners have not had the opportunity to review and correct any mis-recordings of these contextual statements of fact.

Mr. Ryan made a Motion and Mr. Holland seconded the Motion to recommend to the Board of Supervisors a change in policy such that no application heard before the Planning Commission may be advanced to the Board of Supervisors until such time as the Planning Commissioners have had an opportunity to review, make corrections to, and approve the minutes of the meeting within which a matter has been heard and acted upon. The Motion passed with unanimous vote.