



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
MAY 3, 2018**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – March 29, 2018

**PUBLIC HEARING**

**Rezoning**

**Laughter Road C2 (762)** – Application is for rezoning of 65.73 acres from AR to C2, Located on the southwest corner of Laughter and I-269, identified as Parcel #2077350000003910 in Section 35, Township 2, Range 07 (District 5)

**Applicant: Bridgforth Properties**

**New Business**

**Preliminary Subdivision**

**Turkey Creek (7240)** – Application is for Preliminary approval of 15 lots on 53.90 acres, identified as Parcel(s) #2-06-5-21-00-0-00018-10. Subject property is located on the west of Turkey Creek Dr and south of College Rd in Section 21, Township 2, Range 6 and is zoned A-R. (District 5)

**Applicant: Bobby Windham**

**Kenson Farms (7241)** – Application is for Preliminary approval of 30 lots on 52.98 acres, identified as Parcel(s) #3-06-8-27-00-0-00007-00. Subject property is located on the south side of Holly Springs Road and west of Treadway Road in Section 27, Township 3, Range 6 and is zoned A. (District 5)

**Applicant: David Hanna**

**Final Subdivision**

**Bud Black Subdivision, Rev. of Lot 4 (7236)** – Application is for Final approval of 1 lot on 1.50 acres, identified as Parcel(s) #3-08-9-30-02-0-00004-00. Subject property is located on the south side of Davis Lane and west of Fogg Road in Section 30, Township 3, Range 8 and is zoned A. (District 5)

**Applicant: Aaron Baddley**

**Wheeler Farms Subdivision, 4<sup>th</sup> Rev. Lot 11 (7234)** – Application is for Final approval of 2 lots on 12.00 acres, identified as Parcel(s) #4-08-1-12-02-0-00011-00. Subject property is located on the west side of Hwy 51 S. and south of Gaines Road in Section 12, Township 4, Range 8 and is zoned A. (District 5)

**Applicant: Robert & Janet Butler**

**Ranch Meadows, Phase 4 Sec. G (7242)** – Application is for Final approval of 23 lots on 15.28 acres, identified as Parcel(s) #1-09-7-25-00-0-00010-06. Subject property is located on the east side of Poplar Corner Rd and south of DeSoto Road in Section 25, Township 1, Range 9 and is zoned PUD. (District 3)

**Applicant: B&J Land CO., LLC**

**The Retreats at Center Hill – Phase II (7243)** – Application is for Final approval of 34 lots on 19.17 acres, identified as Parcel(s) # 105828000 0003701. Subject property is located on the north side of Goodman Road and east of Center Hill Road in Section 28, Township 1, Range 05 and is zoned R-20. (District 1)

**Applicant: Civil Engineering Solutions**

**Robinson Crossing – Section C Phase 3 Area 3 (7224)** – Application is for Final approval of 23 lots on 15.28 acres, identified as Parcel(s) # 207111000 0000200. Subject property is South side of Church Rd. and east of Malone Rd.; Section 11, Township 2, Range 7 and is zoned PUD. (District 2)

**Applicant: Bridgforth Properties**

The Desoto County Planning Commission met at 6:30 p.m. on Thursday, May 3, 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, Ray Denison, Joan Robertson, Floyd Fiveash, B.G. Smith, Steve Reeves, David Arnett, Bill Brewer, Jim Holland 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 March 29, 2018. No changes were suggested. Mrs. Robertson made a Motion to approve the minutes as presented. Mr. Arnett seconded the Motion. The Motion passed with a unanimous vote.

## **PUBLIC HEARING**

### **Rezoning**

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

**Laughter Road C2 (762) – Application is for rezoning of 65.73 acres from AR to C2, Located on the southwest corner of Laughter and I-269, identified as Parcel #207735000003910 in Section 35, Township 2, Range 07 (District 5)**  
**Applicant: Bridgforth Properties**

Mr. Hopkins presented the Laughter Road C2 application for rezoning of property from A-R to C-2. Mr. Steve Steinbach was present to present the application.

Mr. Arnett asked if permitted use #14 was not removed with the I-269 Corridor Study. Mr. Hopkins stated this application is for a straight C-2 rezoning and conditions cannot be placed on it. Mr. Reeves said so it is an all or nothing case as far as uses permitted. Mr. Hopkins stated that is correct. Mr. Fiveash asked if this application meets the I-269 Corridor Study requirements. Mr. Hopkins stated the Corridor Study was done after the Comprehensive Plan.

Mr. Steve Steinbach came forward and stated he is with Urban Insites and is representing this application. He stated when he met the applicant to discuss this application the applicant had 65 acres and had a few ideas for the property along I-269. He then stated there will be a lot of changes in the area once I-269 opens and it is hard to pick specific businesses that will work before the interstate even opens. Mr. Steinbach stated that he feels based on the other interchanges of I-269 the Laughter Road interchange will be a minor node and with the lack of infrastructure this site will be less attractive for major commercial use.

Mr. Steinbach gave the following reasons why C-2 rezoning is appropriate for this site:

- C-1 is not appropriate because there are not enough rooftops to support that type of commercial
- C-2 is applicable because of I-269
- C-3 is not appropriate because this is not an older business district
- C-4 is used to protect residences, which is not the case here as this a very rural area

He stated there is a natural buffer on the southern portion of the property. He presented a conceptual site layout. Mr. Lawhon asked if the conceptual site layout is a part of the application, if not he does not feel it is appropriate for the Planning Commission to look at the rendering if this is a straight rezoning. Mr. Hopkins stated this is not part of the submittal simply a rendering of what it could look like. Mr. Lawhon stated if not a part of the submittal then this application should be heard solely on change in the neighborhood and appropriateness of all the permitted uses. Mr. Steinbach stated that this is just a conceptual rendering of how the property could be developed based on the lay of the land, such as how the property could be accessed. He stated there are utilities making the property desirable.

Mr. Steinbach gave the following as justifications of a change in neighborhood:

- In conformance with the Comprehensive Plan
- In conformance with the I-269
- Current zoning is inappropriate because when I-269 opens there will be a need for commercial
- The opening of I-269 will change the character of the neighborhood

Mr. Denison asked what will assure the cohesiveness of the development to the Corridor Study. Mr. Steinbach stated in premarket conditions it is hard to determine what will be the specific user of the site. He stated it is more appropriate to pick uses such as commercial over residential. He then stated that if commercial is determined the highest and best use of the property, the County has the subdivision regulations and design regulations to assure it is a quality development. Mr. Steinbach stated if there are uses allowed in the C-1 zoning the Planning Commission is not comfortable with they may want to revisit and change the Zoning Ordinance. He then stated he feels a C-4 zoning ties the developer's hands for use of the property. Mr. Denison stated he feels commercial use is the best use for the property and that the Ordinance needs to be revisited but he also wants to ensure development is done right in the County. M. Fiveash stated he has looked at the site and agrees that commercial is the best use for the property. Mr. Lawhon stated he feels a C-4 rezoning is more appropriate for this site and that a C-2 zoning is very inappropriate.

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

Peggy Dobbins – 686 Laughter Road – came forward and has the following concerns:

- Owns 120 acres across the street from the proposed site along with 20 other owners
- Their family home site that has been there since 1895 that is not shown on the drawings
- She stated that the property is very important to her and her family
- Does not feel the property should be rezoned C-2, it would leave open to allow businesses such as truck stops
- There are numerous residences in the vicinity
- Increased traffic
- Increased crime
- They went to the Corridor Study meetings and were insured they would have input on what would be allowed to be developed in the area
- Feels the area would be best benefited with a C-4 rezoning

Ernest Dobbins came forward and had the following concerns:

- Concerned with the type of commercial
- He knows there will be progress, but would like some input into what goes into the neighborhood
- Concerned a truck stop will bring crime to the area

Judy Dobbins – 686 Laughter Road – came forward and had the following concerns:

- The homes in the area are not shown on the pictures presented by the applicant
- Would like the neighbors taken into consideration

Mr. Steinbach stated the pictures were not intended to disregard the residential, but the pictures do show the trees and natural buffers. He stated that property is rezoned to C-4 to protect residences; there is not a large presence of residence in the area. He then stated that properties with C-4 zoning approval don't always develop as planned and must come back to the Planning Commission and Board for amendments. Mr. Steinbach stated he fully believes C-2 zoning is the best use of this property. He stated that people are concerned a truck stop is coming here, who says a truck stop will even want to go on the property. He then stated he doesn't feel any of the uses in the C-2 zoning are overly offensive.

Mr. Lawhon stated that Mr. Barry Bridgforth in his opinion is one of the best developers in DeSoto County and has the best for DeSoto County in mind, but he will not have control over the development of the property once it is sold. He stated that the Planning Commission worked for 5 years on the Corridor Study and feels the Corridor Study was done to keep high quality development in the area. Mr. Lawhon stated he is concerned that if approved for C-2 zoning anything on the permitted uses list could be built and the County would not be able to make sure it is high quality development. He stated he hopes the developer will agree to resubmit the application as a C-4 application.

Mr. Fiveash asked if there are any buffer requirements for this zoning district. Mr. Hopkins stated there are buffer requirements for this zoning district in the Zoning Ordinance. Mr. Brewer stated there are buffer requirements in the City of

Southaven between commercial and residential property. Mr. Fiveash asked if there are architectural design requirements for commercial sites. Mr. Hopkins confirmed that there are.

Mr. Arnett made a Motion and Mr. Cowan seconded the Motion to deny the Laughter Road C2 application for rezoning of property from A-R to C-2 due to the application not being compatible with the neighborhood. The Motion passed with a roll call vote of 11-0.

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

## **New Business**

### **Preliminary Subdivision**

**Turkey Creek (7240) – Application is for Preliminary approval of 15 lots on 53.90 acres, identified as Parcel(s) #2-06-5-21-00-0-00018-10. Subject property is located on the west of Turkey Creek Dr and south of College Rd in Section 21, Township 2, Range 6 and is zoned A-R. (District 5)  
Applicant: Bobby Windham**

Mr. Hopkins presented the Turkey Creek Subdivision application for preliminary approval of 15 lots on 53.90 acres. Mr. Nick Kreunen was present to present the application.

Mr. Kreunen came forward and stated he has been working with the applicant for a while to determine the best use for this property. He stated the property does not have sewer and will not get sewer connection anytime soon, so the best use would be for the property to remain zoned Agricultural-Residential. He stated the applicant would like a rural development with 2 acre minimum lots and save as many trees as possible on the property. Mr. Kreunen then stated one issue with the subdivision was that there is not a second entrance, the applicant attempted to purchase land to build another entrance but was not able to. He stated he worked with Planning Department staff and the fire marshal and found that the only possible solution to develop the property was installing sprinkler systems in the homes.

Ms. Robertson asked how many homes will be on the road. Mr. Kreunen stated there will be 16 homes.

Mr. Fiveash asked if there was anyone to speak for or against this item. There was no one.

Mr. Smith asked how the sprinklers will work if the fire department cuts electricity when they arrive. Mr. Cardosi the hope is that the sprinklers have done their job by the time the fire department gets there with a tanker truck with water. He then stated that the subdivision will be served by Lewisburg Water Association not a well.

Mr. Brewer made a Motion and Mr. Lawhon seconded the Motion to approve Turkey Creek Subdivision application for preliminary subdivision of 15 lots on 53.90 acres. The Motion passed with a unanimous vote.

**Kenson Farms (7241) – Application is for Preliminary approval of 30 lots on 52.98 acres, identified as Parcel(s) #3-06-8-27-00-0-00007-00. Subject property is located on the south side of Holly Springs Road and west of Treadway Road in Section 27, Township 3, Range 6 and is zoned A. (District 5)  
Applicant: David Hanna**

Mr. Hopkins presented the Kenson Farms application for preliminary subdivision approval of 30 lots on 52.98 acres. Mr. Wes Ashworth was present to present the application.

Mr. Fiveash asked if this single entrance subdivision with 30 lots meets the fire code requirements. Mr. Cardosi stated it does meet the requirements; a second access point is required when there are over 30 lots.

Mr. Wes Ashworth – 10855 Collierville Rd – came forward and stated that the proposed subdivision meets all requirements for a subdivision that is zoned Agriculture. He then stated that the subdivision is in character with the neighborhood.

Mr. Fiveash asked if the drainage ditch will cause flooding for the future lot owners in the development. Mr. Ashworth stated he will have to engineer for detention for the subdivision.

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

Amy Mcinvale – 4299 Treadway and stated the following:

Good evening. My name is Amy McInvale and I live at 4299 Treadway Road in Hernando. I have been a resident of DeSoto County nearly 30 years and I have resided at my current address since 2006. Tonight I would like to present my concerns and the concerns of my community of neighbors. My roughly three acres are adjacent to the proposed development of 52 acres of farmland, which is zoned Agricultural. According to DeSoto County Zoning Regulations, "Agricultural zoning refers to designations made by local jurisdictions that are intended to protect farmland and farming activities from incompatible non-farm uses. The purpose of the zoning is to conserve and protect open land uses, foster orderly growth in rural areas and prevent urban agricultural land use conflicts. For this reason I would like to present our concerns with traffic, flooding and fire and police protection. There is currently a subdivision of twenty-five homes being built on Treadway Road and an additional subdivision of twenty-five lots being proposed about two miles up Holly Springs Road. The addition of Kenson Farms would mean an estimated additional 150 vehicles traveling our two-lane road on a daily basis. This is estimated based on a two-car household.

Since January of this year, Holly Springs Road has been closed due to flooding on three occasions. There are even permanent gates at the west end of Holly Springs Road to close it off from traffic due to the frequent flooding over the road. According to the 2030 DeSoto Comprehensive Plan, Cockrum Road is included as having one of the county's bridges with a sufficiency rating of less than 50%. There is also only one accessible exit and entrance into this proposed subdivision. How can this be a safe condition during extreme weather events or emergencies? The intersection at Byhalia Road and Highway 305 currently backs up at least 1 ½ miles from evening traffic each day. I am requesting that the county conduct a traffic study on our road and all major intersections nearby. The flooding situation is extensive and requires almost weekly road maintenance to the shoulder during heavy rains. Workers must stand in the road and hold "slow" and "stop" signs to manage the high volume of traffic on this narrow two-lane road. I am providing photos of my land and yard from March 19, 2018. This flooding occurs each time there is a heavy rain, and it has occurred five times so far this year. My neighbor, Mr. Joe Greenwell, had to have his treatment plant and tank moved up in his yard due to the excessive flooding. There is an existing problem with drainage on our property due to a berm that was built on our property to prevent flooding of the property in question for the proposed subdivision. This berm was on the property when we purchased the property. Due to the excessive flooding, it is possible that we will have to remove this berm to protect our investments. It is unknown how the development of this subdivision will affect the water flow and storm water runoff so I am requesting a hydraulic study be done prior to approval and at the expense of the developer. According to the DeSoto County 2030 Comprehensive Plan, "repairing existing issues with drainage and roads before creating new ones with subdivision development" should be a priority. With a large influx of people comes a need for additional law enforcement and emergency services. A steady increase in occurrences should reflect increased county resources, yet, according to records, the DeSoto County Sheriff's Department requested six additional units for the 2018 fiscal year and were denied the additional units. The following are the number of incidents the sheriff's department was involved in within the DeSoto County area since 2011: (provide chart)...Also, the Alhaba Volunteer Fire Department with twenty-two volunteers and only one fire engine currently services our area. In closing, I am requesting that you take our concerns into serious consideration before approving this proposed subdivision as currently platted. As an existing neighborhood, we would like to request lot sizes of at least 2.5 acres with homes comparable to the existing neighborhood homes. From the aerial printout of Treadway Road, you can see that the existing neighborhood consists of roughly eight homes spread out over the same amount of land where over 30 homes are being proposed. I am specifically requesting that a reasonable buffer be placed between our property and the proposed subdivision and that a 6-foot cedar wood privacy fence be placed the full length of our property and at the developer's expense for each request. It is our desire that growth in our area be controlled growth, not growth that infringes on the quality of life of those living in the surrounding neighborhood. Thank you for your time and for your Consideration of our requests. Please include in the minutes of the meeting.

Mr. Hopkins stated that the formal engineering review will come with the final approval.



Charles White – 8701 Holly Springs Road – came forward and stated he is concerned with flooding downstream of the creek.

Mr. Lawhon stated that 1.5 acre lots may seem small but it is not and is in character with the neighborhood. He stated there will be growth, the Board is trying to respect the neighbors and would rather see large lot subdivisions like this in the area as opposed to small urban lots. He then stated this is a perfectly allowable subdivision in this zoning district. Mr. Lawhon stated the drainage will have to be looked at by the engineer,

Mr. Fiveash asked if the neighbors removed the current berm on their properties what would happen if it floods the new subdivision. Mr. Cardosi stated that would be a civil matter.

Mr. Brewer made a Motion and Mr. Lawhon seconded the Motion to approve Kenson Farms application for preliminary subdivision approval of 30 lots on 52.98 acres. The Motion passed with a unanimous vote.

### **Final Subdivision**

**Bud Black Subdivision, Rev. of Lot 4 (7236) – Application is for Final approval of 1 lot on 1.50 acres, identified as Parcel(s) #3-08-9-30-02-0-0004-00. Subject property is located on the south side of Davis Lane and west of Fogg Road in Section 30, Township 3, Range 8 and is zoned A. (District 5)  
Applicant: Aaron Baddley**

Mr. Hopkins presented the Bud Black Subdivision, Rev. of Lot 4 for final subdivision approval of 1 lot on 1.50 acres. He stated that the applicant would like to remove .50 acres of Lot 4 from the subdivision to merge it with the adjoining outparcel to the south. Mr. Aaron Baddley was present to present the application.

Mr. Baddley stated that he would like to build a house on the subdivision and would like to add the .50 acre flat piece of the lot to his property to use for a garden.

Mrs. Robertson made a Motion and Mr. Lawhon seconded the Motion to approve Bud Black Subdivision, Rev. of Lot 4 for final subdivision of 1 lot on 1.50 acres. The Motion passed with a unanimous vote.

**Wheeler Farms Subdivision, 4<sup>th</sup> Rev. Lot 11 (7234) – Application is for Final approval of 2 lots on 12.00 acres, identified as Parcel(s) #4-08-1-12-02-0-00011-00. Subject property is located on the west side of Hwy 51 S. and south of Gaines Road in Section 12, Township 4, Range 8 and is zoned A. (District 5)  
Applicant: Robert & Janet Butler**

Mr. Hopkins presented Wheeler Farms Subdivision, 4<sup>th</sup> Rev. of Lot 11 for final subdivision approval of 2 lots on 12.00 acres. Mr. Robert Butler was present to present the application.

Mr. Fiveash asked if the application meets all subdivision requirements. Mr. Hopkins stated that it does.

Mrs. Robertson made a Motion and Mr. Lawhon seconded the Motion to approve Wheeler Farms Subdivision, 4<sup>th</sup> Rev. of Lot 11 for final subdivision of 2 lots on 12.00 acres. The Motion passed with a unanimous vote.

**Ranch Meadows, Phase 4 Sec. G (7242) – Application is for Final approval of 23 lots on 15.28 acres, identified as Parcel(s) #1-09-7-25-00-0-00010-06. Subject property is located on the east side of Poplar Corner Rd and south of DeSoto Road in Section 25, Township 1, Range 9 and is zoned PUD. (District 3)  
Applicant: B&J Land CO., LLC**

Mr. Hopkins presented the Ranch Meadows, Phase 4 Sec. G application for final subdivision of 23 lots on 15.28 acres. Mr. Robbie Jones was present to present the application.

Mr. Cardosi stated the applicant has agreed to all stipulations of the preliminary approval. Mr. Jones stated there have been no changes, the applicant has agreed to all conditions and the final plat conforms to the preliminary plat.

Mrs. Robertson made a Motion and Mr. Lawhon seconded the Motion to approve Ranch Meadows, Phase 4 Sec. G application for final subdivision of 23 lots on 15.28 acres. The Motion passed with a unanimous vote.

**The Retreats at Center Hill – Phase II (7243) – Application is for Final approval of 34 lots on 19.17 acres, identified as Parcel(s) # 105828000 0003701. Subject property is located on the north side of Goodman Road and east of Center Hill Road in Section 28, Township 1, Range 05 and is zoned R-20. (District 1)  
Applicant: Civil Engineering Solutions**

Mr. Hopkins presented The Retreats at Center Hill, Phase II application for final subdivision of 34 lots on 19.17 acres. Mr. Mark Utley, Jr. was present to present the application.

Mr. Hopkins stated that this application substantially conforms to the preliminary plat.

Mr. Lawhon made a Motion and Mrs. Robertson seconded the Motion to approve The Retreats at Center Hill, Phase II application for final subdivision of 34 lots on 19.17 acres. The Motion passed with a unanimous vote.

**Robinson Crossing – Section C Phase 3 Area 3 (7224) – Application is for Final approval of 23 lots on 15.28 acres, identified as Parcel(s)**

**# 207111000 0000200. Subject property is South side of Church Rd. and east of Malone Rd.; Section 11, Township 2, Range 7 and is zoned PUD. (District 2)  
Applicant: Bridgforth Properties**

Mr. Hopkins presented the Robinson Crossing, Section C Phase 3 Area 3 application for final subdivision of 23 lots on 15.28 acres.

Mr. Cardosi stated that the only change is coves were added that allowed for more lots to be added, the lots size are within the appropriate size for this zoning district.

Mr. Lawhon made a Motion and Mrs. Robertson seconded the Motion to approve Robinson Crossing, Section C Phase 3 Area 3 application for final subdivision of 23 lots on 15.28 acres. The Motion passed with a unanimous vote.