



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
MAY 31, 2018**

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

**PUBLIC HEARING**

**Rezoning**

**Stewart Road R-30 (763)** - Application is for approval of Rezoning of property from AR to R-30 identified as Parcel # 2065150000001000, located north side of Stewart Road and east of Highway 305 in Section 15, Township 2, Range 6 and is zoned AR (District 1)  
Applicant: Chad Fischer

**Polk Lane C-Store and Retail (764)** - Application is for approval of Rezoning of property from AR to C4 identified as Parcel # 1054190000001000, located north side of Polk Lane Cove and east of Polk Road in Section 19, Township 1, Range 5 and is zoned AR (District 1)  
Applicant: AERC

**New Business**

**Preliminary Subdivision**

**Cypress Trails Subdivision (7246)** – Application is Preliminary approval of 58 lots on 58.74 acres, identified as Parcel(s) 2-06-5-15-00-0-00029-05 and 2-06-5-20-00-0-00040-01. Subject property is located on the North side of Woolsey Road and south of Cypress Lake Drive in Section 22, Township 2, Range 6 and is zoned R-30. (District 1)  
Applicant: Rusty Norville

**Legacy Park - Two (7245)** – Application is for Preliminary approval of 7 lots on 132.94 acres, identified as Parcel(s) #3-06-8-27-00-0-00007-00. Subject property is located on the South side of Goodman Rd. and west of Polk Lane, in Section 36, Township 1, Range 6 and is zoned PB. (District 1)  
Applicant: Goodwin Marshall

## **Final Subdivision**

**Scott Farms Minor Lot (7249)** – Application is for Final approval of 6 lots on 81.41 acres, identified as Parcel(s) Parcel #3-07-6-13-00-0-00001-00, #3-07-6-13-00-0-00001-03, and #3-07-6-13-00-0-00001-02. Subject property is located on the east side of Laughter Road and south of Bright Road in Section 13, Township 3, Range 7 and is zoned A. (District 5)

Applicant: Donna Embrey

The Desoto County Planning Commission met at 6:30 p.m. on Thursday, May 31, 2018, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Commission members were present: Len Lawhon, Julius Cowan, Theodore Dorsey, Ray Denison, Joan Robertson, Jeanne Shannon, Floyd Fiveash, David Arnett 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 May 3, 2018. No changes were suggested. Mr. Arnett made a Motion to approve the minutes as presented. Mrs. Shannon seconded the Motion. The Motion passed with a unanimous vote.

## **PUBLIC HEARING**

### **Rezoning**

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

**Stewart Road R-30 (763) - Application is for approval of Rezoning of property from AR to R-30 identified as Parcel # 2065150000001000, located north side of Stewart Road and east of Highway 305 in Section 15, Township 2, Range 6 and is zoned AR (District 1)**  
**Applicant: Chad Fischer**

Mr. Hopkins presented the Stewart Road R-30 rezoning of property from A-R to R-30. Mr. Rusty Norville with Civil Engineering Solutions was present to present the application.

Mr. Norville came forward and stated that he has worked with staff on this project. He then stated it is in conformance with the DeSoto County Comprehensive Plan. He stated the Comp Plan allows for 17,000 sqf lots and 2 ½ dwellings per acre and the proposed plan as shown in the conceptual plan shows 25 lots which would be 1 unit per acre. He stated that recent R-20 and R-30 subdivision have been approved in the area so there has been a change in the neighborhood justifying the proposed rezoning.

Mr. Fiveashe asked if the proposed application meets the single access subdivision requirements. Mr. Hopkins stated the subdivision plan presented was only conceptual and subdivision access would be discussed during the subdivision approval process if this rezoning is approved.

Mr. Norville stated that the subdivision would be served by Lewisburg Water Association.

Mr. Denison asked what the proposed minimum house size would be for this development. Mr. Norville stated the minimum house size would be in the 2,200

to 2,400 sqf range. Mr. Denison if that would be heated. Mr. Norville stated that would be the heated square foot minimum.

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

Gary and Linda Aldridge- 3406 Evergreen – came forward and had the following concerns:

- Lot sizes, lots beside the development are 3-5 acres
- House sizes
- Decreased property values

Leonard Bryant – 3444 Evergreen Dr. - came forward and had the following concerns:

- Proposed detention pond would flood his pond
- Flooding on to his property
- There is a power line on the proposed site
- Increased traffic on to Stewart and Hwy 305

Mr. Lawhon stated this is a conceptual plan and it is not a part of the application as this is an application for a straight rezoning. Mrs. Aldridge asked why the conceptual plan was submitted if it is not being voted on. Mr. Hopkins stated that if the rezoning application is approved by the Board of Supervisors on June 18, 2018 the applicant will then need to submit for preliminary subdivision approval with a plat that has been engineered to be reviewed by the Planning Commission and the Board of Supervisors.

Lisa Linville – Stewart Road – came forward and stated she does not feel this is a good plan for this area.

Mr. Hopkins stated that this is a rezoning application and the burden of proof is on the applicant to prove there was a change in the neighborhood to justify the rezoning of the property.

Greg Aldridge – Evergreen Rd – came forward and asked what happens to the TVA Utility right of way and the huge power line that is on the property. Mr. Hopkins stated the rezoning has nothing to do with the TVA right of way.

Leonard Bryant asked if the rezoning is recommended for approval by the Planning Commission when it will be heard by the Board of Supervisors. MR. Hopkins stated it will be heard by the Board of Supervisors on June 18, 2018 at 9:30 a.m.

Madeline Davis – Stewart Road – came forward and had the following concerns:

- Does not feel there is a public need
- Lewisburg schools are already overcrowded
- Increased traffic

Janet Crawford – 3612 Holly Cove – came forward and stated she is concerned with the smaller lot sizes.

Trudy Davis – 9280 Stewart Road – came forward and has the following concerns:

- Increased traffic onto Hwy 305
- Small lot sizes
- Small houses
- Only access to the subdivision will be from Stewart Road

Mr. Norville stated that the applicant is agreeable to meeting with the neighbors.

Mr. Arnett asked if A-R zoned lot and R-30 zoned lot have the same lot size requirement to build. Mr. Hopkins stated an AR zoned lot requires 1.5 acres to build and an R-30 lot requires 30,000 square feet to build on.

Mr. Lawhon stated there has been a lot of growth in the area and he understands the concerns of the neighbors. He then stated there has been rezoning to the north and the surrounding areas to the west from A-R to R-20 and R-30 so this would be a continuation of the zoning to the north.

Mr. Lawhon made a Motion and Mr. Denison seconded the Motion to approve Stewart Road R-30 Rezoning for approval of rezoning of property from A-R to R-30 based on a change in the character of the neighborhood justifying a public need as presented by the applicant during the presentation and further based upon all testimony and materials presented. The Motion passed by an 8-1 vote.

**Polk Lane C-Store and Retail (764) - Application is for approval of Rezoning of property from AR to C4 identified as Parcel # 105419000001000, located north side of Polk Lane Cove and east of Polk Road in Section 19, Township 1, Range 5 and is zoned AR (District 1)**  
**Applicant: AERC**

Mr. Hopkins presented the Polk Lane C-Store and Retail application for rezoning of property from A-R to C-4. Mr. Patrick Smith with AERC was present to present the application.

Mrs. Shannon asked if the City of Olive Branch had a comment on this application. Mr. Hopkins stated that the City of Olive Branch did have a comment on the parking for this development but that will be addressed if approved at the time the applicant applies for subdivision approval.

Mrs. Robertson asked if there are any residences in the area. Mr. Cardosi presented the GIS map of the area showing where residences were located in relationship to the proposed site.

Mr. Lawhon stated there are warehouses in the area and when approved the Planning Commission at the time wanted to try and get a transition area between the industrial and residential areas. He then stated that 10 years ago the Board of Supervisors approved Whitaker Business Park to be a part of that transition area. He then stated he did not feel commercial of this type is appropriate for this

neighborhood. He stated he feels this site needs to be Planned Business as a buffer.

Mr. Patrick Smith came forward and stated that the applicant is requesting to rezone the property to be able to have a convenience store on the site. He then stated that the applicant owns several C-Stores and is concerned with how they are built and maintained. He stated that there is a lot of industrial in the area with numerous employees and the store would provide a place for people in the area to refuel and purchase food.

Mrs. Robertson asked what is on the property currently. Mr. Smith stated there is a vacant house.

Mr. Lawhon stated there is tons of commercial property in the Hacks Cross and Goodman Road area. He stated in this area there is William Sonoma and his neighbors are looking for Planned Business where neighbors are able to work in high paying jobs. He stated he feels there are plenty of convenience stores in the area so another is not needed. Mr. Lawhon stated there is Planned Business to the north and this site should also be Planned Business.

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

Carrie Freeman – 8268 Polk Lane Cove – came forward and has the following concerns:

- Flooding, there is already flooding in the area and this will cause more
- Already surrounded by warehouses
- Will increase traffic, there are already issues getting on to Polk Lane from Polk Lane Cove

Mr. Lawhon made a Motion and Mr. Arnett seconded the Motion to deny the Polk Lane C-Store and Retail application for rezoning of property from A-R to C-4 due to it not being compatible to the neighborhood and failure of the applicant to prove there has been change in the neighborhood. The Motion passed by a 9-0 vote.

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

## **New Business**

### **Preliminary Subdivision**

**Cypress Trails Subdivision (7246) – Application is Preliminary approval of 58 lots on 58.74 acres, identified as Parcel(s) 2-06-5-15-00-0-00029-05 and 2-06-5-20-00-0-00040-01. Subject property is located on the North side of Woolsey Road and south of Cypress Lake Drive in Section 22, Township 2, Range 6 and is zoned R-30. (District 1)**

**Applicant: Rusty Norville**

Mr. Hopkins presented the Cypress Trails Subdivision for preliminary subdivision approval of 58 lots on 58.74 acres. Mr. Rusty Norville with Civil Engineering Solutions was present to present the application.

Mr. Cardosi stated that there are three points of access for this subdivision.

Mr. Norville stated that the proposal for 58 lots and there are two areas of detention on the proposed site. He stated that one would be in the far north east corner and the other will be further south. He stated the exact locations will be on the submitted drawings presented to the County Engineer for review and comment.

Mr. Fiveashe asked if there was anyone to speak for or against this application.

Tim Noe – 9777 Nolan Road – came forward and asked what size lots and houses are proposed to be and how the lots will be situated. He stated he is concerned the backyards of the homes will be facing the front of his home. Mr. Norville stated that the minimum square footage will be 2,400 sqf. and the houses will face Mr. Noe's home.

Mrs. Robertson made a Motion and Mr. Cowan seconded the Motion to approve the Cypress Trails Subdivision for preliminary subdivision approval of 58 lots on 58.74 acres. The Motion passed with a unanimous vote.

**Legacy Park - Two (7245) – Application is for Preliminary approval of 7 lots on 132.94 acres, identified as Parcel(s) #3-06-8-27-00-0-00007-00. Subject property is located on the South side of Goodman Rd. and west of Polk Lane, in Section 36, Township 1, Range 6 and is zoned PB. (District 1) Applicant: Goodwin Marshall**

Mr. Hopkins presented the Legacy Park, Phase 2 application for preliminary approval of 7 lots on 132.94 acres. Mr. Jason Weaver was present to present the application.

Mr. Fiveashe asked if the plan is to open Polk Lane all the way through. Mr. Cardosi stated that yes the plan is to eventually open Polk Lane all the way through.

Mr. Fiveashe asked what Sanders Farms is. Mr. Cardosi stated it is a huge planned development with residential and commercial, but there has never been any activity on the project.

Mr. Jason Weaver stated they are requesting an extension of the existing Legacy Park Planned Business. He stated they will construct the portion of Polk Lane to the southern boundary of their property.

Mr. Lawhon asked what about upgrading of the landscaping that didn't happen in the previous phase such as the landscaping along Goodman Road. He stated there was supposed to be mass plantings along Goodman Road to soften the look of the site from Goodman Road. He stated that landscaping issue and the

buffer between this phase and the existing residential subdivision before this plan is approved.

Mr. Chris Steward with Hillwood Corporation came forward and stated he is new with Hillwood and does not know the history of the landscaping issues at this site. Mr. Weaver asked if there is anything in particular the Planning Commission would like to see as a part of the landscaping plan for this site. Mr. Lawhon stated that the proposed landscaping materials are not appropriate and the existing tree coverage on the southern boundary of the property needs to remain. He stated there will be a landscaping plan that has larger plantings to set an example of how it should be done. He stated the design plan should make Polk Lane look better than the landscaping that was done along Goodman Road. Mr. Lawhon stated there will need to be a complete redo of the size of plantings and buffering, a berm will be added on the southern property and the natural buffer to remain. He stated there will be beefed up landscaping along Polk Lane.

Mrs. Shannon asked if Mr. Lawhon had any suggestions of what type and size of plantings need to be included in the plan. Mr. Lawhon stated they need to increase the size caliper and density of the plantings.

Mrs. Robertson made a Motion and Mr. Arnett seconded the Motion to approve Legacy Park, Phase 2 for preliminary subdivision of 7 lots on 132.94 acres to include a landscaping plan with increased caliper size of the plantings, increase the amount of existing buffer being left untouched and to upgrade the plantings along Polk Lane with more mature plantings. The Motion passed with a unanimous vote.

### **Final Subdivision**

**Scott Farms Minor Lot (7249) – Application is for Final approval of 6 lots on 81.41 acres, identified as Parcel(s) Parcel #3-07-6-13-00-0-00001-00, #3-07-6-13-00-0-00001-03, and #3-07-6-13-00-0-00001-02. Subject property is located on the east side of Laughter Road and south of Bright Road in Section 13, Township 3, Range 7 and is zoned A. (District 5)  
Applicant: Donna Embrey**

Mr. Hopkins presented the Scott Farms Minor Lot application for final subdivision of 6 lots on 81.41 acres. He then stated that this application also includes a waiver of an easement length longer than 600 ft. Dona Embrey was present to present this application.

Mr. Cardosi explained that he has met with the applicant numerous times to come up with the best plan of dividing this property for family members. He then stated that Lots 5 and 6 are for recreational use only as they are located in the floodway and cannot be built on.

Ms. Dona Embrey came forward and stated that they want to divide the property for family.

Mr. Arnett asked if they plan to build a house on Lot 4. Ms. Embrey stated not anytime in the near future.



Mr. Lawhon asked if Lots 5 and 6 are being divided out for family also. Ms. Embrey stated they are; the land was inherited by several family members.

Mr. Lawhon made a Motion and Mrs. Shannon seconded the Motion to approve Scott Farms Minor Lot for final subdivision of 6 lots on 81.41 acres to include a waiver of the easement length to be longer than 600 ft. The Motion passed with a unanimous vote.

Mrs. Robertson made a Motion and Mr. Cowan seconded the Motion to adjourn the meeting. The Motion passed with a unanimous vote.