



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
November 29, 2012
6:30 p.m.**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – November 1, 2012

PUBLIC HEARING

Rezoning Amendment

Getwell-Pleasant Hill Rezoning (721) - Application is for approval of Rezoning of property from Agricultural-Residential (A-R) to Neighborhood Commercial (C-1), identified as 3010 Pleasant Hill Road. Subject property is located on the north side of Pleasant Hill Road and east side of Getwell Road in Section 27, Township 2, Range 7 and is zoned Agricultural (A-R). (District 5)

Unified Waste Systems/Starlanding Landfill Rezoning (720) – Application is for approval of Rezoning of property from Agricultural-Residential (A-R) to Agricultural (A), identified as 9353 Starlanding Road. Subject property is located on the south side of Starlanding Road and east side of Wilson Mill Road in Section 21, Township 2, Range 9 and is zoned Agricultural (A-R). (District 3)

NEW BUSINESS

Minor Lots

Frank E. Smith Minor Lot (6842) – Application is for final subdivision approval of one (1) lot of 5.0 acres and one (1) lot of 4.94 acres out of 9.94 acres. Subject property is located on the south side of Slocum Road and west of Getwell Road in Section 33, Township 3, Range 7 and is zoned Agricultural (A). (District 5)

Gordon 2 Lot Minor Lot (6861) – Application is for final subdivision approval of one (1) lot of 16.71 acres and one (1) lot of 3.0 acres out of 19.71 acres. Subject property is located on the west side of Baker Road and north of Scenic Ridge Cove in Section 27, Township 2, Range 9 and is zoned Agricultural-Residential (A-R). (District 3)

Other Items:

1. Update: I-69/I-269 International Trade Corridor Study
2. Election of Officers
3. 2013 Planning Commission Calendar Dates

The DeSoto County Planning Commission met at 6:30 p.m. on Thursday, November 29, 2012 in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Len Lawhon, Julius Cowan, Pat Hefley, Charles McNemar, Tom Hunt, Joe Forsythe, Joan

Robertson, Jeanne Shannon, Steve Reeves, David Arnett, Bill Sexton and Wade Carter. Planning Commission staff present included Ted Garrod, Tom Haysley, Ashley Hendricks and Mr. Jody Neyman, DeSoto County Attorney.

After the invocation and roll call, Chairman Robertson asked if there were any necessary additions to or deletions from the Minutes of the Planning Commission meeting held on November 1, 2012. Hearing none, Mr. Lawhon made a Motion to approve the minutes as corrected. Ms. Shannon seconded the Motion. The Motion was passed by a unanimous vote.

PUBLIC HEARING

Mr. Carter made a Motion to open the Public Hearing. Mr. Forsythe seconded the Motion. The Motion was passed by a unanimous vote.

Rezoning Amendment

Getwell-Pleasant Hill Rezoning (721) - Application is for approval of Rezoning of property from Agricultural-Residential (A-R) to Neighborhood Commercial (C-1), identified as 3010 Pleasant Hill Road. Subject property is located on the north side of Pleasant Hill Road and east side of Getwell Road in Section 27, Township 2, Range 7 and is zoned Agricultural (A-R). (District 5)

Mr. Ted Garrod presented the application and staff report for the rezoning of property from Agricultural-Residential (A-R) to Neighborhood Commercial (C-1) located on the northeast corner of Getwell Road and Pleasant Hill Road. He then stated the burden of proof is on the applicant to prove there has been a mistake of zoning or a change in the neighborhood that would support the rezoning of the property.

Mr. Carter asked if the property is within the I-269 Corridor Study area. Mr. Garrod confirmed the parcel is within the Corridor Study area.

Mr. Mike Henley came forward to represent the application. He stated that he has another plat of the property that illustrates the right-of-way on both boundaries of the property that allows for proper building space on the property. He stated that he feels that considering the properties proximity to I-269, it would make it a prime place for commercial development.

Mr. Carter asked didn't the applicant need to prove there is a mistake in zoning or a change in the neighborhood. Mr. Garrod confirmed that the applicant did need to prove there is a mistake in zoning or a change in the neighborhood. Mr. Hensley stated that the property was located one half mile north of I-269 which makes it a prime location for commercial development.

Mr. Sexton stated proper notification was given, has the Planning Department heard of any opposition. Mr. Lawhon stated the question at hand is the burden of proof is on the applicant to prove there is a mistake in zoning or a change in the neighborhood and stated that it needs to be more than just an opinion of the applicant. Mr. Hensley stated the property is located half a mile north of a major interstate and that the property cannot be developed otherwise.

Anne Brauer, the owner of the property came forward and stated there are not any convenience stores nearby and that she is going to advertise the property for when

marketing it. She then stated the neighborhood has changed over the years and that commercial property is coming down the road. She stated that she has always felt the property would be a great location for a convenience store.

Mrs. Robertson asked if there was anyone present to speak for or against this application.

Carol Stevens, 1611 Pleasant Hill Road, stated there are several pros and cons to this application. She stated the pro would be the convenience of gas, cigarettes and cokes and the cons would be it is a 4-way stop that is already congested and would only get more congested with the increased traffic due to a convenience store, the property is not easily accessible, and is not needed as there are two convenience stores within a quarter of a mile of this property. She went on to state that this is a residential area.

Sandra Bridge came forward and stated another convenience is not needed in the area and stated she is concerned with safety in the area.

Helen O'Neil stated there are two convenience stores within walking distance of this property and another is not needed.

Mr. Carter stated that the applicant has not proven a mistake in zoning or a change in the neighborhood and does not feel the application can be proven at this time.

Shirley Agner, the realtor for the property came forward and stated the applicant has a potential buyer for the property to build a convenience store.

Mr. Lawhon made a Motion to deny the application for Getwell-Pleasant Hill Rezoning (721) due to lack of evidence that there was a change in the neighborhood as well as the proximity of the property to the I-269 Corridor Study area. Mr. Carter seconded the Motion. The Motion passed by a roll call vote of 11-0.

Mr. Sexton made a Motion to table this application to give the applicant the opportunity to come back with the potential buyer's presentation. There was no second.

Unified Waste Systems/Starlanding Landfill Rezoning (720) – Application is for approval of Rezoning of property from Agricultural-Residential (A-R) to Agricultural (A), identified as 9353 Starlanding Road. Subject property is located on the south side of Starlanding Road and east side of Wilson Mill Road in Section 21, Township 2, Range 9 and is zoned Agricultural (A-R). (District 3)

Mr. Garrod presented the application for Unified Waste Systems/Starlanding Landfill Rezoning (720). He stated the application is to rezone 21.43 acres of land from Agricultural Residential (A-R) to Agricultural (A). Mr. Garrod introduced Mr. Jim Becher as being present to represent the application.

Mr. Becher stated that the purpose of the rezoning could best be explained by his engineer, Mr. John Smith. Mr. Smith came forward and stated that in order to proceed with a Conditional Use application the applicant must first get the property rezoned. He then stated the applicant wants to expand the footprint of the rubbish pit and the buffer will encroach into the property zoned A-R and the property must be zoned A in order to proceed with the Conditional Use as well as to comply with State mandates. Mr. Smith then stated that Unified Waste Systems owns the property both to the north and the south of the property they are requesting to rezone.

Mr. Carter asked how much of the land will be used for the landfill. Mr. Smith stated that approximately 29 acres will be used for the landfill. Mr. Neyman, Board Attorney, clarified that the only item before the Planning Commission is the rezoning of the property, that the Conditional Use to allow a landfill will be heard by the Board of Adjustment.

Mr. Carter asked why the buffer had to be located in the Agricultural Zone. Mr. Garrod stated that the buffer must be located in the same zoning district as the landfill.

Mr. Neyman asked what the land use is of the surrounding property. Mr. Garrod stated the property to the south is open land, the property to east is a Planned Unit Development, and the property to the west is farmland.

Ms. Shannon asked how long there has been a rubbish pit at this site. Mr. Laughter, Environmental Services Manager, stated a Conditional Use allowing the rubbish pit was approved in 2001.

Mr. Carter stated he does not feel a change in neighborhood or a mistake in zoning has been proven.

Mr. Smith stated the reason to expand the footprint of the rubbish pit is to be able to provide 20 years of service to the County. He then stated the County must be able to show 20 years capacity of rubbish disposal in the Solid Waste Plan for MDEQ and as it stands the current area of the rubbish pit cannot provide that.

Ms. Robertson asked if there is anyone present to speak for or against this application.

Rhonda Guice, Principal of Lake Cormorant High School, came forward and stated she is not against the landfill but is against the expansion as it will increase truck traffic in the area which will increase the dangerous driving conditions in the area. She stated the garbage trucks drive dangerously along this road, and that there has already been a fatal crash involving a student and a garbage truck in this area.

Mr. Sexton asked that if expanding the rubbish pit will increase traffic in the area. Ms. Guice said she is not certain.

Mr. Hunt asked who operated the trucks that come to the rubbish pit. Mr. Becher stated the trucks are owned by various operators.

Mr. Lawhon stated the landfill was located at this site prior to the schools being built near the site. He then stated the Planning Commission is only hearing the application to rezone the property and that the discussion of the dangers of the truck traffic would best be heard by the Board of Adjustment during the hearing for the Conditional Use.

Ms. Robertson stated she is concerned with the safety of the 3000 plus students who attend the schools in the area of the rubbish pit.

Mr. Sexton asked if the Starlanding Road entrance is the only access point for the rubbish pit. Ms. Robertson stated Starlanding Road is the only access point for both the rubbish pit and the schools. Mr. Sexton asked if the rubbish pit could be accessed from another road.

Ms. Robertson stated please keep in mind the safety of the students who attend school in

this area and that and an expansion of the rubbish pit will cause and increase in traffic and an increase in the number of trucks along Starlanding Road. Mr. Lawhon stated it is up to the Board of Adjustment to determine if the expansion will be allowed.

Mr. Reeves made a Motion to approve the Unified Waste Systems/Starlanding Landfill Rezoning (720) based on a change in the neighborhood. Mr. Hunt seconded the Motion. The Motion passed by a roll call vote of 7-4.

NEW BUSINESS

Minor Lots

Frank E. Smith Minor Lot (6842) – Application is for final subdivision approval of one (1) lot of 5.0 acres and one (1) lot of 4.94 acres out of 9.94 acres. Subject property is located on the south side of Slocum Road and west of Getwell Road in Section 33, Township 3, Range 7 and is zoned Agricultural (A). (District 5)

Mr. Garrod presented the application for Frank E. Smith Minor Lot for final subdivision approval of one (1) lot of 5.0 acres and one (1) lot of 4.94 acres out of 9.94 acres.

Mr. Carter asked if the subdivision meets all requirements of the Planning Commission. Mr. Garrod said yes.

Ms. Robertson asked if there was anyone to speak for or against the application. There was no one.

Mr. Carter made a motion to approve the subdivision with staff recommendations. Mr. Sexton seconded the motion. The motion was approved by a unanimous vote.

Gordon 2 Lot Minor Lot (6861) – Application is for final subdivision approval of one (1) lot of 16.71 acres and one (1) lot of 3.0 acres out of 19.71 acres. Subject property is located on the west side of Baker Road and north of Scenic Ridge Cove in Section 27, Township 2, Range 9 and is zoned Agricultural-Residential (A-R). (District 3)

Mr. Garrod stated the applicant has requested to withdraw this application at this time.

Other Items:

1. Update: I-69/I-269 International Trade Corridor Study

2. Election of Officers

Mr. Lawhon made a Motion to nominate Ms. Joan Robertson to serve as the Chairman for 2013. Ms. Shannon seconded the Motion. The Motion was passed by a unanimous vote.

Mr. Lawhon made a Motion to nominate Mr. Bill Sexton to serve as the Co-Chairman for 2013. Mr. Arnett seconded the Motion. The Motion was passed by a unanimous vote.

Ms. Hefley made a Motion to nominate Ms. Jeannie Shannon to serve as the Secretary for 2013. Mr. Sexton seconded the Motion. The Motion was passed by a unanimous vote.

Ms. Robertson made the Motion to nominate the following Planning Commissioners

to the Site Review Committee:

District 1: Mr. Len Lawhon

District 2: Mr. Randy Jones

District 3: Mr. Wade Carter

District 4: Mr. David Arnett

District 5: Mr. Steve Reeves

Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

3. 2013 Planning Commission Calendar Dates

Mr. Garrod presented the 2013 meeting schedule and stated that the meeting in November conflicted with the Thanksgiving holiday. The Planning Commission changed the November meeting date from November 28, 2013 to November 21, 2013.

