



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
March 30, 2017**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – March 2, 2017

PUBLIC HEARING

Rezoning

Hwy 305 & County Line Road C-1 Rezoning (751) - Application is for approval of Rezoning of property from A to C-1 (Neighborhood Commercial), identified as Parcel # 3-06-8-34-00-0-00012-00, located on the northwest corner of Hwy 305 and County Line Road in Section 34, Township 3, Range 6 and is zoned A (District 5)

Applicant: Ophelia Anglin

New Business

Final

Legacy Park, Phase 2 (7115) – Application is for final approval of 2 lots on 57.54 acres. Property is identified as parcel #1-06-7-36-00-0-00002-05 located on South side of Goodman Rd. and west of Polk Lane, in Section 36, Township 1, Range 6 zoned PB, (District 1)

Other

Concurrence

Forrest Ridge Subdivision- Application is for concurrence of Forrest Ridge Subdivision, originally approved in 2008.

The Desoto County Planning Commission met at 6:30 p.m. on Thursday, March 30, 2017, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Commission members were present: Len Lawhon, Randy Jones, Julius Cowan, Theodore Dorsey, Ray Denison, Joan Robertson, Jeanne Shannon, Floyd Fiveash, BG Smith, David Arnett, Bill Brewer, Wade Carter and Tom Hunt. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks, and Robert Quimby, Board Attorney.

Planning Commission Chairman Ms. Shannon called the meeting to order and asked whether any member of the Commissioners recommended changes to the Minutes dated March 2, 2017. No changes were suggested. Mr. Lawhon made a Motion to approve the minutes as presented. Mr. Carter seconded the Motion. The Motion passed with a unanimous vote.

PUBLIC HEARING

Mr. Carter made a Motion to open a Public Hearing in regards to the Hwy 305 & County Line Road C-1 Rezoning. Mr. Arnett seconded the Motion. The Motion passed with a unanimous vote.

Rezoning

**Hwy 305 & County Line Road C-1 Rezoning (751) - Application is for approval of Rezoning of property from A to C-1 (Neighborhood Commercial), identified as Parcel # 3-06-8-34-00-0-00012-00, located on the northwest corner of Hwy 305 and County Line Road in Section 34, Township 3, Range 6 and is zoned A (District 5)
Applicant: Ophelia Anglin**

Mr. Hopkins presented the application for Hwy 305 & County Line Road C-1 Rezoning for the rezoning of property from A to C-1. He stated in 1984 and 1985 there were two Conditional Use applications for a country store at this site that were denied by the Board of Adjustment. Mr. Nick Kreunen was present to present the application.

Mr. Carter asked if Planning staff discussed with the applicant that the Planning Commission would prefer to see Planned Commercial applications. Mr. Hopkins stated staff did mention to the applicant they may want to present this application as Planned Commercial.

Mr. Denison asked why the applications for Conditional Use for a country store were denied. Mr. Hopkins stated according to the Board of Adjustment minutes from 1984 and 1985 there were concerns about increased traffic hazards and there not being a need for a country store in this area. Mr. Quimby advised that the burden of proof for a Conditional Use application is different from the burden of proof for a Rezoning Application.

Mr. Fiveashe asked if there is any commercial in this area now. Mr. Hopkins stated that according to the minutes from 1984 and 1985 there were 3 stores in this area at the time.

Mr. Nick Kreunen with Civil Link came forward to present the application. He stated the request to rezone this property is based on a significant change in the neighborhood. He listed the following as changes:

- Increased traffic along Hwy 305
- Addition of I-269 in the area
- New schools
- Increased residential development in the area

Mr. Kruenen presented the statistics on the number of new homes built and subdivisions approved and developed in the area. He also stated there is a water association now in the area.

Mr. Carter asked if the planned use of this property is a country store. Mr. Kreunen stated yes it is proposed to be a convenience store. Mr. Carter stated he would like to see a site plan for this application like what would be provided in a C-4 application from Planned Commercial. Mr. Kreunen stated the applicant currently owns the property but is not who will be building or operating the store. The applicants plan to sell the property once it is rezoned if approved.

Ms. Shannon asked if there was anyone to speak for or against this application.

Davis Harris – 10510 Hwy 305 S. – came forward and presented a petition from 360 people in opposition of the rezoning. He went on to state that he is representing the neighbors in the area and they have the following concerns:

- Do not feel there is a need for another convenience store or country store in the area, there is a country store within $\frac{1}{4}$ of a mile of the proposed site, a garden store in the community and a Dollar General Store that recently opened in the community
- Increased traffic hazards – he stated there is a blind curve at this property, there have been three traffic related deaths near this site
- Increased traffic

Mr. Carter asked how far County Line Road is from Cockrum Community. Mr. Harris stated it is approximately 2 miles.

Eddie Moncrief – 5868 Honey Oak Drive – came forward and had the following concerns:

- Increased traffic
- Decreased traffic safety
- Will lose the country and residential feel of the community
- Decreased safety and increased crime

Julie Sandfer – 5930 Hwy 305 S. – came forward and had the following concerns:

- Will change the neighborhood
- Does not want commercial across the street from her home

Moira Wade – 9310 County Line Road – came forward and stated there are already traffic issues in the area and is concerned with traffic safety if this application is approved.

Rodger Cleveland – 5194 Hwy 305 S. – came forward and stated he owns RC Country Store and has the following concerns:

- There is no water association in the area
- The community is growing but that business is not good in the area since Dollar General opened
- Decreased traffic safety

Melinda White - 9235 Hwy 305 S – came forward and has the following concerns:

- Feels will change the character of the neighborhood
- Decrease traffic safety
- There is not water or sewer service in the area to support the project

Mr. Kreunen stated anything that is built on this corner will have to have curb cuts on to Hwy 305 approved by MDOT. Mr. Kreunen then stated there has been change in the neighborhood to support this rezoning to include increased traffic, increased residences and increased development.

Mr. Harris stated the intersection of Hwy 305 and County Line Road do not line up.

Mr. Lawhon stated there is already change happening and more will happen in the Cockrum area, ; the Planning Commission needs to make sure the development in the area is smart planning. He then stated he feels this application is spot zoning and would prefer to see a planned commercial application. He then stated he feels planned commercial is better planning. Mr. Quimby stated he does not feel this application qualifies as spot zoning.

Mr. Carter stated he is concerned with the traffic issues in this area. He stated he also feels this application should be a planned commercial application.

Mr. Lawhon made a Motion and Mr. Arnett seconded the Motion to deny the application for Hwy 305 & County Line Road C-1 for the rezoning of property from A to C-1 based on lack of evidence that there have been changes in the neighborhood to justify a commercial development. The Motion passed with a 13-0 roll call vote.

Ms. Robertson made a Motion to close the Public Hearing in regards to the Hwy 305 & County Line Road C-1 Rezoning. Mr. Carter seconded the Motion. The Motion passed with a unanimous vote.

New Business

Final

Legacy Park, Phase 2 (7115) – Application is for final approval of 2 lots on 57.54 acres. Property is identified as parcel #1-06-7-36-00-0-00002-05 located on South side of Goodman Rd. and west of Polk Lane, in Section 36, Township 1, Range 6 zoned PB, (District 1)

Mr. Hopkins presented the application for Legacy Park, Phase 2 for final subdivision of 2 lots on 57.54 acres. Mr. Sean Wood was present to present the application.

There was discussion of whether this phase of the project was the planned business portion.

Mr. Quimby stated it the Planning Commission's place is to determine whether the final plat presented substantially conforms to the preliminary plat, as this is a final subdivision application.

Mr. Lawhon stated he is concerned with what was originally discussed and what is actually being built and developed. He stated he does not feel this development is up to the same standards as other warehouses in the area. He feels like the development happening at the site does not keep with what was originally promised in the rezoning hearings. Ms. Shannon asked if this project was supposed to be a business park. There was discussion of what was discussed at the original rezoning meetings. Mr. Lawhon stated he does not feel the landscaping is adequate or what was promised.

Mr. Sean Wood came forward and stated there was discussion of business development and Hillwood agreed to hold off on marketing the first 50 acres for anything except business for the first 6 months, and which they did., but However, Hillwood wasere not able to get any offers for business development at the site. He stated they feel they have met all the conditions of approval for the rezoning with the exception of setting up a committee of the tenants to contribute to charitable organizations in the community. He stated they will do this once the development is complete and there are tenants to set up such a committee. He then stated one portion of the building is already leased to FedEx for high paying jobs and there are other leases in the works for the remainder of the buildings. Mr. Wood stated he feels that dividing the one lot into two lots substantially conforms to the preliminary plat.

Ms. Robertson asked why they are requesting two buildings instead of one in this phase. Mr. Wood stated they feel that the marketability of the site would be better suited as two buildings rather than one. Mr. Brewer asked if they have a tenant lined up for either building. Mr. Wood stated the request for two buildings is just for speculative purposes; there are no leases signed on either building.

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

Mr. Carter stated he is concerned with the landscaping, as well.

Mr. Brewer asked if, once all the buildings are occupied, Hillwood will sell the development. Mr. Woods stated that yes, after a short period of time they will sell the development.

Mrs. Robertson made a Motion and Mr. Brewer seconded the Motion to approve Legacy Park, Phase 2 for final subdivision approval of 2 lots on 57.54 acres, as the application substantially conforms to the preliminary plat. The Motion passed with an 11-2 vote. Mr. Lawhon and Mr. Arnett opposed.

Other

Concurrence

Forrest Ridge Subdivision- Application is for concurrence of Forrest Ridge Subdivision, originally approved in 2008.

Mr. Hopkins stated approval for Forrest Ridge Subdivision was approved over a year ago and, according to the Subdivision Regulations, a concurrence must be approved in order to record the plat.

Mrs. Robertson made a Motion and Mr. Lawhon seconded the Motion to approve the concurrence for Forrest Ridge Subdivision. The Motion passed with a unanimous vote.