



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
January 28, 2016
6:30 p.m.**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – January 7, 2016

PUBLIC HEARING

Rezoning

Entrikin Commercial Lot (743) - Application is for approval of Rezoning of property from Agricultural (A) to Planned Commercial (C-4), identified as Parcel #3-07-5-22-00-0-00004-00. Subject property is located on the north side of Holly Springs Road and east of Getwell Road in Section 22, Township 3, Range 7 and is zoned Agricultural-Residential (A-R) (District 5)

Applicant: Brooks Entrikin

Preliminary

Hunters Trace Subdivision (7035) - Application is for approval of Preliminary Subdivision of seventy five (75) lots on 51 acre(s) identified as Parcel #3-07-6-13-00-0-00002-00 Subject property is located on the east side of Laughter Road and north of Chamberlin Road in Section 13, Township 3, Range 7 and is zoned R-20. (District 5)

Applicant: Bridgforth Properties

The Desoto County Planning Commission met at 6:30 p.m. on Thursday, January 28, 2016, 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, Greg Ryan, Floyd Fiveash, Steve Reeves, David Arnett, John Arnold, Tom Hunt and Wade Carter. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks, and Tony Nowak, 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 January 7, 2016. No changes were suggested. Ms. Robertson made a Motion to approve the minutes as presented. Mr. Arnett seconded the Motion. The Motion passed with a unanimous vote.

PUBLIC HEARING

Mr. Ryan made a Motion to open a Public Hearing in regards to the Entrikin Commercial Lot rezoning. Mr. Arnett seconded the Motion. The Motion passed with a unanimous vote.

Rezoning

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Applicant: Brooks Entrikin

Mr. Hopkins presented the Entrikin Commercial Lot application for rezoning of property from Agricultural (A) to Planned Commercial (C-4). He stated Mr. J. F. Lauderdale was present to represent the application. He then stated that several calls were received, along with a letter from a constituent, in opposition of this application. Mr. Hopkins advised that a complete application was presented on time for this item.

Ms. Shannon asked for the attorney's opinion concerning the letter from a constituent asking that this item be tabled until a later meeting because they were not able to attend this meeting. Mr. Nowak stated that Planning Commission has the authority to move forward with hearing this item tonight or continuing this item to the next meeting. Mr. Lawhon stated that in the past the applicant would request a continuance; the Commission has never had requests from a constituent for a continuance. He then stated that he feels there is ample time before this item is heard by the Board of Supervisors for the constituent to speak. The Planning Commission chose to hear this application.

Mr. Carter asked if there is a church located across the street from the proposed site. Mr. Cardosi stated there is a church across the street, but it sits a ways back from the street.

There was discussion as to whether or not the site is within the I-269 Corridor. It was determined the site is just inside the Corridor.

Mr. Ryan asked if there was a store located at this same location previously. Mr. Cardosi stated there was a store located there and it was more than likely before the County had a Zoning Ordinance in place.

Mr. Lauderdale came forward gave the following reasons to support rezoning the property:

- The Comprehensive Plan would rezone the property to commercial;
- There has been enough change in the area to warrant rezoning;
- The site was formerly a store many years ago;
- It is at a major intersection which would be a great spot for a convenience store;
- There has been an increase in residential development in the area;
- There has been improvement in the infrastructure in this area; and
- The owner feels this is the highest and best use for this piece of property.

Mr. Lauderdale stated the church mentioned is located approximately 850 feet from the proposed site.

Mr. Ryan asked which of the nearby subdivisions listed in the application have been developed since the current Comprehensive Plan was adopted. Mr. Lauderdale stated that Jefferson Place, Pecan Estates, Forrest Lake, Creekside Meadows, St. Ives, Lee's Summit, Notting Hill and Fountain Gate have all been approved or developed since the Comp Plan was adopted.

Mr. Lauderdale stated if approved the applicant plans to begin construction on the store later this year. He stated final site plans will be presented to the Planning Commission before building permits can be applied for.

Mr. Lauderdale stated the traffic counts for this area are 2,800 trips per day for Holly Springs Road and 1,200 trips per day for Getwell Road.

Mr. Lauderdale stated if approved it will provide a convenience store with gas pumps for the residents in the area. He stated with new residential construction in the area there would be 1806 potential customers within 2 miles of the proposed convenience store.

M. Lauderdale went over the site plan and stated the building would sit approximately 115 feet off the road. He then stated there is not another convenience store of this type on the east side of I-55 except right at the ramp onto I-55. He then stated there would be one entrance from Holly Springs Road and one entrance from Getwell Road on to the proposed site. He presented

photos of what the building may look like and stated it would have a country store look.

Mr. Brooks Entrikin came forward and stated no one has any more concern for the area than he does. He stated his family has been in this area since the 1860's and that he and his family still live in this area. He stated he hopes to have full service pumps and be able to offer plate lunches if this rezoning is approved. He stated his grandmother had a store in the very same spot many years ago. He then stated the store would be run by him and his family.

Mr. Ryan asked if this request is based on a mistake in the zoning being made or a change in the character of the neighborhood. Mr. Lauderdale stated both; he feels that the Comp Plan should have zoned all intersections commercial and that there is sufficient change in the neighborhood to warrant a rezoning of this property.

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

Joanne Gooch – 3663 Getwell - came forward and had the following concerns:

- Traffic safety
- Subdivisions approved in the area have not all been developed
- This is a busy intersection
- Does not feel there is a need for a store in the area
- What will happen to the property when the Entrikins no longer own the store

She asked when the traffic study was done and when the Comp Plan was adopted. Mr. Hopkins stated the Comp Plan was adopted in 2004.

Jared Darby - 2084 St. Ives Ln. – came forward and stated he was not opposed to the rezoning if it was done right. He stated he had the following concerns:

- The development plan is too general
- Concerned with the list of uses and feels some could be struck
- Concerned with the elevations and whether they even meet the Design Standards Ordinance
- Concerned with the lighting
- The building sitting at an angle on the lot
- Landscape plan is very general and feels it should be more specific
- The utilities available in the area

He suggested that “no outside sales” be added to the list of permitted uses. He stated that this is a growing area and a busy intersection and feels if approved this project needs to be done right.

Ray Gurley – 3115 Holly Springs Road – came forward and stated he is concerned with what type of sewer service the store will have. Mr. Carter stated they would have a septic system.

Susan Harris - 3550 Bolin Road – came forward and stated she has the same concerns as the other and stated she went and had a petition signed by the neighbors opposing this application. She had the following concerns:

- It is at a dangerous intersection
- Traffic congestion
- Is not needed due to the proximity of the site to the City of Hernando
- It will cause an increase in crime
- Concerned with what will happen to the property if Mr. Entrikin sales the property
- Selling of alcohol
- Spot zoning
- Doesn't benefit the community
- The subdivisions mentioned are not all completed
- Concerned what the store will look like
- It will encourage annexation by the City of Hernando

She asked when the traffic study was done. Mr. Cardosi stated the study was done by MDOT so he did not have the details.

Pat Young – 2844 Cyrene – came forward and has the following concerns:

- Increased traffic, congestion, litter and crime
- The sale of beer
- There is not a need for commercial
- Concerned all intersections becoming commercial
- Does not feel it is well planned growth or good growth

Kristin Franklin – 3110 Getwell Road – came forward and stated she lives and works in Hernando. She stated she is one of the relatives who will be running the store. She then stated that she is committed to staying in this area and running the store. She stated she is concerned for the community as well. Ms. Franklin stated there is a landscape business right down the road, so there is already commercial in the area.

Devon Franklin – 3102 Getwell Road – came forward and stated that she feels this is a great opportunity and will be convenient for the neighborhood.

Ronda Entrikin – the applicants wife came forward and stated her husband's family has been in the area since the Civil War. She stated they know change is coming and are concerned with how the area will grow. She stated they would like to do the best business they can in the area. Mrs. Entrikin stated they are in the beginning stages of planning and wanted to make sure the property would be rezoned before going to the expense of formal plans.

Jill Davis Pulliam – 3216 Getwell Road – came forward and stated the following:

- There is a need for this type of business in this area
- There is a need for a gas station in the area
- It would decrease traffic into the City of Hernando
- There is a need for services in the area

Kim Shanks – 3445 Bolin Road – came forward and had the following concerns:

- Increased growth
- Wants to live in the country does not want commercial in the area
- The landscape business currently in the area is not open late in the evening
- There is no need for this type of business due to the proximity of the site to the City of Hernando

Mr. Lauderdale stated MDOT's traffic count numbers are available on their website and the numbers are updated approximately every two years. He then stated there is enough customer base in the area to support a convenience store.

Mr. Lauderdale stated that if the rezoning is approved more detailed building and site plans will be presented to the Planning Commission and the Board of Supervisors for approval. He stated he feels that commercial is the highest and best use of this property.

Mr. Lawhon stated both sides are arguing legitimate points. He stated the plans need to be detailed to explain the lighting and landscaping and such. He stated there is the argument that there has been a traditional family business on this site in the past. He stated he really feels more extensive plans need to be presented since this site is located in the I-269 corridor.

Mr. Ryan stated he is not opposed to the rezoning but would like to see more a detailed plan. Mr. Lawhon stated he would be more likely to consider a rezoning is there was a detailed plan. Mr. Cardosi advised the Planning Commission could table this item to allow the applicant to present a more detailed plan. There was discussion of whether a more detailed plan is needed for this type of application. Mr. Denison asked where is the line drawn on how detailed the plans would need to be for rezoning consideration. Mr. Lawhon stated he can't say he would vote yes to this application if a more detailed plan is presented, but as presented he feels this application is incomplete. Mr. Hopkins stated the Ordinance allows for the applicant to bring a preliminary plan and if approved a more detailed plan will be presented for final approval before building permits are issued.

Mr. Gurley stated he feels like the community will not be involved in further meetings about this item.

Mr. Hopkins explained again the C-4 rezoning application steps to approval for this type of rezoning application, including the site development planning process.

Mr. Dorsey stated he feels there is a safety net that will bring the final detailed plans back before the Planning Commission and Board of Supervisors before it is built.

Mr. Lawhon stated he is also concerned with the list of permitted uses for this application. Mr. Nowak stated the Planning Commission can make changes to the list of uses as part of approval of this rezoning.

Mr. Carter stated he does not feel there has been a change in the area or a mistake made in the zoning of this property.

Mr. Carter made a Motion to deny this application due to there not being sufficient proof of a change in the neighborhood. Mr. Arnett seconded the Motion. The motion passed in a 9-5 roll call vote.

Preliminary

**Hunters Trace Subdivision (7035) - Application is for approval of Preliminary Subdivision of seventy five (75) lots on 51 acre(s) identified as Parcel #3-07-6-13-00-0-00002-00 Subject property is located on the east side of Laughter Road and north of Chamberlin Road in Section 13, Township 3, Range 7 and is zoned R-20. (District 5)
Applicant: Bridgforth Properties**

Mr. Hopkins presented Hunters Trace Subdivision for preliminary subdivision approval of seventy five lots on 51 acres. He stated the applicant is proposing an open drainage ditch system and is working with the County Engineer on this matter. Mr. J.F. Lauderdale was present to represent the application.

Mr. Lauderdale stated the property was rezoned in November of 2015 by the Board of Supervisors.

Mr. Ryan asked the applicant to explain the open space. Mr. Lauderdale stated the open space on Lot 75 was for Mr. Bridgforth to access the remaining acreage not included as part of the subdivision.

Mr. Carter asked if there is a request for a variance to the setbacks on the pie shaped lots to allow for side load garages. Mr. Lauderdale stated there is not any request for setback variances.

Mr. Carter asked if there will be sidewalks. Mr. Barry Bridgforth came forward and stated there will be sidewalks but he is not sure at this time if they will be on street walking lanes or on which side of the open ditches, if open ditches are approved, the sidewalks will be.

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

Toni Scott – 3476 Johnston Road – came forward and asked what the minimum square footage of homes would be for this development. Mr. Bridgforth stated the minimum would be 1600 sqf but the homes actually built in this type of development is generally larger and he expects to start Phase 1 at 2000 sqf homes.

Mr. Carter made a Motion to approve Hunters Trace Subdivision for preliminary subdivision approval of seventy five lots on 51 acres as presented. Ms. Robertson seconded the Motion. The Motion passed with a unanimous vote.

Mr. Arnold asked that since the Comprehensive Plan was adopted in 2004, can the Planning Commission recommend that the Comprehensive Plan go back to the Board of Supervisors for consideration of updating the plan. There was discussion regarding the status of the Comprehensive Plan, and potential updating. No action was taken.

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