



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
January 5, 2023**

1. **Call to Order**
2. **Invocation**
3. **Roll Call**
4. **Approval of Minutes – December 1, 2022**

5. **Public Hearing - Rezoning**

- a. **Holly Springs Rd Market Place Rezoning**– Application is for rezoning of 2.75 acres from Agricultural (A) to Planned Commercial (C-4), Located on the north east corner of Getwell Rd and Holly Springs Rd, identified as parcel # 307522000 0000411 in Section 22, Township 3, Range 7 (District 5)
Applicant: Amanullah Devji/Ben Smith

6. **Minor**

- a. **Dobbins/Phillips Minor Lot (SUB-007786-2022)** Application is for approval of 3 lots on 4.26 acres. Identified Parcel # 206930000 0001200 & 206930000 0001202 . Subject property is located on the west side of Craft Rd and north of Hawks View in Section 30, Township 2, Range 6 and is zoned A-R (District 5)
Applicant: Irby Dobbins
- b. **Flemmons Minor Lot (SUB-007787-2022)** Application is for approval of 2 lots on 2.92 acres. Identified as Parcel # 309420000 0001700 . Subject property is located on the west side of Bluff Rd and south of Sullivan Rd in Section 20, Township 3, Range 9 and is zoned A (District 4)
Applicant: James A. Flemmons

7. **Other**

- a. **Bakersfield Concurrence**

The Desoto County Planning Commission met at 6:30 p.m. on Thursday, January 5, 2023, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Commission members were present: David Arnett, Selena Baker, Julius Cowan, Randy Denton, Scott Ferguson, Floyd Fiveash, Jim Holland, Len Lawhon, Ron McClusky, Steve Reeves, Greg Ryan, Jeanne Shannon and B. G. Smith. Staff members present included Ashley Hendricks, Celeste Sanders, Mauri Staten and Tony Nowak, Board Attorney.

Planning Commission Chairperson Mrs. Shannon called the meeting to order and asked whether any of the Commissioners recommended changes to the Minutes dated December 1, 2022. No changes were suggested. Mr. Fiveash made a Motion to approve the minutes as presented. Mr. Ferguson seconded the Motion. The Motion passed with a unanimous vote.

8. Public Hearing - Rezoning

- a. Holly Springs Rd Market Place Rezoning– Application is for rezoning of 2.75 acres from Agricultural (A) to Planned Commercial (C-4), Located on the north east corner of Getwell Rd and Holly Springs Rd, identified as parcel # 307522000 0000411 in Section 22, Township 3, Range 7 (District 5)
Applicant: Amanullah Devji/Ben Smith**

Mr. Fiveash made a Motion and Mr. Ryan seconded the Motion to open the public hearing for the Holly Springs Rd Market Place Rezoning. The Motion passed with a unanimous vote.

Mr. Smith recused himself from this matter.

Ms. Hendricks presented the Holly Springs Rd Market Place Rezoning application for rezoning of 2.75 acres from Agricultural (A) to Planned Commercial (C-4).

Mrs. Shannon asked if there were any questions of the staff. There were none.

Mr. Ben Smith of 2700 Stonebrook Drive was present to represent the application. Mr. Smith stated the following:

- property is located at the intersection of two major roads
- meets county planning requirements for rezoning, Getwell Road is a major north/south corridor and Holly Springs Road is a major east/west corridor
- sewer is now available due to a new development across the road
- water will be provided by City of Hernando, the southwest corner of the intersection is in the city limits
- the recent upgrades to Holly Springs Road will make it more traveled and will increase traffic due to lots of residential development in the area
- two large developments within close proximity – Ridgestone and Short Fork
- all of these changes in the area also demonstrate the need for the rezoning

- this plan includes a store and retail bays
- traffic circulation study shows that this plan will not cause a great increase in traffic, it will be used by people already in the area
- people prefer convenience stores over large gas stations
- comprehensive plan states that neighborhoods should include retail centers – this project will provide that
- a convenience center needs 3,000 to 6,000 people in the area to function
There are approximately 4,800 people in this area plus anyone traveling west from Cockrum
- there is no impact on the school system
- this project will use very little sewer and water, about the same as a residence
- will provide a buffer area, 35 feet on the north & east, 20 feet on the west
- lighting will be directional and will not flow over
- runoff rate will not exceed the pre-construction rate, detention on site
- handed out City of Hernando future land use document showing that the southwest corner of the intersection is already in the city and the northwest corner should be annexed at some point
- the proposed use will provided a service to the people in this area
- any questions

Mr. Ryan asked what the distance was to the nearest convenience store. Mr. Smith stated that it was Smart grocery about 4 miles away. He also stated that there was one being built in the curve of Holly Springs Road and McIngvale which is about 2 miles away. To the north the closest was at Starlanding Road.

Mr. Ferguson asked which way the convenience store would face. Mr. Smith replied it would face Getwell Road, have four pump aisles, charging stations in the back for electric vehicles and a dog park. Mr. Ferguson asked if they were going to utilize the whole site. Mr. Smith replied yes and both ends of the building will have drive through windows. Mr. Ferguson asked if there would also be access off of Holly Springs Road to which Mr. Smith said yes.

Mrs. Shannon asked if there was anyone present to speak for or against the application.

Mr. Percy Lynchard of 3181 Holly Springs Road stated the following:

- application for rezoning should be made by the landowner
- if it is a corporation the application should be submitted by the corporation
- the property was deeded to NE Holly Springs LLC
- two days before the land was purchased the corporation was approved
- this application is by Amanullah Devji, who listed his address as 3090 Getwell Road, and not by the corporation
- it also list Mr. Rajiv Devji's address as 3090 Getwell Road
- in December of 2022 this corporation was dissolved by the State
- this is an application by a person that doesn't own the property, who applied as a corporation and the corporation does not exist anymore, they no longer have corporate status with the State
- this application should be denied because it is not legal
- Here are 6 reasons this application should be denied:
 - 1) the applicant presents himself as the owner which he is not

- 2) formed the corporation NE Holly Springs LLC two days before purchasing the property
- 3) listed himself as a corporate agent with a residence at an empty/vacant lot
- 4) listed his address as 3090 Getwell Road and then also list residence in Collierville, TN
- 5) He does not reside at 3090 Getwell Road but made application claiming residence before he actually owned the property
- 6) the corporation has been dissolved by the state

-do not want a developer of this caliber in the area
-deny this application because it is fraudulent

Mr. Ferguson asked who was the rightful owner of the property. Mr. Lynchard stated that NE Holly Springs LLC no longer exists.

Mr. Lawhon stated that we as a board assume property ownership is resolved and the application is permissible. He questioned if the board should even be hearing this application due to these potential issues. He asked Mr. Nowak if this application should be tabled to take some time to figure out these issues. Mr. Nowak stated that the Planning Commission does not do title searches with applications to verify ownership. However, he stated that since these issues have been brought up they should definitely be looked into.

Mrs. Shannon stated that the ownership of the property needs to be verified since this application has been presented. She stated that she does not feel comfortable making a decision until the issue has been verified.

Mr. Lawhon stated he did not want to be a part of anything illegal.

Mr. Ferguson stated that due to the concerns raised and the issues presented that ownership of the property and appropriateness of the applicant needed to be looked into and verified.

Mr. Holland made a Motion and Mr. Lawhon seconded the Motion to table the application until the next meeting on February 2, 2023 so that land records could be checked and an opinion could be given by counsel. The Motion passed with a unanimous vote.

Mr. Fiveash made a Motion and Mr. Lawhon seconded the Motion to close the public hearing. The Motion passed with a unanimous vote.

Mr. Smith returned to the meeting.

9. **Minor**

- a. **Dobbins/Phillips Minor Lot (SUB-007786-2022)**
Application is for approval of 3 lots on 4.26 acres.
Identified Parcel # 206930000 0001200 & 206930000
0001202 . Subject property is located on the west side of

**Craft Rd and north of Hawks View in Section 30,
Township 2, Range 6 and is zoned A-R (District 5)
Applicant: Irby Dobbins**

Ms. Hendricks presented the application for Dobbins/Phillips Minor Lot application for approval of 3 lots on 4.26 acres. Mr. Irby Dobbins was present to represent the application.

Mrs. Shannon asked if there were any questions for the staff.

Mr. Ferguson asked if this was family land. Ms. Hendricks stated yes.

Mr. Dobbins stated the following:

- still family land
- not for sale
- daughter and niece want to build on these lots

Ms. Hendricks stated that lots 1 and 3 need waivers on the permissible ratio. She stated that portion on Lot 3 is going to the other lots. They are dividing 2 lots into 4 lots.

Mr. Lawhon stated that when dealing with family lots they try to have access to each lot.

Mr. Holland made a Motion and Ms. Baker seconded the Motion to approve the application for Dobbins/Phillips Minor Lot for approval of 3 lots on 4.26 acres and waive the 4 to 1 ratio standard. The Motion passed with a unanimous vote.

**a. Flemmons Minor Lot (SUB-007787-2022) Application is
for approval of 2 lots on 2.92 acres. Identified as Parcel #
309420000 0001700 . Subject property is located on the west
side of Bluff Rd and south of Sullivan Rd in Section 20,
Township 3, Range 9 and is zoned A (District 4)
Applicant: James A. Flemmons**

Ms. Hendricks presented the Flemmons Minor Lot application for approval of 2 lots on 2.92 acres. Mr. Flemmons was present to represent the application.

Mr. Ryan asked if tract 1 would be accessed by the gravel drive or off of Sullivan.

Ms. Frankie Kidd of 11211 High Road, Collierville, Mr. Flemmons daughter, was present on behalf of her father. She stated that they were putting in a gravel road for tract 1 and that tract 2 already has a house that faces Sullivan Road but the address is Bluff Road. She stated they were getting the house ready to sell. She said that her dad wanted to put a mobile home on the other lot.

Mr. Lawhon asked if they had researched what was allowed on a 1 acre tract of land. He stated that you cannot put a mobile home on 1 acre, it has to be 3 acres. He said you also have to think about a treatment plant.

Ms. Kidd stated that they could build a home and would have to put in another septic tank.

Mr. Reeves replied that they would have to talk to the state health department. He stated that you can't put a septic system on 1 acre.

Ms. Hendricks said that they had spoken to the health department about these lots, the surveyor had communicated with them. Mr. Lawhon asked if there was any documentation. Ms. Hendricks replied that she would get that from the surveyor.

Ms. Hendricks stated that our ordinance allows 1 acre lots for building with septic. She also stated that she has made them aware that approval of this application alone does not mean they can build. She stated that they would have to get approval from the health department before they could get a building permit.

Ms. Kidd asked since both lots face Sullivan would there have to be an address change. Ms. Hendricks replied no, the current address could be used. She also stated that the subdivision was not legal until it is recorded.

Mr. Lawhon made a Motion to approve the Flemmons Minor Lot application for 2 lots on 2.92 acres with the stipulation that it is made sure they have the legal documents from the State to move forward. Mr. Ryan seconded the Motion. The Motion passed with a unanimous vote.

10. Other

a. **Bakersfield Concurrence**

Ms. Hendricks presented the Bakersfield Concurrence. She stated that it was not recorded within the required 1 year timeframe and they were asking permission to approve.

Mr. Lawhon made a Motion and Mr. Fiveash seconded the Motion to approve the Bakerfield Concurrence. The Motion passed with a unanimous vote.

Mr. Ferguson made a Motion to adjourn to February 2, 2023 and Mr. Fiveash seconded the Motion. The Motion passed with a unanimous vote.