

January 30, 2023, Agenda -

1. Call to Order.
2. Roll Call and Pledge of Allegiance.
3. Approval of Previous Meeting Minutes from 12-19-2022.
4. Old Business.
 - a) **Case No. 2076 AI:** A board of aldermen (BOA) sub-committee initiative (AI) for a potential text amendment to the City of Horn Lake's Zoning Ordinance initiated during Aldermen Subcommittee proceedings on the subject from their latest meetings of October 2022, regarding the subject of allowing medical cannabis dispensaries in Horn Lake. If approved, the amendment would be to Article II, "Definitions," and Article V, "General Provisions and Supplemental Zoning District Regulations," of said city zoning ordinance. Note, other relevant articles and sections of the zoning ordinance may come into play for potential amendment. **(This is a public hearing.)**
 - b) **Case No. 2115 PCI:** A planning commission initiative (PCI) for a potential text amendment to the City of Horn Lake's Zoning Ordinance initiated during the planning commission's meeting from 11-28-2022, regarding the parking of commercial vehicles upon land with commercial zoning. If approved, the amendment would give the ability of a commercial vehicle to be parked upon land that is commercially zoned by the city with formal authorization by a landowner. Potential text amendment would be to Article VII, "Off-Street Parking and Loading," Item E, "Allowable Uses of Vehicular Areas," of said city zoning ordinance. In essence, if adopted, this is the formal creation of a "parking permit per parcel," i.e., P4 concept, issued by the City, based upon property ownership or management consent and within established parameters. **(This is a public hearing.)**
5. New Business.
 - a) **Case No. 2117 RZ:** A request for a zoning amendment (rezoning) from C-4, Planned Commercial District, to the M-1, Light Industrial District, at 6641 U.S. Highway 51 N by Jorge Bailey, applicant & owner; Civil Link, LLC, engineer; consisting of 8.48 acres +/- **(This is a public hearing.)**
 - b) **Case No. 2118 CU:** A request for a conditional use (CU) to be able to park semi-trucks as a land use, assuming the rezoning request above is eventually approved, to M-1, Light Industrial District, also at 6641 U.S. Highway 51 N by Jorge Bailey, applicant & owner; Civil Link, LLC, engineer; consisting of 8.48 acres +/- **(This is a public hearing.)**
 - c) **Case No. 2119:** A request for a site plan and design review (SPDR) for a new convenience store with four (4) gas pumps at 4683 Goodman Road West (address unofficial and unassigned) by Aman Devji, developer and applicant; John Granberry, P.E., engineer. Subject parcel consists of 4.58-acres +/- . The subject parcel is currently zoned as C-4, Planned Commercial District.

- d) **Case No. 2120 SPDR:** A request for a site plan and design review (SPDR) for a new storage facility at 4500 Goodman Road West (address unofficial and unassigned) by York Developments, developer & purchaser from Dale Wilson, current landowner; Chance Walker of I.P.D., engineer or designer. Subject parcel consists of 4.58-acres +/- . The subject parcel is currently zoned as PUD, Planned Unit Development.
 - e) **Case No. 2121 APL:** A request for an appeal of a city interpretation of Article XI, “Sign Regulations,” Item M, “Permitting and Sign Regulation Administration,” #3, “Nonconforming Signs,” letter (a) by Sign Pros, Inc. The topic is the interpretation of this regulation as it applies to nonconforming signs.
 - f) **Case No. 2123 AI:** A board of aldermen (BOA) initiative (AI) for a potential text amendment to the City of Horn Lake’s Zoning Ordinance initiated during their meeting of 12-20-2022, regarding the enforcement of existing signs that were originally designed and built as lighted signs. If approved, the amendment would be to Article VI, “Sign Regulations,” Item D (Sign Standards and Provisions), #6 - Maintenance and Repair, of said city zoning ordinance. **(This is a public hearing.)**
6. Other Business.
- a) Planning department hirings/personnel update.
 - b) Comprehensive plan (*Plan*) update.
 - c) Training opportunity by DeSoto County Economic Council on February 22, 2023.
 - d) Consideration by the planning commission to change meeting dates for the months of May and December for the year 2023.
7. Adjournment.

Start of Meeting Minutes -

Those Present -

- a. **City Planning Commissioners present**– Chad Engleke (Chair), Jimmy Stokes (Vice-Chair), William Egner, Angie Little, Linda McGan, Janice Vidal and Jesse Ware. Absent - Bill Mercer
- b. **City Staff** – Andrew Hockensmith, Planner I; Chad Bahr, AICP, Planning Director; Daniel Feinstone, City Information Technology (IT).
- c. **Gallery** – Francis J. Miller, John Granberry, Chase Dabbs, and R. Nelson.

Note: For brevity, the following representations may be used as abbreviations in these minutes.

- a. Chair = Chairperson of the Planning Commission

- b. Plgn Dir = City Planning Director
- c. RZ = Rezoning or Zoning amendment case
- d. CU = Conditional Use
- e. Mtn = Motion
- f. 2nd = Second to a main or primary motion
- g. V = Vote or result upon a made motion
- h. PC = Planning Commission or Commissioner
- i. DE = Discussion ensued at some length upon the topic or subject indicated
- j. & = And
- k. PUD = Planned Unit Development type zoning classification
- l. MS = Mississippi
- m. BOA = city’s board of aldermen

1. **Call to Order.** Chair Engleke called the meeting to order at 6:00 PM.
2. **Roll Call.** Made by Secretary McGan: Present - Chad Engleke (Chair), Jimmy Stokes (Vice-Chair), William Egner, Angie Little, Linda McGan (Secretary), Janice Vidal, and Jesse Ware. Absent – Bill Mercer. Mr. Stokes led the group in the Pledge of Allegiance.
3. **Approval on 12-19-2022 Minutes.** The Chair asked for consideration of the minutes from the 12-19-2022, Planning Commission meeting.
 - a. Accepted “as is,” by a motion by Ware and a 2nd by Egner.
 - b. Vote: Motion passed, 4-0. (1 absent, with Little and Vidal abstaining.)
4. **Old Business.**
 - a) **Case No. 2076 AI:** A board of aldermen (BOA) sub-committee initiative (AI) for a potential text amendment to the City of Horn Lake’s Zoning Ordinance initiated during Aldermen Subcommittee proceedings on the subject from their latest meetings of October 2022, regarding the subject of allowing medical cannabis dispensaries in Horn Lake. If approved, the amendment would be to Article II, “Definitions,” and Article V, “General Provisions and Supplemental Zoning District Regulations,” of said city zoning ordinance. Note, other relevant articles and sections of the zoning ordinance may come into play for potential amendment. **(This is a public hearing.)**
 - i. Director gave a power point presentation to explain the case and read the proposed text amendment. He said the Mississippi (MS) State law minimum separation distances are set at 1500 feet from dispensary to dispensary and 1000 feet from dispensaries to churches/religious institutions, daycares and schools. He added what was proposed was a standard 1700 feet from all of the above, but 1000 feet from the Dancy Boulevard road right-of-way (ROW) in town.

- ii. Ware made a comment that he should the close times should be set earlier than 10:00 p.m.
 - iii. Chair opened up the case for public comment since it was a public hearing.
 - iv. Francis J. Miller, voting member of Ward 5 for 14th years, spoke in favor of the need for dispensaries in the community to serve those individuals that could benefit from medical cannabis use.
 - v. Chair closed the public hearing.
 - vi. DE about the distances proposed and the State minimum distances. Stokes had a question about the supplied map and restricted shapes upon it.
 - vii. **Motion** – by Egner to recommend approval as proposed in the power point. **Second** – by Vidal.
 - viii. Discussion ensued (DE) upon the motion.
 - ix. **Motion** – by Egner to amend his initial motion to set the minimum distances at the MS State law of minimum separation distances at 1500 feet from dispensary to dispensary and 1000 feet from dispensaries to churches/religious institutions, daycares and schools. Director asked for clarification on the original Dancy Boulevard wording/proposed distance. The effect of the amended motion would be to eliminate the 1000 feet difference from the Dancy Boulevard road right-of-way (ROW). **Second** – by Vidal.
 - x. **Vote** – Amended motion passed, 6-0.
- b) **Case No. 2115 PCI:** A planning commission initiative (PCI) for a potential text amendment to the City of Horn Lake’s Zoning Ordinance initiated during the planning commission’s meeting from 11-28-2022, regarding the parking of commercial vehicles upon land with commercial zoning. If approved, the amendment would give the ability of a commercial vehicle to be parked upon land that is commercially zoned by the city with formal authorization by a landowner. Potential text amendment would be to Article VII, “Off-Street Parking and Loading,” Item E, “Allowable Uses of Vehicular Areas,” of said city zoning ordinance. In essence, if adopted, this is the formal creation of a “parking permit per parcel,” i.e., P4 concept, issued by the City, based upon property ownership or management consent and within established parameters. **(This is a public hearing.)**
- i. Director gave a power point presentation on the case. He explained this case was the response to the appeal case heard by the planning commission in November of 2022 about commercial truck parking in commercially zoned areas and whereby the planning commission initiated a text amendment to help find a limited or regulated amount of commercial truck parking within the city.
 - ii. Chair opened up the public hearing.
 - iii. Francis Miller spoke in favor of the proposed text amendment because of the need for proper truck parking locations within the community. He said he liked the part

where staff was contemplating the process, if allowed to be created, would have no application fee for the processing of the commercial parking permits.

- iv. Chair closed the public hearing.
- v. Vidal asked if some wording could be added to prohibit the storage of hazardous materials in these trucks. DE on the topic.
- vi. **Motion** – by Vidal to recommend approval of the text amendment to the zoning ordinance as written, but to add wording whereby hazardous materials would be prohibited within any parked trucks. **Second** – by Egner.
- vii. **Vote** – Motion passed, 6-0.

5. New Business

- a) **Case No. 2117 RZ:** A request for a zoning amendment (rezoning) from C-4, Planned Commercial District, to the M-1, Light Industrial District, at 6641 U.S. Highway 51 N by Jorge Bailey, applicant & owner; Civil Link, LLC, engineer; consisting of 8.48 acres +/- **(This is a public hearing.)**
 - i. The director gave a power point presentation, acting also as the staff report and planning commission findings of fact, about the request for rezoning, detailing the factors for consideration per the zoning ordinance by the PC.
 - ii. Chase Dabbs, representing the owner and applicant, Jorge Bailey, spoke about the request. He said the zoning request was essential to be able to get to the next case, the request for a conditional use, to be able to park semi-trucks upon the parcel. He added there would be fencing at the rear of the property and then landscaping at the front. He said there was an existing mechanic shop upon the parcel.
 - iii. The Chair open the public hearing. Mr. Miller spoke in favor of the request, both from a use perspective and a potential added sales tax revenue stream to the city in support of trucks that would be in Horn Lake serving the warehouse community.
 - iv. Some DE. **Motion** – by Egner to recommend approval of the request to the board of aldermen (BOA). **Second** – by Stokes.
 - v. **Vote** – Motion to recommend approval of the request passed, 6-0.
- b) **Case No. 2118 CU:** A request for a conditional use (CU) to be able to park semi-trucks as a land use, assuming the rezoning request above is eventually approved, to M-1, Light Industrial District, also at 6641 U.S. Highway 51 N by Jorge Bailey, applicant & owner; Civil Link, LLC, engineer; consisting of 8.48 acres +/- **(This is a public hearing.)**
 - i. The planning director gave a power point presentation on the case which also acted as the staff report and findings of fact by the planning commission. Said presentation contained four conditions of approval. He added the reason the rezoning request was first is that the zoning would have to be approved there first to create the zoning regulatory pathway for the landowner to request for this conditional used request for

- the eventual desired land use, i.e., the parking of semi-trucks in an M-1 zone. He added the owner also desires to keep the existing auto repair shop and that essentially the CU request is for two land uses, i.e., the truck parking request and the auto repair shop (with repaired autos stored outside).
- ii. Mr. Dabbs spoke a bit about the submitted site plan. He added they intend to landscape the front portion of the property as required by the zoning ordinance and fence or screen the property also as prescribed by the zoning ordinance. He said they intend to create the emergency action plan (EAP) to satisfy the State and the City because the property is located within the 100-year flood plain.
 - iii. Commissioners Ware and Little asked the representative about the number of desired tenants by the owner and about the north-central (N-C) portion of the property and whether it was paved now or not, respectively. Dabbs said the owner intends to open the parking up to whomever would like to do it and not just a single tenant. He said the N-C portion of the property is already paved and they intend to develop the use, if approved, in phases and pave the parking areas in those phases. He added they plan for from 40-50 spaces for truck parking.
 - iv. DE ensued about fencing requirements. Staff added they would have to research the zoning ordinance for any required fencing between C-4 and M-1 zoning districts. Director said if the use was approved, then if no new buildings were planned, then planning staff would process a site plan and design review case administratively. Property layout, traffic flow, landscaping and fencing would all be reviewed under that type of application/case.
 - v. Chair opened the public hearing for comment. Mr. Miller spoke again in favor of the request stating it was a needed land use within the community and there would likely be economic benefits to the city if allowed to be established.
 - vi. Chair closed the public hearing.
 - vii. DE about fencing, diesel fuel runoff, etc.
 - viii. **Motion** - by Vidal to recommend approval of the request for both land uses, the semi-truck parking and the continuation of the auto repair shop, to the BOA and adding the four conditions suggested by planning staff. **Second** - by Stokes. Conditions are listed here:
 - a. Applicant/owner shall create an emergency action plan (EAP) to the satisfaction of the City and the Mississippi Emergency Management Agency (MEMA) because the property is located within the 100-year flood plain.
 - b. Applicant/owner shall submit a site plan design review application for administrative review and approval if no new buildings are proposed.
 - c. Applicant/owner shall install security lighting and fencing to the satisfaction of the city.

- d. Applicant/owner shall surface the vehicular used sites with permanent paving as prescribed via Article VII, Item H of the City's Zoning Ordinance. Phasing is acceptable.
- ix. **Vote** – Motion passed, 6-0.
- c) **Case No. 2119:** A request for a site plan and design review (SPDR) for a new convenience store with four (4) gas pumps at 4683 Goodman Road West (address unofficial and unassigned) by Aman Devji, developer and applicant; John Granberry, P.E., engineer. Subject parcel consists of 4.58-acres +/- . The subject parcel is currently zoned as C-4, Planned Commercial District.
- i. Planner I, Andrew Hockensmith, gave a power point presentation of the case, mentioning several design aspects that had been met in the submittals, but a few that were not. The items not met by the zoning ordinance were the following: 1) no pitched roof, 2) 4-feet high front yard fence instead of a 3-feet tall fence around dog park area, 3) enough queuing and traffic design of the two proposed drive-throughs to the building, 4) extending the length of proposed parking spaces, and 5) location of north side sidewalk which was shown to be built within the Mississippi Department of Transportation (MDOT) road right-of-way (ROW) for MS Route 302/Goodman Road West. He also recommended the eastside drive access point should have sidewalks along it to connect pedestrian ways to Allen Drive.
- ii. John Granberry, applicant's engineer, spoke on the case. He addressed each of the items mentioned and officially requested a design exception as provided via Article XIII, Item K, #1 of the zoning ordinance for the fence height and the proposed no-pitch roof design. He added to pitch the roof would alter the location of mechanical equipment which were proposed to be located behind the proposed front side parapet wall on the roof. He said the dog park fence would be made of wrought iron and the proposed 4-feet of fence height is a standard height for dogs.
- iii. DE about the various aspects of the submittal.
- iv. **Motion** – by Egner to approve the applicant's site plan and design review case for the proposed convenience store with gas pumps, and an accessory dog park with the following conditions attached to it: 1) accept the request for a design exception to allow 4-feet high front yard fence around the dog park, 2) accept the request for a design exception to go with the proposed flat roof and parapet wall, 3) extend the lengths of the proposed parking spaces to meet zoning requirements, 4) allow applicant to apply with MDOT to place northside sidewalk in MDOT road ROW, but allowing it to change location should MDOT reject the ROW design, and 5) have the site plan updated to reflect the addition of a sidewalk located on the north side of the eastside driveway and to connect to the northside sidewalk for better pedestrian connectivity. **Second** - by Little.

- v. **Vote** - Motion passed, 6-0.
- d) **Case No. 2120 SPDR:** A request for a site plan and design review (SPDR) for a new storage facility at 4500 Goodman Road West (address unofficial and unassigned) by York Developments, developer & purchaser from Dale Wilson, current landowner; Chance Walker of I.P.D., engineer or designer. Subject parcel consists of 4.58-acres +/- . The subject parcel is currently zoned as PUD, Planned Unit Development.
- i. Planner I gave a power point presentation, stating the design was solid, meeting every aspect of the zoning ordinance, though he did mention the east portion of the application area is in trees and vegetation and the owner/applicant would have to perform tree mitigation as prescribed by Chapter 14, Article III, of the City’s Zoning Ordinance.
 - ii. Chance Walker, representing the owner and applicant, and being the engineer on the project, spoke about the application, stating they intend to surround the entire property with a decorative wrought iron fence and they believed the proposed design for the main storage building was solid and architecturally pleasing.
 - iii. Little asked about rear yard fencing. Staff said there is no specific rear yard fencing requirement because the subject property zoning is PUD. The director also mentioned he believed there was an elevation differential in the back yard between the adjoining properties to the north which may negate the effect of a fence. He added, that if the zoning had remained C-4, then the zoning would prescribed a certain amount of screening or fencing, but the rear yard power line easement created a 100-foot wide area, thus over tripling a likely 30-foot normal buffering requirement.
 - iv. **Motion** – by Little to approve the sire plan design review case as submitted. **Second** – by Vidal.
 - v. **Vote** – Motion passed, 6-0.
- e) **Case No. 2121 APL:** A request for an appeal of a city interpretation of Article XI, “Sign Regulations,” Item M, “Permitting and Sign Regulation Administration,” #3, “Nonconforming Signs,” letter (a) by Sign Pros, Inc. The topic is the interpretation of this regulation as it applies to nonconforming signs.
- i. Planner I gave power point presentation. He explained that it is an appeal request about planning staff’s interpretation of the phrase, “...no alteration of any manner,” regarding existing nonconforming signs. He explained staff had been applying that to even a change of copy with an existing nonconforming sign and the appeal was that was literal or harsh as interpreted and applied by city planning staff. He said whatever the outcome by the planning commission, the decision would be precedent setting. He showed the tall subject sign, that of being a Shell pole sign. He continued by saying the special sign overlay zones of the ordinance allows up to 25 feet for sign height in the I-55 Interstate sign overlay area, the 20 feet for sign height in the Bullfrog corner/Highway 51 sign overlay area and then 8 feet for maximum sign height in other

- commercially zoned areas of the city. He showed several signs around Horn Lake that could be effected, depending upon what the planning commission would decide.
- ii. DE about sign, history of signage in the city and about sign conformity. The main two aspects where signs become nonconform is with either their height or area.
 - iii. The Chair asked for input from the applicant. Megan Haskins of Sign Pros, Inc. came and spoke about the appeal request. She said Shelby County (Tennessee) and DeSoto County (MS) both allow for a sign update in there is no change in ownership with a parcel or sign. She added there is no change in ownership with the proposed sign face change and the company would like to be able to change the sign face without changing its height, etc.
 - iv. More discussion ensued (DE) upon the topic.
 - v. **Motion** – by Stokes to deny the appeal request, stating it is the City’s desire to bring nonconforming signs into compliance with current city sign zoning ordinance requirements, even when a request for a change of copy is requested by a property owner or applicant. **Second** - by Egner.
 - vi. **Vote** – Motion passed, 6-0.
- f) **Case No. 2123 AI:** A board of aldermen (BOA) initiative (AI) for a potential text amendment to the City of Horn Lake’s Zoning Ordinance initiated during their meeting of 12-20-2022, regarding the enforcement of existing signs that were originally designed and built as lighted signs. If approved, the amendment would be to Article VI, “Sign Regulations,” Item D (Sign Standards and Provisions), #6 - Maintenance and Repair, of said city zoning ordinance. **(This is a public hearing.)**
- i. Planning director gave a power point presentation of the case. He explained the planning department has been enforcing signs that are only partially lit or flickering, etc. under the above section of the zoning ordinance, but there is nothing specific towards signs that were originally designed and build to be lit, thus making enforcement tenuous. What is proposed is specific wording to help in the enforcement of signs originally designed and constructed to be lit, but have a condition such flickering, strobing, some letters not being lit or portions if a sign face no lit. He added that since the city doesn’t require all signs to be lit that it appears an option would be for a sign owner to completely unlight the (or a) sign.
 - ii. Some DE. Chair opened the public hearing portion of the case.
 - iii. Mr. Miller spoke in favor of strengthening the city’s zoning ordinance regarding lit signs. He thought that would help the overall appearance of the commercial areas within the city, thus add value to the community.
 - iv. Chair closed the public hearing.
 - v. **Motion** – Vidal made a motion to accept the proposed zoning ordinance amendment to bolster the city’s ability to enforce unlit or partially signs within the community as written and recommend it to the BOA for adoption. **Second** – Ware.

vi. **Vote** – Motion passed, 6-0.

6. Other Business.

- a) Planning department hirings. Director explained the planning department hired has two individuals, William (Brad) Cross, for the Storm Water Coordinator, position , and Jon Bradley, as a Code Enforcement Officer. They both started on January 31, 2023, at those positions. Mr. Cross has started as part-time, but will become fulltime come March 8, 2023.
- b) Comprehensive plan update. Director said the Community Planning Kickoff event meeting will be held at 3505 Goodman Road West at the First Baptist Church of Horn Lake at 6:00 p.m. on Tuesday, February 28, 2023. He added there will be one stakeholder meeting on that same day in the afternoon and then at least three stakeholder meetings the day of Wednesday, March 1, 2023, but those meetings will be held at City Hall throughout the day. Lastly, he said the intense planning “Rush” week has been shifted from early May to the week of July 10-14, 2023, because of scheduling limitations of the planning consultant, the Orion Planning and Design Group.
- c) Training opportunity. Director said the planning commissioner training event will be held from 10:30 a.m. through 2:00 p.m. on Wednesday, February 22nd, 2023, at the DeSoto Economic Council’s office located on Paperchase Drive in Southaven. Speakers include, Mr. John Whitehead, a land use attorney to speak about planning and zoning law; Mr. Thomas Hood, with Mississippi’s State Ethics Commission; and the Horn Lake Planning Director in the last session of the day. He added lunch would be provided and hoped everyone could make the opportunity.
- d) Commission meeting dates for the months of May and December 2023. Director said that looking at the year ahead there would be two months of the year where the normal planning commission meeting date, the last Monday of a month, would coincide with a holiday. Specifically, in May the date would fall on May 29th, Memorial Day, and then in December, the date would be December 25th, Christmas Day. He suggested as was done during 2022, the PC consider moving those meetings dates ahead by one week.
 - i. **Motion** – by Egner to set the May meeting date as May 22nd and then the meeting date in December for the PC as December 18th. **Second** – by Little.
 - ii. **Vote** – Motion passed, 6-0. Chair called for any last thoughts or comments. None.

7. Adjournment. **Motion** – by Stokes, **Second** - by Ware. **Vote** - Motion passed, 6-0 at 8:49 p.m.

Scrivener’s Note: Minutes prepared on 1-31-23 at 5:43 p.m. and 2-4-23 at 1:04 p.m. by C Bahr. (File Name: Minutes from 1-30-23 mtg.docx)