

Agenda for the Meeting –

1. **Call to Order and Roll Call.**
2. **Pledge of Allegiance.**
3. **Approval of Previous Meeting Minutes from 8-28-2023.**
4. **Old Business.**
 - a) **Case No. 2023-22 DE:** A request for a design exception from Article XIII, Item K, of the City’s Zoning Ordinance for Lots 121-127 of the River Oaks, Section C Subdivision. The request is to allow for garage forward designs.
5. **New Business.**
 - a) **Case No. 2023-14 CU:** A request for a conditional use (CU) at 4323 Goodman Road West, by Dale and Judy Wilson, landowner; Mark Campbell, representative of landowner with Carter Engineering, Bogart, Georgia; for a proposed restaurant with a drive-through land use, on land consisting of 3.786 acres +/- . The subject parcel is zoned PUD, Planned Unit Development, by the City of Horn Lake. **Note: This is a public hearing.**
 - b) **Case No. 2023-17 SPDR:** A request for a site plan and design review (SPDR) for a convenience store with additional commercial bays at approximately 6215 U.S. Highway 51 North by Singh Development, Inc., developer; and The Bray Firm, engineer or designer. Subject parcel consists of 4.13-acres +/- and is Lot 5 of the subdivision known as “SP II Horn Lake.” The subject parcel is currently zoned as C-4, Planned Commercial District. (Address above is unofficial and unassigned as of 8-1-2023, by DeSoto County GIS. Parcel Number is: 108735220 0000500.)
 - c) **Case No. 2023-23 AI:** An aldermen initiative (AI) for a potential text amendment to the City of Horn Lake’s Zoning Ordinance and the City Code initiated during the aldermen meeting of July 18, 2023, regarding residential accessory uses such as wading pools and trampolines and clarifying the city ordinance regarding the printing on sales/merchandise bags for fireworks. Potential text amendments would be to Article V, “General Provisions and Supplemental Zoning District Regulations,” Item D, of the City’s Zoning Ordinance, and Chapter III, “Fireworks,” Section 16-67(g) of the City Code. **Note: This is a public hearing.**
 - d) **Case No. 2023-24 VAR:** A request for a front yard setback variance for a proposed new building (canopy) from the required 50-feet down to 17.8-feet, thus a 32.2-foot variance request; by Dale and Judy Wilson, landowner; and Mark Campbell, Carter Engineering of Bogart, GA, applicant. The subject parcel is located at 4323 Goodman Road West and consists of 3.786-acres +/- . The subject parcel is currently zoned as PUD, Planned Unit Development. The Horn Lake Planning Commission would be acting in the capacity of the Board of Adjustment as authorized via City Code 24-20. **Note: This is a public hearing.**

6. Other Business.

- a) Comprehensive Plan (*Plan*) update.
- b) Other Issues on the Planning Commissioners' minds. (This is for soliciting input.)

7. Adjournment.

Start of the Items/Cases Portion of the Minutes –

City Planning Commissioners present – Chad Engelke (Chair), Jimmy Stokes (Vice-Chair), Clara Kirkley, Linda McGan (Secretary), William Egner, Janice Vidal, and Bill Mercer. **Absent** – Jessie Ware.

City Staff – Chad Bahr, AICP, Planning Director; Jonathan Ryan, City Information Technology (IT); Andrew Hockensmith, Assistant Planning Director; and Billy Simco, Planner I (Storm Water Specialty).

Gallery – Signed-in: Francis J. Miller, resident and voting member of Horn Lake for 14 years from Ward #5; Mark Campbell from the Carter Engineering firm, Bogart, GA; Donny Singh, Olive Branch, MS; Johnny Coleman, Memphis, TN. Those in attendance, but not signed-in: Beth Sullivan from *The Daily Memphian*, Dale Wilson, Austin Wilson, and Nick Kreunen, with the Civil-Link Engineering firm.

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 Items

Items 1 and 2. The Chair called the meeting to order at 6:00 p.m. The Secretary took roll call with all planning commissioners present except Commissioner Ware. The Pledge of Allegiance was led by the chair and recited by those in attendance.

Item 3. Approval of minutes from the 8-28-23 meeting.

Motion to approve minutes as mailed – Kirkley. **2nd** – Mercer. **Vote:** Motion passed, 6-0.

4. Old Business.

- a. **Case No. 2023-22 DE:** A request for a design exception from Article XIII, Item K, of the City’s Zoning Ordinance for Lots 121-127 of the River Oaks, Section C Subdivision. The request is to allow for garage forward designs.

Director Bahr presented the case. The essence of the design exception request was that the home plans the builder desires to construct on Lots 121-127 would be garage-forward, not complying with the city design standard where garages and carports should not be garage forward in their design. He presented some garage forward statistics of the area adjacent and directly west of subject property, found in River Oaks, Section A, also with Planned Unit Development, PUD, zoning (27% garage forward of the total of 30 lots) and compared that with the garage forward proposals of this portion of Section C (21% garage forward if approved as presented of the 34 lots of Section C).

Various discussion ensued (DE) on the topic between staff, the planning commission and then the applicant, Mr. Coleman, and his engineer, Nick Kreunen. In the end, it was determined that to have a portion of the River Oaks, Section C Subdivision revised via a replat could be done (required), but the public water and sewer infrastructure service connections were already installed. If the plat was revised, the connections would have to be re-located.

A **motion** was made by Egner and **second** by Mercer to approve the design exception request to build homes with a garage-forward design upon Lots 121-127, River Oaks, Section C Subdivision.

Motion passed, 6-0.

5. New Business.

- a. **Case No. 2023-14 CU:** A request for a conditional use (CU) at 4323 Goodman Road West, by Dale and Judy Wilson, landowner; Mark Campbell, representative of landowner with Carter Engineering, Bogart, Georgia; for a proposed restaurant with a drive-through land use, on land consisting of 3.786 acres +/- . The subject parcel is zoned PUD, Planned Unit Development, by the City of Horn Lake. **Note: This is a public hearing.**

Assistant Director Hockensmith presented the case, detailing the conditional use (CU) request for a restaurant with a drive-through land use. A site plan was shown, and the six (6) factors used to evaluate CU requests as prescribed by Article X, Item C of the city zoning ordinance were presented and discussed.

Mark Campbell, from Carter Engineering, Inc., in Bogart, Georgia, spoke on behalf of the request by the Chik-Fil-A, Inc. for the proposed land use and development layout.

Discussion ensued about the layout and drainage of the site. Campbell said the design is their best attempt to not create any traffic hazards upon Goodman Road West and to internally carry or hold traffic waiting to be served via the proposed lengthy, double-lane drive-through queuing design.

More discussion ensued upon these topics of layout, traffic generation, rear side screening and buffering, etc.

The Chair called for any input since the case was a public hearing. Francis Miller spoke in support of the request, listing several reasons why he thought the addition of the land use would be an appropriate location within the community.

The Chair closed the public hearing portion of the case.

A **motion** was made by Stokes and a **second** was made by Egner to recommend approval of the request to the board of alderman, citing the appropriateness of the layout and location of the proposal to this area of Horn Lake. **The motion passed, 6-0.**

- b. **Case No. 2023-17 SPDR:** A request for a site plan and design review (SPDR) for a convenience store with additional commercial bays at approximately 6215 U.S. Highway 51 North by Singh Development, Inc., developer; and The Bray Firm, engineer or designer. Subject parcel consists of 4.13-acres +/- and is Lot 5 of the subdivision known as "SP II Horn Lake." The subject parcel is currently zoned as C-4, Planned Commercial District. (Address above is unofficial and unassigned as of 8-1-2023, by DeSoto County GIS. Parcel Number is: 108735220 0000500.)

The Assistant Director gave a PowerPoint presentation on the request for a convenience store (gas station). In the end, he said there were three (3) areas of concern that should be addressed if the planning commission approved the request:

1. The non-pitched roof design,
2. Widen the regular and handicapped parking spaces to the required standards from the city zoning ordinance, i.e., 12.5' of width for the handicapped spaces,
3. Address empirically and via design of the drainage of the site, specifically, the northeast corner of the subject property. (Staff was concerned the design would lead to drainage spillage onto U.S. Highway 51 N.)

Donny Singh, developer and applicant, spoke about the design and land use proposal. He said David Bray, of Bray Engineering, was his engineer on the case. He said he could address all of the issues as raised by staff, though he preferred the current design of minimal pitch to the proposed building roof, thus effectively requesting a design exception on that topic.

Discussion ensued about the design, layout, and proposed drainage of the project.

A **motion** was made by Stokes and a **second** was made by Kirkley to approve the request as presented and submitted, but with the following conditions attached to it:

1. Except out, via a design exception, the pitched roof requirement.
2. Widen and lengthen all parking spaces on the site plan, including handicapped designated parking spaces, to the required widths and lengths as prescribed by the zoning ordinance.
3. Provide drainage data for review by city engineering of the site plan, particularly drainage of the northeast corner of the subject property, so that, if necessary, the site plan can be revised to city satisfaction so that drainage will not spill onto U.S. Highway 51 N.

Motion passed, 6-0.

- c. **Case No. 2023-23 AI:** An aldermen initiative (AI) for a potential text amendment to the City of Horn Lake's Zoning Ordinance and the City Code initiated during the aldermen meeting of July 18, 2023, regarding residential accessory uses such as wading pools and trampolines and clarifying the city ordinance regarding the printing on sales/merchandise bags for fireworks. Potential text amendments would be to Article V, "General Provisions and Supplemental Zoning District Regulations," Item D, of the City's Zoning Ordinance, and Chapter III, "Fireworks," Section 16-67(g) of the City Code.

Note: This is a public hearing.

The Director gave a PowerPoint presentation on the case. He said the board of alderman, back from their 7-18-23 meeting, initiated the text amendment to clarify various city code on the topics of accessory land uses and the printing on fireworks sales bags.

Discussion ensued upon the topic between staff and the planning commission.

The Chair called for input from the public because the case warranted a public hearing.

Francis Miller spoke. He divided the case into two issues based on the topics involved.

The Chair closed the public hearing portion of the case.

More discussion ensued. One of the commissioners asked if they could divide the case into two parts.

The Director stated, though the case was initiated at one time, advised that if the planning commission desired to address the subjects in two parts, could effectively do that. He added, though the board had attempted to address the fireworks printing on the sales bag issue, he was not satisfied with the suggestion of adding the word “professionally” to the code. He stated it was just another word to haggle over or attempt to decipher or administratively interpret in some manner, thus not bringing the desired effect of clarify to the subject. He hoped the word would not eventually be added. He added that the zoning ordinance is a tool to be used by code enforcement and by the planning staff, so to be effective, city code, including the zoning ordinance should, be clear, concise, and instructive to those reading it.

More discussion ensued upon the topics and suggested wording.

A **motion** was made by Egner and a **second** was made by Vidal to recommend approval of that portion of the alderman initiative for a potential text amendment to the city zoning ordinance, specifically, Article V, “General Provisions and Supplemental Zoning District Regulations,” Item D, of said ordinance, to clarify all swimming pools, including small wading pools, and trampolines as accessory land uses. That **portion of the motion failed, 2-3-1**, with Egner and Vidal in support of the motion and Commissioner Stokes abstaining, and Kirkley, Mercer and McGan voting against it, as well.

A **motion** was made by Mercer and a **second** was made by Kirkley to **recommend denial of the potential amendment** to Chapter III, “Fireworks,” Section 16-67(g) of the City Code related to adding the word “professionally” to the phrase, “... the vendor must provide every customer with a **professionally** printed bag containing such section provisions.” The **motion passed, 6-0**, to recommend denial to the board of that aspect of the entire case.

- d. **Case No. 2023-24 VAR:** A request for a front yard setback variance for a proposed new building (canopy) from the required 50-feet down to 17.8-feet, thus a 32.2-foot variance request; by Dale and Judy Wilson, landowner; and Mark Campbell, Carter Engineering of Bogart, GA, applicant. The subject parcel is located at 4323 Goodman Road West and consists of 3.786-acres +/- . The subject parcel is currently zoned as PUD, Planned Unit Development. The Horn Lake Planning Commission would be acting in the capacity of the Board of Adjustment as authorized via City Code 24-20. **Note: This is a public hearing.**

The Assistant Director gave a PowerPoint presentation on this case, going over the request and detailing the four factors of consideration by the planning commission, acting as the board of adjustment, because the request was for a variance from the city zoning ordinance. Staff was finding the request generally met the four factors, with the key one being the parcel is unique in nature with the north property line with an abnormal “dip” into the parcel, exactly where the intended canopy was planned to be built.

Mr. Campbell got up and addressed some issues. He said the one slide in the power should read a 3.79acre parcel and not 2.71-acre, which was from an earlier site plan supplied to the planning staff.

Discussion ensued between him and the planning commissioners.

The Chair opened the case for a public hearing. Mr. Miller spoke supporting the variance request because the board of adjustment had approved the rear yard setback variance request by EEP Company within the last year located along U.S. Highway 51 N, and this request was a stronger and clearer request than that one.

With no other comments from the public, the Chair closed the public hearing.

Discussion ensued.

A **motion** was made by Vidal and a **second** was made by Stokes to approve the request of a 35-foot front yard setback variance, thus reducing the front setback line from the normal 50 feet, down to 15 feet. **Motion passed, 6-0.**

6. Other Business.

a) Comprehensive plan update.

The Planning Director said the draft of the *Plan* had fallen behind schedule and now is due to the advisory group in October and then if the new schedule stays together, the planning commission would be able to review and consider the *Plan* in November. This was based upon input from the planning consultant, Orion Planning Group.

b) Other Issues on the Planning Commissioners' minds. (This is for soliciting input.)

Commission Egner spoke about the Rental Property Licensing Act (RPLA). He said he was concerned that if the City took legal action versus a property owner or company that had a rental unit or units, and that owner or ownership group was unable or unwilling to comply with the terms of the RPLA, if that could endanger a renter in their housing situation either from a cost standpoint or from a physical housing standpoint. Various discussion ensued upon the topic.

7. Adjournment.

Chair – Called for a motion to adjourn. **Motion** – Vidal. **2nd** – McGan. **Vote:** Motion to adjourn the meeting at 8:05 p.m. **passed, 6-0.**

(Scrivener's Note: These minutes were prepared in first draft form by C. Bahr, Planning Director, from 9-26 to 9-27-2023. The second draft was completed at 1:36 p.m. on 9-29-2023.)