

PLANNING COMMISSION MEETING MINUTES
February 22, 2021

- 1) Call to Order
- 2) Roll Call and Pledge
- 3) Approval of Previous Meeting Minutes [1/25/21]
- 4) New Business
 - a) Case #2020 Site Plan Application – Church Rd.
 - b) Case #2021 Variance – 8-foot fence request
 - c) Case #2022a Variance – chain-link fence request
 - d) Case #2022b Variance – chain-link fence request
 - e) Case #2023 PUD Application – Nail and Hurt Rd f
 -) Case #2024 Zoning Change – Outback Blvd.
 - g) Case #2025 Variance – Bullfrog Pawn
 - h) Case #2026 Zoning Change – Goodman Rd
 - i) Case #2027 Minor Zoning Ordinance Revision – Use Chart
 - j) Case #2028 Conditional Use – Discount Store
- 5) Adjourn

STATE OF MISSISSIPPI
COUNTY OF DESOTO
CITY OF HORN LAKE

Be it remembered that a City of Horn Lake Planning Commission meeting was held in the City Hall Court Room on Monday, February 25th , 2020. The meeting was conducted via optional Zoom Video and Conferencing due to the current Covid-19 pandemic.

PRESENT: Commissioners Englke, Yeager, McGan, Kendall, Ray, Klein and Vidal, and staff Ethan Greene present. Absent, Commissioner Stokes.

Approval of Minutes The minutes from 1..20 were presented and approved unanimously. Ray with the motion, Commissioner Englke with the second.

New Business

Case #2020 Staff introduced the application for site plan approval. Staff read the report onto the record. The applicant's representative spoke briefly about their application, in terms of size, parking, and loud-speakers, noting that everything was legal or above standard and that there would be no loud speakers. The Emily Rig of Bontaire proceeded to cross examine the applicant on the size of the building, equizocating between the city code for parking requirements and the maximum occupancy per fire codes. She also incorrectly stated that there are stairs and a second floor. The applicant responded to the audience once she sat down. Andrew Stillman of Horn lake Road spoke and asked if there was a long-term site plan, or any plans for a school. The applicant responded there are currently no plans aside from those submitted, and a school would be required to go through more hearings. Mr. Stillman opposed the development. Once Mr. Stillman sat down, there was some confusion over who Commissioner Vidal was, as she was attending via Zoom and not in person. Greg Speltz of 4696 Church road spoke. He complained of road

capacity issues on church road. He stated that the development could grow and create problems at a later date as well. He noted that the application has changed over time, from a subdivision to a cemetery to just a mosque. He said that the development would lower property values. He maintains that the development is inconstant with the character of the area. Despite his earlier traffic concerns, he says a large subdivision would better serve the area. He noted that the applicant was rude to him at a previous meeting. He opposed the development. Ronald Umback of 5405 Church road spoke and said there are a number of reasons to be concerned about traffic, and that this was just a way for future development to get its foot in the door. He opposed the development. Grant Harlow of 2590 Church Road voiced his concerns with traffic and opposed the development. Richard Bethae of 2624 Eifel Lane spoke. He notes that the claim that load speakers are illegal is dubious and wants it in writing. He compares the site plan application to previous applications for subdivisions and conditional use, one of which contained a demonstrative aid for the location of the cemetery. At no time was there an earlier application or submittal for a site plan application. He is concerned that this may be a springboard for a school, and that there are no plans for a subdivision. He notes that homes are revenue makers, not churches or mosques or schools. He also confuses max capacity and total seats/rugs in the application. Catharine Grady of 2650 Church road spoke next. She's concerned about traffic, or road expansion that will take her land. Steve Goade of 4303 Church spoke next. He is concerned with traffic, says the plans have changed, and incorrectly states that it is not compatible with the comprehensive plan. Ms. Rig of Bontaire to speak again. She states that there are stairs on the drawings. [planning staff has reviewed the plans before the meeting and once again afterwards; there are no stairs or plans for a second floor]. She states she is worried that loudspeakers will be too loud at 3 am, despite the applicant's stated call to prayer times not including 3 am and willingness to set a condition of no sound amplification as a condition of approval. She is concerned the mosque will dry up her business, and is also planning on selling her business. She is upset they did not set up a neighborhood meeting. Mr. Speaker consults with planning staff and the developer to confirm that they can put conditions on the approval, including sound. Two questions were fielded in the crowd without a mic, so there are no records. Francis J Miller speaks and says vote out people who don't serve the people's will. He had nothing to say on the development itself. David Speltz of 3285 Church Rd says it feels like the multiple applications are smoke and mirrors, and that there is not enough information. Mr. Speaker asks a couple questions regarding previous applications and the process of this application, as well as its zoning. He is disrupted by Ms. Rig, who is told she has had her allotted time to speak. Another audience member claims that "they" [the applicants] are not subject to US laws. Mr. Bethae makes a comment off mic and passes around the illustration from the conditional use hearing that was already denied. Valary Miller of 5665 Jordan drive spoke says that they want quiet contry living and is concerned about traffic and noise control. Being no more speakers, Com. Ray makes a motion to deny the application based on "majority rules." Chairman Klein points out that perhaps safety of the community regarding traffic should be the reason for denial, but commissioner Ray does not amend his motion. Commissioner Englke seconds. The motion to deny passed unanimously.

Case #2021 Staff introduced the application for fence variance to 8 feet in a residential area. The applicant was not present, so the commissioners tabled the application. Com. Englke made the motion to table and Com. Ray seconded. There was no discussion. The vote passed 5 in favor, one opposed (Yeagar), and one absent.

Case #2022a and b Staff introduced the application for a variance for chainlink fence in two areas at the apartment complex of the applicant: a) for a dog park internally on the property, and b) for portions of fence that are currently wooden and broken or vandalized. Staff and the applicant took some time ensuring the commissioners knew where exactly the fencing would be on the property. Once there were no further question, a motion was made by Com. Ray and seconded by Com Yeager and passed unanimously.

Case #2023 Staff introduced the application for a rezoning to PUD. The applicant was not present, so the commissioners directed basic questions regarding the application and historic overlay zone to staff. Mr. Francis Miller of Ward 5 spoke to say table or deny applicants who don't show up. Being no further discussion, commissioners tabled the application. Com. Englke made the motion to table and Com. McGan seconded. There was no discussion. The vote passed unanimously.

Case #2024 Staff introduced the application for a rezoning to C3 from C4. The applicant was not present, so the commissioners tabled the application. Com. Englke made the motion to table, Com. Ray seconded. There was no discussion. The vote passed unanimously.

Case #2025 Staff introduced the application for a variance regarding building location and design code. The applicant was not present, but the structure is existing in non-compliance, so the board entertained the application. Staff read the report onto the record, and answered some basic questions about the property and variance applications. Mr. Miller spoke in opposition for the variance. Being no further discussion, Com. Englke made the motion to deny and Com. Vidal seconded. There was no discussion. The vote passed unanimously.

Case #2026 Staff introduced the application of a Zoning change from RM6 and C4 to C4. Staff noted the city made the application on behalf of the owner to correct improper zoning. Francis Miller of Ward 5 spoke in favor of the correction. The commission voted to approve unanimously with a motion from Com. Englke, and a second from Com. Yeager.

Case #2027 Staff introduced the application for a minor change to the use chart in the zoning appendix. The change would allow for discount stores to be permitted in C4 zones by conditional use, and separately would add the category of venue and reception halls in C3, C4, M1 and M2 as conditional use. Staff noted the city made the application. Francis Miller of Ward 5 spoke in of allowing discount stores in C4. Being some confusion, the representative of the discount store spoke briefly about the use and why it needed to be in C4. The commission voted to approve 5 in favor, 1 (Englke) opposed, with a motion from Com. Vidal, and a second from Com. Yeager.

Case #2028 Staff introduced the application for a conditional use subject to the board's approval of not only this application, but the zoning change and zoning appendix amendment. The applicant spoke about what they intended the use of the store to be. Francis Miller of Ward 5 spoke in favor of allowing the development. Bing no further discussion, The commission voted to approve 5 in favor, 1 (Englke) opposed, with a motion from Com. McGan, and a second from Com. Vidal.

Respectfully submitted,
Ethan A. Greene – Planning Director