

**DRAFT PLANNING COMMISSION MEETING MINUTES**  
**March 29, 2021**

**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 24, 2020 at 6:00 PM, this being the time and place for said meeting.

PRESENT: Commissioners Danny Klein, Glenda McGan, Larry Ray, Jimmy Stokes, Janice Vidal, Robert Kendall.  
Staff: Robert Barber – Interim Planner

ABSENT: Andy Yeager

The minutes from the 1.25.21 meeting were presented and reviewed. Commissioner Englke made a motion to approve the minutes as submitted. The motion was seconded by Commissioner Kendall. The motion passed by unanimous vote.

The minutes from the 2.22.21 were presented and reviewed. Commissioner Englke made a motion to approve the minutes as submitted. The motion was seconded by Commissioner Ray. The motion passed by unanimous vote.

The agenda for the meeting was presented as follows:

- 1. Old Business
    - a) Case #2021 Variance – 8-foot fence request
  - 2. New Business
    - a) Case #2029 Fireworks Tent – 4280 Goodman
    - b) Case #2030 Fireworks Tent – 4304 Goodman
    - c) Three Related Cases – East of the intersection of Interstate Blvd. and Nail Roads
      - i. #2033 – Core 5 Subdivision
      - ii. #2031 – Core 5 Variance
      - iii. #2032 – Core 5 Site Plan
  - 3. Case #2034 – Holly Ridge Subdivision Section C
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**Old Business**

**1. Case #2021– Fence Variance to allow for a 8ft fence at 5261 Chickasaw Cove rather than required 6 ft fence.**

The item was carried over from the previous meeting for lack of representation.

**CASE NO.:** 2021  
**PROJECT:** Fence Variance  
**ADDRESS:** 5261 Chickasaw cv  
**APPLICANT:** Kevin Kensey  
**DATE:** 2/22/2021

**INTRODUCTION:**

The applicant seeks a variance for a fence height of 8 feet.

**DISCUSSION:**

Article 5 of the zoning appendix notes that side and rear yard fences may not exceed 6 feet. Variances:

Where the strict application of the provisions of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Planning Commission shall hold a public hearing on applications for variance(s) from the

terms of this Ordinance, and is empowered to grant approval of such variances from the strict application so as to relieve such difficulties or hardships. However, a variance from the terms of this Ordinance shall not be granted unless the Planning Commission makes findings based upon evidence presented to it as follows:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- c. That special conditions and circumstances do not result from the actions of the applicant.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

#### **STAFF COMMENTS**

Staff notes that the prongs for variance are met here, as the desire for a privacy fence is being obstructed by the particular lay of the land and its elevation, which constitutes a special circumstance; the strict interpretation of 6 feet would not permit privacy; the special condition does not arise from the actions of the applicant; and this will not grant the applicant any special privileges.

#### **STAFF RECOMMENDATION**

Staff notes the requirements for a variance have been met.

Mr. Kensey represented the application stating that his backyard was low and he wanted to be able to have more privacy.

**ACTION: FOR APPROVAL:** Commissioner Vidal moved to approve the request because it met the variance criteria. Motion was seconded by Commissioner Ray. The motion carried with commissioner stoke voting no.

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#### **New Business**

## **2. Case #2029– Conditional use for a Fireworks Tent at 4280 Goodman**

Bob Barber introduced the application and reviewed the staff report with the commission.

**CASE NO.:** 2029  
**PROJECT:** Fireworks Retail Sales Tent  
**ADDRESS:** 4280 Goodman  
**APPLICANT:** Mohit and Sonal Patel  
**DATE:** March 29, 2021

#### **INTRODUCTION:**

The applicant is requesting Conditional Use approval to allow a Fireworks Tent and sales of seasonal items to be located at the above location.

#### **BACKGROUND:**

The subject properties are located as illustrated on the attached map. These sites have been used for fireworks sales for several years.

#### **DISCUSSION:**

Ordinance standards are as follows:

#### *Article V. - General Provisions and Supplemental Zoning District Regulations*

##### *J. - Outside Display of Merchandise.*

##### *3. Firework Sales.*

- a. Setup of tents may be accomplished no more than three (3) days prior to sales dates, as established by separate ordinance.*

- b. *Removal of tents and clean up on the site must be accomplished no later than three (3) days after sale dates, as established by separate ordinance.*
- c. *No permit shall be granted to a vendor engaged in the sale of fuel products (e.g. gasoline, kerosene, propane, etc).*
- d. *December setup shall include seasonal decorations.*
- e. *Vendors shall provide a printed notice of allowable "hours of use" and insert in each product package.*
- f. *Parking spaces shall be provided in accordance with the requirements for retail uses and parking lots shall be asphalt or concrete. Limestone parking lots may be approved for a limited time (one year) in an area that is proposed to be developed in the near future. This must be approved by the governing authority.*
- g. *Only one sign per establishment shall be permitted. Signs and banners must be presented to and approved by the office of planning and development at the time of conditional use application.*
- h. *Fireworks tents shall be located on a vacant lot and only one tent per parcel will be allowed.*
- i. *No sale of fireworks to minors under eighteen (18) years of age.*
- j. *Tents must meet current adopted ICC building codes and current NFPA codes.*
- k. ***Applicant must apply and be approved for a conditional use.***

In order to be considered, applicants for a Conditional Use must address the following questions adequately:

- a) *Will this use substantially increase traffic hazards or congestion?*
  - Staff is of the opinion that traffic hazards will not increase.
- b) *Will this use substantially increase fire hazards?*
  - Staff is of the opinion that fire hazard will not increase if applicant complies with the Fire Department requirements and prohibits smoking in and around the tent.
- c) *Will this use adversely affect the character of the neighborhood?*
  - Staff is of the opinion that the character will not be adversely affected.
- d) *Will this use overtax public utilities or community facilities (including streets, schools, and public utilities)?*
  - Staff is of the opinion that the existing infrastructure will not be overtaxed.

#### **STAFF COMMENTS:**

1. If approved, the applicant shall proceed to the Board of Aldermen for final approval.
2. If approved by the Board of Aldermen, the applicant shall apply for a Tent Permit with the Office of Planning and Development.

#### **STAFF RECOMMENDATION:**

Staff recommends approval for a period of five (5) years in keeping with other conditional uses approved for firework sales tents throughout the city, subject to staff comments.



**ACTION: FOR APPROVAL:** Commissioner Stokes moved to approve to the Board of Aldermen the conditional use approval for a Fireworks Sales Tent and Seasonal Retail Sales at the stated addresses subject to Staff Comments. Motion was seconded by Commissioner Kendall and it carried.

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**3. Case #2030– Conditional use for a Fireworks Tent at 4280 Goodman**

**CASE NO.:** 2030  
**PROJECT:** Fireworks Retail Sales Tent  
**ADDRESS:** 4280 Goodman  
**APPLICANT:** American Fire Works (Dale Wilson)  
**DATE:** March 29, 2021

**INTRODUCTION:**

The applicant is requesting Conditional Use approval to allow a Fireworks Tent to be located at the above location.

**BACKGROUND:**

The subject properties are located as illustrated on the attached map. These sites have been used for fireworks sales for several years.

**DISCUSSION:**

Ordinance standards are as follows:

- Article V. - General Provisions and Supplemental Zoning District Regulations*  
*J. - Outside Display of Merchandise.*  
*3. Firework Sales.*  
*a. Setup of tents may be accomplished no more than three (3) days prior to sales dates, as established by separate ordinance.*  
*b. Removal of tents and clean up on the site must be accomplished no later than three (3) days after sale dates, as established by separate ordinance.*  
*c. No permit shall be granted to a vendor engaged in the sale of fuel products (e.g. gasoline, kerosene, propane, etc).*  
*d. December setup shall include seasonal decorations.*

- e. *Vendors shall provide a printed notice of allowable "hours of use" and insert in each product package.*
- f. *Parking spaces shall be provided in accordance with the requirements for retail uses and parking lots shall be asphalt or concrete. Limestone parking lots may be approved for a limited time (one year) in an area that is proposed to be developed in the near future. This must be approved by the governing authority.*
- g. *Only one sign per establishment shall be permitted. Signs and banners must be presented to and approved by the office of planning and development at the time of conditional use application.*
- h. *Fireworks tents shall be located on a vacant lot and only one tent per parcel will be allowed.*
- i. *No sale of fireworks to minors under eighteen (18) years of age.*
- j. *Tents must meet current adopted ICC building codes and current NFPA codes.*
- k. *Applicant must apply and be approved for a conditional use.***

In order to be considered, applicants for a Conditional Use must address the following questions adequately:

- a) *Will this use substantially increase traffic hazards or congestion?*
  - Staff is of the opinion that traffic hazards will not increase.
- b) *Will this use substantially increase fire hazards?*
  - Staff is of the opinion that fire hazard will not increase if applicant complies with the Fire Department requirements and prohibits smoking in and around the tent.
- c) *Will this use adversely affect the character of the neighborhood?*
  - Staff is of the opinion that the character will not be adversely affected.
- d) *Will this use overtax public utilities or community facilities (including streets, schools, and public utilities)?*
  - Staff is of the opinion that the existing infrastructure will not be overtaxed.

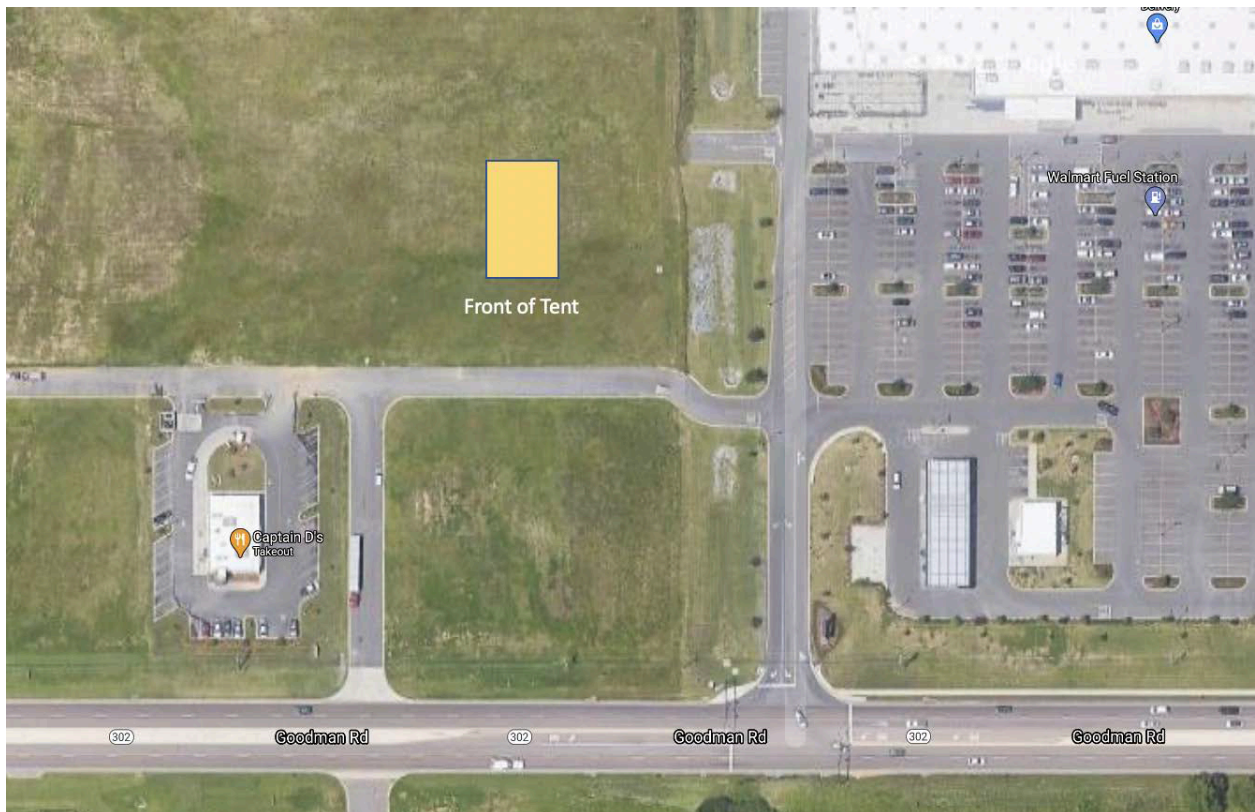
#### **STAFF COMMENTS:**

1. If approved, the applicant shall proceed to the Board of Aldermen for final approval.
2. If approved by the Board of Aldermen, the applicant shall apply for a Tent Permit with the Office of Planning and Development.

#### **STAFF RECOMMENDATION:**

Staff recommends approval for a period of five (5) years in keeping with other conditional uses approved for firework sales tents throughout the city, subject to staff comments.

**ACTION: FOR APPROVAL:** Commissioner Englke move to recommend approval to the Board of Aldermen the conditional use approval for a Fireworks Sales Tent at the stated addresses subject to Staff Comments. Motion was seconded by Commissioner Stokes and it carried.



**3. Cases 2031, 2032, and 2033 COMBINED CASES – Final Subdivision approval for 2 lots zoned PUD (Industrial) located at the southwest corner of Nail Road and Interstate Boulevard; Request for Front Yard Variance at the same location, and Site Plan Approval for two industrial buildings at the same location**

Mr. Barber explained that all here cases were related and requested the be heard together. The commission agreed.

**CASE NO.:** 2033 – Core 5 Final Subdivision  
2031 – Core 5 Variance  
2032 – Core 5 Site Plan

**PROJECT:** Core 5 Industrial Development (2 Buildings)  
**ADDRESS:** East if Redberry/ South of DeSoto  
**APPLICANT:** Core 5, Atlanta Georgia  
**DATE:** 3.29.21

**INTRODUCTION:**

This is combined report that covers three separate requests by the applicant. The three requests are as follow:

- 1. Application for Subdivision of approximately 64 acres into 2 lots
- 2. Application for Variance request to reduce the required front yard from 50 to 24 feet
- 3. Application for Site Plan approval

**BACKGROUND:**

- The site is located to the east of the intersection of Nail Road and Interstate Boulevard.
- The site is zoned planned unit development and intended for industrial development.
- Applicant is proposing the extension of Nail Road to the east to accommodate the eventual connection to Pepperchase Drive.
- The three requests are presented here in the sequence required by Horn Lake development code in the following pages.

# 2031 – Core 5 Subdivision

## DISCUSSION:

Plat requirements listed in the ordinance are as follows:

- a) Location sketch map showing relationship of site to township, range, section and part of sections.
- b) North Arrow, graphic scale and date
- c) Acreage of land to be subdivided
- d) Contours at vertical intervals of not more than two feet
- e) Areas subject to periodic inundation (100 year flood elevation)
- f) Location of existing property lines, streets, buildings, water courses, zoning classifications, and other existing features within the area to be subdivided and similar information regarding existing conditions of adjacent land.
- g) Location of existing and proposed streets, alleys or access easements, including rights-of-way width, streets names.
- h) Proposed lot lines, lot numbers and lot layout
- i) Minimum building set-back lines
- j) Location of easements, width and purpose
- k) Proposed use of all land in the subdivision including any reserved areas
- l) Proposals for sewer and water service shown as a note on plat and any accompanying documentation from appropriate agencies
- m) Title under which the proposed subdivision is to be recorded, and the name and Mississippi registration number of the engineer, registered land surveyor, planner and subdivider platting
- n) Subdivider's proposal for construction of improvements.

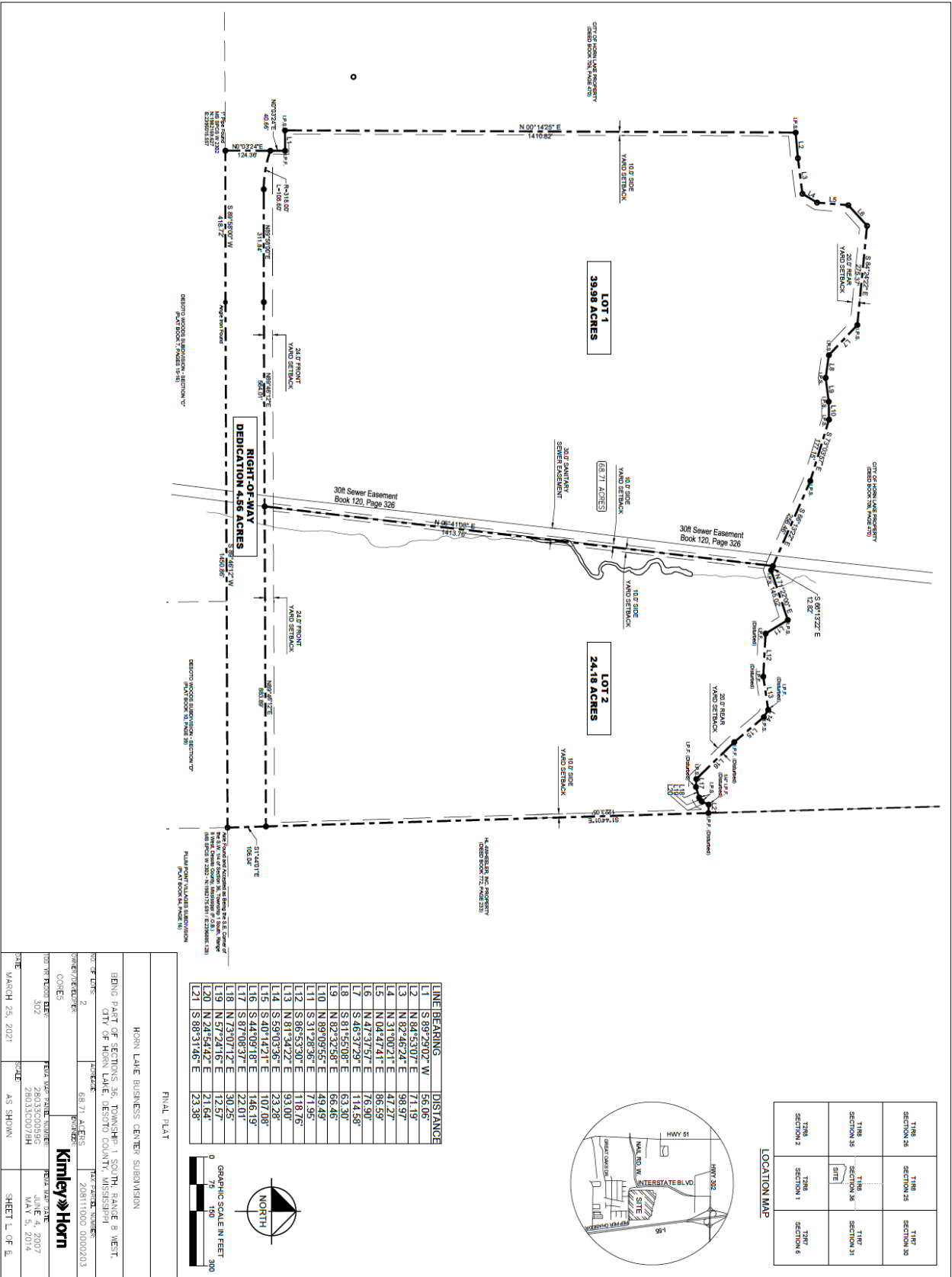
## STAFF COMMENTS:

- 3. Approval is subject to final plat application and standard conditions contained in the Subdivision Ordinance (required public improvements, platting, recording, bonding, approval of civil drawing and construction drawings.
- 4. After recommendation of the planning commission, the applicant shall proceed to the Board of Aldermen for final action.
- 5. Any approval is subject to engineer's final review and infrastructure requirements

## STAFF COMMENTS AND RECOMMENDATIONS

- 1. Planner Comments
  - a. None other than the above report
- 2. Engineer Comments
  - a. To be determined after review





# 2032 – Core 5 Front Yard Variance

## DISCUSSION:

The City has requested additional right of way from 80 feet to 106 feet for the future construction of Nail Road. Movement of the buildings north is restricted by the presence of wetland and a floodplain. The applicant is requesting a front yard variance to reduce the required front yard from 50 feet to 24 feet.

### Article X. – Variance Criteria

- 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

**The need for the variance is associated with the future construction of Nail Road and does not involve other properties**

- 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

**The City has requested the right of way**

- 3. That special conditions and circumstances do not result from the actions of the applicant.

**The City has requested the right of way and there are environmental constraints impacting the property**

- 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

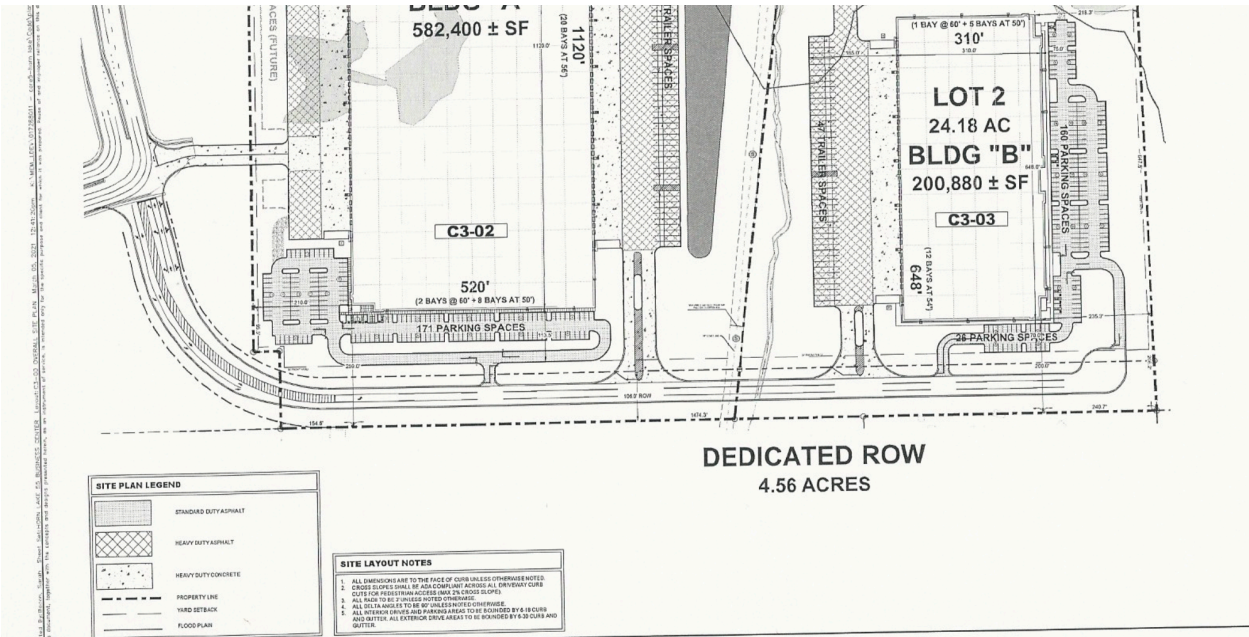
**The City has requested the right of way**

## STAFF COMMENTS:

None other than the above report


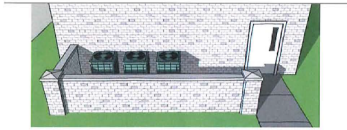
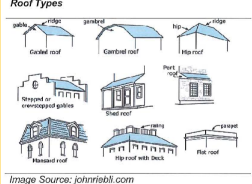
## STAFF RECOMMENDATION:

Given that the City requested the additional right of way, staff has no objection to the proposed variance.



# 2033 – Core 5 Site Plan Review

## Site Plan and Design Review

E. - GENERAL REQUIREMENTS. All proposed buildings shall be designed in a manner that the building styles and building materials match those of the surrounding area of said proposed building, unless otherwise specified within Section E of Article XIII.		
1. Dumpster Enclosures		<div>Example of Dumpster Enclosure</div>  <div>Image Source: <a href="https://3dwarehouse.sketchup.com">https://3dwarehouse.sketchup.com</a></div>
a.	All dumpsters shall be screened from sight by a fence or wall at least six inches (6") taller than the tallest point on the dumpster. In no case shall said wall or fence exceed eight feet (8') in height.	Not applicable
b.	The fence shall be constructed of an opaque material made of brick, stucco, split face block, or similar material to that of the principal building.	Not applicable
c.	Dumpsters shall be located in the rear yard behind the building they serve or otherwise in an inconspicuous place.	Not applicable
d.	For industrial/distribution/warehouse buildings exceeding twenty-five thousand (25,000) square feet, no screening is required. However, the dumpsters shall be located in the rear yard behind the building they serve.	Not applicable
2. Mechanical Systems		<div>Example of HVAC Enclosure</div>  <div>Image Source: City of D'Iberville, Mississippi Zoning Ordinance</div>
a.	All ground mounted mechanical, HVAC, and like systems shall be set back a minimum of five (5) feet from a property line and screened from public street view (within 300 feet) by an opaque wall or fence of similar material to that of the principal building or landscaping.	Not applicable
b.	All commercial and retail building roof mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides.	Not applicable
3. Roof Requirements		<div>Roof Types</div>  <div>Image Source: <a href="http://johnnieb11.com">johnnieb11.com</a></div>
Pitched Roofs		
	.All one-story buildings less than ten-thousand (10,000) gross square feet must have a pitched roof (between 5:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of flat roof and pitched roof is required.	Not applicable
	Provide a pitched roof on front and side of the building to screen view of any flat roof.	Not applicable
	Arcades, drive under canopies, porches, and other features shall be created with a pitched roof.	Not applicable
	Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper, or factory finished sheet metal.	Not applicable
b. Mansard Roofs		
i.	Mansard roofs shall have a maximum pitch of 12:12 with a minimum twelve-foot (12') vertical surface length.	Not Applicable
c. Flat Roofs		
i.	Flat roofs may be of any material that meets building codes.	Not applicable
ii.	Exposed metal flashing shall be copper or factory finished sheet metal. If factory finished metal flashing is used, such as standing seam, the color	Not applicable

must be subdued to blend with other materials or of a color to simulate weathered copper or bronze.	
iii. All buildings with flat roofs should include parapet articulation on the front facade(s) of such building.	Not applicable
iv. There shall be roof articulations/offsets at a minimum of one (1) per each one hundred twenty-five linear feet (125') of length by a change in the top line of the parapet.	Not applicable
v. Additional articulation may occur at any lesser distance. If the front façade is less than one hundred twenty-five linear feet (125'), then a minimum of one (1) roof articulation must occur.	Not applicable
d. Other - Drive under canopies for gasoline pumps may have flat roof with vertical or factory formed facing of finished sheet metal.	Not applicable
4. Accessory Buildings - All accessory buildings shall be constructed of the same material and be similarly designed as the principal building.	Not applicable
<b>F. COMMERCIAL ZONING DISTRICTS.</b>	
Building Design - Building design shall exhibit architectural control which seeks to be creative, and which best utilizes building lines, shapes, and angles to maximize architectural integrity.	Complies
Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), and pole-type building materials are not permitted as primary exterior building materials.	Not applicable
At least fifty (50) percent of all exterior wall finishes shall be comprised of any combination of at least two (2) of the following materials: <ul style="list-style-type: none"> <li>i. Brick</li> <li>ii. Natural Stone</li> <li>iii. Glass</li> <li>iv. Stucco or stucco-like finishes</li> <li>v. Other comparable or superior material approved by the Planning Commission.</li> </ul>	Not applicable
c. Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.	Not applicable
d. A minimum of twenty (20) percent of the façade facing the public right-of-way shall be glass.	Not applicable
e. In non-residential uses in residential districts, a minimum of thirty (30) percent of the façade facing the public right-of-way shall be glass.	Not applicable
f. Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building. The rear elevation of a building shall be exempt from this requirement provided the rear of the building is not visible from public view.	Not applicable
<b>EXTERIOR FINISH COLORS IN COMMERCIAL DISTRICTS.</b>	
<b>Building Façade Colors</b>	
a. The main building color shall integrate harmoniously with accent colors and masonry material.	Complies
b. Buildings shall consist of natural earth tones that are found in the Horn Lake/DeSoto County region.	Complies
c. Natural earth tones shall include colors and shades of the following: red, orange, yellow, olive, tan, beige, taupe, brown, and gray.	Complies
d. Other colors or combinations may be allowed by the Planning Commission.	Not applicable
e. Graphics, color schemes, and/or murals are not permitted on building exteriors except as may be permitted within an approved signage permit and otherwise consistent with the Sign Ordinances.	Not applicable
f. Electric, fluorescent, or neon colors are prohibited on all exterior surfaces.	Not applicable
<b>Corporate Colors</b>	

a. The use of corporate colors is permitted provided that such colors are not patterned so as to compete for visual attention (e.g. polka-dots, stripes).	Not applicable
b. The use of corporate colors shall not create an advertisement of the building itself.	Not applicable
c. Corporate colors shall not violate any other color limitations within this Ordinance.	Not applicable
<p>EXCEPTIONS.</p> <p>The Planning Commission may approve materials and designs that differ from those required within this ordinance provided the following criteria are achieved:</p> <ul style="list-style-type: none"><li>a. The proposed building maintains the quality and value intended by this section.</li><li>b. The proposed building is compatible and in harmony with other structures designed by standards in this section within the district.</li><li>c. The design exceeds the intent of the ordinance.</li></ul> <p>2. Any building is subject to denial that does not meet architectural standards as determined by the Planning Commission.</p> <p>VARIANCE.</p> <p>Any request for a variance in the requirements of this article shall be submitted in accordance with Article X § A Variances</p>	

ACTION 1: FOR APPROVAL: Commissioner Englke moved to recommend approval to the Board of Aldermen for Case 2031 Core 5 Final Subdivision Approval subject to staff conditions. Motion was seconded by Commissioner Stokes seconded and it carried.

ACTION 2: FOR APPROVAL: Commissioner Englke moved to recommend approval to the Board of Aldermen for Case 2032 Core 5 Front Yard Variance asa requested due to the peculiar circumstances of the land. Motion was seconded by Commissioner McGan seconded and it carried.

ACTION 3: FOR APPROVAL: Commissioner Englke moved to recommend approval to the Board of Aldermen for Case 2033 Core 5 Site Plan Approval as submitted subject to staff conditions and final engineer review. Motion was seconded by Commissioner McGan seconded and it carried.

**5. Case #2234– Application for Final Subdivision approval for Holly Ridge Section C**

**CASE NO.:** 2034  
**PROJECT:** Preliminary Subdivision Application, Holly Ridge Section C  
**ADDRESS:** East if Redberry/ South of DeSoto  
**APPLICANT:** Chambliss Homes  
**DATE:** 3.29.21

**INTRODUCTION:**

The applicant is requesting to subdivide 21.3 acres into 32 lots

**BACKGROUND:**

The subject property consists of 21.3 acres and is zoned R-20.

**DISCUSSION:**

Plat requirements listed in the ordinance are as follows:

- a) Location sketch map showing relationship of site to township, range, section and part of sections.
- b) North Arrow, graphic scale and date
- c) Acreage of land to be subdivided
- d) Contours at vertical intervals of not more than two feet
- e) Areas subject to periodic inundation (100 year flood elevation)
- f) Location of existing property lines, streets, buildings, water courses, zoning classifications, and other existing features within the area to be subdivided and similar information regarding existing conditions of adjacent land.
- g) Location of existing and proposed streets, alleys or access easements, including rights-of-way width, streets names.

- h) Proposed lot lines, lot numbers and lot layout
- i) Minimum building set-back lines
- j) Location of easements, width and purpose
- k) Proposed use of all land in the subdivision including any reserved areas
- l) Proposals for sewer and water service shown as a note on plat and any accompanying documentation from appropriate agencies
- m) Title under which the proposed subdivision is to be recorded, and the name and Mississippi registration number of the engineer, registered land surveyor, planner and subdivider platting
- n) Subdivider's proposal for construction of improvements.

**STAFF COMMENTS:**

- 1. Approval is subject to final plat application and standard conditions contained in the Subdivision Ordinance (required public improvements, platting, recording, bonding, approval of civil drawing and construction drawings.
- 2. After recommendation of the planning commission, the applicant shall proceed to the Board of Aldermen for final action.
- 3. Restrictive covenants have not been submitted and should be provided with the final plat.
- 4. Any approval is subject to engineer's final review and infrastructure requirements

**STAFF COMMENTS AND RECOMMENDATIONS**

- 3. Planner Comments
  - a. None other than the above report

**ACTION:** FOR APPROVAL: Commissioner Vidal moved to recommend approval to the Board of Aldermen the conditional use approval for Final approval of Holly Ridge Section C, subject to bonding the street all the way from DeSoto Road and all other staff comments and conditions. Motion was seconded by Commissioner Stokes and it carried.

