

DRAFT PLANNING COMMISSION MEETING MINUTES
May 24, 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, May 24, 2021 at 6:00 PM, this being the time and place for said meeting.

PRESENT: Commissioners Glenda McGan (by phone), Larry Ray, Janice Vidal, Robert Kendall, Chad Engelke. and Andy Yeager.

Danny Klein and Jimmy Stokes were absent.

Staff: Robert Barber – Interim Planner, Robert Barber

In the absence of Chairman Klein, the Commission appointed Mr. Engelke as Acting Chairman for the meeting. He was selected by consensus.

The minutes from the 4.26.21 meeting were presented and reviewed. Commissioner McGan moved to approve the minutes as submitted. The motion was seconded by Commissioner Yeager and it carried.

The commission then took up the agenda as follows:

- 1) Old Business
 - a) None
- 2) New Business
 - a) Case #2038RZ DeSoto Commons Rezoning (Request to revise approximately 33 acres in the PUD from Commercial to Planned Commercial/Industrial, located at the intersection of Nail and Highway 51)
 - b) Case #2040VA Variance Lot 16 Center Street Industrial
 - c) Case #2041SD Ravenwood F (Final Approval 51 lots)
 - d) Case #2043AP Title Cash (1905 Goodman, Suite 105) Appeal of classification as Short-Term Lender (Note: *Applicant applied for unspecified variance. Interim Director determined that the request should be an appeal of the classification of short-term lender. Applicant was advised to submit such appeal, but no request was forthcoming. Consequently, It is my opinion that this matter should not be heard.*)

New Business

ITEM 2a): Bob Barber introduced and presented the following case:

CASE NO.: #2038RZ – Amendment to DeSoto Commons PUD
PROJECT: Rezoning of a portion of the DeSoto Commons PUD from Commercial to Corporate-Planned Industrial (Approximately 32 Acres)
ADDRESS: Unaddressed Parcels near Northeast corner of Nail Road and Highway 51
(Tax Parcel# 1088340400000200)
APPLICANT: Prewitt Services LLC
DATE: 4.26.21

BACKGROUND:

SITE CONTEXT			
	CURRENT ZONING	CURRENT USE	PLAN DESIGNATION
NORTH	DeSoto Commons PUD	Hopper Drive, DeSoto County School Board	
EAST	DeSoto Commons PUD	Vacant	
SOUTH		Vacant	
WEST	Commercial, Highway 51	Commercial, Highway 51	

1. Applicant purchased the land from the City of Horn Lake in 2020.
2. The applicant is requesting rezoning of the property from Rezoning of a portion of the DeSoto Commons PUD from Commercial to Corporate-Planned Industrial (Approximately 32 Acres).
3. The expressed purpose of the rezoning is to allow for small industrial user.
4. Property is currently vacant and a part of the DeSoto Commons PUD.
5. In addition to the change of use request, the applicant is requesting that an amendment to the architectural standards contained in the PUD to allow for “metal clad” buildings in the area of the rezoning.
6. The burden is on the applicant to demonstrate the following:

ARTICLE X. - APPLICATIONS

B. - Rezoning/Amendments.

5. *An applicant for amendment of the Official Zoning Map shall have the responsibility to demonstrate the appropriateness of the change based on the following criteria:*
 - a. *How the proposed amendment would conform to the Comprehensive Plan and its related elements, as provided under Section 17-1-9 of the Mississippi Code of 1972, As Amended.*
 - b. *Why the existing zone district classification of the property in question is inappropriate or improper.*
 - c. *What major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Official Zoning Map appropriate.*
 - d. *Demonstrate the Public Need for the proposed zone district amendment.*

STAFF COMMENTS:

1. If approved, site will be subject to the following by separate application:
 - a. Final Subdivision Approval
 - b. Site Plan Approval including landscape, site layout and architectural requirements
2. After recommendation of the planning commission, the applicant shall proceed to the Board of Aldermen for final action.

STAFF RECOMMENDATION: None other than above report.

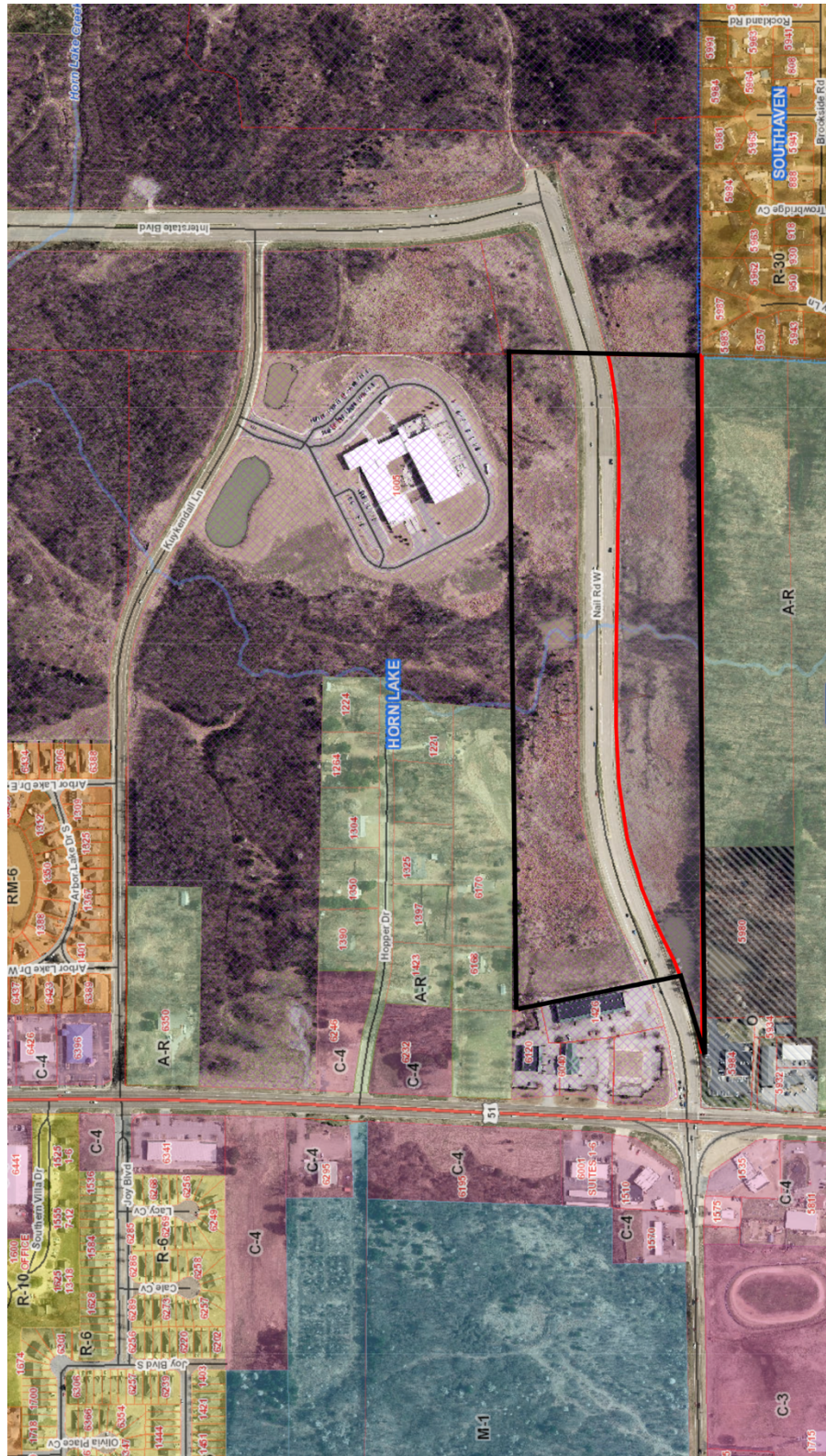
MEETING DISCUSSION: The Chairman called for representation. Mr. Henry Minor with Kimley Horn came forward to represent the application. He stated that the area had changes with the recent amendment to accommodate Core 5 and the applicant would like to extend the potential industrial uses to the west. He stated that there was a growing need for small scale industrial uses in the area.

The Chairman then asked for any public comment. Mr. Francis Miller came forward in support of the application.

There being no further discussion, the Chairman called for Commission action.

ACTION: Andrew Yeager stated that based on the information presented, he believed applicant has met the burden of proof by demonstrating sufficient change and the neighborhood and public need for the rezoning. He then moved to recommend approval to the mayor and Board of Aldermen. Ms. Vidal seconded, and the motion carried unanimously.

Exhibit #1 - Current Zoning Map



DESOTO COMMONS PLANNED UNIT DEVELOPMENT PART I. PERMITTED USES AND DEVELOPMENT REGULATIONS

A. PERMITTED USES
 THE DESOTO COMMONS NONRESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) IS DIVIDED INTO FIVE (5) MAIN CATEGORIES. THE FIRST THREE ARE FOR COMMERCIAL AND LIGHT INDUSTRIAL USES AND THEY ARE LABELED "A" THROUGH "C". THE FOURTH IS A RESIDENTIAL AREA THAT IS LABELED "D" AND THE FIFTH IS A COMMERCIAL AND LIGHT INDUSTRIAL AREA THAT IS LABELED "E". AREAS "A", "B", AND "C" WERE FURTHER DIVIDED INTO VARIOUS SUB-CATEGORIES. THE LIST OF PERMITTED USES CORRESPONDS TO THE AREAS SHOWN ON THE CONCEPT PLAN SUBMITTED AS PART OF THIS APPLICATION.

1. PERMITTED USES FOR AREAS A-1 THROUGH A-3, A-4,5 THROUGH A-7, AND A-8 AND A-9. THE USES LISTED BELOW ARE REQUESTED FOR AREAS A-1 THROUGH A-3, A-4,5 THROUGH A-7, AND A-8. THEY REPRESENT A MIXTURE OF THE ALLOWED USES FROM THE "C-1" AND "C-2" ZONING DISTRICTS. THE PERMITTED USES LISTED BELOW ENCOURAGE A VARIETY OF COMMERCIAL DEVELOPMENT THROUGHOUT THE PROJECT.
- A. THE FOLLOWING USES THAT ARE PERMITTED BY RIGHT IN THE "C-2" HIGHWAY COMMERCIAL DISTRICT WILL BE ALLOWED:
 - ALL PERMITTED AND CONDITIONAL USES LISTED IN THE ZONING ORDINANCE FOR THE "C-1" NEIGHBORHOOD COMMERCIAL ZONING DISTRICT
 - CONTRACTOR STORAGE (INDOOR ONLY)
 - PROCESSING AND MANUFACTURING INCIDENTAL TO A RETAIL ESTABLISHMENT CONDUCTED WHOLLY ON TENANTS' PREMISES WITH NO NOTICEABLE OBNOXIOUS EFFECTS TO SURROUNDING PROPERTY OWNERS
 - CONVENIENCE STORES
 - RADIO OR TV STUDIOS
 - RESTAURANTS
 - RESTAURANT TAKE-OUT STORES
 - RESTAURANTS DRIVE-THRU (LIMITED)
 - GREENHOUSES OR NURSERIES
 - TELEPHONE SERVICES OR SWITCHING CENTERS
 - RETAIL STORES
 - HOTELS OR MOTOR LODGES
 - CONVENTS
 - BUS STOPS SUCH AS BOWLING ALLEYS OR SWIMMING RIMS (INDOOR ONLY)
 - WHOLESALE MERCHANDISING AND STORAGE WAREHOUSES NOT EXCEEDING 8,000 SQUARE FEET IN FLOOR AREA AND 10 OR FEWER EMPLOYEES ON THE PREMISES AT ONE TIME
 - PLUMBING SHOPS WITH INDOOR STORAGE OF MATERIALS AND SUPPLIES
 - PHOTOFINISHING ESTABLISHMENTS

B. THE FOLLOWING USES THAT ARE PERMITTED AS CONDITIONAL USES IN THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT WILL REMAIN AS CONDITIONAL USES IN THE PUD:

- OUTDOOR COMMERCIAL AMUSEMENTS
- MOTOR VEHICLE SERVICE & REPAIR (WITH CONDITIONS SPECIFIED IN THE ZONING ORDINANCE)
- MOTOR VEHICLE CLUB OR LODGE
- CHURCHES
- FILLING STATIONS WITH OR WITHOUT VEHICLE WASHES
- PORTABLE BUILDING SALES AS AN ACCESSORY USE TO DEPARTMENT OR DISCOUNT STORES
- SALES OF MOTOR VEHICLES, CAMPER AND TRAILERS UNDER 20' IN HEIGHT
- SALES OF BOATS, RECREATIONAL VEHICLES, CAMPER AND TRAILERS UNDER 20' IN HEIGHT
- LIQUOR STORES AS REGULATED BY THE STATE OF MISSISSIPPI
- WELDING SHOPS (NO OUTDOOR STORAGE ALLOWED)
- NEW CAR DEALERSHIPS (WITH THE CONDITIONS SPECIFIED IN THE ZONING ORDINANCE)

2. PERMITTED USES FOR AREAS A-10 AND A-11
 THE USES LISTED BELOW ARE REQUESTED FOR AREAS A-10 AND A-11. THEY REPRESENT A MIXTURE OF THE PERMITTED USES FROM THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICTS AND WERE SELECTED TO ENCOURAGE A VARIETY OF COMMERCIAL DEVELOPMENT AND TO ALLOW FOR THE DEVELOPMENT OF A HOSPITAL USE.

- ALL OF THE USES LISTED ABOVE IN SECTION 1A WILL BE PERMITTED AND THE USES LISTED ABOVE IN SECTION 1B MAY BE ALLOWED AS CONDITIONAL USES.
- THE FOLLOWING USE PERMITTED BY RIGHT IN THE "C-4" PLANNED COMMERCIAL DISTRICT WILL BE ALLOWED:
 - HOSPITALS (LIMITED AND GENERAL)

3. PERMITTED USES FOR AREAS B-1 THROUGH B-3 AND AREAS A-4 AND A-8
 THE USES LISTED BELOW ARE REQUESTED FOR AREAS B-1 THROUGH B-3 AND AREAS A-4 AND A-8. THEY REPRESENT A MIXTURE OF COMMERCIAL AND LIGHT INDUSTRIAL USES AND WERE SELECTED TO PROVIDE FLEXIBILITY FOR DEVELOPMENT IN A PLANNED CORPORATE SETTING.

- ALL OF THE USES LISTED ABOVE IN SECTION 1A WILL BE PERMITTED AND THE USES LISTED ABOVE IN SECTION 1B MAY BE ALLOWED AS CONDITIONAL USES.
- THE FOLLOWING ADDITIONAL USES IN THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT MAY BE PERMITTED AS CONDITIONAL USES:
 - AUTOMOBILE AND TRUCK RENTAL FACILITY
 - MACHINE SHOP AND SHEET METAL SHOP WITH NO OUTDOOR STORAGE OF MATERIALS
- THE FOLLOWING USES THAT ARE PERMITTED BY RIGHT IN THE "M-1" LIGHT INDUSTRIAL DISTRICT WILL BE ALLOWED:
 - WHOLESALE MERCHANDISING OR STORAGE WAREHOUSES WITH OR WITHOUT ACCESSORY MANUFACTURING
 - MANUFACTURING AND OFFICES, WATCHING, METAL AND DENTAL EQUIPMENT, DRAFTING, OPTICAL AND MUSICAL INSTRUMENTS, WATCHES, CLOCKS, TOYS, GAMES AND ELECTRICAL OR ELECTRONIC APPARATUS
 - MANUFACTURING OR ASSEMBLING BOWLS, BOLTS, NUTS, SCREWS AND BREVETS, ORNAMENTAL IRON PRODUCTS, FIREARMS, RIFLES, MACHINERY, TOOLS, DIES, MACHINERY AND HARDWARE PRODUCTS, SHEET METAL PRODUCTS AND VITREOUS ENAMEL PRODUCTS
 - MANUFACTURING OF RUGS, MATS, PILLOWS, QUILTS, MILINERY, HOSIERY, CLOTHING AND FINISHING OF TEXTILES AND FIBERS INTO FABRIC GOODS
 - MANUFACTURING OF BOXES, CRATES, FURNITURE, BARRETS, WHEELS AND OTHER WOOD PRODUCTS OF SIMILAR NATURE
 - MANUFACTURING OF PRODUCTS OF METAL, INCLUDING MANUFACTURING OF PRODUCTS DANGEROUS TO HEALTH AND SAFETY IN SURROUNDING AREAS AND WHICH DO NOT EXCEED ANY WORK EXPOSURE LIMITS FOR DUST, SMOKE, DUST, LINT, OIL, HEAT OR GLARE THAN THAT WHICH IS GENERALLY ASSOCIATED WITH LIGHT INDUSTRIAL ACTIVITY
 - COMPOUNDING OF COSMETICS, TOILETRIES, DRUGS AND PHARMACEUTICAL PRODUCTS
 - MANUFACTURING OF PRINTING AND REPRODUCTION FACILITIES
 - PRINTING AND PUBLISHING FACILITIES

1. PERMITTED USES FOR AREAS C-1, C-2 AND C-3
 THE USES LISTED BELOW ARE REQUESTED FOR AREAS C-1, C-2 AND C-3. THEY REPRESENT ONLY OFFICE AND LIMITED COMMERCIAL USES. THE PERMITTED USES LISTED BELOW ARE PERMITTED BY RIGHT IN THE "M-1" LIGHT INDUSTRIAL AND LIGHT INDUSTRIAL AREAS OF THE PROJECT.

THE FOLLOWING USES THAT ARE PERMITTED BY RIGHT IN THE "C-1" NEIGHBORHOOD COMMERCIAL ZONING DISTRICT WILL BE ALLOWED:

- GENERAL OFFICES
- GENERAL OFFICES
- BANKS AND FINANCIAL SERVICES
- ART OR PHOTO STUDIOS
- ART OR PHOTO STUDIOS
- BARBER OR BEAUTY SHOP
- FLOWER OR PLANT STORE
- BAKERY OR CONFECTIONERY
- REPAIR SHOPS FOR ELECTRICS, SMALL APPLIANCES, BICYCLES ETC.)
- PHOTO FINISHING PICKUP STATION
- PRINT SHOPS
- GENERAL RETAIL
- RESTAURANTS

5. PERMITTED USES FOR AREA D
 THE USES LISTED BELOW ARE REQUESTED FOR AREA D. THEY INCLUDE SINGLE-FAMILY ZERO LOT LINE DETACHED HOUSES AND CONDOPMINIUMS DEVELOPMENT TO BE CONSIDERED IN ORDER TO BE COMPATIBLE WITH AN EXISTING ZERO LOT LINE RESIDENTIAL DEVELOPMENT TO THE NORTH.

THE FOLLOWING USES PERMITTED THAT ARE BY RIGHT IN THE "RM-2" HIGH DENSITY RESIDENTIAL ZONING DISTRICT WILL BE ALLOWED:

- SINGLE-FAMILY DETACHED ZERO LOT LINE HOUSES
- TOWNHOUSES AND CONDOPMINIUMS (UNITS FOR SALE, NOT RENTAL)
- OFFICES WITH SALES OFFICE FOR THE PROMOTION OF ORIGINAL SALES OF LOTS AND HOUSES WITHIN THE DISTRICT
- HOME OCCUPATIONS SUBJECT TO THE STANDARDS DEFINED UNDER THE "M-6" ZONING DISTRICT
- ACCESSORY BUILDINGS AND USES PROVIDED IN ARTICLE VI FOR THE "RM-6" ZONING DISTRICT

6. PERMITTED USES FOR OPEN SPACE AND WETLANDS AREAS
 THESE AREAS CONSIST OF HORN LAKE CREEK AND WETLANDS AREAS THAT WILL BE INCORPORATED INTO THE PROJECT BUT WILL NOT BE DEVELOPED.

B. BULK REGULATIONS
 THE FOLLOWING BULK REGULATIONS SHALL APPLY TO THE DESOTO COMMONS PLANNED UNIT DEVELOPMENT.

1. AREAS A-1 THROUGH A-3, A-4,5 THROUGH A-7, AND A-9
 THE REQUIREMENTS OUTLINED IN THE PUD SHALL BE THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT SHALL APPLY TO AREAS A-1 THROUGH A-3, A-4,5 THROUGH A-7, AND A-9
2. AREAS A-10 AND A-11
 THE REQUIREMENTS OUTLINED IN THE PUD SHALL BE THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT SHALL APPLY TO AREAS A-10 AND A-11.

BUILDINGS SUCH AS HOSPITALS SHALL ADHERE TO THE SETBACK REQUIREMENTS SPECIFIED IN THE ZONING ORDINANCE.

3. AREAS B-1 THROUGH B-3 AND AREAS A-4 AND A-8
 IN ORDER TO PROMOTE A UNIFIED DEVELOPMENT PATTERN THROUGHOUT THE COMMERCIAL/PLANNED CORPORATE DISTRICT, THE SETBACKS FOR COMMERCIAL AND LIGHT INDUSTRIAL USES SHALL FOLLOW THE REQUIREMENTS SET FORTH IN THE ZONING ORDINANCE. THE SETBACKS FOR LIGHT INDUSTRIAL USES SHALL HAVE A MINIMUM SIX-YARD SETBACK OF TEN (10) FEET WHERE THEY ADJUT COMMERCIAL USES.

1. AREAS C-1 AND C-2
 BUILDING SETBACKS FOR THE OFFICE AND COMMERCIAL USES SHALL FOLLOW THE REQUIREMENTS SET FORTH IN THE "C-2" ZONING DISTRICT. HOWEVER, THE UPPER FLOOR REQUIREMENTS CONTAINED IN THE "C-4" ZONING DISTRICT SHALL APPLY TO HOSPITAL USES AND SHALL PREVAIL IF THEY RESULT IN A GREATER SETBACK AREA.

THE REVIEW STANDARDS LISTED IN THE ZONING ORDINANCE FOR PLANNED UNIT DEVELOPMENTS LIMIT THE DENSITY IN AREA D TO FIVE (5) FAMILIES PER ACRE FOR SINGLE FAMILY DWELLINGS AND TWENTY (20) FAMILIES PER ACRE FOR MULTIPLE FAMILY AND EIGHT (8) UNITS PER ACRE FOR TOWNHOUSES OR CONDOPMINIUMS. NO STRUCTURES MAY EXCEED TWO STORIES OR 35' IN HEIGHT.

DESIGNERS OF AREAS E SHALL DETACHED ZERO LOT LINE HOUSES IN AREA D SHALL COMPLY WITH THE REQUIREMENTS OF THE "M-1" ZONING DISTRICT. THE SETBACKS FOR COMMERCIAL AND LIGHT INDUSTRIAL USES SHALL FOLLOW THE REQUIREMENTS OF THE "M-1" ZONING DISTRICT. THERE SHALL BE A MINIMUM OF 1,700 SQUARE FEET OF HEATED AREA IN EACH SINGLE FAMILY DETACHED DWELLING.

DEVELOPMENT OF TOWNHOUSES OR CONDOPMINIUMS SHALL COMPLY WITH THE REQUIREMENTS OF THE "M-2" ZONING DISTRICT, EXCEPT AS PROVIDED ABOVE IN THIS SECTION.

6. AREA D, OPEN SPACE/WETLANDS AREA
 NO BUILDINGS OR OTHER IMPROVEMENTS SHALL BE ALLOWED IN THE OPEN SPACE OR WETLANDS AREAS.

C. PARKING REQUIREMENTS
 THE PARKING STANDARDS OUTLINED IN ARTICLE IIII OF THE HORN LAKE ZONING ORDINANCE SHALL APPLY TO ALL AREAS OF THE DESOTO COMMONS DEVELOPMENT.

D. SIGNAGE REQUIREMENTS
 THE SIGN REGULATIONS OUTLINED IN ARTICLE X OF THE HORN LAKE ZONING ORDINANCE SHALL APPLY TO ALL AREAS OF THE DESOTO COMMONS DEVELOPMENT.

THE GENERAL SIGN REQUIREMENTS OF THESE REGULATIONS SHALL APPLY TO ALL SIGNS IN THE DESOTO COMMONS PLANNED DEVELOPMENT.

PRIOR TO SUBMISSION OF SIGN APPLICATIONS TO THE CITY OF HORN LAKE, ALL OWNERS AND TENANTS SHALL SUBMIT PLANS TO THE ARCHITECTURAL REVIEW COMMITTEE THAT CONTAIN THE LOCATION OF THE SIGN, THE COMPLETE DESIGN OF ITS FACE, THE MATERIALS TO BE USED, THE COLOR OF THE SIGN, THE LOCATION OF THE SIGN, THE LOCATION OF THE SIGN, AND LIGHTING FINISHES. A PHYSICAL LAYOUT OF THE PROPERTY SHOWING THE LOCATION OF THE SIGN, THE LOCATION OF THE MATERIALS, FINISHES AND LIGHT ON A FORMAL LAYOUT AND SUCH OTHER PERTINENT INFORMATION AS THE ARCHITECTURAL REVIEW COMMITTEE MAY REQUIRE TO INSURE COMPLIANCE WITH THESE REGULATIONS. THE ARCHITECTURAL REVIEW COMMITTEE SHALL REVIEW THE SIGN PLANS AND APPROVE THEM IN FOURTEEN (14) DAYS. UPON APPROVAL, THE PLANS SHALL BE SUBMITTED TO THE CITY OF HORN LAKE FOR FINAL, GOVERNMENTAL APPROVAL.

1. SIGN LIGHTING RESTRICTED
 SIGN LIGHTING SHALL BE LIMITED TO ILLUMINATION AND BACK LIGHTING SHALL BE PERMITTED. PROVIDED THAT ALL SIGN LIGHTING SHALL BE FOR ILLUMINATION AND NOT IN AND OF ITSELF BE OF RED, OR GREEN, OR BLUE IN COLOR. SIGN LIGHTING SHALL BE FURTHER SO SHADED, SHIELDED OR DIRECTED THAT LIGHT INTENSITY WILL NOT BE OBSTRUCTIVE TO SURROUNDING AREAS, AND LIGHTING SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL REVIEW COMMITTEE.

2. POLE AND OTHER SIGNS PROHIBITED
 POLE SIGNS ARE ABSOLUTELY PROHIBITED AND ONLY THOSE GROUND MOUNTED SIGNS SPECIFICALLY ALLOWED AND DEFINED BELOW.

3. ONE PREMISES SIGNS REQUIRED
 ALL SIGNS MUST BE LOCATED UPON THE PHYSICAL PROPERTY OF THE OCCUPANT, GOODS OR SERVICES ENJOYED.

4. CONSTRUCTION SIGNS PERMITTED
 CONSTRUCTION SIGNS SHALL BE PERMITTED IN ACCORDANCE WITH THE CITY OF HORN LAKE REQUIREMENTS.

5. WALL SIGN REQUIREMENTS - GENERAL
 ALL WALL SIGNS SHALL BE PERMANENTLY AFFIXED TO THE WALL OF THE STRUCTURE UPON WHICH THE FRONT FOOTAGE IS CALCULATED AND WHOSE PREMISES IT ENJOYS; PROVIDED, HOWEVER, WITH THE FOLLOWING EXCEPTIONS: A WALL SIGN MAY BE AFFIXED TO A SIDE WALL OR A REAR WALL, BUT THE PERMANENTLY AFFIXED TO THE WALL OF THE STRUCTURE UPON WHICH THE ALLOWED SQUARE FOOTAGE FOR THE NUMBER OF SIGNS ALLOWED. NO SIGN SHALL BE AFFIXED TO THE WALL OF THE STRUCTURE UPON WHICH THE ALLOWED SQUARE FOOTAGE IS CALCULATED. THE ALLOWABLE SQUARE FOOTAGE BE AFFECTED.

EVERY BUSINESS ESTABLISHMENT, RETAILER, SERVICE ORGANIZATION, OR OTHER COMMERCIAL ENTERPRISE SPECIFICALLY LOCATED IN A COMMERCIAL OR OFFICE DISTRICT, SHALL BE ENTITLED TO NO MORE THAN TWO (2) WALL SIGNS OF TOTAL ACCUMULATED SQUARE FOOTAGE NOT TO EXCEED ONE (1) SQUARE FOOT OF SIGN FOR EVERY FOOT OF BUILDING FRONTAGE, SUBJECT TO THE FOLLOWING RESTRICTIONS:

- A. NOTWITHSTANDING THE BUILDING FOOTAGE, THE MINIMUM SQUARE FOOTAGE SIGN ALLOWMENT SHALL BE THIRTY (30) SQUARE FEET.
- B. NOTWITHSTANDING THE BUILDING FRONT FOOTAGE, THE MAXIMUM SQUARE FOOTAGE OF TOTAL SIGNS SHALL NOT EXCEED ONE HUNDRED (100) SQUARE FEET ON SINGLE TENANT BUILDINGS.
- C. A WALL SIGN SHALL NOT BE MOUNTED HIGHER THAN THE ROOF LINE, AND MUST BE LOCATED ON THE PREMISES OF THE BUILDING WHOSE ENTRANCE IT ENJOYS.
- D. MULTI-TENANT BUILDINGS ARE NOT RESTRICTED AS TO THE NUMBER OF SIGNS PERMITTED. HOWEVER, THE ALLOWMENT OF ONE (1) SQUARE FOOT OF SIGN AREA FOR EACH LINEAR FOOT OF TENANT FRONTAGE APPLIES.

4. DIRECTORY AND IDENTIFICATION SIGNS
 IN A PROJECT OR DEVELOPMENT WHEREBEN FIVE OR MORE BUSINESSES, TENANTS OR OCCUPANTS ARE CONTAINED, WITH INDIVIDUAL STREET FRONTAGE, A COMMON PARKING LOT, A TOTAL SQUARE FOOTAGE OF AT LEAST ONE THOUSAND (1000) SQUARE FEET IN SAID PROJECT, THERE SHALL BE PERMITTED, IN ADDITION TO THE SIGNAGE PERMITTED HEREFORE RECTED, A GROUND SIGN ON EACH MAJOR ROAD FRONTAGE, SUBJECT TO THE FOLLOWING RESTRICTIONS:

- A. THE DIRECTORY OR PROJECT SIGN SHALL BE SETBACK NO LESS THAN TWENTY (20) FEET FROM THE CURB OR STREET RIGHT-OF-WAY.
- B. THE HEIGHT OF SAID DIRECTORY OR PROJECT SIGN SHALL BE DETERMINED AS SHOWN BELOW, BUT IN NO INSTANCE SHALL IT EXCEED TWENTY (20) FEET, REGARDLESS OF THE NUMBER OF OCCUPANTS.
- C. THE MAXIMUM WIDTH OF SAID PROJECT SIGN SHALL BE NO MORE THAN FIFTEEN (15) FEET, AND MINIMUM HEIGHT NO MORE THAN 20 FEET. THE ARCHITECTURAL REVIEW COMMITTEE RESERVE THE RIGHT TO APPROVE THE ARCHITECTURAL DETAILS OF THE SIGN STRUCTURE, AS WELL AS THE COPY AREA OF THE SIGN ITSELF.
- D. SAID SIGNS MAY BE INTERNALLY LIGHTED, BUT ONLY WITH WHITE LIGHTING OF INTENSITY AND FOCUS NOT TO INFRINGE UPON NEIGHBORING PROPERTIES OR STREET TRAFFIC.
- E. THE AREA BETWEEN THE BOTTOM OF THE FACE OF THE PROJECT SIGN SHALL BE OF SOLID CONSTRUCTION AND SHALL NOT BE UNSUPPORTING OR SHIMMERY AND SHALL HAVE A BRICK OR DECORATIVE STONE BASE.
- F. THE NAME OF THE CENTER THEREOF MUST EXPLICITLY BE LOCATED UPON THE TOP OF THE PROJECT OR DIRECTORY SIGN, SAID NAME DESIGNATION TO BE THE SAME WIDTH AS THE OVERALL SIGN AND OF VERTICAL HEIGHT NO MORE THAN THE (8) FEET.

G. THE COLLECTIVE SQUARE FOOTAGE OF TENANT SIGNAGE SHALL NOT EXCEED 120 SQUARE FEET. NO SINGLE TENANT SHALL BE ALLOWED MORE THAN 25 SQUARE FEET OF SIGN AREA. THE ALLOWMENT OF SIGNAGE SHALL BE PROHIBITED IN AREAS WHERE SIGNAGE HAS BEEN DESCRIBED, IS THE RESPONSIBILITY OF THE PROPERTY OWNER OR HIS DESIGNATED AGENT.

- H. AFTER INITIAL APPROVAL OF THE DIRECTORY SIGN, CHANGES OF NAMES OR COPY ON THE TENANT SIGNS MAY NOT BE MADE WITHOUT APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE.
- I. ALL PROJECT AND DIRECTORY SIGNS SHALL BE GROUND SIGNS, AND THE FACE OF SAID SIGN SHALL BE LOCATED NOT MORE THAN THREE (3) FEET AND NOT LESS THAN TWO (2) FEET FROM THE SURROUNDING CURB. THE FACE SHALL BE RECTANGULAR IN SHAPE; IT IS SPECIFICALLY PROHIBITED TO HAVE SPACES OR GAPS BETWEEN OCCUPANT SIGNS AND THE CENTER DESIGNATION SIGNS.
- J. THE ARCHITECTURAL REVIEW COMMITTEE SHALL BE REQUIRED TO APPROVE ALL PROJECT AND/OR DIRECTORY SIGN PRIOR TO INSTALLATION.

7. GROUND SIGN PROVISIONS
 THE OWNERS OF INDIVIDUAL LOTS AT THEIR DISCRETION, MAY CHOOSE A GROUND SIGN AS ONE OF THE TWO SIGNS ALLOWED. PROVIDED IT SHALL NOT INCREASE THE NUMBER OF SIGNS ALLOWED NOR THE AMOUNT OF SQUARE FOOTAGE AND FURTHER SUBJECT TO THE FOLLOWING CONDITIONS:

DESOTO COMMONS

**NON-RESIDENTIAL
 PLANNED UNIT DEVELOPMENT**

*Sections 35 J 36
 Township 1 S
 Range 8 W*

TOTAL ACRES: 394.41
 DESOTO COUNTY
 HORN LAKE, MISSISSIPPI
 DEVELOPER/OWNER: MILLENNIUM OF MISSISSIPPI, L.L.C.
 ENGINEER: ALEF&H-CH&H

AGENDA ITEM 2b): Bob Barber introduced and presented the following case:

CASE NO.: #2040VA Variance Lot 16 Center Street Industrial
PROJECT: Variance request for 1'7" Encroachment into the Side Yard
ADDRESS: Northeast corner of Nail and Hurt Roads
(Tax Parcel# 1088340400000200)
APPLICANT: Nick Kruegan, Civil Link
DATE: 5.24.21

BACKGROUND AND DISCUSSION:

1. The applicant is requesting a reduction in the required 10' side yard setback to 8'3" to allow for a building addition.
2. Based on the survey, the original construction encroaches in the required side yard by the same distance.

The Planning Commission may grant a variance based findings of fact related to the following criteria:

From Article X of the Zoning Ordinance:

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:

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

STAFF RECOMMENDATION:

None other than above report.

MEETING DISCUSSION: The Chair called for representation. The applicant was not present. Mr. Barber stated that the variance was a simple one and that the applicant might have confused the meeting times since the meeting was moved due to Memorial Day. Mr. Barber stated that variance met the criteria in his opinion.

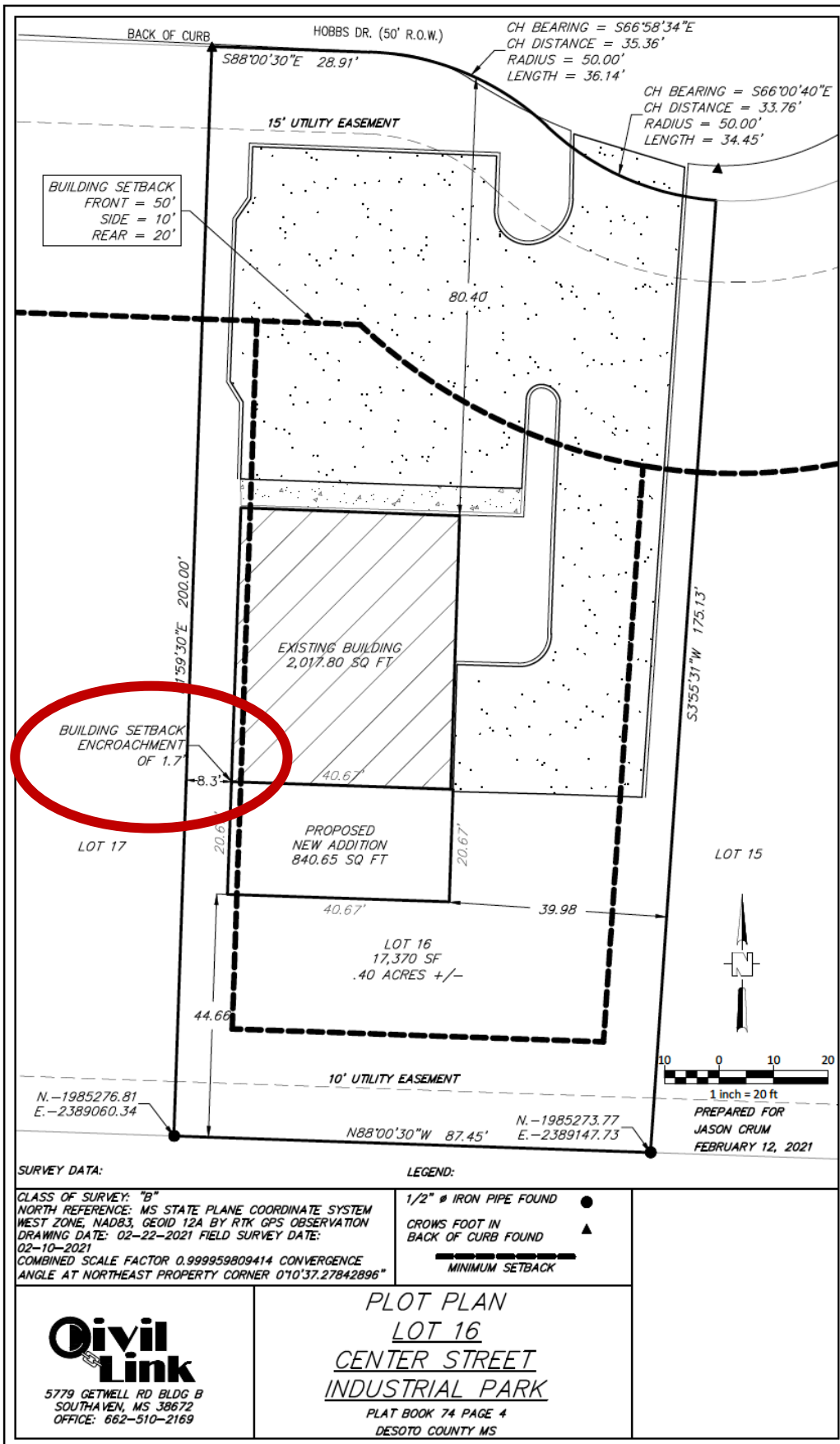
The Chairman called for comment. Francis Miller appeared and stated that if the applicant didn't care enough to be present, that the application shouldn't be heard.

The Chairman asked the Commission how it wished to proceed.

ACTION: Janice Vidal stated that based on the information presented she believed the that the variance criteria have been met and there was no need to hold the matter up over a few inches. She then moved to grant the request. Andrew Yeager seconded, and the motion carried.

X





AGENDA ITEM 2c): Bob Barber introduced and presented the following case:

CASE NO.: 2041SD Ravenwood F Final Subdivision Approval
PROJECT: Final Subdivision Application
ADDRESS: North of Nail, West of Horn Lake Road
APPLICANT: Chambliss Homes
DATE: 5.24.21

BACKGROUND DISCUSSION:

1. The Ravenwood Planned Unit Development was originally approved in 1990 in DeSoto County.
2. The PUD was amended after annexation into the City
3. The subject property consists of 16.05 acres and is zoned PUD.
4. There are a number of agreements made in the PUD amendment of 2003. The entire record is attached for reference. It is assumed that all these agreements are valid.
5. There is no HOA for the development

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. Any approval is subject to 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 recording
4. Any approval is subject to engineer's final review and infrastructure requirements
5. Previous agreements should be fulfilled prior to recording

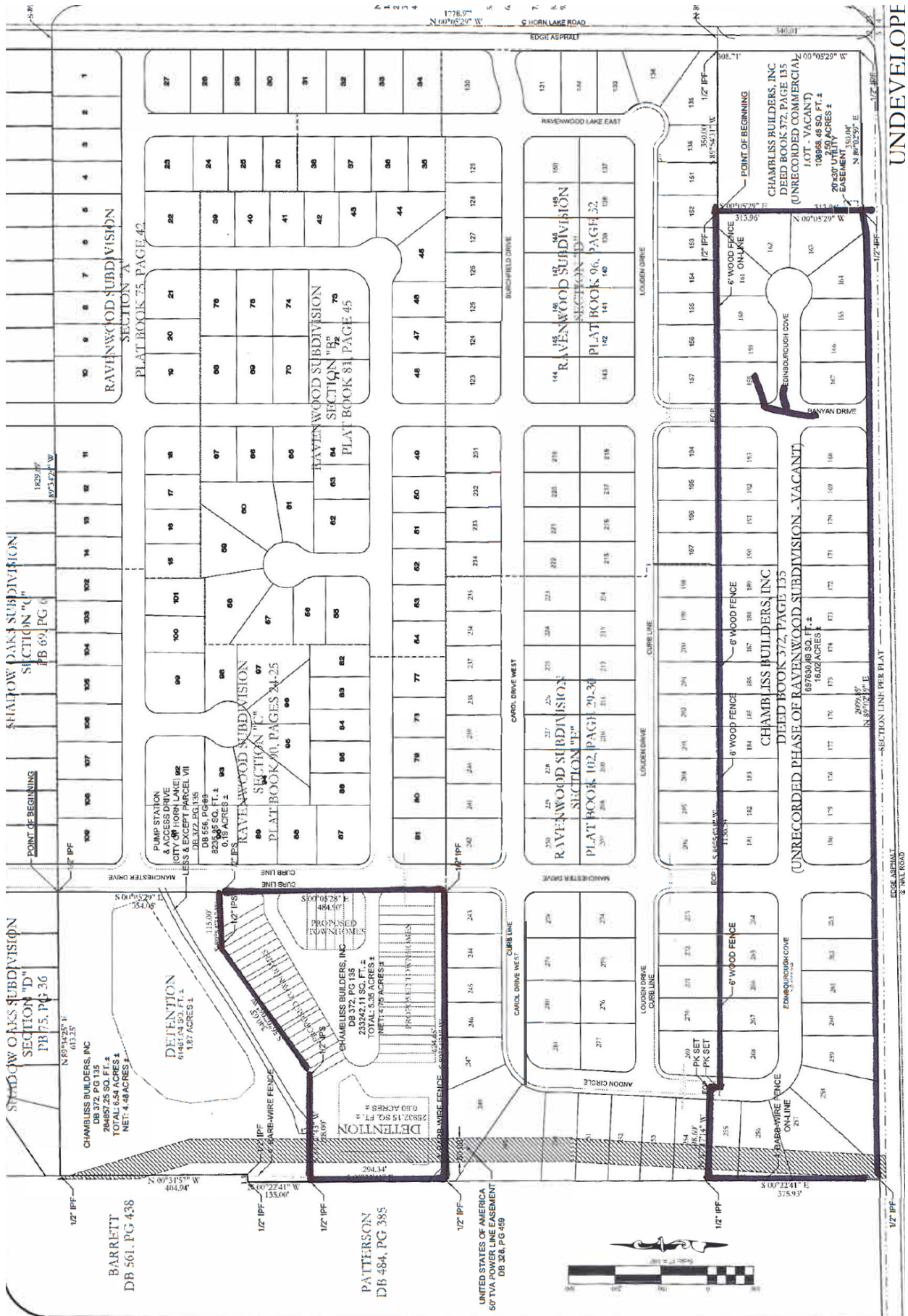
STAFF RECOMMENDATIONS: None other than the above report

MEETING DISCUSSION.

Mr. Ben Smith appeared as representative of the application. He stated that the recreational fee had been paid in 2003. He requested sidewalks be on only one side of the street. He

agreed that the homes would be a minimum of 1500 square feet heated. He stated that they would improve Nail Road as required by the City Engineer.

After discussion, Andrew Yeager moved to approve the application subject to staff conditions and verification that all agreements had been met. The motion was seconded by Ms. Vidal and it carried.



Agreements from 2003 Meeting

4. Ravenwood PUD to Ravenwood PUD Revised

UPDATE: Meeting occurred April 10 at 10:00 a.m. to help understand and negotiate technical review notes. Those in attendance; Donny Chambliss, Mayor Thomas, Alderman Shackleford, Alderman McCelhaney, City Engineer, and Planning Director.

- \$70,000 will go to the Park and Recreation Department in lieu of vacated parkland. (Tommy Bledsoe, Parks and Recreation Director)

Update: 314 total lots including townhouses. Townhouses have open space and walking track recommend deduct from total and deduct phase A & B previously approved by County prior to HL zoning amendment. (314 - <44 + 30 + 46 = 120> 314 - 120 = 194; 194 x \$250 per lot = \$48,500.00)

- Housing minimum to be increased to 1600 square feet instead of the 1200 square feet proposed along with attached enclosed garages. (Shannon Beshears, Captain of Horn Lake Police Department)

Update: Chambliss builders will agree to a 1,300 sq. ft. minimum up from the previous 12,500 minimum. To date 80% of the houses in the PUD are 15,000 sq. ft.

- Town homes will be required to be sprinkled. (Leroy Bledsoe, Fire Chief)

Update: A two hour fire rated wall and ceiling is required. The townhouses being built identical to this floor plan on Tulane Road were not required to be sprinkled?

- Homeowners association of town homes would ultimately be responsible for the maintenance of the parkland. (Rich Kimmel, Planning Director)

Agreed.

- Fencing and landscaping to be placed between the town homes and the housing portion of the subdivision also buffer fence and landscaping from west side. (Spencer Shields, Public Works Director)

Agreed to provide fencing along PUD side but don't agree to the need along West property boundary.

- Homes can not be built on TVA's easement along the west side of the PUD (Matt Thomson, City Engineer)

There is 50 ft. of space available for building footprint or slab. Will require close field supervision by building inspectors.

- No parking on the street. (Leroy Bledsoe, Fire Chief)

Agreed.

- Town homes are to have garages. (Shannon Beshears, Captain of Horn Lake Police Department)

Will not agree to request.

- Sidewalks will be required on both sides of all residential streets. (Mayor Thomas)

Still being reviewed by builder.

- Walls Water will provide water services and Horn Lake Utilities to provide sewer services. (Gary Smith, ECO Supervisor)

Need letter on file that confirms service is adequate and available.

- 10" water main off Goodman Road (Gary Smith, ECO Supervisor)

Agreed.

- Need lighting and hydrant locations (Leroy Bledsoe, Fire Chief)

Agreed.

- On site detention needs to occur prior to any further development (Rich Kimmel, Planning Director)

Agree to occur when Phase C site work is completed expect detention to be finished before houses are built on C (Please confirm this note with builder for accuracy in minutes.).

- Need architectural of town homes with elevations and floor plans with total square footage. (Rich Kimmel, Planning Director)

Completed.

- Need letter from TVA regarding building within easements.

Building inspectors will monitor to comply with easement and setbacks.

- Developers and/or homeowners association should be required to post bond and financial statement yearly to maintain parks and on site detention. (Matt Thomson, City Engineer)

Research and costs being researched by Chambliss Builders. Agree to proposal 4/15/03

Building line will be altered 2 to 3 ft. along front line to allow staggering of fronts so a straight line of front will be eliminated and a staggered front will be presented as an alternative.

- a) Case #2043AP Title Cash (1905 Goodman, Suite 105) Appeal of classification as Short-Term Lender (Note: *Applicant applied for unspecified variance. Interim Director determined that the request should be an appeal of the classification of short-term lender. Applicant was advised to submit such appeal, but no request was forthcoming. Consequently, It is my opinion that this matter should not be heard.*)

AGENDA ITEM 2d): Bob Barber introduced and presented the following case:

CASE NO.: Case #2043AP Title Cash (1905 Goodman, Suite 105)

Appeal of classification as Short-Term Lender

Mr. Barber stated that the applicant had occupied a building zoned C-4 as a Short-Term Lender. Short-Term Lenders are not permitted in C-4. Cash Depot and it had applied for a variance, but the application was incomplete, submitted after the deadline, and there was nothing from which to seek a variance. Mr. Barber stated that in his opinion, the request should be an appeal of the classification of short-term lender. Applicant was advised to submit such appeal, but no request was forthcoming.

The Chairman asked if anyone was present on the matter. Mr. Roy Hutchison, 1904 Rosebery Drive in Scottsboro, Alabama and Mitzi Cosby of Boonville, Mississippi both appeared to address the item. They stated that they had received a privilege license from the City and thought that meant they were approved.

Mr. Barber stated that a privilege license did not overrule the way property is zoned.

After discussion, the Chairman stated that the applicant had basically three options. They could move to a properly zoned location, seek to have the current property rezoned, or officially appeal their status as a short term-term lender. The Commission has nothing to act on at this meeting.

There being no further business, the meeting was adjourned.