

Minutes from the Sept. 26, 2022, City of Horn Lake, MS, Planning Commission Meeting:

1. **Call to Order**

2. **Roll Call & Pledge of Allegiance**

3. **Approval of Previous Meeting Minutes from 8/29/2022**

4. **Old Business**

A) Case No. 2079 CU: A request for a conditional use for a cemetery land use to be located at 4600 Church Road West in Horn Lake by Riyadh Elkhayyat, landowner; and AERC, PLLC, via Doug Thornton, AIA, representative of owner; on land that is zoned as A-R, Agricultural-Residential District, consisting of approximately 80.73 acres +/- (This case was tabled from the 4-25-2022, planning commission meeting and was tabled again during August. The case is ready to be heard and must be taken from the table officially.)

Note: The public hearing was closed earlier in the year, but could be reopened if the planning commission desires to do that.

5. **New Business**

A) Case No. 2096 SDFP: A request for a subdivision final plat (SDFP) named “DeSoto Commons “A-9” Commercial Subdivision” located approximately at 6180 Interstate Boulevard in Horn Lake by Creative Constructions, LLC, developer and owner; and Houston Engineering, PLLC, engineering company; for land zoned as planned unit development, PUD, consisting of approximately 1.7 acres +/-.

B) Case No. 2098 RZ: A request for a zoning amendment from PUD, DeSoto Commons Planned Unit Development District, to C-3, General Commercial District, of parcel 108735000 0000301 at 6572 U.S. Highway 51 North (address unofficial and unassigned), by Sam Patel, developer; and Randall Pollan, Russell Pollan, Ryan Pollan and Pattie Pollan, landowners; consisting of a total 19.63-acres +/- **This is a public hearing type of case.**

C) Case No. 2099 CU: A request for a conditional use for a recreational vehicle (RV) park land use upon parcel 108735000 0000301 at 6572 U.S. Highway 51 North (address unofficial and unassigned), by Sam Patel, developer; and Randall Pollan, Russell Pollan, Ryan Pollan and Pattie Pollan, landowners; consisting of a total 19.63-acres +/- (The land is currently zoned PUD, Planned Unit Development District, but is under application to be rezoned to C-3, General Commercial District (aka, case no. 2098). The C-3 zoning, if approved, creates a pathway for the conditional use to be requested and considered.) **This is a public hearing type of case.**

D) Case No. 2100 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 8-16-2022, regarding the establishment of electronic changeable message signs (ECMS’s) within the I-55 Interchange Sign Overlay District at the maximum height and sign area as allowed

under federal and state law. If approved, the amendment would be to at least Article VI, “Sign Regulations,” Item C (Definitions), D (Sign Standards and Provisions), and K (Interstate 55 Interchange District) of said city zoning ordinance. Note, other relevant articles and sections of the zoning ordinance may come into play for potential amendment. **This case warrants a public hearing per the MS Code.**

- E) Case No. 2101 RZ: A request for a zoning amendment from A-R, Agricultural- Residential District, to C-4, Planned Commercial District, a portion of existing parcel 108931000 0000501 at the northeast (NE) corner of the intersection of Nail Road West and Mississippi Highway Route 301, by New Investment, LLC, potential buyer of said property; and Muhammed Acbar, representative of buyer; and Walls Water Association, Inc., landowner, consisting of a total 2.00-acres +/- **This case is public hearing type of case.**
- F) Case No. 2102 SDFP: A request for approval of a subdivision final plat named the “River Oaks, Phase II Subdivision,” located at approximately 5765 U.S. Highway 51 North in Horn Lake by Johnny Coleman Builders, developer and owner; and Civil Link, engineering company; for land zoned as Planned Unit Development (PUD), consisting of approximately 7.42 acres +/- (Address has not officially been assigned by DeSoto County as of 9-2-22 and is used mostly for location/siting purposes at this point.)

6. Those Present

- a. **City Planning Commissioners** – Chad Engleke (Chair), Jimmy Stokes (Vice Chair, MS Teams electronically), Angie Little, William Egner, Janice Vidal, Bill Mercer.
- b. **City Staff** – Chad Bahr, AICP, Planning Director; Daniel Feinstone, City Information Technology (IT); Tammy Woods, Planning & Building Office Manager.
- c. **Gallery** – Mark Gardner, Amy Sheley, Stephanie Dodd, Mohammed Akbar, Bobby Stewart, Doug Thornton, Chase Dabbs, Francis J. Miller, Sam Patel, and Austin Wilson.

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

Minutes from the Meeting -

1. **Chair** – Chad Engleke called the meeting to order at 6:00 PM.
2. **Roll Call** – Egner, Vidal, Little, Mercer, Stokes, McGan and Chair Engelke. Chair led the group in the Pledge of Allegiance. (One seat is vacated as one member moved out of town.)
3. The Chair asked for consideration of the minutes from the 8-29-2022, Planning Commission meeting.
 - a. Accept with correcting spelling from “Zorn Lake” to “Horn Lake” on page 3.
 - b. Motion – by McGan, 2nd by Mercer.
 - c. Vote: Motion passed, 6-0.

4. Old Business

- A) Case #2079:** A request for a conditional use for a cemetery land use to be located at 4600 Church Road West in Horn Lake by Riyadh Elkhayyat, landowner; and AERC PLLC, via Doug Thornton, AIA, representative of owner; on land that is zoned as A-R Agricultural-Residential District, consisting of approximately 80.73 acres +/- (This case was tabled from the 4/25/2022 planning commission meeting. The planning commission removed from the table by a 6-0 margin.)
- a. Planning director gave a power point presentation of the case with four (4) suggested conditions.
 - b. Doug Thornton, representative of the owner, addressed questions.
 - c. Riyadh Elkhayyat, landowner, spoke and addressed questions, as well.
 - d. Discussion ensued about soil borings, soil types, equity issues with funeral services, etc.
 - e. **Motion** – to recommend approval with eight conditions (see below) by Egner, 2nd by Stokes.
 - f. Motion passed, 4 –3.
No’s: Mercer, Little, McGan; **Yes’s:** Vidal, Stokes, Egner, and Chair Engelke.

Conditions:

1. Applicant/landowner shall install appropriate mix of trees and plantings at the perimeter of the proposed cemetery to help absorb any microorganisms.
2. Applicant/landowner shall place the proposed land use within either or both of the Ma (Memphis silt loam) and Lg (Loring silt loam) soil types as identified in the Natural Resources Conservation Service (NRCS), “*Custom Soil Report for DeSoto County, Mississippi for the Request of a Cemetery,*” dated 9-9-2022.

3. If intended to be divided, the owner/applicant shall divide the property according to the City's Subdivision Regulations.
4. All burial pits on the site must maintain a minimum of one (1) yard of subsoil below the bottom of the burial pit, i.e., soil depth before bedrock.
5. Cemetery guidelines and burial policies and procedures must be on file with the City of Horn Lake Planning Department and/or another appropriate city department.
6. Said cemetery cannot be enlarged without future approvals by the city. (Current proposal is for 520 grave sites.)
7. The development and occupancy of the mosque shall occur prior to the establishment of the cemetery.
8. There must be no discrimination against females, and females must be allowed to attend services and use facilities.

5. New Business

- A) Case No. 2096 SDFP: A request for a subdivision final plat (SDFP) named "DeSoto Commons "A-9" Commercial Subdivision" located approximately at 6180 Interstate Boulevard in Horn Lake by Creative Constructions, LLC, developer and owner; and Houston Engineering, PLLC, engineering company; for land zoned as planned unit development, PUD, consisting of approximately 1.7 acres +/-
 - a. The applicant was not present.
 - b. **Motion** – to table until the applicant or their representative would be present, by Vidal, 2nd by Little.
 - c. Motion passed, 6-0.

- B) Case No. 2098 RZ: A request for a zoning amendment from PUD, DeSoto Commons Planned Unit Development District, to C-3, General Commercial District, of parcel 108735000 0000301 at 6572 U.S. Highway 51 North (address unofficial and unassigned), by Sam Patel, developer; and Randall Pollan, Russell Pollan, Ryan Pollan and Pattie Pollan, landowners; consisting of a total 19.63-acres +/- **This is a public hearing type of case.**
 - a. Planning director gave a power point presentation of the case with a suggested motion and no conditions attached.
 - b. Sam Patel, applicant, discussed the issue and desired end land use for a recreational vehicle (RV) park of 120 spaces.
 - c. Discussion ensued about the proposed land use and the city's existing zoning scheme, C-3 zoning vs. the existing PUD, specifically.
 - d. The Chair opened the public hearing for the case. Francis Miller spoke about the request.
 - e. **Motion** – to recommend approval of the rezoning request with no conditions attached to it by Egner, 2nd by Vidal.

f. Motion passed, 3-2.

No's: Little, McGan; **Yes's:** Mercer, Vidal, and Egner. (Stokes at this point was abstaining due to technical difficulties.)

C) Case No. 2099 CU: A request for a conditional use for a recreational vehicle (RV) park land use upon parcel 108735000 0000301 at 6572 U.S. Highway 51 North (address unofficial and unassigned), by Sam Patel, developer; and Randall Pollan, Russell Pollan, Ryan Pollan and Pattie Pollan, landowners; consisting of a total 19.63-acres +/- . (The land is currently zoned PUD, Planned Unit Development District, but is under application to be rezoned to C-3, General Commercial District (aka, case no. 2098). The C-3 zoning, if approved, creates a pathway for the conditional use to be requested and considered.) **This is a public hearing type of case.**

- a. Planning director gave a power point presentation of the case with a suggested motion and two (2) conditions attached.
- b. Sam Patel, applicant, discussed the issue and desired end land use for a recreational vehicle (RV) park of 120 spaces and an area in the front of the property near Highway 51 N for a commercial area.
- c. The Chair opened the public hearing for the case. Francis Miller spoke about the request.
- d. **Motion** – to recommend approval of the conditional use request with two (2) conditions attached (see below) to it by Little, **2nd** by Vidal.

f. Motion passed, 5-0. (Stokes abstained due to technical difficulties.)

1. The owner/applicant shall develop an Emergency Action Plan (EAP) to satisfy the Mississippi Emergency Management Agency and the City of Horn Lake because the property is located within a 100-year designated flood plain. This could be deferred until site plan and design review, as well.
2. Subdivide/plat the property according to the City's subdivision regulations.

D) Case No. 2100 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 8-16-2022, regarding the establishment of electronic changeable message signs (ECMS's) within the I-55 Interchange Sign Overlay District at the maximum height and sign area as allowed under federal and state law. If approved, the amendment would be to at least Article VI, "Sign Regulations," Item C (Definitions), D (Sign Standards and Provisions), and K (Interstate 55 Interchange District) of said city zoning ordinance. Note, other relevant articles and sections of the zoning ordinance may come into play for potential amendment. **This case warrants a public hearing per the MS Code.**

- a. Planning director gave a power point presentation of this potential text amendment to the zoning ordinance and described the origin of the case as it was initiated for consideration by the board of aldermen on 8-16-2022.
 - b. The Chair opened the public hearing for the case. Francis Miller spoke about the request.
 - c. Discussion ensued among the commissioners upon the topic/case.
 - d. **Motion** – to recommend approval to the aldermen of the aldermen-initiated text amendment of a potential zoning ordinance regarding billboards and electronic changing message signs along I-55 by Egner, 2nd by Little.
 - e. Motion passed, 5-0.
- E) Case No. 2101 RZ: A request for a zoning amendment from A-R, Agricultural- Residential District, to C-4, Planned Commercial District, a portion of existing parcel 108931000 0000501 at the northeast (NE) corner of the intersection of Nail Road West and Mississippi Highway Route 301, by New Investment, LLC, potential buyer of said property; and Muhammed Acbar, representative of buyer; and Walls Water Association, Inc., landowner, consisting of a total 2.00-acres +/- **This case is public hearing type of case.**
- a. Planning director gave a power point presentation of the request.
 - b. Mark Gardner spoke about the request. Ms. Dodd passed out some information about the request to the planning commissioners.
 - c. The Chair opened the public hearing for the case. Francis Miller spoke about the request.
 - d. Discussion ensued among the commissioners upon the request/case.
 - e. **Motion** – to recommend approval to the aldermen of the rezoning request by Vidal, 2nd by Mercer.
 - f. Motion passed, 5-0.
- F) Case No. 2102 SDFP: A request for approval of a subdivision final plat named the “River Oaks, Phase II Subdivision,” located at approximately 5765 U.S. Highway 51 North in Horn Lake by Johnny Coleman Builders, developer and owner; and Civil Link, engineering company; for land zoned as Planned Unit Development (PUD), consisting of approximately 7.42 acres +/- (Address has not officially been assigned by DeSoto County as of 9-2-22 and is used mostly for location/siting purposes at this point.)
- a. Planning director gave a power point presentation of the subdivision final plat request. He added the developer this summer has been installing public improvements and the preliminary plat was approved by the city in December of 2019. The suggested motion for recommending approval to the board included 6 conditions.

- b. Both Chase Dabbs and Bobby Stewart spoke about the request. Stewart said they would address the utility easement issue, street lights were being worked out, sidewalks would be added, and street signs were being installed.
- c. Discussion ensued about the request of 34 single-family lots, one lot for a detention pond, and the applicability of the payment in lieu of providing open space or to provide open space by the developer.
- d. **Motion** – to recommend approval to the aldermen of the subdivision final plat request with 6 conditions attached (see below), but also have the aldermen with legal counsel input, sort out the issue of the applicability of the fee in lieu of providing open space question by Vidal, 2nd by Little.
- e. Motion passed, 5-0.

Attached Conditions:

- a. Address the issue of rear yard utility easement width. Subdivision regulations require a 10-foot wide utility easement for rear yards.
- b. Vacate Lots 5 & 6 of Coley PUD Subdivision prior to recording this River Oaks, Section C plat.
- c. Accept and clarify “COS #138” designation as common open space. If accepting, please articulate with wording upon the plat the purpose of the space and furnish a mechanism for perpetual private maintenance of said open space.
- d. Add sidewalks to the plat per subdivision regulations standards.
- e. Clarify if street lights will be installed and where in the subdivision.
- f. Clarify the installation of where and by whom of street signs in the subdivision.

6. Other Business.

- a) Planning department hirings. b) Comprehensive plan update. c) Zoning map update.
 - a) Planning director said the department was currently hiring five positions: two for Code Enforcement, one for Planner I, one Storm Water Administrator and one for Rental Housing Quality Coordinator.
 - b) Director confirmed with Orion Planning Group that they should be starting the update in the second half of October.
 - c) He said the planning intern and himself had been working with the DeSoto County GIS Department to update the city zoning map over the past five months or so. Task had been accomplished and new maps are hanging at various locations within city hall.

7. Adjournment. **Motion** – by Vidal, 2nd by Egner. Motion passed, 5-0 at 9:27 p.m.

Scrivener’s Note: Minutes prepared on 10-4-22 at 4:17 p.m. by C Bahr. Typos corrected on 10-6-22 at 9:28 a.m. (2nd draft; file name: Minutes from 9-26-22 mtg.docx)