

PLANNING COMMISSION MEETING
October 28th, 2019

Meeting Called to Order
Roll Call and Pledge
New Business
Applications:

1. Case No. 1932 – Request Preliminary Plat Approval – First Addition to Lot 5 Hopper’s Country acres

Old Business

- a. Case No. 1930 – Request Variance Approval – 3515 Goodman Rd.
- b. Case No. 1925 – Request Rezoning Approval – 3515 Goodman Rd.

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, October 28, 2019 at 6:00 PM, this being the time and place for said meeting.

PRESENT: Commissioners: Robert Kendall, Danny Klein, Linda McGan, Larry Ray,
Jimmy Stokes and Janice Vidal
Staff: Willie Davidson Jr. – Planning Director
ABSENT: Commissioners: Debbie Holden & Sharon Magee

The minutes from the September 30, 2019 meeting were reviewed and Commissioner Kendall made a motion to approve the minutes as submitted, seconded by Commissioner Ray and passed with a unanimous vote.

New Business

1. Case No. 1932 – Preliminary Plat Approval – First Addition to Lot 5 Hopper’s Country Acres

Staff introduced the application as a request for Preliminary Plat approval for a minor subdivision that will combine a portion of Lot 9c with Lot 5 of the Hopper’s Country Acres subdivision. The subject property is lot 5 of the Hopper’s Country Acres Subdivision located on the east side of Highway 51 North and addressed as 1221 Hopper Drive. Hopper’s Country Subdivision was approved by the Desoto County Planning Commission on July 30th, 1963 and by the Board of Supervisors on August 7th, 1963. The subdivision is located in an area that was annexed into the City on February 20th, 1994. Both parcels currently have single family residential unit constructed on them. The subdivision is zoned A-R Agriculture Residential.

Staff noted that the applicant nor their engineer could attend the meeting due to scheduling conflicts. Staff informed the commissioners the applicant’s reasoning for the request was to increase the size of their back yard and to provide space for a possible future expansion of their home.

Commissioner Vidal noted that there was a discrepancy in the staff report in reference to the lot sizes. Staff acknowledged the error and noted that lot 4 is currently 1.01 acres and not 1.51 acres. Staff noted that the change would be made in the staff report.

There being no further questions, Commissioner Vidal made the motion to recommend Preliminary Plat approval for the First Addition to Lot 5 Hopper’s Country Acres Subdivision subject to Staff Comments and the following conditions. There being no additional conditions the motion was seconded by Commissioner Ray. The motion passed by a unanimous vote in favor.

2. Case No. 1930 – Variance Approval – 3515 Goodman Rd.

Staff introduced the application as a request for a variance from Article V: Section I. Transitional Bufferyard Requirements of the City’s Zoning Ordinance which requires a Bufferyard Type 30 between the C-3 General Commercial District and R-12 Medium Density Residential District and from Article VII: Offstreet Parking and Loading Requirements of the City’s Zoning Ordinance which requires 1 space per 100 square feet of Gross Leasable Area, plus 10 queue spaces and parallel parking spaces are required to be 10ft x 23ft.

The subject property is located at the south west corner of Goodman Road and Dunbarton Drive. The plat was recorded in Plat Book 12 Pages 22 - 25 in the Chancery Clerk’s office on October 16, 1973. The Future Land Use Plan section of the City’s Comprehensive Plan has the property classified as Medium Density Residential. This property is a part of the city’s original incorporation.

On August 26, 2019 the Planning Commission tabled a rezoning request contingent of site plan approval for the proposal. At the same meeting, the Planning Commission denied site plan approval for the proposal by a vote of 3 to 2. On the September 17, 2019 an appeal to the denied site plan approval was presented. The Board of Aldermen granted site plan approval for the proposal.

On October 28, 2019 the Planning Commission heard variance cases related to the Bufferyard requirements and Parking requirements for the proposal. The Planning Commission denied the parking variance by a vote of 4 to 1.

Staff noted the applicant provided statements justifying each variance request. Staff provided background on the case and briefly summarized the case history. Staff noted that the variance request consisted of 4 parts that related to the Transitional Bufferyard Requirements and Offstreet Parking Requirements. Staff noted that all applicable ordinances were included in the packet for their review:

Type 30 Bufferyard Variance

The applicant request a variance in the Type 30 Bufferyard to allow a reduction in the buffer requirement between the C-3 District and the R-12 District. The ordinance requires a 30ft buffer and the current plan provides an 8ft buffer. The applicant proposes to supplement the Type 30 Bufferyard with additional landscaping and to replace the existing property line fence with a new 6ft sight-proof fence.

Type A Streetscape Variance

The applicant request a variance in the minimum area requirements of the Type A Streetscape along Goodman Road. The applicant states that their hardship is due to the MDOT right-of-way along Goodman Road. The applicant states that the landscape area will appear larger than what is actually shown on the plans.

Type C Streetscape Variance

The applicant request a variance in the minimum area requirements of the Type C Streetscape along Dunbarton Drive. The applicant states that the landscape area will exceed the minimum requirements by the zoning ordinance.

Ordinance Excerpt

Article V. - General Provisions and Supplemental Zoning District Regulations

I. - Transitional Bufferyard Requirements.

5. Transitional bufferyard design types.

*e. **Bufferyard Type 30.** Transitional bufferyard type 30 shall consist of a strip of landscaped area, a minimum of thirty (30) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the above requirements to a minimum height of six (6) feet, plus one (1) medium evergreen tree (ultimate height twenty (20) to forty (40) feet for every fifteen (15) feet planted on*

triangular staggered spacing, plus one (1) large deciduous tree (ultimate height fifty (50) feet or more) for every sixty (60) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier that abuts the more intense zoning district or development.

L. - Landscaping and Screening.

4. No final approval shall be issued until all landscaping and/or screening areas have been satisfactorily installed in accordance with approvals from the Design Review Commission and Governing Authority.

Streetscapes.

Landscaped areas shall be provided along all public road rights-of-way. The streetscape type to be used shall be dependent upon either the presence of parking or a vehicular drive aisle adjacent to the streetscape area.

*2. **Streetscape Type A** shall be required where parking is located adjacent to the streetscape and facing the public right-of-way and shall consist of a 20 foot wide area supplemented by a landscape island (10 feet by 20 feet minimum) in the parking area located every 8-10 spaces. Planting shall consist of one (1) major shade tree planted in each of the islands accompanied by a single, staggered row (straight or serpentine) of evergreen shrubs supplemented by three (3) ornamental trees, planted 20 feet on center, between each pair of shade trees.*

*3. **Streetscape Type C** shall be required where the green space or lawn between a building and the public right-of-way is unbroken by parking or vehicular travel surface and shall consist of a 25 foot wide area. Planting shall consist of one (1) major shade tree planted every 40 feet.*

Mr. Mike Davis, applicant, was present to answer any questions from the Commission. Mr. Davis elaborated on the history and background of the case. Mr. Davis presented the reasoning for the variance requests and indicated that he would field any questions from the commission.

Commissioner Vidal requesting more information on the bufferyard variance request and asked how would the vegetation supplement for the 22' deficiency. Mr. Davis displayed illustration boards of the site plan and explained that the proposed vegetation would exceed what is required in the city ordinance. Mr. Davis also noted that the business owner's son lives in the house directly south of the site.

Commissioner Ray ask for clarification on the variance request for the parking space dimensions. Mr. Davis noted the site was deficient by 1 parking space due to not wanting to lose a tree onsite and that the provided parallel parking dimension was sufficient for the site. Mr. Davis noted the City of Memphis's parallel parking requirement was less than the City of Horn Lake. Commissioner Ray commented that this lot was intended for a residential use and there were other suitable lots for this development.

Commissioner McGan asked if there were any utilities under the large mound/hill, that sits in the center of the lot. Mr. Davis clarified that there wasn't any utilities under the property from surveys they've performed on the property. Commissioner McGan questioned the MDOT approval for the curb cut on Goodman Rd. Mr. Davis stated that they had spoken with MDOT and stated that MDOT was good with the project if the existing curb cut was not modified. Commissioner McGan asked if there were any documentation for the approval. Mr. Davis stated that there was an email thread but he did not supply that to the commissioners.

Steve Brice, realtor, provided information on why this lot has not been developed as a residential lot. He provided information stating the location of the lot is not attractive for residential development being so close to a busy highway.

Louis Adams, Ice Cream Company representative, provided background on the owner and her operations in Southaven. Mr. Adams stated that 55% of the volume would be through the drive-through.

Jason Downing, contractor, stated that he was in agreement for traffic studies for the area. He stated that he has been a contractor for similar developments and there are rarely any major traffic concerns.

With there being no further discussion:

Commissioner Ray made the motion to deny the variance in the requirements of the Off Street Parking and Loading sections of the Zoning Ordinance as outlined within this staff report for the proposed Baskin Robbins located at 3515 Goodman Road, subject to Staff Comments and the following conditions. There being no additional conditions from the Commission, the motion was seconded by Commissioner McGan. The motion passed by a 4 to 1 vote in favor of the denial.

Commissioner Vidal made the motion to approve the variance in the requirements of the Landscape and Bufferyard sections of the Zoning Ordinance as outline within this staff report for the proposed Baskin Robbin located at 3515 Goodman Road, subject to Staff Comments and the following conditions. There being no additional conditions from the Commission, the motion was seconded by Commissioner Kendall. The motion passed by a unanimous vote in favor.

3. Case No. 1925 – Rezoning Approval – 3515 Goodman Road

Staff introduced the application as a request for approval of the rezoning of 3515 Goodman Road from R-12 Medium Density Residential to C-3 Neighborhood Commercial.

The subject property is located at the south west corner of Goodman Road and Dunbarton Drive. The plat was recorded in Plat Book 12 Pages 22 - 25 in the Chancery Clerk's office on October 16, 1973. The Future Land Use Plan section of the City's Comprehensive Plan has the property classified as Medium Density Residential. This property is a part of the city's original incorporation.

The applicant is proposing to rezone the property to allow the construction and operation of a Baskin Robbins. Per the City of Horn Lake Zoning Ordinance, Restaurants with drive-through component are allowed in the C-3 General Commercial District. Staff explained that this area was a part of the city's original incorporation and the foresight of Goodman Road's development was not seen.

Staff also noted that the rezoning does not comply with the Future Land Use map for that area as it stands, but with the westward development this area would be reclassified in the next comprehensive plan. Staff recommended the C-3 General Commercial zoning to be more accommodating to the neighborhood to the south and to restrict some uses that could adversely affect the neighborhood. Staff noted that if approval is recommended, the application shall proceed to the Board of Aldermen on November 19, 2019 for approval.

Mr. Mike Davis, applicant, was present to answer questions from the Commission. Mr. Davis provided background of the business and the reasoning for the rezoning. Mr. Davis noted that there is commercial properties in the area and this development would be consistent with the area.

Commissioner Klein opened the floor for public comments.

Mr. Francis J. Miller wanted to inform the applicants of the process if the case was denied. Mr. Miller stated that if denied, the case could be appealed to the Board of Aldermen and the Mayor has the right to veto their decision.

Following the discussion, Commissioner Stokes made the motion to recommend approval to the Board of Aldermen the rezoning of 3515 Goodman Rd., R-12 Medium Residential to C-3 General Commercial on the basis of change in neighborhood character, subject to staff comments and the following condition. There being no additional conditions, the motion was seconded by Commissioner Vidal. The motion passed by a unanimous vote in favor.

All items on the agenda having been addressed and there being no items under Old Business or any further points of discussion Commissioner Ray made a motion to adjourn. Commissioner Vidal seconded the motion. The motion passed by unanimous vote.

Respectfully typed and submitted,

Willie Davidson, Jr. – City of Horn Lake Planning Director