

DRAFT PLANNING COMMISSION MEETING MINUTES
April 26, 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, April 26, 2021 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, Chad Engelke. Andy Yeager

Staff: Shelly Johnstone representing Robert Barber – Interim Planner, Robert Barber by Zoom

The minutes from the 3.29.21 meeting were presented and reviewed. Commissioner Stokes moved to approve the minutes with corrections showing the date as March 29, 2021 and showing Commissioner Engelke as present. as submitted. The motion was seconded by Commissioner Engelke and it carried.

The agenda for the meeting was presented as follows:

1. Old Business
 - a) none
2. New Business
 - a) Case# CU2036 – Application for Conditional Use for Outdoor Recreation in C-4 Zone
 - b) Case# RZ2037 – Application to Rezone from C-1, M-1 and OTC to Planned Unit Development (PUD)

New Business

Shelly Johnston presented introduced the case and reviewed the following staff report.

1. Case #CU2036 – Application for Conditional Use for Outdoor Recreation in C-4 Zone

CASE NO.: CU #2036
PROJECT: Conditional Use for Outdoor Recreation in C-4 Zone
ADDRESS: Unaddressed Parcel on Outback Blvd. (Tax ID# 108726130 00001000)
APPLICANT: Roger Elvir, Owner
DATE: 4.26.21

BACKGROUND:

The applicant is requesting a conditional use approval for an outdoor recreational facility (soccer field). rezoning of the property from C-4 Commercial to C-3 Commercial. The subject property consists of 87 acres and currently is vacant.

DISCUSSION:

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?*

- b) *Will this use substantially increase fire hazards?*
- c) *Will this use adversely affect the character of the neighborhood?*
- d) *Will this use overtax public utilities or community facilities (including streets, schools, and public utilities)?*

STAFF COMMENTS:

- 1. If approved, the applicant shall proceed to the Board of Aldermen for final approval.

STAFF RECOMMENDATION:

- 1. Review and material and establishment of any conditions determined necessary.
- 2. Time limit to allow for review

MEETING DISCUSSION:

Shelly Johnstone noted the letter of support from a local minister which came in today. PC action is for conditional use only, not design review. CU does not go with the land, only for the applicant for a specified period of time before review.

Mr. Elvir spoke about his project.

Questions from the Planning Commission included:

Q. Is it open to everyone, or just teams.

A. Open to everyone.

Q. Will you charge?

A. Yes.

Q. Will there be enough parking?

A. May be able to share parking with the fireworks stand next door.

Q. Will parking lot be paved?

A. Bob Barber stated it will be required to be paved under the Design Standards.

Mr. Francis J. Miller spoke in favor of the project. Asked if this is a public hearing or will a public hearing be held

Janice Vidal moved to approve with staff comments in the staff report, for 10 years, and adding the requirement for site and design review. Chad Engelke seconded the motion. It passed unanimously.

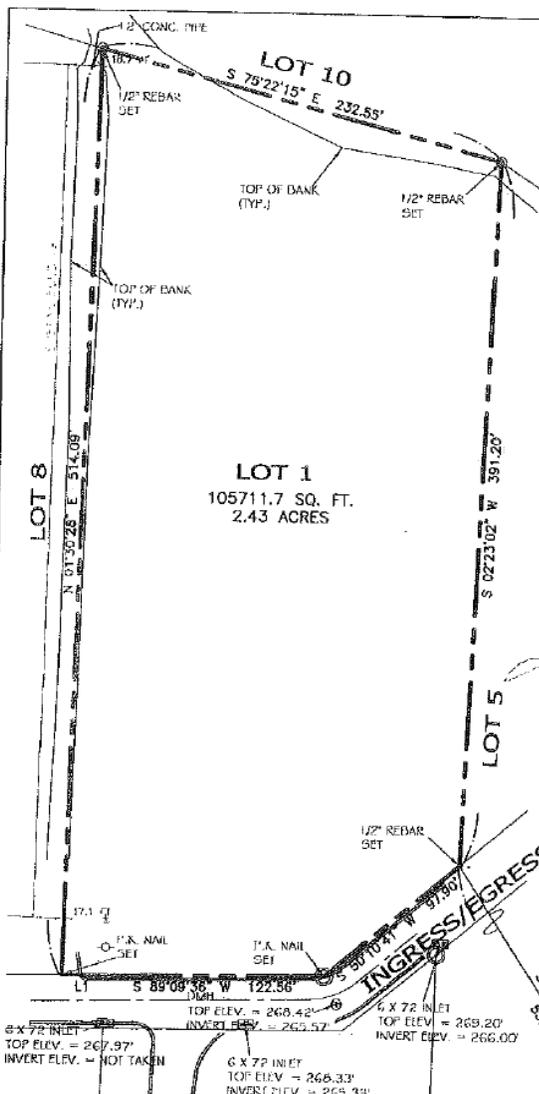
MOTION:

Commissioner Vidal move to recommend approval to the Board of Aldermen the conditional use approval for the above request at the stated address subject to staff comments and the following conditions:

- 1. Staff comments in the staff report,
- 2. For 10 years,
- 3. Site and design review to be presented later.

Commissioner Engelke seconded the motion. It passed unanimously.

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C



LEGAL DESCRIPTION

A legal description of a 2.43, more or less, acre tract of land located in the Southeast quarter of the Southwest quarter of Section 26, Township 1 South, Range 8 West, Horn Lake, DeSoto County, Mississippi and is further described as follows:

Beginning at a 1/2" rebar set on the North line of an Ingress/Egress easement as per Plat Book 88, Page 10 being the Sixth Revision of the Stansell Square 3-1 lot Subdivision and being a common corner of Lot 5 of said Subdivision, said point lies North 33 Degrees 16 Minutes 37 Seconds West a distance of 532.38 feet from the Southeast corner of the Southeast quarter of Section 26, Township 1 South, Range 8 West; thence along the North line of the aforementioned Ingress/Egress easement with the following call: South 50 Degrees 10 Minutes 41 Seconds West a distance of 57.00 feet to a 1/2" rebar set; thence South 89 Degrees 09 Minutes 36 Seconds West a distance of 122.56 feet to a 1/2" rebar set; thence North 89 Degrees 34 Minutes 47 Seconds West a distance of 24.53 feet to a 1/2" rebar set being a common corner of the herein described property and the East line of said Lot 6 a distance of 514.09 feet to a 1/2" rebar set being a common corner of Lot 10, the herein described property and the aforementioned Lot 6; thence South 73 Degrees 27 Minutes 15 Seconds East along the South line of said Lot 10 a distance of 232.55 feet to a 1/2" rebar set being a common corner of the herein described property, Lot 5, and the aforementioned Lot 10; thence South 02 Degrees 23 Minutes 02 Seconds West along the West line of Lot 5 a distance of 391.20 feet to a 1/2" rebar set which is the True Point of Beginning, having an area of 105711.70 Square Feet, 2.43 Acres, more or less, being subject to all codes, regulations and restrictions, rights of way and easements of record.

The herein described property is the same property shown as Lot 1 of the Sixth Revision of Stansell Square 3-1 lot as per Plat Book 88, Page 10 in the Office of the County Clerk, DeSoto County, Mississippi.

Signature
7-5-07

LEGEND

- These standard symbols will be found in the drawing
- LIGHT POST
 - TELEPHONE RISER
 - GAS METER
 - SEWER STOP
 - SEWER CLEANOUT
 - WATER METER
 - SEWER MANHOLE
 - IRRIGATION CONTROL VALVE
 - HANDICAPPED PARKING
 - ELECTRIC METER
 - UTILITY POLE
 - CORNER MONUMENTATION
 - 6-72 INLET
 - WATER VALVE
 - FIRE HYDRANT
 - CURB VANE
 - SIGN
 - FENCE
 - OVERHEAD ELECTRIC LINE

VICINITY MAP



LINE	BEARING	DISTANCE
L1	N 89°34'47" W	24.53'

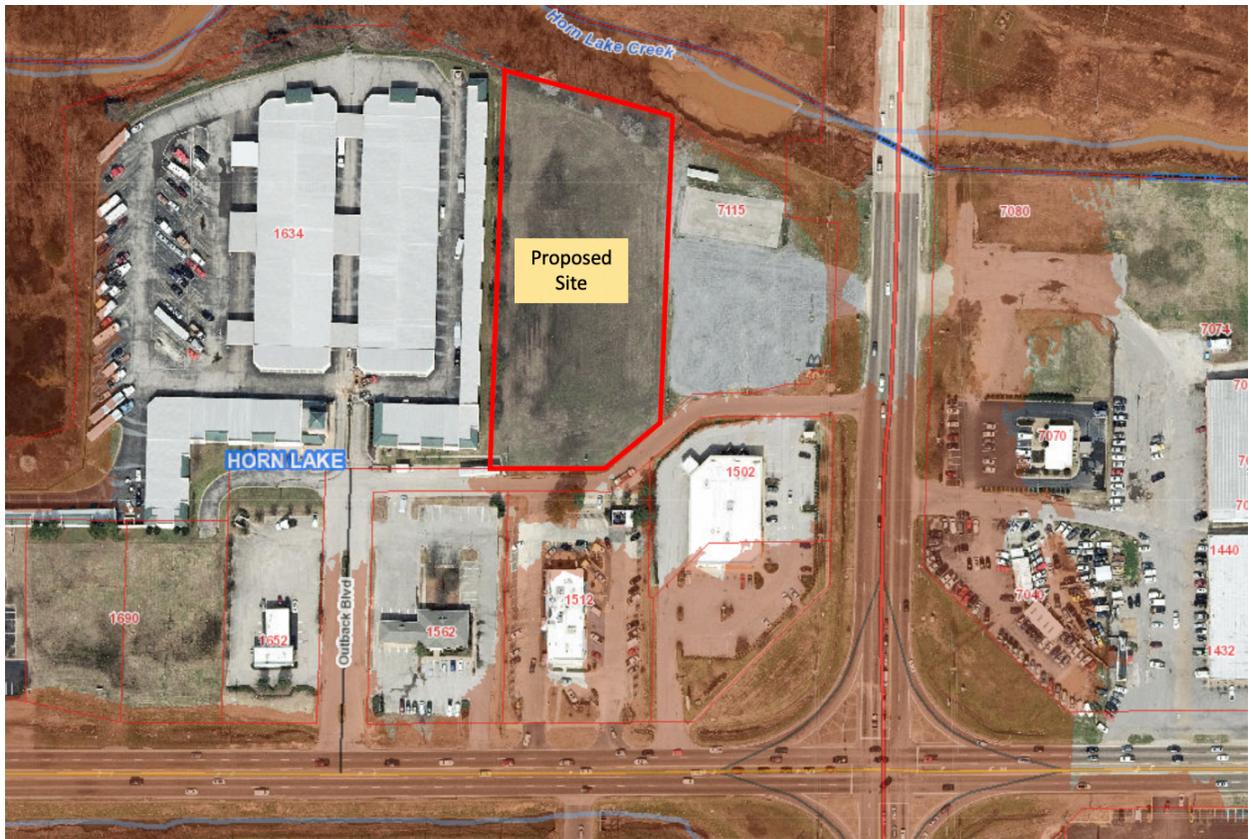
NOTES:

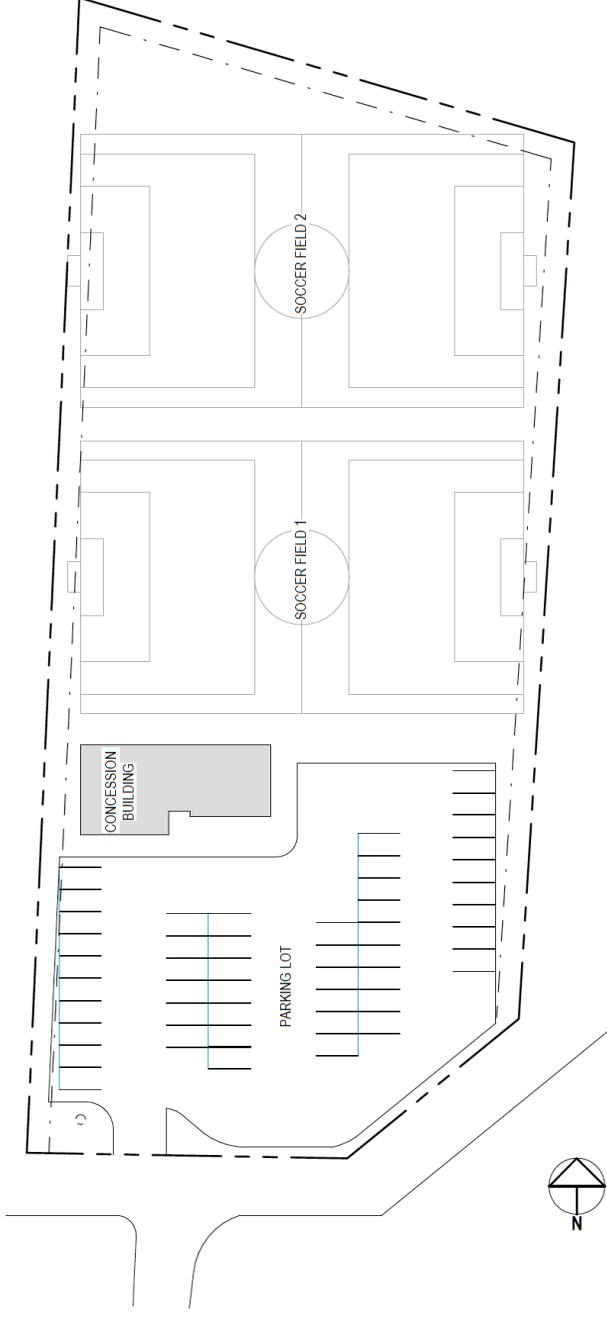
THIS SURVEY IS SUBJECT TO ALL CODES, REGULATIONS, RESTRICTIONS, EASEMENTS, RIGHTS OF WAY AND EASEMENTS OF RECORD.
 THIS SURVEY IS FOR INFORMATION PURPOSES ONLY AND DOES NOT CONSTITUTE A TITLE SEARCH OR A TITLE OPINION.
 ALL PLANNING AND DEVELOPMENT IS TO BE MADE IN ACCORDANCE WITH ALL APPLICABLE ZONING, SUBDIVISION, AND PLANNING REGULATIONS AND ORDINANCES.

RUSSELL & COMPANY
ENGINEERS **SURVEYORS**
 6760 GOODMAN ROAD
 OLIVE BRANCH, MS 38654
 662-893-3377

BOUNDARY & TOPOGRAPHIC SURVEY OF LOT 1 OF THE SIXTH REVISION OF STANSELL SQUARE 3-LOT S/D AS PER PLAT BOOK 88, PAGE 10 OF A 2.43 ACRE PARCEL OF LAND LOCATED IN HORN LAKE, DEOTO COUNTY, MISSISSIPPI SECTION 26, TOWNSHIP 1 SOUTH, RANGE 8 WEST

SURVEY BY: PB DATE: 2-28-2007 SCALE: 1" = 60'
 DRAWN BY: DH DATE: 3-5-2007 CLASS "B" SURVEY





URBANARCH ASSOCIATES
 Unnamed
 JOB: 21020
 DATE: 04/23/21
 SCALE: 1" = 50'-0"

BULLFROG CORNER SOCCER

HORN LAKE, MS

Urban
ARCH
 associates, p.c
 Brian P. Bullard, AIA

2. Case# RZ2037 – Application to Rezone from C-1, M-1 and OTC to Planned Unit Development (PUD)

Shelly Johnston presented introduced the case and reviewed the following staff report.

CASE NO.: #2037
PROJECT: Rezoning from C-1, M-1 and OTC to Planned Unit Development
ADDRESS: Northeast corner of Nail and Hurt Roads
(Tax Parcel# 1088340400000200)
APPLICANT: Prewitt Services LLC
DATE: 4.26.21

BACKGROUND:

The applicant is requesting rezoning of the property from C-1, M-1, and OTC to Planned Unit Development. The expressed purpose of the Planned Unit Development is to accommodate a ministorage facility with outside Recreational Vehicle Storage. Project documentation is attached.

The subject property consists of 9.6 acres and currently is vacant. In addition to the legal description, the applicant has submitted a written response to address their rational for the rezoning request.

DISCUSSION:

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 AND RECOMENDATION:

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.

MEETING DISCUSSION:

Ben Smith represented the project and answered questions from the Planning Commission (Bruce Pruitt owner).

Mr. Yeager asked how they would prevent people from staying there (in their RVs). Mr. Smith noted that there is no electricity to hook up to, and it would be virtually impossible to do that, and that if Mr. Pruitt discovered someone was doing that he would expel them from the property.

Mr. Stokes asked about crime at these types of properties. Mr. Smith said this is not a problem. The business is fenced and there will be security cameras. There will be no attendant; all transactions are automated.

Mr. Engelke asked if they were adding a lane to Hurt Road. Mr. Smith stated that no, the entrance is on the wide part of the road and there is curb and gutter there.

Mr. Francis J. Miller spoke in favor of the project and asked if this was a public hearing or if there would be one.

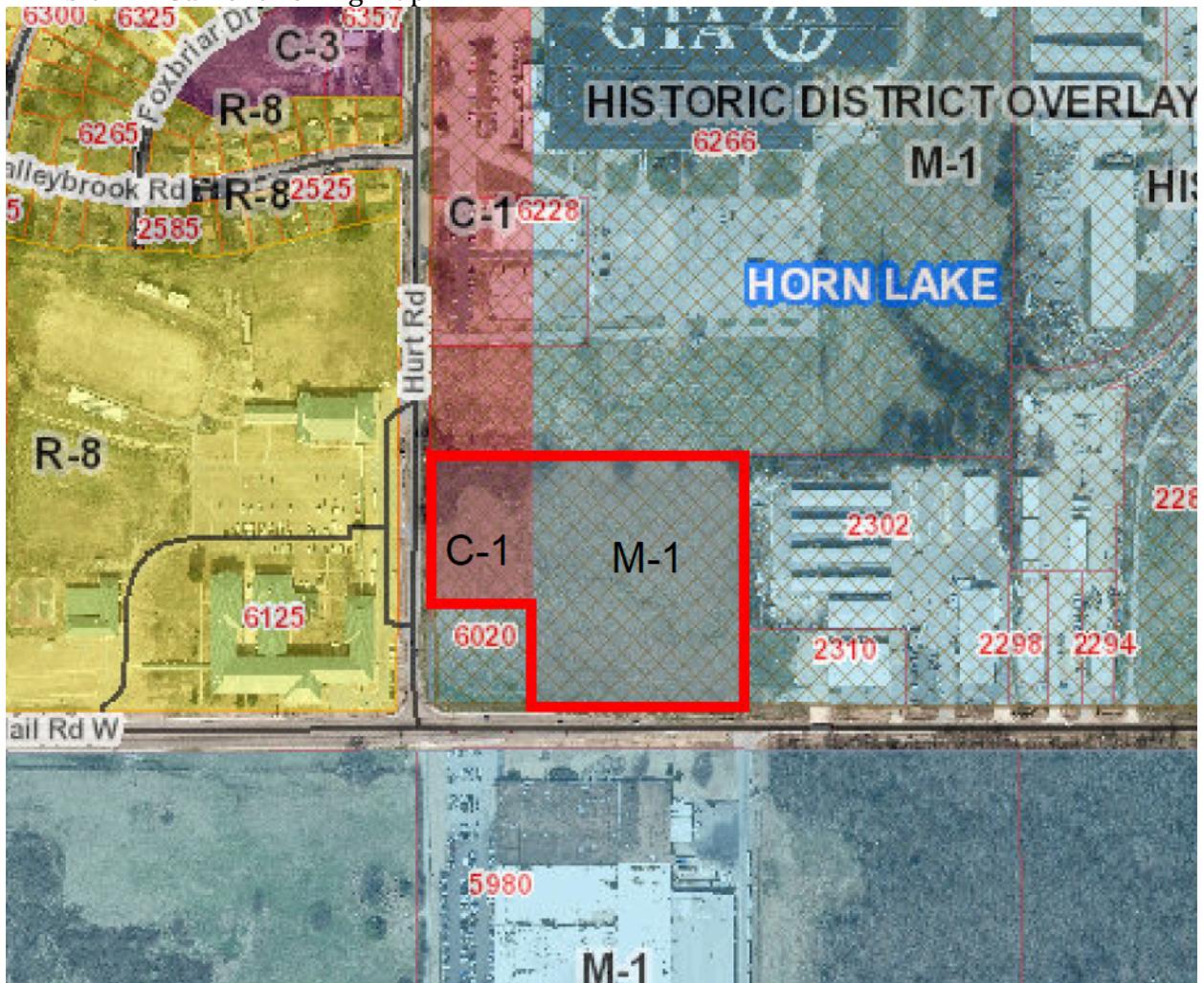
Commission Chair Klein noted that he would like to see the Design Standards require all brick on fences (in general).

Chad Engelke made the motion to recommend approval of the PUD to the Mayor and Board of Aldermen, that the applicant had met the burden of proof, with staff comments, subject to site and design approval. Robert Kindle seconded the motion, which passed unanimously.

ACTION:

Chad Engelke made the motion to recommend approval of the PUD to the Mayor and Board of Aldermen, that the applicant had met the burden of proof, with staff comments, subject to site and design approval. Robert Kindle seconded the motion, which passed unanimously.

Exhibit #1 - Current Zoning Map



IPD,LLC

CIVIL ENGINEERING

**2700 STONE BROOK
NESBIT, MISSISSIPPI 38651**

**662-393-3346
FAX 662-536-6183**

Date: January 28, 2021

Ethan Greene, Director
Horn Lake Planning Department
3101 Goodman Road
Horn Lake, MS 38637

RE: Hurt-Nail P.U.D.

Dear Ethan,

We wish to Rezone Lot 2, Sunrise Subdivision from C-1, M-1 to PUD. (see Existing Zoning District Map) This project when completed, will have personal storage units, RV storage units and outside parking for RV's. The eastern portion of this Lot is currently Zoned M-1 which allows mini-storages. The western portion of the Lot is currently C-1, Neighborhood Commercial which does not allow mini-storages. No Zoning District in Horn Lake allows RV-storage units; therefore, it makes sense to ask for a PUD Zoning District to allow all these anticipated uses as well as those already allowed in C-1 and M-1 Districts. By asking for a PUD District, we can ask for approval of a Site Plan. (See Exhibit "E") We believe these 3 uses are appropriate for this area of Horn Lake and ask for the City of Horn Lake to approve this application.

Exhibits included:

EXHIBIT	DESCRIPTION
A.	BOUNDARY SURVEY OF LOT 2 SUNRISE SUBDIVISION
B.	EXISTING ZONING DISTRICTS MAP
C.	NEIGHBORHOOD MAP AND ADDRESSES
D.	SITE PLAN
E.	OWNER'S WARRANTY DEED

1. Traffic Circulation

Mini-Storage and RV Storage Facilities are two of the lowest commercial traffic generating uses. The entrance to this facility is off Nail Road for a purpose. An entrance off Hurt Road would be across the street for the parking lot of Horn Lake Junior High School. Customers entering the facility off Hurt Road could encounter the morning and afternoon peak traffic generated by the school. Also, there would be a temptation to use the parking area of this facility by an overflow parking area by the school visitors. The entrance off Nail Road is designed to be at a great distance from the intersection. Also, there is no need to widen Nail Road at this entrance as it is already wide and has curb and gutter.

2. Neighborhood Impact

This area, except for the school, contains warehousing, a factory and material storage and delivery business. This use will fit very well in this neighborhood. No excess noise will be generated by the uses in this PUD. No decrease in property values will occur. Visually, the site

will be enclosed by a 6-foot wood fence. Generous landscaping will further enhance the appearance of this facility.

3. Zoning Compliance and Need

The owner is not stating that an error was made in the present Zoning of the Lot. Approximately two thirds of the Lot is already Zoned for mini storages. The other third should be suitable also. This Lot is in an Industrial Area and a RV Storage Facility would be a "Light" use in an Industrial area. A PUD District is the appropriate zoning to allow these 3 uses. If these were a Zoning District where RV Storage were a permitted use, it would probably be placed in a M-1 District.

4. Demand on Public Resources

Adequate water and sewer lines are adjacent to the property. This facility will use very little water about what one household would use. Since the City of Horn Lake already services this area with police and fire protection no increase in personnel or equipment for emergency services is anticipated. There will be no permanent residents in the facility so there will be no impact on the school or park system. Since this development is a "in-fill" development, the City will realize an increase in property taxes and fees without hardly any expenditure in providing City services.

5. Relation to Comprehensive Plan

This development is in compliance with the Comprehensive Plan since mixed Commercial and Industrial uses are specified.

6. Buffers

There is no requirement for buffers between like Zoning Districts. However, a Landscaping Buffer along Nail and Hurt Road is proposed. (See Exhibit E, Site Plan) This buffer will also break up the face of the 6-foot-high wood fence. No buffers are proposed along the North and East side.

7. Improvements

The developer-owner will install all the improvements shown on the Site Plan as well as lighting for the entire site. This lighting plan will use downward facing fixtures to prevent light pollution to the adjacent properties. Signage will be on the City of Horn Lake requirements.

8. Phases of Development

Not all of the mini-storage and RV storage units will be constructed at once. All of the RV parking area will be constructed in the first phase. All driveways and parking areas will be paved, either asphalt or concrete.

9. Permitted Uses

- a. All uses listed as Permitted in the M-1 District per Article XII Use Chart of the Horn Lake Zoning Ordinance.
- b. All Conditional Uses in the M-1 District per Article XII Use Chart in the Horn Lake Zoning Ordinance except:

- 1. Adult Entertainment
- 2. Automotive Dealerships, Used
- 3. Bingo Hall
- 4. Flea Market, Outdoor
- 5. Mobile Home Sales

10. Conclusion

This facility will fit the neighborhood nicely with minimum impact on noise or traffic. It will, however put to use a vacant parcel of land that will produce needed property and sales tax to the City of Horn Lake.

We are asking that the City review the plans and document and give approval.

Sincerely,

Ben W. Smith, P.E., R.L.S.
 BWS/tm
 Enclosures

