

**D R A F T 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**

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**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
<b>NORTH</b>	DeSoto Commons PUD	Hopper Drive, DeSoto County School Board	
<b>EAST</b>	DeSoto Commons PUD	Vacant	
<b>SOUTH</b>		Vacant	
<b>WEST</b>	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 ARE LABELED "A" THROUGH "C". THE FOURTH IS A RESIDENTIAL AREA THAT IS LABELED "R" AND THE FIFTH IS A COMMERCIAL AND LIGHT INDUSTRIAL AREA THAT IS LABELED "S". AREAS "A", "B", AND "C" WERE FURTHER DIVIDED INTO VARIOUS ZONING DISTRICTS. 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  
 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 LIST OF PERMITTED USES IS INTENDED TO 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 OR TENANTS
  - CONVENIENCE STORES
  - RADIO OR TV STUDIOS
  - PHOTO FINISHING PICKUP STATION
  - RESTAURANTS
  - RETAIL
  - RETAIL BANKS (DRIVE-THRU BANKS)
  - GREENHOUSES OR NURSERIES
  - TELEPHONE SERVICES OR SWITCHING CENTERS
  - WELDED TUBS OR MOTOR LOGGERS
  - CONCRETE
  - CONCRETE PAVING (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 ALLOWED USES FROM THE "C-1" AND "C-2" ZONING DISTRICTS AND WERE SELECTED TO ENCOURAGE A VARIETY OF COMMERCIAL DEVELOPMENT AND TO ALLOW FOR THE DEVELOPMENT OF A HOSPITAL USE.

- A. 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.
- B. 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
- C. THE FOLLOWING USES THAT ARE PERMITTED BY RIGHT IN THE "M-2" 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 METALS, METAL PRODUCTS, METAL CASTINGS, METAL WARE, METAL WARE AND SAFETY IN SURROUNDING AREAS AND WHICH DO NOT CREATE ANY NOISE, OFFENSIVE FUMES, SMOKE, DUST, LINT, OIL, HEAT OR GLARE THAT IS GENERALLY ASSOCIATED WITH LIGHT INDUSTRIAL ACTIVITY
  - COMPOUNDING OF COSMETICS, TOILETRIES, DRUGS, AND PHARMACEUTICAL PRODUCTS
  - MANUFACTURING OF PRINTING AND PUBLISHING FACILITIES
- D. 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 LIST OF PERMITTED USES IS INTENDED TO ENCOURAGE A MIXTURE OF USES BETWEEN THE RESIDENTIAL AND THE HEAVY COMMERCIAL 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
- MEDICAL OFFICES
- BANKS AND FINANCIAL SERVICES
- PHOTO FINISHING PICKUP STATION
- 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 THE NORTH.

THE FOLLOWING USES PERMITTED THAT ARE BY RIGHT IN THE "M-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 "M-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-8  
 THE REQUIREMENTS OUTLINED IN THE ZONING ORDINANCE FOR THE "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT SHALL APPLY TO AREAS A-1 THROUGH A-3, A-4,5 THROUGH A-7, AND A-8
2. AREAS A-10 AND A-11  
 THE REQUIREMENTS OUTLINED IN THE ZONING ORDINANCE FOR 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 REQUIREMENTS OUTLINED IN THE ZONING ORDINANCE FOR COMMERCIAL AND LIGHT INDUSTRIAL USES SHALL FOLLOW THE REQUIREMENTS SET FORTH IN THE ZONING ORDINANCE FOR COMMERCIAL AND LIGHT INDUSTRIAL USES. THERE SHALL BE 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-1" 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 MULTIFAMILY AND EIGHT (8) UNITS PER ACRE FOR TOWNHOUSES OR CONDOPMINIUMS. NO STRUCTURES MAY EXCEED TWO STORIES OR 35' IN HEIGHT.

DESIGNERS OF AREAS E, F AND G SHALL DETACHED ZERO LOT LINE HOUSES IN AREA D SHALL COMPLY WITH THE REQUIREMENTS OF THE "M-2" 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 SHOWING THE SIGN DESIGN AND LIGHTING FINISHES, A PHYSICAL LAYOUT OF THE PROPERTY SHOWING THE LOCATION OF THE SIGN, THE LOCATION OF 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 DAYS. UPON APPROVAL THE PLANS SHALL BE SUBMITTED TO THE CITY OF HORN LAKE FOR FINAL, GOVERNMENTAL APPROVAL.

1. SIGN LIGHTING RESTRICTED  
 ALL SIGN LIGHTING SHALL BE ILLUMINATION AND OR BACK LIGHTING SHALL BE PERMITTED, PROVIDED THAT ALL SIGN LIGHTING SHALL BE FURTHER SO SHADED, SHIELDED OR DIRECTED THAT LIGHT INTENSITY WILL NOT BE OBSTRUCTIVE TO SURROUNDING AREAS, SAID 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 EMPLOYED.
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 EMPHATICALLY REPRESENTS. 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 FRONT FOOTAGE IS CALCULATED. THE MAXIMUM SQUARE FOOTAGE OF TOTAL ALLOWED SQUARE FOOTAGE FOR ALL WALL SIGNS SHALL BE THIRTY (30) SQUARE FEET. CALCULATING 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 ENTERPRISE IT EMPHATICALLY REPRESENTS.
- 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 (1,000) SQUARE FEET IN SAID PROJECT, THERE SHALL BE PERMITTED, IN ADDITION TO THE SIGNAGE HERETOFORE RECYED, 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 DIRECTORY SIGN, SAID NAME DESIGNATION TO BE THE SAME WIDTH AS THE OVERALL SIGN AND OF VERTICAL HEIGHT NO MORE THAN THE (8) FEET.

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

**Township 1 S**  
**Range 8 W**

TOTAL ACRES: 394.41  
 Sections 35 J 36

DESOTO COUNTY  
 HORN LAKE, MISSISSIPPI

DEVELOPER/OWNER: MILLENNIUM OF MISSISSIPPI, L.L.C.  
 ENGINEER: ALEF&H-CH241

A. THE ENTRANCE OF THE OWNER OR OCCUPANT IS NOT LOCATED WITHIN A COMMERCIAL COMPLEX AND IS NOT LOCALLY ENTITLED TO SIGNAGE UPON A PROJECT OR DIRECTORY SIGN.

B. THE BUILDING OR ENTRANCE DOES CONTAIN BUT A SINGLE OCCUPANT; PROVIDED, HOWEVER, SUBJECT TO REVIEW OF THE ARCHITECTURAL REVIEW COMMITTEE FOR MULTIPLE OCCUPANCY BUILDINGS THAT MAY BE APPROVED, WHERE A STREET APPLICATION IS SUBMITTED AND PROVIDED NO MORE THAN ONE (1) GROUND SIGN IS PERMITTED PER BUILDING, AND IS NOT APPROVED WHEN A PROJECT OR DIRECTORY SIGN IS USED.

C. THE SIGNIFICATION OF A GROUND SIGN WILL NOT IN ANY WAY CREATE A SAFETY HAZARD, ENCROACH ON ADJOINING PROPERTIES OR IMPEDRE VISIBILITY NOR CONSTITUTE AN OBSTRUCTION TO TRAFFIC OR INTERFERE WITH OTHER SIGNS SO AS TO ADVERSELY AFFECT TRAFFIC OR BEHOLD THE IDENTIFICATION OF OTHER SERVICES.

D. THE OWNER OR OCCUPANT HAS PHYSICAL FRONTAGE UPON THE STREET WHEREON THE GROUND SIGN IS TO BE LOCATED.

E. THE GROUND SIGN AND ITS SPECIFIC LOCATION MUST RECEIVE THE APPROVAL OF THE ARCHITECTURAL REVIEW COMMITTEE WITH REGARD TO TRAFFIC VISIBILITY, INGRESS, EGRESS, PEDESTRIAN VISIBILITY.

8. GROUND SIGN RESTRICTIONS UPON APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE THE OWNER OR OCCUPANT MAY ERRECT A GROUND SIGN SUBJECT TO THE FOLLOWING REQUIREMENTS:

A. A GROUND SIGN AND SUPPORTING STRUCTURE SHALL NOT BE OVER SIX (6) FEET IN OVERALL HEIGHT.

B. A GROUND SIGN SHALL CONTAIN NO MORE THAN TWENTY-FIVE (25) SQUARE FEET OF SIGN SURFACE ON EITHER SIDE OF THE SIGN AND SHALL HAVE NO MORE THAN TWO (2) PAGES. THE SUPPORTING STRUCTURE IS NOT INCLUDED IN THE SIGN SQUARE FOOTAGE CALCULATION.

C. A GROUND SIGN SHALL BE NO LESS THAN FIFTEEN (15) FEET FROM THE CURB LINE.

D. A GROUND SIGN SHALL BE NO LESS THAN TEN (10) FEET FROM ANY ADJOINING PROPERTY, IN USE OR VACANT, OR CURB CUT OR INGRESS AND EGRESSES TO ANY OTHER ENTERPRISE.

E. A GROUND SIGN MAY BE INTERNALLY OR INTERNALLY LIGHTED, SUBJECT TO THE SPECIFIC APPROVAL OF SAKE BY THE ARCHITECTURAL REVIEW COMMITTEE. EXTERNAL LIGHTS SHALL NOT SHINE ONTO ADJACENT PROPERTY OR PUBLIC STREETS SO AS TO CREATE A TRAFFIC HAZARD OR PUBLIC NUISANCE.

F. THE AREA BETWEEN THE BOTTOM OF THE FACE OF THE GROUND SIGN SHALL BE OF SOLID CONSTRUCTION AND SHALL NOT BE LANDSCAPING OR SHRUBBERY.

H. THE GROUND SIGN SHALL HAVE A BASE OF BRICK, STONE OR OTHER ACCEPTABLE MATERIAL.

I. THE ACCEPTED GROUND SIGN SHALL BE LANDSCAPED FOR A DISTANCE OF THREE (3) FEET IN ALL DIRECTIONS SO AS TO PROTECT THE SIGN FROM VEHICULAR TRAFFIC AND INHIBIT PEDESTRIAN TRAFFIC AND VISIBILITY FROM ALL ENTRIES TO THE PROPERTY. THE SIGN FRONTAGE AND ENTRANCES ON TWO MAJOR STREETS, IN ACCORDANCE WITH THE FOLLOWING RESTRICTIONS:

J. THE LOCATION, SIZE DIRECTION OF SAID ACCEPTED GROUND SIGN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE ARCHITECTURAL REVIEW COMMITTEE.

9. ENTRANCE SIGN FOR COMMERCIAL, INDUSTRIAL OR OFFICE COMPLEXES. ANY COMMERCIAL, INDUSTRIAL OR OFFICE COMPLEX WHICH QUALIFIES TO HAVE A DIRECTORY OR PROJECT IDENTIFICATION SIGN AS PERMITTED ABOVE, MAY DISPLAY, SUBJECT TO THE ARCHITECTURAL REVIEW COMMITTEE, COMPLEX IDENTIFICATION SIGNS AT ITS MAIN ENTRANCE, OR MAIN ENTRANCE, OR ENTRANCES TO THIS FRONTAGE AND ENTRANCES ON TWO MAJOR STREETS, IN ACCORDANCE WITH THE FOLLOWING RESTRICTIONS:

A. IF SINGLE FACE GROUND SIGNS, THEN NO LARGER THAN TWENTY-FIVE (25) SQUARE FEET.

B. ANY GROUND SIGNS APPROVED MUST COMPLY WITH GROUND SIGN RESTRICTIONS, EXCEPT THAT IT SHALL HAVE ONLY A SINGLE FACE.

C. IN LIEU OF SINGLE FACE GROUND SIGNS, A SIGN WHICH DOES NOT EXCEED TWENTY-FIVE (25) SQUARE FEET AND MEETS THE REQUIREMENTS OF THESE REGULATIONS MAY BE APPROVED.

D. ANY SIGN APPROVED UNDER THE PROVISIONS OF THIS SECTION SHALL EXCLUSIVELY CONTAIN THE NAME OF THE COMPLEX IDENTITIES, TOGETHER WITH THE STREET NUMBER OR NUMBERS IF DESIRED, AND SHALL NOT CONTAIN TENANT INFORMATION OR ADVERTISING COPY.

E. NO MORE THAN TWO (2) SIGNS FOR EACH MAIN ENTRANCE MAY BE APPROVED. ONE (1) SIGN MUST BE PLACED ON EITHER SIDE OF SAID ENTRANCE, AND TWO (2) ENTRANCES ON THE SAME STREET WILL NOT QUALIFY THE COMPLEX FOR ADDITIONAL SIGNS.

10. ESTABLISHMENT OF A SPECIAL SIGN CORRIDOR A SPECIAL SIGN CORRIDOR FOR THOSE TRACTS OF LAND OF FIVE (5) ACRES OR MORE IN THE DESOTO COMMONS PLANNED DEVELOPMENT THAT HAVE FRONTAGE ON INTERSTATE HIGHWAY 51, MAIN ROAD OR INTERSTATE BOULEVARD. EACH TRACT OF LAND MEETING THIS CRITERIA SHALL BE ALLOWED TO DISPLAY WITH A MINIMUM AREA OF TWO HUNDRED (200) SQUARE FEET AND A MINIMUM HEIGHT OF TWENTY (20) FEET, AND A MINIMUM HEIGHT OF FIFTEEN (15) FEET. SETBACK, LIGHTING, LANDSCAPING, AND BASE MATERIAL REQUIREMENTS ARE SET FORTH IN THE GROUND SIGN RESTRICTIONS.

BUILDING SIGNS ARE LIMITED TO ONE (1) SQUARE FOOT OF SIGN AREA FOR EACH LINEAR FOOT OF BUILDING FRONTAGE AND SHALL NOT EXCEED ONE HUNDRED (100) SQUARE FEET ON ANY WALL SIGN OR SIGNS ON BUILDINGS WITHIN 100' OF A MAJOR STREET. THE SIGNAGE REQUIREMENTS MAY BE INCREASED BY 25% FOR EACH ADDITIONAL 100' OF SETBACK FROM THE ROAD TO A MINIMUM OF 200' SQUARE FEET.

11. SIGNS ALONG INTERSTATE 55 THE ABOVE SIGNAGE REQUIREMENTS SHALL NOT APPLY TO THE EAST ONE HUNDRED (100) FEET OF PARCELS B-3, A-7 AND REGULATIONS SHALL APPLY TO THE EAST ONE HUNDRED (100) FEET OF PARCELS B-3, A-7 AND A-8.

E. LANDSCAPE REQUIREMENTS A LANDSCAPE AREA NOT LESS THAN TEN (10) FEET WIDE SHALL BE REQUIRED ALONG ALL STREET FRONTAGES. THESE AREAS SHALL BE PARALLEL TO AND INSIDE THE PROPERTY LINES OF SUCH LOT.

LANDSCAPE AREAS EQUAL TO TEN (10%) PERCENT OF THE GROSS PARKING AREA OF EACH LOT SHALL BE PROVIDED IN AND ADJACENT TO THE PARKING AREAS. UNDERGROUND SPRINKLER SYSTEMS SHALL BE REQUIRED IN ALL LANDSCAPE AREAS SPACES OR FRACTION THEREOF. UNDERGROUND SPRINKLER SYSTEMS SHALL BE REQUIRED IN ALL LANDSCAPE AREAS.

F. OTHER REQUIREMENTS A CURB CUTS SHALL BE A MINIMUM OF TWO HUNDRED (200) FEET APART. A MEDIAN CUT SHALL BE ALLOWED ON MAIN ROAD A MINIMUM OF TWO HUNDRED FIFTY (250) FEET EAST OF HIGHWAY 51. ALL OTHER MEDIAN CUTS SHALL BE A MINIMUM OF FIVE HUNDRED (500) FEET APART. C. UTILITY METERS AND OVERHEAD ELECTRICAL LINES SHALL BE PLACED TO THE REAR OF THE BUILDINGS THAT THEY SERVE.

D. MAINTENANCE OF OPEN SPACE AREAS SHALL BE THE RESPONSIBILITY OF ALL PROPERTY OWNERS WITHIN THE DEVELOPMENT. PLANS WITHIN THE PROJECT SHALL BE REVIEWED BY THE CITY OF HOHN LAKE PLANNING COMMISSION, DESIGN REVIEW COMMISSION, AND BOARD OF ALLENHURST.

## PART II: DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DESOTO COMMONS

THIS DECLARATION IS MADE, PUBLISHED AND DECLARED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2001, BY AND AMONG MILLENNIUM OF MISSISSIPPI, L.L.C. A LIMITED PARTNERSHIP WHOSE GENERAL PARTNERS ARE DR. WHITNEY STACE AND ALL PERSONS, FIRMS, PARTNERSHIPS OR CORPORATIONS HERENAFTER ACQUIRING ANY OF THE WITHIN DESCRIBED PROPERTY.

1. THE REAL PROPERTY WHICH IS THE SUBJECT OF THESE PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS IS LOCATED IN HOHN LAKE, DESOTO COUNTY, MISSISSIPPI, AS SHOWN ON THE DESOTO COMMONS RESTRICTIONS (THE SUBDIVISION PLANS).

2. THESE COVENANTS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND RESTRICTIONS SHALL BE AUTOMATICALLY ASSIGNED TO ALL SUCCESSORS, HEIRS, ASSIGNEES, AND ASSIGNEES. THE VOTE OF THE MAJORITY OF THE OWNERS OF THE LOTS AT THAT TIME, THE CITY OF HOHN LAKE, MISSISSIPPI, AND RESTRICTIONS IN WHOLE OR IN PART, HOWEVER, BY A VOTE OF THE OWNERS OF SEVENTY-FIVE PERCENT (75%) OF THE LOTS CONTAINED IN THE SUBDIVISION (THE "LOTS"), THESE RESTRICTIONS AND COVENANTS SHALL BE ALTERED OR AMENDED AT ANY TIME, THE OWNERSHIP OF EACH NUMBERED LOT SHALL HAVE ONE (1) VOTE.

3. IF THE PARTIES HERETO, OR ANY OF THEM OR THEIR HEIRS, SUCCESSORS OR ASSIGNS, SHALL VIOLATE OR ATTEMPT TO VIOLATE THE COVENANTS OR RESTRICTIONS HEREIN CONTAINED, IT SHALL BE LAWFUL FOR ANY OTHER PARTY TO BRING AN ACTION IN SAID SUBDIVISION TO PROSECUTE ANY PROCEEDING AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS RESPONSIBLE FOR VIOLATING ANY SUCH LIMITATIONS OR RESTRICTIONS AND EITHER TO PREVENT THEM FROM SO DOING OR TO RECTIFY DAMAGE OR OTHER DUES FOR SUCH VIOLATION.

4. ALL OF THE BUILDING SITES IN DESOTO COMMONS SUBDIVISION ARE TO BE USED FOR OFFICES, SHOWROOMS, WAREHOUSES, RETAILING, OR LIGHT MANUFACTURING AND RELATED USES. NO RESIDENTIAL PLANNED UNIT DEVELOPMENT APPROVED BY THE BOARD OF MAYOR AND ALLENHURST, MISSISSIPPI, IS PERMITTED. HOWEVER, THAT NO USERS SHALL PERMIT ANY USE OF HIS PREMISES OR ANY BUILDING STRUCTURE THEREON FOR ANY PURPOSE WHICH SHALL INCREASE THE HAZARD TO ADJOINING PROPERTIES, OR FOR ANY PURPOSE PERSONAL OR NUISANCE TO SUBJECTS STORED, THE EMISSION OF ODORS OR GASES OBJECTIONABLE TO ADJOINING PROPERTIES, OR FOR ANY PURPOSES CALCULATED TO EXCEED THE MAXIMUM ALLOWED VIBRATION OF SAID PREMISES, OR FOR ANY PURPOSES OR FOR ANY PURPOSE OR USE IN VIOLATION OF LOCAL, STATE OR FEDERAL STATUTE OR ORDINANCE.

THE FOLLOWING USES ARE SPECIFICALLY PROHIBITED:

(A) COMMERCIAL INCREASING;

(B) JUNKYARDS;

(C) STORAGE OF HAZARDOUS, TOXIC, OR RADIOACTIVE WASTE;

(D) TREATMENT OF HAZARDOUS, TOXIC, OR RADIOACTIVE WASTE.

5. CONSTRUCTION OR ALTERATION OF ANY AND ALL BUILDINGS IN DESOTO COMMONS SHALL CONFORM TO THE DESOTO COMMONS DESIGN STANDARDS WHICH WILL BE ADMINISTERED BY THE ARCHITECTURAL REVIEW COMMITTEE. (A) EXCEPT IN AREA A-8, NO METAL CLAD BUILDINGS SHALL BE CONSTRUCTED, WITH THE EXCEPTION OF APPROVED METAL ROOFS.

(B) THE DESIGN OF BUILDINGS SHALL CONFORM TO THE STANDARDS OF THE CITY OF HOHN LAKE, COUNTY OF DESOTO AND THE STATE OF MISSISSIPPI.

(C) ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS AND ZONING REGULATIONS OF THE CITY OF HOHN LAKE, COUNTY OF DESOTO AND THE STATE OF MISSISSIPPI.

(D) MULTIPLE STRUCTURES ON A LOT SHALL MATCH IN ARCHITECTURE AND EXTERIOR FINISH.

(E) BUILDINGS ON CORNER LOTS SHALL HAVE BE CONSIDERED TO HAVE TWO FRONT YARDS.

6. NO IMPROVEMENTS SHALL BE CONSTRUCTED ON ANY PORTION OF THE PROJECT UNLESS PLANS AND SPECIFICATIONS, IN A FORM AND DETAIL AS THE ARCHITECTURAL REVIEW COMMITTEE MAY DEEM NECESSARY, HAVE BEEN SUBMITTED TO AND APPROVED IN WRITING BY SUCH COMMITTEE.

7. THERE ARE ESENTIAL EXISTENTS SHOWN ON THE PLANS FOR DESOTO COMMONS RECORDED IN THE DESOTO COUNTY REGISTERS OFFICE. THOSE PERMANENT UTILITIES SHALL BE MAINTAINED AND UTILITY INSULATION AND MAINTENANCE FOR DRAINING INSTALLATION AND MAINTENANCE FOR SANITATION AND UTILITY INSULATION AND MAINTENANCE AND FOR OTHER USES SPECIFIED ON THE PLANS, SUBJECT TO THE DISCRETION OF ALLENHURST. NO PERMANENT STRUCTURE OR ENCLOSURE IS PERMITTED ON EASEMENT AREAS.

8. TEMPORARY STRUCTURES ARE PROHIBITED EXCEPT WHEN USED TO PERFORM A FUNCTION WHICH WILL BE PERFORMED BY A PERMANENT STRUCTURE WHICH IS IN THE PLANNING OR CONSTRUCTION PHASE OF SUCH A TEMPORARY STRUCTURE IS RESTRICTED TO ONE YEAR. ALL PROPOSED TEMPORARY STRUCTURES SHALL BE PERMITTED BY THE CITY OF HOHN LAKE. A BUILDING PERMIT SHALL BE REQUIRED. EXCLUDED ARE CONSTRUCTION MATERIAL TRAILERS, MOBILE STORAGE UNITS SHALL NOT BE PERMITTED.

9. PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION, INSTALLATION OR ALTERATION OF ALL SIGNS ON THE PROJECT MUST FIRST BE SUBMITTED TO THE ARCHITECTURAL REVIEW COMMITTEE FOR APPROVAL. ALL SIGNS MUST COMPLY WITH THE CITY OF HOHN LAKE, COUNTY OF DESOTO, AND STATE OF MISSISSIPPI REGULATIONS.

10. ANY BUILDINGS OR USES PERMITTED IN THE DESOTO COMMONS SHALL BE A MINIMUM OF FIFTY (50) FEET FROM ANY STREET.

(N) NO BUILDING OR IMPROVEMENT IN DESOTO COMMONS MAY BE CLOSER THAN TEN (10) FEET TO THE SIDELINES AND REAR LINES OF ANY OTHER LOT, UNLESS THE OWNERS OF CONTIGUOUS LOTS TO BE TREATED UNDER THESE RESTRICTIONS BUILD ON THE CONTIGUOUS LOTS, SUCH CONTIGUOUS LOTS TO BE TREATED UNDER THESE RESTRICTIONS AS ONE LOT; SUCH CONTIGUOUS STRUCTURE SHALL BE NO CLOSER THAN TWENTY (20) FEET FROM THE SIDELINES OR REAR LINES OF THE LOTS ADJACENT TO SUCH CONTIGUOUS LOTS.

(B) TOY OR MOTOR REUSE COLLECTION AREAS SHALL NOT BE PERMITTED IN THE FRONT YARD ON ANY LOT. COLLECTION AREAS SHALL BE FENCED AND SCREENED EQUAL TO OR HIGHER THAN THE COLLECTION AREAS AND/OR REUSE MATERIALS STORED TO EFFECTIVELY SCREEN FROM PUBLIC VIEW THE MATERIAL STORED. METHOD OF SCREENING SHALL BE APPROVED BY THE ARCHITECTURAL REVIEW COMMITTEE PRIOR TO COMMENCEMENT OF CONSTRUCTION. (C) UNLOADING SPACE VISIBLE FROM THE STREET SHALL BE MAINTAINED BY OWNER OR LESSEE FOR A NEAT AND ORDERLY APPEARANCE.

(D) THE TOTAL AREA OF ALL BUILDINGS SHALL COMPLY WITH THE HOHN LAKE, MISSISSIPPI ZONING ORDINANCE.

(E) THESE AREAS SHALL BE PARALLEL TO AND INSIDE THE PROPERTY LINES OF ALL STREET FRONTAGES.

(F) THESE AREAS SHALL BE PARALLEL TO AND INSIDE THE PROPERTY LINES OF SUCH LOT.

11. LANDSCAPE AREA EQUAL TO TEN (10%) PERCENT OF THE GROSS PARKING AREA OF EACH LOT SHALL BE PROVIDED IN AND ADJACENT TO THE PARKING AREAS. UNDERGROUND SPRINKLER SYSTEMS SHALL BE REQUIRED IN ALL LANDSCAPE AREAS SPACES OR FRACTION THEREOF. UNDERGROUND SPRINKLER SYSTEMS SHALL BE REQUIRED IN ALL LANDSCAPE AREAS WITH A LOCALLY ACCESSIBLE GROUND COVER SUCH AS BERBERMUDA GRASS OR EQUAL, EXCEPT FOR THE IRRIGATION MAINTENANCE AND REPAIRS OR TREES. IF ALBERS PREMISES BECOME UNSUITABLE DUE TO FACT OR LESSEE, PROPERTY OWNERS ASSOCIATION RESERVES THE RIGHT TO PERFORM THE NECESSARY MAINTENANCE AT USERS EXPENSE.

12. USERS MUST AT ALL TIMES KEEP THE PREMISES, BUILDING IMPROVEMENTS AND APPLIANCES IN A SHIP CLEAN, WHOLESOME CONDITION AND COMPLY WITH ALL APPLICABLE HEALTH AND SAFETY AND HEALTH AND P REQUIREMENTS. ANY USER SHALL REMOVE AT HIS OWN EXPENSE ALL RUBBISH OR ANY OTHER WASTEWATER WHICH MAY ACCUMULATE ON HIS PREMISES. IF USER ALLOWS RUBBISH TO ACCUMULATE PREMISES TO BECOME UNSUITABLE, PROPERTY OWNERS ASSOCIATION RESERVES THE RIGHT TO HAVE RUBBISH REMOVED AT USER'S EXPENSE. IF RUBBISH HAS NOT BEEN REMOVED RUBBISH REMOVAL IN REASONABLE AFTER NOTICE FROM THE PROPERTY OWNERS ASSOCIATION.

13. NO RADIO OR TELEVISION TRANSMISSION OR RECEIVING TOWERS OR ANTENNAE OVER TEN (10) FEET IN HEIGHT ABOVE THE RIDGE OF THE ROOF SHALL BE PERMITTED IN THE SUBDIVISION.

14. PARKING SHALL ONLY BE PERMITTED ON THE LOTS IN THE SUBDIVISION AND SHALL NOT BE PERMITTED ON PRIVATE OR PUBLIC DEDICATED STREETS IN DESOTO COMMONS. PARKING AREAS MUST BE PAVED WITH A YEAR-ROUND SURFACE SUCH AS ASPHALT, CONCRETE, OR OTHER MATERIAL APPROVED BY ALLENHURST. PARKING AREAS SHALL BE CLEAR STIPED FOR PARKING AND TRAFFIC LANE DIVISION. ALL DRIVEWAYS AND PARKING AREAS SHALL BE PAVED WITH A YEAR-ROUND SURFACE. ALL DRIVEWAYS AND PARKING AREAS SHALL INCLUDE ADEQUATE DRAINAGE FACILITIES TO DISPOSE OF ALL STORM WATER.

15. ONCE CONSTRUCTION COMMENCES BY A LOT OWNER OR LESSEE, THE BUILDINGS MUST BE COMPLETE WITHIN FOURTEEN (14) CONSECUTIVE MONTHS FROM THE STARTING DATE OF CONSTRUCTION.

16. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY EFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

17. PROPERTY OWNERS ASSOCIATION THESE SHALL BE ESTABLISHED AS A PART OF THE PLANNED UNIT DEVELOPMENT. A PROPERTY OWNERS ASSOCIATION, WHICH SHALL BE A NONPROFIT, NON-STATE CORPORATION, SHALL BE FORMED IN ACCORDANCE WITH THE LAWS OF THE STATE OF MISSISSIPPI. EACH RECORD TITLE OWNER OF REAL PROPERTY CONTAINED WITHIN THE DEVELOPMENT SHALL BE A MEMBER OF AND SHALL COMPLY WITH RESTRICTIONS, COVENANT AND CONDITIONS OF THE ASSOCIATION AS PROMULGATED BY ITS MEMBERSHIP. THE SOLE PURPOSE OF THE ASSOCIATION SHALL BE TO MAINTAIN ALL COMMON AREAS AS DESIGNATED ON THE PLAT OR PLATS HERETOFORE FILED OR TO BE FILED ON THE DEVELOPMENT, FOR THE USE AND BENEFIT OF THE PROPERTY OWNERS.

18. ARCHITECTURAL REVIEW COMMITTEE THESE SHALL BE ESTABLISHED AS A PART OF THE PLANNED UNIT DEVELOPMENT AN ARCHITECTURAL REVIEW COMMITTEE, WHICH SHALL BE A NONPROFIT, NON-STATE CORPORATION, SHALL BE FORMED IN ACCORDANCE WITH THE LAWS OF THE STATE OF MISSISSIPPI. THE APPOINTMENT OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE PROPERTY OWNERS ASSOCIATION, THEREAFTER, APPOINTMENTS SHALL BE MADE EXCLUSIVELY BY MILLENNIUM OF MISSISSIPPI. THE BOARD OF DIRECTORS OF THE PROPERTY OWNERS ASSOCIATION.

REVISIONS 4/27/2021 - REVISED TO ALLOW METAL CLAD BUILDINGS IN AREA A-8.

# DESOTO COMMONS

NON-RESIDENTIAL  
PLANNED UNIT DEVELOPMENT

TOTAL ACRES: 394.41  
DESOTO COUNTY  
HORN LAKE, MISSISSIPPI

DEVELOPER/OWNER: MILLENNIUM OF MISSISSIPPI, L.L.C.

Sections 35 + 36  
Township 1 S  
Range 8 W

**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

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**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.

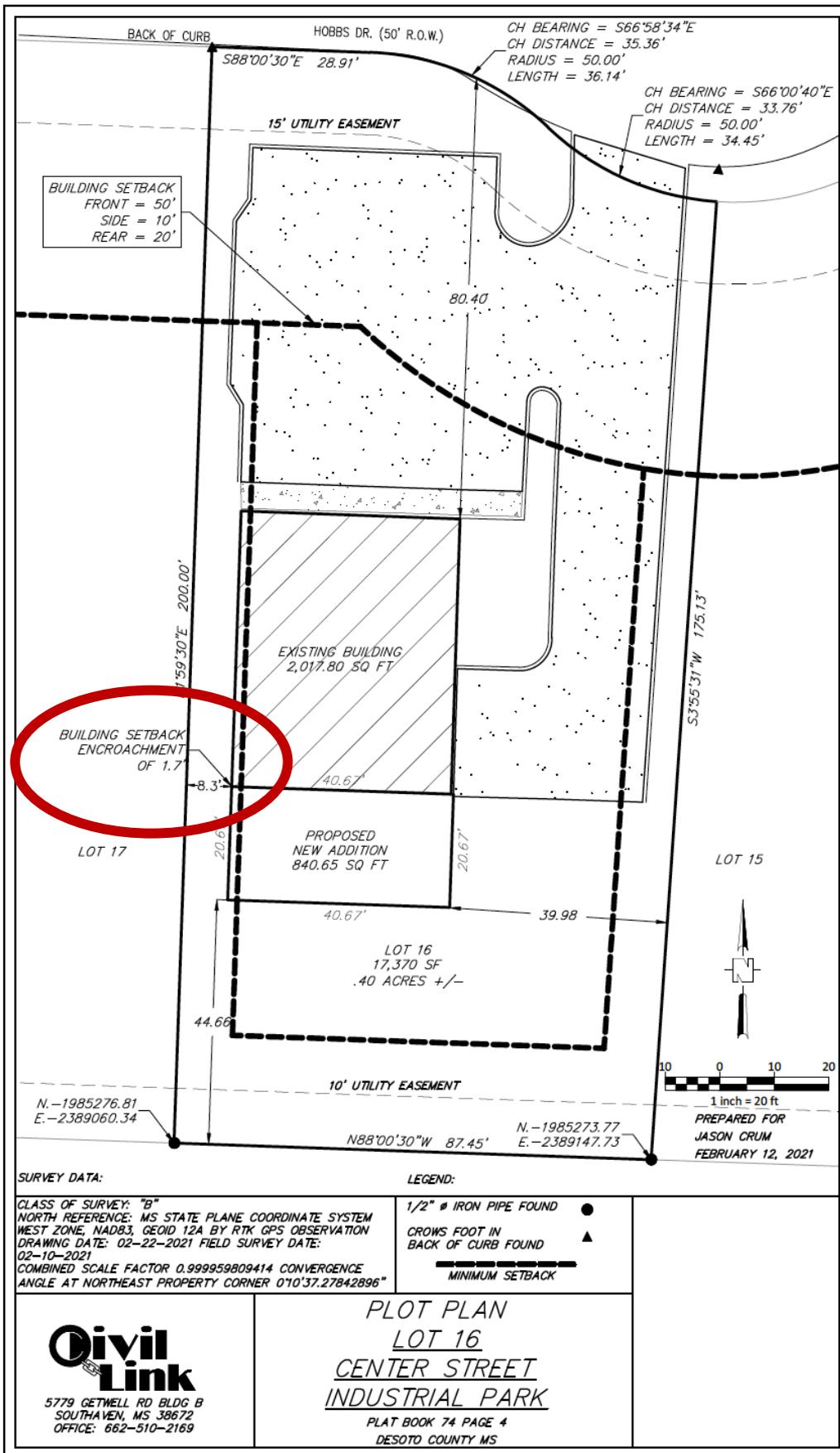
The Chairman called for comment. Francis Miller appeared and stated that if the applicant didn't care enough to be present, that the application shouldn't be heard.

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

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**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

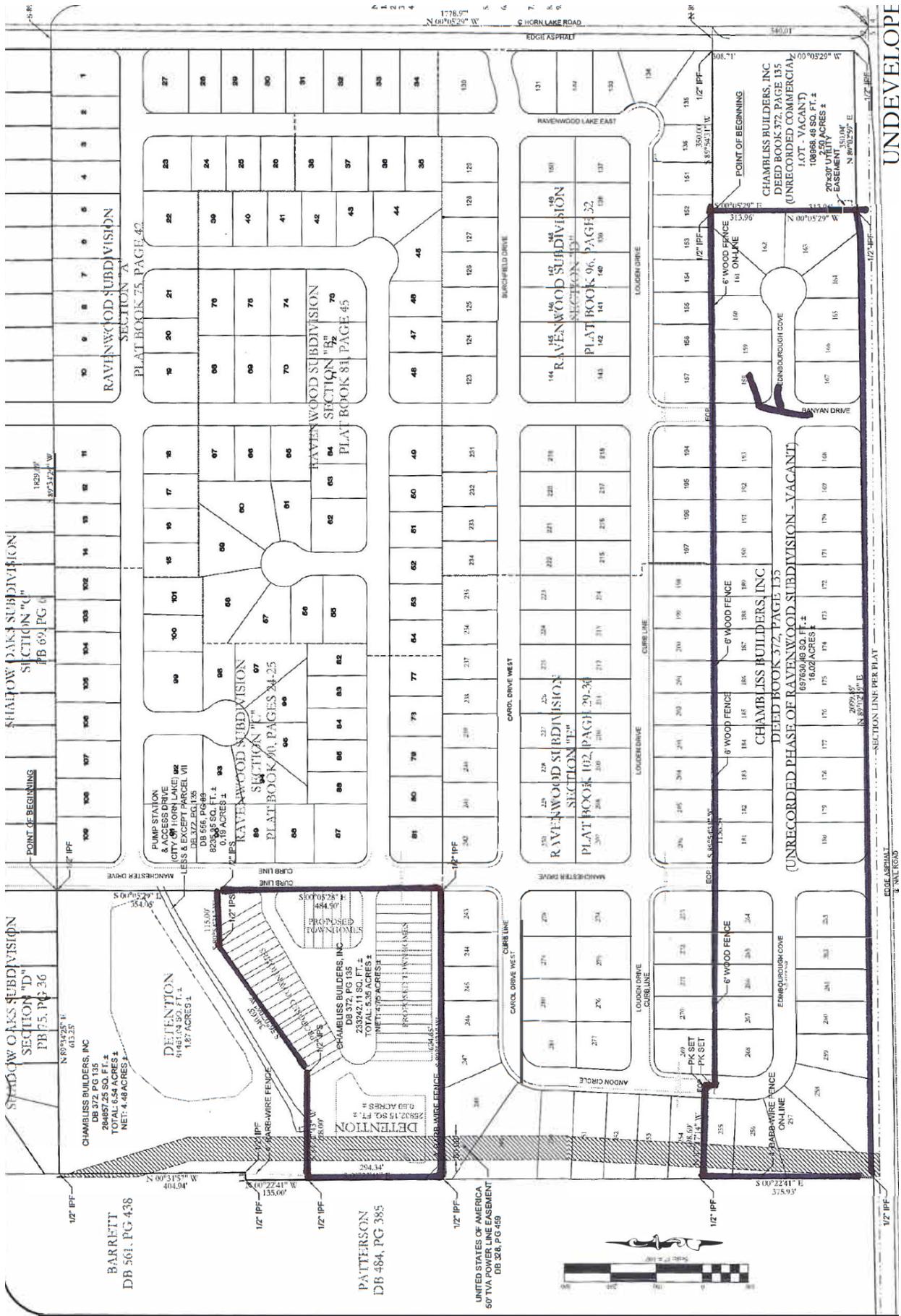
**STAFF RECOMMENDATIONS:** None other than the above report

**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**

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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.