

**October 31, 2022, Agenda -**

1. **Call to Order**
2. **Roll Call & Pledge of Allegiance**
3. **Approval of Previous Meeting Minutes from 9/26/2022**
4. **Old 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 +/-.
5. **New Business**
  - a. Case No. 2103: A request for a subdivision final plat (SDFP) named “Goodman Road C-Store,” for a 1-lot commercial subdivision located approximately at 4761 Goodman Road West (address unofficial and unassigned) in Horn Lake by Aman Devji, applicant & contract purchaser; Dash Sidhu, current landowner; Ran Management, developer; and John Granberry, P.E., engineer; consisting of 4.58 acres +/- . The subject parcel is currently zoned as C-4, Planned Commercial District. (This is a plat to consolidate three separate ownerships into one (1) parcel and to prepare the area for development.)
  - b. Case No. 2104: A request for a zoning amendment (rezoning) from the M-1, Light Industrial District, to C-4, Planned Commercial District, at the northeast (NE) corner of the intersection of Hurt Road and Nail Road West in Horn Lake (aka 6020 Hurt Road) by Amin Meghani, applicant & owner; Womble Engineering, representative of owner; consisting of 1.42 acres +/-.
  - c. Case No. 2105 CU: A request for a conditional use at 2496 Goodman Road West, by Deborah Glenn, landowner; for a seasonal fireworks tent, on land consisting of two parcels (parcel ID’s of: 108827060 0000600 and 108827060 0000700) of a total of 1.25-acres +/- . The subject parcels are zoned C-3, General Commercial District, by the City of Horn Lake. Representative of the owner is Prentiss Mitchell, MIM, LLC.
6. **Other Business.**
  - a. Planning department hirings/personnel changes. b) Comprehensive plan update.
7. **Adjournment.**

**Start of Meeting Minutes -**

**Those Present -**

- a. **City Planning Commissioners** – Chad Engleke (Chair), Jimmy Stokes (Vice-Chair), William Egner, Janice Vidal, Linda McGan, Bill Mercer. (Absent - Angie Little)
- b. **City Staff** – Chad Bahr, AICP, Planning Director; Daniel Feinstone, City Information Technology (IT).
- c. **Gallery** – Francis J. Miller, Ben Womble, Prentiss Mitchell, and Jim Crowley.

**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. 2<sup>nd</sup> = 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

**1. Chair** – Chad Engleke called the meeting to order at 6:00 PM.

**2. Roll Call** – Chad Engleke (Chair), Jimmy Stokes (Vice-Chair), William Egner, Janice Vidal, Linda McGan, and Bill Mercer present. Chair led the group in the Pledge of Allegiance. (One seat is vacated as one member moved out of town and one member absent.)

**3.** The Chair asked for consideration of the minutes from the 9-26-2022, Planning Commission meeting.

- a. Accepted “as is,” by a motion by Mercer and a 2<sup>nd</sup> by Stokes.
- b. Vote: Motion passed, 5-0.

**4. Old 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 +/-.

- i. No one present from applicant/ownership team.
- ii. **Motion** – to table the case until November 28, 2022, by Vidal, 2<sup>nd</sup> by McGan.
- iii. Motion passed, 5-0.

## 5. New Business

- a) Case No. 2103: A request for a subdivision final plat (SDFP) named “Goodman Road C-Store,” for a 1-lot commercial subdivision located approximately at 4761 Goodman Road West (address unofficial and unassigned) in Horn Lake by Aman Devji, applicant & contract purchaser; Dash Sidhu, current landowner; Ran Management, developer; and John Granberry, P.E., engineer; consisting of 4.58 acres +/- . The subject parcel is currently zoned as C-4, Planned Commercial District. (This is a plat to consolidate three separate ownerships into one (1) parcel and to prepare the area for development.)
  - i. The applicant was not present, so the item was tabled by a motion made by Stokes and a 2<sup>nd</sup> by Vidal.
  - ii. Motion passed, 5-0.
- b) Case No. 2104: A request for a zoning amendment (rezoning) from the M-1, Light Industrial District, to C-4, Planned Commercial District, at the northeast (NE) corner of the intersection of Hurt Road and Nail Road West in Horn Lake (aka 6020 Hurt Road) by Amin Meghani, applicant & owner; Womble Engineering, representative of owner; consisting of 1.42 acres +/- .
  - i. The plng. dir. gave a power point presentation on the request. Director said that to differentiate from past rezoning cases, that based upon input from the city’s legal counsel, it is possible to condition a rezoning request based upon Mississippi case law dating back to a case from 1999 in Mississippi. That could mean paring down permitted or allowed land uses to the desire and appropriateness of the city for a location.
  - ii. Ben Womble, engineer for the owner/applicant, said the owner desire to build a multi-bay commercial building upon the site. Specific land uses are not identified at this time.
  - iii. Discussion ensued about the proposed zoning request, the city’s existing zoning scheme, the new information based upon legal counsel’s research, distance requirements of alcohol/tobacco product sales and similar items form schools/churches, etc., and C-4 zoning vs. the existing M-1 zoning.
  - iv. The Chair opened the public hearing for the case. Francis Miller spoke about the request. He asked general sales tax or not with the request.
  - v. **Motion** – to recommend approval of the rezoning request with the condition attached to it that no alcohol or tobacco products, including e-cigarettes be allowed to be sold from the subject property, by Vidal, 2<sup>nd</sup> by Stokes.
  - vi. Motion passed, 5-0.

c) Case No. 2105 CU: A request for a conditional use at 2496 Goodman Road West, by Deborah Glenn, landowner; for a seasonal fireworks tent, on land consisting of two parcels (parcel ID's of: 108827060 0000600 and 108827060 0000700) of a total of 1.25-acres +/- . The subject parcels are zoned C-3, General Commercial District, by the City of Horn Lake. Representative of the owner is Prentiss Mitchell, MIM, LLC.

- i. Planning director gave a power point presentation of the case with a suggested motion and two (2) conditions attached, though he said the second condition could be deleted upon a second thought.
- ii. Mr. Prentiss Mitchell, representative of the landowner, presented the request and said the entire lot would be graveled, they would do more than a 10-foot wide buffering in the rear for safety and separation, said they would do moderate landscaping to dress the proposed land use up, will provide five (5) addition American with Disabilities Act-compliant (ADA) parking spaces, though only one is required via the city's zoning ordinance, and said he used to be located between the Captain D's restaurant and the Walmart Supercenter , also on Goodman Road West, but that space is developing into something permanent, thus this request to relocated the use within the City of Horn Lake.
- iii. Some discussion ensued about the relocation.
- iv. The Chair opened the public hearing for the case. Francis Miller spoke about the request. He said he was from Ward 5, lived in Horn Lake 14 years, was against fireworks tents, that he backed Alderman Jackie Bostick, who has been fighting the fireworks issue in Horn Lake, and Miller said he thought it was terrible that the denotation of fireworks in Horn Lake have already caused a house to burn down and a car in separate incidents.
- v. **Motion** – to recommend approval of the conditional use request with one (1) condition attached (see below) to it by Stokes, 2<sup>nd</sup> by Vidal. Egner added that the condition the lot where the tent would be placed should be graveled for safety reasons.
- vi. Motion passed, 5-0.

Conditions:

1. The owner/applicant shall abide by all City of Horn Lake requirements for fireworks sales per the City's code.
2. The eastern property of the two, where the fireworks tent is proposed to be located, shall be graveled prior to commence of the land use for safety reasons.

- 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, 2<sup>nd</sup> by Little.
  - e. Motion passed, 5-0.
- a) Case No. 2103: A request for a subdivision final plat (SDFP) named “Goodman Road C-Store,” for a 1-lot commercial subdivision located approximately at 4761 Goodman Road West (address unofficial and unassigned) in Horn Lake by Aman Devji, applicant & contract purchaser; Dash Sidhu, current landowner; Ran Management, developer; and John Granberry, P.E., engineer; consisting of 4.58 acres +/- . The subject parcel is currently zoned as C-4, Planned Commercial District. (This is a plat to consolidate three separate ownerships into one (1) parcel and to prepare the area for development.)
- i. The applicant’s real estate agent, Jim Crowley, was now present in the audience. He asked if the case could now be heard. The Commissioners discussed the issue.
  - ii. A motion by Egner to remove the case from the table to consider it, 2<sup>nd</sup> by Mercer.
  - iii. Motion to take from the table passed, 5-0.
  - iv. Planning director gave a power point presentation of the request.
  - v. Mr. Crowley said he was representing Ran Management. He said they were attempting to consolidate three parcel ownerships into one parcel via this subdivision plat. He said the goal there is to develop the property commercially and also with a commercial convenience store.
  - vi. Discussion ensued among the commissioners upon the request/case.
  - vii. **Motion** – to recommend approval to the aldermen of the subdivision plat request by Stokes, 2<sup>nd</sup> by Egner with the conditions a.-e. (see below) as suggested by the staff.
  - viii. Motion passed, 5-0.

Conditions:

- a. Revise plat to show 5’ wide side yard utility easements and 10’ wide rear yard utility easements.
- b. Clarify on the plat of how drainage will be handled via the subdivision plat.
- c. Add a note of the requirement to install sidewalks to the plat per city standards.

- d. Change public water provider to the Walls Water Association, Inc. and add location of public water and sanitary sewer lines to the plat.
- e. Add a note that the development will adhere to city adopted storm water, drainage control, erosion, and sediment control codes.

6. Other Business.

- a) Planning department hirings. b) Comprehensive plan update.
  - a) Planning director said the department has hired two new code enforcement officers in the past two weeks and they are in training now with the current officers. The office manager in November will be migrating to the new Rental Housing Quality Coordinator (RHQC) position, thus leaving the front counter position open, which is actively open for applications. The storm water administrator position has had few applications and is scheduled to go before the board of aldermen on 11-1-22 for a job description change. The individual that had been in the planning intern is now the Planner I for the city
  - b) Director said the city has a meeting with Orion Planning Group, the firm hired by the city to update its comprehensive plan, later in the week.

7. Adjournment. **Motion** – by Egner, 2<sup>nd</sup> by Mercer. Motion passed, 5-0 at 7:22 p.m.

**Scrivener's Note:** Minutes prepared on 11-1-22 at 5:34 p.m. by C Bahr. Typos corrected on 11-2-22 at 5:35 p.m. (2nd draft; file name: Minutes from 10-31-22 mtg.docx)