

City of Horn Lake, MS, Planning Commission – Meeting Minutes for March 28, 2022

Agenda items –

1. Call to Order -
2. Roll Call and Pledge of Allegiance –
3. Approval or Previous Meeting Minutes - from 2.28.22.
4. Old Business –
 - a) Case # 2062 – Request by Julia Wooten for a conditional use (CU) for an indoor auto showroom land use located at 1909 Tappan Drive.
5. New Business –
 - a) Case No. 2077: A request for a final plat of a minor subdivision (SDFP) named “Linda’s Square,” at this time to be located at 2036 Goodman Road West in Horn Lake by Metro Construction, developer; Ms. Cheonshae Moore and American Properties, LLC, land owners; and ETI Corporation, Melissa Aguilera, engineering company, on land that is zoned as C-4, consisting of approximately 1.10 acres +/-.
 - b) Case No. 2071: A request to amend a planned unit development (PUD) named Sage Creek for three properties located approximately at 5070 Goodman Road West (address is unassigned) by PFMT Holdings, LLC, land owner and developer; and W.H. Porter Consultants, PLLC, planning/site engineer, for land zoned as PUD, consisting of 148.27 acres +/-, for 278 single-family lots of various sizes and 71.86 +/- acres of common open space.
 - c) Case No. 2075: A request for a site plan and design review (SPDR) for parcel 1088340030 0000100, Lot 1A of the Preferred Industrial Subdivision, for a light industrial shop at 2280 Cole Road, by Stanley Thorne, land owner and developer; Ben Smith, IPD Solutions, engineer; consisting of 1.0-acres +/- . The subject parcel is currently zoned as M-1.
 - d) Case No. 2061: A request for a final plat of a minor subdivision (SDFP) named “the Fountains at Fairfield Meadows, Section J, Lot 1,” to be located at 4140 Fountain Lane in Horn Lake by HL Ventures, LLC, developer and land owner; and Ben Womble, Womble Engineering, engineering company, on land that is zoned as Planned Unit Development (PUD), consisting of approximately 1.15 acres +/- for a Tidal Wave brand car wash.
 - e) Case No. 2078: A request for a site plan, design and landscaping review (SPDR) for a property to be located with addresses ranging from 1010 to 1144 Nail Road West by Wilson Development, developer and owner; and Blake Mendrop, Mendrop Engineering Resources, LLC, engineering company; for establishing six (6) commercial/light industrial buildings ranging from 6,000 to 9,500 square feet on land zoned as Planned Unit Development (PUD), consisting of approximately 4.9 acres +/-.
6. Other Business.
 - a) Update on other land use planning items.
 - i. Comprehensive Plan update.
 - ii. Small-Cell Technology revisit.
 - iii. Setting of May Planning Commission meeting date.
7. Adjourn.

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Present:

1. City Planning Commissioners: Chad Engelke (Chair), William Egner, Angie Little, Linda McGan, William “Bill” Mercer, Jimmy Stokes, Janice Vidal, and Andrew Yeager.
2. City Staff: Chad Bahr, AICP, Planning Dir. and John Mark Owston, City Information Technology (IT, contractual).
3. Gallery (public attending): Francis J. Miller, citizen, from 7180 Benji Ave.; Dale Wilson, 3737 Robertson Court; Austin Wilson, 3242 West Hartland Drive, Southaven; Blake Mendrop, 2827 Lakeshore Mendrop Engineering, ZIP Code of either 39040 or 39046; Ben Womble, 2883 Elise Drive, Womble Engineering, Hernando, MS 38632; Bill Brown, 2540 Highway 51 South, Hernando; Melissa Aguilera, 1755 Lynnfield Road, ETI Corporation, Memphis, TN; Ms. Terhune(?), Sage Creek land owner; and Henry Porter with W.H. Porter Company.

Note: For brevity, the following representations may be used as abbreviations in these minutes -

- a. Chair = chairperson of the planning commission
- b. Plng Dir = city planning director
- c. RZ = rezoning or zoning amendment case
- d. CU = conditional use
- e. Mtn = motion
- f. 2nd = second to a main or primary motion
- g. V = vote or result upon a made motion
- h. PC = city 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

Items –

1. Chair Engelke called the meeting to order at 6:00pm.
2. The Chair led the group in the Pledge of Allegiance. He asked for the roll call. Little called the roll. All commissioners were present.
3. The Chair asked for consideration of the Minutes from the 2-28-2022 Planning Commission meeting. There were no changes. Mtn: Mercer made a motion to approve the minutes as submitted. 2nd: Little. Vote: Motion passed to approve the minutes, 7-0.
4. Old Business. **4a)**. Chair brought up consideration of agenda item 4a), aka Case No. 2062, for the conditional use request for an indoor car lot on 1909 Tappan Drive. Chair turned to staff for an update.

The planning director (plng dir.) stated he had contacted the applicant because the case had been on the PC’s agenda since November and no required field posting had been made to date. He said he told the applicant they would get one more opportunity to meet field posting requirements for the month of April and if not met, then the case would be permanently closed by the planning commission. He said the applicant understood this time deadline.

The Chair asked for a motion to continue to table the case to the April 25th PC meeting date for possible consideration. A motion was made by Vidal and a second was made by Mercer to continue the case until April 25th’s planning commission meeting/hearing date. Motion passed, 7-0.

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5. New Business –

5a) Chair asked the plng. dir. for the power point presentation to case no. Case No. 2077: A request for a final plat of a minor subdivision (SDFP) named “Linda’s Square,” at this time to be located at 2036 Goodman Road West in Horn Lake by Metro Construction, developer; Ms. Cheonshae Moore and American Properties, LLC, land owners; and ETI Corporation, Melissa Aguilera, engineering company, on land that is zoned as C-4, consisting of approximately 1.10 acres +/-.

The planning director gave the power point presentation of the case with the following items (conditions) touched upon and recommending approval of the request:

- a. Add a sidewalk to the south side of the subject property per the requirements of the subdivision regulations, and
- b. Clarify for staff the need or not for a street light via the city engineer or MDOT.
- c. Add a note to the plat the subdivision will be built adhering to the city’s erosion and sediment control standards.

He also added the case was heard by the PC on 1-31-22 at the sketch plat stage of development where the PC approved that request, thus leading to this final plat consideration. He did add the entire development was located within the 100-year designated flood plain, but the applicant and developer was aware of that and would be building to abide by required city flood plain regulations.

The Chair asked for any questions of staff. Seeing none, he asked for comments from the applicant and/or developer or their engineer.

Commissioner Mercer asked the applicant where they would get the dirt to raise the elevation of the subject property.

Ms. Aguilera, the applicant’s engineer spoke, saying dirt would likely come from several locations, but most of the necessary building elevation would come from a design using risers to elevate the lowest habitable floor.

Commissioner Egner asked whether the children’s play area would be susceptible to flooding.

Aguilera said they intend to raise the parking lot to an elevation even with Goodman Road and the playground area would also be at the Goodman Road elevation.

DE about the placement of sidewalks for this subdivision along MS Route 302. Both Commissioners Little and Mercer thought that the subdivision should contain a sidewalk.

Commissioner Stokes made the following motion: “After review of application Case No. 2077, a request for the subdivision final plat of the one lot, 1.10-acre area named “Linda’s Square,” for the commercial development of a daycare center at 2036 Goodman Road West with the following conditions attached:

- a. Add a sidewalk to the south side of the subject property per the requirements of the subdivision regulations.
- b. Clarify for staff the need or not for a street light via the city engineer or MDOT.
- c. Add a note to the plat the subdivision will be built adhering to the city’s erosion and sediment control standards.

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Commissioner Yeager seconded the motion to approve the request. Vote: Motion passed to approve the subdivision final plat, 7-0.

5b) Case No. 2071: A request to amend a planned unit development (PUD) named Sage Creek for three properties located approximately at 5070 Goodman Road West (address is unassigned) by PFMT Holdings, LLC, land owner and developer; and W.H. Porter Consultants, PLLC, planning/site engineer, for land zoned as PUD, consisting of 148.27 acres +/-, for 278 single-family lots of various sizes and 71.86 +/- acres of common open space

The planning director made a lengthy power point presentation covering the following four aspects of amending an existing planned unit development (PUD): A) project description/history, B) planned unit development regulation standards, C) master development plan approval process, and D) conditions and economics. Parts of the presentation appear below:

A) Project description/history.

1. The subject property has been the subject of past development proposals.
2. Most recently, this was approved for 328 lots on 9-21-2021, by the board of aldermen.
3. The designation of part of the development as federal wetlands has reduced the developable portion of the area and now 278 lots for single-family residential homes are planned.
4. There are three (3) parcels involved, consisting of 148-acres.
5. The parcels are mostly covered by trees in a forest-like manner with elevation undulations ranging from 295 feet in elevation to as low as about 250 feet with several elevation changes spread over the subject parcels.
6. There are at least two small creeks draining the parcels.
7. There is a wide cleared area in the southern portion of the area for a utility easement that appears to be about 120 feet in width.
8. There is also an existing dirt/gravel off of Goodman Road West in the south-central portion of the area and then a few drive paths or lanes scattered throughout the parcels. These are all private.
9. Lot Size Range: 7,500 to 24,200 square feet
10. Minimum House Size: Proposed at a minimum of 1,800 square feet, exclusive of porches and garages. All homes are proposed with double-car garages.
11. Development Timeline: To be built out in five phases, one each year, from 2022 through 2024.
12. Though portions of the parcels are designated as federal wetlands, none of the subject properties are located in a designated 100-year flood plain.
13. Electrical Service: Entergy Mississippi, Inc.
14. Gas Service: Atmos Energy Corporation.
15. Public Water Service: Walls Water Association, Inc.
16. Sanitary Sewer Service: City of Horn Lake
17. Elementary School(s): The western 2/3's of the area involved is located within the Walls Elementary School area and the eastern 1/3 of the area is located within the Shadow Oaks Elementary School area.
18. High School(s): The western 2/3's of the area involved is located within the Lake Cormorant High School area and the eastern 1/3 of the area is located within the Horn Lake High School area.

B) Planned unit development regulation standards.

He added that Article V, O.3. from the city's zoning ordinance for the relationship of the PUD type zoning and the *Land Use Plan*. Specifically, it says PUD's should not exist for low density residential development, which is defined as residential district as ranging from a density of 1.5 to 2.9 dwelling units per acre (DUA). The proposed development has a DUA of and falls within this range, thus shouldn't be allowed, but staff

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urged the applicant/developer to request an exception from this range. The reason the density is lower is because of the area as open space, resulting from the large area designated as federal wetlands within the development.

The director added other PUD standards from the zoning ordinance pertaining to:

1. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the City's current development policies and Comprehensive Plan.
2. An approved water supply, wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or shall be provided.
3. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses and any part of the proposed planned development not used for structures, parking, and loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
4. Any modification of the City's applicable Zoning Ordinance and/or Subdivision Regulation standards that would otherwise be applicable to the development site are warranted by the design of the Master Development Plan and the amenities incorporated therein, and are not inconsistent with the public interest nor the Comprehensive Plan.

He addressed each of these, saying that by adding 278 single-family residential lots in a subdivision planned with open space, amenities, using various architectural elements and served by underground utilities that it would add value to the city as a whole.

C) Master development plan approval process.

He added it (the development) would also be supported by various points from the city's Comprehensive Plan (*Plan*), including wording about having open space, having a trail system, harmonious with other adjacent residential developments such as Willow Point Phase III and Holly Ridge, that Goodman Road West is of sufficient size to handle the additional traffic from the proposed development, that the proposed internal roadway structure would be 50 feet of road right-of-way (ROW) width with 31 feet of width for paved and drivable surface, again, would be connected to public facilities (water and sewer), and even then more *Plan* objectives, which are listed below:

- Objective 4 (pages 8-11 from *Plan*) about having housing choices,
- Objective 7 (page 8) about PUD development,
- Objective 7 (page 11) about preserving open space and interconnecting residential developments,
- Objective 8 (page 11) about linking together residential developments with streets and open space and trails,
- Objective 11 (page 12) about discouraging urban development not connected to available urban services,
- Objective 14 (page 12) about connecting sanitary sewer systems, and
- Objective 4 (page 14) about the development of neighborhood associations in new developments.

He said as a counter to the positive items was a comment from the city's police chief, Troy Rowell, from 2-9-22, where he expressed concerned that such a large development would stress a department already stressed by volume of calls currently.

D) Conditions and economics.

He presented the conditions of approval the last time Sage Creek was considered and approved by the city from 9-2-1-2021.

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He added that planning staff had been approached during the processing of the case by one of the potential builders in the proposed development of the fact that because of the wetlands issue 50 lots had been eliminated, the lots were smaller in area and that each lot would be \$17,000 higher than from 2021.

That developer had articulated concerns that using the past approval conditions at a starting point with the new economic factors listed above would create a starting price point at \$375,000 and they were concerned area comparison values would not be able to be found thus, with no comparisons, there would be no starting mortgages approved and in that situation, the development would not be able to be started.

Based upon that, staff was suggesting a 25% requirement of all new builds that would start at a 1,500 square feet instead of everything starting at 1,800 square feet in size.

The planning director continued by referencing page 22 from the “Sage Creek Development Booklet,” for proposed elevation pictures of some of the models/floor plans the developer was seeking to build within the Sage Creek development. He said the city does have design standards and they have some that do apply to residential builds, as well. He listed those in a general format from the zoning ordinance, Article XIII:

1. Architectural Compatibility.
 - i. Roof pitch
 - ii. Roofing materials
 - iii. Exterior finishes and materials
 - iv. Garage orientation
 - v. Landscaping
 - vi. Color scheme
 - vii. Mailbox design and construction
 - viii. Driveway and walkway materials
 - ix. Porches, dormers, or other features
 - x. Building orientation, and
2. General Design Characteristics. (also from Article XIII of the city's zoning ordinance)
 - a. Parking on site should be visually subordinate to the residential character of the street.
 - b. Garages, carports, outbuildings, etc., should not be 'street forward' and of materials and styles that blend with the existing structures and neighborhood.
 - c. Maintain the average scale of one- and two-story buildings along the street.
 - d. Maintain the similarity of building heights. The apparent height of the primary façade should not exceed thirty-five feet (35').
 - e. Use roof forms that are similar in scale and character to the neighborhood and to those used historically.

Lastly, he stated the Willow Point Phase III Subdivision development which was also approved by the city on 9-21-21 and located adjacent and west of the subject properties did not contain any specific design conditions on the housing builds. He said that from looking from page 22 from the *Sage Creek Development Booklet* that only the design from the upper-right hand corner of that page was too “garage-forward” to meet the 2b single-family residential design standard. He added from a personal opinion that the use of fiber-cement siding as a siding material is durable and maintains its appearance well over time, but that brick is an exception building material for aesthetics and durability.

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To finish, he stated staff recommended approval of the proposed amendments to the existing Planning Unit Development (PUD) known as Sage Creek, with a tentative address (unassigned) of 5070 Goodman Road West, for a 278-single-family lot residential development, consisting of 148.27 acres with 71.86 acres of that proposed as common open space on land that is zoned PUD with the following conditions or changes attached:

- a. Applicant/developer/owner shall proceed in the development process by subdividing the development according to the phasing as prescribed within the Master Development Plan and the City's Subdivision Regulations per Chapter 34 of the Horn Lake City Code,
- b. Applicant/developer/owner shall post "20mph" speed limit signs within the development along its public roads,
- c. Applicant/developer/owner shall properly create and record the covenants and restrictions to govern the development in perpetuity.

He did add that staff has experienced on three recent occasions where home owners' associations (HOA's) have failed and common areas have become privately owned and staff has been approached to develop common areas and open spaces so that was the reasoning behind condition c. listed above.

The Chair asked for any questions from the PC. Seeing none he asked the applicant to come forward.

Henry Porter or W.H. Porter spoke. He handed a two-page hand-out which showed pictures of what they would be building in the development project to staff, which was then distributed to the planning commissioners. He said they were before them for amending the PUD based upon environmental reasons. He said they were aware of the wetlands before, but after approval, a law suit in Arizona meant that the Corps (the Army Corps of Engineers?) were taking jurisdiction of various wetlands that they had not been taking jurisdiction of before.

He said the result is a development with open space being nearly 50% of the entire development and that they were in agreement with staff's recommendation and attached conditions. He asked if there were any questions for him.

Commissioner Egner asked about setting up an HOA for perpetuity.

Mr. Porter thought the person involved in setting those up was a Mr. Keith Collins, who is well-versed in setting those up in a quality manner.

Egner asked about how the HOA would maintain the amenities.

Mr. Porter said he was an engineer by trade and not an attorney.

Egner asked about the cost of HOA dues to property owners as the phases are developed. The Chair asked at what percentage of build-out where the administration of the restrictive covenants would be turned over to the property owners.

Porter thought it was at about the 90% build-out or sale rate. He deferred to a lady in the audience. She identified herself as part of the ownership of the properties with the name of Ms. Terhune. She said Mr. Collins would handle the establishment of the HOA with restrictions and covenants, etc. (Since she did not come forward, it was difficult at best, to hear her comments to the PC. It is thought she something

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about the owner keeping the operation of the HOA until it was nearly completely built out and then turning it over, but it is not certain that is what she said.)

DE (discussion ensued) about HOA's.

Egner asked if someone chooses not to pay their HOA dues?

Ms. Terhune said a lien would be placed upon the property.

The Chair asked if the Sage Creek booklet (page 22) or the new hand-out was the intended designs to be built.

Mr. Porter said likely a mixture. DE upon the topic.

Commissioner Vidal asked about the proposed minimum sizes.

Porter said 25% of total at 1500 square feet and the rest at sizes larger than 1800 square feet.

DE about houses sizes and design features. The PC seemed to clearly prefer porches in the design and the garages moved back.

Ms. Terhune said she had lost the 50 lots and would like to move forward with the development to the board stage for consideration.

The Chair said they would like specifics on the designs. More DE about design preferences.

Commissioner asked what the size the proposed builds would start at.

Mr. Porter said at 1775 square feet and range up to 2400 square feet. He added these would start at about \$300,000.

DE about sizes and starting process.

Vidal also asked about which designs were intended to be built from the two sources.

Tim Dagastino, the planner for the developer, spoke. He said the new two-page hand-out was the intended builds.

Commissioner Stokes made a motion for a continuance. The motion for seconded by Little. All voted in favor of the motion except for Commissioner Vidal, thus, the motion to continue the case until a future date passed, 6-1.

5c) Case No. 2075: A request for a site plan and design review (SPDR) for parcel 1088340030 0000100, Lot 1A of the Preferred Industrial Subdivision, for a light industrial shop at 2280 Cole Road, by Stanley Thorne, land owner and developer; Ben Smith, IPD Solutions, engineer; consisting of 1.0-acres +/- . The subject parcel is currently zoned as M-1.

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The plng. dir. gave a power point presentation where he recommended approval of the site plan design review request with the following conditions attached:

1. Revise plans to show mechanical systems and said systems must be screened,
2. Revise roof pitch to meet 5:12 standard,
3. Revise exterior design to eliminate metal siding,
4. Add glass as a building material to meet 20% requirement for the front facade,
5. Make all facades of the same building material, one that meets the city's design standard,
6. Provide exterior lighting details that meets the city design standards,
7. Move driveway to meet the 10 feet separation distance from west property line,
8. Add one off-street loading space to site plan,
9. Provide drainage calculations for review by city engineer and build improvements according to those reviews,
10. Show water and telephone utility services upon plans for review,
11. Satisfy city engineering for drainage, water and sewer design, connections and locations,
12. Widen the front landscape area to meet the 20 feet width standard, and
13. Increase front parking island landscaping to meet the 200 square feet standard.

Commissioner Vidal asked when an applicant would normally be notified of the outcome of a planning commission meeting.

Staff said normally it would be within the same week of the planning commission meeting or the following week as to the outcome of the planning commission's actions, i.e., a denial, an approval, or an approval with conditions and typically that notification would be via e-mail to formalize the answer to the applicant.

The Chair clarified for Commissioner Vidal, saying he thought she meant when prior to the PC would an applicant or themselves receive information about the case.

The director stated his hope for a standard protocol is to have both the planning commission packets to the planning commissioners and then after that, the same day, the staff reports to the applicants/developers on the Thursday before Monday planning commission meetings. He said, in this case some of the staff reports were not sent out to applicants until Friday that week, but packets to the planning commissioner were delivered on Wednesday last week.

The Chair asked for any input from the applicant. Mr. Ben Smith, IPD Engineering, and Mr. Stanley Thorne, land owner/applicant, came forward.

Mr. Smith he only received the case staff report a few hours before the meeting, but for the most part thought they could meet most of the required approval conditions.

He went on to explain many of the items, saying they could meet or had already met conditions 1, 2, 4, 6, 7, 8, 9, 10, 11 and 13.

He made the argument with condition #3 that they believed, though proposed as metal, because it was painted that it met the wording of the design standard as an exterior building material.

For condition #5 he said they will have a vehicle gate on the west side of the building, thus that would limit public view from a large portion of that side and from the rear side, thus the design as presented should be acceptable.

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For condition #9, since Mr. Thorne owns all the lots in the subdivision, that he would have one central drainage detention area to service all of the lots and that would not be on this property.

He said that for condition #11, that they were working with Vince Malavasi, the city's engineer, to flow the sewer via gravity to the warehouse development, I-55 Horn Lake Distribution Center, located north of the subject property and to eliminate a City of Horn Lake grinder pump station located currently southeast of the subject property.

He said for condition #12 they would like ask for an exception from the 20-feet wide landscaping standard for the front of the property, because the property is not located along Hurt Road, which carries more traffic, and that the proposed 10-feet of width is more landscaping than where anyplace has along Cole Road now.

The Chair asked Mr. Bahr about the metal exterior standard interpretation. Bahr replied that he would send it back to the planning commission for clarity because he believed the city had set the standard of no metal on buildings, and that he would rather error on the side of caution, to bring a possible point of design code interpretation difference with the planning commission to them, instead to just say what had been proposed was "met." He added that if the thought was that paint meant "finished," then likely the standard was met. He said he didn't really know what the city had decided upon the standard in question historically and desired for the planning commission to have an opportunity to decide on the matter as a group.

Commissioner Egner asked about the color scheme.

Mr. Thorne presented a large picture of the color schedule and design of the proposed small light industrial shop.

Mr. Smith said building would have a portion in stone and would be trimmed in a maroon/burgundy color.

Commissioner Vidal asked is a variance could be used by the applicant for a couple of the items.

The planning director said that perhaps a variance could be processed for some of these items, but processing a variance would involve more time, perhaps a month or two and a public hearing, complete with legal notice and such. He said by their design, variances are supposed to be hard to grant, but there is another pathway available, and that is something called an exception. Specifically, it is from Article 13, Item K of the zoning ordinance and there are fewer items/criteria to be met and no public hearing is involved when considering those. He added he would rather not process a variance request for the items at hand because as a nation trend, variances have tended to be over-applied for and over-granted.

Egner asked if the exception pathway could be used to move away from the standards of conditions #3 of metal siding, and #12, to grant relief from the required 20-feet wide front yard landscape width.

The director thought it could if the applicant presented an argument for them to be granted and then the PC would have to consider the arguments on the merits.

DE upon the topic.

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The Chair asked for a motion.

Commissioner Egner made a motion: "After review of application Case No. 2075 SPDR, a site plan, design and landscape review request for a light-industrial shop use at 2280 Cole Road, consisting of 1.0-acres +/-, on land that is zoned M-1, the Horn Lake Planning Commission approves of the request with the following conditions attached to it:

1. Revise plans to show mechanical systems and said systems must be screened,
2. Revise roof pitch to meet 5:12 standard,
3. Revise exterior design to eliminate metal siding,
4. Add glass as a building material to meet 20% requirement for the front facade,
5. Make all facades of the same building material, one that meets the city's design standard,
6. Provide exterior lighting details that meets the city design standards,
7. Move driveway to meet the 10 feet separation distance from west property line,
8. Add one off-street loading space to site plan,
9. Provide drainage calculations for review by city engineer and build improvements according to those reviews,
10. Show water and telephone utility services upon plans for review,
11. Satisfy city engineering for drainage, water and sewer design, connections and locations,
12. Widen the front landscape area to meet the 20 feet width standard, and
13. Increase front parking island landscaping to meet the 200 square feet standard, but

to grant an exception from the zoning ordinance standard, based upon arguments presented by the applicant, for condition #12 to allow a 10-feet front yard landscaping width, and that the exterior design materials as proposed meet the city's design standard.

A second to the motion to approve with conditions was made by Commissioner Vidal. The motion passed, 7-0.

5d) Case No. 2061: A request for a final plat of a minor subdivision (SDFP) named "the Fountains at Fairfield Meadows, Section J, Lot 1," to be located at 4140 Fountain Lane in Horn Lake by HL Ventures, LLC, developer and land owner; and Ben Womble, Womble Engineering, engineering company, on land that is zoned as Planned Unit Development (PUD), consisting of approximately 1.15 acres +/- for a Tidal Wave brand car wash.

The planning director started and presented the power point presentation associated with the case. He spoke a bit about the subdivision requirement about providing sidewalks. He said that a field inspection had revealed no sidewalks at Aldi, nor did the recorded plat for Aldi or for where the McDonald's that will be built directly west of the subject property, nor did the Wendy's plat, which would be built directly east of the subject property, nor did the site plan and design reviews include or show any sidewalks. In essence, the entire area is and will be void of sidewalks. He said though, that he was contemplating dropping the condition of providing a sidewalk, due to the fact one sidewalk not connected to another sidewalk would not provide much pedestrian value.

He said he spoke with Mike Cowley, the project coordinator for the McDonald's build, which construction on that would start on April 4th, and Crowley suggested because of the topography of these three sites (Wendy's, Tidal Wave and McDonald's) on the north sides of the respective properties, perhaps the best solution is to supply a sidewalk along the south side of Fountain Lane and then connect with

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crosswalks across Fountain Lane to the north to these three properties. Each property near the buildings would be American with Disabilities Act (ADA, *Act*)-compliant. He said he had the planning Intern, Andrew, and himself, do research on the question – Does ADA require sidewalk to be built with all new development in the United States? Due to the length of the *Act* and the short time to research the issue, they were unable to come up with a definitive answer to that question. It did appear, clearly that if sidewalks are built they would have to be built to ADA standards.

He went through the design standards from the city's subdivision regulations. In the end, he said staff recommends approval of the requested subdivision final plat of the one lot, 1.15-acre area named "the Fountains at Fairfield Meadows, Section J, Lot 1," for the commercial development of a car wash at 4140 Fountain Lane with the following conditions attached:

- a. Add to the plat a note to the effect the plat will be designed, developed and constructed in such a manner as to provide for the most effective control of erosion and sediment per the subdivision regulation standards.
- b. File the final plat application and all required documents associated with that upon approval.

The Chair asked for any questions of staff. Both Little and Mercer made comments about needing to require sidewalks for new developments and to be consistent in that requirement. DE upon the topic.

The Chair asked of the applicant was present.

Mr. Ben Womble, of Womble Engineering, came forward to speak. He said he was in agreement with staff's recommendation, but asked that the condition of installing a sidewalk on the south side, where it would run about 200 feet in length would not connect to another sidewalk, not be added to the list of conditions.

Chair asked for any questions from the PC.

Commissioner Stokes asked staff if sidewalks were required by something in the city.

Staff said the requirement for sidewalks in found in the city's subdivision regulations and the standard is to build a side-walk on one side of street for local-type roads and then for major roads on both sides of the street or road. He added that there is not a requirement to install sidewalks for roads with cul-de-sacs (turnarounds).

Stokes asked staff why the plats for McDonald's and Aldi did not have sidewalks.

The director didn't know if that was something missed by the city or if there was a conscious determination to not require them. He said he could research the issue, but wasn't sure if the research would reveal a definitive answer or not.

Stokes asked about the south side of Fountain Lane and what type of development was anticipated for there.

Staff said this area of the Fountains at Fairfield Meadows PUD was for various commercial uses as the residences have been established already to the south of this area.

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DE about what to do about getting sidewalks built in this portion of the subdivision. Staff said there appears to be room for a sidewalk for north of the Wendy's Tidal Wave and McDonald's properties, but because of the topography change of about 4-feet, it literally would have to be cut into the side of the hill and likely a retaining wall installed, but it would upon (in) the Goodman Road road right-of-way (ROW), which would involve a conversation with the Mississippi Department of Transportation (MDOT) and would likely be paid for by the city or the state.

Commissioner Vidal asked if there was any wording in the city's Comprehensive Plan about sidewalks. Staff said there is existing wording in the *Plan* about connectivity and supporting the development of sidewalks within the community, so it already exists, and then there is wording in the city's subdivision regulations about requiring sidewalks in most instances.

The Chair asked for any more comments or a motion. More discussion ensued. A motion was made by Little and seconded by Vidal of the following: "After review of application Case No. 2061, a request for the subdivision final plat of the one lot, 1.15-acre area named "the Fountains at Fairfield Meadows, Section J, Lot 1," for the commercial development of a car wash at 4140 Fountain Lane with the following conditions attached:

- a. Add a sidewalk to the south side of the subject property per the requirements of the subdivision regulations.
- b. Add to the plat a note to the effect the plat will be designed, developed and constructed in such a manner as to provide for the most effective control of erosion and sediment per the subdivision regulation standards.
- c. File the final plat application and all required documents associated with that upon approval.

Some discussion followed about dropping condition a. and considering the sidewalk issue at the site plan design review case phase, but the final plat would go the aldermen on 4-19-22 for consideration so the condition was left in as stated above. The motion passed to approve with the stated conditions, 7-0.

5e) Case No. 2078: A request for a site plan, design and landscaping review (SPDR) for a property to be located from addressing ranging from 1010 to 1144 Nail Road West by Wilson Development, developer and owner; and Blake Mendrop, Mendrop Engineering Resources, LLC, engineering company; for establishing six (6) commercial/light industrial buildings ranging from 6,000 to 9,500 square feet on land zoned as Planned Unit Development (PUD), consisting of approximately 4.9 acres +/-.

The director gave another power point presentation where the following was recommended by staff, recommending approval of the requested site, design and landscape plan for property located from addresses ranging from 1010 to 1144 Nail Road West by Wilson Development, developer and owner, for establishing six (6) light industrial buildings, ranging from 6,000 to 9,500 square feet on land zoned as Planned Unit Development (PUD), consisting of approximately 4.9 acres +/-, with the following conditions or changes attached:

- a. add dumpster locations with appropriate screening depending upon their locations to the site plan,
- b. clarify for review of the locations of the mechanical equipment for each building,
- c. make a determination on roofing designs,
- d. make determinations on the building material exception request and amounts of glass on the south facades of all six (6) buildings.
- e. perform/provide tree survey and mitigation plan,

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- f. clarify the rear land use issue,
- g. clarify the off-street loading issue,
- h. have applicant provide items as listed in the 3-7-22 letter from Neel-Schaffer to city's satisfaction.
- i. meet the Streetscape B for the south side of the subject property.

Staff added the proposed exterior building material is metal, but the applicant has asked for a design exception based upon Item K from Article XIII from the zoning ordinance and they have provided information for their argument.

Staff added for clarity that the subject property is one lot per the subdivision plat, but one will notice from looking at the site plan of six (6) labeled lots with a building on each "sub-lot." This had been clarified by the developer as they dropped in those lines to show that in the future if they were approached to sell a building or more, that there would be adequate spacing to meet setbacks and for each future lot to act or function independently as a unit. He also explained the front or south side landscaping formula is based from the definition of Streetscape Type B, using planting formula B1.

The Chair asked for any questions. Seeing none, he asked the applicant/developer to come forward.

Austin Wilson, developer came forward. He said they are proposing the six-building development upon one lot in a modern, contemporary metal exterior building design. He said metal as an exterior building material over the past 10-15 years has come a long way from its early beginnings and these designs will not appear as agricultural buildings nor as a pole barn. He says they are not wanting to be "grouped into" the undesirable metal buildings crowd or category. These are designs that are approved by the American Institute of Architects (AIA) and the use of metal as an exterior design is seen as a superior material because of its versatility, durability and because of the variable design options that can be created from using steel as a building material and it is widely used and accepted as such.

So, they are asking for design exceptions for using the metal as an exterior material, from meeting the 5:12 roof pitch requirement because they are seeking a clean design look with parapet walls that will hide roof-top mechanical equipment and lastly, because of the relative narrow depth of the subject property at around 200 feet, the last design exception would be from the front streetscape landscape requirement of 25 feet of width to settle in at 10 feet of width instead. He said they were seeking sleekness in design and the windows will be larger than seen from the elevation views in the application packet.

Lastly, he added, they own several properties in the area and so this would be the beginning of an industrial corridor on this portion of Nail Road.

Mr. Mendrop, of Mendrop Engineering, held up large drawings/architectural renderings of the proposed buildings.

The Chair asked for any questions or comments. DE about the color scheme and design appearance.

The Chair asked staff about the streetscape width requirement.

Mr. Mendrop spoke instead. He spoke about the dumpsters in that they would be indoors or would be provided at the rear (back) of the proposed buildings. He also spoke about the materials and building designs. He reiterated that the property is only about 200 feet deep and thereby it limits the width of design features, thus their exception request there. He said they would also like to work with Mr. Bahr to come up with a pleasant and city agreeable planting schedule for the front streetscape. He said they have

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no problem providing a tree survey of the property. He said the off-street loading at the rear would be labeled on the site plan and screening.

DE on some of the points, including the metal design.

Commissioner Little read, "After review of application Case No. 2078 SPDR, a request for the review of a proposed site, design and landscape plan for property located from addresses ranging from 1010 to 1144 Nail Road West by Wilson Development, developer and owner, for establishing six (6) light industrial buildings, ranging from 6,000 to 9,500 square feet on land zoned as Planned Unit Development (PUD), consisting of approximately 4.9 acres +/-, the Horn Lake Planning Commission approves of the request with the following conditions attached:

- a. add dumpster locations with appropriate screening depending upon their locations to the site plan,
- b. clarify for review of the locations of the mechanical equipment for each building,
- c. make a determination on roofing designs,
- d. make determinations on the building material exception request and amounts of glass on the south facades of all six (6) buildings.
- e. perform/provide tree survey and mitigation plan,
- f. clarify the rear land use issue,
- g. clarify the off-street loading issue,
- h. have applicant provide items as listed in the 3-7-22 letter from Neel-Schaffer to city's satisfaction.
- i. meet the Streetscape B for the south side of the subject property, but, to clarify:

they would accept the design using the metal as an exterior material, work with planning department for an agreeable streetscape for plantings, and to accept a roof design with no roof pitch." Commissioner Stokes made the second. The motion passed to approve the site plan and design review case with the conditions and changes listed above, 7-0.

6. Other Business.

The Chair asked for an update on these items.

- a)** Update on other land use planning items.

- i. Comprehensive Plan update.

The director said he had met with the Mr. Barber of the Orion Planning Firm about the *Plan* update earlier in the month. The update process could begin during June or July or there about, but he was seeking names of individuals and their contact information in the community that would be meeting attenders and have a community vision to be on the *Plan's* Advisory Group, i.e., the group that would meet from time to time during the *Plan's* formation to help makes decision along the way and advise staff for direction. He said he had a few names already, but was seeking about 15-21 individuals. Once a certain number was reached he would likely take the names to the aldermen for appointment. He was looking for three (3) planning commissioners and three (3) aldermen, but didn't want more than that so as to not violate open meetings laws and regulations, etc.

- ii. Small-Cell Technology revisit.

Bahr said here he had contemplated introducing possible amendments to the zoning ordinance because the fear was that there might be a large number of these small-cell poles coming to the community and

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they would have to be processed as individual conditional use (CU) cases, but the planning department had received three applications and two of those were for the placement of these poles within road right-of-ways (ROW's) and as such, with no zoning present they would not need a CU. In those instances, the city's new (from Nov. 2021) small-cell technology ordinance #21-11-277 would control. So, he said he has decided to wait and give the current regulatory system 6-12 months' time, to see how it functions first and then re-assess.

iii. Planning Department staffing.

The department has hired a planning intern, Andrew Hockensmith, starting during the month of March. He is a graduate student in planning at the University of Memphis. The director said he was slowly integrating him within the department, but appears to be a quality and good fit to the department.

The Chair asked for any other questions or comments. Seeing none he asked for a motion to adjourn.

7. Adjournment. A motion was made by Engelke to adjourn. 2nd: Vidal. V: Motion passed to adjourn at 8:53 p.m., 8-0.

Prepared by C. Bahr, Plng. Dir., on 3-29, 30 and 31-2022, and completed in unapproved form by him at 11:32 a.m. on 3-31-2022. Typos corrected on 4-7-22 at 9:50 a.m. Substantive correction made to agenda item 5a on 4-26-2022 by C. Bahr and minutes with correction approved by the Planning Commission on 4-25-2022.