

1. Call of Order**2. Roll Call & Pledge of Allegiance****3. Approval of Previous Meeting Minutes 6/27/2022****4. Old Business**

a) Case #2079 – A request for a conditional use for a cemetery land use to be located at 4600 Church Road West in Horn Lake by Riyadh Elkhayyat, landowner; and AERC PLLC, via Doug Thornton, AIA, representative of owner; on land that is zoned as A-R, Agricultural-Residential District, consisting of approximately 80.73 acres +/- (This case was tabled from the 4/25/2022, Planning Commission meeting and will remain tabled until August's meeting.)

b) Case #2083 – A request for a conditional use (CU) for a semi-truck parking land use to be located at 6667 Pasadena Drive in Horn Lake by Mr. Faheem Dyer, landowner; AJ Colasurdo, representative of the landowner with Bohler Engineering; on land zoned M-1, Light Industrial District, consisting of 16.85 acres +/- (This case was tabled during the June 27, 2022, Planning Commission meeting due to technical difficulties of the applicant, being in Atlanta, Georgia. This case is a public hearing.)

5. New Business

a) Case #2088 SPDR – A request for a site plan and design review (SPDR) for a proposed gas station with four (4) commercial bays at approximately 4955 U.S. Highway 51 N, by Baja Hajjeh, landowner/developer; IPD Solutions, engineer; consisting of 3.28 acres +/- (The subject parcel is currently zoned as C-4, Planner Commercial District.)

b) Case #2089 – Request for a zoning amendment (RZ) at 5725 Highway 51 N, by Pitru Chya, LLC, owner/ from R-10, Residential Medium Density – 10K Square Feet Minimum District, to C-3, General Commercial District, and C-4, Planned Commercial District, consisting of a total of 19.17 +/- (Request – 15.18 acres for C-3 and 3.99 acres for C-4. This case is a public hearing.)

c) Case #2090 – A request for a subdivision final plat (SDFP) named the "Saleh Subdivision", for a 1-10 commercial subdivision located approximately in the 1700 addressing block of Nail Road West in Horn Lake by Mammam Saleh, landowner; and Jones-Davis & Associates, Inc., engineer or design company for land zoned as C-3, General Commercial District, consisting of 11.13 acres +/-.

d) Case #2091 – A request for a subdivision final plat (SDFP) named the "Replat of Westberry Square Southeast", to combine existing lots into a 1-lot commercial subdivision located at 4300 Goodman Road West, address unassigned and unofficial in Horn Lake by WB Horn Lake, LLC, developer; and MS Consultants, Inc., engineer; for land zoned as C-4, Planned Commercial District, consisting of 1.49 acres +/- altogether.

6. Other Business

- a) Update on other land use planning items
 - i. Presentation of planning intern’s summer class to Sicily – significant planning “takeaways”.

7. Adjourn

Those Present -

- 1. **City Planning Commissioners** – Chad Engleke (Chair), William Egner, Janice Vidal, Angie Little, Bill Mercer, Linda McGan.
- 2. **City Staff** – Chad Bahr, AICP, Planning Director, Andrew Hockensmith – Planning Intern, Daniel Feinstone, City Information Technology (IT).
- 3. **Gallery** – Public Attending: Chance Walker – IPD Solutions, AJ Colasurdo – Bohler, Victor Ramirez – Carlson Consulting Engineers, Paul Patel – Pitru Chya, LLC., Francis J. Miller – Resident, Robbie Jones – Jones-Davis & Associates.

Those Absent -

- 1. Jimmy Stokes
- 2. Andrew Yeager

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. 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** – Chad Engleke called the meeting to order at 6:00 PM.
- 2. **Roll Call** – Egner, Vidal, Little, Mercer, McGan, 5 present with 2 absent. Chad Engleke led the group in the Pledge of Allegiance.
- 3. The Chair asked for consideration of the minutes from June 27, 2022, Planning Commission Meeting. **Motion** – To approve the minutes as provided, Angie Little, **2nd** – Bill Egner, **Vote** – Egner - Yes, Vidal - Yes, Little - Yes, Mercer - Yes, McGan – Yes. **Vote** – Passed 5 – 0 “Yes” with 2 absent.
- 4. **Old Business**

- a) **Case #2079** - Chair, brought up consideration of Agenda Item – Conditional use (CU) request for a cemetery land use @ 4600 Church Road. Case #2079 – Case is tabled until the August Planning Commission Meeting.
- b) **Case #2083** – A request for a conditional use (CU) for a semi-truck parking land use to be located at 6667 Pasadena Drive in Horn Lake by Mr. Faheem Dyer, landowner; AJ Colasurdo, representative of the landowner with Bohler Engineering; on land zoned M-1, Light Industrial District, consisting of 16.85 acres +/- . This case was tabled during the June 27, 2022, Planning Commission meeting due to technical difficulties of the applicant, being in Atlanta, Georgia. This case is a public hearing.
- Plng Dir.** – Read through slide presentation stating that this would be used for large vehicle (semi-truck) parking. The traffic impact analysis (TIA) shows the proposed use increases traffic and turning left from Pasadena Drive to Goodman Road is already at a poor level of quality and the additional turning trucks would make things worse. No hazard materials will be kept on the lot per the applicant and a portion of the presentation explored the question of whether the requested land use would adversely affect the neighborhood.
- Chair** – Asked if anyone had questions for the Plng Dir. – No questions.
- Applicant** – AJ Colasurdo with Bohler Engineering – 2 intersections were studied with Hwy 51 as the main entrance to the lot at 65% of the total truck traffic or usage.
- Chair** – Will there be gate and security there? **Applicant** – Yes
- Little** – Will you have cameras? **Applicant** – Most likely cameras.
- Little** – Is the entire lot in the (100) year flood plain? **Applicant** – No the eastern portion is outside the flood plain. The flood plain runs through the parking lot. (**Note:** The correct answer is the SE portion of the subject property is not within the 100-year designated flood plain, but the rest of the property is located within the 100-year flood plain.)
- Mercer** – Will there be assigned spots for the trucks, or will they park on any open lot?
- Applicant** – It’s an open lot, but it will have specific parking areas for specific businesses.
- Egner** – Can you explain your emergency plan in case we get 4 inches of rain in 30 minutes?
- Applicant** – We don’t have a formal plan in place we are still working through that.
- Egner** – Can you help me understand the traffic study during the peak hours? And will trailers be inspected as they come into the lot?
- Applicant** – Peak traffic hours being morning when everyone is commuting and no, there will not be inspections done.
- Little** – I am very concerned about the traffic.
- Edner** – How many trucks will we see on a average during peak hours? **Applicant** – you will see going in will be one every 5 minutes in the morning and exiting will be every 4 minutes on both Hwy 51 to Dancy & Goodman Road. **Edger** - When do you plan on opening? **Applicant** – As soon as we are approved.
- Chair** – I understand how semi-trucks can slow down the traffic, but coming down Hwy 51 it won’t slow down the traffic that much. I would rather them park in this lot rather than park in the residential driveways in the city.
- Open for public hearing** – Frances J. Miller. He said Horn Lake & Desoto County needs this in the worst way, the economy based on the movement of goods. These truck drivers have no where to go they must rest by government guidelines. We need to make this safe and legal for the truck drivers.

Motion – Egner with conditions: 1. bond to the city amount to maintain the quality of streets, of the city being Pasadena & Dancy, 2. The applicant must supply the emergency management action plan (EAP) to MEMA, 3. Must leave the existing trees along the property’s east and south sides trees to effectively screen land use, and 4. Must install drainage collection system on the properties west side to collect runoff from the parking lot.

2nd – Mercer

Chair – Roll Call. **Vote** – Vidal - Yes, Little - Yes, Mercer - Yes, McGan - Yes, Egner - Yes

Motion – Passed, 5 -0.

5. **New Business**

a) **Case # 2088 SPDR** - – A request for a site plan and design review (SPDR) for a proposed gas station with four (4) commercial bays at approximately 4955 U.S. Highway 51 N, by Baja Hajjeh, landowner/developer; IPD Solutions, engineer; consisting of 3.28 acres +/- . The subject parcel is currently zoned as C-4, Planner Commercial District.

Plng Dir. – Read through slide presentation, stating that for the site plan & design review it is broken into 3 sections. 1. Architectural Standards, 2. Site Plan layout, and 3. Landscaping. A possible motion for approval with these conditions: 1. Add detail about the dumpster material, 2. Provide location and design of sidewalks based upon city requirements and install per drawing revisions, 3. Perform the tree mitigation study and comply with Chapter 14 Article 3 regarding trees per the city code, and 4. Provide one off-street loading space per Article 7 item L, #'s 1 – 4, per the city’s zoning ordinance.

Chair – Asked if anyone had questions for the Plng Dir – No questions.

Applicant – Chance Walker with IPD Solutions – 1. They have new plans showing the sidewalk on Hwy 51. 2. The dumpster material will be the same architecture as the building. 3. They are in the process of doing the tree survey.

Chair – Mr. Bahr have you received those updated plans yet?

Plng Dir. – They have been good to work with and I’ve been trying to keep the lines of communication open.

Chair – Does anyone have questions for the applicant?

Vidal – Has the tree mitigation been completed? **Applicant** – It will be done this week.

Mercer – Do the RV’s that will be parked on the lot have sewage dump or potable water intake?

Applicant - The only thing that will be on the lot is electrical, they will have to maintain their own sewage.

Little – Will you have overnight security?

Applicant – There will be a kiosk area that will monitor the RV lots.

Little – Will you have inspections to make sure people aren’t dumping?

Applicant – Not to my knowledge, but that is something we can look at.

Egner – Is there a storm drain where the overnight parking will be?

Applicant – No, there is not stormwater drain and we aren’t proposing one either.

Chair – Any other questions for the applicant?

Motion – Egner made a motion to approve the request with these conditions: 1. Add detail about the dumpster material, 2. Provide location and design of sidewalks based upon city requirements and install per drawing revisions, 3. Perform the tree mitigation study and comply with Chapter 14 Article 3 regarding trees per the city code, and 4. Provide one off-street loading space per Article 7, item L, #'s 1 – 4, per the city’s owning ordinance.

2nd – Vidal

Chair – roll call

Vote – Little – Yes, Mercer – Yes, Egner – Yes, Vidal – Yes, McGan – Yes.

Motion – Passed, 5 – 0, with 2 absent

- b) Case #2089** - Request for a zoning amendment (RZ) at 5725 Highway 51 N, by Pitru Chya, LLC, owner, from R-10, Residential Medium Density – 10K Square Feet Minimum District, to C-3, General Commercial District, and C-4, Planned Commercial District, consisting of a total of 19.17 +/- acres. Request: 15.18 acres for C-3 and 3.99 acres for C-4. This case is a public hearing.

Plng Dir. – Read through slides on the rezoning noting the factors, 1. How the proposed amendment would conform to the comprehensive plan and its related elements. Plng Dir. went through all elements of the comprehensive plan noting the uses (60 of them) permitted by right in the C-3 zoning. Possible motion for approval or denial to the governing body with no conditions attached.

Chair – Does anyone have questions for Mr. Bahr?

Vidal – Since we are not currently aware of what will be built.

Chair – Has concerns about the dual zoning. Is it for both or none or 2 different zonings?

Plng Dir – I did seek legal counsel and he advised it was well within the purview of the applicant to ask for dual zoning upon one parcel, thus that is what the request is for.

Egner – So, if we approve this would they still have to come and get approval to build that business?

Plng Dir – Yes, for a recreational vehicle (RV) park land use in the C-3 portion.

Little – If they wanted to change the use could they do that?

Plng Dir – Yes if it is a permitted use.

Chair – Called the applicant up.

Applicant – Paul Patel. We are trying to build an RV park on the C-3 and a shopping center on C-4.

Chair – So, if we approved 1 zone request and not the other, would that affect what you do?

Applicant – that would be okay.

Chair – are there anymore questions for the applicant?

McGan – I know when it came up before we talked about the flood plain.

Applicant – Not that is no flood zone.

Plng Dir – The subject land is not in the 100-year flood plain.

Egner – If we approve the C-3 & C-4, that doesn't automatically give him a green light to build anything on the 60-item list without coming before this commission again.

Plng Dir. – As a landowner, he could pick from any of the 60 items and they would be permitted by right, but for the RV park, he would have to do the Condition Use (CU) request, and he would still have to come back for site plan and design review.

Chair – If we changed the zoning and the use was denied by Commissioners or Aldermen would it have to be rezoned if someone wanted to use it for a non-permitted use.

Plng Dir. – Yes, that is correct.

Chair – Opens for a public hearing.

Francis J. Miller – If the applicant applies for a use that is permitted that means nothing, the applicant can change to another business that is permitted. I asked to deny due to the limited information given by the applicant.

Motion – Little made a motion for denial.

2nd – Mercer

Vote – Edgner – Yes, Vidal – Yes, Little – Yes, Mercer – Yes, McGan - Yes

Motion – Recommended denial of request, 5 – 0, with 2 planning commissioners being absent.

- c) **Case #2090** - A request for a subdivision final plat (SDFP) named the “Saleh Subdivision”, for a 1-lot commercial subdivision located approximately in the 1700-addressing block of Nail Road West in Horn Lake by Mammar Saleh, landowner; and Jones-Davis & Associates, Inc., engineer or design company, for land zoned as C-3, General Commercial District, consisting of 11.13 acres +/-.

Plng Dir. – Read through the slides in the case of the subdivision plat request. Plng Dir. supplied a possible motion to recommend approval of the request with the following conditions attached: 1. Add utility easements on the plat per the subdivision regulation standards, 2. Address how drainage will be handled via the subdivision plat, 3. Add sidewalks to the plat per city standards, 4. Add the location of public water and sanitary sewer lines, and 5. Add a note to the subdivision final plat it will meet the city’s requirements for erosion and sediment control.

Chair – Does anyone have any questions for Mr. Bahr?

Applicant – Robert Jones with Jones Davis Associates.

Chair – Do you have any comments?

Applicant – We will abide by the staff’s comments.

Chair – Does anyone have any questions?

Little – What type buildings will be built here?

Applicant – Possibly a grocery store.

Chair – Any other questions? Is the building to the east of the property that close to the property line?

Plng Dir. – Yes.

Motion – Vidal made a motion to recommend approval of the request with the conditions mentioned.

2nd – Little

Vote – Egner – Yes, Vidal – Yes, Little – Yes, Mercer – Yes, McGan – Yes.

Motion – Passed, 5 – 0, with 2 absent.

- d) **Case #2091 SDFP** - A request for a subdivision final plat (SDFP) named the “Replat of Westberry Square Southeast”, to combine existing lots into a 1-lot commercial subdivision located at 4300 Goodman Road West, address unassigned and unofficial in Horn Lake by WB Horn Lake, LLC, developer; and MS Consultants, Inc., engineer; for land zoned as C-4, Planned Commercial District, consisting of 1.49 acres +/- altogether.

Plng Dir. – Read through the slide presentation. The existing subdivision is the Westbury Square Southeast, with water being supplied by the City of Horn Lake as is sanitary sewer. There are revisions that are needed to the plat as far as utility easements per requirements of the city. Section 34-89 from the City Code states item (d) does not need to be address because it was addressed when the Walmart Supercenter was built after 2014, but item (E) needs to be addressed as no sidewalks have been proposed, and items (f and g) for minimum standards of the water supply and sanitary sewer lines needing to be shown, and item (k) from the City Code about erosion and sediment control will need to be met. This is a possible motion for you to consider with a possible recommendation of approval with these conditions attached.

Chair – Do you have any questions for Mr. Bahr? Is the applicant here?

Applicant – Victor Ramirez spoke.

Chair – Any questions for the applicant?

Little – Do you know what type of building will be built here?

Applicant – A commercial restaurant.

Motion – Vidal recommended approval of the request on the subdivision final plat with the conditions listed above.

2nd – Little.

Vote – Egner - Yes, Vidal - Yes, Little - Yes, Mercer - Yes, McGan – Yes.

Motion – Passed, 5 – 0, with 2 absent.

6. **Other Business**

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

Plng Dir. – Introduced Andrew Hockensmith as the City’s Intern, and he has been working on sign permit reviews and creating various geographic information system (GIS) maps for the city. Andrew spoke and said he is a planning student in the master’s program with the University of Memphis. He added that he had a summer class in Sicily and his significant planning takeaways he shared. He did this via a power point presentation. The takeaways included – great street connectivity, an extensive sidewalk system, a viable bus system, mixed uses buildings, zero-foot setback lines, no parking lots by design, extensive use of piazzas, and ample outdoor recreation opportunities.

7. **Adjourn.** Motion by Vidal passed by the commission at 8:11 p.m., 5-0, with 2 members being absent.