

Agenda for the Meeting

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Previous Meeting Minutes**
 - a) **10-28-2024**
 - b) **11-12-2024**
4. **Old Business** - None
5. **New Business**
 - a) Case Number 2024-179 is a request for a fence variance at 5085 Cohay Dr, on land consisting of 2.95 acres, under A-R zoning, by the landowner, Bridget Silvers.
 - b) Case Number 2024-182 is a request for a conditional use permit for a lounge/bar/tavern in a C-4 zone at 3027 Goodman Road West.
 - c) Case Number 2024-185 is a proposed text amendment to the Horn Lake Code of Ordinances, Appendix A, Article XII, to allow dry cleaner drop-off/pickup (as opposed to on-site dry cleaning), as well as full-service laundry, in all C-1 zones, by applicant Richard Morton.
 - d) Case Number 2024-178 is a request to recommend approval for a final plat for Memphis Recycle Exchange Lot to be created from a portion of Parcel Number 108735000 0002803, to consist of 1.39 acres, under M-1 zoning.
 - e) Case Number 2024-191 is a request to recommend approval for a final plat for “Expansion of Lot 6 Center Street Industrial Park” at 1978 Hobbs Drive by IPD Engineering & Surveying.
 - f) Case Number 2024-192 is a site plan review for the American Legion Post 134 to display a naval gun in the front of the lot, on land consisting of 1.12 acres, under C-4 zoning, applicant, American Legion Post 134.
6. **Other Business** – None
7. **Adjournment.**

Start of the Items/Cases Portion of the Minutes –

Planning Commissioners present – Chad Engelke (Chair), Kirby Carter, Clara Kirkley, Jimmy Stokes, Jessie Ware, Janice Vidal, and Chigger White. **Absent** – Calvin Freeman (Illness).

City Staff – Andrew Hockensmith, Planning Director; Billy Simco, Assistant Planning Director; Jonathan Ryan, IT Systems Engineer II

Attendees – Chance Walker, Richard Morton, Bridget Silvers, Glenn Atchley, and Mardis Jones.

Items 1 and 2. The Chair called the meeting to order at 6:00 p.m. The Secretary called roll with all planning commissioners present except for commissioner Freeman. The Pledge of Allegiance was led by the Chair and recited by those in attendance.

Item 3a. Approval of the minutes from the 10-28-24 Planning Commission meeting.

Motion - approve minutes – White. **2nd** – Carter. **Vote:** Motion passed, 5-0

Item 3b. Approval of the minutes from the 11-12-2024 special Planning Commission meeting.

Motion – approve minutes – Carter. **2nd** – Ware. **Vote:** Motion Passed, 3-0

4. Old Business – None

5. New Business.

a) Case Number 2024-179 is a request for a fence variance at 5085 Cohay Dr, on land consisting of 2.95 acres, under A-R zoning, by the landowner, Bridget Silvers.

The Chairman announced Case Number 2024-179 to be heard and asked if the applicant was present. Seeing that the applicant was present, Director Hockensmith proceeded with the staff presentation. The site is located on Cohay Drive and is zoned A-R as well as the surrounding properties. The applicant proposes to install a six-foot high fence around the perimeter of her property, although the maximum height allowed for a fence in the front yard is three feet. The front yard fence will be comprised of wrought iron bars and the other three sides will be made of wire mesh. Director Hockensmith read the requirements for a variance and the applicant's responses to the conditions for the record.

The director concluded his presentation, and the Chairman asked if the Planning Commission had any questions about the staff presentation. Commissioner White: This proposal is to surround the property? The ordinance doesn't allow this right? Director Hockensmith: No, the ordinance only allows fences in the front yard to be three feet in height, so this variance would allow for the fence to be six feet all the way around the property. The Chairman called for the applicant to come forward. Bridget Silvers came to the podium to answer questions from the Planning Commission. Ms. Silvers offers to bring additional pictures and letters of support from two surrounding neighbors for the Planning Commissioners to review, adding that there are vicious dogs that roam the neighborhood and have attacked her in the past. Commissioner Kirkley: I had a Pitbull jump over a three-foot fence in the past. Ms. Silvers: Yes, a three-foot fence is not tall enough to keep the vicious dogs out. Commissioner White: I don't have a problem with a six-foot fence in the back and side yard, but it is not allowed in the front yard. Commissioner Carter: Since she's running a dog boarding business, does that not make a difference? Director Hockensmith: I haven't seen anything that says running a dog boarding business from her home would change anything in the fence ordinance. Commissioner Stokes: Have you called animal control about the vicious dogs? Ms. Silvers: Yes, but nothing can be done about them. At this point, the Chairman opens the floor for a public hearing at 6:27. Glenn Atchley, a

neighbor of Ms. Silvers comes up to speak. Mr. Atchley: We have a bad issue with dogs running loose in the neighborhood and Ms. Silvers is not safe right now. The dog is chained up next door, but others are just let loose. Mr. Atchley says that he carries a gun to protect himself if one of the dogs comes onto his property. The Chairman closed the public meeting at 6:29. Commissioner Ware: Are we opening ourselves up for a bunch of people applying for variances? Director Hockensmith: We process every case the same way and this is a case with a lot of weight due to the safety issue posed to the applicant. Commissioner Engelke: Why hasn't code enforcement fixed the issue with the neighbor letting his dogs out? Director Hockensmith: Code enforcement has been to the property several times to resolve the issue, but no permanent solution has been reached. Seeing no further questions from the Planning Commission, the Chairman called for a motion.

Motion – Vidal: After review of Case Number 2024-179, a request for a fence variance at 5085 Cohay Drive, on land consisting of 2.95 acres, under A-R zoning, by the landowner, Bridget Silvers, the Planning Commission APPROVES the variance request. **2nd - Kirkley. Vote Passed, 4-1**

b) Case Number 2024-182 is a request for a conditional use permit for a lounge/bar/tavern in a C-4 zone at 3027 Goodman Road West.

The Chairman announced Case Number 2024-182 to be heard and called upon the Planning staff to begin the presentation for the case. Director Hockensmith presented the details of the case, beginning with the purpose of the request for a conditional use. The applicant is currently operating as a cigar retailer that allows smoking the products on site. The business passed all building and fire inspections and holds a certificate of occupancy. The applicant is requesting to obtain a Conditional Use permit to also operate as a lounge. The definition in the code of ordinances defines a "lounge," "bar," or "tavern" as "a business that serves liquor, beer, or wine to be consumed on the premises without a meal." A lounge, bar, or tavern requires a conditional use permit in C-3 and C-4, and this business is zoned as C-4. The neighboring properties along Goodman Road West are zoned C-4, with R-6 zoning to the Southeast of the property.

The requirements for conditional use applications require the applicant to address the proposal's effect on the community:

- a. Substantially increase traffic hazard or congestion
 - i. No. We are located in a commercial plaza with more than enough parking for our patrons
- b. Substantially increase fire hazards
 - i. No. We are a cigar smoking establishment that provides cigars to our patrons as there are no stoves or ovens to prepare food that will cause a fire.
- c. Adversely affect the character of the neighborhood

- i. No. Our business serves the mature professionals only in a very calm environment
- d. Adversely affect the general welfare of the city
 - i. Our business will only enhance the welfare of the city with a great number of our patrons are citizens of Horn Lake that look forward to supporting local business that is in high demand.
- e. Overtax public utilities or community facilities
 - i. No, this will not overtax public or community facilities. The business is already established and will currently operate as is, and in its current state, it is not overtaxing the public or community.
- f. Be in conflict with the comprehensive plan
 - i. Our business fit the model of the comprehensive plan as it currently stands and will also fit a new plan as this type of business is in high demand for working mature professionals

Director Hockensmith concluded the staff presentation and Commissioner Engelke called for the applicant, Mardis Jones, to come forward. Commissioner Carter asked what the hours of operation are for the business and mentioned that she always has a hard time finding parking at Planet Fitness (in the same shopping center) around 6 o'clock in the evenings. Mr. Jones: Our hours of operation are from noon to midnight during the week and noon to 2 am on the weekends, although there is more traffic in the lot during commercial hours, the lot is big enough to not create congestion for other businesses while we are open. Commissioner Kirkley: Who will keep minors from accessing alcohol at the business? Mr. Jones: I have a security guard check everyone's ID before they are allowed to enter the business. Commissioner Stokes: You have to abide by the regulations of the state regarding alcohol sales right? Mr. Jones: Yes, and my clientele support other businesses in the area, so we have been beneficial for surrounding businesses since we have opened.

Motion – Stokes: After review of Case Number 2024-182, the Planning Commission recommends APPROVAL of the request for a conditional use permit for a lounge/bar/tavern in a C-4 zone at 3027 Goodman Road West.

2nd – Vidal. Vote Passed, 4-2

- c) Case Number 2024-185 is a proposed text amendment to the Horn Lake Code of Ordinances, Appendix A, Article XII, to allow dry cleaner dropoff/pickup (as opposed to on-site dry cleaning), as well as full-service laundry, in all C-1 zones, by applicant Richard Morton.

The Chairman announced Case Number 2024-185 to be heard and called for the planning staff presentation to begin. Director Hockensmith presented the current text as read in the Use Chart of the ordinance, showing that "Dry cleaning/laundry establishment, pickup/delivery only" was not allowed in the C-1 zone. The proposed text amendment would add this as a permitted use in the C-1 zone. Additionally, the "Laundry, self-service"

category would be altered to be “Laundry, self-service and full-service”. Having explained the details of the proposed text amendment, Director Hockensmith concluded the staff presentation.

Commissioner Engelke asked for the applicant, Richard Morton, to come forward. Commissioner White: Tell us how your business is going to work. Mr. Morton: It will be a full-service laundry with dry cleaning and will be dropoff/pickup. Commissioner Kirkley: Where will the dry cleaning be done? Mr. Morton: It will be done at a central location in Memphis. Commissioner White: So, the business will be just pickup and dropoff? Mr. Morton: Yes.

Motion – Stokes: After review of Case Number 2024-185, the Planning Commission recommends APPROVAL of the proposed text amendment to allow dry cleaner dropoff/pickup (as opposed to on-site dry cleaning), as well as full-service laundry, in all C-1 zones.

2nd – Carter. Vote Passed, 5-0

d) Case Number 2024-178 is a request to recommend approval for a final plat for Memphis Recycle Exchange Lot to be created from a portion of Parcel Number 108735000 0002803, to consist of 1.39 acres, under M-1 zoning.

The Chairman announced Case Number 2024-178 to be heard and called upon the Planning staff to begin the presentation for the case. Director Hockensmith presented the details of the case, beginning with the current zoning and existing layout of the property. The proposed plat boundaries extend from the West side of the creek separating it from the Animal Control department. The parcel is currently under M-1 zoning as well as the surrounding parcels. The property has parts of the floodway, 100-year and 500-year flood zones on it along the creek on the eastern part of the property. Director Hockensmith went through the procedures for platting set forth in the ordinance. The proposed plat did not conflict with any of the plat requirements in the ordinance.

Upon completion of the staff presentation, the Chairman asked for the applicant to come forward. Chance Walker, IPD Engineering, came forward to answer questions from the Planning Commission. No questions were asked of Mr. Walker.

Motion – Carter: After reviewing Case Number 2024-178, a request to recommend approval for a final plat for Memphis Recycle Exchange Lot to be created from a portion of Parcel Number 108735000 0002803, to consist of 1.39 acres, under M-1 zoning, the Planning Commission recommends APPROVAL of the request.

2nd – Ware. Vote Passed, 6-0

- e) Case Number 2024-191 is a request to recommend approval for a final plat for “Expansion of Lot 6 Center Street Industrial Park” at 1978 Hobbs Drive by IPD Engineering & Surveying.

The Chairman announced Case Number 2024-191 to be heard and called upon the Planning staff to begin the presentation for the case. Director Hockensmith presented the details of the case, beginning with the purpose of the request and the layout of the lots. The applicant is requesting to convert their 3 lots into one singular lot in order to prepare for the expansion of their building at 1978 Hobbs Drive. The desire to increase building square footage and parking area will result in the need to expand the lot size in order to comply with subdivision and zoning regulations. The structure that they intend to expand at 1978 Hobbs Drive is on Lot 6. There are no structures on Lot 7 and Lot 8, so it makes sense for the owner to combine all 3 lots to make the future development compliant with the city’s ordinances. Each of the three lots has parts of the 500-year and 100-year floodplain on them, and the zoning for each lot is M-1. Director Hockensmith went through the procedures for platting set forth in the ordinance. The proposed plat did not conflict with any of the plat requirements in the ordinance, except the absence of side utility easements.

Upon completion of the staff presentation, the Chairman asked if any of the Planning Commissioners had any questions for the Director. Chance Walker, IPD Engineering, came forward to answer questions from the Planning Commission. Commissioner Engelke asked Mr. Walker if there would be any problems associated with the parcel being in a floodplain. Mr. Walker: We will be able to make necessary adjustments to the land to fit the needs of the project. Commissioner Engelke: So, you won’t have a problem adding the side easements to comply with the ordinance. Mr. Walker: No, that won’t be a problem.

Motion – White: After reviewing Case Number 2024-191, a request to recommend approval for a final plat for “Expansion of Lot 6 Center Street Industrial Park” at 1978 Hobbs Drive by IPD Engineering & Surveying, the Planning Commission recommends APPROVES of the request.

2nd – Stokes. Vote Passed, 6-0

- f) Case Number 2024-192 is a site plan review for the American Legion Post 134 to display a naval gun in the front of the lot, on land consisting of 1.12 acres, under C-4 zoning, applicant, American Legion Post 134.

The Chairman announced Case Number 2024-192 to be heard asked if the applicant was present. Director Hockensmith explained that the American Legion is the applicant, but Planning Commissioner Calvin Freeman (absent) is the applicant. He said that he would try

to send a representative from the American Legion, but it appears that no one has come to represent the case.

Seeing that no applicant was present to represent the case, the chair called for a motion from the Planning Commission.

Motion – Ware: Motion to TABLE Case Number 2024-192 until the next Planning Commission Meeting.

2nd – Kirkley. Vote Passed, 5-1

6. Other Business – None

7. Adjournment.

Chair – Called for a motion to adjourn.

Motion – Stokes: Adjourn the meeting at 7:22 p.m. **2nd – White. Vote:** Motion passed, **6-0.**