

Agenda for the Meeting

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Previous Meeting Minutes from 6-24-2024**
4. **Old Business** - None
5. **New Business**
 - a) Case Number 2024-067 is a site plan review for a parking expansion to the existing site at 604 Expressway Drive, on land consisting of 36.21 acres, under Planned Business Park zoning, being developed by Rite-Hite Products, Fisher Arnold, Engineer.
 - b) Case Number 2024-092 is a plat revision for “Tracts 1A, 1B, and 1C Shady Grove Subdivision” by applicant Jones-Davis & Associates, consisting of 3 lots zoned A-R on approximately 10.01 acres.
 - c) Case Number 2024-102 is a request for a Conditional Use for an electronic changeable message sign at 2496 Goodman Road West, on land zoned C-3, by applicant Prentiss Mitchell.
 - d) Case Number 2024-083 is a site plan review for an RV Park located on Highway 51 North, Parcel Number 108735000 0000301, on land consisting of 18.61 acres, under C-3 – General Commercial zoning, being developed by Sandip Patel, Engineer, The Bray Firm.
 - e) Case Number 2024-101 is a proposed text amendment to the Horn Lake Code of Ordinances, Appendix A, Article V (T)(2)(e)(ii).
6. **Other Business** – None
7. **Adjournment.**

Start of the Items/Cases Portion of the Minutes –

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

City Staff – Andrew Hockensmith, Planning Director; Jonathan Ryan, City Information Technology (IT); and Billy Simco, Assistant Planning Director

Attendees – Fisher Vanhandel, David Bray, Sandip Patel, and Chance Walker

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 White. The Pledge of Allegiance was led by the Chair and recited by those in attendance.

Item 3. Approval of minutes from the 6-24-24 Planning Commission meeting.

Motion - approve minutes with no revisions – Ware. **2nd** – Kirkley. **Vote:** Motion passed, 5-0 with one abstention (McGan).

4. Old Business – None

5. New Business.

- a) Case Number 2024-067 is a site plan review for a parking expansion to the existing site at 604 Expressway Drive, on land consisting of 36.21 acres, under Planned Business Park zoning, being developed by Rite-Hite Products, Fisher Arnold, Engineer.

The Chairman announced Case Number 2024-067 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 current site plan shows the primary parking facility is located on the Northeast side of the building. Minimal parking and primary loading docks are located on the South side of the building. In the proposed site plan, additional parking is added to the Northeast lot and an additional lot is added on the Southeast side of the building. Parking islands and appropriate landscaping will be included in both parking expansions.

Michael Rogers, Fisher Arnold, came to the podium to answer questions from the Planning Commissioners. Commissioner White asked what the material of the new parking surface would be, to which Mr. Rogers responded that asphalt would be used. No more questions were asked by the commissioners.

Motion – Stokes: After review of Case Number 2024-2024-067, a site plan review for a parking expansion to the existing site at 604 Expressway Drive, on land consisting of 36.21 acres, under Planned Business Park zoning, being developed by Rite-Hite Products, Fisher Arnold, Engineer, the Planning Commission **APPROVES** the presented site plan.

2nd - White. **Vote** Passed, 6-0

- b) Case Number 2024-092 is a plat revision for “Tracts 1A, 1B, and 1C Shady Grove Subdivision” by applicant Jones-Davis & Associates, consisting of 3 lots zoned A-R on approximately 10.01 acres.

The Chairman announced Case Number 2024-092 to be heard. Director Hockensmith presented the reasons for the plat revision to the Planning Commission, including the movement of property lines to bring lots A and B into compliance with setback

requirements. The presentation covered the requirements and procedures necessary for plat revisions. The current subdivision consists of 3 separate parcels of land. The applicant wishes to move the property line between 4625 A and 4625 B to make it where the driveway to the house and garage at 4625 A is on one parcel. The driveway to these structures branches off the easement from one property, crosses into another property, and then enters the correct property. The current plat and current site conditions may cause complications in the future if any of the parcels ever go for sale or if there are any disputes between neighbors regarding property access. For this same reasoning, the applicants also agree that the parcel at 4265 B should have two access points to the ingress/egress easement, which is why the proposed property line is not a single straight line. The proposed plat revision aims to place all structures on Tract 1A fully within the boundaries of Tract 1A by shifting the property line south of the driveway and shop. Additionally, proposed plat also shows a reduction of the “pole” portion of Tract 1C to allow for Tract 1B to have direct access to the ingress/egress easement on both Tract 1A and Tract 1C. It is our understanding that the applicant in Tract 1B is more comfortable having that extra access just in case there are difficulties with the resident at Tract 1C. Planning staff concludes that this is a reasonable revision to the existing plat. The plat that is already on record does not match the existing site conditions and may cause complications with selling properties or accessing properties.

Upon completion of the staff presentation, the Chairman asked if any of the Planning Commissioners had any questions. Some discussion ensued to clarify which lines are the new and old property lines on the presented plat. After clarification, the Chairman asked for the applicant to come forward. Steve Holland, representing lot A, came before the Planning commission. Commissioner Engelke asked if moving the shop onto the same property as the house was his motivation, and Mr. Holland said yes. Cary McCray, owner of lot B, then approached the podium. Commissioner Engelke asked if all three owners of the properties agreed with the new locations of the property lines, and Mr. McCray confirmed that to be the case.

Motion – Stokes: After review of Case Number 2024-092, the Planning Commission recommends APPROVAL of the request for a plat revision for “Tracts 1A, 1B, and 1C Shady Grove Subdivision” by applicant Jones-Davis & Associates, consisting of 3 lots zoned A-R on approximately 10.01 acres.

2nd – Carter. Vote Passed, 6-0

- c) Case Number 2024-102 is a request for a Conditional Use for an electronic changeable message sign at 2496 Goodman Road West, on land zoned C-3, by applicant Prentiss Mitchell.

Director Hockensmith presented the details of the case to the Planning Commission including the purpose of the request and the requirements to grant the Conditional Use. The applicant is requesting to construct an LED monument sign on his property for the purpose of advertising his multiple businesses that pop up throughout the year, including but not limited to summer or winter fireworks sales and a haunted house attraction. Since these businesses are seasonal and varying, it makes sense for the applicant to have an electronic sign that can be programmed to advertise different messages throughout the year. The design of the sign will be 6 feet wide by 6 feet tall, constructed of metal and being on a concrete base. The applicant has stated to planning staff that the design of the proposed monument sign will be the same as the one currently existing at 1690 Goodman Road West for Century Car Wash, which was approved through a conditional use permit. Director Hockensmith detailed the requirements for a Conditional Use as they apply to this case. The applicant supplied responses to the requirements for a Conditional Use to be met and staff agrees that the Conditional Use would not violate any of these requirements. The applicant has noted that there are other electronic changeable message signs in Horn Lake that were approved by the city through conditional use permits, one of which being the Century Car Wash business at 1690 Goodman Road West, and that he should not be denied the same request that was approved for them. Planning staff concurs that approving the Conditional Use of an electronic changeable message sign at this location is a logical way for the applicant to advertise his seasonal businesses, and that there is no apparent reason to believe there will be negative externalities as a result of the construction of this sign

At the conclusion of the presentation, Commissioner Engelke asked the director, if the Conditional Use is passed, will it be in line with the ordinances, to which Director Hockensmith confirmed that it would be. Commissioner Vidal asked if there is a limit to the number of businesses that can operate on one property, to which Director Hockensmith said that there is not one. Commissioner Carter asked what happens to the sign if the Conditional Use permit is no longer valid in the future. The director stated that the sign would be out of compliance and would be dealt with as a code violation until the applicant applies for another Conditional Use permit. Commissioner White elaborated that the Board of Aldermen typically set the term of the Conditional Use Permit for a period of five years or longer or whenever a new owner takes over the property. Director Hockensmith said that the term of the Conditional Use for the Century Car Wash sign to be valid as long as the property operated as a car wash.

At this time the Chairman asked for the applicant to come up to the podium to answer questions. Prentiss Mitchell approached the podium. Commissioner Vidal asked how many seasonal businesses would occupy the space, and Mr. Mitchell responded that the current number of businesses planned will be three. Commissioner Engelke asked if there is a

proposed design for the static portion of the sign, to which Mr. Mitchell responded that he does not currently have a design, but it will say something to represent that the space is a business incubator in Horn Lake. Commissioner Carter brought up a previous case where Mr. Mitchell proposed a text amendment that would allow electronic messaging signs in Horn Lake, which was denied, saying that it is not fair for him to apply for this Conditional Use because he had an electric sign during the Fourth of July fireworks sale after having his previous request denied. Mr. Mitchell clarified that the sign at his property was a mobile advertisement which is not against the Horn Lake Code of Ordinances. Discussion ensued about whether a parked vehicle constitutes a mobile advertisement. Commissioner Engelke asked the director if there were any code violations on the property, and Director Hockensmith commented that he did not have the list of open cases in front of him, but he does not believe that there are any and would not like to comment any further on anything that does not pertain to whether the Conditional Use application violates anything in the ordinance. Discussion ensued about how the car wash is a permanent structure with the sign and the property in this case does not. Director Hockensmith stated that he had not seen anything in the ordinance that would require a permanent building on the property to have a sign. Commissioner White asked about the placement of the sign on the property, and Mr. Mitchell stated that the sign would be placed along Goodman Road in the center of the property. The Chairman opened the floor for public comment but seeing that there was no one to speak from the public, he closed the public session.

Motion – Stokes: After review of Case Number 2024-102, the Planning Commission recommends APPROVAL of the request for a conditional use permit for an electronic changeable message sign at 2496 Goodman Road West, on land zoned C-3, by applicant Prentiss Mitchell, for a period of ten years.

2nd – Vidal. Vote Passed, 4-3

d) Case Number 2024-098 is a request for a variance for the setback for a detached garage at 2035 Tall Tree Drive, on land consisting of 1.06 acres, under A-R zoning, by the landowner, Scott Ford.

The Chairman announced Case Number 2024-098 to be heard. Director Hockensmith presented the details of the case to the Planning Commission including the zoning of surrounding properties and the proposed changes to the site plan. The presentation covered the rules and procedures necessary for a variance and building permits. The purpose of this variance is to allow for a detached garage to be build nine feet from the property line instead of the required twenty-foot setback. Other than the proximity to the property line, the plans for the detached garage conform to the regulations in the City of Horn Lake Code of Ordinances. In review of variances, the Planning Commission has to

consider the conditions of the specific case and whether it will fit within the character of its surroundings. As part of the applicant's responses for the requirements of a variance, the applicant supplied twenty examples of properties within the neighborhood that all violate the setback for garages to an adjacent property line. This response included aerial photographs with measurements from the garages to the property lines. Additionally, the applicant submitted that the Apple Creek North Homeowners Association has already reviewed the plans for the proposed garage and found it to be acceptable and complimentary to the character of the neighborhood.

The applicants, Scott and Dawn Ford, came to the podium to answer questions from the Planning Commissioners. Commissioner Stokes confirmed with the applicants that the homeowners association has already approved the building of this garage, to which they responded that they have.

Motion – Carter: After reviewing Case Number 2024-098 is a request for a variance for the setback for a detached garage at 2035 Tall Tree Drive, on land consisting of 1.06 acres, under A-R zoning, by the landowner, Scott Ford. The Planning Commission APPROVES the variance for minimum required side yard setback.

2nd – Kirkley. Vote Passed, 6-0

e) Case Number 2024-101 is a proposed text amendment to the Horn Lake Code of Ordinances, Appendix A, Article V (T)(2)(e)(ii).

The Chairman announced Case Number 2024-101 to be heard. Director Hockensmith presented the details of the case to the Planning Commission. The presentation covered the current text in the ordinance and the proposed amendments. The current text for section (ii) states: *“Physically present, insured, and bonded armed security during operational hours.”* The proposed amendment to the text for section (ii) states: *“A physically present, insured, and bonded armed security guard, possessing a security guard permit issued by the state, during operational hours; or a physically present, armed employee of the Dispensary, possessing a concealed carry firearm permit issued by the state, during operational hours. The Dispensary shall maintain a current list of the name(s) of its armed employee(s) and provide such list (and any changes thereto) to the city police department.”*

Upon completion of the staff presentation, Commissioner Engelke asked if this was a request from the city. Director Hockensmith explained that the Board of Aldermen desired to change the wording of the ordinance based on discussions that they have had with local business owners. There is no applicant for this proposal and that this is a city request. Commissioner Engelke called for any input from the public, and seeing that there is none, he closed the time for public comment.

Motion – Vidal: After review of Case Number 2024-101, the Planning Commission recommends APPROVAL of the proposed text amendment to the Horn Lake Code of Ordinances, Appendix A, Article V (T)(2)(e)(ii), replacing the existing text in said place with: *“A physically present, insured, and bonded armed security guard, possessing a security guard permit issued by the state, during operational hours; or a physically present, armed employee of the Dispensary, possessing a concealed carry firearm permit issued by the state, during operational hours. The Dispensary shall maintain a current list of the name(s) of its armed employee(s) and provide such list (and any changes thereto) to the city police department.”*

2nd – Stokes. Vote Passed, 5-1

6. Other Business – None

7. Adjournment.

Chair – Called for a motion to adjourn.

Motion – White: Adjourn the meeting at 7:25 p.m. **2nd – Stokes. Vote:** Motion passed, **6-0.**