

**PLANNING COMMISSION MEETING**  
**July 30, 2018**

Meeting Called to Order  
Roll Call and Pledge  
New Business  
Applications:

1. Case No. 1807 – Econo Signs – Request Conditional Use for Digital Pricing Sign – 5900 Hwy 301
2. Case No. 1808 – Ronnie and Ann Snowden – Request a Variance in the Allowable Height of a Fence – 5555 Pravin Dr.
3. Case No. 1809 – Matt Korte with Adams Engineering – Request Site Plan Approval – 4165 Goodman Road West
4. Case No. 1810 – Matt Korte with Adams Engineering – Request a Conditional Use for Drive-through Restaurant – 4165 Goodman Road West
5. Case No. 1811 – Jason Cousar – Request Rezoning from A-R to R-10 – 5885 Marian Dr.

Old Business

STATE OF MISSISSIPPI  
COUNTY OF DESOTO  
CITY OF HORN LAKE

Be it remembered that a City of Horn Lake Planning Commission meeting was held in the City Hall Court Room on Monday, July 30, 2018 at 6:00 PM, this being the time and place for said meeting.

PRESENT: Commissioners: Debbie Holden, Robert Kendall, Danny Klein, Sharon Magee, Amy Marshall, Larry Ray, Jimmy Stokes, and Janice Vidal  
Staff: Willie Davidson Jr. – Planning Director  
ABSENT: Commissioners:

The minutes from the June 25, 2018 meeting were reviewed and Commissioner Ray made a motion to approve the minutes as submitted, seconded by Commissioner Holden and passed with a unanimous vote.

New Business

- 1. Case No. 1807 – Dennis Parmer with Econo Signs – Request Conditional Use Approval for Digital Sign – 5900 Hwy 301**

Staff introduced the application as a request for a conditional use approval for the installation of a digital pricing sign at 5900 Hwy 301. The subject property is lot 1 of the Section “A” Hoyette Austin Lake Subdivision. The property is located on the east side of Hwy 301 and is currently zoned C-4 Planned Commercial.

Staff noted the site currently has two signs, which consist of a damaged manual copy price sign on the north side of the lot and a nonconforming pole sign west of the site near Hwy 301. The proposed sign would replace the nonconforming pole sign and the damaged manual copy price sign would be removed from the site. Staff noted that the approval of the proposed sign would eliminate a damaged sign and a nonconforming sign.

Mr. Dennis Parmer was present to answer questions from the Commission. Commissioner Klein questioned if the sign could be modified to a monument sign, by widening the base of the sign. Mr. Parmer replied that he didn’t see that being an issue and he was positive the owner would be accepting to the change.

Following the discussion, Commissioner Ray made the motion to recommend approval to the Board of Aldermen the conditional use for a digital pricing sign for the Sak-n-Save convenience store located at 5900 Hwy 301 in the C-4 Planned Commercial District for a period of five (5) years . There being no additional conditions the motion was seconded by Commissioner Kendall. The motion passed by a unanimous vote in favor.

**2. Case No 1808 – Ronnie and Ann Snowden – Request Variance Approval in the allowable Height of a Fence – 5555 Pravin Dr.**

Staff introduced the application as a request for a variance to allow a fence height of 8' feet rather than the required 6' feet maximum allowed. The subject property is located at 5555 Pravin Drive. The property is zoned R-10 Residential Medium Density and is currently occupied by a single-family residence.

Staff noted the variance was the result of a code enforcement violation that was issued on the property for the height of the current fence. Staff noted that a site visit was made, the fence does not conform to the surrounding fence lines and there are no special circumstances peculiar to the subject property.

Ronnie and Ann Snowden, the applicants, were present to answer any questions from the Commission. Ronnie Snowden stated that the fence had been there for 26 years but he rebuilt the damaged original fence. Mrs. Snowden stated that they had never had a complaint in regards to the fence and that she had letters from neighbors showing support of the fence. Commissioner Stokes asked for clarification if the fence was in compliance without the additional 2' of vinyl lattice. Mr. Davidson replied that it was in compliance without the lattice. Commissioner Stokes did make the remark that there was a similar case a few months ago, in which the applicant's request was denied. Commissioner Stokes stated that if the Commission wanted to stay consistent and fair, they would consider the results of the similar case.

Following the discussion, Commissioner Stokes made the motion to deny the variance request to allow a fence to be 8' feet high rather than the maximum of 6' feet. There being no additional conditions from the Commission, the motion was seconded by Commissioner Ray. The motion passed by a vote of 7-0, with Commissioner Holden abstaining.

**3. Case No 1809 – Matt Korte with Adams Engineering – Request Site Plan Approval for McDonalds Quick Serve Restaurant – 4165 Goodman Road West**

Staff introduced the application as a request for site plan approval for the construction of a McDonald quick serve restaurant to be located at 4165 Goodman Road West. The subject property is located on the south side of Goodman Road west of Horn Lake Road, as parts of parcels 108932000 0000104 and 108932000 0000108. The property is currently vacant and is zoned C-1 Neighborhood Commercial, within the PUD. The Planning Commission and Board of Aldermen recommended approval of rezoning the property to PUD on November 19, 1996 and the Desoto County Planning Commission approved the rezoning of the property to PUD on January 6, 1997.

Site Plan: The proposed lot will have frontage along Goodman Road West. Vehicular access will be by access drives located on Goodman Road and cross-access to the site adjacent to the east. The proposed building will be +/- 4,388 square feet in size. This results in 44 required parking spaces and the plan proposes 56 spaces, including the required 10 queue spaces for the drive-through. ADA parking is provided in the adjacent parking areas to the west of the building. An on-site underground detention area is located in the north parking area of the property.

Building and Materials: The long axis of the building will run north-south. The main entrance will be on the west elevation and an additional entrance will be located on the north elevation. The drive-thru window will be located on the west elevation. All facades of the building will have a combination of brick base and brush stroke tile. The brick will be painted Sandlewood (a dark brown) and the tile will be painted oyster (a cream color). The drive-thru windows will have brick at the base and an exterior finish of corrugated

metal panel painted grey in color. The entrance and some exterior windows will have aluminum awnings in a gold finish.

Landscaping: The site will have Canopy Trees along the north, south, and west sides of the building, and along the east, south, and west parking areas. Smaller trees and shrubs will provide screening for the parking area located along the perimeter of the site. Various planting material will supplement the site.

Staff recommendation was for approval subject to staff comments.

Matthew Korte with Adams Engineering, the applicant, was present to answer any questions from the Commission.

There being no questions for Mr. Korte, Commissioner Klein made a motion to grant Site Plan approval for the McDonald's quick serve restaurant located at 4165 Goodman Road West subject to Staff Comments and the following conditions. There being no additional conditions the motion was seconded by Commissioner Stokes. The motion passed by a unanimous vote in favor.

**4. Case No 1810 – Matt Korte with Adams Engineering – Request Conditional Use for Drive-through Restaurant – 4165 Goodman Road West**

Staff introduced the application as a request for a conditional use for a restaurant with a drive-through facility. The subject property is located on the south side of Goodman Road west of Horn Lake Road, as parts of parcels 108932000 0000104 and 108932000 0000108. The property is currently vacant and is zoned C-1 Neighborhood Commercial, within the PUD. The Planning Commission and Board of Aldermen recommended approval of rezoning the property to PUD on November 19, 1996 and the Desoto County Planning Commission approved the rezoning of the property to PUD on January 6, 1997.

Staff noted that the current zoning, C-1 Neighborhood Commercial, does allow restaurants with drive-through facilities through a conditional use permit. It was noted that the majority of drive-through restaurants, in Horn Lake, are located in the C-4 Planned Commercial District and this was a first case of this kind. Staff recommended approval for a 10 year conditional use permit.

Matthew Korte with Adams Engineering, the applicant, was present to answer any questions from the Commission. Commissioner Magee made the recommendation that the time frame of the permit be extended from 10 years to 25 years. Staff was in agreeance and noted that the change would be made for the Board of Aldermen meeting.

There being no questions for Mr. Korte, Commissioner Ray made a motion to recommend approval to the Board of Aldermen the Conditional Use Approval for a Restaurant with Drive-through Facility located at 4165 Goodman Road for a period of twenty-five (25) years. There being no additional conditions the motion was seconded by Commissioner Vidal. The motion passed by a unanimous vote in favor.

**5. Case No 1811 – Jason Cousar – Request Rezoning from A-R to R-10 – 5885 Marian Dr.**

Staff introduced the application as a request for approval of the rezoning of 5885 Marian Drive and parcel 208204010 0001000 from A-R Agriculture Residential to R-10 Medium Density Residential. 5885 Marian Drive was developed within Section "A" of the Jefferies Hills Subdivision. The property has been used as a single-family residence and the structure is currently vacant.

The applicant is proposing to subdivide the property, once rezoned, into 4 lots that will be utilized for 4 residential structures. Single-family detached homes are not allowed in the A-R Agriculture Residential zoning district. The proposed lot sizes, 10,000 sq. ft., would require the rezoning to R-10. Staff noted that the request is in conflict with the Comprehensive Plan and recommended denial on that basis. Staff noted that if approval

is recommended, the application shall proceed to the Board of Aldermen on August 21, 2018, for approval.

Mr. Jason Cousar, property owner, was present to answer questions from the Commission. Mr. Cousar addressed the Commissioners about his plans for the property. He stated, once he acquired the property, he had two options which were to renovate the current structure or demo the current structure and rebuild. He stated if he renovated the current home then it would become a rental and he felt that was not of the character of the neighborhood. He believed that demolishing the current structure and rebuilding 4 homes would benefit the neighborhood and increase property values.

Chairman Magee then asked if there were any comments from the public.

Mr. Wynn Brown acted as the spokesperson for the Jefferies Hills Subdivision. Mr. Brown provided background of the subdivision and its covenants. He stated that the residents of the subdivision wanted the subject area to remain zoned as A-R. He stated that the subdivision only had one entry and exit point and that Marian Drive was a main corridor for the subdivision. He concluded by stating that the rezoning could possibly be considered an invalid spot zoning.

Tammy Juenger spoke against the rezoning, stating that she recently purchased a large tract of land because of the A-R character of the neighborhood.

Melissa Sonnemann spoke against the rezoning, stating that it would not be in keeping with the character of the neighborhood. She stated it could possibly cause a domino effect with other properties.

Mike Winebrenner spoke against the rezoning, stating that it would be out of character for the neighborhood.

Following the discussion, Commissioner Stokes made the motion to recommend denial to the Board of Aldermen the rezoning of 5885 Marian Drive and parcel 208204010 0001000, from A-R Agriculture Residential to R-10 Medium Density Residential on the basis that the proposed zoning does not comply with the Future Land Use Plan of the City's Comprehensive Plan and no substantial proven change in the neighborhood. There being no additional conditions, the motion was seconded by Commissioner Marshall. The motion passed by a unanimous vote in favor.

All items on the agenda having been addressed and there being no items under Old Business or any further points of discussion Commissioner Ray made a motion to adjourn. Commissioner Holden seconded the motion. The motion passed by unanimous vote.

Respectfully typed and submitted,

**Willie Davidson, Jr.** – City of Horn Lake Planning Director