

### Agenda for the Meeting

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Old Business – None**
  - a) Case Number 2025-062: Conditional Use Permit Request for Lounge/Bar/Tavern at 6541 Highway 51 North
  - b) Case Number 2025-067: Conditional Use Permit Request for Parking Lot Use on Parcel at 2496 Goodman Road West
  - c) Case Number 2025-068: Conditional Use Permit Request for Retail Sale of Fireworks at 769 Southwest Dr, Horn Lake, MS
  - d) Case Number 2025-069: Conditional Use Permit Request for Electronic Changeable Message Sign at 6895 Interstate Boulevard
  - e) Case Number 2025-070: Conditional Use Permit Request for Electronic Changeable Message Sign
4. **New Business – None**
5. **Other Business – Regular Planning Commission Meeting scheduled for June 30<sup>th</sup>**
6. **Adjournment.**

### -- Start of the Items/Cases Portion of the Minutes --

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

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

Attendees – Prentiss Mitchell, Annie Jackson, and Shelly Wilkerson

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

### **3. Old Business.**

- a. Case Number 2025-062: A request by Annie Jackson, representing Cheers, at 6541 Highway 51 North, to sell alcohol in addition to food. Selling alcohol for consumption on site constitutes a business as being a lounge, bar, or tavern under the city's zoning ordinance. Cheers is currently classified as a restaurant and wishes to move to the designation of a lounge, tavern, or bar, which requires a conditional use permit in C-4 zones.

The Chairman announced Case Number 2025-062 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 an aerial view of the property and the zoning of surrounding parcels. The applicant does not wish to make any alterations to the site. The business is in the C-4 zone as well as the lot to the north of it, while the lot to the south is in the M-1 zone. Hockensmith went over the review process for all conditional use permit requests and the implications that approval would have on the city. Planning Staff does not believe that permitting this conditional use will have a negative impact relating to traffic hazards, fire hazards, character of the neighborhood, or compliance with the comprehensive plan. However, Planning Staff are concerned with the events that have taken place at the business as it relates to the general welfare of the city. The business has been operating without a license to sell alcohol and has been lawfully allowing patrons to bring their own alcohol on the property. Multiple incidents relating to drunk driving and assault have originated from the business over the past year, as reported by the Horn Lake Police Department. Director Hockensmith concluded the staff presentation by reminding the Planning Commission that conditions can be put on conditional use permits that could help mitigate these types of incidents from happening in the future.

Chairman Engelke thanked the director for the presentation and opened the floor for questions from the Planning Commission. Commissioner Ware: Can the conditional use permit be revoked if the terms of the permit are broken? Hockensmith: Yes, the conditional use permit can be revoked at any time if problems arise from the use. At this time, the applicants, Ted and Annie Jackson, came forward to answer questions from the Planning Commission. Commissioner Vidal: What have you done to address the incidents that have happened at your business over the past year. Jackson: The incidents happened outside the building, so we were not aware of them at the time. We have a security guard checking IDs at the entrance of the building, and we have hired security for the parking lot now as well. Commissioner Ware: There have been failures to report incidents in the past at your business.

Will you report them in the future? Jackson: Yes, the hired security guards will allow us to see and report any incidents that occur on the property. Commissioner Carter: I know some of the incidents happened over the weekend when you were open, but they were reported the following Monday when the website said your restaurant was closed, why is that? It sounds like you're taking the right steps here to control consumption on site. In addition to the security guards, the parking lot is well lit to provide a safe environment. Commissioner Freeman: Do you have live music or a DJ performing at the restaurant now? Jackson: Yes, but we are switching from a DJ to a live band because the clientele is older and safer than what a DJ brings in. Commissioner Vidal: Anything happening on your property is your responsibility. As there were no more questions from the Planning Commission, Chairman Engelke opened the floor for public comments. Seeing none, the Chairman closed the public meeting.

**Motion – Vidal:** After review of Case Number 2025-062, the Planning Commission recommends approval of a conditional use permit for a “lounge, bar, tavern, or similar establishment” at 6541 Highway 51 North in a C-4 zone, for a period of 1 year, upon condition that the business is open no later than midnight every day and serves alcohol no later than midnight.

**2<sup>nd</sup> - Carter**

**Vote Passed, 4-1**

**b) Case Number 2025-067:** A request for the use of a parking lot at 2496 Goodman Road West.

The Chairman announced Case Number 2025-067 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 an introduction discussing the subject property its relation to its surroundings. An aerial view of the property and the location of the lot along Goodman Road near Hurt Road. The proposed parking spaces will be in a C-3 zone. The adjacent parking lot directly to the west is in a C-3 zone. The parcel to the west of that is in a C-4 zone and the parcel to the east of 2496 is in a C-4 zone. Directly to the north of this lot is a PUD zone, residential in nature. The zoning use chart lists “parking, automobile parking lot or garage, no eighteen-wheeler parking” as its own category and as requiring a conditional use permit in C-3 and C-4 zones, while being permitted in M-1 and M-2 zones. The site plan shows 5 parking spaces on the east side of the lot at about half the depth of the lot. With the monument sign needing to be 10 feet away from the property line, and with the large open space in the middle needed for the fireworks tent throughout the year, it leaves room only for a few spaces on the gravel part of the lot. Planning staff believes this may be too many spaces too close together, considering the other spacing needed on the lot. A possible solution would

be to only have 3 parking spaces on the east side of the lot, allowing customers to get in and out more easily.

As part of the review process by the Planning Commission for any conditional permit request, the commission must determine whether the proposal will affect the listed criteria relating to the welfare of the city. The Planning Department requests that applicants submit written statements relating to each of the criteria for review. In reviewing letters A through F, the Planning Staff conclude that there does not appear to be anything within this proposal that would negatively impact anything relating to the criteria listed. If approving this request based on Planning Staff's recommendation to have just 3 parking spaces, there is no expectation that this would increase traffic or cause congestion, increase the risk of fire, adversely affect the character of the neighborhood, adversely affect the city, overuse any utilities, or be in conflict with the comprehensive plan, as a parking business is a very common commercial use in many cities. With that, Director Hockensmith concluded the staff presentation

Chairman Engelke thanked the director for the staff presentation and opened the floor for questions from the Planning Commission. Commissioner Freeman: Based on the comprehensive plan, is there a rule of thumb pertaining to the relationship between the number of parking spaces and congestion? Hockensmith: No, not in the comprehensive plan. However, there is nothing that would conflict with the comprehensive plan in this proposal. Parking minimums seen in other developments in the city are based upon square footage of a building on site, but there is no building on this site. There is no requirement that we have found that would mandate a minimum number of parking spaces on an empty lot. The applicant, Prentiss Mitchell, came forward to answer questions from the Planning Commission. Chairman Engelke: Planning Staff recommended 3 parking spaces instead of 5, does that cause problems for you? Mitchell: While fireworks are being sold, there will be no parking on site, so there is no need for the reduction in spaces as suggested in the staff report. Hockensmith: The Board of Aldermen required a business to operate on site in order for the permanent monument sign to be allowed. As long as parking exists on site when the fireworks tent is not in season, this should satisfy the requirement from the board. Commissioner Freeman: We are discussing the gravel area of the site and not the grass area in the back correct? Mitchell: Yes, we are operating in the front portion of the site. Commissioner Carter: If the tent is not there will there be handicap parking required? Hockensmith: Yes, we will work with the applicant to ensure that the spaces comply with the size requirements for handicap parking.

Chairman Engelke opened the floor for public comments. Seeing that no one came forward to speak, the Chairman closed the public hearing.

**Motion – Vidal:** After review of Case Number 2025-067, the Planning Commission recommends approval for the request by MIM, LLC, for a conditional use permit for “parking, automobile parking lot or garage, no eighteen-wheeler parking” at 2496 Goodman Road West, for a period of 5 years.

**2<sup>nd</sup> – Kirkley**

**Vote Passed, 5-0**

- c) Case Number 2025-068: a request for a conditional use permit for the retail sale of fireworks, at 769 Southwest Access Drive, on approximately 1.63 acres, by applicant Prentiss Mitchell, Thunder City Fireworks LLC. The subject property is located on the East side of Interstate Blvd, South of Southwest Drive.

The Chairman announced Case Number 2025-068 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 an introduction discussing the subject property its relation to its surroundings. An aerial view of the property and the proposed location of the greater commercial area surrounding it was added to provide context. The property is in the C-4 zone with a portion in the Planned Business Park (PBP) zone. All activities relating to the fireworks business are located within the C-4 zone. The adjacent parcels are also zoned C-4 and PBP. The commercial corridor along Interstate Blvd and Southwest Drive is consistent with the nature of a business selling fireworks. Additionally, businesses allowing fireworks sales have been located within the area without incident. The site plan shows the fireworks tent and associated equipment along the western side of the property, with parking along the east side and access to the property on the north side of the lot on SW Access Drive. Utilities will be located on the southeast corner of the lot next to the porta potty and garbage location on the south side of the lot. The site plan calls for a gravel lot, consistent with the existing conditions of the property. As part of the review process by the Planning Commission for any conditional permit request, the commission must determine whether the proposal will affect the listed criteria relating to the welfare of the city. The Planning Department requests that applicants submit written statements relating to each of the criteria for review. In reviewing letters A through F, the Planning Staff did not find any issue with the proposed use on this site. Similar uses have occurred across the street in a similar location without incident. The parcel has two zoning designations (C-4 and PBP) which does not prevent this use from being approved. Traffic will enter and exit from the north side of the lot and should not pose any traffic issues to surrounding businesses. Director Hockensmith concluded the staff presentation.

Chairman Engelke opened the floor for questions from the Planning Commission. Seeing no questions being asked, Engelke called upon the applicant, Prentiss Mitchell, to come forward. Chairman Engelke: Have you had a fireworks tent at this location before? Mitchell: No. Commissioner Kirkley: So, now you have 2 fireworks tents in town? Mitchell: Yes. Chairman Engelke opened the floor for public comments. Seeing that no one came forward to speak, the Chairman closed the public hearing.

**Motion – Carter:** After review of Case Number 2025-068, the Planning recommends approval of the request for the retail sale of fireworks, at 769 Southwest Access Drive, on approximately 1.63 acres, by applicant Prentiss Mitchell, Thunder City Fireworks LLC for a period of 5 years.

**2<sup>nd</sup> – Kirkley**

**Vote Passed, 5-0**

- d)** Case Number 2025-069: a conditional use permit request for electronic changeable message sign at 6895 Interstate Boulevard.

The Chairman announced Case Number 2025-069 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 an introduction discussing the context of electronic message signs in recent months. This appears to be the first time any applicant has requested a “portable” or “mobile” version of an electronic changeable message sign (ECMS). The code of ordinances of Horn Lake only allow for the city’s approval of conditional use permits for electronic changeable message signs when they conform to specific regulations regarding that type of sign. However, the city recently seems to have established a new precedent, whereas its Board of Aldermen approved another applicant’s proposal for a permanent monument-style ECMS, that only deviated from the 20% electronic face requirement (by being a 50%/50% sign), on the condition that the sign actually be portable rather than a permanent monument sign. The reasoning was that the aldermen only wanted to see the physical structure of the sign when there was a business in operation on that lot. They were worried about establishing the precedent of approving a permanent monument ECMS, out of concern that they may eventually go unused completely and become blight, as well as the concern that they would act as billboards when the business is not operating on the lot. In other words, this appears to suggest that the Board of Aldermen are fine with the existence of portable or mobile versions of the ECMS. Therefore, planning staff is presenting the request by American Fireworks to have a portable ECMS at this address only during the time of fireworks sales. An aerial view of the property and the proposed location of the greater commercial area surrounding it was added to provide context. The property is in the C-4 zone. The site plan shows the fireworks tent on the south side of the property and the proposed ECMS along the eastern side of the property next to Interstate Boulevard. The Planning Department requests that all applicants applying for a conditional use permit submit written statements addressing the criteria that both the Planning Commission and the Board of Aldermen must investigate during their meetings. Additionally, the planning staff will review these criteria as well, and any conclusions will be presented to the Planning Commission and the Board of Aldermen. The applicant submitted responses to letters A through F as required for all conditional use requests. Planning staff agrees with the applicant’s assessment that this proposal passes all

criteria and will not cause any negative externalities. Director Hockensmith concluded the staff presentation.

Chairman Engelke opened the floor for questions from the Planning Commission. Engelke: In the motion, do we need to specify that the sign is only there during fireworks sales? Hockensmith: The conditions of the motion are up to the Planning Commission. Commissioner Freeman: Will this be advertising other things or just fireworks since there are no buildings on site? Hockensmith: Yes, because the Board of Aldermen told the applicant a mobile sign for fireworks was ok during fireworks sales. The ECMS regulations require a monument sign, but the Board of Aldermen approved a mobile sign during fireworks sales. They did not want it to become a billboard. Chairman Engelke called upon the applicant Shelly Wilkerson, to come forward. Wilkerson: the sign will only advertise fireworks sales on site. Chairman Engelke: If we put restrictions on it based on season will that be ok with you? Wilkerson: Yes. Chairman Engelke opened the floor for public comments. Seeing that no one came forward to speak, the Chairman closed the public hearing.

**Motion – Ware:** After review of Case Number 2025-069, the Planning recommends approval of the request by American Fireworks, for a conditional use permit for a portable electronic changeable message sign at 6895 Interstate Boulevard, for advertising seasonal businesses on site, for a period of 5 years.

## **2<sup>nd</sup> – Freeman**

**Vote Passed, 5-0**

- e)** Case Number 2025-070: a conditional use permit request for electronic changeable message sign at 2020 & 2036 Goodman Road West.

The Chairman announced Case Number 2025-070 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 an introduction discussing the context of electronic message signs in recent months. This appears to be the first time any applicant has requested a “portable” or “mobile” version of an electronic changeable message sign (ECMS). The code of ordinances of Horn Lake only allow for the city’s approval of conditional use permits for electronic changeable message signs when they conform to specific regulations regarding that type of sign. However, the city recently seems to have established a new precedent, whereas its Board of Aldermen approved another applicant’s proposal for a permanent monument-style ECMS, that only deviated from the 20% electronic face requirement (by being a 50%/50% sign), on the condition that the sign actually be portable rather than a permanent monument sign. The reasoning was that the aldermen only wanted to see the physical structure of the sign when there was a business in operation on that lot. They were worried about establishing



the precedent of approving a permanent monument ECMS, out of concern that they may eventually go unused completely and become bright, as well as the concern that they would act as billboards when the business is not operating on the lot. In other words, this appears to suggest that the Board of Aldermen are fine with the existence of portable or mobile versions of the ECMS. Therefore, planning staff is presenting the request by American Fireworks to have a portable ECMS at this address only during the time of fireworks sales. An aerial view of the property and the proposed location of the greater commercial area surrounding it was added to provide context. The property is in the C-4 zone. The site plan shows the fireworks tent on the west side of the property and the proposed ECMS along the southern side of the property next to Goodman Road. The Planning Department requests that all applicants applying for a conditional use permit submit written statements addressing the criteria that both the Planning Commission and the Board of Aldermen must investigate during their meetings. Additionally, the planning staff will review these criteria as well, and any conclusions will be presented to the Planning Commission and the Board of Aldermen. The applicant submitted responses to letters A through F as required for all conditional use requests. Planning staff agrees with the applicant's assessment that this proposal passes all criteria and will not cause any negative externalities. Director Hockensmith concluded the staff presentation.

Chairman Engelke opened the floor for questions from the Planning Commission. Seeing no questions or comments, Chairman Engelke opened the floor for public comments. Seeing that no one came forward to speak, the Chairman closed the public hearing.

**Motion – Carter:** After review of Case Number 2025-069, the Planning recommends approval of the request by American Fireworks, for a conditional use permit for a portable electronic changeable message sign at 2020 & 2036 Goodman Road West, for advertising seasonal businesses on site, for a period of 5 years.

**2<sup>nd</sup> – Kirkley**

**Vote Passed, 5-0**

**6. Other Business** – Regular Planning Commission meeting scheduled for June 30<sup>th</sup>.

**7. Adjournment.**

**Chair** – Called for a motion to adjourn.

**Motion – Ware:** Adjourn the meeting at 7:02 p.m. **2<sup>nd</sup> – Vidal.** Vote: Motion passed, 5-0