

### Agenda for the Meeting

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Elections**
  - a) Chairman
  - b) Vice Chairman
  - c) Secretary
4. **Approval of Previous Meeting Minutes**
  - a) April 28, 2025
  - b) May 19, 2025
  - c) May 23, 2025
  - d) June 9, 2025
  - e) June 30, 2025
5. **Old Business -- None**
6. **New Business**
  - a) **Case Number 2025-071:** A request from applicant Ben Smith of IPD LLC to approve a preliminary plat for a subdivision of one parcel resulting in 23 parcels and one right-of-way for the purpose of creating a public street with residential lots
  - b) **Case Number 2025-102:** A request for the rezoning of property at 769 Southwest Access Drive from C-4 to M-1.
  - c) **Case Number 2025-090:** A request for the use of Commercial Parking, 18-wheelers, bucket trucks etc. at 769 Southwest Access Drive.
  - d) **Case Number 2025-098:** a request for a conditional use permit for motor vehicle service and minor repair at 2484 Goodman Road West, by applicant Prentiss Mitchell.
  - e) **Case Number 2025-092:** a request by Daniel Weber, at 4785 Winesap Drive, for a fence height variance due to low-lying areas on the lot
  - f) **Case Number 2025-100:** a text amendment on Sidewalk Requirement
  - g) **Case Number 2025-101:** a text amendment on Right-of-Way Internal Dimensions
7. **Other Business -- Attendance**
8. **Adjournment**

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

**Planning Commissioners Present** – Lakita Fox (Ward 1), Calvin Freeman (Ward 3), Kirby Carter (Ward 4), Morris Taylor (Ward 5), Mark Crawford (Ward 6), Chad Engelke (At Large), and Janice Vidal (Mayor)

**Planning Commissioners Absent** – Jessie Ware (Ward 2)

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

**Items 1 and 2.** The Chairman called the meeting to order at 6:00 p.m. Chad Engelke, the previous Chairman of the Planning Commission, thanked those in attendance and asked for each of the Planning Commissioners to introduce themselves. All Planning Commissioners were present except Commissioner Ware. The Pledge of Allegiance was led by Chad Engelke.

**3. Elections**

- a. Chairman – Motion: Vidal to elect Chad Engelke Chairman, 2<sup>nd</sup> – Carter, 6-0
- b. Vice-Chairman – Motion: Vidal to elect Kirby Carter Vice-Chairman, 2<sup>nd</sup> – Crawford, 6-0
- c. Secretary – Motion: Carter to elect Janice Vidal Secretary, 2<sup>nd</sup> – Freeman, 6-0

**4. Approval of previous Planning Commission Meeting Minutes**

**Motion – Freeman:** Approve the minutes from Planning Commission Meetings from 4-28-2025, 5-19-2025, 5-23-2025, 6-9-2025, and 6-30-2025.

**2<sup>nd</sup> – Fox**

**Vote Passed, 6-0**

**5. Old Business – None**

## 6. New Business

- e) Case Number 2025-071: A request from applicant Ben Smith of IPD LLC to approve a preliminary plat for a subdivision of one parcel resulting in 23 parcels and one right-of-way for the purpose of creating a public street with residential lots.

The Chairman announced Case Number 2025-071 to be heard and called upon the Planning Director to begin the staff presentation. Director Hockensmith presented the details of the case, beginning with an aerial view of the property, surrounding properties, and the zoning designations of the area. The parcel wishing to be subdivided is listed as 4560 Nail Road West. There is currently a single-family residential structure on this lot. Access to this house from Nail Road West is made by using the privately-owned road to the west of this parcel. Two drainage areas run through this parcel. On the northern portion, there is a drainage area for the overflow of the pond in the Ravenwood G subdivision. On the southern portion, there is a stream that originates south of Nail Road West, enters the property, and exits on the western border of this parcel. This parcel is currently zoned A-R. The applicant has applied for a rezoning request to change this zoning to R-10 to build according to the plat being presented. After approval of the preliminary plat, a final plat showing any necessary corrections will be presented to the city as well as a separate rezoning request to ensure that the final plat and the zoning do not conflict in any way.

Director Hockensmith presented the submitted preliminary plat in its entirety and then zoomed in versions to show enhanced details within the plat. Additionally, proposed street right-of-way dimensions were described to show the City of Horn Lake's plans for a standardized residential street. A 50-foot right-of-way would include a street width of 34 feet, 2.5 feet of grass buffer and a sidewalk that is 5 feet wide on both sides. This standard is already in place for the Sage Creek PUD that was previously approved. This gives a uniform right-of-way design all throughout the city that makes it easy to determine where city property starts, gives a visual natural buffer between the sidewalk and the street for pedestrian and driver safety, and gives enough space for on-street parking.

Plats must conform to the Subdivision Design Standards of the City of Horn Lake Code of Ordinances, and Director Hockensmith read them aloud for the Planning Commission and the public with commentary on them as related to the proposed plat.

Regarding letter (a),

*The arrangement of streets in all new subdivisions shall make provisions for the continuation of the principal existing streets in the adjoining areas or their proper projection and for any streets or roads shown on the city transportation plan.*

It should be known that it is highly appreciated that the developer is willing to connect the new street to the existing private roadway. Every new subdivision of this size should have two ways in and out for emergency purposes, and this appears to be the only way to achieve this. A cul-de-sac does not seem appropriate, as the maximum cul-de-sac length of 500 feet would be surpassed, and that would be the only way in and out of the neighborhood. The planning department is currently waiting on an answer on the city's ability to purchase or accept by donation the private roadway in order to improve it to the local street standard. The planning department cannot yet answer if the city has the budget to do this. It is a highly unusual situation to have a parcel in the city that is a privately owned roadway that acts as the only access to multiple residences. This should have never been allowed to exist and it is the city's responsibility to reverse this by acquiring the lot one way or another.

Regarding letter (b),

*All proposed street names shall avoid duplication of other street names in the county unless the proposed street is obviously intended as an extension of another existing or proposed street, in which case the streets shall bear the same name.*

while we are pleased with the proposed subdivision name and glad to see the proposed street name match it, we believe the proposed street to be a continuation of Jordan Drive. The new street proposed on the plat needs to be changed to Jordan Drive.

Regarding letter (c),

*The arrangement of streets and lots shall give due regard to topography and other physical features of the property.*

planning staff is not sure that Lot 1 contains enough space to be far enough from away from the stream. We have had many reports of this stream overflowing and spreading out over a large area due to the pond directly to the east that spills over into this area. We are recommending combining Lot 1 and Lot 2 in order to have any proposed structure as far away as needed from the stream. Similarly, planning staff is not convinced that this overall subdivision design takes into consideration the current passage of water through it. Planning staff would like to receive a detailed explanation of how the current intermittent stream running from south of Nail Road and into the new subdivision will be altered and exactly how the water will move north through the area, as well as more detail on how this hilly landscape will be flattened. When looking at the aerial photo at the beginning of this report, it appears obvious that the water from this intermittent stream converges with the other intermittent stream mentioned at the beginning of this paragraph. There are concerns that the detention pond may not be able to handle the water coming through the area. More information may need to be provided to the city.

Planning Staff did not have any issues with the other criteria within the Subdivision Design Standards of the City of Horn Lake Code of Ordinances.

Director Hockensmith detailed the section of the ordinances that contains design standards for easements.

Requirements for letter (a),

*Easements of at least ten feet in width shall be dedicated on each side of all rear lot lines and at least five feet on each side lot line and at least ten feet on all lot lines adjoining a street, for poles, wires, conduits, storm and sanitary sewers, gas, water, or other utilities. The developer shall confer with all utility companies serving the property. Easements of greater width than normally required may be required as necessary. No side, rear or front yard easements will be required where the city zoning ordinance indicates no yard requirements.*

are listed in the GENERAL NOTES section of the plat. As for letter (b),

*Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course. The adequacy of the easement shall be determined by the engineer.*

there are major concerns about two drainage courses running through his proposed subdivision. As previously mentioned, there is no indication of the stream running from the Ravenwood G pond through Lot 1. Letter (b) states that there should be an easement drawn for this. Similarly, it is understood that there is another drainage course running through the southern portion of the property, where the water appears to flow into the subdivision and in the direction of the proposed detention pond. It appears this one may be less defined and less substantial, but we may need clarification as to where exactly on the lots this water will be channeled.

Planning Staff found that the proposed plat appears to conform to the regulations on Block Design, Lot Design, and Public Sites, Facilities and Open Spaces.

After taking time to thoroughly review the preliminary plat, planning staff cannot comfortably recommend approval for this proposal due to the numerous concerns that have been reported about flooding in the area. Planning staff does not have enough information on how exactly the massive amounts of water that pass through this land will be rechanneled when the land becomes significantly altered for the subdivision. However, if this preliminary plat were to be approved, planning staff will only recommend approval if Lots 1 and 2 are combined, the street name is changed to Jordan Drive, and if the right-of-way dimensions are revised as described in the report, as well as if there is substantial evidence shown that there is a good plan on how to safely channel the large amounts of

water in and out of the proposed subdivision. Director Hockensmith concluded the staff presentation.

Upon completion of the staff presentation, the Chairman asked the director why the private drive to the West of the property should not be allowed to continue to exist as a private road that these proposed houses would use for access. Hockensmith: private drives function well for the owner and connected lots, but they can also be blocked off. This would cause complications for non-owners and emergency personnel as they would not have access to the road. Best practices say that it should become a public road that conforms to the new street design standards detailed earlier. The chairman asked if there were any questions from the Planning Commissioners for the director. Commissioner Crawford: The reason this road exists in this form is because it was located in the county when it was constructed. Chairman Engelke: It looks like the stream goes where all of these lots are planned. The water is going to make the ground wet there forever no matter what you do to divert it. Ravenwood G's detention pond has always been a problem. Commissioner Freeman: Do we know about the culvert sizes of the pond? Hockensmith: yes, but I have not been out there during a rainfall event. Commissioner Vidal: Do the applicants know about the conditions they need to meet regarding the drainage? Hockensmith: yes, they are aware. Chairman Engelke asked for the applicant to come forward to address questions from the Planning Commission. Chance Walker, representing the applicant, came forward. Walker: I have a set of construction plans that detail the drainage plans, but I do not have them on me. They will be approved by MDEQ, USACE, and the city's engineers, so the drainage will not be a problem. We are willing to combine lots 1 and 2, but lot 1 has buildable space. The outfall of the Northbound stream is too small, but the redesign will account for the amount of water that will enter the site. Chairman Engelke: What happens if the city can't obtain the private road? Hockensmith: the plans will have to change, so they do not connect to that private road. Commissioner Vidal: will the 48" pipe address the volume of the water? Commissioner Carter: have you looked at utilities regarding what can be moved to accommodate the drainage? Walker: yes. Commissioner Vidal: should we add a condition to address the drainage on site? Hockensmith: this will be something to address after the preliminary plat.

**Motion – Vidal:** After review of Case Number 2025-071, the Planning Commission approves the request for the preliminary plat of Golden Eagle Estates on the condition that the applicant revises the plat to show the issues mentioned in this report including, (1) Combining Lot 1 and Lot 2 into one large buildable lot with space for an appropriate stream buffer. (2) Showing the name of the street as Jordan Drive rather than the currently proposed street name. (3) Showing the street as being 34 feet wide from face of curb to face of curb, with a 5-foot sidewalk and 2.5-foot grass buffer on both sides.

**2<sup>nd</sup> – Fox**

**Vote Fails, 2-4**

- b) Case Number 2025-102: A request for the rezoning of property at 769 Southwest Access Drive from C-4 to M-1.

The Chairman announced Case Number 2025-102 to be heard and called for the planning staff to begin the presentation. Director Hockensmith began the presentation by describing the location of the property relative to its surroundings. This property is located in the C-4 zone with a portion in the Planned Business Park (PBP) zone. The adjacent parcels are also zoned C-4 and PBP. The proposed use on the property is for commercial parking of 18-wheelers and other commercial vehicles. This is not an allowed use in either C-4 or PBP zones and the property must be rezoned to M-1. The section in the Horn Lake Code of Ordinances Zoning Use Chart categorizes the use as “Semi-parking lot, secured and guarded”. In order to qualify for this use, the property must be zoned M-1 and be secured and guarded. Hockensmith displayed the proposed site plan. There will be one entrance/exit located on Southwest drive. The plans call for two rows of semi-truck parking on the perimeter of the lot. A future LED monument sign will be placed on the corner of Southwest Access Drive and Interstate Blvd.

There are four criteria that the applicant submitted responses to in order to be considered for a rezoning:

1. How the proposed rezoning conforms to the comprehensive plan and its related elements
  - a. The rezoning will give travelers to the Horn Lake area a place to park while visiting.
2. Why the current zoning is inappropriate or improper
  - a. Currently 18-wheeler parking spaces are only allowed in the M-1 zone.
3. What major economic, physical, and social changes, if any, have occurred in the vicinity of the property that were not anticipated by the comprehensive plan and have substantially altered the basic character of the area.
  - a. No major changes have occurred.
4. How this rezoning contributes to the public need
  - a. Visiting semi-truck drivers need a place to park with ample and easy access to the I-55 and I-69 corridors.

As stated in the applicant’s letter, the lot has been used for truck parking in the past. There will be room for 26 18-wheelers parked on this lot. The manner in which the property is “secured and guarded” should be expanded on by the Planning Commission to ensure continuity with surrounding properties.



Planning staff believes this will be a good use for the property, and consistent with the commercial and industrial transition that occurs moving South along Interstate Blvd. The site's proximity to both the interstate and trucking centers make it a desirable location for the trucking industry. The availability of hotels and restaurants within walking distance to the site will provide good economic opportunities for the surrounding businesses. Therefore, planning staff agrees that this rezoning from Commercial to Industrial is an appropriate land use classification for the long-term growth of the city. Director Hockensmith concluded the staff presentation.

Chairman Engelke called upon the Planning Commissioners to ask any questions they might have for the director. Commissioner Crawford: are there requirement for bathrooms or other facilities on a site like this? Hockensmith: no, this proposal is just for parking spaces without any other facilities or buildings. Commissioner Carter: will this not conflict with the fireworks conditional use permit that was granted for this site? Hockensmith: I have not found anything in the ordinance that will cause conflict between the two uses as long as they are separate. Commissioner Freeman: will there be a fee for parking? Hockensmith: the applicant can better address that question.

Chairman Engelke called upon the applicant, Prentiss Mitchell, to come forward. Prentiss Mitchell: I have a presentation of my own that I would like to show the commission if that is ok. There has been parking on this lot for over 10 years, on gravel, with no complaints that I am aware of. I want to bring the property into compliance moving forward. There is only one other 18-wheeler parking lot within the area and it is in Southaven. The plan that I am proposing would clean up the property and provide a needed service to the area. As part of the conditional use application that I have in the next case, I will be asking for permission to have a gravel lot instead of paving it. Commissioner Engelke: What other uses are allowed in the M-1 zone that may be problematic in the future? Director Hockensmith lists all of the permitted and conditional uses that are allowed in the M-1 zone. Commissioner Vidal: if approved, this will be M-1. If someone wants to come in down the line, could they rezone it back to C-4? Hockensmith: yes, but it depends on what they want to do, and it will have to go through this same process again. Commissioner Carter: if this becomes M-1, will this affect any MDOT plans? Hockensmith: not that I am aware of. Chairman Engelke opened the public hearing and asked if any member of the public wished to speak on the case. Rhodes Thompson came forward: I am here to protect the area, and I am building a commercial building near here. Does this rezoning go against the comprehensive plan? I am against this rezoning because my business might be negatively affected by truck parking. This should go somewhere else in the city. Why did I not receive a letter about this hearing? Hockensmith: this does not go against the comprehensive plan and notice was given in the Desoto Times Tribune as required by law. Seeing no other members of the public wishing to comment, Chairman Engelke called an end to the public hearing.



**Motion – Freeman:** After review of Case Number 2025-102, the Planning Commission recommends approval for the request by MIM, LLC, for a rezoning of the property at 769 Southwest Access Drive from C-4 to M-1.

**2<sup>nd</sup> – Vidal**

**Vote Fails, 3-4**

- c) Case Number 2025-090: a request for the use of Commercial Parking, 18-wheelers, bucket trucks etc. at 769 Southwest Access Drive.

The Chairman announced Case Number 2025-090 to be heard and called for the planning staff to begin the presentation. Director Hockensmith began the presentation by describing the location of the property relative to its surroundings. This property is located in the C-4 zone with a portion in the Planned Business Park (PBP) zone. The adjacent parcels are also zoned C-4 and PBP. The proposed use on the property is for commercial parking of 18-wheelers and other commercial vehicles. This is not an allowed use in either C-4 or PBP zones and the property must be rezoned to M-1. The section in the Horn Lake Code of Ordinances Zoning Use Chart categorizes the use as “Semi-parking lot, secured and guarded”. In order to qualify for this use, the property must be zoned M-1 and be secured and guarded. Hockensmith displayed the proposed site plan. There will be one entrance/exit located on Southwest drive. The plans call for two rows of semi-truck parking on the perimeter of the lot. A future LED monument sign will be placed on the corner of Southwest Access Drive and Interstate Blvd.

As part of the review process by the Planning Commission for any conditional use permit request, the commission must determine whether or not this proposal will:

- a. Substantially increase traffic hazards or congestion
- b. Substantially increase fire hazards
- c. Adversely affect the character of the neighborhood
- d. Adversely affect the general welfare of the city
- e. Overtax public utilities or community facilities
- f. Be in conflict with the comprehensive plan

The Planning Department requests that all applicants applying for a conditional use permit submit written statements addressing the criteria which was then presented to the Planning Commission. In reviewing the applicant’s responses to letters A through F, there does not appear to be anything within this proposal that would conflict with the referenced criteria. 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 common use in many cities. Director Hockensmith concluded the staff presentation.

Chairman Engelke opened the floor for questions from the Planning Commission. Commissioner Carter: Mr. Mitchell, have you considered an alternative ingress/egress location on the site? Prentiss Mitchell: yes, but it is undeveloped at present. I am trying to work on getting it developed on the South side of the property. Commissioner Carter: Ok, because I can see some benefit in having a second way in and out of the property if multiple trucks are trying to come in and out at the same time. Chairman Engelke asked if there were any more questions from the Planning Commission.

**Motion – Freeman:** After review of Case Number 2025-090, the Planning Commission recommends approval for the request by MIM, LLC, for a conditional use permit for “Semi-parking lot, secured and guarded” at 769 Southwest Access Drive, for a period of 5 years.

**2<sup>nd</sup> – Carter**

**Vote Passed, 5-1**

- d) Case Number 2025-098: a request for a conditional use permit for motor vehicle service and minor repair at 2484 Goodman Road West, by applicant Prentiss Mitchell.

The Chairman announced Case Number 2025-098 to be heard and called upon Director Hockensmith to begin the staff presentation. This case is a request by Prentiss Mitchell, of Goodman Auto Center LLC, to use the building at address 2484 Goodman Road West as a “motor vehicle service and minor repair” business. The structure to be occupied already exists on the lot and appears agreeable to the applicant for this type of business being proposed, as it appears designed to have multiple garage doors to accept vehicles to be serviced. Below is a Google Street View captured in March 2025 of this building to show its current design. Hockensmith showed an aerial view of the property at the intersection of Goodman Road West and Hurt Road, with one entrance on each road. The norther portion of this property contains a wooden fence. This parcel is in the C-4 zone. The lot adjoining this lot is C-3 and the lot directly across Hurt Road is C-4. Both of the lots on the southern side of the intersection are zoned C-3 as well.

As part of the review process by the Planning Commission for any conditional use permit request, the commission must determine whether or not this proposal will:

- a. Substantially increase traffic hazards or congestion
- b. Substantially increase fire hazards
- c. Adversely affect the character of the neighborhood
- d. Adversely affect the general welfare of the city
- e. Overtax public utilities or community facilities
- f. Be in conflict with the comprehensive plan

The Planning Department requests that all applicants applying for a conditional use permit submit written statements addressing the criteria which was then presented to the Planning Commission. Director Hockensmith displayed the applicant's responses to the criteria and provided staff commentary:

In reviewing letter A, planning staff does not think this use will increase traffic hazards or congestion. There has not been any evidence of other businesses of a similar nature causing traffic hazards or congestion in Horn Lake.

In reviewing letter B, planning staff cannot make a determination as to whether this proposed use will or will not be a fire hazard. However, there is nothing currently suggesting this proposal will cause fire hazards, as the only specific tasks mentioned to planning staff was oil changes and tire changes. More clarification may be needed.

In reviewing letter C, planning staff does not think this request will adversely affect the character of the neighborhood. While a "motor vehicle service and minor repair" business may be seen as a nuisance to the nearby residences, we must note that the opportunity to have a tenant move in to the building means that the building and lot may now get cleaned up and taken care of by the new business operators. The planning department agrees that this building was designed to service vehicles, so this is an indication that this use was previously not seen as a negative use for the area.

In reviewing letter D, planning staff does not see a reason to believe that this request will adversely affect the general welfare of the city. There are multiple businesses of this kind throughout the city already. As stated before, this building appears to be designed for this kind of proposed land use. Planning staff believes that it makes sense for the building to contain a business that the building was designed for. Furthermore, having a business move in gives the city an opportunity to address the condition of the property, including but not limited to, the leftover supplies on the lot, the condition of the parking area, the vegetation, the signs in disrepair, and the missing fence gate.

In reviewing letter E, there is no indication that this request will overtax public utilities or community facilities. There does not appear to be any anticipated strain on any public utilities or community facilities, and other businesses of a similar nature in Horn Lake have not yet appeared to cause issues with overusing utilities.

In reviewing letter F, this request does not conflict with the comprehensive plan. This is a commercial land use in a commercial zone along a street intended to be commercialized.

Upon reviewing the same criteria that Planning Commission must review, planning staff did not see any reason to recommend denial for this request; however, the Planning Commission must do its own review and deliberate over the criteria. Director Hockensmith concluded the staff presentation.

Chairman Engelke opened the floor for questions from the Planning Commission. Commissioner Fox: I would like some clarification on the uses within the building. Part of the possible motion includes oil changes and car rentals. The applicant, Prentiss Mitchell: car rentals are already permitted in this zone and do not require a conditional use permit. The only thing I am asking to be approved here with the conditional use permit is the motor vehical repair use. Director Hockensmith: for clarification, a similar issue was previously presented to the Planning Commission, and the city attourney advised that the use “motor vehicle service and minor repair” can be construed as something that only takes a couple of hours and is generally completed in the same working day. Chairman Engelke: is the intent to do in and out service within the same day? Will cars be parked overnight? Prentiss Mitchell: cars will be parked behind the fence unless someone were to make arrangements to drop their car off or pick it up outside of operational hours. Chairman Engelke opened the floor for a public hearing. Seeing noone present to make public comments, the public hearing was closed.

**Motion – Carter:** After review of Case Number 2025-098, the Planning Commission recommends approval of a conditional use permit for a “motor vehicle service and minor repair” land use at 2484 Goodman Road West in a C-4 zone, for a period of 5 years, upon the condition that:

1. The applicant fully repairs the fencing, which shall include a gate, in a manner that complies with all fence ordinances.
2. The applicant removes the remnants of signage in disrepair and nonconforming signs and obtains all required sign permits for new signage.
3. The applicant removes all the outside leftover material left behind from the previous tenant.

**2<sup>nd</sup> – Vidal**

**Vote Passed, 6-0**

- e) Case Number 2025-092: a request by Daniel Weber, at 4785 Winesap Drive, for a fence height variance due to low-lying areas on the lot.

The Chairman announced Case Number 2025-092 to be heard and called upon Director Hockensmith to begin the staff presentation. Director Hockensmith described the location of the property with an aerial photograph, noting that the subject property and all surrounding properties are in the A-R zone. The property is approximately 1.1 acres. The applicant is not intending to change anything on site. The existing fence is 8-feet tall, 2 feet higher than the permitted 6-feet maximum. The property has low lying areas, so a taller fence provides privacy that a 6-foot tall fence would not.

The Horn Lake Code of Ordinances lists specific procedures for reviewing variance applications:

Appendix A – Zoning, Article X – Applications, A – Variances

1. *Where the strict application of the provisions of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Planning Commission shall hold a public hearing on applications for variance(s) from the terms of this Ordinance, and is empowered to grant approval of such variances from the strict application so as to relieve such difficulties or hardships. However, a variance from the terms of this Ordinance shall not be granted unless the Planning Commission makes findings based upon evidence presented to it as follows:*

- a. *That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.*

**Applicant Response** – Our lot sits at a noticeably lower elevation than the surrounding lots, which is a condition not common to many other properties in the district.

- b. *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.*

**Applicant Response** – A strict 6-foot fence height fails to provide the privacy typically afforded to similarly situated homeowners, which would deprive us of a reasonable use and enjoyment of our backyard.

- c. *That special conditions and circumstances do not result from the actions of the applicant.*

**Applicant Response** – The lot's elevation is a natural feature and not a result of any actions on our part.

- d. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.*

**Applicant response** – Other residents with similar topographical challenges have been granted similar variances (e.g., Case #2021), so approval of this request would be consistent with past decisions.

Upon reviewing the same criteria that Planning Commission must review, planning staff recommends approval of the fence height variance at 4785 Winesap Drive. The lot is sloped in a way that a taller fence is needed to provide privacy to the homeowner, and the 6-foot maximum allowed by the ordinance does not provide enough privacy. Further details from the homeowner were presented to the Planning Commission from the homeowner's letter. Director Hockensmith concluded the staff presentation.

Chairman Engelke opened the floor for questions from the Planning Commission. Seeing none, the applicant was invited to address the Planning Commission. Commissioner Freeman: how long have you lived here? Daniel Weber: going on 6 years. Seeing no more

questions from the Planning Commission, Chairman Engelke opened the floor for a public hearing. A neighbor came forward to say that they overlook the Weber's back yard and that they deserve to have a higher fence for privacy and that the variance should be approved. Seeing no further comments from the public, Chairman Engelke closed the public hearing.

**Motion – Carter:** After review of Case Number 2025-092, the Planning Commission recommends approval of a variance for the height of a fence to be 8-feet at 4785 Winesap Drive, on land consisting of 1.1 acres, under A-R zoning.

**2<sup>nd</sup> – Fox**

**Vote Passed, 6-0**

f) Case Number 2025-100: a text amendment on Sidewalk Requirement

The Chairman announced Case Number 2025-100 to be heard and called upon Director Hockensmith to begin the staff presentation. The City of Horn Lake is ready to start leading the way in creating safer and more walkable areas for everyone within its borders. Everyone of all ages and backgrounds should have the ability to freely and safely walk through the city they call home, and the best way to provide for this is to ensure sidewalks are built in as many places as needed. When examining the how, where, and why people travel to their destinations throughout Horn Lake, it becomes apparent that there are many people of all ages and backgrounds that use the sidewalks both for recreational purposes (walking, jogging, riding bikes, or visiting a neighbor) and out of necessity (walking to work or walking to the grocery store). With the wide range of users and purposes, this means that sidewalks are needed on all road types, from the local roads within neighborhoods to the larger and busier roads like Goodman Road West. It should also be noted that there are multiple studies that have shown that walkable areas have higher property values than less walkable areas (both commercial and residential), and having sidewalks is a direct contributing factor in this boosted value. Requiring sidewalks on all sides of all streets in the city will make the city look more complete, make the city safer for both pedestrians and drivers, and make the city more desirable for future businesses and residents. The developers of the three most recent residential subdivision developments in Horn Lake (Sage Creek, Ravenwood F, and Ravenwood G) have all agreed that having sidewalks on both sides of all streets makes the most desirable product, so they all agreed to pave them on both sides, but the city is needing this text amendment to guarantee that all other developers in the future will follow in these same footsteps. The current text of the ordinance reads:

*(e) Sidewalks. Concrete sidewalks not less than five feet wide and four inches in depth shall be constructed along both sides of all major and collector streets with curbs and gutters in accordance with applicable standard specifications of the city. Sidewalks*



*shall be constructed along at least one side of every minor street shown on the plat with the exception of cul-de-sac where sidewalks are not required*

*(1) The mayor and board of aldermen may waive the above requirement for sidewalks provided that street rights-of-way are left unobstructed and graded in such manner that sidewalks may be constructed at a later date.*

*(2) Material and compression tests of the concrete shall be performed and submitted to the engineer.*

*(3) The mayor and board of aldermen may, in their discretion, require a minimum fee of \$15.00 per linear foot to be paid to the city in lieu of complying with the requirement for sidewalks. Said fee to be determined at the time of each development, based on current rates and/or charges. Said funds are to be specified and designated for further development of sidewalks within the city and where deemed necessary by the mayor and board of aldermen and in the best interest of the citizens*

The proposed text amendment would read:

(e) Sidewalks. Concrete sidewalks, not less than five feet wide and four inches in depth, shall be constructed along both sides of all streets, regardless of street classification or street type, which shall include the space around every cul-de-sac, and with any curbs, gutters, and grass buffers as required by the city.

(1) Material and compression tests of the concrete shall be performed and submitted to the engineer.

This would be a simplified solution in the ordinance that would provide uniformity in our sidewalk standards within the city. Director Hockensmith concluded the staff presentation.

Chairman Engelke asked if there were any questions for the director from the Planning Commission. Seeing none, the Chairman opened the floor for a public hearing. Seeing no member of the public wishing to speak, the public hearing was closed.

**Motion – Vidal:** After review of Case Number 2025-100, the Planning Commission recommends approval of a text amendment to the Code of Ordinances to replace current all of the current wording of Chapter 34 (Subdivisions), Article IV (Required Minimum Improvements), Section 34-89 (Minimum Standards), (e) Sidewalks to read:

(e) Sidewalks. Concrete sidewalks, not less than five feet wide and four inches in depth, shall be constructed along both sides of all streets, regardless of street classification or street type, which shall include the space around every cul-de-sac, and with any curbs, gutters, and grass buffers as required by the city.



(1) Material and compression tests of the concrete shall be performed and submitted to the engineer

**2<sup>nd</sup> – Carter**

**Vote Passed, 6-0**

g) Case Number 2025-101: a text amendment on Right-of-Way Internal Dimensions

The Chairman announced Case Number 2025-100 to be heard and called upon Director Hockensmith to begin the staff presentation. The City of Horn Lake has multiple residential streets with varying dimensions. Some streets are excessively wide for no apparent reason, while others are so narrow that cars may not park on them anymore. Many streets in this city also change widths when going from one neighborhood to another. Some have sidewalks on both sides, some have them on just one side, and some have them on neither side. Additionally, the right-of-way widths in residential areas greatly vary as well, and many of these variations do not seem to have any relation to the width of the street itself, the sidewalk, or the grass buffer within its lines, as many right-of-way lines extend beyond the sidewalk. It has become apparent that there must be a required standard for all developers to follow when building local streets in all new subdivisions. The city has seen multiple instances of developers attempting to build the skinniest streets with no curb and gutter and no sidewalks in order to cut down on costs and maximize profits, but to the detriment of the city in the long run. It is the city's responsibility to ensure that developers build their developments in such a manner that will benefit everyone in the future, and the only way we can do this is by passing ordinances that they must follow. For decades, the city has been hurt by letting developers design their subdivisions and streets the way they wanted to. (For the record, some subdivisions were approved by the City of Horn Lake while others were inherited from DeSoto County after the city annexed certain areas in the county.) It is now time for the city to require that all developers of all residential subdivisions build all of their new streets to the same specifications in order to create a more uniform and orderly city that benefits everyone.

Planning staff wishes to start with the smallest currently-allowed right-of-way width that developers may build: 50 feet. A 50-foot right-of-way is typically used for all local roads, which are the smallest roads found in residential subdivisions. This 50-foot width is the most commonly proposed right-of-way width in neighborhoods because it allows the developer to pave the smallest amount of asphalt while giving them the largest amount of lot acreage to build homes on. While the city has required this minimum width for many years, the real problem was that there were never any specified requirements for the internal dimensions of the right-of-way, such as street width, curb width, grass buffer width, and sidewalk width. The planning department believes that the best compromise

for the internal layout of the 50-foot right-of-way is a 34-foot street, measured from the inside faces of the curbs, with 60-inch curbs, 2.5-foot grass buffers, and 5-foot sidewalks. This all adds up to 50 feet, whereas the edge of the sidewalk is the edge of the right-of-way (which gives the additional benefit of knowing exactly where city property starts and stops). This allows for on-street parking, safe walkability on both sides, and a grass buffer that provides an adequate distance between pedestrians and vehicles as well as space for certain utilities if needed.

Director Hockensmith concluded the staff presentation by detailing the section of the City of Horn Lake Code of Ordinances *Sec. 34-57. – Streets*. and proposed the following addition to the text by adding letter (m) which would read:

(m) Every right-of-way consisting of a width of 50 feet shall have a street width of 34 feet, as measured from front-of-curb to front-of-curb, and both sides of the street shall consist of a curb measuring 6 inches in width, a grass buffer measuring 2.5 feet in width, and a sidewalk measuring 5 feet in width.

Chairman Engelke asked if there were any questions for the director from the Planning Commission. Commissioner Freeman: are zero-lot line houses taken into account with these right-of-ways? Hockensmith: yes, this still applies to all roads within the city. Chairman Engelke opened the floor for a public hearing. Seeing no members of the public wanting to comment, the public hearing was closed.

**Motion – Vidal:** After review of Case Number 2025-098, the Planning Commission recommends approval of a text amendment to the Code of Ordinances to add letter (m) to the current wording of Chapter 34 (Subdivisions), Article III (Subdivision Design Standards), Section 34-57 (Streets), to read:

(m) Every right-of-way consisting of a width of 50 feet shall have a street width of 34 feet, as measured from front-of-curb to front-of-curb, and both sides of the street shall consist of a curb measuring 6 inches in width, a grass buffer measuring 2.5 feet in width, and a sidewalk measuring 5 feet in width.

**2<sup>nd</sup> – Carter**

**Vote Passed, 6-0**

## **7. Other Business – Attendance**

Chairman Engelke stressed the importance of the commitment that is required to being on the Planning Commission and how important it is to be present at all meetings. Discussion ensued regarding the removal of a commissioner if they miss three months in a row. Commissioner Freeman emphasized that everyone who comes before the Planning Commission must be treated fairly.

**8. Adjournment**

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

**Motion – Freeman:** adjourn the meeting at 7:58 p.m.

**2<sup>nd</sup> – Carter**

**Vote Passed, 6-0**