

**MINUTES FOR THE CITY OF OLIVE BRANCH BOARD OF ZONING ADJUSTMENT
REGULAR MEETING ON FEBRUARY 9, 2023**

The City of Olive Branch Board of Adjustment meeting was held on Thursday, February 9, 2023, in the Olive Branch Municipal Court Room, located at 6900 Highland Street, at 6:00 p.m.

CALL TO ORDER

The meeting was called to order by Ted Roman, Chairman at 6:00pm.

ROLL CALL

The roll was called with Angela Cook, William Gray, Ted Roman, Aretha Wiseman, Jessica Cowan, and Jeff Edler present, and a quorum was established. Carl Williams was absent. Jason Gambone, Director, Venard Asongayi, Assistant Director, Brad Thomas, Associate Planner, and Heather James, Planning Technician were present from the Planning and Development Department

THE APPEAL PROCESS

Mr. Roman announced the Appeal Process.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 12, 2023

Mr. Roman asked if anyone had any questions, comments or motions regarding the minutes of the January 12, 2023 meeting and there were none. **Mr. Edler made a motion to approve the minutes as submitted and was seconded by Mr. Gray with approval as follows:**

**Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Angela Cook – Yes Jeff Edler – Yes Carl Williams – Absent**

Mr. Roman announced a change to the order of items in the agenda in an effort to release anyone from the public who much wish to comment.

NEW BUSINESS

5. Application for a Conditional Use Permit submitted by Brad Noble, Noble Storage, on behalf of VCS Holdings, Inc, property owner. The request is to allow a self- storage facility on one of the 3 proposed lots on this property. The 9.8+/- acre subject property is zoned C-2, Highway Commercial District, and is located in the southwest quadrant of the Hwy 78-Hwy 305 interchange on the west side of W Sandidge Rd. (File # CU23-0005). **(Application withdrawn by applicant).**

Mr. Roman announced New Business Item number 5 had noted that it had been withdrawn from the agenda and that the item will not be heard.

OLD BUSINESS

1. Application for a Conditional Use Permit submitted by Ben Smith, IPD LLC on behalf of property owner Fox Creek Investment, LLC. The request is to allow fuel pumps as an accessory to a convenience store at the proposed Fox Creek Market Place, as provided in the Development Plan for Fox Creek Development. The 7.91+/- acre subject property is zoned PUD, Planned Unit Development, and is located on the north side of Hwy 302, from just west of Creek Side Dr to just east of Fox Creek Dr (File # CU22-0013). *(Tabled at meeting of January 12, 2023).*

Mr. Roman announced Old Business item number 1 and asked for the staff report. Mr. Asongayi stated there had been a change to condition number 4 that was reflected in the presentation, but not in the original packet sent to the Board Members. He shared the following: **EXECUTIVE SUMMARY:** This application requests a Conditional Use Permit (CUP) for a 25 year term to allow gas pumps as an accessory use to an already permitted convenience store at the western corner of the intersection of Fox Creek Dr and HWY 302. The property is in the Fox Creek Planned Unit Development (PUD), precisely in an area that was designated as “C-1, Neighborhood Commercial” in the master plan and project text of the property. Various data support the position that the proposed accessory use would be less impactful than some of the uses already permitted on the property. Furthermore, and considering other fuel pumps that exist in the City, it can be asserted that the gas pumps would not pose a substantial danger to safety, fire, health, traffic, and flood; would not impair property values; would align with the Comprehensive Plan; and will not overtax public utilities or community facilities. Staff recommends approval subject to various conditions. **BACKGROUND:** Fox Creek Investment, LLC proposes to construct a convenience store with fuel pumps on a portion of a parcel of land located north of HWY 302, west of Fox Creek Dr., east of Creek Side Dr., and south of the houses along Fox Ridge Ln. A preliminary plat for the Fox Creek Marketplace Subdivision, wherein the property area is located was approved by the Mayor and Board of Aldermen on January 17, 2023. Per the plat, the development would be precisely on potential Lot 3 of the Fox Creek Marketplace Subdivision.

The application was tabled at the January 12, 2023 Board of (Zoning) Adjustment meeting to provide time for staff to research and determine whether the area proposed for the gas pumps accessory use is zoned for commercial uses. Staff has found and determined on the master layout plan of the site and its surrounding lots that the subject property area is the designated C-1, Neighborhood Commercial, in the Fox Creek Planned Unit Development. **RECOMMENDED MOTION:** Based on the Board of Adjustment finding that the request meets the criteria, approve a Conditional Use Permit (CUP) to allow fuel pumps as an accessory use to a convenience store at the northwest corner of the intersection of HWY 302 and Fox Creek Dr. subject to the following conditions:

- 1) Conditional Use approval is for 25 years (expiring February 9, 2048) per request of applicant.
- 2) Applicant shall provide a full set of civil, landscaping, photometric, and building elevations, and structural plans to City staff for review and administrative approval. Plans shall meet applicable development regulations of the City.
- 3) A 6ft high masonry or SimTek Ecostone Fence wall shall be provided at the rear of the “lot” to be developed, between the 20ft wide buffer and the 45ft wide access drive.
- 4) A minimum 20ft wide access drive shall be provided from the rear of the site to Creek Side Dr. The finished surface of the drive can be completed when the adjoining westerly site is developed in future.
- 5) The columns of the gas pumps canopy must be constructed of brick.
- 6) The property owner must remove the tree that has fallen from the site unto the rear yard of the adjoining property at 12935 Fox Ridge Ln and repair the broken fence area within forty five (45) days of approval of this Conditional Use Permit.
- 7) Any driveway from HWY 302 must be approved by the Mississippi Department of Transportation (MDOT).
- 8) All installations must meet applicable EPA and MDEQ standards and be approved by MDEQ accordingly.
- 9) The “Fox Creek” subdivision sign at the intersection of Fox Creek Dr. and HWY 302 shall be maintained at its current location without any destruction to the sign.
- 10) To the full extent possible, existing mature trees within the 20ft wide buffer from the rear property line, and which are not dead, should be maintained while evergreens should be added to enforce the buffer.
- 11) The business sign must be a monument sign, no greater than 12ft in height.
- 12) Security cameras must be installed on all sides of the building and in the gas pump canopy area.

- 13) No lights from the site shall spill onto the adjoining property. Footcandles at rear property line must be zero.
- 14) Applicant shall maintain compliance with applicable City codes and ordinances, including Fire Department inspections and compliance with the Property Maintenance Code of the City. Failure to maintain compliance could result in Board of Adjustment revocation of the CUP.

This concluded the staff report. Mr. Roman asked if there were any questions for staff and there were none. Mr. Roman asked if there was anyone to represent the application and recognized Ben Smith, 2700 Stonebrook, Nesbit, MS 38651. He wanted to say a few things. As far as he was aware, there was no convenience store in Desoto County without fuel pumps. He also advised that distribution of fuel is highly regulated by multiple State and Federal agencies. He provided FBI statistics regarding crime statistics and there is no significant change with the addition of fuel pumps. He presented property value statistics that there is no significant change in property values. Mr. Roman asked if there was anyone else to speak for the application and there were none. Mr. Roman asked if there was anyone to speak against the application and there none. Mr. Roman asked if there was any discussion among the Board members. Mr. Gray stated that he thought it would be a plus for the community. Ms. Wiseman stated that it would be convenient for both large subdivisions. **Aretha Wiseman made a motion, based on the Board of Adjustment finding that the request meets the criteria, approve a Conditional Use Permit (CUP) to allow fuel pumps as an accessory use to a convenience store at the northwest corner of the intersection of HWY 302 and Fox Creek Dr. subject to the following conditions:**

- 1) **Conditional Use approval is for 25 years (expiring February 9, 2048) per request of applicant.**
- 2) **Applicant shall provide a full set of civil, landscaping, photometric, and building elevations, and structural plans to City staff for review and administrative approval. Plans shall meet applicable development regulations of the City.**
- 3) **A 6ft high masonry or SimTek Ecostone Fence wall shall be provided at the rear of the "lot" to be developed, between the 20ft wide buffer and the 45ft wide access drive.**
- 4) **A minimum 20ft wide access drive shall be provided from the rear of the site to Creek Side Dr. The finished surface of the drive can be completed when the adjoining westerly site is developed in future.**
- 5) **The columns of the gas pumps canopy must be constructed of brick.**
- 6) **The property owner must remove the tree that has fallen from the site unto the rear yard of the adjoining property at 12935 Fox Ridge Ln and repair the broken fence area within forty five (45) days of approval of this Conditional Use Permit.**
- 7) **Any driveway from HWY 302 must be approved by the Mississippi Department of Transportation (MDOT).**
- 8) **All installations must meet applicable EPA and MDEQ standards and be approved by MDEQ accordingly.**
- 9) **The "Fox Creek" subdivision sign at the intersection of Fox Creek Dr. and HWY 302 shall be maintained at its current location without any destruction to the sign.**
- 10) **To the full extent possible, existing mature trees within the 20ft wide buffer from the rear property line, and which are not dead, should be maintained while evergreens should be added to enforce the buffer.**
- 11) **The business sign must be a monument sign, no greater than 12ft in height.**
- 12) **Security cameras must be installed on all sides of the building and in the gas pump canopy area.**
- 13) **No lights from the site shall spill onto the adjoining property. Footcandles at rear property line must be zero.**
- 14) **Applicant shall maintain compliance with applicable City codes and ordinances, including Fire Department inspections and compliance with the Property Maintenance Code of the City. Failure to maintain compliance could result in Board of Adjustment revocation of the CUP.**

William Gray made the second and the application was approved as follows:

Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Angela Cook – Yes Jeff Edler – Yes Carl Williams – Absent

NEW BUSINESS

1. Application for a Conditional Use Permit submitted by Mike Rikard on behalf of the DeSoto County School Board, property owner. The request is to extend the existing Conditional Use Permit allowing a classroom trailer for a period of 10 years. The 1.53+/- acre property is zoned M-2, Heavy Industrial District, and is located on the east side of Deerfield Dr, between Wildwood Dr. and Green Valley Dr, also known as 8890 Deerfield Dr (File # CU23-0001).
2. Application for a Conditional Use Permit submitted by Mike Rikard on behalf of the DeSoto County School Board, property owner. The request is to allow an additional classroom trailer for a period of 10 years. The 1.53+/- acre property is zoned M-2, Heavy Industrial District, and is located on the east side of Deerfield Dr, between Wildwood Dr. and Green Valley Dr, also known as 8890 Deerfield Dr (File # CU23-0002).

Mr. Roman announced New Business item number 1 and asked for the staff report. Mr. Gambone stated that items number 1 and 2 were regarding the same property and that there was an update to the recommended motion. There was a recommendation to table the 2 items until such time as the Desoto County School Board communicates a plan in response to the September 6, 2022 Resolution by the Mayor and Board of Aldermen for the City of Olive Branch.

Mr. Roman asked if there was anyone to speak for the application and there were none. **Mr. Gray made a motion to table the 2 items until such time as the Desoto County School Board communicates a plan in response to the September 6, 2022 Resolution by the Mayor and Board of Aldermen for the City of Olive Branch. Mr. Edler made the second and the motion to table was approved as follows:**

Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Angela Cook – Yes Jeff Edler – Yes Carl Williams – Absent

3. Application for a Conditional Use Permit submitted by Tom Lyons, Farmers Business Network, on behalf of MDH Partners, property owner. The request is to allow the processing and storage of chemicals, more specifically, the installation of a “herbicide dilution system” at this facility. The 9.2+/- acre subject property is zoned M-2, Heavy Industrial District, and is located on the north side of Marina Dr, west of Hacks Cross Rd, known as 10630 Marina Dr. (File # CU23-0003).

Mr. Roman announced New Business item number 3 and asked for the staff report. Mr. Gambone shared the following: **EXECUTIVE SUMMARY:** This application requests a Conditional Use Permit (CUP) for a 10 year term to allow the processing and storage of chemicals. Proposed is the installation of a “herbicide dilution system” within an existing 127,000 sq. ft. industrial building located on the north side of Mariana Dr. approximately ¼ mile west of Hacks Cross Rd. Although the primary chemical being used is not a fire or explosive hazard, the City’s Fire Chief has noted that the product is classified as a “corrosive” and extremely harmful to the environment if it were to break containment. Several conditions, including those suggested by the Fire Chief, have been incorporated into the recommended approval. These conditions of approval are intended to ensure sufficient review would be undertaken prior to installation of the dilution system and that the system would be adequately inspected during its construction. Thus, it would adhere to CUP criteria addressing the need for hazard mitigation and public health and safety. An alternative has also been provided.

BACKGROUND: The building spans two lots legally described as Lot Nos. 7 & 9 of the 1st Phase of the Holiday Industrial Park Section B subdivision, which was recorded in 1975. The property was annexed into Olive Branch in 1990. Tax records show the industrial building was constructed in 1994 and expanded in 1999 to its current size of 127,000 sq. ft. The property was purchased by the current owners, Farmers Business Network (FBN) on July 2, 2019. FBN reported that they have invested \$1.2 million to modernize the facility, which they currently use as a distribution center for herbicides and other farming products delivered throughout the mid south and delta regions.

As described in Exhibit 2, the applicant is seeking a 10-year Conditional Use Permit (CUP) to be able to install a skid-mounted “herbicide dilution” unit. The unit would allow FBN to obtain a concentrated version of the chemical and dilute it to a herbicide product that could be sold and distributed directly to farmers. The intent of the project is to improve the efficiency of the FBN operation. The applicant also states the concentrate is produced domestically and eliminates the need for importing.

The City’s regulations require a CUP for, “*the processing and storage of chemicals*” within the M-2, Heavy Industrial zoning district.

RECOMMENDED MOTION: Based on the Board of Adjustment finding that the request meets the 6 criteria, approve a Conditional Use Permit (CUP) to allow the processing and storage of chemicals, more specifically, the installation of a “herbicide dilution system” at 10630 Marina Dr., subject to the following conditions:

- 1) Conditional Use approval is for 10 years (expiring February 9, 2033) per request of applicant.
- 2) Applicant shall provide a commodity assessment as to the adequacy of the sprinkler system for the product. Fire Department review and approval of the assessment shall be required before issuance of a building permit to allow installation of the herbicide dilution unit.
- 3) Applicant shall provide evidence that the existing containment system (or proposed upgrades) is adequate to handle the runoff of any fire suppression system. Fire Department review and approval of the containment system shall be required before issuance of a building permit to allow installation of the herbicide dilution unit.
- 4) Approval is subject to Applicant paying or covering the City’s expense to hire a 3rd party to review and approve building construction plans for the herbicide dilution unit based on the 2018 IBC and IFC. The 3rd party would also conduct inspections as may be required during the herbicide dilution unit installation to ensure compliance with the IBC and to assist Fire Department inspectors in ensuring compliance with the IFC.
- 5) Approval is subject to approval of discharge permit modification by MDEQ and DCRUA for wastewater treatment at Metro plant. Discharge permit to be provided before issuance of a building permit to allow installation of the herbicide dilution unit.
- 6) Applicant shall maintain compliance with applicable City codes and ordinances, including Fire Department inspections. Failure to maintain compliance could result in Board of Adjustment revocation of the CUP.

ALTERNATIVE MOTION: Upon making a determination that additional information is needed to make a determination of adherence to the CUP criteria addressing the need for hazard mitigation and public health and safety, table the item until such time the following items are addressed:

- 1) Applicant provides a commodity assessment to the City’s Fire Department as to the adequacy of the sprinkler system for the product.
- 2) Applicant provides evidence to the City’s Fire Department that the existing containment system (or proposed upgrades) is adequate to handle the runoff of any fire suppression system.
- 3) Pre-approval of discharge permit modification by MDEQ and DCRUA.
- 4) Applicant agrees to pay or cover the City’s expense to hire a 3rd party to review building construction plans for the herbicide dilution unit.

- 5) 3rd party review of the building construction plans for the herbicide dilution unit contemplated under No. 4 are substantially complete.

This concluded the staff report. Mr. Roman asked if there were any questions for staff. Mr. Gambone stated he wanted to defer to the applicant to answer any questions that were of a technical nature. Mr. Roman asked if there was anyone to represent the application and recognized Tom Lyons, Farmers Business Network, 10630 Marina Dr, Olive Branch, MS 38654. He advised that he had a presentation of his own and that he was able to answer any questions that the Board members might have. He advised there had been no safety incidents since opening in October of 2021. He said the device that contains the process is completely self contained. The device is roughly 2000-2500 sq ft within the 127,000 sq foot floor. There are multiple safety precautions: it's a fully contained system, there is zero discharge, there are automated controls and automatic shutoffs, highly visible area and multiple design validations, including fire system density, building code review, and a structural review conducted by a licensed third-party engineering firm. Ms. Cowan asked if there were any other locations opened before Olive Branch. Mr. Lyons advised there were 20 other locations across the country. She asked if this was the only location with this system and Mr. Lyons advised that it would be the first, but the other locations would follow suit. She asked if suppliers were going to have issued and he advised that no, this was normally a common manual procedure. Mr. Gray asked if this would be mixing all 3 larger vats and distributing. Mr. Lyons advised that it was. Mr. Roman asked if they were already distributing in a diluted form and Mr. Lyons advised that was correct. Mr. Edler asked how many hours to dilute the mixture, would it be 8 hours or 24 hours and would someone be monitoring the process. Mr. Lyons advised it would be approximately 8 hours a day and there would be a dedicated employee to monitor. Mrs. Cook asked how often would safety tests be done by MDEQ. And if there was a case of corrosion, what affect would this have on neighboring businesses. Mr. Lyons did not have the answer for that at this time. Ms. Cowan asked where waste product would go, or would there literally be no waste at all. Mr. Lyons advised that was correct, there would be zero waste to dispose of. Ms. Wiseman asked to confirm that their primary customers were from the Delta that was 100-150 miles away. Mr. Lyons confirmed that. She asked how transport was secured. He advised they followed DOT requirements. Mr. Roman asked about a worst case scenario and a catastrophic failure, what were the plans for containment. He asked if there were procedures for spill clean-up. Mr. Lyons advised the design of the layout surrounding the device was chosen to contain all of the contents of the device itself. They would have a professional clean up company to clean up the entire area. There would be no escape of material outside of that buffer area. Ms. Cowan asked if this process was done anywhere else. Mr. Lyons advised it was a common procedure on a smaller scale. Mr. Roman asked Mr. Gambone would the main difference between the two motions. Mr. Gambone advised it depended on their comfort level. If the Board feels okay as it stands, they could go with the first motion which would delegate approval to the fire and planning departments as necessary. The alternative motion would allow the applicant to come back to see the Board again after the additional checks have been made. Ms. Cowan asked that if in 10 years would this grow into a larger operation with extended hours. Mr. Lyons advised that would be determined by the number of clients they had. **Mrs. Cook made a motion, upon making a determination that additional information is needed to make a determination of adherence to the CUP criteria addressing the need for hazard mitigation and public health and safety, table the item until such time the following items are addressed:**

- 1) Applicant provides a commodity assessment to the City's Fire Department as to the adequacy of the sprinkler system for the product.
- 2) Applicant provides evidence to the City's Fire Department that the existing containment system (or proposed upgrades) is adequate to handle the runoff of any fire suppression system.
- 3) Pre-approval of discharge permit modification by MDEQ and DCRUA.
- 4) Applicant agrees to pay or cover the City's expense to hire a 3rd party to review building construction plans for the herbicide dilution unit.
- 5) 3rd party review of the building construction plans for the herbicide dilution unit contemplated under No. 4 are substantially complete.

Ms. Wiseman made the second and the motion to table was approved as follows:

Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Angela Cook – Yes Jeff Edler – Yes Carl Williams – Absent

4. Application for a Conditional Use Permit submitted by Hector Santos, on behalf of property owner Calvin and Sophra. The request is to allow a diesel mechanic auto service shop at this location. The 0.46+/- acre subject property is zoned C-2, Highway Commercial District and is located at the southwest corner of Hwy 178 and Woodland Dr, known as 8411 Hwy 178. (File # CU23-0004).

Mr. Roman announced new item number 4 and asked for the staff report. Mr. Thomas shared the following: **BACKGROUND:** Hector Santos, the applicant, is requesting approval of a 20-year Conditional Use Permit (CUP) to allow a diesel mechanic auto service shop at the ±0.46 acres of land on the southwest corner of HWY 178 and Woodland Dr. The property is zoned C-2, Highway Commercial, and is designated “Commercial Corridor” according to the Future Land Use Map. The property is Lot 4 of the Woodland Lake subdivision and is currently the location of the Immaculate Landscape. The surrounding parcels are consistent in zoning and FLUM designation with the subject property, except for the abutting parcels located directly south of the property, which are zoned R-2, Single-Family Residential, and contain the Maywood Lake residential subdivision.

Article V, Sec. 9(B)(17) of the Zoning Ordinance permits “motor vehicle repair services” in the C-2 zoning district as conditional uses that require approval by the Board of Zoning Adjustment.

RECOMMENDED MOTION: Based on the following criteria, Staff recommends the Board deny the Conditional Use Permit for the diesel mechanic auto service shop at 8411 HWY 178 within Olive Branch, MS for twenty (20) years due to the following:

1. The lack of a site plan for Staff to accurately assess any proposed site improvements such as the proposed number of parking spaces, business hours, impervious surface ratio, and any screening or buffering needed.
2. The general welfare nuisances (fumes, noise levels, etc.) the use is expected to produce in-relation to the nearby residential area.
3. The use of an auto repair shop being uncharacteristic in nature to the nearby residential area.

ALTERNATIVE MOTION: approve the Conditional Use Permit for the diesel mechanic auto service shop at 8411 HWY 178 within Olive Branch, MS for twenty (20) years subject to the following conditions

1. A professionally-rendered site plan shall be provided and administratively review and approved by Staff.
2. All site improvements shall be the responsibility of the developer, and not the City of Olive Branch.
3. Any areas on the property used for the parking, storage, or where vehicles shall be driven on must be paved.
4. All vehicles being repair or stored on the property shall be concealed from view, either in the existing building or in the fenced-in side yard.
5. Any dilapidated or see-through fencing must be replaced by an opaque, 6’ in height wooden or composite fence. No chain-link fencing shall be allowed.
6. Any dilapidated or dead landscaping shall be replaced and properly maintained.
7. A 30’ landscaping buffer must be installed along the perimeter of the property that abuts the residential area.
8. Any signage shall meet the requirements of the Sign Ordinance of the City of Olive Branch. Off-premise advertising is not permitted. Ground mounted signs shall be monument.
9. Applicant shall provide evidence, and planning staff shall verify that there shall be sufficient number of parking spaces that meet the minimum requirements stipulated in the Zoning

Ordinance before a certificate of occupancy may be issued for the private school.

10. Before occupancy of the building, any existing utilities shall be verified and shall comply with the Building and Fire Codes of the City of Olive Branch. Such compliance must be maintained at all times.
11. If site modifications are applicable, a complete set of civil construction and building plans that meet all development regulations and standards of the City at a minimum shall be submitted to staff for administrative review and approval.

This concluded the staff report. Mr. Roman asked if there were any questions for staff and there were none. Mr. Roman asked if there was anyone to represent the application and recognized Hector Santos, 8411 Hwy 178, Olive Branch, MS 38654. Rigoberto Rodriguez offered to translate for Mr. Santos. He advised they were willing to do whatever needed to be done to get approval, even if they had to table the item. He asked if the applicant could get a permit to start working if the item was tabled. Mr. Asongayi advised that nothing related to auto repair could be done until the Conditional Use Permit was approved. He further advised that if they wanted to table, work on the site plan and come back, there was still no guarantee of approval by the Board. Mr. Gambone suggested they hear from the public before a determination was made by either the Board or the applicant. Mr. Roman asked if there was anyone to speak against the application and recognized Janice Lewis, 7885 Shahkoka Dr, Olive Branch, MS 38654. She advised she was the President of the Maywood Home Owners Association. She advised this neighborhood was developed in the 1920's around spring-fed lakes and was home to many animals and birds. The subject property abuts one end of Woodland Lake. She stated that the prior business contributed to the leakage of fertilizers and that was just a landscaping business. She feels a diesel shop would have much more hazardous contaminants that would increase environmental concerns. They also have a concern for noise pollution from the business. She states that one of the residents advised a wrecker dropped off a vehicle last night and that this location has been receiving vehicles for 3 weeks before this even came to be heard by the Board. They have another diesel shop on another side of the subdivision that they have already had problems with. Mr. Roman asked if there was anyone else to speak for or against the application and there was no one. Mr. Roman closed the item for discussion among Board members. Ms. Wiseman asked about Condition #9 and wondered if that was a typo since no school was involved. Mr. Thomas advised that was a typo. Mr. Edler asked if the adjacent property was included and that was confirmed. Mr. Roman said it doesn't seem like a good fit for that area, being that close to residential areas. Ms. Wiseman stated that the Conditions for the Alternative Motion seemed as if they would alleviate some concerns, should they choose that route. Ms. Cowan asked if the applicant would like to have time for this to be translated and have their wishes known. Mr. Edler said it's down to 2 options, table and give them time to get the site plan, or deny and possibly have them reapply at a later date. Mr. Gambone advised that the Board could choose to deny the application. He also stated that Code Enforcement was already aware that the applicant was in business. **Ms. Cowan made a motion, based on the presented criteria, to deny the Conditional Use Permit for the diesel mechanic auto service shop at 8411 HWY 178 within Olive Branch, MS for twenty (20) years due to the following:**

1. **The lack of a site plan for Staff to accurately assess any proposed site improvements such as the proposed number of parking spaces, business hours, impervious surface ratio, and any screening or buffering needed.**
2. **The general welfare nuisances (fumes, noise levels, etc.) the use is expected to produce in-relation to the nearby residential area.**
3. **The use of an auto repair shop being uncharacteristic in nature to the nearby residential area.**

Mr. Gray made the second the application was denied as follows:

**Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Angela Cook – Yes Jeff Edler – Yes Carl Williams – Absent**

OTHER BUSINESS

ADJOURNMENT

Mr. Roman stated there being no further business, could he entertain a motion to adjourn. Mr. Gray made a motion to adjourn, seconded by Mrs. Cook and the motion to adjourn the meeting at 7:40 p.m. was approved as follows:

**Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Angela Cook – Yes Jeff Edler – Yes Carl Williams – Absent**