

**MINUTES FOR THE CITY OF OLIVE BRANCH PLANNING COMMISSION
REGULAR MEETING FEBRUARY 14, 2023**

The Olive Branch Planning Commission meeting was held on Tuesday, February 14, 2023, in the Municipal Court Room located, at 6900 Highland Street, at 6:00 p.m.

CALL TO ORDER

The meeting was called to order by Mr. Dorr, Chairman of Planning Commission, at 6:00 p.m.

ROLL CALL

Pat Dorr, Donny Singh, Jim Schumpert, Dion Jones, Diane Senger and Kimberly Remak were present and a quorum was established. Steve Stratton was absent. Venard Asongayi, Assistant Director, Brad Thomas, Associate Planner, and Heather James, Planning Technician were present from the Planning and Development Department.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 10, 2023

Mr. Dorr asked if anyone had any questions, comments or motions regarding the minutes of the January 10, 2023. **Ms. Senger made a motion to approve the minutes as presented. Mrs. Remak made the second and the motion was approved as follows:**

Pat Dorr	Yes	Steve Stratton	Absent	Donny Singh	Yes	Dion Jones	Yes
Jim Schumpert	Yes	Kimberly Remak	Yes	Diane Senger	Yes		

CONSENT AGENDA

Mr. Dorr stated some items had been placed on the “Consent Agenda” that were considered routine and non-controversial in nature, so as not to necessarily warrant a full staff presentation and board discussion.

Mr. Dorr announced Consent Item number 1.

1. Application seeking Planning Commission approval to amend the Declaration of Covenants, Conditions and Restrictions (CC&R’s) for Le Jardin Subdivision (doing business as Stonecrest Homeowners Association) submitted by M. Wayne Mink, Jr., Dinkelspiel, Rasmussen & Mink, PLLC. The amendment seeks to add a rental restriction to the CC&R’s, which are privately enforced. The subject property is a 187-lot subdivision with lots fronting Stonecrest Drive connecting Pleasant Hill and Davidson Roads located within the R-3 Planned Residential zoning district. (File # SD23-0004).

BACKGROUND: The Declaration of Covenants, Conditions and Restrictions (CCR’s) for Le Jardin (renamed and developed as the “Stonecrest” Subdivision) were made an exhibit to the Project Text that the City approved in 2005 upon the rezoning. The version of the CCR’s attached to the Project Text contained a clause stating that, *“All amendments to these restrictive covenants must be approved by the Olive Branch Planning Commission before they become final and are recorded in the Chancery Clerk’s office.”* Language requiring Planning Commission approval for amendments was included in the CCR’s originally recorded in 2008 when the first phase of the subdivision was approved and in seven subsequent platting phases. Today, Stonecrest Subdivision is built-out, including 184 single family homes, a commonly owned clubhouse facility, and common open spaces for landscape buffers, private alleyways, and stormwater management facilities.

The Stonecrest Homeowners Association (HOA) is seeking to amend their CCR’s by adding a *“Prohibition Against Leasing”* which has been prepared by their counsel, Wayne Mink (*Exhibit 2*). Mr. Mink is asking for Planning Commission approval as required under, *“Article XI, Section 4 of the CCR’s”* (*Exhibit 3*).

RECOMMENDED MOTION: Approve the request to amend the Declaration of Covenants, Conditions and Restrictions (CC&R's) for Le Jardin Subdivision (doing business as Stonecrest HOA) to add a rental restriction. Applicant advised that a Project Text Amendment would need to be filed and approved by the City to delete the requirement for Planning Commission approval of any future amendments to the CCR's.

Mr. Dorr announced Consent Item number 2.

2. Application for a Final Plat submitted by Ezra Shen, Memphis Korean Church of Christ, property owner. The request is to create a one lot subdivision of 1.45 +/- acres, known as "Hyun Single Lot Minor Subdivision." The subject property is zoned A-R, Agricultural-Residential, and is located on the south side of Stateline Rd, between Hunter's Ridge Dr. and Fox Cove, known as 7595 Stateline Rd E. (File # SD23-0002).

EXECUTIVE SUMMARY: The applicant, Ezra Shen, on behalf of the property owner, Memphis Korean Church of Christ, requests approval of a final subdivision plat for a ±1.45ac un-platted parcel currently used as a Church at 7595 Stateline Rd E. The suggested lot is zoned A-R, Agricultural Residential, which permits a Church as a use-by-right. The applicant intends to make improvements to the building in future. The property adjoins Stateline Rd E., which is a public right-of-way. Public water, sewer, electricity, and gas are available currently on the property. The plat meets both zoning requirements and Subdivision Regulations. Staff recommends approval subject to various conditions.

RECOMMENDATION: Staff recommends approval of the Final Plat of "Hyun Single Lot Minor Subdivision," subject to the following conditions:

1. All improvements shall be the responsibility of the developer, not the City of Olive Branch.
2. Future improvements or development on the lot shall comply with the applicable requirements of the City's various land development regulations.
3. The use of the building for any purpose apart from single-family residential is subject to compliance with ADA requirements and parking requirements of the City of Olive Branch. All drive aisles and parking spaces must be paved.
4. Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) shall be installed underground.
5. The final plat must be recorded before a building permit may be issued for any renovations of the building and/or other development on the proposed lot.
6. Minor edits are applicable to the Final Plat as required by City regulations and deemed necessary by City staff.

Mr. Asongayi offered one correction to Consent Item number 2. The subdivision name needed to be changed to Memphis Korean Church of Christ Subdivision.

Mr. Dorr asked if anyone would like a full presentation of any of the consent items and there was no one. **Mr. Jones made a motion to approve Consent items 1 and 2, subject to all staff conditions, and including the correction to Consent item number 2. Mr. Singh made the second and the items were approved as follows:**

Pat Dorr	Yes	Steve Stratton	Absent	Donny Singh	Yes	Dion Jones	Yes
Jim Schumpert	Yes	Kimberly Remak	Yes	Diane Senger	Yes		

OLD BUSINESS

1. Application for a Zoning Map Amendment submitted by Byron Houston, Houston Engineering, on behalf of property owner Keith Sellers. The request is to rezone 57.44 +/- acres from A-R, Agricultural-Residential District to PUD, Planned Unit Development. The purpose is to establish The Lakes at Stateline, a Mixed Use Planned Unit Development. The subject property is located at the SE corner of Malone & Stateline Rd. (File # ZP22-0027). (*Tabled to this date at meeting of January 10, 2023*). (*Application Withdrawn by Applicant*)

Mr. Dorr announced Old Business number 1 and noted that it had been withdrawn by the applicant. The item will not be heard and no vote will be taken.

2. Application for a Final Plat submitted by Byron Houston, Houston Engineering on behalf of Church-Craft Rd Express LLC, property owner. The request is to create a one lot Commercial subdivision of 2.0 +/- acres. The subject property is zoned PUD, Planned Unit Development, and is located at the NE corner of Craft Rd and Church Rd. (File # SD23-0001). **(Tabled to this date at meeting of January 10, 2023).**

Mr. Dorr announced Old Business number 2 and asked for the staff report. Mr. Asongayi shared the following: **EXECUTIVE SUMMARY:** The applicant, Byron Houston, on behalf of the property owner, Church-Craft Rd Express LLC, requests approval of a final subdivision plat for a ±2.0ac Lot 1 of the Funderburk Planned Unit Development, Area 5 Subdivision. The potential use of the lot is for a C-Store with gas pumps, which is permitted in the project text as a use-by-right at this location. The Board of Aldermen approved an associated preliminary plat on January 17, 2023. The suggested lot meets the zoning requirements of the Funderburk PUD. Apart from water, all other utilities are available to the property. The property owner is working with the City towards a possible cost-sharing agreement to provide water to the proposed lot. Staff recommends approval, subject to various conditions. **BACKGROUND:** The applicant, Byron Houston, on behalf of the property owner, Church-Craft Rd Express LLC, requests approval of a final subdivision plat for a ±2.0ac Lot 1 of the Funderburk Planned Unit Development, Area 5 Subdivision. The potential use is for a C-Store with gas pumps, which is permitted in the project text as a use-by-right at this location. The Craft Rd/Church Rd intersection is signalized. The Board of Aldermen approved an associated preliminary plat on January 17, 2023, which consisted of four preliminary lots as shown in Figure 2 below. The subject application is a final plat for only Lot 1, not all the four preliminary lots. **RECOMMENDATION:** Staff recommends approval of the Final Plat for “Lot 1 of the Funderburk Planned Unit Development, Area 5 Subdivision”, subject to the following conditions:

1. Unless otherwise specified herein, all approval conditions of the preliminary plat for the Funderburk Planned Unit Development, Area 5 Subdivision, as ordered by the Mayor and Board of Aldermen on January 17, 2023 remain applicable to the subject lot.
2. All utility improvements shall be the responsibility of the developer. However, if agreed by the Mayor and Board of Aldermen, the property owners shall be responsible for contributing such financial amount as dictated by said agreement for the cost-sharing provision of public water to the subject lot.
3. Future development on the lot shall comply with the applicable requirements of the City’s various land development regulations.
4. Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) shall be installed underground.
5. All utility easement areas, private shared access easements, and permanent public easement for a 10ft wide trail shall be clearly designated and dedicated on the subdivision plat.
6. A note shall be placed on the plat providing for the private ownership and maintenance of the shared access easements that lie within the subject lot.
7. Before recordation of the subject plat, the bridge for trail crossing over Lick Creek and the 10ft wide trail section extending from Lots 1 to 4, as shown and approved in the preliminary plat of the Funderburk Planned Unit Development, Area 5, Subdivision must be completed. Alternatively, the property owner may complete a private agreement with the Funderburk Family, LP (or the owner(s) of surrounding preliminary Lots 2 to 4 of the subdivision) and provide to the City of Olive Branch an irrevocable financial guarantee of sufficient amount as will be determined by the City Engineer for the completion of these infrastructure.
8. The final plat must be recorded before a building permit may be issued for any development on the proposed lot.
9. Minor edits are applicable to the Final Plat as required by City regulations and deemed necessary by City staff.

This concluded the staff report. Mr. Dorr asked the Commissioners if there were any questions for staff and there were none. Mr. Dorr asked if there was anyone present to represent the application and recognized Byron Houston, PO Box 3087, Oxford, MS 38655. He had nothing to add to the report. Mr. Dorr asked if there were any questions for this applicant. Mr. Dorr asked if they were agreeable to all the conditions and Mr. Houston advised they were. Mr. Dorr if there was anyone else present in favor of the application and there was no one. Mr. Dorr asked if there was anyone present to speak in opposition of this application and there was no one. Mr. Dorr closed the item for discussion among commissioners. **Mrs. Remak made a motion to approve the Final Plat for “Lot 1 of the Funderburk Planned Unit Development, Area 5 Subdivision”, and recommend same to the Board of Aldermen, subject to the following conditions:**

1. **Unless otherwise specified herein, all approval conditions of the preliminary plat for the Funderburk Planned Unit Development, Area 5 Subdivision, as ordered by the Mayor and Board of Aldermen on January 17, 2023 remain applicable to the subject lot.**
2. **All utility improvements shall be the responsibility of the developer. However, if agreed by the Mayor and Board of Aldermen, the property owners shall be responsible for contributing such financial amount as dictated by said agreement for the cost-sharing provision of public water to the subject lot.**
3. **Future development on the lot shall comply with the applicable requirements of the City’s various land development regulations.**
4. **Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) shall be installed underground.**
5. **All utility easement areas, private shared access easements, and permanent public easement for a 10ft wide trail shall be clearly designated and dedicated on the subdivision plat.**
6. **A note shall be placed on the plat providing for the private ownership and maintenance of the shared access easements that lie within the subject lot.**
7. **Before recordation of the subject plat, the bridge for trail crossing over Lick Creek and the 10ft wide trail section extending from Lots 1 to 4, as shown and approved in the preliminary plat of the Funderburk Planned Unit Development, Area 5, Subdivision must be completed. Alternatively, the property owner may complete a private agreement with the Funderburk Family, LP (or the owner(s) of surrounding preliminary Lots 2 to 4 of the subdivision) and provide to the City of Olive Branch an irrevocable financial guarantee of sufficient amount as will be determined by the City Engineer for the completion of these infrastructure.**
8. **The final plat must be recorded before a building permit may be issued for any development on the proposed lot.**
9. **Minor edits are applicable to the Final Plat as required by City regulations and deemed necessary by City staff.**

Ms. Senger made the second and the motion was approved as follows:

Pat Dorr	Yes	Steve Stratton	Absent	Donny Singh	Yes	Dion Jones	Yes
Jim Schumpert	Yes	Kimberly Remak	Yes	Diane Senger	Yes		

3. Application for a Final Plat for Stateline Business Park Subdivision, Phase 2, submitted by Nick Kreunen, Civil Link, on behalf of Magnolia Properties, LP, property owner. The request is to divide 2.97+/- acres into 4 lots. The subject property is zoned M-1, Light Industrial District and is located on the southeast corner of Vista Cove and Alexander Rd. (File #SD22-0066). **(Tabled at meeting of December 13, 2022).**

Mr. Dorr announced Old Business number 3 and asked for the staff report. Mr. Thomas shared the following: **EXECUTIVE SUMMARY:** The applicant, Nick Kreunen, on behalf of Magnolia Properties, LP, the property owner, requests approval of a final plat for the Stateline Business Park Subdivision, Phase 2. The subject property is ±2.97 acres and currently vacant. The plat shows the subject property being divided into four (4) lots. The plat meets the regulatory zoning and lot requirements

and confirms substantially with the preliminary plat approved on April 19, 2022. Utilities shall be extended to the site. A 5' sidewalks shall be installed along Alexander Rd. Staff recommends approval of the final plat subject to multiple conditions. **BACKGROUND:** The applicant, Nick Kreunen, on behalf of Magnolia Properties, LP, the property owner, requests approval of a final plat for the Stateline Business Park Subdivision, Phase 2. The parcel is a vacant ±2.97 acres and was rezoned by the Board of Aldermen on July 19th, 2022 from M-2, Heavy Industrial to M-1, Light Industrial. A preliminary plat was also approved by the Board of Alderman on April 19, 2022. The subject application regarding the final plat was tabled at the December 2022 Planning Commission meeting for the developer to address infrastructure concerns. Construction plans for the extension of water and sewer to all proposed lots have been submitted to the City Engineering Department and review comments have been sent back to the plans designer for revisions to be made and resubmitted for approval. To fulfill City regulatory requirements, the subject property must be platted and recorded before any development may occur on the proposed lots. **RECOMMENDATION:** Staff recommends that the Planning Commission approve the final plat and recommend same to the Board of Aldermen, subject to the following:

1. The requirement for the property owner to construct a 5' wide sidewalk along the southern side of Vista Cove is waived.
2. In lieu of sidewalk construction along Vista Cove, the property owner shall construct a 5' wide sidewalk along the eastern side of Alexander Rd., connecting the adjoining sidewalk system beginning at 10015 Stateline Rd. E to the north and 9200 Alexander Rd. to the south of Vista Cove. This sidewalk along Alexander Rd shall be included in the subdivision construction plans.
3. Subdivision improvement construction plans must be approved by the City Engineer or designee before the plat can be recorded.
4. The property owner shall post with the City of Olive Branch an irrevocable financial guarantee of sufficient amount as will be determined by the City Engineer for all uncompleted public infrastructure improvements applicable to the subdivision, per the administratively approved civil construction plans, before the recordation of the plat.
5. Civil, landscaping, lighting, and building plans for construction on any or all lots shall comply with applicable land development regulations of the City of Olive Branch, and be submitted by the applicant for administrative approval by staff.
6. All lot improvements shall be the responsibility of the developer and not the responsibility of the City of Olive Branch.
7. Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) shall be installed underground.
8. Future development on the lot shall comply with the applicable requirements of the City's various land development regulations.
9. Minor edits are applicable to the Final Plat as required by City regulations and deemed necessary by City staff.
10. The final plat must be recorded before a building permit may be issued for any development on the proposed lot.

This concluded the staff report. Mr. Dorr asked the Commissioners if there were any questions for staff. Mr. Singh asked why the sidewalk requirement was waived. There will be a sidewalk on Alexander instead of Vista. Mr. Dorr asked if there was anyone present to represent the application and recognized Bob Farley, 235 W Chulahoma, Holly Springs, MS 38635. He had nothing to add to the report. Mr. Dorr asked if there were any questions for this applicant and there were none. Mr. Dorr if there was anyone else present in favor of the application and there was no one. Mr. Dorr asked if there was anyone present to speak in opposition of this application and there was no one. Mr. Dorr closed the item for discussion among commissioners. **Mr. Singh made a motion to approve the final plat and recommend same to the Board of Aldermen, subject to the following:**

1. The requirement for the property owner to construct a 5' wide sidewalk along the southern side of Vista Cove is waived.
2. In lieu of sidewalk construction along Vista Cove, the property owner shall construct a 5' wide sidewalk along the eastern side of Alexander Rd., connecting the adjoining sidewalk system beginning at 10015 Stateline Rd. E to the north and 9200 Alexander Rd. to the south of Vista Cove. This sidewalk along Alexander Rd shall be included in the subdivision construction plans.
3. Subdivision improvement construction plans must be approved by the City Engineer or designee before the plat can be recorded.
4. The property owner shall post with the City of Olive Branch an irrevocable financial guarantee of sufficient amount as will be determined by the City Engineer for all uncompleted public infrastructure improvements applicable to the subdivision, per the administratively approved civil construction plans, before the recordation of the plat.
5. Civil, landscaping, lighting, and building plans for construction on any or all lots shall comply with applicable land development regulations of the City of Olive Branch, and be submitted by the applicant for administrative approval by staff.
6. All lot improvements shall be the responsibility of the developer and not the responsibility of the City of Olive Branch.
7. Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) shall be installed underground.
8. Future development on the lot shall comply with the applicable requirements of the City's various land development regulations.
9. Minor edits are applicable to the Final Plat as required by City regulations and deemed necessary by City staff.
10. The final plat must be recorded before a building permit may be issued for any development on the proposed lot.

Ms. Senger made the second and the motion was approved as follows:

Pat Dorr	Yes	Steve Stratton	Absent	Donny Singh	Yes	Dion Jones	Yes
Jim Schumpert	Yes	Kimberly Remak	Yes	Diane Senger	Yes		

NEW BUSINESS

1. Application for a Final Plat submitted by VCS Holdings, Inc, property owner. The request is to create 3 commercial lots from 9.8 +/- acres. The subject property is zoned C-2, Highway Commercial, and is located in the southwest quadrant of the Hwy 78-Hwy 305 interchange on the west side of W Sandidge Rd. (File SD23-0003). *(Application Withdrawn by Applicant)*.

Mr. Dorr announced New Business number 1 and noted that it had been withdrawn by the applicant. The item will not be heard and no vote will be taken.

OTHER BUSINESS

Mr. Dorr asked about the items they were given before the meeting. Mr. Asongayi advised these were the Commissioners' copies of the finalized update to the 2040 Comprehensive Plan and the approved update to the existing Zoning Code. Mr. Asongayi also advised the Commissioners that he would be presenting an update on the changes to the Zoning Code he was working on at the next meeting.

ADJOURNMENT

Mr. Singh made a motion to adjourn the meeting at 6:29 pm. Mrs. Remak made the second and the motion was approved as follows:

Pat Dorr	Yes	Steve Stratton	Absent	Donny Singh	Yes	Dion Jones	Yes
Jim Schumpert	Yes	Kimberly Remak	Yes	Diane Senger	Yes		