

**MINUTES FOR THE CITY OF OLIVE BRANCH PLANNING COMMISSION
REGULAR MEETING SEPTEMBER 12, 2023**

The Olive Branch Planning Commission meeting was held on Tuesday, September 12, 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, Kimberly Remak, Diane Senger, and Steve Stratton were present and a quorum was established. Dion Jones and Jim Schumpert, were absent. Jason Gambone, Director, Venard Asongayi, Assistant Director, Jeremiah McCroskey, Associate Planner, 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 AUGUST 8, 2023

Mr. Dorr asked if anyone had any questions, comments or motions regarding the minutes of the August 8, 2023. **Mrs. Remak made a motion to approve the minutes as presented. Ms. Senger made the second and the motion was approved as follows:**

Pat Dorr	Yes	Steve Stratton	Yes	Donny Singh	Yes	Dion Jones	Absent
Jim Schumpert	Absent	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.

1. Application for the 1st Revision of Garner Commercial Subdivision, Lots 1 & 3, submitted by Bob Farley, on behalf of property owner CADA LLC. The request is to revise the lot line between Lot 1 and Lot 3. The 10.28+/- subject property is zoned M-1, and is located at the end of Stateline Rd #, east of Yahweh Dr. and on the south side of Hwy 178, known as 6860 Stateline Rd E. (File # SD23-0034).

Mr. Dorr announced Consent Agenda Item Number 1. **EXECUTIVE SUMMARY:** Carl Sookraj, CADA LLC, represented by Robert Farley, Farley Surveying LLC, requests to replat the Garner Commercial Subdivision, Lots 1 & 3. The intent of the replat is to shift the internal lot lines of Lot 1 and Lot 3. The request is supported by the Comprehensive Plan 2040; the Future Land Use Map designates the property as Industrial / Distribution. **RECOMMENDATION:** Staff recommends that the Planning Commission approve the final plat and recommend same to the Board of Aldermen, subject to the following:

1. 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.
2. All lot improvements shall be the responsibility of the developer and not the responsibility of the City of Olive Branch.
3. A 15 ft. wide sewer easement shall be provided across Lot 3 for the benefit of Lot 1 before recordation of the subdivision plat, to provide for the possible future extension of sewer from the end of Stateline Rd. E. to Lot 1.
4. Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) shall be installed underground.
5. Development on the lot shall comply with the applicable requirements of the City's various land development regulations.

6. Minor edits are applicable to the Final Plat as required by City regulations and deemed necessary by City staff.
7. The final plat must be recorded before a building permit may be issued for any development on the proposed lot.

2. Application to vacate a portion, 0.28+/- acres, of Lot 8 of Wisewoods Subdivision, Section B, submitted by Robbie Jones, Jones-Davis & Assoc Inc, on behalf of property owner Bonnie Wiseman. The subject property is zoned R-2, Single-Family Residential District, and is located at the end of Wiseman Drive, on the south side of the road. (File #SD23-0036).

Mr. Dorr announced Consent Agenda Item Number 2. **EXECUTIVE SUMMARY:** Robbie Jones, Jones-Davis & Assoc Inc, on behalf of property owner Bonnie Wiseman, request to vacate 0.28± acre portion of Lot 8 of Wisewoods Subdivision, Section B and incorporate the area into the John and Helen Wiseman Family subdivision, which was approved by the Board of Aldermen on June 20, 2023 but has not been recorded because of the need for this vacation. Staff recommends approval to vacate a portion of Lot 8 of the Wisewoods subdivision. **RECOMMENDATION:** Staff recommends to vacate a 0.28± portion of Lot 8 of the Wisewoods subdivision for the purpose of absorbing the vacated acreage into the John and Helen Wiseman Family subdivision.

Mr. Dorr asked if anyone would like a full presentation of the consent item and there was no one. **Ms. Senger made a motion to approve the recommended motions for Consent items 1 & 2, subject to all staff conditions. Mr. Stratton made the second and the items were approved as follows:**

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

OLD BUSINESS

1. Application for Project Text and Development Plan for Robinson Crossing Commerce Center Planned Commercial Development, submitted by Stephen Steinbach, UrbanInsites LLC on behalf of Barry Bridgforth, Bridgforth RR Heirs, property owner. The purpose is to establish the Robinson Crossing Commerce Center, a 92.0 +/- acre commercial development. The subject property is zoned C4, Planned Commercial District, and is located at the northeast corner of Pleasant Hill and Church Rd. (File #ZP23-0002).

Mr. Dorr announced Old Business Item number 1 and asked for the staff report. Mr. McCroskey shared the following: **EXECUTIVE SUMMARY:** Following the August 8, 2023 recommendation to table the application by the Planning Commission, the applicant has made significant material changes, including, but not limited to access to the site impacted by the Pleasant Hill right-of-way, dedication of right-of-way, installation of curb gutters, and sidewalks, incorporation of a future traffic study, comments/conditions from the original staff report (i.e. uses - auto repair, C-store w/gas); architectural language. Also to include the directed conditions from Dir. Gambone 8/24/23 email to Urbaninsites. Stephen Steinbach, on behalf of Bridgforth RR Heirs – the property owner (not developer), requests consideration of a Preliminary Development Plan and associated Project Text for the Robinson Crossing Commerce Center Planned Commercial Development, which will include a variety of commercial land uses, including traditional retail, special purpose commercial, services/financial, hospitality, etc. uses. Apart from a certain intent to develop a gas station at the Church Rd/Pleasant Hill intersection, the development of the rest of the property is speculative at this time. Accessibility within the site will be through private drives. Sandidge Rd and Latham Dr. street improvements will be necessary to support commercial traffic. Right-of-way dedication to the City will be needed to enable the Pleasant Hill Rd redevelopment. Public utility lines such as water and sewer are available to the property. Preliminary and final platting will be required. Staff recommends conditional approval. **RECOMMENDATION:** Based on the finding that the Planned Commercial Development standards have been met, approve and recommend that the Board of Aldermen approve the project text and associated preliminary development plan for Robinson Crossing Commercial Center Planned Commercial subject to the following conditions:

- 1) Revise the project text to eliminate motor vehicle service, repair as a use in Areas 1 and 2.
- 2) Gas pump canopy and all gas pumps shall be located in the back of the building. Revised master plan must be revised reflecting these plans and must be submitted to staff of the City of Olive Branch before this application can be considered by the Board of Aldermen.
- 3) Revise note on master plans that the northernmost Pleasant Hill drive ingress/egress drive is LEFT IN / RIGHT IN / RIGHT OUT as this is a directional median per plans.
- 4) All improvements shall be the responsibility of the developer and not the City of Olive Branch.
- 5) Preliminary plats shall include cross-sections for the widening of the roads the lots front on. Such sections shall be recommended by the City Engineer.
- 6) The final plat(s) must be approved by the City of Olive Branch and recorded before a building permit may be issued for construction on any portion of the property.

This concluded the staff report. Mr. Dorr asked the Commissioners if there were any questions for staff. Mrs. Remak asked why there was a condition to move the gas pumps to the back of the building. Mr. McCroskey advised that was added from the discussion at the last meeting. Mr. Singh asked if it was a requirement of a Conditional Use Permit that the locations be at diagonals across an intersection. Mr. Asongayi advised the Conditional Use Permit requirement only provides a limit of 2 at a 4-way intersection. Mr. Singh asked if they needed to obtain a Conditional Use Permit. Mr. Asongayi advised that when creating a Project Text, the Conditional Use Permit is not necessary unless the Board of Aldermen requires it. The same research goes into both applications and the same criteria must be met for both as well. Mr. Dorr asked if there was anyone present to represent the application and recognized Steven Steinbach, UrbanInsites, 7825 Tumbling Creek Dr, Millington, TN 38053. He advised that he agreed with all conditions except number 2 regarding the gas pump placement. He doesn't understand the change and requirement for this placement. He stated that it places a larger burden on the property owner. He advised that he has representatives of the Convenience store, Ran Management, and their Engineer, Byron Houston in attendance. Mr. Dorr asked if there were any questions for the applicant. Mr. Singh asked Ran Management and Mr. Houston if they were building another location just a few miles down this same street, but in Southaven. Mr. Dorr recognized Byron Houston, Houston Engineering, PO Box 3087, Oxford, MS 38655 and Dwight Barker, Ran Management, 5195 Summer Wind Lane, Arlington, TN 38002. Mr. Singh asked if they knew where those pumps were located. Mr. Houston advised it was not familiar that project, and he wasn't sure. Mr. Singh stated that they were in the rear of the building and was asking why there was a reluctance here to move them when the other intersection faces the same traffic challenges as this location. Mr. Houston asked to confirm that it was in Southaven and stated that he wasn't familiar with that project and there may be more requirements that the city had mandated there. He also stated that his client advised that of their other similar locations, they have been advised by customers, especially elderly customers and women customers, that for a safety issue, they aren't as willing to stop for fuel if the pumps are hidden behind the building. They prefer the pumps in the front so that there is more visibility and any potential threats would be seen by other people more quickly. Mr. Singh asked staff if the recent approval of the Project Text at the Church and Craft that included a gas station also included language requiring the pumps in the rear. Mr. Asongayi advised it did not, but that Lick Creek made that option not feasible. He did point out that another Project Text at Ross and Church did include that language because there was sufficient area for that. Mr. Singh asked if the Planning Staff were thinking about making that a requirement in the future. Mr. Asongayi advised that the update to the zoning ordinance is currently under development and if the Planning Commission would like to include that language as a condition, that's an option for them to submit to the Mayor and Board of Aldermen to approve with those updates. Mr. Singh is just concerned that the same developer with essentially the same project, at two different locations, less than two miles apart, in different jurisdictions, has no problem with placing the pumps in the rear down the road, but wants to have them remain in the front here and takes exception to the condition of moving them to the back. Mr. Steinbach advised that it is a competitive disadvantage to require the pumps in the back. Having the canopy in the rear works in some areas. He states that if the guidelines are going to be changed for approval, then the developer needs to be made aware of that. He respectfully asks that they consider removing that condition as it

was not an initial condition of approval. 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 and recommend that the Board of Aldermen approve the project text and associated preliminary development plan for Robinson Crossing Commercial Center Planned Commercial subject to the following conditions:**

- 1) **Revise the project text to eliminate motor vehicle service, repair as a use in Areas 1 and 2.**
- 2) **Revise note on master plans that the northernmost Pleasant Hill drive ingress/egress drive is LEFT IN / RIGHT IN / RIGHT OUT as this is a directional median per plans.**
- 3) **All improvements shall be the responsibility of the developer and not the City of Olive Branch.**
- 4) **Preliminary plats shall include cross-sections for the widening of the roads the lots front on. Such sections shall be recommended by the City Engineer.**
- 5) **The final plat(s) must be approved by the City of Olive Branch and recorded before a building permit may be issued for construction on any portion of the property.**

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

Pat Dorr	Yes	Steve Stratton	Yes	Donny Singh	No	Dion Jones	Absent
Jim Schumpert	Absent	Kimberly Remak	Yes	Diane Senger	Yes		

2. Application for the Final Plat for the Neighborhood at Belle Pointe, Sec B, submitted by Joe Frank Lauderdale, on behalf of property owners, Whitten Heirs, LLC. The request is to divide 23.77+/- acres into 25 residential lots and 1 common open space. The subject property is zoned PUD, Planned Unit Development, and is located north of Summer Pointe Dr, east of East Point Dr and will connect the 2 sections of Malone Rd to the north and south. (File #SD23-0032).

Mr. Dorr announced Old Business Item number 2 and asked for the staff report. Mr. Gambone shared the following: **EXECUTIVE SUMMARY:** This application is seeking Final Plat approval for 25-lot Section B of The Neighborhood at Belle Pointe subdivision, which is the 2nd phase in the Planned Unit Development (PUD). Section B is located at the City's western boundary line shared with Southaven. Most notable about this phase of the subdivision is that it includes a segment of Malone Road that will complete its connection southward to Church Road. Subdivision infrastructure also includes a traffic circle within a proposed common open space at Winter Pointe Drive and Malone Road and an 8' wide pedestrian trail that will be installed along the eastern side of Malone Road as homes are constructed. After the Preliminary Plat was approved on February 18, 2020, two stormwater retention ponds were added to the design and have been constructed. However, these facilities are not sufficiently addressed in the Final Plat application. Furthermore, there is a need to replant the 40' wide landscape buffer along the northeast side of the project. It is recommended the Planning Commission table the application until these items are addressed. **RECOMMENDED MOTION:** Table the application for Section B of The Neighborhood at Belle Pointe Subdivision to subdivide 23.77 +/- acres into 25 lots and 1 Common Open Space along the extension of Malone Road until such time the applicant addresses Condition Nos. 1, 2, & 3 in a resubmittal.

1. The entire retention pond facilities need to be placed in easements in favor of the Neighborhood at Belle Pointe Homeowners Association (HOA) or placed into common open spaces dedicated to the HOA for ownership and maintenance. Access from the public right-of-way (along with any above ground swales or below ground drainage facilities directing water into the ponds) can be part of the common open spaces, or put into easements. It will need to be stated in any such easements that they cannot be restricted by fencing or other obstructions to block stormwater flow or access. But regardless of the option selected, access to be able to provide maintenance is required.
2. Provide a plan to replant the required 40' wide landscape and public access easement on the rear of Lot 30. Show the location of plantings and the 8' wide pedestrian trail extended eastward across the rear of the lot.
3. Provide a landscape plan for the traffic circle (COS B42).

4. Upon completion of homes on Lots 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, & 40, the developer shall be responsible to construct the 8' wide pedestrian trail to the specifications of the City Engineer. The trail shall be tied back into the pavement of Malone Road and not terminate in a grass area at Lot 30.
5. The sections of Summer Pointe Drive and Winter Pointe Drive located to the east of Malone Road that are proposed to be stubbed out is to be designed and constructed as an urban section, with a curb and gutter transition. Sidewalks on the south side of Lot 37 and the north side of Lot 38 and the south side of Lot 30 and the north side of Lot 31 shall be required to be constructed with new homes. Said sidewalks shall connect to the 8' wide pedestrian trail and terminate at that point.
6. Applicant advised that conditions of approval from the January 19, 2021 Board Order remain valid.
7. Final Plat subject to review of the City Engineer and will not be recorded until such time that Engineering Inspections have been completed.

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 there was no one. Mr. Dorr asked if there were any questions for the applicant and there were none. Mr. Dorr asked if there was anyone else to speak for this 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. Stratton made a motion to Table the application for Section B of The Neighborhood at Belle Pointe Subdivision to subdivide 23.77 +/- acres into 25 lots and 1 Common Open Space along the extension of Malone Road until such time the applicant addresses Condition Nos. 1, 2, & 3 in a resubmittal.**

1. The entire retention pond facilities need to be placed in easements in favor of the Neighborhood at Belle Pointe Homeowners Association (HOA) or placed into common open spaces dedicated to the HOA for ownership and maintenance. Access from the public right-of-way (along with any above ground swales or below ground drainage facilities directing water into the ponds) can be part of the common open spaces, or put into easements. It will need to be stated in any such easements that they cannot be restricted by fencing or other obstructions to block stormwater flow or access. But regardless of the option selected, access to be able to provide maintenance is required.
2. Provide a plan to replant the required 40' wide landscape and public access easement on the rear of Lot 30. Show the location of plantings and the 8' wide pedestrian trail extended eastward across the rear of the lot.
3. Provide a landscape plan for the traffic circle (COS B42).
4. Upon completion of homes on Lots 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, & 40, the developer shall be responsible to construct the 8' wide pedestrian trail to the specifications of the City Engineer. The trail shall be tied back into the pavement of Malone Road and not terminate in a grass area at Lot 30.
5. The sections of Summer Pointe Drive and Winter Pointe Drive located to the east of Malone Road that are proposed to be stubbed out is to be designed and constructed as an urban section, with a curb and gutter transition. Sidewalks on the south side of Lot 37 and the north side of Lot 38 and the south side of Lot 30 and the north side of Lot 31 shall be required to be constructed with new homes. Said sidewalks shall connect to the 8' wide pedestrian trail and terminate at that point.
6. Applicant advised that conditions of approval from the January 19, 2021 Board Order remain valid.
7. Final Plat subject to review of the City Engineer and will not be recorded until such time that Engineering Inspections have been completed.

Mrs. Remak made the second and the motion was approved as follows:

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

NEW BUSINESS

1. Application for a Preliminary Plat for Scope Subdivision, submitted by Chad Fischer, Focal Point Investments, property owner. The request is to subdivide 15.89+/- acres into 3 lots. The subject property is zoned M-1, Light Industrial District and is located on the northwest side of Old Craft Road and the southwest side of HWY 178, known as 8690 and 8700 Old Craft Road. (File #SD23-0038).

Mr. Dorr announced New Business Item number 1 and asked for the staff report. Mr. Gambone advised there was a new recommendation since the staff reports were distributed. He shared the following: **EXECUTIVE SUMMARY:** This application seeks Preliminary Plat approval to subdivide 15.89+/- acres into 3 industrial lots. It is recommended that the application be tabled until such time it is revised to show right-of-way dedication for Old Craft Road as well as a cross section showing improvements to widen Old Craft Road. In its current condition, the facility is substandard to accommodate truck traffic that would be generated by industrial development on the proposed lots.

REVISED RECOMMENDED MOTION: Recommend that the Board of Aldermen approve the Preliminary Plat application to subdivide 15.89+/- acres into industrial lots, subject to the following conditions:

1. Revise Preliminary Plat drawing to make the remainder piece of land on the east side of Old Craft Road right-of-way either Lot No. 4 or right-of-way.
2. Improvements to be the responsibility of the developer and not the responsibility of the City of Olive Branch.
3. Future applications for development shall comply with the requirements of the City's Zoning Code, Design Review Ordinance, and Subdivision regulations.
4. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, sidewalks (required along Polk Lane), curb and gutter for all streets, and gravel or soil cement base, and asphalt for all streets, with the thickness and layering to be determined by the City Engineer. A performance guarantee, in an amount set by the City Engineer, must be filed prior to recording the plat to insure the installation of all of the improvements prior to issuance of any building permit for any lot on the property.
5. Unless otherwise specified, future applications for development shall include burial of all utilities and services (electric, telephone, cable, etc.). The TVA transmission line is excepted and remains overhead.
6. Final Plat subject to review of the City Engineer and minor edits.

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 Kyle Ham, Signal Source, 8888 Mid South Dr, Olive Branch, MS 38654. He had nothing to add to the report. Mr. Dorr asked if there were any questions for the applicant and there were none. Mr. Dorr asked if there was anyone else to speak for this 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 Preliminary Plat application to subdivide 15.89+/- acres into industrial lots, subject to the following conditions:**

1. **Revise Preliminary Plat drawing to make the remainder piece of land on the east side of Old Craft Road right-of-way either Lot No. 4 or right-of-way.**
2. **Improvements to be the responsibility of the developer and not the responsibility of the City of Olive Branch.**
3. **Future applications for development shall comply with the requirements of the City's Zoning Code, Design Review Ordinance, and Subdivision regulations.**
4. **The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, sidewalks (required along Polk Lane), curb and gutter for all streets, and gravel or soil cement base, and asphalt for all streets, with the thickness and layering to be determined by the City Engineer. A performance guarantee, in an amount set by the City Engineer, must be filed prior to recording the plat to insure the installation of all of the improvements prior to issuance of any building permit for any lot on the property.**

5. Unless otherwise specified, future applications for development shall include burial of all utilities and services (electric, telephone, cable, etc.). The TVA transmission line is excepted and remains overhead.

6. Final Plat subject to review of the City Engineer and minor edits.

Mr. Singh made the second and the motion was approved as follows:

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

2. Application for a Final Plat for Acree Commercial Development Subdivision, Phase 2, submitted by Harvey Matheny, the Pickering Firm, on behalf of David & Sons Properties, LLC, property owner. The request is to create 3 commercial lots and 1 COS from 4.93+/- acres. The subject property is zoned C-4, Planned Commercial District, and is located at the southwest corner of Hwy 302 and Craft Rd. (File # SD23-0035).

Mr. Dorr announced New Business Item number 2 and asked for the staff report. Mr. Asongayi shared the following: **EXECUTIVE SUMMARY:** Harvey Matheny, on behalf of the property owner, David & Sons Properties, request approval of the final plat for Acree Planned Commercial Development, Phase 2, which would create three commercial lots from a ±4.934 acres vacant subject property west of Craft Rd. N. and south of Goodman Rd. The final plat aligns with the preliminary plat that was approved by the Board of Aldermen on May 16, 2023. James Herbert Dr. has not yet been extended, and the new road to be extended northward from this street to Goodman Rd has also not been constructed. Utility infrastructure to serve the proposed lots have likewise not been constructed. However, the City Engineer has reviewed the subdivision infrastructure construction plans and determined them to be approvable pending a stormwater management permit from the Mississippi Department of Environmental Quality (MDEQ). Approval of construction plans enables the setting of an amount for a letter of credit that the developer must provide to the City for the completion of intended public infrastructure before recordation of the final plat. Plat recordation will essentially create “paper streets” until the roads are built. Staff recommends approval subject to various conditions. **RECOMMENDATION:** Staff recommends that the Planning Commission approve the final plat for Phase 2 of the Acree Planned Commercial Development Subdivision and recommend same to the Board of Aldermen subject to the following:

1. Improvements shall be the responsibility of the developer and not the responsibility of the City of Olive Branch. It shall further be the responsibility of the developer to obtain all necessary permits from applicable State of Mississippi Departments or other government agencies for grading and the completion of necessary improvements.
2. All approval conditions of the preliminary plat are maintained.
3. The developer shall post a letter of credit with the City of Olive Branch, of such amount as shall be determined by the City Engineer, sufficient to guarantee the completion of all uncompleted public infrastructure plus a 25% contingency, before recordation of the final plat.
4. An occupancy certificate shall not be issued for any development on proposed Phase 2 Lot 1 and Phase 2 Lot 2 until the first lift of asphalt has been laid on all streets or street sections included in the Acree Planned Commercial Development Subdivision, Phase 2.
5. A building permit shall not be issued for construction Phase 2 Lot 3 until the first lift of asphalt has been laid on all streets or street sections included in the Acree Planned Commercial Development Subdivision, Phase 2.
6. A name for “Street A”, vetted and approved by E911, must be specified on the subdivision plat before its consideration by the Mayor and Board of Aldermen.

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 Harvey Matheny, The Pickering Firm, 6363 Poplar Ave, Ste 300, Memphis, TN 38119. He had nothing to add to the report. Mr. Dorr asked if there were any questions for the applicant. Mrs. Remak asked if there were future plans for the acreage on the west end. Mr. Matheny advised that James Herbert Drive would be extended to connect to Hamilton Circle and stated that MDOT had agreed to allow 3 access points from Goodman Rd. Mr. Dorr asked if there was anyone else to speak for this 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. Stratton made a motion to approve the final plat for Phase 2 of the Acree Planned Commercial Development Subdivision and recommend same to the Board of Aldermen subject to the following:**

1. **Improvements shall be the responsibility of the developer and not the responsibility of the City of Olive Branch. It shall further be the responsibility of the developer to obtain all necessary permits from applicable State of Mississippi Departments or other government agencies for grading and the completion of necessary improvements.**
2. **All approval conditions of the preliminary plat are maintained.**
3. **The developer shall post a letter of credit with the City of Olive Branch, of such amount as shall be determined by the City Engineer, sufficient to guarantee the completion of all uncompleted public infrastructure plus a 25% contingency, before recordation of the final plat.**
4. **An occupancy certificate shall not be issued for any development on proposed Phase 2 Lot 1 and Phase 2 Lot 2 until the first lift of asphalt has been laid on all streets or street sections included in the Acree Planned Commercial Development Subdivision, Phase 2.**
5. **A building permit shall not be issued for construction Phase 2 Lot 3 until the first lift of asphalt has been laid on all streets or street sections included in the Acree Planned Commercial Development Subdivision, Phase 2.**
6. **A name for "Street A", vetted and approved by E911, must be specified on the subdivision plat before its consideration by the Mayor and Board of Aldermen.**

Mrs. Remak made the second and the motion was approved as follows:

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

3. Application to amend the Preliminary Plat for The Villages at Southbranch Subdivision, Phase 1, submitted by Henry Porter, W. H. Porter Consultants, PLLC, on behalf of Michaelle Terhune, Southbranch Development LLC, property owner. The request is to add a common open space (COS E504) and surrounding road sections from initially planned Phase 5 to Phase 1. The subject property is zoned R-3, Planned Residential District, and is located on the east side of Pleasant Hill Rd N, between Stonecrest Dr. and Braham Dr. (File # SD22-0018).

Mr. Dorr announced New Business Item number 3 and asked for the staff report. Mr. Asongayi shared the following: **EXECUTIVE SUMMARY:** The Preliminary Plat for Phase 1 of the Villages at Southbranch Subdivision was approved by the Board of Aldermen on April 19, 2022, consisting of a ±49.456 acres vacant lot area. Henry Porter, on behalf of the property owner, Southbranch Development, LLC, requests amendment of this preliminary plat to extend Braham Dr further to Common Open Space (COS) No.5 (COS "E504"), to add the 1.841ac area of this common open space and the roads around it to Phase 1, and to relocate to this COS the private subdivision swimming pool amenity that was initially proposed in COS "A500" so as to position the pool along a less busy road and in a more central area of the subdivision. The plat meets Subdivision Regulations requirements. Staff recommends approval subject to various conditions. **RECOMMENDATION:** Staff recommends that the Planning Commission approve the preliminary plat amendment for The Villages at Southbranch Subdivision, Phase 1 and recommend same to the Board of Aldermen subject to the following:

1. Improvements shall be the responsibility of the developer and not the responsibility of the City of Olive Branch.
2. All conditions of approval of the preliminary plat as ordered by the Board of Aldermen on April 19, 2022 are maintained.

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 Henry Porter, W.H. Porter & Company, 6066 Primacy Pkwy, Memphis, TN 38119. He had nothing to add to this report. Mr. Dorr asked if there were any questions for the applicant and there were none. Mr. Dorr asked if there was anyone else to speak for this 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. **Ms. Senger made a motion to approve the preliminary plat amendment for The Villages at Southbranch Subdivision, Phase 1 and recommend same to the Board of Aldermen subject to the following:**

1. **Improvements shall be the responsibility of the developer and not the responsibility of the City of Olive Branch.**
2. **All conditions of approval of the preliminary plat as ordered by the Board of Aldermen on April 19, 2022 are maintained.**

Mr. Singh made the second and the motion was approved as follows:

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

4. Application for a Final Plat of The Villages at Southbranch Subdivision, Phase 1A, submitted by Henry Porter, W.H. Porter Consultants, PLLC, on behalf of Michaelle Terhune, Southbranch Development LLC, property owner. The request is to create 47 residential lots and 4 COS from 33.74 +/- acres. The subject property is zoned R-3, Planned Residential District, and is located on the east side of Pleasant Hill Rd N, between Stonecrest Dr and Braham Dr. (File #SD23-0037).

Mr. Dorr announced New Business Item number 4 and asked for the staff report. Mr. Asongayi advised an update to the recommendation. He stated that the new plat cannot be approved if the construction plans for the infrastructure have not been approved. However, those plans have been submitted. The review is not complete at this time. He advised the Commissioners can either table the application until that has been done, or recommend approval with 1 additional condition, stating that the City Engineer must approve the construction plans for the infrastructure before this is presented to the Board of Aldermen for their decision. He shared the following: **EXECUTIVE SUMMARY:** Henry Porter, on behalf of the property owner, Southbranch Development, LLC, requests approval of the final plat for Phase 1A of the Villages at Southbranch Planned Development Subdivision, which will consist of 47 single family residential lots, five common open spaces, and street sections totaling 1.1314 miles to be dedicated to the City. Phase 1 in its entirety would consist of 96 potential lots as approved in the preliminary plat by the Board of Aldermen on April 19, 2022. The current final plat, named Phase 1A and consisting of 47 lots, is for a portion of this Phase 1. Application number SD22-0018 is an associated request to revise the preliminary plat for Phase 1 of the subdivision to add Common Open Space (COS) E504 and surrounding street sections to Phase 1A to enable the relocation of the private swimming pool amenity of the subdivision from COS A500 to COS E504. Consideration of this final plat application at the 9/12/2023 meeting of the Planning Commission is contingent on the City Engineer approving the construction plans for this added area. Public utilities such as water and sewer lines have been extended to all 47 proposed lots. Except for the amendments requested above, the proposed final plat would generally align with the preliminary plat for Phase 1. Staff recommends approval subject to various conditions. **RECOMMENDATION:** Staff recommends that the Planning Commission approve the final plat for The Villages at Southbranch Subdivision, Phase 1A and recommend same to the Board of Aldermen subject to the following:

1. The Board of Aldermen approves the associated proposed preliminary plat amendment of The Villages at Southbranch Subdivision, Phase 1, and all approval conditions of the preliminary plat shall likewise be applicable to the subject final plat.
2. Improvements shall be the responsibility of the developer and not the responsibility of the City of Olive Branch.
3. All utilities and services (electric, telephone, cable, etc.) shall be installed underground. The water service lines shall be installed with tracing wire at the top.
4. The developer shall submit to the City of Olive Branch a letter of credit of sufficient amount as will be determined by the City Engineer, plus a 25% contingency, for the completion of any and all uncompleted public improvements required in the land area constitutive of the final plat.
5. The developer must construct the wood or vinyl crossbuck fence 15ft from the right-of-way of Pleasant Hill Rd, the subdivision monument sign along Pleasant Hill Rd, the swimming pool in

COS E504, extend Braham Dr. to COS E504, and complete all street sections and utility lines surrounding this common open space before the thirty first (31st) house in the subdivision may pass final inspection.

6. The draft Declaration of Covenants Conditions & Restrictions for the Home Owners Association, which shall include provisions for the management of all Common Open Space areas, shall be submitted for review by staff to ensure conformity with all provisions of the applicable project text and this subdivision plat before the plat may be recorded.

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 Henry Porter, W.H. Porter & Company, 6066 Primacy Pkwy, Memphis, TN 38119. He advised that moving the pool was a safety issue and that Phase 1 was split into 2 separate phases due to changes in the market. Mr. Dorr asked if there were any questions for the applicant and there were none. Mr. Dorr asked if there was anyone else to speak for this 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 The Villages at Southbranch Subdivision, Phase 1A and recommend same to the Board of Aldermen subject to the following:**

1. The Board of Aldermen approves the associated proposed preliminary plat amendment of The Villages at Southbranch Subdivision, Phase 1, and all approval conditions of the preliminary plat shall likewise be applicable to the subject final plat.
2. Improvements shall be the responsibility of the developer and not the responsibility of the City of Olive Branch.
3. All utilities and services (electric, telephone, cable, etc.) shall be installed underground. The water service lines shall be installed with tracing wire at the top.
4. The developer shall submit to the City of Olive Branch a letter of credit of sufficient amount as will be determined by the City Engineer, plus a 25% contingency, for the completion of any and all uncompleted public improvements required in the land area constitutive of the final plat.
5. The developer must construct the wood or vinyl crossbuck fence 15ft from the right-of-way of Pleasant Hill Rd, the subdivision monument sign along Pleasant Hill Rd, the swimming pool in COS E504, extend Braham Dr. to COS E504, and complete all street sections and utility lines surrounding this common open space before the thirty first (31st) house in the subdivision may pass final inspection.
6. The draft Declaration of Covenants Conditions & Restrictions for the Home Owners Association, which shall include provisions for the management of all Common Open Space areas, shall be submitted for review by staff to ensure conformity with all provisions of the applicable project text and this subdivision plat before the plat may be recorded.
7. The City Engineer must approve the construction plans for the infrastructure before this is presented to the Board of Aldermen for their decision.

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

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

OTHER BUSINESS

1. Public Working Session on Zoning Code Update

Mr. Asongyi asked if there there were any specific things to discuss and there were none. He did specify that in the draft update, regarding convenience stores with fuel pumps, the conditions are listed there. This is the place where the commissioners can recommend the requirement requiring placing the businesses on the diagonal at a 4 way intersection would need to be included. There can be language to include electric charges and to require fuel canopies be in the rear of the building unless that backs up to a residential area. He wanted to also point out the townhouse section mimics the single family section

with regard to aesthetics. The property lines would go down between the shared wall. CCR's would still apply in those locations. They would be exactly the same as single family districts except for the fact that the buildings are physically connected.

ADJOURNMENT

Mrs. Remak made a motion to adjourn the meeting at 8:36 pm. Ms. Senger made the second and the motion was approved as follows:

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