Agenda
City of Olive Branch
Planning Commission Meeting
6:00 PM
April 8, 2025

This meeting will be live-streamed and recorded on the City's YouTube channel at https://www.youtube.com/@cityofob.

Call to Order:

Roll Call:

Approval of Minutes:

1. Minutes of 3-11-25 Meeting

Consent

1. Correction in the Minutes from January 14, 2025 Meeting. There was an omission in approving the consent item.

Old Business:

1. Application for a Zoning Map Amendment submitted by Cliff McLemore, McLemore Ferguson, LLC, on behalf of property owner Dauphine Magee. The request is to rezone 0.74+/-acres from O, Office District, to R-3, Planned Residential District and to approve the project text and associated preliminary development plan for Westbranch Townhomes. The subject property is located at the northwest corner of Westbranch Rd and Goodman Rd E, known as Lot 23 of the Hoover Subdvision. (File #ZP25-0001) (Tabled to this date at meeting of February 11, 2025).

2. Application for a final plat submitted by Cliff McLemore, McLemore Ferguson, LLC, on behalf of property owner Dauphine Magee. The request is to subdivide 0.74+/-acres into five lots to create the Westbranch Townhomes. The property is currently zoned O, Office District, and is requested in a separate application (File #ZP25-0001) to be rezoned to R-3, Planned Residential District. The subject property is located at the northwest corner of Westbranch Rd and Goodman Rd E, known as Lot 23 of the Hoover Subdvision. (File #SD25-0002) (Tabled to this date at meeting of February 11, 2025).

3. Application for a Zoning Map Amendment, submitted by Trey Byars and Lauren Ward, Daniel Coker Horton & Bell, P.A. on behalf of Property Owners Robert Bailey, J&M Holdings LLC. The request is to correct an error in zoning from A-R, Agricultural-Residential, to R-3, Planned Residential District, & to approve the Project Text and Development Plan for Bristol Oaks. The 38.89 +/-acre subject property is located at the Southeast corner of Pleasant Hill Road and Stateline Road. (File# ZP24-0014) (Tabled to this date at Meeting of December 10, 2024)

New Business:

Adjournment

MINUTES FOR THE CITY OF OLIVE BRANCH PLANNING COMMISSION
REGULAR MEETING MARCH 11, 2025

The Olive Branch Planning Commission meeting was held on Tuesday, March 11, 2025, 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. Jones, Vice-Chairman of Planning Commission, at 6:00 p.m.

ROLL CALL

Janice Lewis, Dion Jones, Donny Singh, Diane Senger, and Steve Stratton were present. Kimberly Remak attended remotely, and a quorum was established. Pat Dorr was absent. Jason Gambone, Director, Venard Asongayi, Assistant Director, Kevin Norman, Senior Planner, Jeremiah McCroskey, Associate Planner, and Heather James, Planning Technician were present from the Planning and Development Department.

APPROVAL OF THE MINUTES OF THE FEBRUARY 11, 2025 MEETING

Mr. Jones asked if anyone had any questions, comments or motions regarding the minutes of the February 14, 2025 meeting. Mrs. Remak advised there was an error in who approved the minutes of January. Mr. Stratton was absent in February and could not have seconded the approval of the minutes. Staff confirmed that was an error and would be corrected as the notes were still available. It should have been Dion Jones/Diane Senger. **Ms. Senger made a motion to approve the minutes with corrections. Mrs. Lewis made the second and the motion was approved as follows:**

Pat Dorr	**Absent**	**Steve Stratton**	**Yes**	**Donny Singh**	**Yes**	**Dion Jones**	**Yes**
Janice Lewis	**Yes**	**Kimberly Remak**	**Yes**	**Diane Senger**	**Yes**		

CONSENT AGENDA

1. Application for the First Revision of Mason Subdivision, submitted by Tom Cassick, Summit Title & Escrow, LLC, on behalf of property owner RS Rental II, LLC. The request is to combine two existing lots into one lot of 0.603+/- acres. The subject property is zoned R-2, Single Family Residential District, and is located on the south side of Mason Street, currently known as Lots 11 and 12 of Mason Subdivision, 9155 Mason Street. (File # SD25-0005).

- **CONSENT AGENDA SUMMARY:**
  Vice-Chairman Jones explained the purpose of the consent agenda and asked if any Planning Commissioners or any members of the public had any question or would like a full staff presentation on this item. There were none. He explained that this item was recommended for approval. The staff report and recommended motion to approve Item No. 1 (File # SD25-0005) is included herein by reference.

- **MOTION**

Mr. Singh made a motion to approve the Consent Agenda and Mr. Stratton made the second. There was no further discussion and the motion was approved as follows:

Pat Dorr	**Absent**	**Steve Stratton**	**Yes**	**Donny Singh**	**Yes**	**Dion Jones**	**Yes**
Janice Lewis	**Yes**	**Kimberly Remak**	**Yes**	**Diane Senger**	**Yes**		

OLD BUSINESS

Mr. Jones announced items 1 & 2 and noted there was a recommendation to table both items.

1. Application for a Zoning Map Amendment submitted by Cliff McLemore, McLemore Ferguson, LLC, on behalf of property owner Dauphine Magee. The request is to rezone 0.74+/-acres from O, Office District, to R-3, Planned Residential District and to approve the project text and associated preliminary development plan for Westbranch Townhomes. The subject property is located at the northwest corner of Westbranch Rd and Goodman Rd E, known as Lot 23 of the Hoover Subdvision. (File #ZP25-0001) (Tabled to this date at meeting of February 11, 2025).

2. Application for a final plat submitted by Cliff McLemore, McLemore Ferguson, LLC, on behalf of property owner Dauphine Magee. The request is to subdivide 0.74+/-acres into five lots to create the Westbranch Townhomes. The property is currently zoned O, Office District, and is requested in a separate application (File #ZP25-0001) to be rezoned to R-3, Planned Residential District. The subject property is located at the northwest corner of Westbranch Rd and Goodman Rd E, known as Lot 23 of the Hoover Subdvision. (File #SD25-0002) (Tabled to this date at meeting of February 11, 2025).

- **MOTION**

Mr. Singh made a motion to further table Old Business items numbered 1 & 2.
Ms. Senger made the second and the motion to table was approved as follows:

Pat Dorr	**Absent**	**Steve Stratton**	**Yes**	**Donny Singh**	**Yes**	**Dion Jones**	**Yes**
Janice Lewis	**Yes**	**Kimberly Remak**	**Yes**	**Diane Senger**	**Yes**		

NEW BUSINESS

1. Application to amend the Project Text and consider the associated preliminary development plan for Crumpler Place Planned Development, submitted by Cory Brady on behalf of property owners, Nimesh Patel, Crumpler Holdings, LLC and Magnolia Hospitality, LLC. The request is to allow five 3-story buildings for multi-family residential uses (apartments) and one mixed use building for retail/office and multi-family units on 7.31+/-acres. The subject property is zoned PUD, Planned Unit Development District, and is located on the south side of Goodman Rd, between Crumpler Blvd and Hwy 78. (File # ZP25-0002).

- **APPLICATION SUMMARY**

  Cory Brady on behalf of property owners, Nimesh Patel, Crumpler Holdings, LLC and Magnolia Hospitality, LLC. requests amendment of the Crumpler Place Planned Unit Development (PUD) to allow five 3-story buildings for multi-family residential uses (apartments) and one mixed use building for retail/office on the first floor and multi-family units on the second and third floors. The subject property area is 7.31+/-acres. The total number of residential units would be 110, and the density would be 15 dwelling units per acre (du/ac). Ground floor retail and office uses in the proposed mixed-use building are those that are already permitted in the concerned area or sub-district (C-2L) of the Crumpler Place PUD. The suggested multi-family building north of Lodging Ln, behind Petco, currently permits commercial uses such as retail, offices and restaurants. The other

apartment buildings proposed south of Lodging Ln would be in an area that only permits offices and hotel currently. The proposed project amendment *(110 multi-family units & 7,000sf of retail)* generates significantly **less** trips than the current entitled uses (hotel, retail, office) – 79.77% reduction. The application may be recommended for approval if the planning commission finds that the character of the area has changed since 1990 when the Crumpler Place project text was first approved and there is a public need for the multi-family developments. Alternatively, the request may be denied upon finding that the character of the Crumpler Place PUD and its surrounding has not changed to warrant the introduction of new multi-family uses and the Future Land Use Map designates the area as "Major Commercial Node," not "High Density Residential."

- **STAFF PRESENTATION**

  Associate Planner, Jeremiah McCroskey, presented the staff report, which is included herein by reference (File # ZP25-0002).

- **PLANNING COMMISSION INQUIRY AND STAFF RESPONSE**

  No

- **PUBLIC HEARING**

  Mr. Jones asked if anyone was present to speak about the application.

  - **Proponents:**
    - Cory Brady, 9967 Bentwood Tree Cove, Collierville, TN – He loves Olive Branch and says it's a wonderful place. He said there was a variance approved previously at this address to allow a 4 story hotel on the property, but it never went forward. He advised they had a neighborhood meeting on December 12, but it was not well attended. He did speak with the Cherokee Heights HOA. He said they appreciated the modern architecture in the renderings. They have pushed the building back to increase the buffer and move parking to the back. They have designed the architecture as a blend between existing and surrounding businesses.

    - Priyank Shah, 12406 Hogan's Alley, Chester, VA – This is a family-owned real estate company based in Virginia. It's never their intention to sell on after they finish a project; their policy is to own and maintain. They want to place this in an area with existing retail spaces.
  - **Opponents:**
    - Renee Frazier, 7696 Rowlett Dr, Olive Branch, MS – she is a resident of the Wellington at the back of the golf course. She is concerned about the impact of the multi-use aspect and what businesses would be in there. She feels better with the high-end label. She wants to make sure that the developers are committed to this project. She likes the commercial uses. Wants them to consider ownership of units, rather than rental.

    - Adreal Malone, 7715 Rowlett Dr, Olive Branch, MS – they built their house in 2020 and never planned to live around apartments. His house will be left to his kids to remain in the family and wants to ensure that these apartments will be maintained in the future. He's worried

about the future offset of property values. Statements of support received were from people who work there, but not by the people who live there.

- Phuc-Linh Nguyen, 6415 Cody Cove, Olive Branch, MS – He doesn't want property values to be diminished. There are half million dollar houses surrounded by warehouses already and this may bring prices further down. The residents of apartments may not have the care of the property as much as home owners do. Crime happens even in good neighborhoods, and it's worse in apartment complexes. He's good with the office and retail spaces.

- Arthur Taylor, 7724 Rowlett Dr, Olive Branch, MS – He said that home values are critical. His house was built in 2019, and their expectation was that values would go up. residents of an apartment are more transient, not as invested in the property. The plan is great, but worried about future changes to price levels to ensure they are rented.

- Clarence Dickson, 6391 Cody Cove, Olive Branch, MS – he said there is a competition at the Cascades with the same offering. Heavy equipment will destroy the roads that are already struggling. They currently enjoy peace and quiet. Schools are already overcrowded; an apartment complex brings in a lot of kids. There are a number of hotels already in the city. retail bays sit empty now while trying to find tenants. He's worried the demand won't meet expectations and they may have to lower rates to fill units.

- Sam Govan, 6412 Crumpler, Olive Branch, MS – He likes the presentation, but he's had an issue with gas pressure already. These new buildings will increase the likelihood of further issues. If no apartments, then Air B&B's will pop up and there will be no idea who is there. He would rather want to know who is coming and going. He is concerned infrastructure won't meet demand.

- **PLANNING COMMISISON DISCUSSION**

Mrs. Lewis asked if this is approved, how soon after approval would construction begin and when would they anticipate opening. Mr. Shah advised that considering the location, it could start construction within 9-12 months because infrastructure already exists for the most part. The small size of the building would help with faster timeline. Mr. Singh said that interconnectivity was mentioned in the presentation and wants to see pedestrian interconnectivity with sidewalk and crosswalks. Mr. Brady said that staff had also said they wanted to see that as well. It is part of updated plans to be reviewed. They will extend the sidewalk all the way in order to the existing commercial area walkable. He asked if the applicant would be willing to offer office uses in addition to the commercial. Mr. Brady said they looked at that, and it's a permitted use, but there are vacant retail spaces already in the development and they didn't want to contribute to that, so they will be looking at commercial uses. Mr. Stratton asked what the occupancy for the 3 buildings on the south side of the development. Mr. Shah said it was estimating to be in the mid to upper 90's, broken down as approximately 60% 1bedroom, 35% 2 bedrooms, and 5% 3bedrooms. Mr. Brady says they have 3 letters of support and 9 statements of support from the commercial neighbors. Mr. Shah said he met with two-

thirds of the existing businesses and all were very positive. Mrs. Lewis asked about price points for the apartments. Mr. Shah said approximately $2/square foot, translating as 1BR for $1650, 2BR $1700-$1800 and 3BR $2000- $2300. It may be higher than that, but there have been no new apartments built in 20 years, so that should be a draw. Mr. Stratton said some of the statements of support said they enjoy working with you. What business do you currently have in the area. Mr. Shah advised he owns 240 Flats at 240 & Poplar. It's an old hotel that was turned into high quality apartments; they have almost finished the last building at another hotel on Poplar. Mrs. Lewis asked about management plans and retail leasing plans. Mr. Shah said they hire a local property management company and local general contractors and architect firms.

- **REBUTTAL**
  Mr. Brady said there is no concern for upkeep. They will have professionally maintained facilities. The current permitted use allows for hotels, which allows for more units and they are much more transient in nature. Property values have not gone down historically in this city. This property is underutilized sitting vacant. It will generate taxes once developed. He's spoken with all the utilities that serve this property and they all said there are no capacity issues and they can all serve this without issue. Mr. Shah said these are luxury apartments with great amenities, such as pools and fitness centers. There is a mutual interest in maintaining this well. The ownership of the property stays and has a vested interest in keeping this property well maintained. The smaller number of units will help maintain quality. Cascades and other mixed use projects are going to be harder to maneuver because they are so large. Their smaller size helps keep the project moving. They can do hotels if they wanted short term. They want to plan for long term renters.

- **FURTHER DISCUSSION AFTER REBUTTAL**
  Mr. Jones asked if staff had any comments regarding utilities. Staff advised that's further along in the process and will definitely be something looked at and addressed if necessary. Mr. Singh asked if the office buildings to the left if they were complete masonry or siding? Mr. McCroskey advised they were complete masonry with pillars in the front. Mr. Singh asked the applicant if the board were to increase the masonry to 100% to match the existing commercial buildings, if they would be okay to do that. The applicant advised they would be okay with that. He asked them to provide better Pedestrian interconnectivity plan to be approved by the Engineering department, but asked Mr. Gambone if that could be just approved with the plat application. Mr. Gambone and Mr. McCroskey advised this has yet to be platted and the sidewalk could be discussed as part of that application. Mrs. Remak asked about the fencing to surround the property. They advised it is in the first condition.

- **MOTION**

Mr. Singh made a motion to approve the application and recommend that the Board of Aldermen approve the proposed addendum to the Project Text and Development Plan for the Crumpler Place to allow five 3-story buildings for multi-family residential uses (apartments) and one mixed use building for retail/office and multi-family units on 7.31+/- acres.

Furthermore, require certain changes to the preliminary development plan such as:

- **Fencing of the RM area with black wrought iron ornamental fence at least 6ft high**

- **All facades of buildings in the RM area should consist of minimum 100% brick and/or stone material. All facades of the mixed-use building should be constructed of brick material as provided in the application materials.**

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

Pat Dorr	**Absent**	**Steve Stratton**	**Yes**	**Donny Singh**	**Yes**	**Dion Jones**	**Yes**
Janice Lewis	**No**	**Kimberly Remak**	**Yes**	**Diane Senger**	**Yes**		

Mr. Gambone advised that this would be heard by the Board of Aldermen on Tuesday April 15th at 6PM.

OTHER BUSINESS

ADJOURNMENT

Mrs. Remak made a motion to adjourn the meeting at 7:06 am. Mrs. Lewis made the second and the motion was approved as follows:

Pat Dorr	**Absent**	**Steve Stratton**	**Yes**	**Donny Singh**	**Yes**	**Dion Jones**	**Yes**
Janice Lewis	**Yes**	**Kimberly Remak**	**Yes**	**Diane Senger**	**Yes**		

AGENDA NO.: Consent #1 **MEETING DATE:** 4/8/25

REPORT TO THE PLANNING COMMISSION

CAPTION / SUBJECT: Correction of Minutes from January 14, 2025 Meeting.

EXHIBIT:
1) Corrected section of the minutes, highlighted in yellow.

EXECUTIVE SUMMARY

The approval of Minutes from the January 14, 2025 meeting erroneously excluded the motion and the vote approving the consent agenda. Exhibit 1 is the corrected page showing the motion, second, and vote.

RECOMMENDATION

Approve the correction of the January 14, 2025 minutes.

CHECKED FOR SUBMISSION TO THE COMMISSION BY: _____ **DATE:** 4/3/25

MOTION BY: _____ **SECOND BY:** _____

VOTE	DORR	JONES	LEWIS	REMAK	SENGER	SINGH	STRATTON
YES							
NO							
ABSTAIN							

Exhibit 1

MINUTES FOR THE CITY OF OLIVE BRANCH PLANNING COMMISSION
REGULAR MEETING JANUARY 14, 2025

The Olive Branch Planning Commission meeting was held on Tuesday, January 14, 2025, 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 6:05 p.m.

ROLL CALL

Janice Lewis, Dion Jones, Donny Singh, Steve Stratton, and Pat Dorr were present, and a quorum was established. Diane Senger and Kimberly Remak were absent. Jason Gambone, Director, Venard Asongayi, Assistant Director, Jeremiah McCroskey, Associate Planner, Kevin Norman, Senior Planner, and Heather James, Planning Technician were present from the Planning and Development Department.

APPROVAL OF THE MINUTES OF THE DECEMBER 10, 2024 MEETING

Mr. Dorr noted that corrections to the minutes were made prior to the meeting and asked if anyone had any additional questions, comments or motions regarding the minutes of the December 10, 2024 meeting. **Mrs. Lewis made a motion to approve the minutes as corrected. Mr. Stratton made the second and the motion was approved as follows:**

Pat Dorr Yes Steve Stratton Yes Donny Singh Yes Dion Jones Yes
Janice Lewis Yes Kimberly Remak Absent Diane Senger Absent

CONSENT AGENDA

1. Application to extend the time to record a previously approved Final Plat Hamilton Circle Subdivision, Phase 1, submitted by Nick Kreunen, Civil-Link LLC, on behalf of Richard Litwa, Cobblestone Pools & Construction, property owner. The subject 2.25 +/- acres property is zoned PUD, Planned Unit Development, and is located at the southwest corner of Acree Lane and Hamilton Circle. (File # SD23-0016).

- **CONSENT AGENDA SUMMARY:**
  Chairman Dorr explained the purpose of the consent agenda and asked if any Planning Commissioners or any members of the public had any question or would like a full staff presentation on this item. There were none. He explained that this item was recommended for approval. The staff report and recommended motion to approve Item No. 1 (File # SD23-0016) is included herein by reference.

- **MOTION**
  Mr. Jones made a motion to approve the Consent Agenda and Mr. Singh made the second. There was no further discussion and the motion was approved as follows:

Pat Dorr Yes Steve Stratton Yes Donny Singh Yes Dion Jones Yes
Janice Lewis Yes Kimberly Remak Absent Diane Senger Absent

AGENDA NO.: Old Business No. 1 ZP25-0001 **MEETING DATE:** 04/8/25

REPORT TO THE PLANNING COMMISSION

CAPTION / SUBJECT: Application for a Zoning Map Amendment submitted by Cliff McLemore, McLemore Ferguson, LLC, on behalf of property owners Stephanie Sowell and Dauphine Magee. The request is to rezone 0.74+/-acres from O, Office District, to R-3, Planned Residential District and to approve the project text and associated preliminary development plan for Westbranch Townhomes. The subject property is located at the northwest corner of Westbranch Rd and Goodman Rd E, known as Lot 23 Hoover Subdivision. (File #ZP25-0001 and SD25-0002)

EXHIBITS:
1. Deferral requests for February 2025 and March 2025 meetings.
2. Schematic building sketches.
3. Project Text
4. Subdivision Layout

EXECUTIVE SUMMARY:

The applicant, Cliff McLemore, on behalf of property owners Stephanie Sowell and Dauphine Magee has submitted a request to rezone a ±.74 ac parcel known as Lot 23 Hoover Subdivision from O-Office district to R-3 Planned Residential district to construct a townhouse development known as Westbranch Townhomes.

At the February 11 and March 11, 2025 meetings, the applicant requested that the item be tabled to provide additional time for a preliminary development plan and updated project text to be submitted.

No additional information has been submitted.



STAFF RECOMMENDATION

Staff recommends that this application be denied. This application was tabled at the February 11, 2025 and March 11, 2025 Planning Commission meetings to allow the applicant to submit additional information. The applicant has not submitted any additional information.

Additionally, the site does not meet the 5 ac minimum land area required for developments in the R-3, Planned Residential District.

ALTERNATIVE CONSIDERATION

The Planning Commission may make other recommendations to the Board of Alderman as deemed appropriate.

PREPARED BY: _____ DATE: 4/2/2025

CHECKED FOR SUBMISSION TO THE COMMISSION BY: Asong DATE: 4/2/2025

MOTION BY: _____ SECOND BY: _____

VOTE	DORR	JONES	REMAK	LEWIS	SENGER	SINGH	STRATTON
YES							
NO							
ABSTAIN							

Norman, Kevin

From: Cliff McLemore <cliffmclemore@gmail.com>
Sent: Friday, February 21, 2025 9:23 AM
To: Norman, Kevin
Subject: Re: 2025 - 2 - 11 Planning Commission Agenda; File #'s ZP25-0001 & SD25-0002 - REVISED

Hey Kevin,
I will email the documents today and drop off the application with the updated docs.
Thanks,
Cliff McLemore

↑ APPLICANT DID NOT SUBMIT INFORMATION.
Jason Lamar; Senior Planner

On Feb 18, 2025, at 4:28 PM, Norman, Kevin <kevin.norman@obms.us> wrote:

Cliff,

I'm reaching out to see if you have the material for your item due up at the next PC meeting.
At your request, the item was tabled to the next meeting on March 11, 2025.
The deadline for that meeting was February 14th.

We will need time to prepare a Staff Report, send the packet to the Commission, etc. if you decide to proceed.

There won't be enough time after this Friday, 2/21/2025. Please have the information in by this time if you wish to proceed.

Please advise.

Kevin D. Norman, PLA
Senior Planner
City of Olive Branch
9200 Pigeon Roost Road
Olive Branch, MS 38654
Office (662) 892-9382

From: Cliff McLemore <cliffmclemore@gmail.com>
Sent: Thursday, February 6, 2025 10:42 AM
To: Norman, Kevin <kevin.norman@obms.us>
Subject: Re: 2025 - 2 - 11 Planning Commission Agenda; File #'s ZP25-0001 & SD25-0002 - REVISED

Thanks Kevin!
Cliff McLemore

On Feb 6, 2025, at 10:03 AM, Norman, Kevin <kevin.norman@obms.us> wrote:

Cliff,

Here is the revised agenda. FYI

Kevin D. Norman, PLA
Senior Planner
City of Olive Branch
9200 Pigeon Roost Road
Olive Branch, MS 38654
Office (662) 892-9382

From: Norman, Kevin
Sent: Tuesday, February 4, 2025 3:49 PM
To: 'Cliff McLemore' <cliffmclemore@gmail.com>
Cc: Asongayi, Venard <venard.asongayi@obms.us>
Subject: 2025 - 2 - 11 Planning Commission Agenda; File #'s ZP25-0001 & SD25-0002

Dear Mr. McLemore,

Please find attached the Agenda and the Staff Report(s) regarding your application(s) located on Lot 23; Hoover Subdivision at the corner of Goodman RD and Westbranch Rd.

The meeting will be held on **February 11, 2025, at 6:00 p.m. in the Olive Branch Municipal Court Room, located at 6900 Highland Street.**

At your request, Staff has recommended your items be tabled.

However, please be aware if the Commission has any questions concerning your application(s), you should make plans to be present.

If you cannot attend, please let me know as soon as possible by responding to this e-mail or by telephone at (662) 892-9382.

Thank you,

Kevin D. Norman, PLA
Senior Planner
City of Olive Branch
9200 Pigeon Roost Road
Olive Branch, MS 38654
Office (662) 892-9382

<2025-2-11 PC AGENDA.pdf>

Norman, Kevin

From: Cliff McLemore <cliffmclemore@gmail.com>
Sent: Friday, January 31, 2025 11:26 AM
To: Norman, Kevin
Subject: Re: Westbranch Townhome Application(s)

Hey Kevin,
Sorry for the delay on response. I will get everything together for next months meeting.
Thanks,
Cliff McLemore

On Jan 31, 2025, at 9:53 AM, Norman, Kevin <kevin.norman@obms.us> wrote:

Mr. Cliff,

I tried reaching you on the phone earlier this morning, but your voice mail is full.
E-mail attempts have also been unresponsive.

Staff recommendation presently is to table the applications until the requested information is provided.

The requested information must be provided by C.O.B. today at 5:00 pm. for the Staff Report to be prepared in a timely manner.

Regards,

Kevin D. Norman, PLA
Senior Planner
City of Olive Branch
9200 Pigeon Roost Road
Olive Branch, MS 38654
Office (662) 892-9382





January 15, 2025

WestBrooke LLC.

1085 Crystal Springs Cove
Olive Branch, MS 38654
Phone: 901-553-0232

The Planning Department

City of Olive Branch, MS
Phone: 662-893-9200

RE: West branch Townhomes

We are pleased to submit the site plan and elevations for the .74-acre residential development, West branch townhomes and residential development. WestBrooke LLC. Recognizes the growth and prominence of this area of Olive Branch. While there has been new commercial growth on the northwest corner of Goodman and Hwy 302, West branch Townhomes and residential will be a positive contribution of new residential growth to this older area. This property was recently rezoned to office use, however, we feel that reverting back to residential is the highest and best use. This 5-lot subdivision is situated on 32,234 s.f. of property and will incorporate architectural standards and guidelines to be in unity with the surrounding area. This property has been vacant and is overgrown with trees and vegetation. We are excited about this project and believe that West branch townhomes and residential will make a substantial positive contribution to the community.

Sincerely,

WestBrooke LLC.
Cliff McLemore
Developer
1/15/2025

Table of Contents

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3. Bulk Requirements
4. Roadways, access, and circulation
5. Landscaping
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7. Sanitary Sewer
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Exhibits

Exhibit A: Regional Location Map

Exhibit B: Typical Home

1. GENERAL STATEMENT
   West branch townhomes and residential will be situated on approximately .74 acres of land located in Olive Branch, MS north of Goodman Rd. and west of West branch street. As shown on the regional location map. The proposed plan is a single family attached and one single family development in an R3 zoning.

   The development will contain residential lots sizes to accommodate the needs and desires of the residents of Olive Branch, MS.

2. USES PERMITTED
   Single family attached and detached residential uses shall be permitted and regulated in accordance with R3 zoning.
   Accessory uses and structures shall be permitted in accordance with the applicable provisions of the City of Olive Branch zoning ordinance pertaining to the principal use of the property as permitted.

3. BULK REQUIREMENTS
   Development of individual parcels must be in compliance with the provisions for dimensional regulations of R3 zoning, plus the access and circulation conditions provided below.

A. Plan Data

The land use density is based on 8 dwelling units per acre. The total development density on .74 acres is 5.72 units.

Design Standards for single family detached and attached dwellings:
Minimum house square footage 1400sf per 1 lot

Setback for residential uses: minimum front yard 30 feet, minimum from lot line to lot line 25 feet, minimum rear yard 30 feet

Minimum lot size: 2500 sf

Maximum building height: 2.5 stories or 35 feet at most.

4. ROADWAYS, ACCESS, AND CIRCULATION

The property will be accessed onto West branch street. There will be no internal streets in this development. There will be no right of way dedication.

5. DRAINAGE FACILITIES AND SERVICE
   The stormwater will shed away from each of the homes to the rear and utilize existing drainage features of the area.

6. SANITARY SEWER FACILITIES AND SERVICE
   The 5 lots shall be served by the existing City of Olive Branch gravity sewer located in the West branch Street. The developer with the specifications from the City of Olive Branch, shall provide all sewer services within the development.

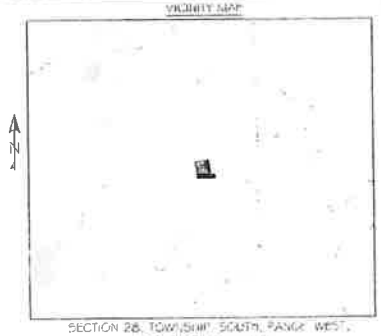
7. WATER SERVICE

   The 5 lots shall be served by the existing City of Olive Branch water line located in the West branch Street. The developer with the specifications from the City of Olive Branch, shall provide all water services within the development.

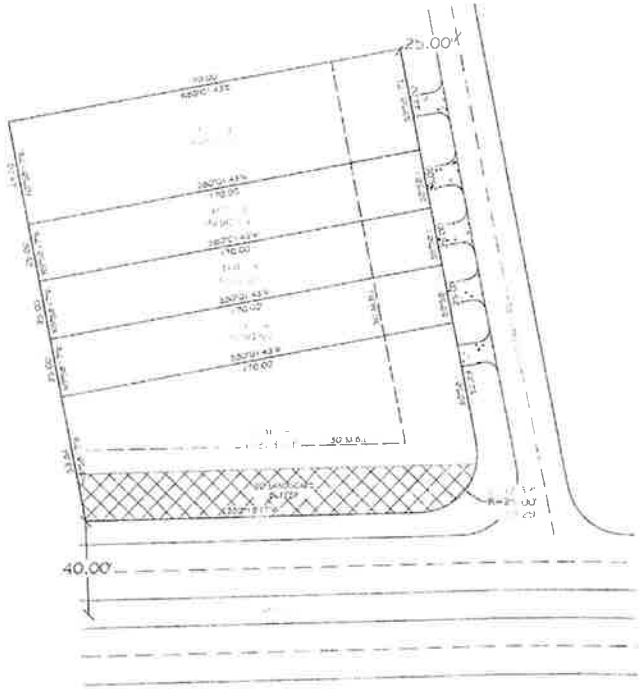
8. PHASING

   The development will be completed in one (1) phase.


500' parcel Owners.
7231
7211
7189
7175
7163
7145
7121
7095
7075
7057
8820
8720
8654
8555
8745
7194
7166
7124
7104
7080
7062
7042
7025
8866
8990
7131
7105
8933
8957
8931
7075
7045
8966
8813
8835
8863
8857
8885
8905
8935
8975
6889
6875
6843
8676
8700
8726
8750
8774
6832
6828
6827
6819
6827
8713
6822
6821
6820
6812
6829
Westbranch Rd
OLIVE BRANCH
Goodman Rd E
Wood Thrush Dr
305



SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 WEST,
CITY OF OLIVE BRANCH,
DESOTO COUNTY, MISSISSIPPI





WESTBRANCH TOWNHOMES SUBDIVISION

PRELIMINARY PLAT
(FOR PLANNING PURPOSES ONLY)

SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 WEST,
CITY OF OLIVE BRANCH,
DESOTO COUNTY MISSISSIPPI

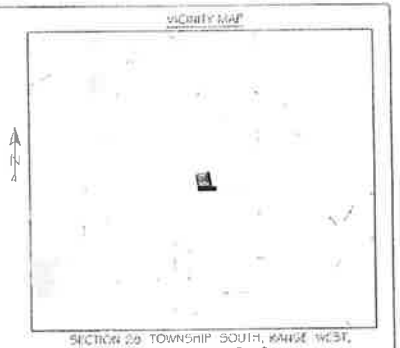
DECEMBER 2024
ZONING R-3
TOTAL AREA 0.72 ACRES
TOTAL LOTS 5

DEVELOPER
[illegible] FERGUSON, LLC
4680 CRYSTAL SPRINGS CV
OLIVE BRANCH, MISSISSIPPI 38654

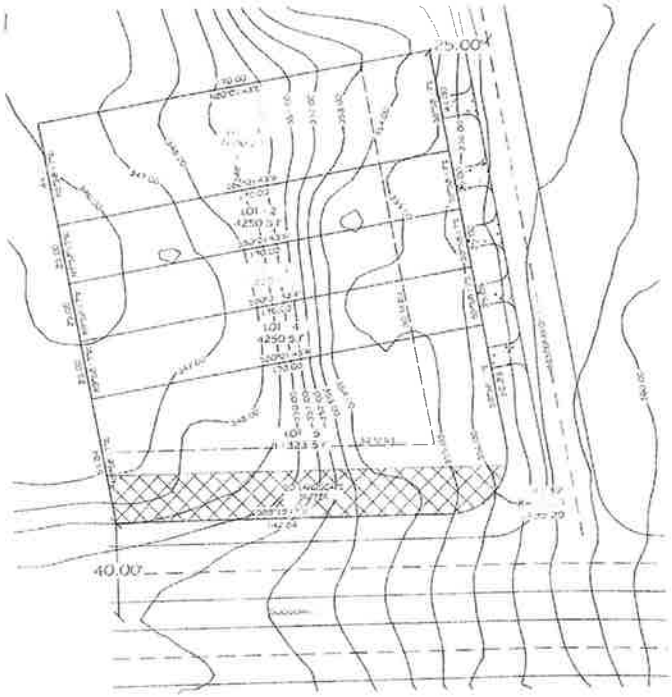
RH

ENGINEERING & SURVEYING, LLC

VICINITY MAP



SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 WEST,
CITY OF OLIVE BRANCH,
DESOTO COUNTY, MISSISSIPPI



WESTBRANCH TOWNHOMES SUBDIVISION

PRELIMINARY PLAT
(FOR PLANNING PURPOSES ONLY)

SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 WEST;
CITY OF OLIVE BRANCH,
DESOTO COUNTY MISSISSIPPI

DECEMBER 2024
ZONING: R-3
TOTAL AREA: 0.72 ACRES
TOTAL LOTS: 5

DEVELOPER:
MCLEMORE FERGUSON, LLC
4686 CRYSTAL SPRINGS CV.
OLIVE BRANCH, MISSISSIPPI 38654

ENGINEERING & SURVEYING, LLC

WESTBRANCH TOWNHOMES
SUBDIVISION

AGENDA NO.: Old Business No. 2 SD25-0002 **MEETING DATE:** 04/8/25

REPORT TO THE PLANNING COMMISSION

CAPTION / SUBJECT: Application for a final plat submitted by Cliff McLemore, McLemore Ferguson, LLC, on behalf of property owner Dauphine Magee. The request is to subdivide 0.74+/-acres into five lots to create the Westbranch Townhomes. The property is currently zoned O, Office District, and is requested in a separate application (File #ZP25-0001) to be rezoned to R-3, Planned Residential District. The subject property is located at the northwest corner of Westbranch Rd and Goodman Rd E, known as Lot 23 of the Hoover Subdivision. (File #SD25-0002)

EXHIBITS:
1. Deferral request for February 2025 and March 2025 meetings.
2. Subdivision layout.

EXECUTIVE SUMMARY:

The applicant, Cliff McLemore, on behalf of property owners Stephanie Sowell and Dauphine Magee has submitted a final plat application to create five lots from a ±0.74 ac property for the Westbranch Townhomes. This is a companion application to a rezoning request (File #ZP25-0001).



At the February11 and March 11, 2025 meetings, the applicant requested that the item be tabled to provide additional time for a preliminary development plan and updated project text to be submitted.

No additional information has been submitted.

STAFF RECOMMENDATION:

Staff recommends that this application be denied. This application was tabled at the February 11, 2025 and March 11, 2025 Planning Commission meetings to allow the applicant to submit additional information. The applicant has not submitted any additional information.

Additionally, the site does not meet the 5 ac minimum land area required for developments in the R-3, Planned Residential District.

ALTERNATIVE CONSIDERATION

The Planning Commission may make other recommendations to the Board of Alderman as deemed appropriate.

PREPARED BY: _____ DATE: 4/2/2025

CHECKED FOR SUBMISSION TO THE COMMISSION BY: _____ DATE: 4/2/2025

MOTION BY: _____ SECOND BY: _____

VOTE	DORR	JONES	REMAK	LEWIS	SENGER	SINGH	STRATTON
YES							
NO							
ABSTAIN							

Norman, Kevin

From: Cliff McLemore <cliffmclemore@gmail.com>
Sent: Friday, February 21, 2025 9:23 AM
To: Norman, Kevin
Subject: Re: 2025 - 2 - 11 Planning Commission Agenda; File #'s ZP25-0001 & SD25-0002 - REVISED

Hey Kevin,
I will email the documents today and drop off the application with the updated docs.
Thanks,
Cliff McLemore

↑ APPLICANT DID NOT SUBMIT INFORMATION.
Jason Norman; Senior Planner

On Feb 18, 2025, at 4:28 PM, Norman, Kevin <kevin.norman@obms.us> wrote:

Cliff,

I'm reaching out to see if you have the material for your item due up at the next PC meeting.
At your request, the item was tabled to the next meeting on March 11, 2025.
The deadline for that meeting was February 14th.

We will need time to prepare a Staff Report, send the packet to the Commission, etc. if you decide to proceed.

There won't be enough time after this Friday, 2/21/2025. Please have the information in by this time if you wish to proceed.

Please advise.

Kevin D. Norman, PLA
Senior Planner
City of Olive Branch
9200 Pigeon Roost Road
Olive Branch, MS 38654
Office (662) 892-9382

From: Cliff McLemore <cliffmclemore@gmail.com>
Sent: Thursday, February 6, 2025 10:42 AM
To: Norman, Kevin <kevin.norman@obms.us>
Subject: Re: 2025 - 2 - 11 Planning Commission Agenda; File #'s ZP25-0001 & SD25-0002 - REVISED

Thanks Kevin!
Cliff McLemore

On Feb 6, 2025, at 10:03 AM, Norman, Kevin <kevin.norman@obms.us> wrote:

Cliff,

Here is the revised agenda. FYI

Kevin D. Norman, PLA
Senior Planner
City of Olive Branch
9200 Pigeon Roost Road
Olive Branch, MS 38654
Office (662) 892-9382

From: Norman, Kevin
Sent: Tuesday, February 4, 2025 3:49 PM
To: 'Cliff McLemore' <cliffmclemore@gmail.com>
Cc: Asongayi, Venard <venard.asongayi@obms.us>
Subject: 2025 - 2 - 11 Planning Commission Agenda; File #'s ZP25-0001 & SD25-0002

Dear Mr. McLemore,

Please find attached the Agenda and the Staff Report(s) regarding your application(s) located on Lot 23; Hoover Subdivision at the corner of Goodman RD and Westbranch Rd.

The meeting will be held on **February 11, 2025, at 6:00 p.m. in the Olive Branch Municipal Court Room, located at 6900 Highland Street.**

At your request, Staff has recommended your items be tabled.

However, please be aware if the Commission has any questions concerning your application(s), you should make plans to be present.

If you cannot attend, please let me know as soon as possible by responding to this e-mail or by telephone at (662) 892-9382.

Thank you,

Kevin D. Norman, PLA
Senior Planner
City of Olive Branch
9200 Pigeon Roost Road
Olive Branch, MS 38654
Office (662) 892-9382

<2025-2-11 PC AGENDA.pdf>

Norman, Kevin

From: Cliff McLemore <cliffmclemore@gmail.com>
Sent: Friday, January 31, 2025 11:26 AM
To: Norman, Kevin
Subject: Re: Westbranch Townhome Application(s)

Hey Kevin,
Sorry for the delay on response. I will get everything together for next months meeting.
Thanks,
Cliff McLemore

On Jan 31, 2025, at 9:53 AM, Norman, Kevin <kevin.norman@obms.us> wrote:

Mr. Cliff,

I tried reaching you on the phone earlier this morning, but your voice mail is full.
E-mail attempts have also been unresponsive.

Staff recommendation presently is to table the applications until the requested information is provided.

The requested information must be provided by C.O.B. today at 5:00 pm. for the Staff Report to be prepared in a timely manner.

Regards,

Kevin D. Norman, PLA
Senior Planner
City of Olive Branch
9200 Pigeon Roost Road
Olive Branch, MS 38654
Office (662) 892-9382

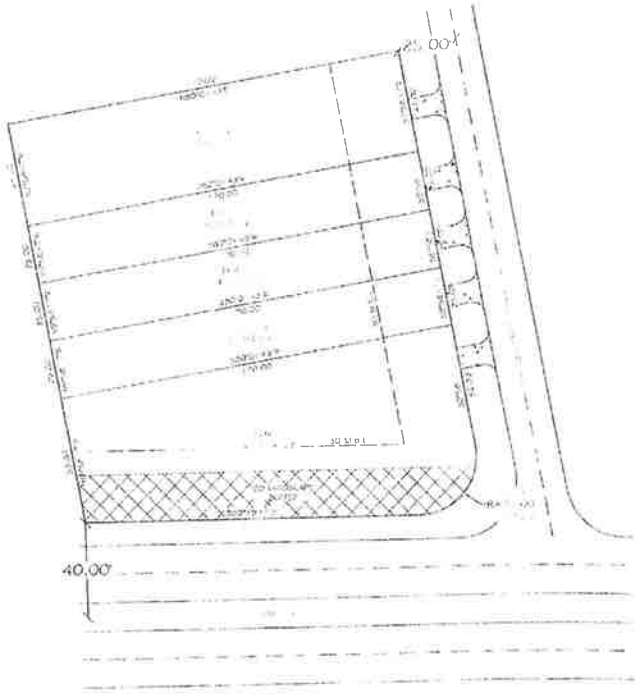
PROPERTY, HEREBY ADOPT THIS

PERSONALLY APPEARED

MORTGAGEE'S CERTIFICATE

VICINITY MAP

SECTION 28, TOWNSHIP [illegible] SOUTH, RANGE [illegible] WEST,
CITY OF OLIVE BRANCH,
DE SOTO COUNTY, MISSISSIPPI



N

WESTBRANCH TOWNHOMES SUBDIVISION

PRELIMINARY PLAT
(FOR PLANNING PURPOSES ONLY)

SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 WEST,
CITY OF OLIVE BRANCH
DE SOTO COUNTY, MISSISSIPPI

DECEMBER 2024
ZONING: R
TOTAL AREA OF 7.4 ACRES
TOTAL LOTS: 35

DEVELOPER
[illegible]
4636 CRYSTAL SPRINGS CV
OLIVE BRANCH, MS [illegible]

WESTBRANCH TOWNHOMES
SUBDIVISION
40.00'

HOK
WEST BRANCH TOWNHOMES
SUBDIVISION

AGENDA NO.: Old Business No.3 ZP24-0014 **MEETING DATE:** 04/08/25

REPORT TO THE PLANNING COMMISSION

CAPTION / SUBJECT: Application for a Zoning Map Amendment, submitted by Trey Byars and Lauren Ward, Daniel Coker Horton & Bell, P.A. on behalf of Property Owners Robert Bailey, J&M Holdings LLC. The request is to correct an error in zoning from A-R, Agricultural-Residential, to R-3, Planned Residential District, & to approve the Project Text and Development Plan for Bristol Oaks. The 38.89 +/-acre subject property is located at the Southeast corner of Pleasant Hill Road and Stateline Road. (File# ZP24-0014) (Tabled at Meeting of January 14, 2025)

EXHIBITS:
1. Aerial View Map
2. Applicant's Revised Request Letter of 03/27/2025 & Project Text
3. Staff Report considered at the Jan. 14, 2025 meeting
4. "Request for Zoning Correction" Package
5. Exhibits (3A to 3S) Regarding Property Ownership and Zoning

EXECUTIVE SUMMARY:



The Planning Commission considered the subject application at its Jan. 14, 2025, meeting and voted to table it. The Commission did not find that the applicant had made a clear and convincing evidence that the rezoning of the property from R-3 to A-R in 2012 was a mistake. As such, it asked the applicant to consider submitting arguments regarding changes in the character of the area and public need for the rezoning, and to revise the project text/preliminary development plan accordingly, including addressing issues regarding stormwater management. The applicant submits that sewer infrastructure has been extended to the area and smaller suburban neighborhood lots (less than 1ac in size) have been developed to the southwest of the property – across Pleasant Hill Rd. The development would also respond to the public need for attainable

housing in the City. The number of lots has been reduced from 51 to 42. The development plan now provides 4acres of open space and for stormwater management.

The project text, however, still maintains strike-thru and underline, which is used in the amendment of lawful and valid project texts. The 2012 rezoning of the property to A-R nullified the associated project text for Bristol Oaks Planned Development. The use of strike-thru and underline implies that the voided text is still valid and is simply being amended. Staff recommends that all language in the project text, which implicitly or explicitly suggests that the 2012 rezoning was a mistake should be eliminated from the project text. Furthermore, the text should be presented as a new planned development text for the rezoning of the property from A-R to R-3, not as an amendment to a voided text.

BACKGROUND

The Planning Commission at its January 14, 2025, meeting considered the subject application. J & M Holdings had alleged that the rezoning of the property in 2012 from R-3, Planned Residential District (for the Bristol Oaks Planned Residential Development) to A-R (Agricultural Residential) was erroneous because it did not authorize Ms. Brenda Solomito to submit and represent it in the rezoning application. Having determined that the applicant had not carried the burden of proving by a clear and convincing evidence that the rezoning was a mistake, and the current A-R Zoning of the property is erroneous, the Planning Commission asked the applicant to submit arguments regarding changes in the character of the area and public need in favor of the rezoning of the property from A-R to R-3. The Commission also asked the applicant to revise the project text and preliminary development plan accordingly, including addressing stormwater management and providing a minimum 10% of greenspace as currently required for developments in the R-3 District. The staff report and all materials submitted by the applicant, which were considered at the Jan. 14, 2025, meeting are attached herewith.

REVISIONS MADE AFTER THE JANUARY 14, 2025, PLANNING COMMISSION MEETING

The applicant has made the following revisions to the application:

1. The application/explanation letter has been amended. J & M Holdings, LLC has maintained the "zoning mistake" argument. In addition to it, however, it submits that the character of the area has changed with the extension of public water and sewer infrastructure to the area. The Comprehensive Plan provides that areas such as the subject property that are designated as "Rural Estate" (minimum 1 ac size lots) on the Future Land Use Map may be developed in Suburban Residential Character (less than 1 ac. lots) if public utility services such as water and sewer are available. The applicant further asserts that Chickasaw Heights to the southwest of the subject property has developed with smaller lots – most are about 0.5ac. The proposed development would satisfy the public need for attainable housing in the City of Olive Branch.

2. A 4ac area of the parcel, which is 10.28% of the property, has been set aside as open space with a walking trail and a gazebo as recreational amenities within it.

3. A stormwater management retention pond has also been added.

4. The total number of lots has been reduced from 51 to 42, which equates to a reduction in gross density from 1.31dwelling units per acre (du/ac) to 1.08du/ac.

While the project text has been revised, it is still submitted as an amendment (with ~~strike-thru~~ and underline) of the Bristol Oaks project text, which was voided by the rezoning of the property from R-3 to A-3 in 2012. A project text (and associated preliminary development plan) that has been nullified by a zoning act of the Board of Aldermen cannot be amended because it no longer has the force of law. The requested rezoning of the property, therefore, needs to be accompanied by a completely new project text without any strike-thru and underline that are used for the amendment of an existing valid text.

STAFF RECOMMENDATION

Regarding the rezoning of the property from A-R to R-3:
Upon finding that the character of the area has changed from rural estate to suburban residential, especially with the extension of public water and sewer infrastructure to the area, and that a public need to provide attainable housing options in the City exists, recommend that the Board of Aldermen approve the rezoning of the subject property from A-R, Agricultural Residential, to R-3, Planned Residential District, for the Bristol Oaks Planned Residential Development.

Regarding the associated project text and preliminary development plan:
Upon finding that the applicant has not satisfied its burden of proving by **clear and convincing evidence** that the 2012 rezoning of the subject J & M property from R-3 to A-R, by the Board of Aldermen, was a mistake, and, therefore, that the project text and preliminary development plan for Bristol Oaks as was originally approved in 2005 stands voided, recommend that the applicant submit to planning staff, an updated version of the current proposed project text for Bristol Oaks, dated March 20, 2025, as a new project text and preliminary development plan, without "strike-thru and underline" amendments, before the Board of Aldermen may schedule a public hearing to decide on the application.

ALTERNATIVE MOTION

Upon finding that the character of the area has not changed, and a public need does not exist to warrant the proposed Bristol Oaks Planned Residential Development, recommend that the Board of Aldermen deny the rezoning of the subject J & M Property from A-R, Agricultural Residential, to R-3, Planned Residential District, for the Bristol Oaks Planned Residential Development. By such denial, the proposed project text and preliminary development plan for Bristol Oaks shall be of no effect.

PREPARED BY: Asong **DATE:** 04/02/2025

MOTION BY: _____ **SECOND BY:** _____

VOTE	**DOOR**	**JONES**	**LEWIS**	**REMAK**	**SENGER**	**SINGH**	**STRATTON**
YES							
NO							
ABSTAIN							

EXHIBIT 1: AERIAL VIEW OF SUBJECT J & M HOLDINGS, LLC PROPERTY



1/8/2025, 4:28:30 PM

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

SEWER GRAVITY MAIN
- FIELD VERIFIED
- NOT FIELD VERIFIED
- SEWER FORCE MAIN

WATER MAINS
- FIELD VERIFIED
- NOT FIELD VERIFIED

Addresses

Tax Parcels
- <all other values>

Roads
- Local
- Private

Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Arkansas GIS Office, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

City of Olive Branch

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Lauren E. Ward
lward@danielcoker.com
Telephone: 662-232-8979

DANIELCOKER
GULFPORT | JACKSON | OXFORD

March 27, 2025

VIA EMAIL ONLY

Vernard "Asong"Asongayi, Assistant Director
OLIVE BRANCH PLANNING & DEVELOPMENT
Vernard.Asongayi@obmus.us

Re: ***J&M Holdings, LLC Application for Zoning Map Amendment***
Set for March 11, 2025 Planning Commission Meeting

Dear Asong:

As stated in the application related to the above-referenced matter and at the January 14, 2025 Planning Commission Meeting, I represent J&M Holdings, LLC ("J&M"). During the January 14th meeting, the Planning Commission resolved to table the application and requested that (1) J&M submit "new project text and preliminary development plan for the Planning Commission's consideration" and (2) J&M consider "to pursue a change in character of area and public need argument." J&M intends to pursue its application at the April 8, 2025 Planning Commission Meeting, and provides the following information pursuant to the Planning Commission's recent resolution:

PROJECT TEXT AND PRELIMINARY DEVELOPMENT PLAN

In cooperation with your office, Bob Barber has compiled and submitted the revised preliminary development plan for your review in conjunction with J&M's application. Please notify me or Bob in the event planning staff members determine that more information is needed.

REZONING CRITERIA

Pursuant to Article XIV(2)(B)(5), J&M provides the following narrative discussing the reasoning behind its request that the Olive Branch Zoning Map be corrected to designate the subject property as R-3:

1. **The original zoning classification for the property was a mistake.**

J&M provided information and support on this factor with its application in the form of its "Request for Zoning Correction." In the interest of brevity, I refer you to that document, as well as my presentation at the January 14th Planning Commission Meeting. That document and presentation are incorporated herein as J&M's narrative in support of a zoning map correction based on a mistake in the 2012 rezoning of the subject property. J&M intends to continue its correction pursuit based on this factor and will make a shorter presentation regarding the same at the April 8th meeting.

2. **The character of the neighborhood has changed to such an extent as to justify J&M's request.**

J&M adopts the portion of staff's Report to the Planning Commission for the January 14th meeting related to this change in character factor. Under Olive Branch's Comprehensive Plan 2040, the subject property is within the Rural Estate designation. In general, lots in this designation are kept to a one-acre minimum. However, if adequate infrastructure is provided and if central sewer facilities are available, lots of a smaller size could be considered.

Public sewer and water lines have been extended to the area of the subject property. Since that extension, other subdivisions in close proximity to the subject property have been developed with lots that are less than an acre, including Chickasaw Heights and Stone Crest. As such, the subject property plans and the requested zoning correction to R-3 conforms to the Rural Estate designation in the Comprehensive Plan because adequate infrastructure is available.

It is also true that this property is surrounded by areas designated as Suburban Neighborhood under the Comprehensive Plan. Lots in this designation can be as small as a quarter of an acre because central sewer was available at the time the associated subdivisions were developed or will be in these areas. The central sewer extension made it possible for this adjacent area to develop on smaller lots. Plans for the subject property include lots that are larger than the minimum set for these surrounding areas, but would remain consistent with the surrounding subdivisions on lot and home sizes.

3. **A public need exists in support of J&M request.**

J&M also adopts the portion of staff's Report to the Planning Commission for the January 14th meeting related to this public need factor. Again, the extension of adequate infrastructure to the subject property supports development of lots that are slightly under an acre. This conforms to the Rural Estate designation and is consistent with neighborhoods in the surrounding areas.

Further, the subject property is located near major transportation routes and provides quick and efficient access to employment areas through access to Goodman Road and Highway 78. Such development responds to the public need for attainable housing in Olive Branch.

Once you have had an opportunity to review, please do not hesitate to contact my office with any questions or concerns.

Sincerely,

DANNIEL COKER HORTON & BELL, P.A.

Lauren E. Ward

Bristol Oaks
An R-3 Planned Residential Development
Olive Branch, Mississippi

Originally Submitted:
August 12, 2005

Originally Submitted by:
Jean Isbell
6437 Wynfrey Place
Memphis, TN 38120

Originally Prepared by:
RUSSELL & COMPANY – SURVEYORS/ENGINEERS
6760 GOODMAN ROAD E.
OLIVE BRANCH, MS 38654
662-893-3377
PO. BOX 1457
FAX 662-893-3379

Reconstructed for Resubmission (Rev. 2)
March 20, 2025

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Background to Amended Master Plan

The following master plan narrative is annotated and adjusted from the original Bristol Oaks R-3 Master Plan which was approved by the City of Olive Branch in 2005. The digital source file was determined to be unavailable because the company which created the original is no longer in operation. Consequently, the document has been reconstructed from a scanned file provided by the City of Olive Branch.

Subsequent to the original submission and approval of the Bristol Oaks plan 2005, the site's zoning was mistakenly revoked 2012. Revocation was based upon errors related to misrepresentation of the ownership of the site and failure of property owner notification.

In the period since the zoning error, 10 acres were sold from the western portion of the site for a utility installation, reducing the R-3 zoned area from approximately 48 acres to 38 acres. The original plan has been adjusted to account for this circumstance. Additional adjustments have made at the request of staff clarification along with the retention of language from the original approval. Adjustments are noted by deletions indicated by ~~strikeouts~~, additions indicated by underline, and other explanatory information annotated with footnotes.

I. General Description of Bristol Oaks

Bristol Oaks, an R-3 Planned Residential Development, is designed to provide an appealing planned neighborhood environment for the existing and future residents of Olive Branch, Mississippi. ~~The wide and inviting boulevard entrance from Pleasant Hill Road characterizes Bristol Oaks Subdivision[1].~~ Its dense, existing tree growth will allow for unique and attractive home sites and plans are being made to minimize the amount of clearing onsite to preserve the natural setting that Bristol Oaks creates. It ~~gated[2] wrought iron and brick entries~~ will present an upscale development to any onlooker. Bristol Oaks will provide single-family home ownership opportunities to meet current public need in the area.

This ~~48.69~~ 38.69[3] acre site is currently vacant and is located at the southeast corner of Pleasant Hill Road and Stateline Road. Sites directly to the east of the project are zoned for AR residential home sites. To the north across Stateline Road and west across Pleasant Hill Road, properties are also zoned AR. Land to the south has been developed as Quail Hollow Subdivision, a large lot residential subdivision. To the southwest, twenty and thirty thousand square foot lots have been approved as part of a PUD. The typical soil type for this area is a Grenada Loam with a high water table of 1 - 2 feet below surface.

The narrative description and maps that form the master plan of Bristol Oaks set forth the land use for the development and shall be considered the preliminary plan for the development. Upon approval, the plan will be used to govern and coordinate the construction of the entire development.

II. Regulatory Compliance

The site of the proposed R-3 Planned Residential Development is currently zoned AR and offers lots sized from 20,000 square feet. The properties to the west, east, and north are currently zoned AR, and property immediately to the south of the project is in the R3 zoning. The development pattern of the proposed planned residential development is compatible with the existing zonings by providing single-family residential opportunities to new and existing residents of Olive Branch.

To provide appealing transitions between the adjoining properties and existing roadways, larger

[1] The site's Pleasant Hill frontage is now occupied by a utility substation.
[2] "Gated" removed to clarify that streets are public.
[3] Acreage accounts for 10 acre utility substation site constructed on the west side of the site.

lots sized from 22,~~995~~ 000 square feet are proposed ~~contiguous to Pleasant Hill Road [4] on the west of the development and~~ contiguous to Stateline Road on the north of the development ~~to the extent that these roads front the project~~ (See Exhibit 2, Site Plan). These lots offer 35 feet front yard setbacks and shall have a minimum of a two-car side load garage.

The balance of the development will provide lots from 20,000 square feet. These lots offer 35 feet front yard setbacks and shall have a minimum of a two-car side load garage.

The Desoto County Comprehensive Plan[5] designates the future use of the site as low density residential. This residential designation allows for development of up to 3.5 units to the acre, or ~~170~~ 135 units on the ~~48.69~~ 38.69 acres. The plan proposes ~~71~~ 42 [6] lots for the site at a density of1. 1. Bristol Oaks community offers lots for single-family residential use only.

III. Uses Permitted, Bulk Requirements, Plan Data, and Design Standards

1. Uses - The Site Plan shows one class of land use; residential. Uses permitted are listed as follows. Additional use restrictions may be contained in the restrictive covenants, however, any such additions shall not relieve any of the requirements of the approved project text and will only be more restrictive than the requirements of the approved project text. The builders in Bristol Oaks will utilize a variety of building styles and floor plans. The homes shall consist of a minimum of 70% brick construction on all sides [7] with a variety of color combinations to be used. Roofs shall be constructed using a dimensional style shingle and all homes shall have a minimum finished heated floor area of 2,000 square feet.

    A. Single Family Residential District - Uses in the Single-Family Residential District are as follows:
        i. Single family dwellings
        ii. Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only
        iii. Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature

[4] The site's Pleasant Hill frontage is now occupied by a utility substation.
[5] Current City of Olive Branch classification is Rural Estate. This classification permits 1 du per acre or more if adequate infrastructure is provided.
[6] Units, acreage, and lots updated to reflect the 10 acre utility substation site.
[7] Added for clarity.

iv. Home occupations subject to the standards defined under "A" ~~Agricultural District~~[8] applicable provisions of the Olive Branch Zoning Ordinance.

v. Accessory buildings and uses as provided in Article VII of the Olive Branch Zoning Ordinance

vi. Public Service facilities

B. Off-Street Parking - Off street parking shall be provided in accordance with the off-street parking provisions of the Olive Branch Zoning Ordinance as of the date of approval of this application.

C. Accessory buildings - Accessory buildings shall be allowed only to the rear of the home. No metal or portable buildings shall be allowed. Accessory buildings larger than 9' x 9' shall be constructed in the same manner, like colors, and like materials as the home. The placement of accessory buildings shall be subject to the applicable rules of the Olive Branch Zoning Ordinance.

D. Signs - Sign placement in the development shall be controlled by the applicable sections of the Olive Branch Zoning Ordinance. ~~as of [9]the date of approval.~~

E. Landscape/ No Access Easements - Landscape/ No Access easements shall be established along ~~Pleasant Hill Road and~~ Stateline Road and shall restrict lots backing up to this ~~these~~ road~~s~~ from accessing them directly.

F. Fences - Fences shall be allowed according to the terms of the Olive Branch Zoning Ordinance ~~as of the date of approval~~[10] as of the date of the fence permit application except that 6 foot high fences shall be permitted on Stateline Road. . Chain link fences shall be expressly prohibited. Permitted fences shall be constructed singularly or in combination of wood, brick, or wrought iron.

G. Mailboxes[11] - ~~Mailboxes shall be made by one manufacturer. They shall be made of iron, or similar material in appearance and shall be painted verdigris~~. ~~A picture of a mailbox is included in Exhibit 10, Plan Details, which represents the style proposed.~~ Group mailbox installations shall be provided in one to two locations as required by the United States Postal Service and approved by the City of Olive Branch.

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[8] Original zoning references the DeSoto County Zoning Ordinance, but this language is modified as shown without objection.
[9] This language is contained with the original application and struck out without objection.
[10] This language is contained in the original text but modified here without objection.
[11] Adjusted to meet current Federal postal requirements.

H. Street signs - Street signs shall be made by one manufacturer. They shall be in similar, complementing styles and materials of the mailboxes. ~~A picture of a street sign is included in Exhibit 10, Plan Details, which represents the style proposed[12].~~

~~I.~~ Entrance Signs - Sign easements shall be reserved on the corner lots within the development along ~~Pleasant Hill[13] Road and~~ Stateline Road for the purpose of establishing an entrance sign denoting the name of the development. ~~See Exhibit 2, Site Plan.~~ The sign will be of brick with brick columns and a wrought iron gate. ~~The sign will be similar to those depicted on Exhibit 14.~~

2. Bulk Requirements - Bulk requirements for the development are listed as follows:
   A. Maximum Densities: Dwelling units per acre for the overall development shall be as follows:
      i. Single Family Residential – 1.1 dwellings per acre
   B. Lot dimensions - Lot dimensions shall be required as follows:
      ~~Single Family Residential[14]~~
      i. Front Yard Set Back- 35 feet minimum
      ii. Side Yard Set Back - 5 feet on each side
      iii. Rear Yard Set Back - 20 feet
      iv. Minimum Lot width at Front Yard Set Back - 115 feet
      v. Minimum Lot Size -20,000 Square Feet
      vi. Maximum Height (principal structure)- 35 Feet
   C. Building[15] shall be prohibited in the utility easement on the west border of the property.

3. Plan Statistics and Data
   The scope of the plan and the total number of units and acreage devoted to each section of the community is as follows:

[12] For clarity, street signs will be constructed to Olive Branch standards.
[13] Pleasant Hill frontage is occupied by the 10 acre utility substation site.
[14] Heading struck without objection.
[15] As noted in the preface, the western 10 acres was sold for a utility substation and an easement established for the utility substation.

Master Plan Data[16]				
Use	Acres	Units	Density	Population
R-3	~~48.69~~ 38.69	~~71~~ 42	1.1	~~284~~ 220
Land use density is based on gross acreage. The actual acreage of the development acres may vary slightly subject to final design and engineering.				

4. Single Family Building Design Standards - Minimum Design Standards for single family residential homes are listed as follows:

All residential structures shall be constructed of a minimum of 70% brick exterior on all sides[17]. The minimum finished heated square footage of a house ~~home~~ will be 2,000 square feet excluding open porches, and garages.

All homes shall have a minimum of a two-car side load enclosed garage. All driveways shall be constructed of concrete. All roofs shall be constructed using a dimensional style shingle. Roofs shall be pitched at a minimum ratio of 6 to 12 for the main dwelling, and porches shall be a minimum pitch ratio of 4 to 12. Unit design and style shall be approved by the developer.

Areas adjacent to streets and pedestrian walkways, as well as interior landscape areas, shall be treated with grass and/or other types of vegetative ground cover. Such areas shall be sodded prior to building occupancy. Sod shall completely cover the front yard and shall extend to the rear corner of the home. The sod shall extend to the side property lines.

In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, and trees by utilizing a sprinkler system or hose bibs.

IV. Roads, Access, and Circulation

Bristol Oaks is accessed through a ~~by two proposed right of way streets. The first is a 66 foot boulevard entrance and connects directly to Pleasant Hill Road. The second is a~~ 50 foot right-of-way and connects directly to Stateline Road. ~~See Exhibit I 1, Entrance Detail.~~ From there, residents will have quick access to Highway 302, Highway 78, or Memphis. No access shall be allowed from any lot directly ~~Pleasant Hill Road or~~ to Stateline Road. See Exhibit 2, Site Plan.

[16] Table revised to account for reduced site size.
[17] Language added for clarity.

A right of way of ~~40 feet (two travel lanes and center turn lane)~~ [18] ~~53 feet~~ from centerline, shall be dedicated along Stateline Road in conformance with the City of Olive Branch's Major Road Plan. Proposed construction of Stateline Road shall consist of one and a half lanes of asphalt with curb, gutter and sidewalks across the south side to the extent that the road fronts the development. ~~For the typical road Cross Section see Exhibit 10, Project Details.~~

The streets within the development are to be constructed at 50 feet right of ways. These streets shall consist of 30 feet of asphalt, measured from back of curb to back of curb ~~edge of pavement to edge of pavement~~ and shall conform to the Road Construction Standards for Olive Branch. ~~The outside five feet on each side shall be painted as a walking area~~. Sidewalks shall be provided on both sides of the street. For the typical road Cross Section see Exhibit ~~3~~10, Project Details. All streets shall be in conformance with the Major Road Plan.

V. Landscaping and Buffering

Landscape buffers shall be provided along ~~the east side of Pleasant Hill Road and~~ the south side of Stateline Road. These buffers shall consist of existing ~~dense~~ tree growth that is currently onsite supplemented by evergreen planting screen, including the removal of undergrowth. ~~Exhibit 9, Aerial Photograph shows this existing growth as does Exhibit 13, Mature Tree Growth Illustration.~~ This will preserve the natural setting of Bristol Oaks. Proposed landscape and no access easements are illustrated on Exhibits 2, Site Plan. A 2" caliper deciduous tree shall be planted in the front yard of each lot prior to home occupancy. Each tree shall be a minimum of 5' from both the front and the side lot line utility easements. See Site Plan, Exhibit 2.

VI. Open Space

~~The developers of Bristol Oaks Subdivision have elected to pay the City designated fee in lieu of dedicating open space~~.[19] Four acres of open space is provided to accommodate recreational needs and storm water management.

VII. Drainage Facilities and Services

The master plan of Bristol Oaks has been analyzed and improvements proposed which meet Olive Branch drainage standards. No significant increase in the current storm water runoff rate shall be caused by the construction. ~~Exhibit 3, Drainage Plan, shows that the site drains to the north.~~ All necessary drainage plans and facilities to provide for no significant increase in storm water runoff shall be provided to the City Engineer's Office for approval.

[18] Adjusted to meet current MPO Long Range Transportation Plan.
[19] This fee in leu of option was available at the time of rezoning. Open space is now provided.

VI. Utility Facilities

Sanitary sewer facilities shall be provided by the City of Olive Branch. Sanitary sewer facilities shall consist of a gravity system that will be tied into the existing City sewer system.

Water service is to be provided by the City of Olive Branch. Water mains will be extended from their present location on Pleasant Hill Road and Stateline Road southeast throughout the subdivision. Fire hydrants will be installed in accordance with the regulations of the City of Olive Branch. ~~Locations are shown on Exhibit 4, Utility Plan.~~

Electric power shall be supplied by North Central Mississippi Electric Power Association

Natural gas service shall be provided by Mississippi Valley.

All utilities shall be installed underground.

IX. Phases of Construction

Bristol Oaks shall be developed in one phase, upon approval. Construction shall begin in mid to late ~~2005~~ 2025[20].

X. Justification for the rezoning[21]

1. List how the proposed amendment would conform to the recommendations of the General Development Plan.

   The General Development Plan, Detailed Land Use Map indicates that this property is recommended for Residential Low Density development. Bristol Oaks provides a density at the lower end of the range of the recommended densities. Therefore Bristol Oaks Subdivision follows this recommendation of the General Development Plan,

   Bristol Oaks is located near a major transportation route and has quick and efficient access to employment areas through access to Goodman Road and Highway 78.

[20] This date is the projected date of construction as of the original approval and is adjusted to reflect current circumstances.
[21] The justification for rezoning was accepted with the original approval. The rezoning was subsequently changed by error and mistake through due to misrepresentation of ownership of the site and failure of notification of the property owner.

Therefore this rezoning request follows the recommendations of the General Development Plan of Olive Branch.

2. Why the existing zoning district designation is inappropriate or improper.

   The existing zoning designation is inappropriate because utility infrastructure is being extended to the site that will support higher density developments.

3. What major economic, physical, or social changes have occurred in the vicinity of the property in question that were not anticipated by the City's General Development Plan and have substantially altered the basic character of the area, making the proposed amendment to the Zoning District Map appropriate.

   The continued development and growth of the BFI landfill just across the state line in Memphis is a determent to this area. In a recent DeSoto Times article, officials were quoted to say that when complete and closed, the BFI facility will be about as high as the Pyramid in downtown Memphis. That is some 200 feet above the surrounding properties.

4. The public need for the proposed zoning amendment.

   The public need for the zoning amendment is based on the continued growth of the City and the need for housing to support that growth.

   City growth has been documented by the DeSoto County Economic Council to have reached the 29,000 mark in the year 2000. This far exceeds the General Development Plan estimate of 15,200.

   DeSoto County has also been named the 42nd fastest growing county in the nation, as recently published in a local daily newspaper. With this growth rate, a constant supply of lots and homes must be supplied for the families moving into the County and City. This request will provide for the public need of additional residences with quick access to the employment centers of Olive Branch and Memphis.

Exhibits

Exhibit 1 Restrictive Covenants[22]
Exhibit 2 Site Plan
Exhibit 3 Street Cross Section

[22] Covenants and Restrictions are private instruments of land use control. While current planning practice in Olive Branch does not require the inclusion of the covenants they are provided here as in the originally approved master plan.

Exhibit 4 Home Character, Entrance, Sign Examples[23]
~~Exhibit 3 Drainage Plan~~
~~Exhibit 4 Utility Plan~~
~~Exhibit 5 Property Plan~~
~~Exhibit 6 Legal Description~~
~~Exhibit 7 Neighborhood Plan~~
~~Exhibit 8 Notice Addresses~~
~~Exhibit 9 Aerial Photograph~~
~~Exhibit 10 Project Details & Street Cross Sections~~
~~Exhibit 11 Entrance Detail~~
~~Exhibit 12 Omitted~~
~~Exhibit 13 Mature Tree Growth Illustration~~
~~Exhibit 14 Signage/ Gated Entry Photo~~
~~Exhibit 15 Master Illustration~~

Exhibit 1 Restrictive Covenants

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BRISTOL OAKS

ARTICLE I
PROPERTY SUBJECT TO THESE COVENANTS AND RESTRICTIONS

The real property is, and shall be, held, conveyed, transferred and sold subject to the conditions, restrictions, covenants, reservations and easements herein contained; and is located in Desoto County, Mississippi; and is described as BRISTOL OAKS. Such lots are referred to collectively as the "Subdivision" and the word "Subdivision" as used herein refers only to such lots.

ARTICLE II
GENERAL PURPOSES OF COVENANTS AND RESTRICTIONS

The conditions, restrictions, covenants, reservations and easements herein contained are made and imposed upon the subdivision and each lot contained therein to insure the best use and the most appropriate development and improvement of each lot; to protect each owner of each lot against such improper use of surrounding lots, as well as depreciation of the value of the property; to preserve, so far as practicable, the natural beauty of the Subdivision; to encourage and secure the construction and erection of attractive homes on such lots; to prevent haphazard and inharmonious improvement of such lots; to secure and maintain proper setbacks from streets and adequate space between structures; and, in general, to provide adequately for a high type and quality of improvements on such lots, and thereby enhance the value of investments made by purchasers of such lots.

ARTICLE III
DURATION OF COVENANTS AND RESTRICTIONS

[23] Home character added for clarity, entrance and sign examples reproduced.

The conditions, restrictions, covenants, reservations and easements herein contained shall run with the Subdivision and shall be binding on all persons claiming under them until January 1, 2035, at which time said Covenants and Restrictions shall be automatically extended for successive periods of ten (10) years. These Covenants and Restrictions, or any one of them, may be amended prior to and on such date by an instrument signed by not less than eighty (80%) percent of the owners of such lots (one vote per lot). All amendments to the restrictive covenants must be approved by the Olive Branch Planning Commission before they become final and are recorded in the Chancery Clerk's Office.

ARTICLE IV
COVENANTS AND RESTRICTIONS

A. Restrictive covenants and similar documents are private in scope and not subject to governmental enforcement. However, if a person violates or attempts to violate any of the covenants herein, it shall be lawful for any person owning real property in said Subdivision to prosecute at law or in equity any person or persons violating any such covenants, and either to prevent him or them from so doing or to recover damages or other dues from such violators.

B. Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions which shall remain in full force and effect.

C. Residences shall have a minimum finished heated floor area of 2,000 sq. ft, exclusive of open porches, carports and garages. This required square footage does not include heated porches, garages or other areas not normally considered part of the heated area.

D. No residence, building, fence, wall or other structure shall be commenced, erected or maintained upon any lot in the Subdivision, nor shall any exterior addition to, change or alteration thereof be made until the construction plans, site plan and specifications showing the nature, kind, shape, size, height, materials and location of same shall be submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by Bristol Oaks, L.L.C., or its representative. Irregardless of the above, architectural requirements include homes to be constructed with at least 70 percent brick, roofs with a minimum pitch of 6 to 12 for principal roof form and 4 to 12 on porches and overhangs, and roofs to be constructed using a dimensional style shingle. However, in the event that Bristol Oaks, L.L.C., or its representative, fails to approve or disapprove such design and site plan within ten (10) working days after said plans have been submitted, such approval will not be required and this covenant shall be deemed to have been fully complied with.

E. All lots in this Subdivision shall be used for residential purposes only. All of such lots shall be known and described as single family residential lots and are not to be subdivided into smaller lots. All buildings or structures erected upon said lots shall be of

new construction, and no building or structure shall be moved from other locations onto said lots.

F. No building material of any kind or character shall be placed or stored upon any lot until the owner is ready to commence construction. Building materials shall not be placed nor stored in the street or between the curb and property lines.

G. No trailer, basement, tent, shack, garage or barn erected on any lot within the Subdivision shall, at any time, be used as a residence, either temporarily or permanently, except for construction or home sale purposes only.

H. No noxious or offensive trade or activity shall be carried on upon any lot in this Subdivision, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

I. No animals, livestock or poultry of any kind shall be raised, bred or kept on any of said lots, except that dogs, cats, or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.

J. No recreational nor commercial vehicles including, but not limited to, boats, boat trailers, house trailers, camping trailers, motor homes, motorcycles, pickup trucks, hobby vehicles or other similar type items, shall be placed upon any lot unless stored in an enclosed garage or in a fenced area at the rear of the residence, properly screened from the view of the neighbors or the street.

K. All trash or garbage shall be regularly removed from the premises and shall not be allowed to accumulate thereon.

L. Grass, weeds, vegetation and debris on each lot shall be mowed and cleared at regular intervals by the owner thereof in order to maintain same in a neat and attractive manner. Trees, shrubs, vines and plants that die shall be promptly removed from such lot.

M. No outside clotheslines or other apparatus for the drying of clothes shall be permitted in the subdivision.

N. All exterior television or radio antennas, and satellite dishes shall be installed according to the regulations of the municipal authority.

O. No wire fences shall be allowed. All other fences shall be constructed according to the regulations of the local governmental authority.

P. No plywood sheeting shall be permitted as the finished exterior surface.

Q. Exposed metal fireplace chimneys are prohibited.

R. The front and side yards of each lot shall be solid (block) sodded and the rear yard sprigged prior to occupancy of a residence.

S. All residences must have a two car side load enclosed garage for vehicle parking. However, no garage shall be larger than for four (4) cars. Any garage built in a location on the lot where it can be seen from any public street abutting the lot, must be enclosed and must have a door which, when closed, will screen the interior of the garage from public view from all such public streets abutting the lot. Garage doors must be kept shut, except during ingress and egress.

T. All mailboxes within the subdivision are to be identical in design, i.e., Halle design mailbox Verdigris in color by Pickle Ornamental Iron Co., Inc., 3177 Summer Avenue, Memphis, TN, or like kind approved by Developer.

U. There are perpetual easements as shown on the recorded plat of the Subdivision reserved for utility installation and maintenance, and drainage.

V. Building setbacks from all streets shall be required as shown on the recorded final plat and/or required by the zoning ordinances of the proper governmental authorities. Porches, stoops, chimneys, window boxes and other portions of the structure may not project beyond the minimum setback lines. An accidental variation of less than twelve inches (12") shall not constitute a violation of this covenant.

W. Each lot owner is prohibited from obstructing the free flow of water drainage, or diverting or changing such drainage in any manner that results in damage to any other lot owner. Furthermore, the lot owner shall be responsible for any and all erosion control measures that may be required by any governmental authority, provided that all such additional restrictions imposed at the time of sale by appropriate provision in the deed shall be more restrictive than the covenants listed here.

X. 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.

Y. Bristol Oaks, L.L.C., reserves unto themselves the right to impose additional specific restrictions upon any lot in this subdivision at the time of sale by said corporation of any of such lots. Such additional restrictions may be made by appropriate provision in the deed, without otherwise modifying the covenants and provisions contained herein. Such

additional restrictions as are so made shall apply to the lot or lots on which they are specifically imposed, provided that all such additional restrictions imposed at the time of sale by appropriate provision in the deed shall be more restrictive than the covenants listed herein.

Bristol Oaks, L.L.C.

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority, in and for the said County and State, on this day of 2004, personally appeared and a member of Bristol Oaks, L.L.C., a Mississippi limited liability company, and that in said representative capacity, he executed the above and foregoing instrument, after having first been duly authorized so to do.
NOTARY PUBLIC
My commission expires:

Exhibit 2 Bristol Oaks Site Plan



Exhibit 3 Street Cross Section

Streets are to be designed as 50 feet of row with the travel surface measuring 24 face of curb to face of curb with sidewalks on each side as illustrated below.

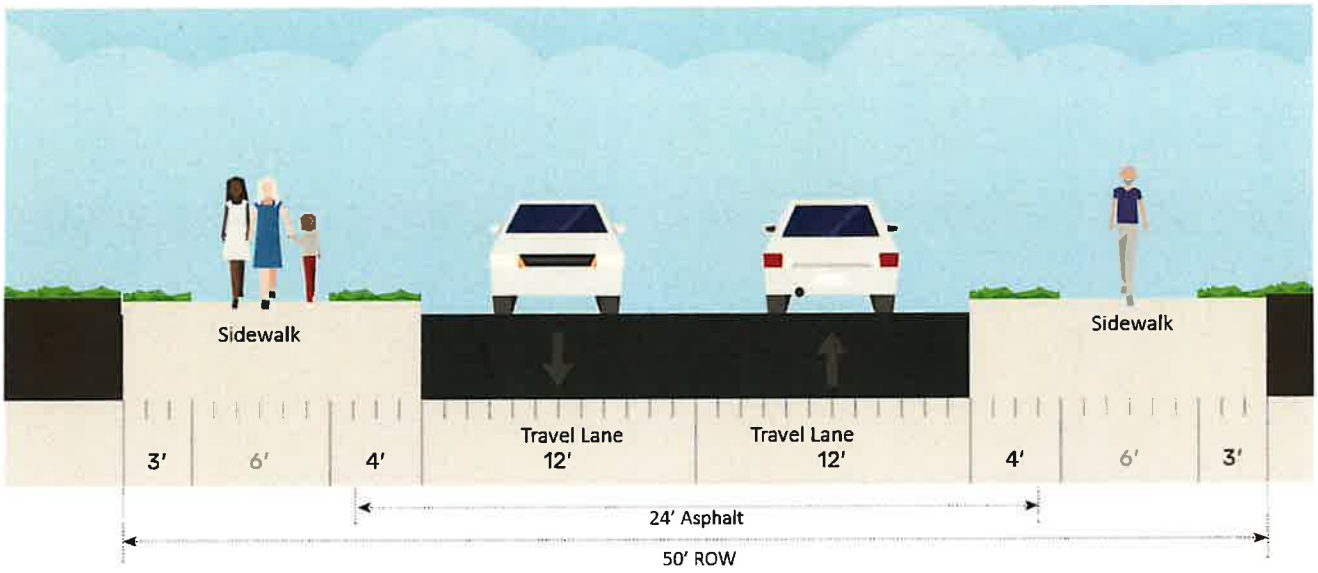


Exhibit 4 Example Home Character, Entrance, Sign Examples

The homes below represent the character of construction for Bristol Oaks.






Masters Drive

AGENDA NO.: Old Business No.2 ZP24-0014 **MEETING DATE:** 01/14/25

REPORT TO THE PLANNING COMMISSION

CAPTION / SUBJECT: Application for a Zoning Map Amendment, submitted by Trey Byars and Lauren Ward, Daniel Coker Horton & Bell, P.A. on behalf of Property Owners Robert Bailey, J&M Holdings LLC. The request is to correct an error in zoning from A-R, Agricultural-Residential, to R-3, Planned Residential District, & to approve the Project Text and Development Plan for Bristol Oaks. The 38.89 +/-acre subject property is located at the Southeast corner of Pleasant Hill Road and Stateline Road. (File# ZP24-0014) (Tabled to this date at Meeting of December 10, 2024)

EXHIBITS:
1. Aerial View Map
2. Applicant's "Request for Zoning Correction" Package
3. Exhibits (3A to 3S) Regarding Property Ownership and Zoning Histories

EXECUTIVE SUMMARY:



The subject property was a portion of a 48.69ac property rezoned from A-R, Agricultural Residential, to R-3, Planned Residential District, in 2005 for the Bristol Oaks Planned Residential gated community. In 2010, J & M Holdings, LLC conveyed 10.02ac to New Life in Christ Church and maintained ownership of the rest of the land. In 2012, the entire 48.69ac was rezoned back to A-R. Trey Byars, Lauren Ward, Daniel Coker Horton & Bell, P.A., on behalf of the property owner, J & M Holdings, LLC, (JMH) request rezoning of the subject ±38.89ac, from A-R back to R-3 based on the claim that the rezoning of the property from R-3 to A-R in 2012 was a mistake because an appropriate party, including JMH as the property owner, did not initiate the rezoning request and Brenda Solomito who acted as representative agent of JMH on the application was not authorized by the property owner to do so. JMH signed a "Designation of Agent" form for Solomito that staff found in the preliminary plat application file that accompanied the 2012 rezoning request. The preliminary plat included a note indicating that the property was the subject of a rezoning request from R-3 to A-R. In 2015, the Board of Aldermen adopted an "Official Zoning Map" of the City of Olive Branch and mandated it as the "baseline map for future reference" in the City, with the zoning of the subject property affirmed as "A-R." Applicant also requests that the Bristol Oaks Planned Residential subdivision project text and preliminary development plan be reinstated, albeit with significant changes. The proposed preliminary development plan, consisting of 51 lots that are at least 20,000sq ft large, does not provide a minimum 10% of open space and does not designate areas for stormwater retention or detention on the property. Staff recommends two options for the Planning Commission's consideration.

1. BACKGROUND

1.1. Purpose

Trey Byars, Lauren Ward, Daniel Coker Horton & Bell, P.A., on behalf of the property owner, J & M Holdings, LLC (JMH), request rezoning of a ±38.89ac property, Parcel ID 107624000 0002000, southeast of the intersection of Pleasant Hill Rd and Stateline Rd E (see map as Exhibit 1), from A-R, Agricultural Residential District, to R-3, Planned Residential District, on the basis that the rezoning of the property from R-3 to A-R in 2012 was erroneous or a mistake because the property owner, JMH, was not involved in the rezoning process. The applicant further requests that the project text for Bristol Oaks Planned Residential Subdivision that was associated with the development of the property, as approved by the Board of Aldermen in 2005, be reinstated with significant changes (See rezoning request package as Exhibit 2). The purpose of the rezoning, therefore, is to permit the development of the subject property for the Bristol Oaks Subdivision, which would consist of 51 detached single-family residential lots of at least 20.000sq ft in size. Layouts of the original preliminary development plan (approved in 2005 and voided in 2012) and the now revised plan are shown in Figs. 1 & 2.

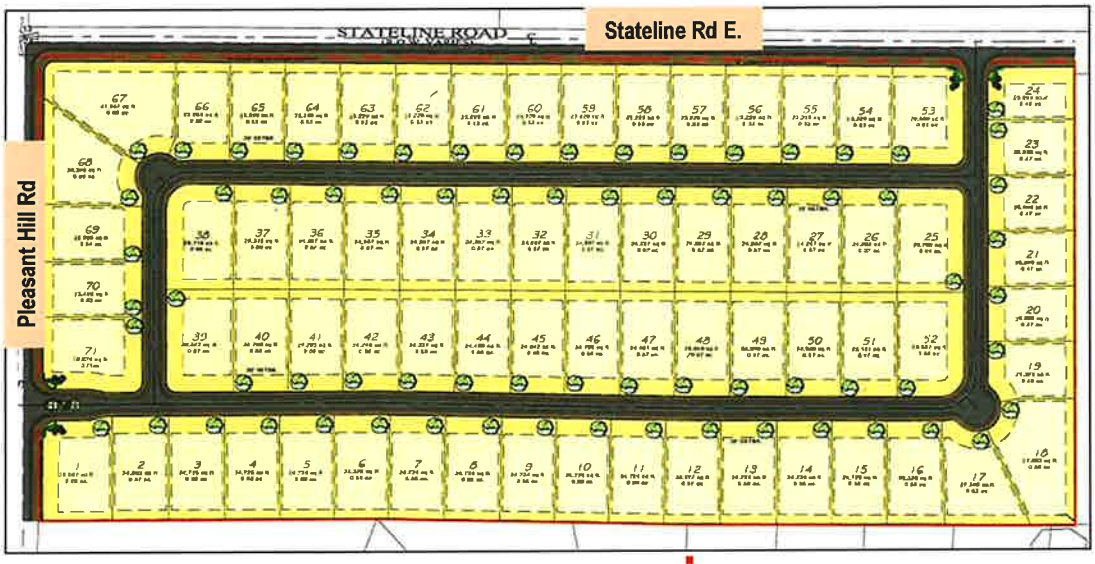


Figure 1
Preliminary development Plan of Bristol Oaks, a gated planned residential subdivision, approved in 2005, with the rezoning of the entire 48.69ac property from A-R to R-3. In 2012, all the property was rezoned back to A-R, thereby voiding the Bristol Oaks Project Text and this plan therein.



Figure 2
Revised preliminary development plan of Bristol Oaks, a non-gated planned residential community, now on a ±38.89ac parcel of land that is proposed to be rezoned from A-R back to R-3. The applicant/property owner, JMH, claims that the rezoning of its property to A-R in 2012 was a mistake because it did not apply for, did not authorize anyone to represent it in the rezoning process, and was not notified of the rezoning; the rezoning was not initiated by any person/entity with authority to do so.

1.2. Zoning History

Table 1:
Zoning History of Subject Property

Date	Zoning/Action
1996	A 48.69ac property, which the subject ±38.89ac was part of, was annexed into the City of Olive Branch with Desoto County's A-R (Agricultural -Residential) Zoning District classification.
September 2005	"The 2002 Jean Bowe Isbell Trust" that owned the 48.69ac piece of property requested rezoning of the land from A-R to R-3 (Planned Residential District) for the Bristol Oaks Planned Residential Subdivision (see application as Exhibit 3A). This was a 71-lot private gated community with boulevard access from Pleasant Hill Rd and Stateline Rd. Lots that were at least 22,999sq ft were proposed along Pleasant Hill Rd and Stateline Rd. The rest of the development had lots from 20,000sq ft. The minimum finished heated area of a house was 2,000sq ft (see 2005 Project Text as Exhibit 3B).
September 13, 2005	Planning Commission recommended approval of the rezoning of the 48.69ac property from A-R to R-3 and approval of the associated project text and preliminary development plan therein for the Bristol Oaks Planned Residential Subdivision, subject to various conditions.
November 1, 2005	Board of Aldermen approved rezoning of the 48.69ac land from A-R to R-3 and the companion binding project text and preliminary development plan therein for the Bristol Oaks Planned Residential Subdivision. The project text and preliminary development plan were approved subject to various conditions (see Approval Ordinance as Exhibit 3C).
December 2, 2005	Jerry Goin, Trustee of the 2002 Jean Bowe Isbell Trust, conveyed the entire 48.69ac property to Bristol Oaks, LLC (see deed as Exhibit 3D)
December 29, 2009	Bristol Oaks, LLC conveyed all 48.69ac property to J & M Holdings, LLC (see deed as Exhibit 3E). At the time of this conveyance, the property was zoned R-3 and the associated project text and preliminary development plan for Bristol Oaks was valid and effective.

Date	Zoning/Action
December 9, 2010	J & M Holdings, LLC conveyed ±10.00ac of the 48.69ac that had been approved by the Board of Aldermen for Bristol Oaks Planned Residential Subdivision to Kevin Willis Sr., Linda Willis, Audrey Betts, and Quincy Preston, as Trustees for the New Life in Christ Church (see deed as Exhibit 3F). JMH maintained ownership of the remaining 38.69ac. This conveyance was done by deed only; no subdivision plat approval was granted by the City of Olive Branch dividing the 48.69ac into two lots.
October 12, 2012	Brenda Solomito (with Solomito Land Planning) submitted two associated applications to the City of Olive Branch: (1) an application for the rezoning of the entire 48.69ac (±10.00ac owned by New Life in Christ Church and ±38.69ac owned by J & M Holdings) from R-3 back to A-R (see Rezoning Application as Exhibit 3G); and (2) a preliminary subdivision plat application, which proposed three lots: the ±10.00ac owned by New Life in Christ Church as potential Lots 1 and 2, and the remainder of the property owned by J & M Holdings as potential Lot 3, plus 0.5ac to be dedicated in future as public right-of-way (see Preliminary Plat Application as Exhibit 3H). New Life in Christ Church intended to construct a Church building on the suggested Lot 1 (see Concept Plan submitted with rezoning application as Exhibit 3I). Places of religious worship were neither a permitted nor a conditional use in the project text of Bristol Oaks Planned Residential Subdivision. • The rezoning and preliminary plat applications were both signed on October 12, 2012. • Two days before Brenda Solomito applied for the rezoning and preliminary subdivision plat approvals, precisely on October 10, 2012, New Life in Christ Church signed a "Designation of Agent" form authorizing Solomito as their representative agent (see agent designation form as Exhibit 3J). • The first sentence in the rezoning letter from Solomito stated: "Please, accept this application on behalf of New Life in Christ Fellowship Church for Rezoning from R-3 to A-R" (see letter in application package, Exhibit 3G)

Date	Zoning/Action
October 23, 2012	Associate City Planner, Laurette Thymes, wrote to Solomito. In her email, she noted that while the 10.00ac area constitutive of preliminary Lots 1 and 2 (also part of the rezoning application land) were owned by New Life in Christ Church and had a designated agent form, the remaining land, which was also part of the rezoning application, and constituted "Lot 3 [was] listed as J & M Holdings and [did] not have a Designated Agent Form for the corporation" (see Thymes' email as Exhibit 3K).
November 2, 2012	Planning staff signed and issued its report to the Planning Commission. The staff report to the Commission included a notable comment: "Brenda Solomito, principal planner for Solomito Land Planning submitted a Designated Agent Form from the New Life Church of Christ. However, records show their ownership of 10 acres and the remaining 36 acres owned by L & M Holding (*sic!*). The file does not include a (*sic!*) authorization to act on behalf of the owners of the 36 acre property" (see staff report as Exhibit 3L).
November 6, 2012	Mike Bailey, representing J & M Holdings, LLC, executed a "Designation of Agent" authorizing Brenda P. Solomito "to make verbal or written representations and/or declarations on [J & M Holding, LLC's] behalf and [J & M Holding, LLC] shall be legally bound by said verbal or written representation and/or declarations relating to this petition" (See signed agent designation form as Exhibit 3M). • On the Designation of Agent Form, the petition was simply named, "New Life in Christ Fellowship Church" without any distinction as to whether it was limited to the rezoning or the preliminary plat application. • The preliminary plat also bore a legible site data note, which stated: "Existing Zoning: R-3; Proposed Zoning: A-R"
November 13, 2012	The Planning Commission considered both the rezoning of the Church and J & M Holdings, LLC properties (the entire 48.69ac) from R-3 to A-R and the associated preliminary subdivision plat concurrently. Planning staff presented both as "combo" applications, and Solomito represented and spoke regarding both applications. The minutes of the Planning Commission meeting do not show that staff, Solomito, planning commissioners, or anyone else raised an issue regarding agent representation by Solomito on the rezoning of the entire property (see Planning

Date	Zoning/Action
	Commission minutes as Exhibit 3N). This might have been because after the staff report was submitted, J & M Holdings, LLC then issued an agent representation form for Solomito before the Planning Commission meeting, and so the representation matter was considered settled. This argument may be supported by the fact that after the Planning Commission meeting, the staff report to the Board of Aldermen for the setting of the rezoning public hearing did not include the noted comment regarding lack of agent representation for JMH (see staff report on setting public hearing as Exhibit 3O).
November 20, 2012	Board of Aldermen sets the public hearing for the requested rezoning.
December 18, 2012	Board of Aldermen considered at an advertised public hearing and approved the rezoning of both properties owned by the New Life in Christ Church and J & M Holdings, being the entire 48.69ac, from R-3 to A-R (see Approval Ordinance as Exhibit 3P), and also approved the preliminary plat showing the lots owned by both parties and bearing thereon the rezoning from R-3 to A-R note (see Board Order as Exhibit 3Q). The Ordinance regarding the rezoning approval states that New Life in Christ and J & M Holdings, LLC are the property owners who applied for the rezoning and that "Brenda Solomito, representing the applicant, addressed the Board in support of the rezoning." The rezoning to A-R also ipso facto voided the project text and preliminary development plan for Bristol Oaks Planned Residential Subdivision. The approval of the preliminary plat likewise had the implied effect of rendering the preliminary development plan of Bristol Oaks Planned Residential Subdivision practically ineffective because the preliminary plat proposed lots layout/configuration different from the preliminary plan layout of Bristol Oaks subdivision.
September 15, 2015	Following due process in accordance with Mississippi State Law, the Board of Aldermen, exercising its Governing Authority, adopted a city wide rezoning map as the "Official City Zoning Map." In the map, the Board corrected the zoning of properties it determined to be erroneous across the City, and affirmed the zoning of the subject J & M Holdings, LLC property as A-R, Agricultural Residential. The Ordinance adopting the map stated: **'That the Map attached hereto as Exhibit "A" is hereby adopted as the Official Zoning Map of the City of**

Date	Zoning/Action
	Olive Branch, to be used as the baseline map for future reference, subject to subsequent orders and ordinances adopted by the Board of Aldermen" (see Approval Ordinance as Exhibit 3R and associated map as Exhibit 3S).
July 24, 2024	Robert Barber with Orion Planning & Design emailed planning staff and requested a copy of the "rezoning file for Trey Sowell for property at Stateline and Pleasant Hill." This was post a pre-development application meeting with Mr. Sowell.
July 26, 2024	Following request by Robert Barber for additional material on the rezoning, such as "minutes for the original rezoning from A-R to R-3," planning staff advised him to contact the City Clerk's office for records.
August 14, 2024	Trey Byars and Lauren Ward, Daniel Cooker Horton & Bell, P.A., acting on behalf of the property owner, J & M Holdings, LLC, submit an application to the City of Olive Branch requesting that the subject property owned by J & M Holdings be rezoned from A-R back to R-3, and the project text with the preliminary development plan for Bristol Oaks Planned Residential Subdivision be restored, albeit with some changes.
November 13, 2024	A complete application for rezoning of subject property from A-R to R-3, based on a claimed of mistake in the current zoning of the property is submitted to the Planning Department by J & M Holdings, LLC. Application was completed with the payment of the review fee on Nov. 13, 2024.
November 25, 2025	Following submission of a completed rezoning application, staff began review of the request and found in the 2012 preliminary plat application folder the "Designation of Agent" form that was signed by Mr. Mike Bailey on behalf of J & M Holdings, LLC for Brenda Solomito.

2. PROJECT TEXT/PRELIMINARY DEVELOPMENT PLAN DIFFERENCES

Some significant changes regarding the Bristol Oaks project text and associated preliminary development plan as approved in 2005 (now voided) compared to the present proposal are worth highlighting as shown in Table 2 below. The applicant submits this project text and development plan not as a new development proposal, but as a revision of the voided 2005 texts/plan with selected changes.

Table 2

Differences Between the Project Text/Preliminary Development Plan of Bristol Oaks as Approved in 2005 and Current Proposal

Item	2005 Project Text/Preliminary Development Plan (now voided)	"Reconstructed" Project Text/Preliminary Development Plan Currently Submitted for Approval
Subject Property	48.69ac, adjoining Pleasant Hill Rd	38.89ac, which does not adjoin Pleasant Hill Rd
Number of Lots	71	51
Density	1.46 dwelling units/acre	1.32 dwelling units/acre
Accessibility	Accessible from Pleasant Hill Rd and Stateline Rd E	Accessible only from Stateline Rd E
Community Type	Private gated community	Open; no gated entrances/exits into/from the subdivision. Thus, no access control.

3. ANALYSIS

3.1. Rezoning Criteria

The burden of proof with **clear and convincing evidence** that the rezoning criteria has been met is on the applicant. Clear and convincing evidence is a stricter requirement than a preponderance of the evidence. It is evidence that leaves one with the firm conviction that it is highly probable that the factual contentions of the claim are true.

In accordance with Mississippi State Law, the criteria used to evaluate a rezoning are listed below:

3.1.1. The original zoning classification for the property was a mistake; or that,

Applicant's Submission:

Applicant submits that the rezoning of the subject property from R-3, Planned Residential District, to A-R, Agricultural-Residential District, in 2012 by the Board of Aldermen was a mistake because, as stated in the forwarding letter from Ms. Lauren E. Ward, the rezoning was "at the consent of a party that had no ownership in the 38.89 acres and without notice to JMH." More specifically, the applicant argues that:

(a) Contrary to the requirement of Article XIV, Sec. 1(B) of the Zoning Ordinance of the City of Olive Branch, the 2012 rezoning was not initiated by the mayor, the Planning Commission, the Board of Aldermen, or a person with an interest in the property to be

rezoned. Brenda Solomito was not authorized by J & M Holdings, LLC to act as its agent regarding the rezoning. Considering that no one authorized to initiate the rezoning requested it, the Board of Aldermen lacked the jurisdiction or authority to rezone the property.

(b) In the 2012 rezoning, J & M Holdings, LLC's due process rights were violated because it did not receive notice and did not have the opportunity to be heard on the application before the Board of Aldermen.

Staff Finding:

(a) Regarding rezonings in Mississippi, a mistake within the meaning of the law is not a mistake of judgment of the Local Governing Authority; rather, it is a clerical or administrative mistake. A clerical error is simply a minor error or oversight usually involving a mistake in typing, copying, or information transcription. An administrative mistake is a mistake in the implementation of an applicable public policy regarding a rezoning application.

(b) While it may be debated whether the "Designation of Agent" form executed by J & M Holdings, LLC granting authority to Brenda Solomito was restricted to only representation regarding the preliminary subdivision plat, it is factual that:
(i) The signed "Designation of Agent" form did not contain such expressed limitation.
(ii) The application label or name written on the "Designation of Agent" form from JMH to Solomito was "New Life in Christ Fellowship Church." The minutes of the Board of Aldermen regarding the rezoning show approval of rezoning "for New Life in Christ Fellowship Church." The map and concept plan exhibits for the rezoning were likewise named, "New Life in Christ Church" (see Exhibit 3G).
(iii) The preliminary subdivision plat contained a legible note stating that the preliminary lots on the plat, which included the J & M Holdings, LLC property, were the subject of a rezoning request from R-3 to A-R.

(c) Concerning rezonings in Mississippi, excepting cases of transgression of important procedures imposed by the law and due process rights of citizens, it is the local municipal body that is vested with final authority for determining whether requisite procedures have been met or, if it pleases, waiving them. The 15 days notice of advertisement of the public hearing of the rezoning in a newspaper of general circulation in Desoto County met the statutory notice requirement. The rezoning hearing by the Board of Aldermen on December 18, 2012 was open for public comments.

(d) In September 2015, having followed due process, and having corrected the then existing zoning of parcels that the Board of Aldermen determined met the criteria of "mistake," the Board adopted a city-wide zoning map, declared it to be the "Official Zoning Map" of the City of Olive Branch, and mandated and set forth the map "**to be used as the *baseline map* (emphasis added) for future reference.**" This implies that unless there are orders of the Board of Aldermen altering this map, the zoning of land parcels as shown on the said map are legal, authentic, and valid, and should serve as the point of reference for any

rezoning after September 2015. In September 2015, the subject property had a zoning classification of "A-R" and the Board of Aldermen in adopting the baseline official zoning map of the city did not find that the "A-R" zoning was a mistake.

3.1.2. The character of the neighborhood has changed to such an extent to justify the proposed rezoning; (If the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any, have occurred in the vicinity of the property in question, which were not anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.) and that,

Applicant's Submission:
The applicant makes no submission regarding change in the character of the area.

Staff Finding:

Staff exhorted the applicant to consider submitting evidence regarding change in the character of the area since 2012 when the property was rezoned from R-3 to A-R. However, the applicant decided not to do so.

Residential Rural-estate development (at least 1 acre in size lots) such as Quail Hollow and Davidson Estates subdivisions in the vicinity of the property were developed in the 1980s, at a time when public sewer was unavailable in the area. Since then, public sewer and water lines have been extended to the area, which have made possible the development of subdivisions such as Chickasaw Heights to the southwest and Stonecrest to the south of the subject property, both having lots that are less than half an acre and were developed in 2005 and 2016 to 2018 respectively.

3.1.3. A public need exists for the rezoning

Applicant's Submission:
The applicant makes no submission regarding change in the character of the area.

Staff Finding:
The Future Land Use Map in the Comprehensive Plan 2040, which articulates the City's land use public need policies, designates the property in its entirety as "Rural-Estate," which generally refers to areas with lots that are at least 1 acre in size. However, the Comprehensive Plan as provides that where adequate public infrastructure such as sewer lines is available, the properties so designated may be developed for residential lots that are less than 1 acre. Such suburban residential development responds to the public need for attainable housing in the City.

3.2. Preliminary Development Plan

Article V, Sec. 5(J)(3)(c) of the Zoning Ordinance stipulates four criteria for reviewing proposed planned residential developments, namely: character of area considering the quality of construction proposed and architectural compatibility; traffic conditions; public utility facilities; and such other matters pertaining to health, safety, and general welfare.

3.2.1. The character of the community considering the quality of construction proposed and the architectural compatibility of the proposed development.

The proposed density of the development is 1.32du/ac, which is lower than that permitted in the least dense non-agricultural residential district in the City of Olive Branch, namely, the R-1 Zoning District, which permits a density of 3.5du/ac. This 1.32du/ac is also lower than the 1.46du/ac density approved in the now voided 2005 project text for Bristol Oaks Subdivision.

Apart from Quail Hollow and Davidson Estates with densities that are less than 1du/ac, the permitted density in Stonecrest and Villages at Southbranch subdivisions further to the south are 2.65du/ac and 2.95du/ac respectively. The density of Chickasaw Heights is 2.25du/ac. Therefore, comparatively, the density of the proposed Bristol Oaks aligns with the density character of the neighborhood.

As proposed, the minimum heated area of house sizes would be 2,000sq. ft. An approval condition of the project text in 2005 required that the minimum heated floor area for a two-story residence be 2,200sq ft. The elevations of all sides of houses would have minimum 70% brick. This is fairly similar to the houses in Chickasaw Heights.

3.2.2. Traffic Conditions

Following the Institute of Transportation Engineering (ITE) studies, it is estimated that at full built-out, the development will generate 485 vehicular trips per day, which is about 1 trip every 3 minutes. The subdivision, therefore, would be a low traffic generator.

All proposed streets would be pedestrian friendly, having curb, gutter, and sidewalks. Stateline Rd E in the frontage limits of the property would be widened by the developer to a three-lane road (two thru-lanes and a middle turn lane) with sidewalks on the side of the road that the property fronts.

3.2.3. Public Utility Facilities

Public water and sewer lines are available in the vicinity of the property. It shall be the responsibility of the developer to extend all subdivision infrastructure utility lines to service the proposed lots.

3.2.4. Public Health, Safety, and General Welfare

Contrary to the 2005 development plan in which the security of the subdivision was enhanced with gated access control, the proposed plan does not include such control.

Regarding general welfare, the zoning ordinance requires that 10% of a planned residential development should be reserved as open space. The 2005 project text (now voided) contained the provision that "The developers of Bristol Oaks Subdivision have elected to pay the City designated fee in lieu of dedicating open space." This language has been maintained in the proposed project text. However, the City of Olive Branch does not currently have such an In-Lieu-of-Open-space Payment program. The applicant needs to revise the project text/preliminary development plan, and provide the 10% open space for recreational, environmental, or other general welfare purposes.

(a) Furthermore, regarding public health and general welfare, the City's development regulations require that developments such as that proposed provide onsite stormwater retention/detention. No areas are designated in the preliminary development plan for such stormwater management facilities. The applicant needs to revise the project text/preliminary development plan and show areas designated for stormwater retention and/or detention on the property.

4. STAFF RECOMMENDATION:

Noting that the approval of a rezoning to an R-3 District, irrespective of the reason, is intrinsically tied to a proposed project text and accompanying preliminary development plan, staff recommends the following two options for the Planning Commission's consideration:

Recommended Option 1:

If the Planning Commission finds as fact:

(i) that J & M Holdings, LLC proved by clear and convincing evidence that it did not designate Brenda Solomito as its agent for purposes of the rezoning from R-3 to A-R in 2012, and

(ii) that J & M Holdings, LLC proved by clear and convincing evidence that not having designated Brenda Solomito as it agent, it further lacked notice of the 2012 rezoning of the subject property from R-3 to A-R, and

(iii) that the adoption of a citywide "Official Zoning Map" of the City of Olive Branch in September 2015, which was mandated and set by the Board of Aldermen as constituting the baseline map for future reference did not cure a probable mistake in zoning as claimed by the applicant:

then the Planning Commission may reasonably find and recommend to the Board of Aldermen that the property should be rezoned from A-R, Agricultural Residential District, back to R-3, Planned Residential District, on the basis of administrative mistake, with concurrent review and approval of the updated project text and development plan as submitted by the applicant.

Recommended Option 2:

If the Planning Commission finds as fact:

(i) that J & M Holdings, LLC designated Solomito as its agent for purposes of the rezoning from R-3 to A-R; and/or

(ii) that the adoption of a citywide "Official Zoning Map" of the City of Olive Branch in September 2015, examined all properties across the City, determined those that were mistaken and rezoned them accordingly, affirmed therein the zoning of the subject property to be A-R, and set forth the map as a baseline zoning map for future reference in the City; and, as such,

(iii) that J & M Holdings, LLC failed to prove by clear and convincing evidence the existence of a current administrative mistake in connection with the 2012 rezoning:

then the requested rezoning from A-R back to R-3 should be denied unless the applicant can prove change in the character of the area and public need by clear and convincing evidence.

Should the applicant decide to pursue this change in character of area and public need argument, it is further recommended that the Planning Commission table the item and request that the applicant submit such clear and convincing argument in writing, and revise the project text and preliminary development plan to provide a minimum 10% of open space, designate locations for stormwater retention and/or detention, make other changes as the Planning Commission may deem necessary, and submit such text and plan as a new project text and preliminary development plan for the Planning Commission's consideration.

PREPARED BY: Asong **DATE:** 1/8/2025

MOTION BY: _____ **SECOND BY:** _____

VOTE	**DOOR**	**JONES**	**REMAK**	**SCHUMPERT**	**SENGER**	**SINGH**	**STRATTON**
YES							
NO							
ABSTAIN							

EXHIBIT 1: AERIAL VIEW OF SUBJECT J & M HOLDINGS, LLC PROPERTY



1/8/2025, 4:28:30 PM

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

SEWER GRAVITY MAIN
- FIELD VERIFIED
- NOT FIELD VERIFIED
- SEWER FORCE MAIN

WATER MAINS
- FIELD VERIFIED
- NOT FIELD VERIFIED

Addresses

Tax Parcels
- <all other values>

Roads
- Local
- Private

Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Arkansas GIS Office, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

City of Olive Branch

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EXHIBIT 2: REZONING REQUEST PACKAGE SUBMITTED BY APPLICANT

- Applicant's Request Forwarding Letter
- Applicant's Request Legal Argument with Associated Exhibits
- Project Text and Preliminary Development Plan for Bristol Oaks Planned Residential Subdivision (as Approved in 2005) with Some Changes

Lauren E. Ward
lward@danielcoker.com
Telephone: 662-232-8979

DC | DANIELCOKER
GULFPORT | JACKSON | OXFORD

August 14, 2024

VIA EMAIL ONLY

Bryan Dye, Esq.
City Attorney, Olive Branch, Mississippi
bdye@obms.us

Re: J & M Holdings, LLC Request for Zoning Correction

Dear Bryan:

Billy Myers, Trey Byars, and I were recently retained by J & M Holdings, LLC ("JMH") regarding the zoning classification of 38.89 acres it owns in Olive Branch, Mississippi. JMH recently learned that its property was mistakenly rezoned from R-3 to AR in 2012 at the consent of a party that had no ownership in the 38.89 acres and without notice to JMH. Pursuant to the facts and analysis contained in the enclosed Request for Zoning Correction and its referenced attachments, JMH respectfully requests that the Board of Aldermen correct the zoning of the subject property to R-3.

Based on the information contained in the enclosed Request, we suggest that the Board of Aldermen amend its 2012 ordinance to (1) show that only the ten acres owned by the 2012 applicant, New Life in Christ Fellowship Church, were rezoned to AR and (2) correct the Olive Branch zoning map to reflect that the subject property is correctly zoned as R-3 and not AR. Our client is anxious to begin development of the subject property. Once you have had a chance to review this letter and its enclosures, please let me know if you need any additional information from JMH or my office.

Sincerely,

DANIEL COKER HORTON & BELL, P.A.

Lauren E. Ward

Enclosures

cc: William P. Myers, Esq. (via billy@myerslawyers.com)
Robert Bailey (via ss867@bellsouth.net)

J & M HOLDINGS, LLC REQUEST FOR ZONING CORRECTION

J & M Holdings, LLC ("JMH") currently owns approximately 38 acres of land located in Olive Branch, Mississippi. It intends to proceed with development of that property in accordance with the R-3 planned development that was approved by the Olive Branch Board of Aldermen ("BOA") in 2005. However, JMH recently learned that its property was mistakenly rezoned from R-3 to AR in 2012 at the consent of a party that had no ownership in the 38 acres and without notice to JMH. Pursuant to the facts and analysis contained in this request, JMH requests that the BOA correct the zoning of the subject property to R-3.

I. PERTINENT FACTS

A. PROPERTY OWNERSHIP AT TIME OF 2005 REZONING

On December 2, 2005, Jerry Goin, in his capacity as Trustee of the 2002 Jean Bowe Isbell Trust, conveyed 48.69 acres of land located in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, of DeSoto County, Mississippi ("subject property") to Bristol Oaks, LLC ("Bristol"). *See* Attachment 1 – *2005 Warranty Deed.*

B. 2005 REZONING – AR TO R-3

In 2005, Mr. Goin submitted a Zoning Map Amendment Application to the Olive Branch Planning Commission ("OBPC") requesting that the subject property be rezoned from AR to R-3 to allow for the development of the Bristol Oaks Subdivision. *See* Attachment 2 – *2005 Zoning Map Amendment Application*; Attachment 3 – *Bristol Oaks Subdivision Plan*. In September 2005, the OBPC submitted a staff report recommending that the application be approved, subject to specific conditions. *See* Attachment 4 – *2005 OBPC Staff Report.* Notice of the application and the OBPC's consideration of the same was provided to neighboring landowners. *See* Attachment 5 – *2005 OBPC Notice*. The OBPC ultimately approved the application pursuant to the recommended conditions. *Id.*

In November 2005, the BOA reviewed the staff report provided by the OBPC, including the provided conditions on the rezoning. *See* Attachment 6 – *2005 BOA Staff Report*. On November 1, 2005, the BOA resolved to approve the rezoning from AR to R-3 subject to the conditions provided by the OBPC. *See* Attachment 7 – *2005 BOA Minutes and Ordinance*.

C. POST-2005 REZONING OWNERSHIP

On December 29, 2009, Bristol, through Robert M. Bailey, as President of EBI, Inc., which was the managing member of Bristol, conveyed all 48.69 acres included in the subject property to JMH. *See* Attachment 8 – *2009 Assumption Warranty Deed*. This conveyance was subject to the zoning regulations in effect in DeSoto County, Mississippi. *Id.*

On December 9, 2010, JMH conveyed 10 acres out of the total 48.69 acres contained within the subject property to Kevin Willis, Sr., Linda Willis, Audrey Betts, and Quincy Preston as Trustees for New Life in Christ Fellowship Church ("NLCFC"). *See* Attachment 9 – *2010 Warranty Deed*. This conveyance was subject to the zoning regulations in effect in DeSoto County, Mississippi. *Id.*

D. 2012 REZONING – R-3 TO AR

In 2012, 10 acres of the subject property was owned by NLCFC through its Trustees, while the remaining 38.69 acres were owned by JMH. On October 12, 2012, NLCFC applied to have the entire subject property rezoned from R-3 back to AR. *See* Attachment 10 – *2012 NLCFC Application*. The application letter identifies NLCFC as the owner of all 48.69 acres included in the subject property. *Id.* The application letter does not reference JMH. *Id.* Finally, the application never asserted that there was a mistake in the 2005 rezoning, while also stating that "[t]he character of the area has not significantly changed since 2005." *Id.*

As part of its application, NLCFC, through Quincy Preston, completed a Designation of Agent Form, authorizing Brenda Solomito to serve as its representative to the City of Olive Branch

regarding the application. *See* Attachment 11 – *Designation of Agent*. The designation again identified NLCFC as the owner of the entire property and again failed to reference JMH. *Id.* JMH did not sign the designation. *Id.* JMH did not consent to or in any way authorize Solomito to represent its interest.

The OBPC completed a staff report regarding NLCFC's requested rezoning. *See* Attachment 12 – *2012 OBPC Staff Report*. For the first time, JMH is listed as a current owner of the subject property with NLCFC. *Id.* The report specifically states that NLCFC only owned approximately 10 acres of the subject property area. *Id.* Like the application, the report never asserted that there was a mistake in the 2005 rezoning. *Id.* It likewise stated that "[t]he character of the area has not significantly changed since 2005." *Id.* The OBPC provided notice to surrounding landowners that it would hear the 2012 application on November 13, 2012. *See* Attachment 13 – *2012 OBPC Notice*. Neither JMH nor any of its members were included on the list of landowners provided with notice. *Id.* After being misinformed as to the NLCFC's ownership status and Solomito's authority to represent JMH, the OBPC reviewed the report on November 13, 2012, and recommended that the entire subject property be rezoned from R-3 to AR. *Id.*; *See* Attachment 14 – *2012 OBPC Meeting Minutes*.

On December 18, 2012, the BOA considered NLCFC's request for zoning amendment. *See* Attachment 15 – *2012 BOA Minutes and Ordinance*. The staff report was presented, and Solomito spoke on behalf of NLCFC during the meeting. *Id.* Not once was JMH mentioned in the minutes as an owner of the property. *Id.* Instead, NLCFC was the only identified property owner. *Id.* The BOA then voted in favor to approve the request, again based on misinformation as to the subject property's ownership and representation of JMH at the hearing. *Id.* Therefore, the rezoning was erroneous because it did not comply with the OB Zoning Ordinance.

The resulting ordinance then identified JMH as an owner of the property, though JMH was never mentioned in the minutes. *Id.* The ordinance also erroneously stated that JMH was a party to the application submitted by NLCFC. *Id.* The ordinance commemorated the approved rezoning from R-3 to AR for the subject property. *Id.* The city zoning map now shows the property as AR.

E. Post-2012 Rezoning Ownership

On June 24, 2013, NLCFC's trustees conveyed their 10 acres from the subject property to NLCFC outright. *See* Attachment 16 – *2013 Warranty Deed*. On October 2, 2019, NLCFC conveyed its 10 acres from the subject property to Northcentral Mississippi Electric Power Association ("NCMEPA"). *See* Attachment 17 – *2019 Warranty Deed*. No church was ever built on the 10 acres once owned by NLCFC. Instead, NCMEPA installed a power substation on that acreage. The remaining 38.89 acres remains undeveloped and is still owned by JMH.

F. Current Plans for the Property

As stated in the opening of this request, JMH presently intends to develop its 38.89 acres as a subdivision pursuant to the R-3 planned development approved by the BOA in 2005.

II. STANDARD AND APPLICABLE LAW

A. Applicable Zoning Ordinance Provisions

The Zoning Ordinance of the City of Olive Branch ("OB Zoning Ordinance") includes the following provisions of note:

Article XIV. Amendments

> 1(B) Zoning map amendments: An application for a change in the zoning district designation of a property, as described on the official zoning map, **may be initiated by** the mayor, any member of the board of aldermen, any member of Planning Commission, or **by any person with a financial, contractual, or proprietary interest in the property proposed to be rezoned**.
>
> ...
>
> 2(B) Zoning map amendments: An application for a zoning map amendment shall include:
>
> ...

> 3. The petitioner's interest in the property, and **if the petitioner is not the owner, the name and address of the property-owner**, and a notarized statement signed by the property-owner authorizing the applicant to act on the owner's behalf.
>
> ...
>
> 3 (B) The board of aldermen: Following receipt of the commission's report, the board of aldermen shall set a time and a place for a public hearing on the matter. At least 15 days advance notice of the date, time, and place of the public hearing shall be published in a paper of general circulation within the City...

(Emphasis added).

B. CITY AUTHORITY TO ADDRESS PROCEDURAL REQUIREMENTS

Pursuant to MISS. CODE ANN. §17-1-15, "[a]t least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in such municipality or county" before a municipal board can hear an application for rezoning.

"As a man's will is invalid and ineffective if he fails to conform to the formalities of the statute, so a municipal ordinance is invalid if it has not been enacted according to procedural prerequisites." *Luter v. Oakhurst Associates, Ltd.*, 529 So.2d 889, 894 (Miss. 1988) (citing *Gatlin v. City of Laurel*, 312 So.2d 435 (Miss. 1975)). A municipal ordinance that fails to follow procedural or statutory requirements is not binding. *Gatlin*, 312 So.2d at 439-440; *Smith v. City of Picayune*, 795 F.2d 482, 487 (5th Cir. 1986) (ordinance "not binding" and "without effect" where it violated statutory notice and hearing requirements).

In the context of rezoning, municipalities are responsible for determining whether their own procedural requirements have been satisfied. If those requirements have not been satisfied, it is also within a municipality's authority to decide to waive those procedural deficiencies. *Thrash v. Mayor and Commissioners of City of Jackson*, 498 So.2d 801, 807 (Miss. 1986) ("[I]t is the City which is vested with final authority for determining whether its procedural requisites have been met or, if it pleases, waiving them.").

However, there are two exceptions to this authority. "The first exception concerns those cases wherein the municipal zoning authorities may be said to have transgressed some important limitation or procedure imposed by state law." *Id.* "The other exception appears where the procedural deficiencies may be said to have contravened a citizen's due process rights." *Id.* at 808. With respect to this second exception, the Mississippi Supreme Court determined that a landowner was denied "the opportunity to be heard at all critical stages of the process," when the city failed to provide notice of a zoning hearing regarding his property. *Petition of Carpenter v. City of Pearl*, 699 So.2d 928, 931 (Miss. 1997) (quoting *Thrash*, 498 So.2d at 808).

C. NOTICE REQUIREMENTS FOR REZONING

Reasonable notice and the opportunity to be heard are included as due process rights for municipal citizens involved in the zoning and rezoning process. The Mississippi Constitution provides that "[n]o person shall be deprived of life, liberty or property except by due process of law." Miss. Const. art. III, § 14. This clause guarantees "minimum procedural due process ... consisting of (1) notice and (2) opportunity to be heard." *Miss. Gaming Comm'n v. Freeman*, 747 So.2d 231, 246 (Miss.1999). The Mississippi Constitution applies to municipalities and their subdivisions. *Myers v. City of McComb*, 943 So.2d 1, 6 (Miss.2006) ("we must determine if the Mississippi Constitution ... [is] applicable to municipalities and the persons or collection of persons which compose same. This Court has answered ... in the affirmative for at least a century."). "Reasonable advance notice and the opportunity to be heard are hallmarks of our zoning statutes in [Mississippi] and of our zoning ordinances in every community in this state." *Luter v. Hammon*, 529 So.2d 625, 630 (Miss. 1988).

1. Sufficiency of Notice by Publication

In Mississippi, notice by publication is permitted by statute for public rezoning hearings. *See* MISS. CODE ANN. §17-1-15. Such notice is proper if it includes the correct date, time, and

location of the hearing, as well as an accurate description of the property at issue, and provides at least 15 days' notice of the hearing. *Herder v. Madison County Board of Supervisors*, 271 So.3d 666, 669-70 (Miss. Ct. App. 2018). Based on the attachments included with this request, it appears that, in practice, the OBPC provided notice of rezoning applications by mail to adjacent property owners. *See* Attachments 5 and 13.

D. MISTAKES IN REZONING

Municipalities have the ability to correct mistakes made during a rezoning process. Simply put, a property can be rezoned based on proof of mistake alone, without need to show that there has been a change in the character of the area to such an extent to justify reclassification, and that there was a public need for rezoning. *Kuluz v. City of D'Iberville*, 890 So.2d 938, 940. For zoning purposes, "a mistake within the meaning of the law is not a mistake of judgment but, rather, a clerical or administrative mistake." *Town of Florence*, 759 So.2d at 1225 (quoting *City of New Albany v. Ray*, 417 So.2d 550, 552 (Miss.1982)).

III. OPINION

A. THE BOA DID NOT HAVE JURISDICTION TO CONSIDER 2012 REZONING.

OB Zoning Ordinance Article XIV, Section 1(B) makes it clear that an application for a change in the zoning district may be initiated by (1) the mayor, (2) members of the OBPC or BOA, or (3) a person with an interest in the property to be rezoned. Without a doubt, no one fitting any of these descriptions initiated the efforts to rezone JMH's 38.69 acres.

NLCFC, through Solomito as its authorized representative, applied for the 2012 rezoning, acting as owner of the full 48.89 acres, which it was not. Likewise, JMH never authorized Solomito to act on its behalf in requesting the rezoning. JMH was only referenced during the 2012 rezoning

process after the OBPC staff report revealed that it owned a portion of the subject property, not because it requested the rezoning.[1]

Since no one authorized to apply for the rezoning of JMH's 38.89 acres initiated the 2012 rezoning process, the OBPC and the BOA lacked authority to consider the application because the application did not conform to the procedural requirements of the OB Zoning Ordinance. As such the 2012 rezoning of JMH's 38.89 acres is invalid, not binding, and without effect. *Luter*, 529 So. 2d at 894; *Gatlin* 312 So.2d at 439-40; *Smith*, 795 F.2d at 487.

B. PROCEDURAL DEFICIENCIES CANNOT BE WAIVED.

While the lack of jurisdiction settles this matter without further consideration, JMH points out that the procedural deficiency cannot be waived by the BOA because it contravened JMH's due process rights. *Thrash*, 498 So.2d at 808. JMH's due process rights include notice and the opportunity to be heard, and those rights apply at the municipal level. *Miss. Gaming Comm'n*, 747 So.2d at 246; *Myers*, 943 So.2d 5. JMH should have been afforded "the opportunity to be heard at all critical stages of the [rezoning] process." *Carpenter*, 699 So.2d 931. This includes the opportunity to be heard from the initial application through to the BOA's hearing in 2012. Instead, JMH was completely left out of the process.

C. ABILITY TO CORRECT PRIOR ZONING ISSUES

Since the 2012 rezoning as to the 38.89 acres owned by JMH was invalid, the BOA should be able to simply correct the error on the Olive Branch Zoning Map by reverting the acreage back to its prior R-3 designation. It is not JMH's position that the BOA must resort to a full rezoning process for the 38.89 acres. However, should the BOA choose to initiate a rezoning for the acreage,

[1] The BOA minutes for the 2012 rezoning failed to mention JMH at all. However, the resulting ordinance referenced JMH as an owner of the subject property. The ordinance does not reflect the minutes and could likewise be found procedurally deficient. *Ladner v. Harrison Cnty. Board of Supervisors*, 793 So.2d 637, 639 (Miss. 2001) (A board of supervisors "can only act through its minutes.").

it could do so based on the mistake prong of the zoning amendment analysis. The procedural deficiency identified above qualifies as a clerical or administrative mistake by NLCFC and the OBPC. *Town of Florence*, 759 So.2d at 1225.

IV. CONCLUSION

Based on the foregoing facts, authorities, and analysis, JMH respectfully requests that the BOA amend its 2012 ordinance to (1) show that only the ten acres owned by NLCFC were rezoned to AR and (2) correct the Olive Branch zoning map to reflect that the subject property is correctly zoned as R-3 and not AR.

12/07/05 9:01:40 45
BK 516 PG 62
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

JERRY GOIN, TRUSTEE OF THE
2002 JEAN BOWE ISBELL TRUST
DATED MAY 31, 2002

TO: **WARRANTY DEED**

BRISTOL OAKS, LLC

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, **JERRY GOIN, TRUSTEE OF THE 2002 JEAN BOWE ISBELL TRUST DATED MAY 31, 2002, pursuant to the Declaration of Trust Agreement as recorded in Book P-94, Page 475 of the Land Deed Records, Chancery Clerk's Office, DeSoto County, Mississippi** does hereby sell, convey and warrant unto, **BRISTOL OAKS, LLC, a Mississippi Limited Liability Company,** the land lying and being situated in DeSoto County, Mississippi described as follows, to-wit:

A parcel of land located in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi.

Commencing at the northwest corner of Section 24, which lies in the intersection of Stateline Road and Pleasant Hill Road; thence South 01 degrees 13 minutes 40 seconds East a distance of 40.00 feet; thence South 89 degrees 39 minutes 08 seconds East a distance of 40.00 feet to the point of beginning for the herein described parcel of land; thence South 89 degrees 39 minutes 08 seconds East a distance of 2,156.78 feet along the south line of Stateline Road to a set iron pin; thence South 00 degrees 13 minutes 40 seconds East a distance of 960.91 feet along the west property line of Aaron V. Melton, Jr. (DB 181, PG 224) to a found iron pipe at the intersection of said west property line and the north line of Quail Hollow Subdivision Section "B"; thence North 89 degrees 54 minutes 19 seconds West a distance of 807.21 feet along the north line of Quail Hollow Subdivision Section "B" (called South 85 degrees 51 minutes West 792.03 feet) to a set iron pin; thence North 88 degrees 58 minutes 34 seconds West a distance of 241.17 feet along the said north line of Quail Hollow Subdivision, Section "A", (called South 86 degrees 34 minutes West 241.17 feet) to a set iron pin; thence North 88 degrees 59 minutes 34 seconds West a distance of 406.06 feet along the north line of Quail Hollow Subdivision, Section "A", (called South 86 degrees 33 minutes West 406.06 feet) to a set iron pin; thence South 89 degrees 37 minutes 26 seconds West a distance of 702.40 feet along the north line of the Patricia Ann Humphreys and Keith Sellers Property (DB 291, PG 589), (called South 85 degrees 10 minutes West 729.50 feet) to a set iron pin on the east line of Pleasant Hill Road; thence North 00 degrees 13 minutes 40 seconds West a distance of 965.82 feet along the east side of Pleasant Hill Road to the point of beginning and all being in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, containing 2,121,061.71, more or less, square feet or 48.69, more or less, acres.

The warranty in this Deed is subject to subdivision and zoning regulations in effect in DeSoto County, Mississippi and further subject to easements for public roads and public utilities.

1800720.1/00931.07178

WLWS

It is agreed and understood that taxes for the year 2005 shall be prorated and assumed by the Grantees herein and possession is given upon delivery of this Deed.

WITNESS MY SIGNATURE, this 21st day of December, 2005.

THE 2002 JEAN BOWE ISBELL TRUST
DATED MAY 31, 2002

BY: _____
JERRY GOIN, TRUSTEE

STATE OF MISSISSIPPI
COUNTY OF DESOTO

This day personally appeared before me, the undersigned authority in and for said County and State, on this 21st day of December, 2005, within my jurisdiction, the within named, JERRY GOIN, who acknowledged that he is Trustee of THE 2002 JEAN BOWE ISBELL TRUST DATED MAY 31, 2002, and that in said representative capacity he executed the above and foregoing instrument.

JAMES E. WOODS NOTARY PUBLIC DESOTO COUNTY MS

_____
NOTARY PUBLIC

My Commission Expires: 7-14-07

Grantor's Address:
541 River View Rd
Memphis TN 38120
Home # 901-685-0725
Work # 901-274-2632

Grantee's Address:
P.O. Box 7
Tunica MS 38676
Phone # 662-363-0002

PREPARED BY AND RETURN TO::
JAMES E. WOODS
WATKINS LUDLAM WINTER & STENNIS, P.A.
P.O. BOX 1456, OLIVE BRANCH, MS 38654
(662) 895-2996

00931.22663

1800720.1/00931.07178

OB
PC

OLIVE BRANCH PLANNING COMMISSION
9150 PIGEON ROOST ROAD
OLIVE BRANCH, MISSISSIPPI 38654
(601) 895-4121

R205-0015

September 2005

ZONING MAP AMENDMENT APPLICATION

FEE DUE:	$250.00	RECEIPT #:	927268
RECORDING FEE:	$1.00	CHECK #:	5399
TOTAL FEES:	$251.00	CASH:	

AS OWNER OF RECORD, AUTHORIZED AGENT, OR ATTORNEY, *(INDICATE WHICH)* IT IS REQUESTED THAT THE PROPERTY LOCATED ON THE East SIDE OF Pleasant Hill Road (Street, Road, Drive) AND South OF Stateline Road (Nearest Intersecting Street, Road Drive), MORE SPECIFICALLY KNOWN AS n/a (Street Address, If Assigned), CONSISTING OF 48.69 TOTAL ACRES IN SECTION 24 TOWNSHIP 01 RANGE 07, BE REZONED FROM AR (Existing Zoning) TO R-3 (Proposed Zoning Designation)

FOR THE FOLLOWING REASONS (You may use the back of this form if additional space is needed):

1. That the original zoning classification for the property was a mistake; or that,
   SEE TEXT

2. the character of the neighborhood has changed to such an extent as to justify the proposed rezoning (If the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any, have occurred in the vicinity of the property in question, which were not anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.); and that,
   SEE TEXT

3. A public need exists for the rezoning.
   SEE TEXT

I, THE UNDERSIGNED, BEING THE OWNER OF RECORD, OR THE OWNER'S AUTHORIZED AGENT, CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I FURTHER AGREE THAT I AM INFORMED CONCERNING THE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF OLIVE BRANCH, MISSISSIPPI, AS IT AFFECTS THE APPROVAL OF ZONING AMENDMENTS BY THE CITY.

(See attached sheet)
SIGNATURE OF OWNER OF RECORD

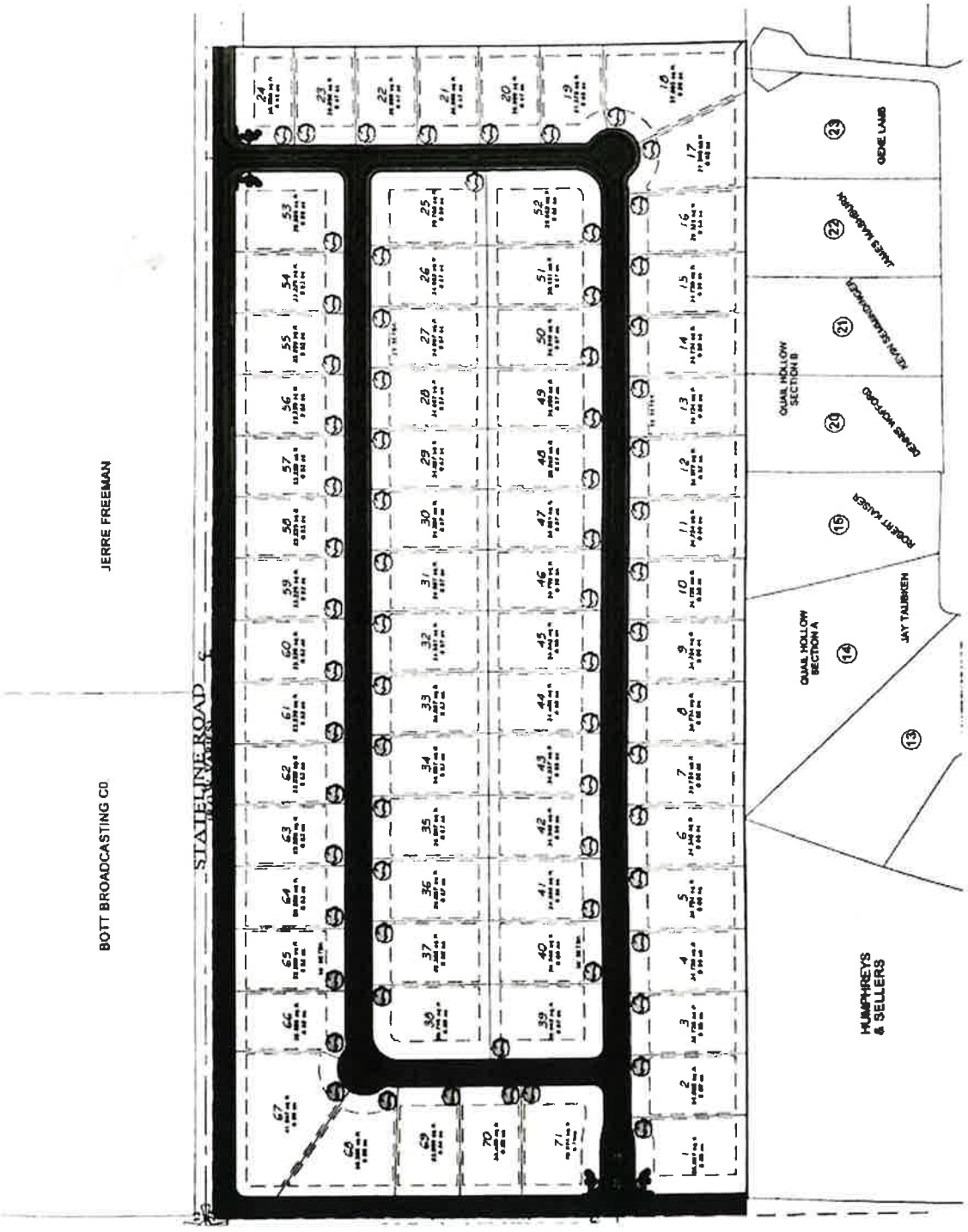
PROPERTY OWNER	ADDRESS	TELEPHONE/FAX NUMBERS
The 2002 Jean Bowe Isbell Trust - dated 05/31/02 Trustee: Mr. Jerry Goin	541 Riverview, Memphis, TN 38120	(901)274-3632 Fax: 274-6191
Edco Properties	6551 Stage Oaks Dr., #1 Bartlett, TN 38134	901-388-9176 Fax: 901-388-1233
DEVELOPER	ADDRESS	TELEPHONE/FAX NUMBERS

APPROVED/DISAPPROVED _____
CHAIRMAN, OLIVE BRANCH PLANNING COMMISSION

APPROVED/DISAPPROVED _____
MAYOR, OLIVE BRANCH MAYOR AND BOARD OF ALDERMEN

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BRISTOL OAKS
Olive Branch, Mississippi



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Bristol Oaks

An R-3 Planned Residential Development

Olive Branch, Mississippi

Submitted:
August 12, 2005

Submitted by:

Jean Isbell
6437 Wynfrey Place
Memphis, TN 38120

Prepared by:

RUSSELL & COMPANY
ENGINEERS SURVEYORS
6760 GOODMAN ROAD E. • P.O. BOX 1457
OLIVE BRANCH, MS 38654
662-893-3377 FAX 662-893-3379

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Exhibits 10

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I. General Description of Bristol Oaks

Bristol Oaks, an R-3 Planned Residential Development, is designed to provide an appealing planned neighborhood environment for the existing and future residents of Olive Branch, Mississippi. The wide and inviting boulevard entrance from Pleasant Hill Road characterizes Bristol Oaks Subdivision. Its dense, existing tree growth will allow for unique and attractive home sites and plans are being made to minimize the amount of clearing onsite to preserve the natural setting that Bristol Oaks creates. Its gated wrought iron and brick entries will present an upscale development to any onlooker. Bristol Oaks will provide single-family home ownership opportunities to meet current public need in the area.

This 48.69 acre site is currently vacant and is located at the southeast corner of Pleasant Hill Road and Stateline Road. Sites directly to the east of the project are zoned for AR residential home sites. To the north across Stateline Road and west across Pleasant Hill Road, properties are also zoned AR. Land to the south has been developed as Quail Hollow Subdivision, a large lot residential subdivision. To the southwest, twenty and thirty thousand square foot lots have been approved as part of a PUD. The typical soil type for this area is a Grenada Loam with a high water table of 1 – 2 feet below surface.

The narrative description and maps that form the master plan of Bristol Oaks set forth the land use for the development and shall be considered the preliminary plan for the development. Upon approval, the plan will be used to govern and coordinate the construction of the entire development.

II. Regulatory Compliance

The site of the proposed R-3 Planned Residential Development is currently zoned AR and offers lots sized from 20,000 square feet. The properties to the west, east, and north are currently zoned AR, and property immediately to the south of the project is in the R3 zoning. The development pattern of the proposed planned residential development is compatible with the existing zonings by providing single-family residential opportunities to new and existing residents of Olive Branch.

To provide appealing transitions between the adjoining properties and existing roadways, larger lots sized from 22,995 square feet are proposed contiguous to Pleasant Hill Road on the west of the development and contiguous to Stateline Road on the north of the development to the extent that these roads front the project. See Exhibit 2, Site Plan. These lots offer 35 feet front yard setbacks and shall have a minimum of a two-car side load garage.

The balance of the development will provide lots from 20,000 square feet. These lots offer 35 feet front yard setbacks and shall have a minimum of a two-car side load garage.

The Desoto County Comprehensive Plan designates the future use of the site as low density residential. This residential designation allows for development of up to 3.5 units to the acre, or 170 units on the 48.69 acres. The plan proposes 71 lots for the site at a density of 1.46. Bristol Oaks community offers lots for single-family residential use only.

III. Uses Permitted, Bulk Requirements, Plan Data, and Design Standards

A. Uses - The Site Plan shows one class of land use; residential. Uses permitted are listed as follows: Additional use restrictions may be contained in the restrictive covenants, however, any such additions shall not relieve any of the requirements of the approved project text and will only be more restrictive than the requirements of the approved project text.

The builders in Bristol Oaks will utilize a variety of building styles and floor plans. The homes shall consist of a minimum of 70% brick construction with a variety of color combinations to be used. Roofs

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shall be constructed using a dimensional style shingle and all homes shall have a minimum finished heated floor area of 2,000 square feet .

1. Single Family Residential District – Uses in the Single Family Residential District are as follows:

    a. Single family dwellings
    b. Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only
    c. Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature
    d. Home occupations subject to the standards defined under "A" Agricultural District
    e. Accessory buildings and uses as provided in Article VII of the Olive Branch Zoning Ordinance
    f. Public Service facilities

2. Off-Street Parking - Off street parking shall be provided in accordance with the off-street parking provisions of the Olive Branch Zoning Ordinance as of the date of approval of this application.

3. Accessory buildings – Accessory buildings shall be allowed only to the rear of the home. No metal or portable buildings shall be allowed. Accessory buildings larger than 9' x 9' shall be constructed in the same manner, like colors, and like materials as the home. The placement of accessory buildings shall be subject to the applicable rules of the Olive Branch Zoning Ordinance.

4. Signs – Sign placement in the development shall be controlled by the applicable sections of the Olive Branch Zoning Ordinance as of the date of approval.

5. Landscape/ No Access Easements - Landscape/ No Access easements shall be established along Pleasant Hill Road and Stateline Road and shall restrict lots backing up to these roads from accessing them directly.

6. Fences – Fences shall be allowed according to the terms of the Olive Branch Zoning Ordinance as of the date of approval. Chain link fences shall be expressly prohibited. Permitted fences shall be constructed singularly or in combination of wood, brick, or wrought iron.

7. Mailboxes – Mailboxes shall be made by one manufacturer. They shall be made of iron, or similar material in appearance and shall be painted verdigris. A picture of a mailbox is included in Exhibit 10, Plan Details, which represents the style proposed.

8. Street signs – Street signs shall be made by one manufacturer. They shall be in similar, complementing styles and materials of the mailboxes. A picture of a street sign is included in Exhibit 10, Plan Details, which represents the style proposed.

9. Entrance Signs – Sign easements shall be reserved on the corner lots within the development along Pleasant Hill Road and Stateline Road for the purpose of establishing an entrance sign denoting the name of the development. See Exhibit 2, Site Plan. The sign will be of brick with brick columns and a wrought iron gate. The sign will be similar to those depicted on Exhibit 14.

B. **Bulk Requirements** - Bulk requirements for the development are listed as follows:

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1. Maximum Densities: Dwelling units per acre for the overall development shall be as follows:

a. Single Family Residential - 1.46 dwellings per acre

2. Lot dimensions - Lot dimensions shall be required as follows:

a. Single Family Residential
Front Yard Set Back - 35 feet minimum
Side Yard Set Back - 5 feet on each side
Rear Yard set back - 20 feet
Minimum Lot width at Front Yard Set Back - 115 feet
Minimum Lot Size - 20,000 Square Feet
Maximum Height - 35 Feet

C. Plan Statistics and Data

The scope of the plan and the total number of units and acreage devoted to each section of the community is as follows:

Master Plan Data				
Use	Acres	Units	Density	Population
R-3	48.69	71	1.46	284
Total Site Size	48.69	71	1.46	284

*Land use density is based on gross acreage. The actual acreage of the development areas may vary slightly subject to final design and engineering.

D. Single Family Building Design Standards - Minimum Design Standards for single family residential homes are listed as follows:

All residential structures shall be constructed of a minimum of 70% brick exterior. The minimum finished heated square footage of a home will be 2,000 square feet excluding open porches, and garages.

All homes shall have a minimum of a two car side load enclosed garage. All driveways shall be constructed of concrete. All roofs shall be constructed using a dimensional style shingle. Roofs shall be pitched at a minimum ratio of 6 to 12 for the main dwelling, and porches shall be a minimum pitch ratio of 4 to 12. Unit design and style shall be approved by the developer.

Areas adjacent to streets and pedestrian walkways, as well as interior landscape areas, shall be treated with grass and/or other types of vegetative ground cover. Such areas shall be sodded prior to building occupancy. Sod shall completely cover the front yard and shall extend to the rear corner of the home. The sod shall extend to the side property lines.

In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, and trees by

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utilizing a sprinkler system or hose bibs.

IV. Roads, Access, and Circulation

Bristol Oaks is accessed by two proposed right of way streets. The first is a 66 foot boulevard entrance and connects directly to Pleasant Hill Road. The second is a 50 foot right-of-way and connects directly to Stateline Road. See Exhibit 11, Entrance Detail. From there, residents will have quick access to Highway 302, Highway 78, or Memphis. No access shall be allowed from any lot directly to Pleasant Hill Road or to Stateline Road. See Exhibit 2, Site Plan.

A right of way of 53 feet from centerline, shall be dedicated along Stateline Road in conformance with the City of Olive Branch's Major Road Plan. Proposed construction of Stateline Road shall consist of one and a half lanes of asphalt with curb, gutter and sidewalks across the south side to the extent that the road fronts the development. For the typical road Cross Section see Exhibit 10, Project Details.

A right of way of 53 feet from centerline, shall be dedicated along Pleasant Hill Road in conformance with the City of Olive Branch's Major Road Plan. Proposed construction of Pleasant Hill Road shall consist of one and a half lanes of asphalt with curb, gutter and sidewalk along the east side of the road to the extent that the road fronts the development. For the typical road Cross Section see Exhibit 10, Project Details.

The streets within the development are to be constructed at 50 feet right of ways. These streets shall consist of 30 feet of asphalt, measured from edge of pavement to edge of pavement and shall conform to the Road Construction Standards for Olive Branch. The outside five feet on each side shall be painted as a walking area. For the typical road Cross Section see Exhibit 10, Project Details. All streets shall be in conformance with the Major Road Plan.

V. Landscaping and Buffering

Landscape buffers shall be provided along the east side of Pleasant Hill Road and the south side of Stateline Road. These buffers shall consist of existing dense tree growth that is currently onsite, including the removal of undergrowth. Exhibit 9, Aerial Photograph shows this existing growth as does Exhibit 13, Mature Tree Growth Illustration. This will preserve the natural setting of Bristol Oaks. Proposed landscape/ no access easements are illustrated on Exhibits 2, Site Plan. A 2 ½" caliper deciduous tree shall be planted in the front yard of each lot prior to home occupancy. Each tree shall be a minimum of 5' from both the front and the side lot line utility easements. See Site Plan, Exhibit 2.

VI. Open Space

The developers of Bristol Oaks Subdivision have elected to pay the City designated fee in lieu of dedicating open space.

VII. Drainage Facilities and Services

The master plan of Bristol Oaks has been analyzed and improvements proposed which meet Olive Branch drainage standards. No significant increase in the current storm water runoff rate shall be caused by the construction. Exhibit 3, Drainage Plan, shows that the site drains to the north. All

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necessary drainage plans and facilities to provide for no significant increase in storm water runoff shall be provided to the City Engineer's Office for approval.

VIII. Utility Facilities

Sanitary sewer facilities shall be provided by the City of Olive Branch. Sanitary sewer facilities shall consist of a gravity system that will be tied into the existing City sewer system.

Water service is to be provided by the City of Olive Branch. Water mains will be extended from their present location on Pleasant Hill Road and Stateline Road southeast throughout the subdivision. Fire hydrants will be installed in accordance with the regulations of the City of Olive Branch. Locations are shown on Exhibit 4, Utility Plan.

Electric power shall be supplied by North Central Mississippi Electric Power Association

Natural gas service shall be provided by Mississippi Valley.

All utilities shall be installed under ground.

IX. Phases of Construction

Bristol Oaks shall be developed in one phase, upon approval. Construction shall begin in mid to late 2005.

X. Justification for the rezoning

1. *List how the proposed amendment would conform to the recommendations of the General Development Plan.*

   The General Development Plan, Detailed Land Use Map indicates that this property is recommended for Residential Low Density development. Bristol Oaks provides a density at the lower end of the range of the recommended densities. Therefore Bristol Oaks Subdivision follows this recommendation of the General Development Plan.

   Bristol Oaks is located near a major transportation route and has quick and efficient access to employment areas through access to Goodman Road and Highway 78.

   Therefore this rezoning request follows the recommendations of the General Development Plan of Olive Branch.

2. *Why the existing zoning district designation is inappropriate or improper.*

   The existing zoning designation is inappropriate because utility infrastructure is being extended to the site that will support higher density developments.

3. *What major economic, physical, or social changes have occurred in the vicinity of the property in question that were not anticipated by the City's General Development Plan and have substantially altered the basic character of the area, making the proposed amendment to the Zoning District Map appropriate.*

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The continued development and growth of the BFI landfill just across the state line in Memphis is a determent to this area. In a recent DeSoto Times article, officials were quoted to say that when complete and closed, the BFI facility will be about as high as the Pyramid in downtown Memphis. That is some 200 feet above the surrounding properties.

4. *The public need for the proposed zoning amendment.*

The public need for the zoning amendment is based on the continued growth of the City and the need for housing to support that growth.

City growth has been documented by the DeSoto County Economic Council to have reached the 29,000 mark in the year 2000. This far exceeds the General Development Plan estimate of 15,200.

DeSoto County has also been named the 42nd fastest growing county in the nation, as recently published in a local daily newspaper. With this growth rate, a constant supply of lots and homes must be supplied for the families moving into the County and City. This request will provide for the public need of additional residences with quick access to the employment centers of Olive Branch and Memphis.

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Exhibits

Exhibit 1	Restrictive Covenants
Exhibit 2	Site Plan
Exhibit 3	Drainage Plan
Exhibit 4	Utility Plan
Exhibit 5	Property Plan
Exhibit 6	Legal Description
Exhibit 7	Neighborhood Plan
Exhibit 8	Notice Addresses
Exhibit 9	Aerial Photograph
Exhibit 10	Project Details & Street Cross Sections
Exhibit 11	Entrance Detail
Exhibit 12	Omitted
Exhibit 13	Mature Tree Growth Illustration
Exhibit 14	Signage/ Gated Entry Photo
Exhibit 15	Master Illustration

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DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BRISTOL OAKS

ARTICLE I
PROPERTY SUBJECT TO THESE COVENANTS AND RESTRICTIONS

The real property is, and shall be, held, conveyed, transferred and sold subject to the conditions, restrictions, covenants, reservations and easements herein contained; and is located in Desoto County, Mississippi; and is described as BRISTOL OAKS. Such lots are referred to collectively as the "Subdivision" and the word "Subdivision" as used herein refers only to such lots.

ARTICLE II
GENERAL PURPOSES OF COVENANTS AND RESTRICTIONS

The conditions, restrictions, covenants, reservations and easements herein contained are made and imposed upon the subdivision and each lot contained therein to insure the best use and the most appropriate development and improvement of each lot; to protect each owner of each lot against such improper use of surrounding lots, as well as depreciation of the value of the property; to preserve, so far as practicable, the natural beauty of the Subdivision; to encourage and secure the construction and erection of attractive homes on such lots; to prevent haphazard and inharmonious improvement of such lots; to secure and maintain proper setbacks from streets and adequate space between structures; and, in general, to provide adequately for a high type and quality of improvements on such lots, and thereby enhance the value of investments made by purchasers of such lots.

ARTICLE III
DURATION OF COVENANTS AND RESTRICTIONS

The conditions, restrictions, covenants, reservations and easements herein contained shall run with the Subdivision and shall be binding on all persons claiming under them until January 1, 2035, at which time said Covenants and Restrictions shall be automatically extended for successive periods of ten (10) years. These Covenants and Restrictions, or any one of them, may be amended prior to and on such date by an instrument signed by not less than eighty (80%) percent of the owners of such lots (one vote per lot). All amendments to the restrictive covenants must be approved by the Olive Branch Planning Commission before they become final and are recorded in the Chancery Clerk's Office.

ARTICLE IV
COVENANTS AND RESTRICTIONS

A. Restrictive covenants and similar documents are private in scope and not subject to governmental enforcement. However, if a person violates or attempts to violate any of the covenants herein, it shall be lawful for any person owning real property in said Subdivision to prosecute at law or in equity any person or persons violating any such covenants, and either to prevent him or them from so doing or to recover damages or other dues from such violators.

B. Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions which shall remain in full force and effect.

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C. Residences shall have a minimum finished heated floor area of 2,000 sq. ft, exclusive of open porches, carports and garages. This required square footage does not include heated porches, garages or other areas not normally considered part of the heated area.

D. No residence, building, fence, wall or other structure shall be commenced, erected or maintained upon any lot in the Subdivision, nor shall any exterior addition to, change or alteration thereof be made until the construction plans, site plan and specifications showing the nature, kind, shape, size, height, materials and location of same shall be submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by Bristol Oaks, L.L.C., or its representative. Irregardless of the above, architectural requirements include homes to be constructed with at least 70 percent brick, roofs with a minimum pitch of 6 to 12 for principal roof form and 4 to 12 on porches and overhangs, and roofs to be constructed using a dimensional style shingle. However, in the event that Bristol Oaks, L.L.C., or its representative, fails to approve or disapprove such design and site plan within ten (10) working days after said plans have been submitted, such approval will not be required and this covenant shall be deemed to have been fully complied with.

E. All lots in this Subdivision shall be used for residential purposes only. All of such lots shall be known and described as single family residential lots and are not to be subdivided into smaller lots. All buildings or structures erected upon said lots shall be of new construction, and no building or structure shall be moved from other locations onto said lots.

F. No building material of any kind or character shall be placed or stored upon any lot until the owner is ready to commence construction. Building materials shall not be placed nor stored in the street or between the curb and property lines.

G. No trailer, basement, tent, shack, garage or barn erected on any lot within the Subdivision shall, at any time, be used as a residence, either temporarily or permanently, except for construction or home sale purposes only.

H. No noxious or offensive trade or activity shall be carried on upon any lot in this Subdivision, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

I. No animals, livestock or poultry of any kind shall be raised, bred or kept on any of said lots, except that dogs, cats, or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.

J. No recreational nor commercial vehicles including, but not limited to, boats, boat trailers, house trailers, camping trailers, motor homes, motorcycles, pickup trucks, hobby vehicles or other similar type items, shall be placed upon any lot unless stored in an enclosed garage or in a fenced area at the rear of the residence, properly screened from the view of the neighbors or the street.

K. All trash or garbage shall be regularly removed from the premises and shall not be allowed to accumulate thereon.

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L. Grass, weeds, vegetation and debris on each lot shall be mowed and cleared at regular intervals by the owner thereof in order to maintain same in a neat and attractive manner. Trees, shrubs, vines and plants that die shall be promptly removed from such lot.

M. No outside clotheslines or other apparatus for the drying of clothes shall be permitted in the subdivision.

N. All exterior television or radio antennas, and satellite dishes shall be installed according to the regulations of the municipal authority.

O. No wire fences shall be allowed. All other fences shall be constructed according to the regulations of the local governmental authority.

P. No plywood sheeting shall be permitted as the finished exterior surface.

Q. Exposed metal fireplace chimneys are prohibited.

R. The front and side yards of each lot shall be solid (block) sodded and the rear yard sprigged prior to occupancy of a residence.

S. All residences must have a two car side load enclosed garage for vehicle parking. However, no garage shall be larger than for four (4) cars. Any garage built in a location on the lot where it can be seen from any public street abutting the lot, must be enclosed and must have a door which, when closed, will screen the interior of the garage from public view from all such public streets abutting the lot. Garage doors must be kept shut, except during ingress and egress.

T. All mailboxes within the subdivision are to be identical in design, i.e., Halle design mailbox Verdigris in color by Pickle Ornamental Iron Co., Inc., 3177 Summer Avenue, Memphis, TN, or like kind approved by Developer.

U. There are perpetual easements as shown on the recorded plat of the Subdivision reserved for utility installation and maintenance, and drainage.

V. Building setbacks from all streets shall be required as shown on the recorded final plat and/or required by the zoning ordinances of the proper governmental authorities.

W. Porches, stoops, chimneys, window boxes and other portions of the structure may not project beyond the minimum setback lines. An accidental variation of less than twelve inches (12") shall not constitute a violation of this covenant.

X. Each lot owner is prohibited from obstructing the free flow of water drainage, or diverting or changing such drainage in any manner that results in damage to any other lot owner. Furthermore, the lot owner shall be responsible for any and all erosion control measures that may be required by any governmental authority, provided that all such additional restrictions imposed at the time of sale by appropriate provision in the deed shall be more restrictive than the covenants listed here.

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Y. 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.

Z. Bristol Oaks, L.L.C., reserves unto themselves the right to impose additional specific restrictions upon any lot in this subdivision at the time of sale by said corporation of any of such lots. Such additional restrictions may be made by appropriate provision in the deed, without otherwise modifying the covenants and provisions contained herein. Such additional restrictions as are so made shall apply to the lot or lots on which they are specifically imposed, provided that all such additional restrictions imposed at the time of sale by appropriate provision in the deed shall be more restrictive than the covenants listed herein..

Bristol Oaks, L.L.C.

_____

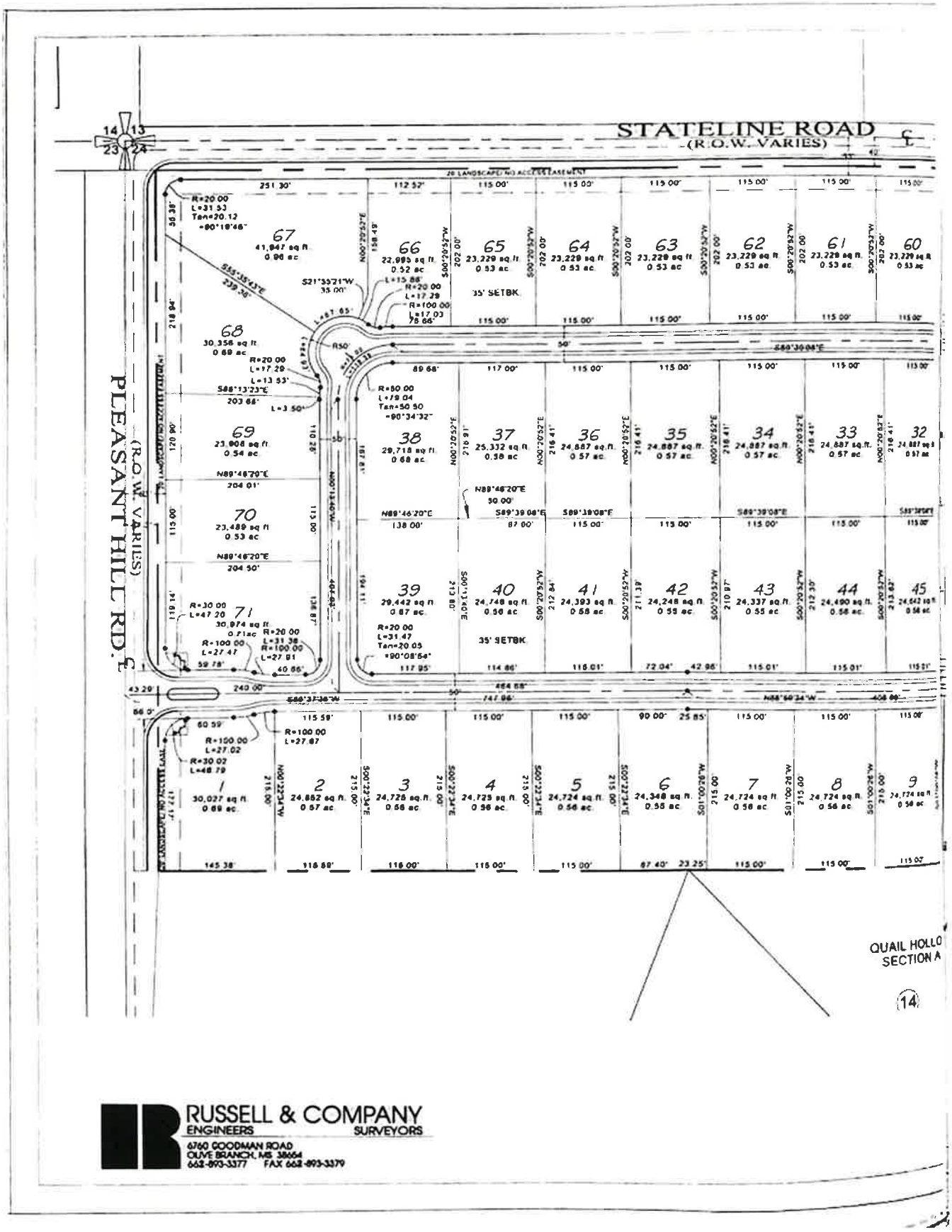
STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority, in and for the said County and State, on this ____ day of _____, 2004, personally appeared _____, and a member of Bristol Oaks, L.L.C., a Mississippi limited liability company, and that in said representative capacity, he executed the above and foregoing instrument, after having first been duly authorized so to do.

_____
NOTARY PUBLIC

My commission expires: _____

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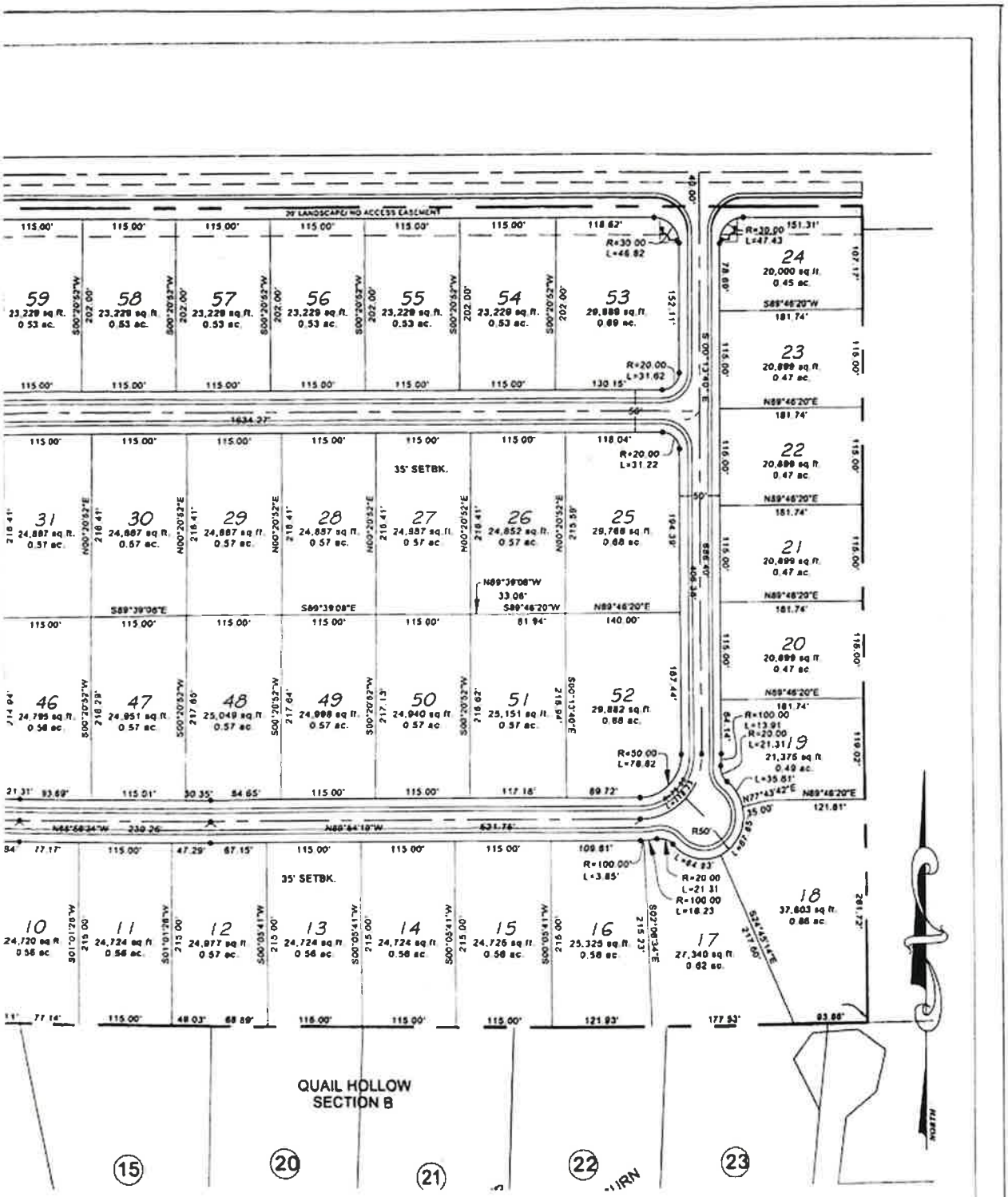
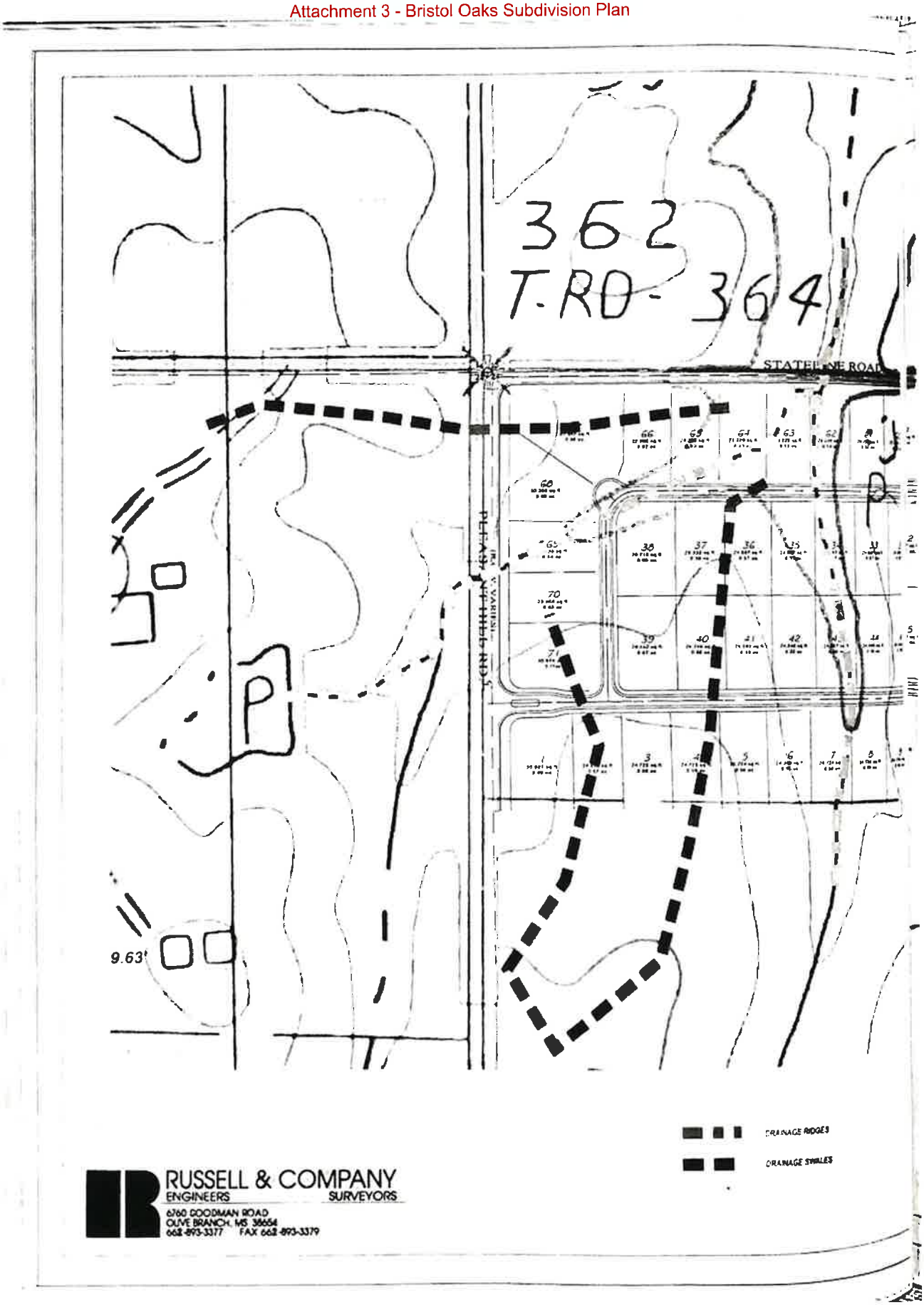


EXHIBIT 2
SITE PLAN
Bristol Oaks Subdivision

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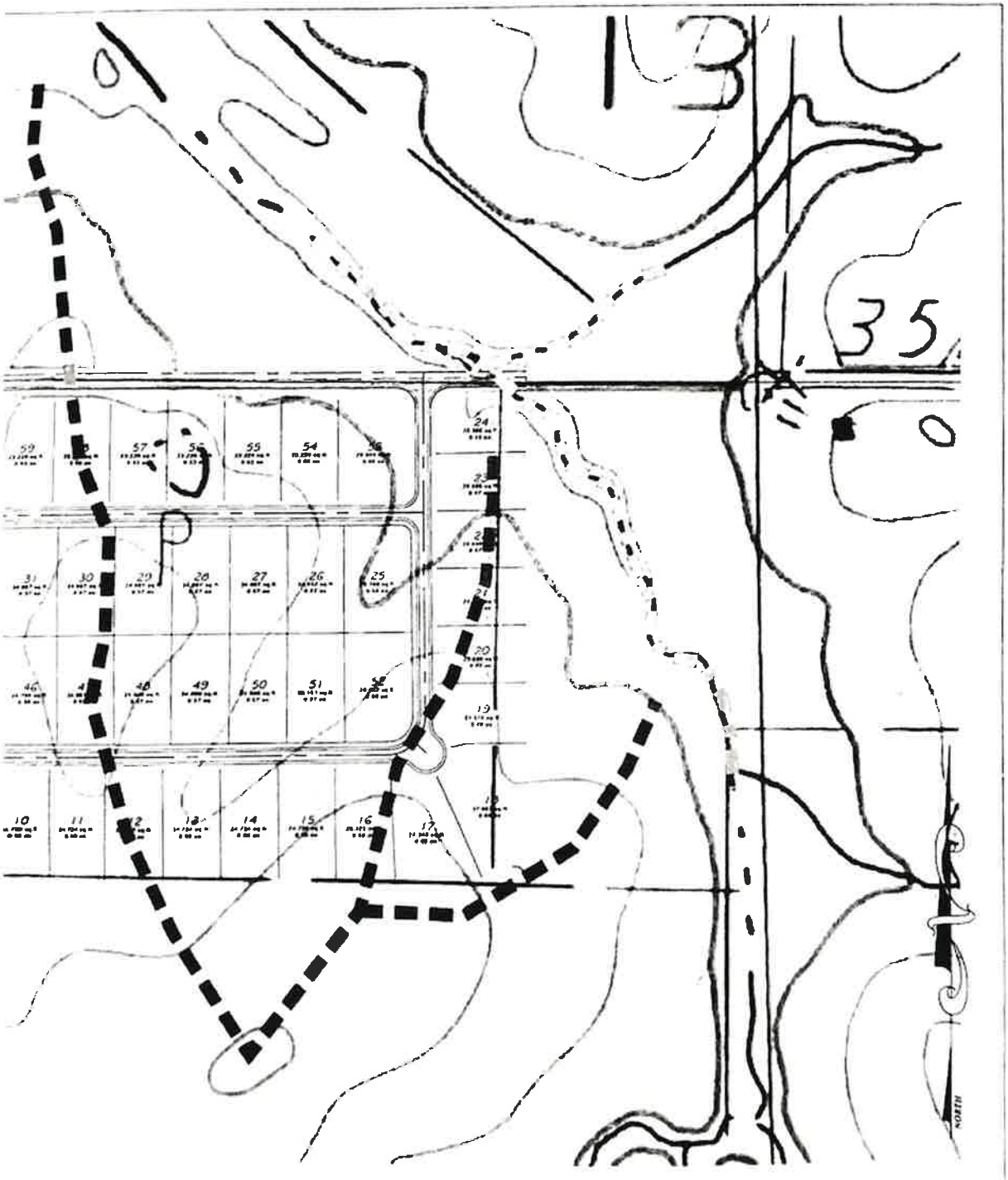
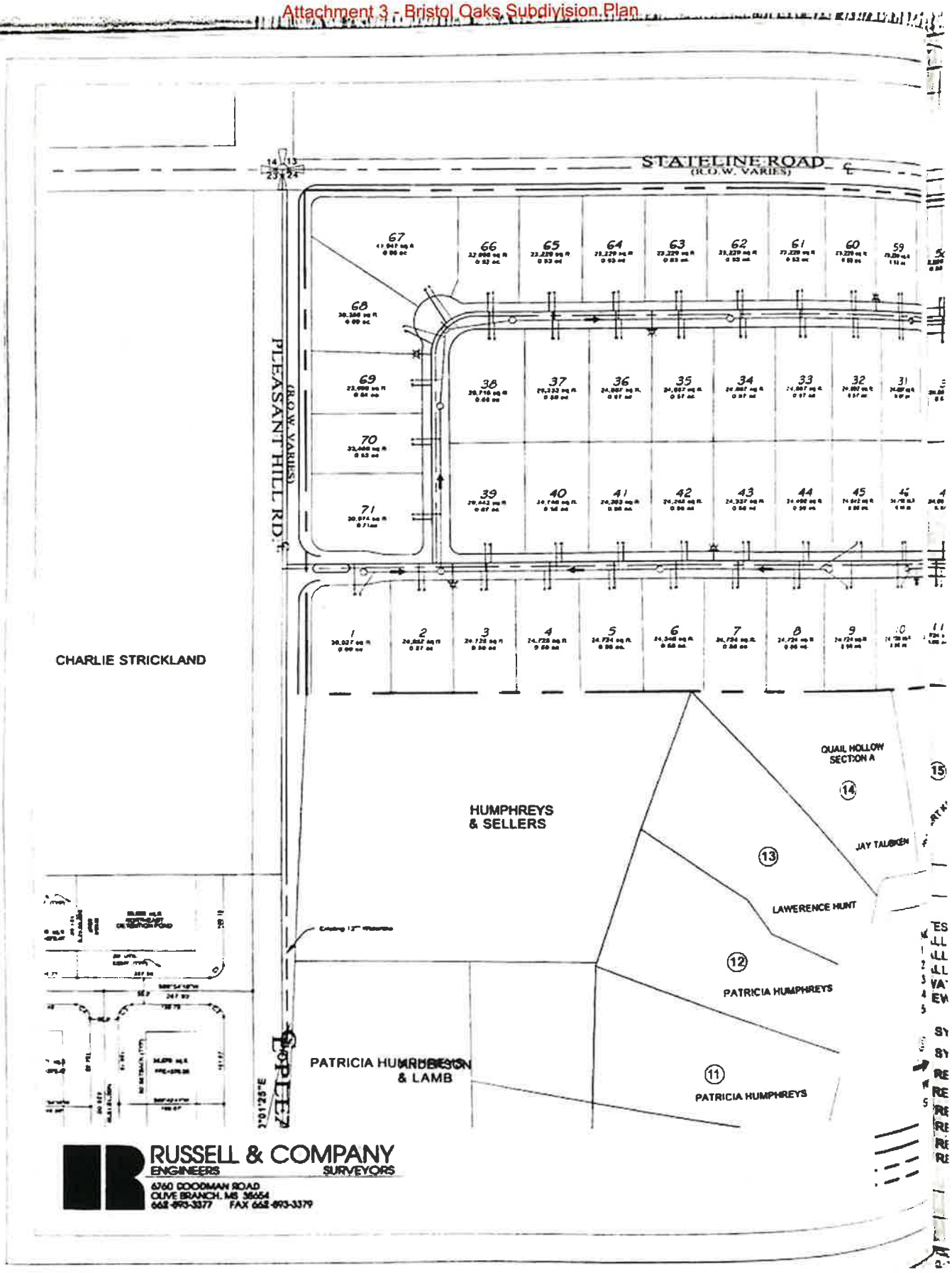
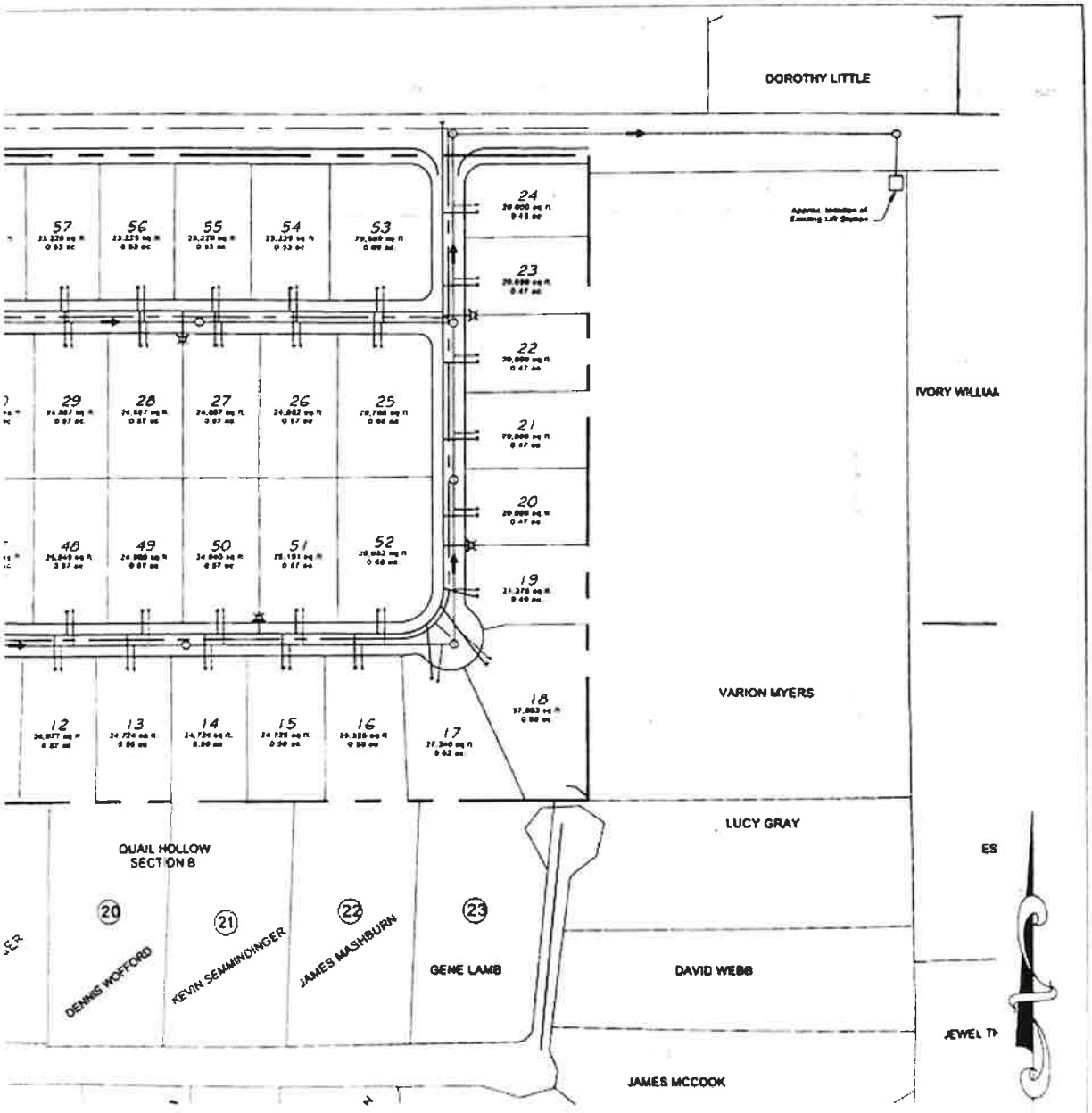


EXHIBIT 3
DRAINAGE PLAN
Bristol Oaks Subdivision

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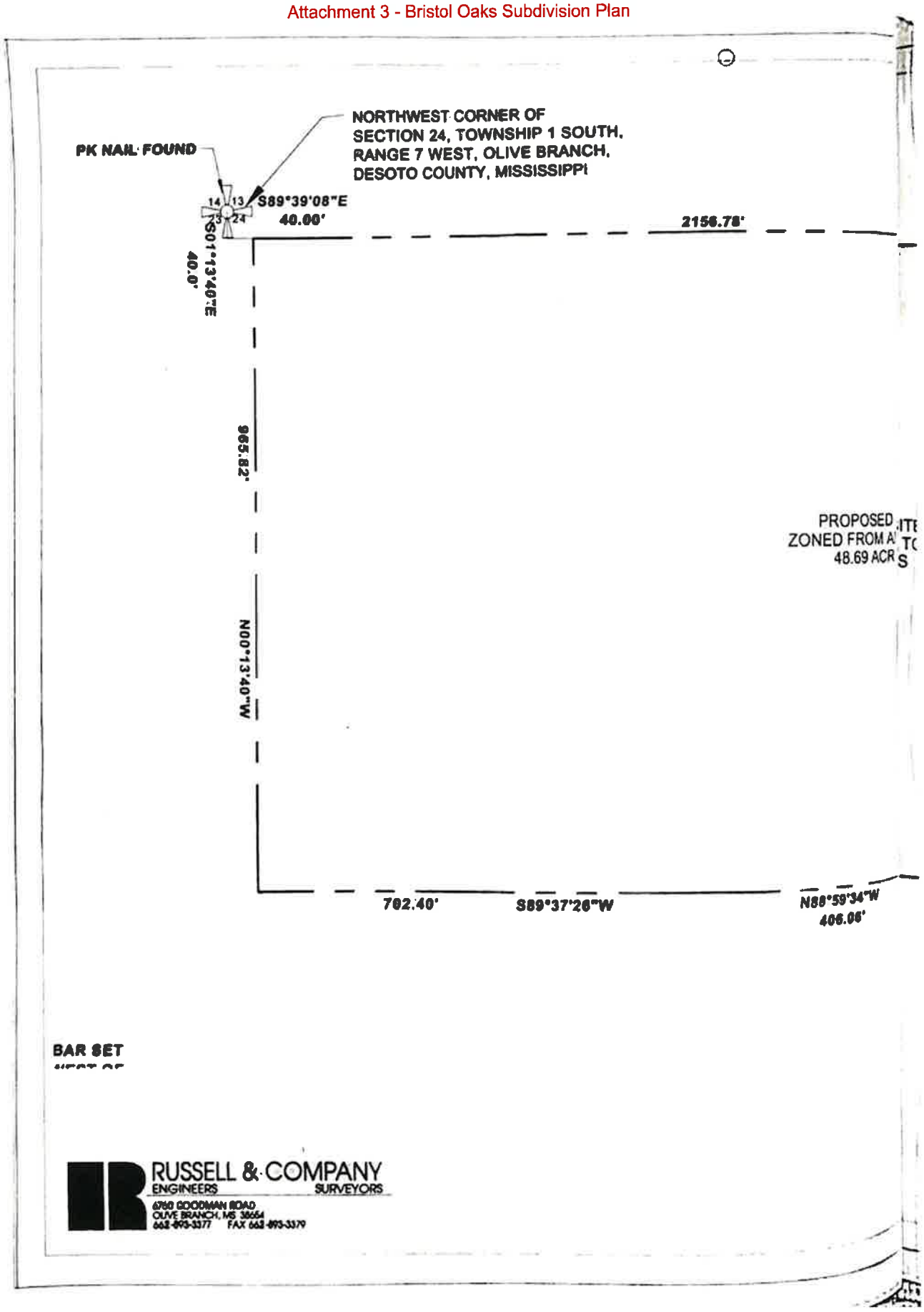


WATER LINES SHALL BE 8"
SEWER LINES SHALL BE 8"
WATER SERVICES SHALL BE 3/4"
ER SYSTEM BY THE CITY OF OLIVE BRANCH.
R SYSTEM OWNED BY THE CITY OF OLIVE BRANCH

BOL REPRESENTS SEWER MANHOLE
BOL REPRESENTS FLOW DIRECTION OF SEWER
RESENTS WATER SERVICE
RESENTS SEWER SERVICE
RESENTS SEWER MAINS AND SERVICES
RESENTS WATER MAINS AND SERVICES
RESENTS EXISTING SEWER LINES
RESENTS EXISTING SEWER LINES

EXHIBIT 4
UTILITY PLAN
Bristol Oaks Subdivision

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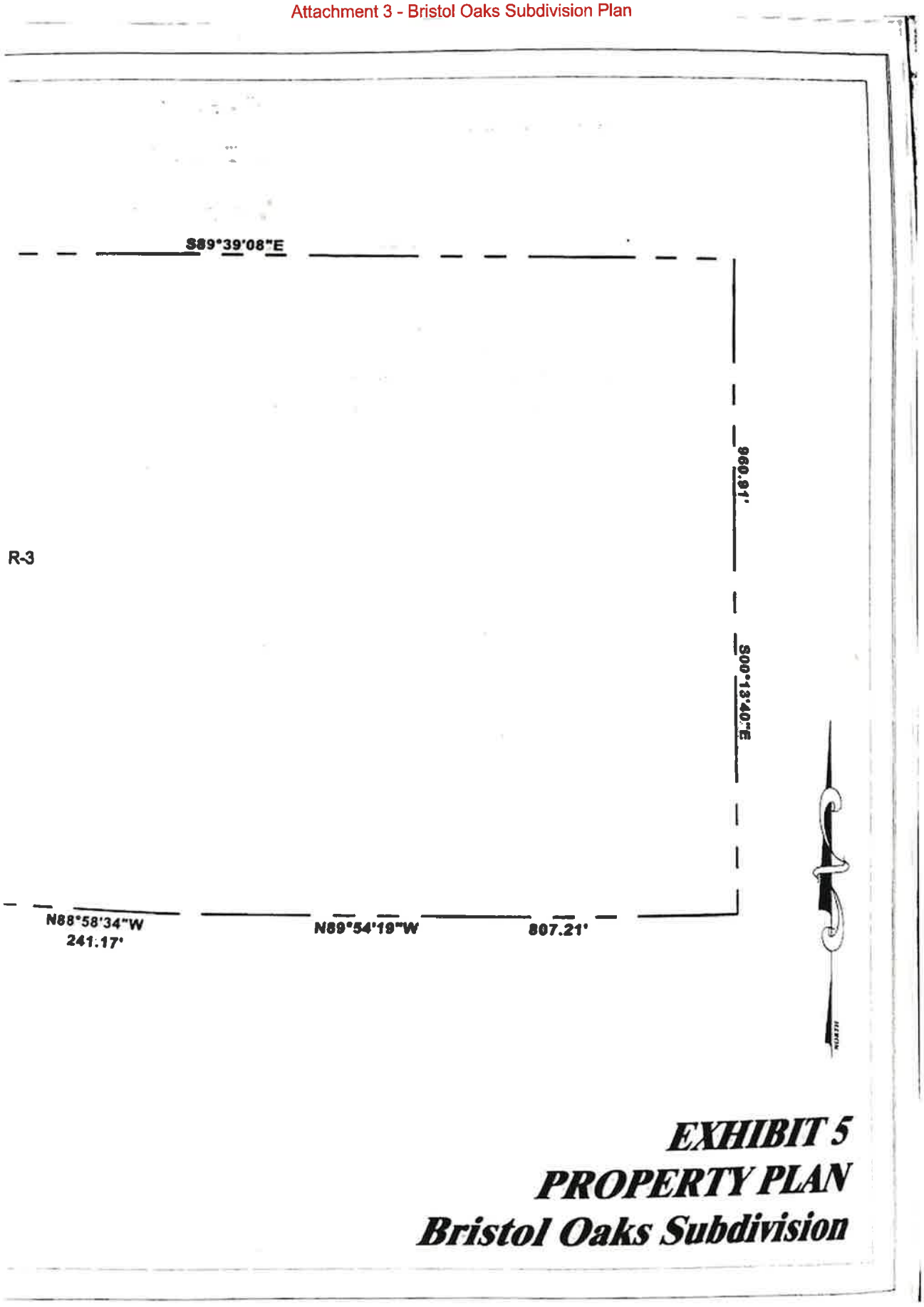


EXHIBIT 5
PROPERTY PLAN
Bristol Oaks Subdivision

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BK0424PG0541
STATE MS.-DESOTO CO.
FILED
JUL 22 2 11 PM '02

BK 424 PG 541
W.E. DAVIS CH. CLK.

This Instrument Prepared By and
Return To:
Robert K. Alvarez
5400 Poplar, Suite 100
Memphis, TN 38119
901-683-3526

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of $10.00, cash in hand paid, and other good and valuable consideration, I, JEAN BOWE ISBELL, do hereby bargain, sell, remise, release, quitclaim and convey unto JERRY GOIN, Trustee of The 2002 Jean Bowe Isbell Trust dated May 31, 2002, and recorded in Power of Attorney and Contract Book 94, Page 475, Chancery Clerk's Office, DeSoto County, Mississippi, the land lying and being situated in DeSoto County, Mississippi, described as follows, to-wit:

Parcel of land located in the northwest quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi. Commencing at the northwest corner of Section 24, which lies in the intersection of Stateline Road and Pleasant Hill Road, thence South 01°13'40" East a distance of 40.00 feet; thence South 89°39'08" East a distance of 40.00 feet to the point of beginning for the herein described parcel of land; thence South 89°39'08" East a distance of 2,156.78 feet along the south line of Stateline Road to a set iron pin;
thence South 00°13'40" East a distance of 960.91 feet along the west property line of Aaron V. Melton, Jr. (DB 181, PG 224) to a found iron pipe at the intersection of said west property line and the north line of Quail Hollow Subdivision Section "B"; thence North 89°54'19" West a distance of 807.21 feet along the north line of Quail Hollow Subdivision Section "B" (called S 85°51' W 792.03') to a set iron pin;
thence North 88°58'34" West a distance of 241.17 feet along the said north line of Quail Hollow Subdivision, Section "A", (called S 86°34' W 241.17') to a set iron pin;
thence North 88°59'34" West a distance of 406.06 feet along the north line of Quail Hollow Subdivision, Section "A", (called S 86°33' W 406.06') to a set iron pin;
thence South 89°37'26" West a distance of 702.40 feet along the north line of the Patricia Ann Humphreys and Keith Sellers Property (DB 291, PG 589), (called S 85°10' W 729.50') to a set iron pin on the east line of Pleasant Hill Road;
thence North 00°13'40" West a distance of 965.82 feet along the east side of Pleasant Hill Road to the point of beginning and all being in the northwest quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, containing 2,121,061.71 square feet or 48.69 acres.

WITNESS MY SIGNATURE, this the 14th day of June, 2002.

Jean Bowe Isbell
Jean Bowe Isbell

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BK0424PG0542

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 14th day of June, 2002, within my jurisdiction, the within named JEAN BOWE ISBELL, who acknowledged that she executed the above and foregoing instrument.

Dena Edelen
Notary Public

My Commission Expires:



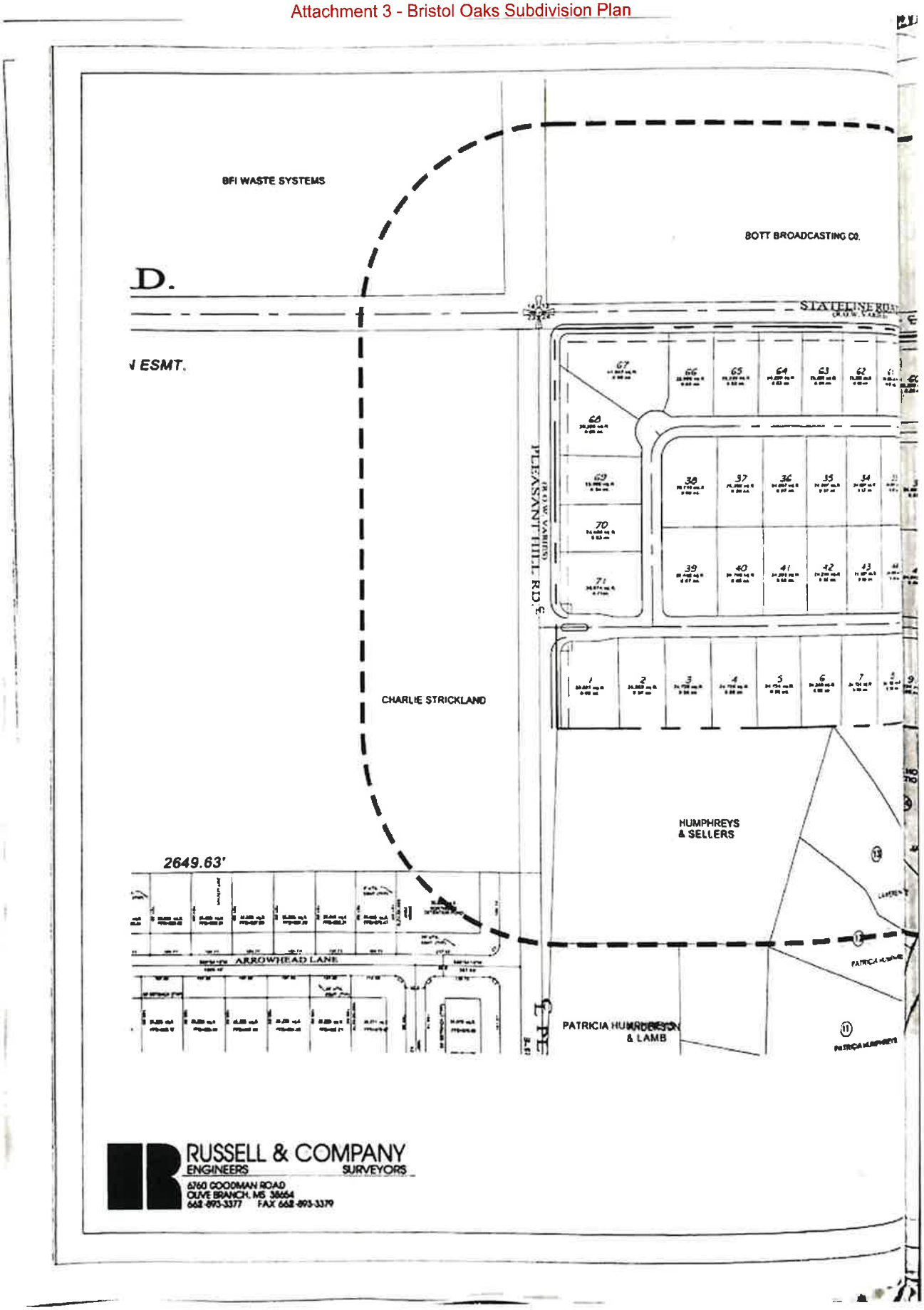
GRANTOR'S ADDRESS:

6437 Wynfrey Place
Memphis, TN 38120
Home Tel. No.: (901) 747-0073
Work Tel. No.: (901) 747-0073

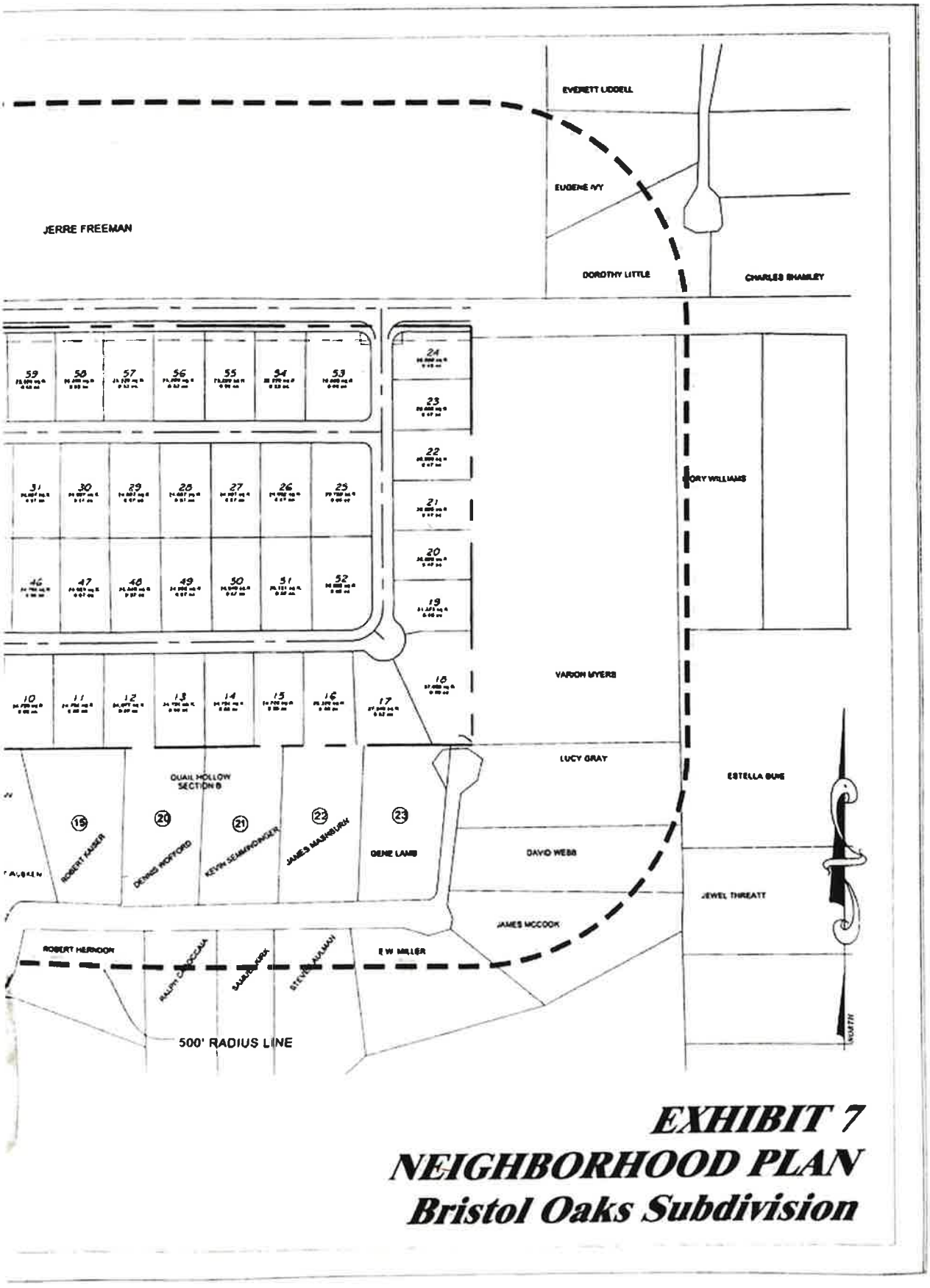
GRANTEE'S ADDRESS:

541 Riverview
Memphis, TN 38120
Home Tel. No.: (901) 685-0725
Work Tel. No.: (901) 274-3632

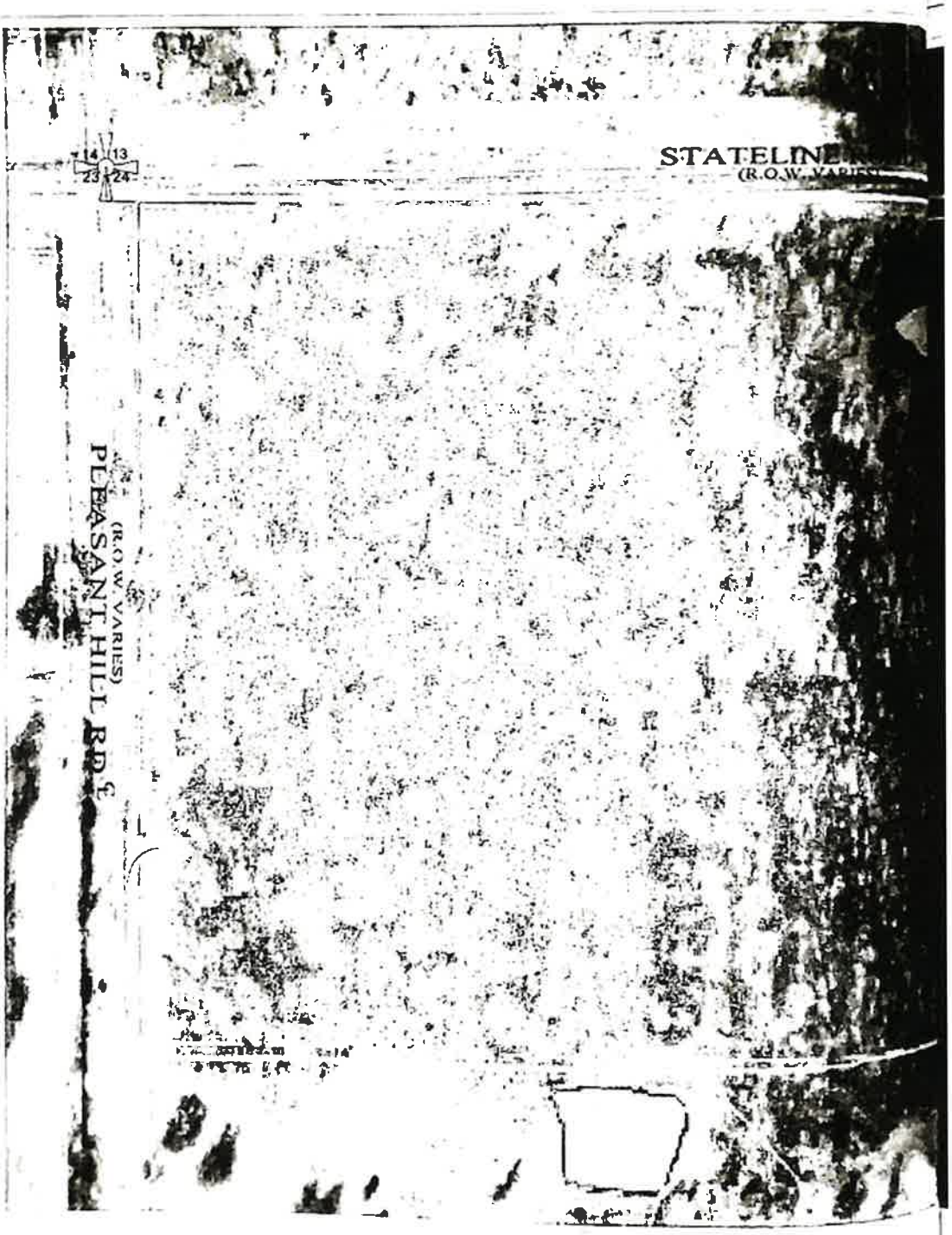
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RUSSELL & COMPANY
ENGINEERS SURVEYORS
6760 GOODMAN ROAD
OLIVE BRANCH, MS 38654
662-893-3377 FAX 662-893-3379

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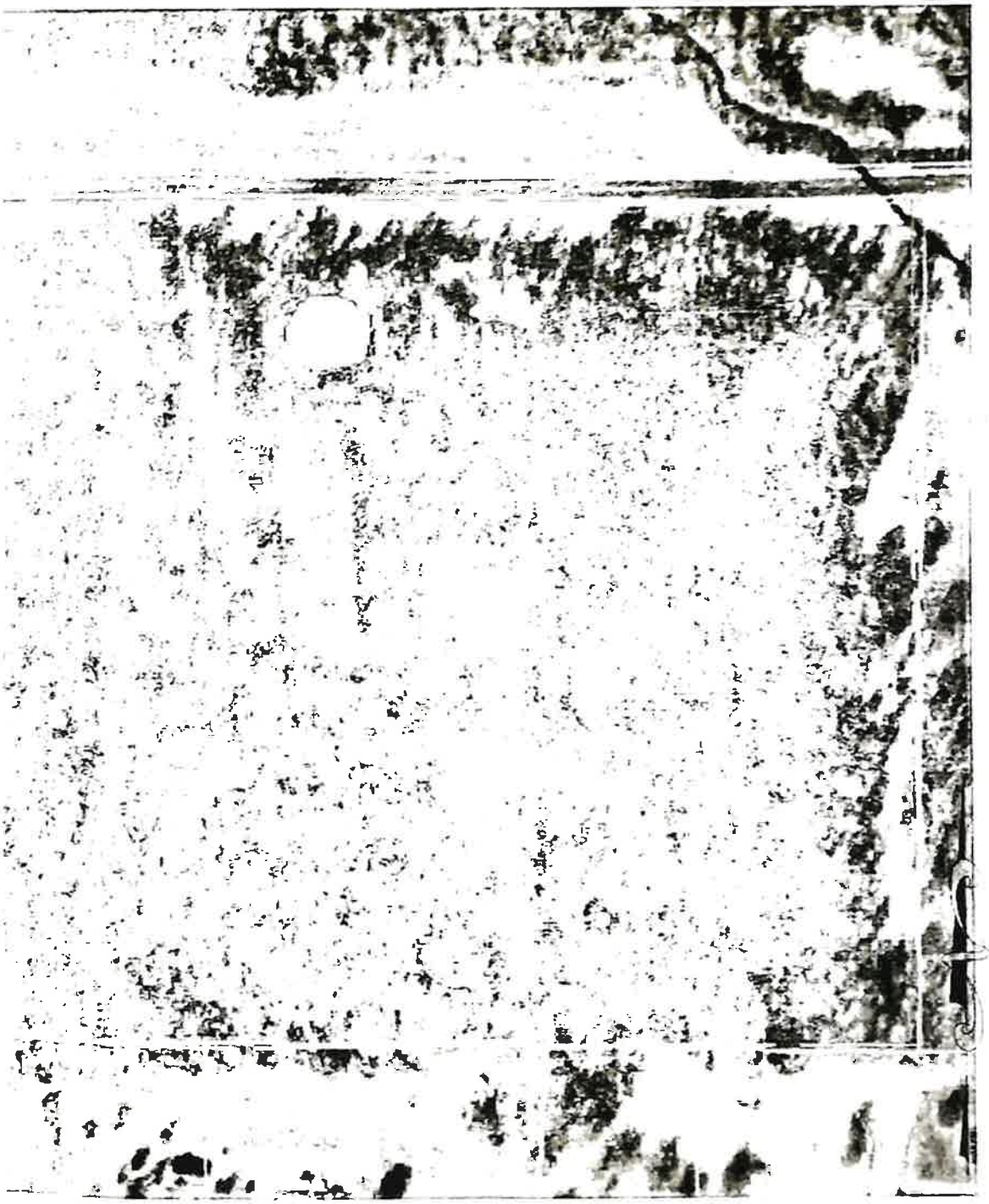


EXHIBIT 9
AERIAL PHOTOGRAPH
Bristol Oaks Subdivision

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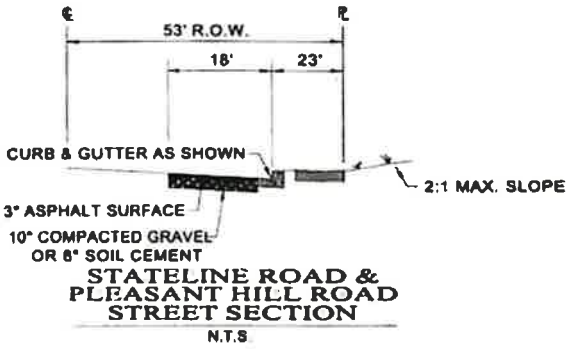
Bristol Oaks Subdivision



Typical Mailboxes



Typical Street Sign

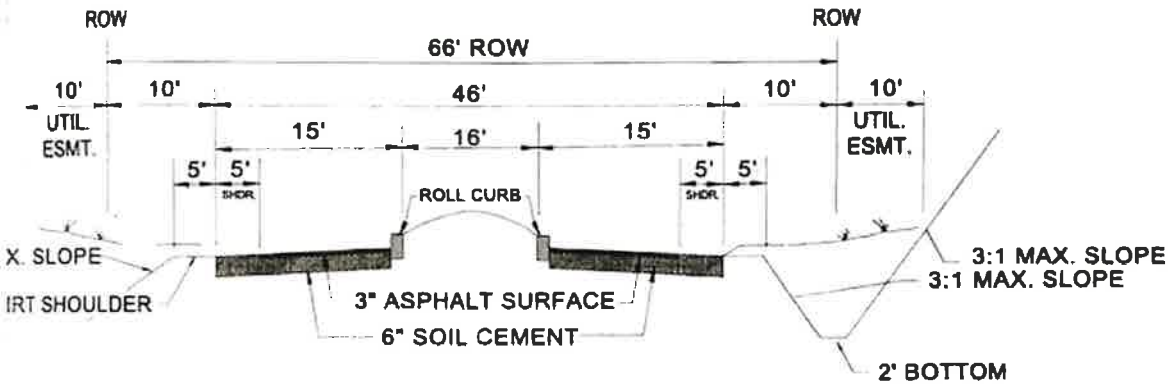


STATELINE ROAD &
PLEASANT HILL ROAD
STREET SECTION
N.T.S

3:1 MAX
EXISTING

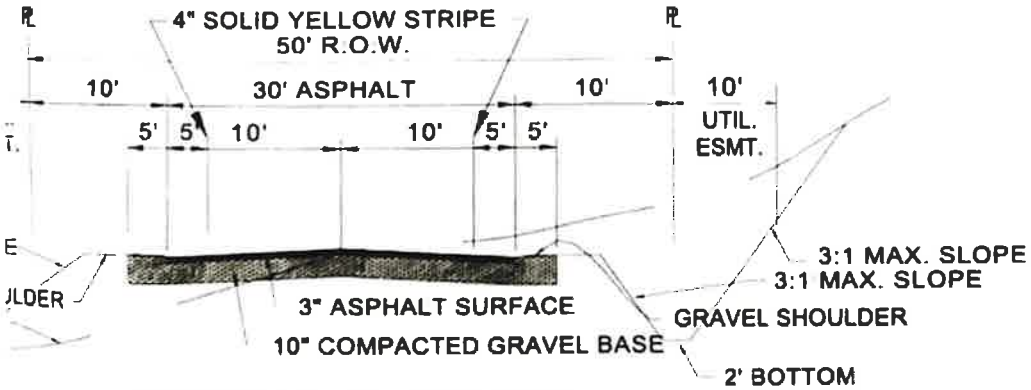
RUSSELL & COMPANY
ENGINEERS SURVEYORS
6760 GOODMAN ROAD
OLIVE BRANCH, MS 38654
662-895-3377 FAX 662-895-3379

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PLEASANT HILL ROAD
MAIN ENTRANCE
66' STREET SECTION

N.T.S.



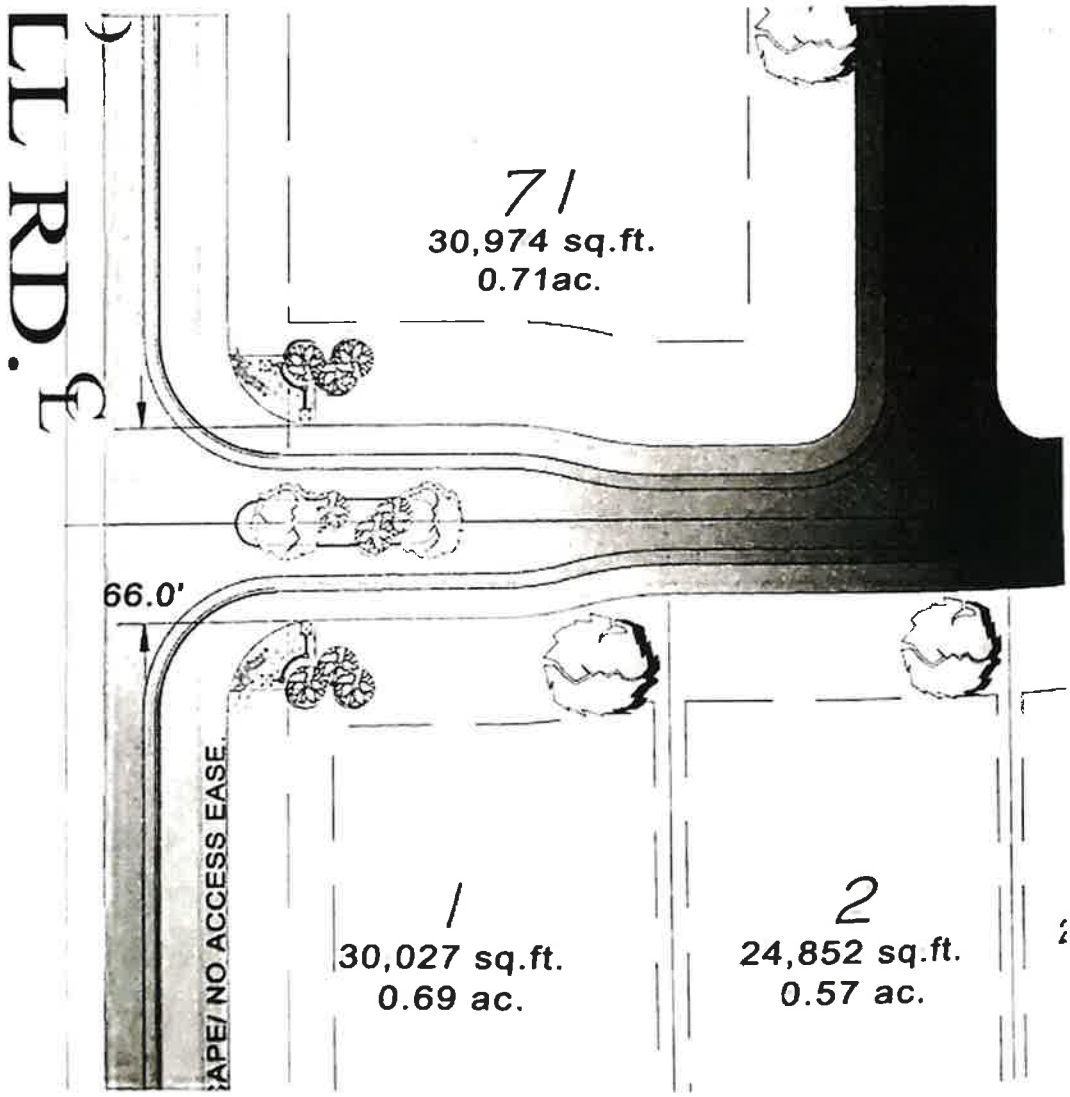
TYPICAL 50' STREET
RURAL CROSS SECTION

N.T.S.

Exhibit 10
Project Details &
Street Cross Sections
August 12, 2005

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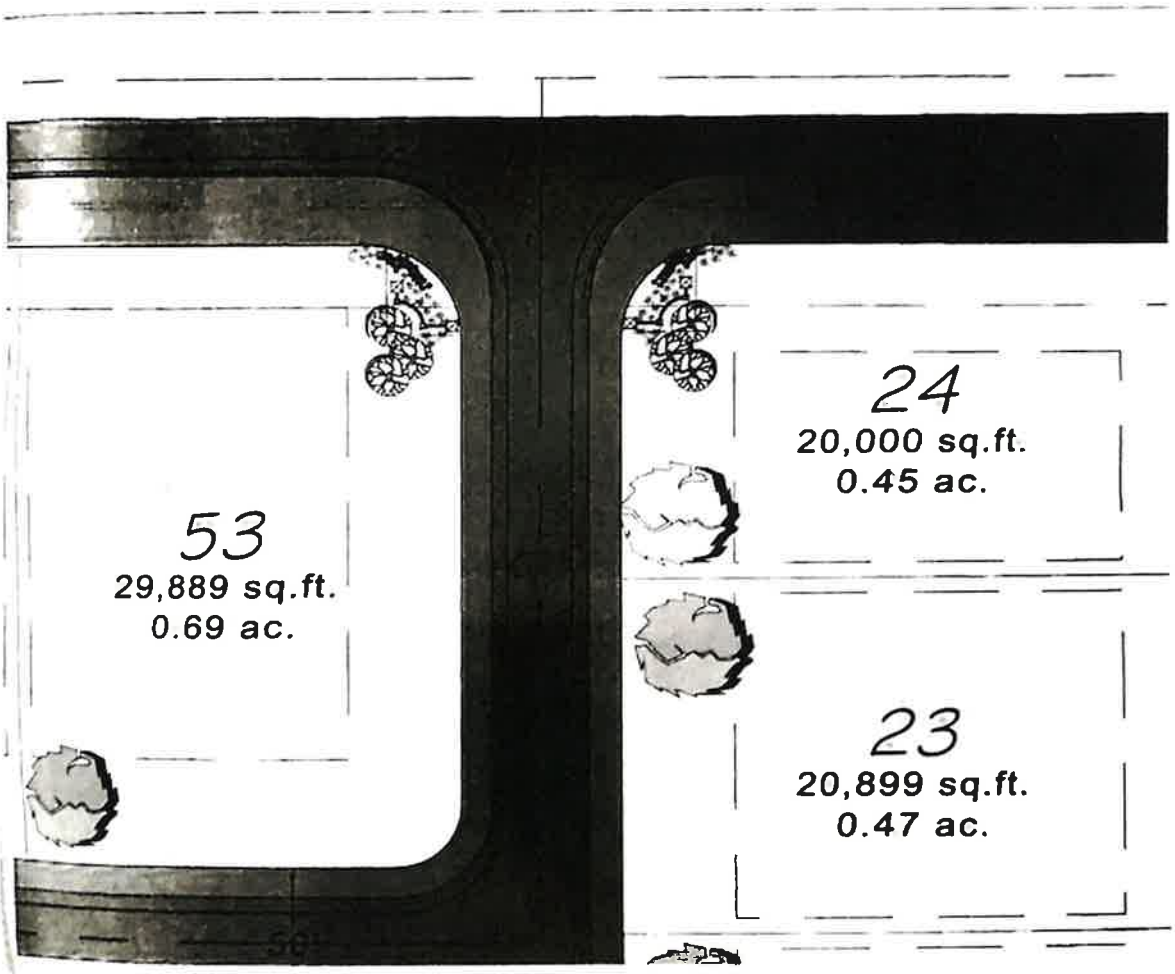
Bristol Oaks Subdivision



Pleasant Hill Road
Entrance Detail

RUSSELL & COMPANY
ENGINEERS SURVEYORS
6760 DOGWOOD ROAD
OLIVE BRANCH, MS 38654
662-893-3377 FAX 662-893-3379

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Stateline Road
Entrance Detail

Exhibit 11
Entrance Detail
August 12, 2005

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Bristol Oaks Subdivision







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ENGINEERS SURVEYORS
6760 GOODMAN ROAD
OLIVE BRANCH, MS 38654
662 895-5377 FAX 662 895-5379

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Exhibit 13
Mature Tree Growth
Illustration
August 12, 2005

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Bristol Oaks Subdivision





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ENGINEERS SURVEYORS
6760 DOGWOOD ROAD
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662-895-3377 FAX 662-895-3379

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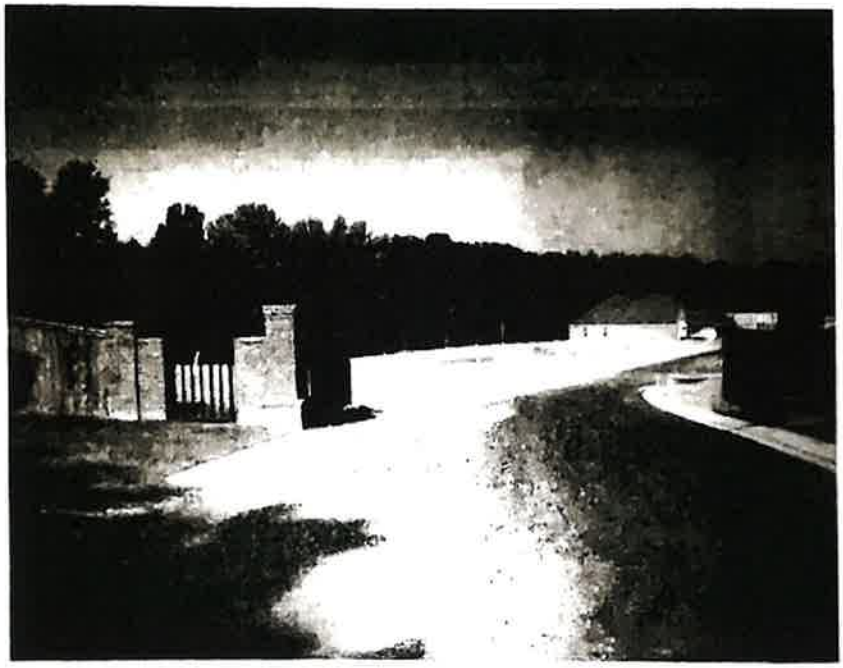
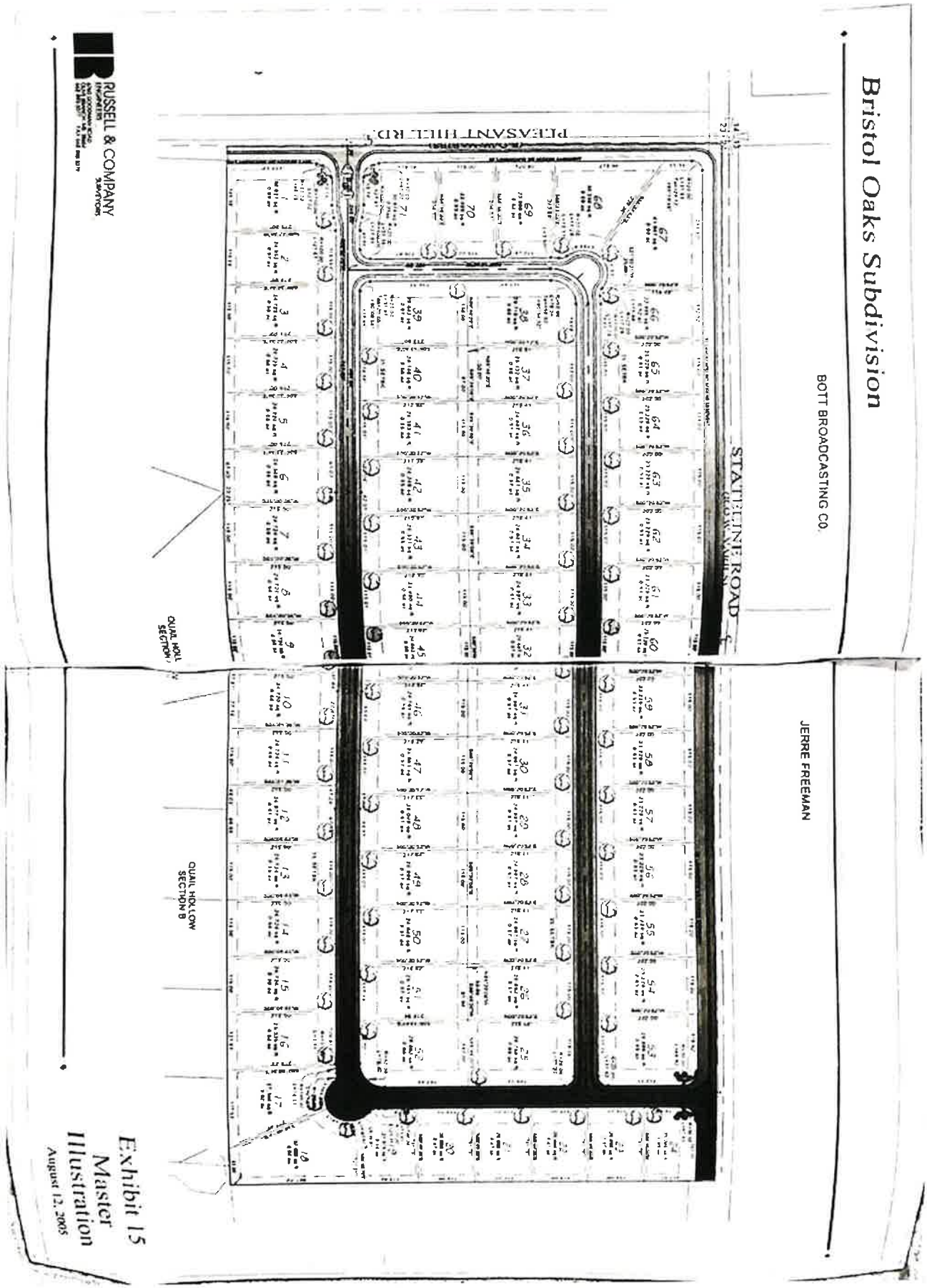




Exhibit 14
Signage/ Gated
Entry Detail
August 12, 2005

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STAFF REPORT **PLANNING COMMISSION**

DATE: September 13, 2005 **ITEM:** 4 **CAPTION:** Zoning Map Amendment — "A-R" to "R-3" – Bristol Oaks Subdivision – Southeast Corner of State Line and Pleasant Hill Roads

DISCUSSION: Russell & Company, representing Edco Properties and the Jean Bowe Isbell Trust, is requesting approval to rezone 49 acres of property at the southeast corner of State Line Road and Pleasant Hill Road from "A-R" Single-family Residential to "R-3" Planned Residential to develop the Bristol Oaks Subdivision. The property is surrounded by "A-R" zoning on all sides. Adjoining land uses include New Fellowship Christian Church to the east and Quail Hollow Subdivision to the south. Other "R-3" developments, such as Southbranch, Ivy Trails and Chickasaw Heights have been approved in the general vicinity of the subject property.

A Project Text and Preliminary Development Plan were submitted with this rezoning request. According to the Project Text, the Bristol Oaks Subdivision is "designed to provide an appealing planned neighborhood environment for the existing and future residents of Olive Branch." Plans call for the majority of the existing tree cover to remain on the site. The entrances to the development (one on State Line Road and one on Pleasant Hill Road) will be gated to "present an upscale development to any onlooker" and provide an appearance of security. Twenty (20) foot landscape/no access easements are shown along the east side of Pleasant Hill Road and the south side of State Line Road. A minimum of one 2 ½" caliper tree will be planted in the front yard of every lot.

The proposed subdivision has 71 lots on the 49-acre site, resulting in a density of 1.46 dwelling units per acre. Lots abutting the roadways (State Line or Pleasant Hill Roads) will be about 23,000 square feet in size (approximately ½ acre) in order to "provide appealing transitions between the adjoining properties and existing roadways." The remaining lots will be around 20,000 square feet in size. Features associated with the development include minimum two-car side load garages, minimum 70% brick exteriors and a minimum finished heated floor area of 2,000 square feet for all homes. Permitted uses within the subdivision appear to match those listed in the Olive Branch Zoning Ordinance for the "A-R" district. Proposed lot dimensions are as follows:

Front yard setback:	35' minimum
Side yard setback:	5' minimum
Rear yard setback:	20' minimum
Minimum lot width:	115'
Minimum lot size:	20,000 square feet
Maximum building height:	35'

A 66' boulevard entrance from Pleasant Hill Road and a 50' entrance from State Line Road will provide access to the development. Both entrances will be gated. As a result, streets within the subdivision will be private. The proposed "right-of-way" of the streets will be 50', which includes 30' of pavement with a 5' walking area striped on the edge of pavement on each side of the street. A "rural" cross-section is proposed, meaning that the streets will not have curb, gutter, or sidewalks (if the plan is approved as submitted).

COMMENTS:

1. The General Development Plan designates the area where the subject property is located for low-density residential use, with a density range of 1.0 to 3.5 dwelling units per acre. The proposed development is for single-family detached residential development at a density of 1.46 dwelling units per acre, which would conform to the Plan. The applicant provides their justification for the rezoning and evidence of public need on Page 8 of the Project Text.

2. Staff notes that the entrances to the subdivision will be gated, but no fence, wall or any barrier other than the existing landscaping is proposed for the perimeter of the property. As a result, staff questions the benefit to the future homeowners, who will have to maintain private streets because of the gates but may not have the tradeoff of a higher level of security.

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3. The Project Text indicates that existing trees will be saved, but the development plan offers no specific protection in the form of a designated non-disturb area or other treatment. Given that the adjacent lots to the south in Quail Hollow Subdivision are substantially larger than the proposed lots in Bristol Oaks, a designated non-disturb area along the south property line would protect the existing views of the subject property and provide a buffer from the new development.

4. If the Commission votes to approve the request, staff recommends the inclusion of the following conditions:

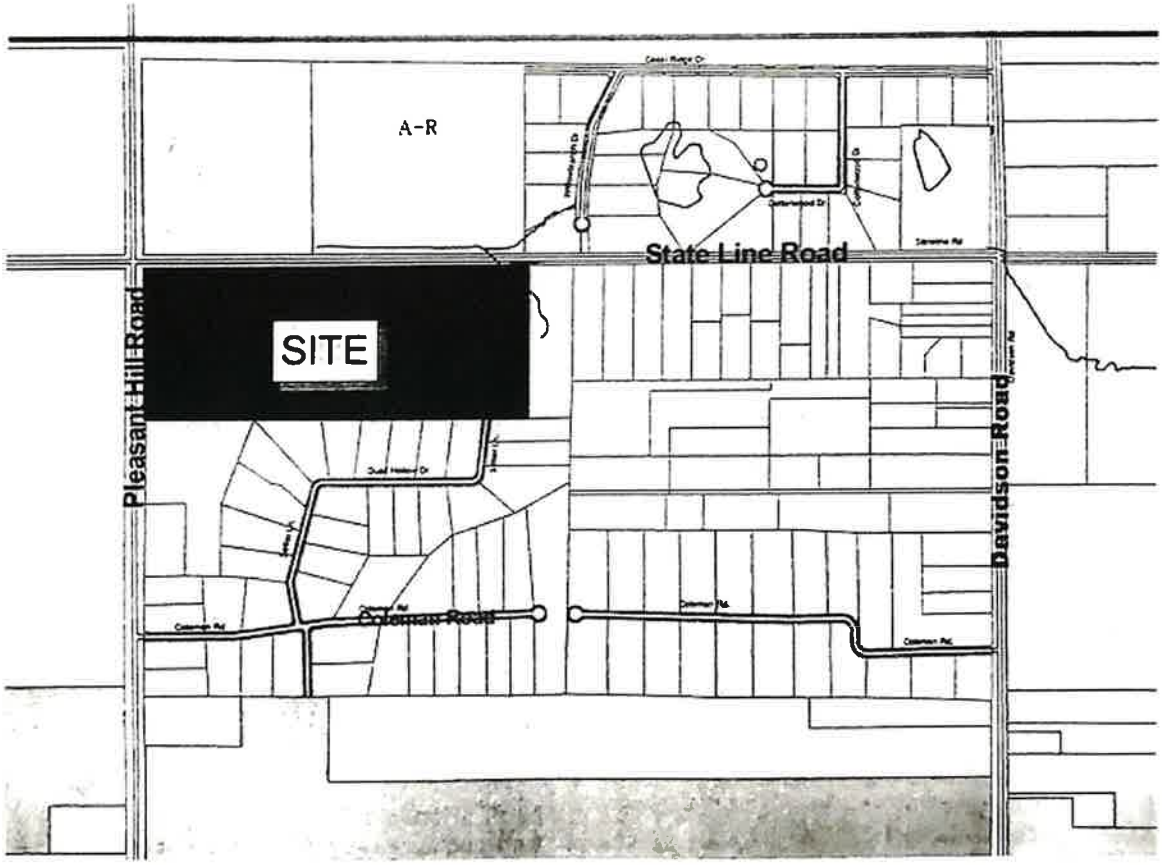
   a. Include provisions in the Project Text and restrictive covenants to provide for the long-term maintenance of any plantings or improvements installed in the landscape and sign easements.
   b. Revise the Project Text to include a provision for a designated 50' non-disturb area along the southern property line adjacent to Quail Hollow Subdivision and a 20' non-disturb area along the eastern property line to correspond to the landscape easements established along Pleasant Hill and State Line Roads.
   c. Any Final Plat for the subdivision shall include a 20' landscape/no access/sign easement along Pleasant Hill Road, a 20' landscape/no access/sign easement along State Line Road, a 50' non-disturb area along the southern property line and a 20' non-disturb area along the eastern property line.
   d. Improvements to be the responsibility of the developer and not the City of Olive Branch.
   e. Grading, drainage and engineering construction plans to be approved by the City Engineer.
   f. Sidewalks to be installed along the east side of Pleasant Hill Road and the south side of State Line Road to the extent that the development borders that road.
   g. The developer shall install drainage pipe, erosion control material, sewer mains and service, gas mains and service, water mains and service, fire hydrants, curb and gutter for all streets and gravel or soil cement base for the streets and one (1) layer of blacktop, 1 ½ inch thick, including one-half of the right-of-way of Pleasant Hill Road and State Line Road before the Final Plat for the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1 ½ inch of blacktop making a total of three (3) inches of blacktop surface and sidewalks.
   h. Streetlight plans shall be submitted to the City Engineer for approval.
   i. Street identification and traffic control signs and devices shall be installed by the developer to City specifications.
   j. All utilities and services (electric, telephone, cable, etc.) shall be installed underground. Water service lines shall be installed with tracing wire at the top.
   k. Water and sewer service shall be approved by the Health Department.
   l. Recording of the plat.

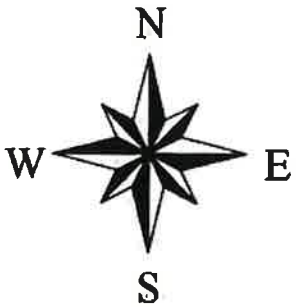
CHECKED FOR SUBMISSION TO THE COMMISSION BY: [illegible] **DATE:** 9/6/05
MOTION BY: Richard **SECOND BY:** Bob
Approve Subject to Staff Conditions

VOTE	PRICE	ALLISON	CLEMMER	GILLESPIE	NELSON	LEWIS	LACHAUSSEE
YES	✓	✓	✓	✓	✓	✓	✓
NO							
ABSTAIN							

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Bristol Oaks Subdivision
"A-R" to "R-3"





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DATE: **AUGUST 15, 2005**

TO: **PROPERTY OWNERS**

FROM: **B. J. PAGE, DIRECTOR OF PLANNING**

SUBJECT: **SEPTEMBER PLANNING COMMISSION MEETING**

A regular meeting of the Olive Branch Planning Commission will be held on **Tuesday, September 13, 2005 at 6:00 p.m.** in the Olive Branch Police Department Court Room, at 9245 Pigeon Roost Road, regarding a Rezoning Application, submitted by **Edco Properties**. The request is to allow the rezoning of property located on the southeast corner of Pleasant Hill Road and Stateline Road, from its current zoning of **"AR"**, Agricultural Residential District to **"R-3"**, Planned Residential District. Subject property consists of 48.69 acres, 71 lots, to be known as Bristol Oaks Subdivision. Section 24, Township 1 south, Range 7 west. This application may be inspected by interested parties in the offices of the Planning and Building Department, 9200 Pigeon Roost Road, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

Letter mailed 08/16/05

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RICIA ANN HUMPHREYS ETAL
ITH SELLERS
85 SETTER LANE
OLIVE BRANCH, MS 38654-0000

EVERETT LIDDELL
9095 WILLOW BRANCH
OLIVE BRANCH, MS 38654-0000

LUCY C GRAY ETAL
CHARLES L CHAVIS
8800 SETTER LANE
OLIVE BRANCH, MS 38654-0000

ARION L MYERS
46 BANKSTON RD
IESBIT, MS 38651-0000

DAVID L WEBB ETUX
CONNIE WEBB
8770 SETTER LANE
OLIVE BRANCH, MS 38654-0000

JAMES T MCCOOK ETUX
MARY G MCCOOK
8744 SETTER LANE
OLIVE BRANCH, MS 38654-0000

E W MILLER ETUX
OANNE L MILLER
385 QUAIL HOLLOW DR
OLIVE BRANCH, MS 38654-0000

STEVEN E AULMAN ETUX
CHARLOTTE AULMAN
5345 QUAIL HOLLOW DR
OLIVE BRANCH, MS 38654-0000

SAMUEL BRENT KIRK ETUX
JEANETTE MARY KIRK
5315 QUAIL HOLLOW DR
OLIVE BRANCH, MS 38654-0000

ALPH D CAPOCACCIA
285 QUAIL HOLLOW
OLIVE BRANCH, MS 38654-0000

ROBERT K HERNDON ETAL
MELANIE H DURHAM
8720 SETTER LANE
OLIVE BRANCH, MS 38654-0000

MARJORIE BURCHAM
8690 SETTER LANE
OLIVE BRANCH, MS 38654-0000

AMES THOMAS GORE
O BOX 301101
EMPHIS, TN 38130-0000

LAWRENCE W HUNT ETUX
SHELIA S HUNT
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OLIVE BRANCH, MS 38654-0000

JAY R TAUBKEN ETUX
VICKI B TAUBKEN
5210 QUAIL HOLLOW DR
OLIVE BRANCH, MS 38654-0000

OBERT G KAISER ETUX
ATHLEEN C KAISER
240 QUAIL HOLLOW DR
OLIVE BRANCH, MS 38654-0000

DENNIS W WOFFORD ETUX
BRENDA G WOFFORD
5276 QUAIL HOLLOW
OLIVE BRANCH, MS 38654-0000

KEVIN L SEMMENDINGER SR ETUX
MARTHA SEMMENDINGER
5310 QUAIL HOLLOW DR
OLIVE BRANCH, MS 38654-0000

AMES T MASHBURN ETUX
IELEN C MASHBURN
346 QUAIL HOLLOW
OLIVE BRANCH, MS 38654-0000

GENE LEONARD LAMB ETUX
DORLENE LAMB
5380 QUAIL HOLLOW DR
OLIVE BRANCH, MS 38654-0000

CHARLIE STRICKLAND ETUX
DOROTHY STRICKLAND
4915 STATELINE RD
OLIVE BRANCH, MS 38654-0000

ERRE MINOR FREEMAN
485 POPLAR
IEMPHIS, TN 38119-0000

BOTT BROADCASTING CO
555 PERKINS EXT #201
MEMPHIS, TN 38117-0000

BFI WASTE SYSTEMS OF NA, INC
PO BOX 42165
HOUSTON, TX 77242-0000

STELLA WILLIAMS BUIE ESTATE
759 STATELINE RD
OLIVE BRANCH, MS 38654-0000

IVORY J WILLIAMS
5525 STATELINE RD
OLIVE BRANCH, MS 38654-0000

JEWEL THREATT ETAL
264 CHARTER RD
MEMPHIS, TN 38109-0000

UGENE IVY ETUX
RACE IVY
165 WILLOW BRANCH
LIVE BRANCH, MS 38654-0000

DOROTHY F LITTLE
9050 WILLOW BRANCH
OLIVE BRANCH, MS 38654-0000

CHARLES E SHAMLEY, JR ETUX
LINDA W SHAMLEY
9060 WILLOW BRANCH
OLIVE BRANCH, MS 38654-0000

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Planning and Building Department

DATE: October 12, 2005

TO: Adjacent Property Owners

FROM: B. J. Page, Director of Planning

SUBJECT: Board of Aldermen Public Hearings – EDCO Properties and H&E Enterprises

As you may know, public hearings were scheduled before the Board of Aldermen for the City of Olive Branch concerning the following re-zonings:

1. An application submitted by EDCO properties to allow the re-zoning of property located on the east side of Pleasant Hill Road, south of State Line Road, from its current zoning designation of "AR," Agricultural/Residential District to the "R-3," Planned Residential District, subject property consisting of 48.69 acres in Section 9, Township 2 south, Range 6 west.

2. An application submitted by H & E Enterprises to allow the re-zoning of property located on both the east and west sides of Davidson Road, north of Goodman Road, from its current designation of "AR," Agricultural/Residential District to the "C-4," Planned Commercial District, subject property consisting of 23.41 acres in Sections 25 and 30, Township 1 south, Range 6 west.

These public hearings were originally scheduled for October 18, 2005, however, due to an error in the public advertisement contained in the local newspaper, both of these public hearings have had to be re-scheduled to allow for additional, corrected advertisements to be published.

These re-scheduled public hearings will now be held in the Court Room of the Olive Branch Police Department, located at **9245 East Pigeon Roost Road** on **Tuesday, November 1, 2005, at 6:30 p.m.** Both applications may be inspected by interested parties in the offices of the Olive Branch Planning and Building Department, located in the Olive Branch City Hall, 9200 Pigeon Roost Road, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

9200 Pigeon Roost Road · Olive Branch, Mississippi 38654
Phone: (662) 892-9334 · (662) 895-9200 · FAX: (662) 892-9346

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RICIA ANN HUMPHREYS ETAL
ITH SELLERS
685 SETTER LANE
OLIVE BRANCH, MS 38654-0000

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CHARLES E SHAMLEY, JR ETUX
LINDA W SHAMLEY
9060 WILLOW BRANCH
OLIVE BRANCH, MS 38654-0000

- Copy -

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STAFF REPORT

DATE: September 20, 2005

BOARD OF ALDERMEN

CAPTION: Zoning Map Amendment — "A-R" to "R-3" – Bristol Oaks Subdivision

DISCUSSION: Russell & Company, representing Edco Properties and the Jean Bowe Isbell Trust, is requesting approval to rezone 49 acres of property at the southeast corner of State Line Road and Pleasant Hill Road from "A-R" Single-family Residential to "R-3" Planned Residential to develop the Bristol Oaks Subdivision. The property is surrounded by "A-R" zoning on all sides. Adjoining land uses include New Fellowship Christian Church to the east and Quail Hollow Subdivision to the south. Other "R-3" developments, such as Southbranch, Ivy Trails and Chickasaw Heights have been approved in the general vicinity of the subject property.

A Project Text and Preliminary Development Plan were submitted with this rezoning request. According to the Project Text, the Bristol Oaks Subdivision is "designed to provide an appealing planned neighborhood environment for the existing and future residents of Olive Branch." Plans call for the majority of the existing tree cover to remain on the site. The entrances to the development (one on State Line Road and one on Pleasant Hill Road) will be gated to "present an upscale development to any onlooker" and provide an appearance of security. Twenty (20) foot landscape/no access easements are shown along the east side of Pleasant Hill Road and the south side of State Line Road. A minimum of one 2 ½" caliper tree will be planted in the front yard of every lot.

The proposed subdivision has 71 lots on the 49-acre site, resulting in a density of 1.46 dwelling units per acre. Lots abutting the roadways (State Line or Pleasant Hill Roads) will be about 23,000 square feet in size (approximately ½ acre) in order to "provide appealing transitions between the adjoining properties and existing roadways." The remaining lots will be around 20,000 square feet in size. Features associated with the development include minimum two-car side load garages, minimum 70% brick exteriors and a minimum finished heated floor area of 2,000 square feet for all homes. Permitted uses within the subdivision appear to match those listed in the Olive Branch Zoning Ordinance for the "A-R" district.

A 66' boulevard entrance from Pleasant Hill Road and a 50' entrance from State Line Road will provide access to the development. Both entrances will be gated. As a result, streets within the subdivision will be private. The proposed "right-of-way" of the streets will be 50', which includes 30' of pavement with a 5' walking area striped on the edge of pavement on each side of the street. A "rural" cross-section is proposed, meaning that the streets will not have curb, gutter, or sidewalks (if the plan is approved as submitted).

The Planning Commission reviewed this item at their meeting on September 13, 2005 and unanimously recommended approval of the request.

COMMENTS:

SET THE PUBLIC HEARING FOR OCTOBER 18, 2005.

CHECKED FOR SUBMISSION TO THE BOARD BY: MAZ **DATE:** 9/14/05

MOTION BY: _____ **SECOND BY:** _____

VOTE	BENSON	COLEMAN	COLLINS	COWGILL	DICKERSON	HASLIP	WALLACE
YES							
NO							
ABSTAIN							

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STAFF REPORT **BOARD OF ALDERMEN**

DATE: November 1, 2005 **CAPTION:** Zoning Map Amendment — "A-R" to "R-3" – Bristol Oaks Subdivision

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DISCUSSION: Russell & Company, representing Edco Properties and the Jean Bowe Isbell Trust, is requesting approval to rezone 49 acres of property at the southeast corner of State Line Road and Pleasant Hill Road from "A-R" Single-family Residential to "R-3" Planned Residential to develop the Bristol Oaks Subdivision. The property is surrounded by "A-R" zoning on all sides. Adjoining land uses include New Fellowship Christian Church to the east and Quail Hollow Subdivision to the south. Other "R-3" developments, such as Southbranch, Ivy Trails and Chickasaw Heights have been approved in the general vicinity of the subject property.

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Front yard setback:	35' minimum
Side yard setback:	5' minimum
Rear yard setback:	20' minimum
Minimum lot width:	115'
Minimum lot size:	20,000 square feet
Maximum building height:	35'

A 66' boulevard entrance from Pleasant Hill Road and a 50' entrance from State Line Road will provide access to the development. Both entrances will be gated. As a result, streets within the subdivision will be private. The proposed "right-of-way" of the streets will be 50', which includes 30' of pavement with a 5' walking area striped on the edge of pavement on each side of the street. A "rural" cross-section is proposed, meaning that the streets will not have curb, gutter, or sidewalks (if the plan is approved as submitted).

COMMENTS:

1. The General Development Plan designates the area where the subject property is located for low-density residential use, with a density range of 1.0 to 3.5 dwelling units per acre. The proposed development is for single-family detached residential development at a density of 1.46 dwelling units per acre, which would conform to the Plan. The applicant provides their justification for the rezoning and evidence of public need on Page 8 of the Project Text.

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2. The Planning Commission reviewed this item at their September 13, 2005 meeting and unanimously recommended approval with the following conditions:

a. Include provisions in the Project Text and restrictive covenants to provide for the long-term maintenance of any plantings or improvements installed in the landscape and sign easements.
b. Revise the Project Text to include a provision for a designated 50' non-disturb area along the southern property line adjacent to Quail Hollow Subdivision and a 20' non-disturb area along the eastern property line to correspond to the landscape easements established along Pleasant Hill and State Line Roads.
c. Any Final Plat for the subdivision shall include a 20' landscape/no access/sign easement along Pleasant Hill Road, a 20' landscape/no access/sign easement along State Line Road, a 50' non-disturb area along the southern property line and a 20' non-disturb area along the eastern property line.
d. Improvements to be the responsibility of the developer and not the City of Olive Branch.
e. Grading, drainage and engineering construction plans to be approved by the City Engineer.
f. Sidewalks to be installed along the east side of Pleasant Hill Road and the south side of State Line Road to the extent that the development borders that road.
g. The developer shall install drainage pipe, erosion control material, sewer mains and service, gas mains and service, water mains and service, fire hydrants, curb and gutter for all streets and gravel or soil cement base for the streets and one (1) layer of blacktop, 1 ½ inch thick, including one-half of the right-of-way of Pleasant Hill Road and State Line Road before the Final Plat for the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1 ½ inch of blacktop making a total of three (3) inches of blacktop surface and sidewalks.
h. Streetlight plans shall be submitted to the City Engineer for approval.
i. Street identification and traffic control signs and devices shall be installed by the developer to City specifications.
j. All utilities and services (electric, telephone, cable, etc.) shall be installed underground. Water service lines shall be installed with tracing wire at the top.
k. Water and sewer service shall be approved by the Health Department.
l. Recording of the plat.

CHECKED FOR SUBMISSION TO THE BOARD BY: MAZ **DATE:** 10/24/05

MOTION BY: _____ **SECOND BY:** _____

VOTE	BENSON	COLEMAN	COLLINS	COWGILL	DICKERSON	HASLIP	WALLACE
YES							
NO							
ABSTAIN							

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OB
PC

OLIVE BRANCH PLANNING COMMISSION
9150 PIGEON ROOST ROAD
OLIVE BRANCH, MISSISSIPPI 38654
(601) 895-4121

R205-0015

September 2005

ZONING MAP AMENDMENT APPLICATION

FEE DUE:	$250.00	RECEIPT #:	927268
RECORDING FEE:	$1.00	CHECK #:	5399
TOTAL FEES:	$251.00	CASH:	

AS OWNER OF RECORD, AUTHORIZED AGENT, OR ATTORNEY, *(INDICATE WHICH)* IT IS REQUESTED THAT THE PROPERTY LOCATED ON THE East SIDE OF Pleasant Hill Road (Street, Road, Drive) AND South OF Stateline Road (Nearest Intersecting Street, Road Drive), MORE SPECIFICALLY KNOWN AS n/a (Street Address, If Assigned), CONSISTING OF 48.69 TOTAL ACRES IN SECTION 24 TOWNSHIP 01 RANGE 07, BE REZONED FROM AR (Existing Zoning) TO R-3 (Proposed Zoning Designation)

FOR THE FOLLOWING REASONS (You may use the back of this form if additional space is needed):

1. That the original zoning classification for the property was a mistake; or that,
   SEE TEXT

2. the character of the neighborhood has changed to such an extent as to justify the proposed rezoning (if the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any, have occurred in the vicinity of the property in question, which were not anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.); and that,
   SEE TEXT

3. A public need exists for the rezoning.
   SEE TEXT

I, THE UNDERSIGNED, BEING THE OWNER OF RECORD, OR THE OWNER'S AUTHORIZED AGENT, CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I FURTHER AGREE THAT I AM INFORMED CONCERNING THE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF OLIVE BRANCH, MISSISSIPPI, AS IT AFFECTS THE APPROVAL OF ZONING AMENDMENTS BY THE CITY.

(See attached sheet)
SIGNATURE OF OWNER OF RECORD

PROPERTY OWNER	ADDRESS	TELEPHONE/FAX NUMBERS
The 2002 Jean Bowe Isbell Trust - dated 05/31/02 Trustee: Mr. Jerry Goin	541 Riverview, Memphis, TN 38120	(901)274-3632 Fax: 274-6101

DEVELOPER	ADDRESS	TELEPHONE/FAX NUMBERS
Edco Properties	6551 Stage Oaks Dr., #1 Bartlett, TN 38134	901-388-9176 Fax 901-388-1233

APPROVED/DISAPPROVED _____
CHAIRMAN, OLIVE BRANCH PLANNING COMMISSION

APPROVED/DISAPPROVED _____
MAYOR, OLIVE BRANCH MAYOR AND BOARD OF ALDERMEN

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MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OLIVE BRANCH NOVEMBER 1, 2005

1. That Mayor, or his designee, be and he is hereby authorized to prepare, execute, and submit the MDOT Application for Permit to construct a pipe line along or across Highway 178 between Station 264+60 and Station 265+60, and that the Mayor's action in doing so be for and on behalf of the City as its official act and deed.

ORDERED AND DONE this 1st day of November, 2005.

SAMUEL P. RIKARD, MAYOR

ATTEST:

JUDY C. HERRINGTON, CITY

Appendix J - copy of Application for Permit

PLANNING COMMISSION / OLD BUSINESS

Mayor Rikard first read notice of **Public Hearing for consideration of application for rezoning, submitted by Edco Properties. The request is to allow the rezoning of property located on the east side of Pleasant Hill Road, south of Stateline Road, from its current zoning of "AR", Agricultural Residential District, to "R-3", Planned Residential District. Subject property consists of 48.69 acres, in Section 9, Township 2 south, and Range 6 west.** *Public Hearing set for this date in meeting of October 4, 2005.* Marie Zwolinski, Assistant Director of Planning, presented staff report. Greg Russell, Russell & Co., 6760 Goodman Road, Olive Branch, MS was present to represent the applicant and address the Board. No one appeared in opposition to the application. After discussion, Alderman Collins made **motion to approve rezoning subject to the City's conditions, including incorporating a provision requiring all residences and detached structures be of new construction and prohibiting placement of existing structures moved from other locations, requiring a minimum of 1600 finished heated floor area on first floor of all 1 ½ story and 2 story residences, and a minimum of 2200 total finished floor area for all 2 story residences, revising provision to exclude storage rooms from the minimum heated floor area of residences, revising the provisions to permit vinyl fences, showing access/utility easements on the plat in favor of the City over all streets and common areas, and waiving the requirement for curb, gutter and sidewalks in the interior of the subdivision, with details in Ordinance to follow,** seconded by Alderman Cowgill. Motion put to roll call vote and carried unanimously. *Ordinance as follows:*

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OLIVE BRANCH, MISSISSIPPI AMENDING ORIGINAL ZONING ORDINANCE AND APPROVING PRELIMINARY PLAN FOR BRISTOL OAKS SUBDIVISION

An Ordinance pursuant to re-zoning application submitted by

Edco Properties and the Jean Bowe Isbell Trust to amend the

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MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OLIVE BRANCH NOVEMBER 1, 2005

Ordinance adopted by the City of Olive Branch, specifically changing the zoning of a 48.69 acre tract located at the southeast corner of State Line Road and Pleasant Hill Road, situated in Section 24, Township 1 South, Range 7 West, from "A-R" Single-family Residential to "R-3" Planned Residential, with a more specific description being on file with the City Clerk.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

WHEREAS, Edco Properties and the Jean Bowe Isbell Trust made application to the City of Olive Branch Planning Commission for re-zoning of a 48.69 acre tract situated in Section 24, Township 1 South, Range 7 West from "AR", Agricultural/Residential District to "R-3", Planned Residential District, and

WHEREAS, said application was reviewed by the City of Olive Branch Planning Commission at their meeting on September 13, 2005, and

WHEREAS, the City of Olive Branch Planning Commission voted unanimously to recommend approval of the re-zoning request and preliminary development plan, subject to conditions, and

WHEREAS, it is required by the zoning regulations that a public hearing be held for changes of zoning, said public hearing was set to be heard before the Mayor and Board of Aldermen on the 1st day of November, 2005 at 6:30 o'clock P.M., and notice thereof was given, as provided by law, and as shown by Proof of Publication on file with the City Clerk, and

WHEREAS, on the 1st day of November, 2005 the hearing for re-zoning was held before the Mayor and Board of Aldermen, with

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the Mayor and seven (7) Aldermen being present at said meeting, and

WHEREAS, B.J. Page, Planning Director for the City of Olive Branch, delivered the staff report and indicated that a review of the General Development Plan reflects that the Detailed Land Use Map designates the subject property for "residential - low density" (RL) land use. Density within "residential - low density" designated areas is recommended to be between 1.0 and 3.5 dwelling units per acre. The requested rezoning to the "R-3", Planned Residential District, for the purpose of a single-family detached residential development with an average density of 1.46 units per acre, conforms to the recommendations of the General Development Plan, and

WHEREAS, appearing in support of said application was Greg Russell, Russell & Company, who stated that changes have occurred in the area including the extension of utilities in the area which will support the development. He also mentioned the construction of a new elementary school on Pleasant Hill Road as evidence of substantial change in the area. Mr. Russell stated that there is a public need for the zoning amendment based on the continued growth of the City, the need for housing to support that growth, and the continued strong housing sales in the area. He also stated that the development will stress the preservation of mature trees, will include a natural buffer area, and will be a gated community with private streets, and

WHEREAS, no one appeared in opposition to the application, and

WHEREAS, the Mayor and Board of Aldermen find that appropriate proof was presented by the Applicant to support the

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re-zoning request and for approval of the preliminary development plan, subject to the conditions stated hereinbelow.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

Section 1. The proposed zoning change is in compliance with the City's General Development Plan.

Section 2. The Applicant met its burden of proof of a change in the character of the neighborhood, given the development and extension of utilities in the area and the continued growth of the City.

Section 3. The Applicant met its burden of proof that there is a public need for re-zoning based on the continued growth of the City and the need for housing to support that growth, as well as continued strong sales in the area.

Section 4. This Ordinance is hereby adopted re-zoning the subject property from "A-R" to "R-3 ", with a corresponding amendment to the City Zoning Map and subject to the following conditions;

a. Include provisions in the Project Text and restrictive covenants to provide for the long-term maintenance of any plantings or improvements installed in the landscape and sign easements.
b. Revise the Project Text to include a provision for a designated 50' non-disturb area along the southern property line adjacent to Quail Hollow Subdivision and a 20' non-disturb area along the eastern property line to correspond to the landscape easements established along Pleasant Hill and State Line Roads.
c. Any Final Plat for the subdivision shall include a 20' landscape/no access/sign easement along Pleasant Hill Road, a 20' landscape/no access/sign easement along State Line Road, a 50' non-disturb area along the southern property line and a 20' non-disturb area along the eastern property line.
d. Revise the restrictive covenants as follows:
    A. Incorporate a provision requiring that all residences and detached structures shall be of new construction and prohibiting the placement of existing structures moved from other locations.
    B. Set a minimum first floor footprint for one and one-half story and two story residences of 1,600

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sq. ft., and a minimum finished heated floor area for two story residences of 2,200 sq. ft.

C. Revise the provisions regarding the minimum finished heated floor area of the residences within the development to list storage rooms as a specific exclusion.

D. Revise the provisions regarding individual residential fences to permit vinyl fences.

e. Design of the entrance gates to the subdivision shall be subject to the review and approval of the Police and Fire Departments concerning access to the subdivision.

f. Show an access/utility easement on the plat in favor of the City over all streets and common areas.

g. Improvements to be the responsibility of the developer and not the City of Olive Branch.

h. Grading, drainage and engineering construction plans to be approved by the City Engineer.

i. The developer shall install drainage pipe, erosion control material, sewer mains and service, gas mains and service, water mains, and fire hydrants, and service, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1 ½ inch thick, including one-half of the right-of-way of Pleasant Hill Road and State Line Road before the Final Plat for the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1 ½ inch of blacktop making a total of three (3) inches of blacktop surface. The internal subdivision streets shall be a "rural cross-section," that is using roadside drainage swales rather than curb and gutter. The internal subdivision streets shall be improved with 30' of asphalt width, with the other 5' on each side of the street being striped as pedestrian/bike paths. The developer shall improve ½ of the right of way of Pleasant Hill and State Line Roads with asphalt, curb, gutter, and sidewalks to the extent those roads border the development.

j. Streetlight plans shall be submitted to the City Engineer for approval.

k. Street identification and traffic control signs and devices shall be installed by the developer to City specifications.

l. All utilities and services (electric, telephone, cable, etc.) shall be installed underground. Water service lines shall be installed with tracing wire at the top.

m. Water and sewer service shall be approved by the Health Department.

n. Recording of the plat.

Passage of this Ordinance is now official and the same shall take effect and be enforced as provided by law.

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2/01/10 11:19:46 55
DK U BK 626 PG 312 55
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

SPACE ABOVE THIS LINE FOR RECORDING DATA

PREPARED BY AND RETURN TO:
JAMES E. WOODS, MSB#7386
WATKINS LUDLAM WINTER & STENNIS, P.A.
6897 Crumpler Blvd., Suite 100
Olive Branch, MS 38654
(662) 895-2996

GRANTOR(S) ADDRESS:
P. O. Box 7
Tunica, MS 38676
Phone: 662-363-0002

GRANTEE(S) ADDRESS:
P. O. Box 7
Tunica, MS 38676
Phone: 662-363-0002

INDEXING INSTRUCTIONS: Part of the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi.

BRISTOL OAKS, LLC

TO:

J & M HOLDINGS, LLC

ASSUMPTION WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, **BRISTOL OAKS, LLC, a Mississippi Limited Liability Company,** does hereby sell, convey and warrant unto, **J & M HOLDINGS, LLC, a Mississippi Limited Liability Company,** the land lying and being situated in Olive Branch, DeSoto County, Mississippi described as follows, to-wit:

> A 48.69, more or less, acre tract of land located in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi.
>
> Commencing at the northwest corner of Section 24, which lies in the intersection of Stateline Road and Pleasant Hill Road; thence South 01 degrees 13 minutes 40 seconds East a distance of 40.00 feet; thence South 89 degrees 39 minutes 08 seconds East a distance of 40.00 feet to the point of beginning for the herein described parcel of land; thence South 89 degrees 39 minutes 08 seconds East a distance of 2,156.78 feet along the south line of Stateline Road to a set iron pin; thence South 00 degrees 13 minutes 40 seconds East a distance of 960.91 feet along the west property line of Aaron V. Melton, Jr. (DB 181, PG 224) to a found iron pipe at the intersection of said west property line and the north line of Quail

Hollow Subdivision Section "B"; thence North 89 degrees 54 minutes 19 seconds West a distance of 807.21 feet along the north line of Quail Hollow Subdivision Section "B" (called South 85 degrees 51 minutes West 792.03 feet) to a set iron pin; thence North 88 degrees 58 minutes 34 seconds West a distance of 241.17 feet along the said north line of Quail Hollow Subdivision, Section "A", (called South 86 degrees 34 minutes West 241.17 feet) to a set iron pin; thence North 88 degrees 59 minutes 34 seconds West a distance of 406.06 feet along the north line of Quail Hollow Subdivision, Section "A", (called South 86 degrees 33 minutes West 406.06 feet) to a set iron pin; thence South 89 degrees 37 minutes 26 seconds West a distance of 702.40 feet along the north line of the Patricia Ann Humphreys and Keith Sellers Property (DB 291, PG 589), (called South 85 degrees 10 minutes West 729.50 feet) to a set iron pin on the east line of Pleasant Hill Road; thence North 00 degrees 13 minutes 40 seconds West a distance of 965.82 feet along the east side of Pleasant Hill Road to the point of beginning and all being in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, containing 2,121,061.71, more or less, square feet or 48.69, more or less, acres.

Being the same property conveyed to the Grantee by Warranty Deed dated December 2, 2005 and recorded in Book 516, Page 62, Land Records, Chancery Clerk's Office, DeSoto County, Mississippi.

LESS AND EXCEPT:

A 0.19, more or less, acre tract of land being situated in the NW ¼ of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, and being more particularly described as follows:

Commencing at the commonly accepted Northeast corner of Section 24, Township 1 South, Range 7 West, Desoto County, Mississippi; thence S 86°34'20" W a distance of 3088.94 feet to a point in the centerline of Stateline Road; thence S 03°41'50" E leaving said centerline a distance of 193.60 feet to a point marked by a ½" rebar set on a West line of Lot 1 New Fellowship Christian Church Subdivision as recorded in Plat Book 94, Page 5 of the Chancery Court Clerk's Office, Desoto County, Mississippi. Said point being the true Point of Beginning of the herein described tract; thence continuing along said Lot 1 West line S 03° 41'50" E a distance of 363.85 feet to a point on said West line, marked by a ½" rebar set; thence S 86° 18'10" W leaving said West line a distance of 22.25 feet to a point marked by a ½" rebar set; thence N 03° 41'50" W a distance of 363.85 feet to a point marked by a ½" rebar set; thence N 86° 18'10" E a distance of 22.25 feet to the point of beginning, containing 8095.71 square feet or 0.19 acres more or less. Subject to Rights of Ways of public roads and utilities, easements of record, zoning and subdivision regulations in effect for the City of Southaven and Desoto County, Mississippi.

Further consideration for this transfer is the assumption by the Grantee of that certain outstanding and unpaid indebtedness to BancorpSouth Bank as evidenced by Deed of Trust recorded in Book 2367, Page 180, Deed of Trust Records, Chancery Clerk's Office, DeSoto County, Mississippi, to which Grantee herein takes subject to, assumes and agrees to pay when and as due.

The warranty in this Deed is subject to subdivision and zoning regulations in effect in DeSoto County, Mississippi and further subject to easements for public roads and public utilities.

It is agreed and understood that taxes for the year 2009 shall be assumed by the Grantee herein and possession is given upon delivery of this Deed.

WITNESS THE SIGNATURE OF THE DULY AUTHORIZED OFFICIAL OF THE GRANTOR, this the 29th day of December, 2009.

BRISTOL OAKS, LLC, a Mississippi limited liability company
BY: EBI, INC., a Mississippi Corporation, Managing Member

BY: _____
ROBERT M. BAILEY, President

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the State and County aforesaid, on this 29th day of December, 2009, within my jurisdiction, the within named Robert M. Bailey, who acknowledged to me that he is President of EBI, Inc., a Mississippi Corporation, and Managing Member of Bristol Oaks, LLC, a Mississippi Limited Liability Company, and that for and on behalf of said corporation as managing member of said limited liability company, and as the act and deed of said corporation as managing member of said limited liability company, and as the act and deed of said limited liability company, he executed the above and foregoing instrument, after first having been duly authorized by said corporation and limited liability company so to do.

_____
NOTARY PUBLIC

My Commission Expires 7-19-11

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 3388 JAMES E. WOODS Commission Expires July 19, 2011 DESOTO COUNTY

3274124.1/60931.07178

12/20/10 8:43:25
DK W BK 648 PG 687
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

SPACE ABOVE THIS LINE FOR RECORDING DATA

PREPARED BY AND RETURN TO:
JAMES E. WOODS, MSB#7386
WATKINS LUDLAM WINTER & STENNIS, P.A.
6897 Crumpler Blvd., Suite 100
Olive Branch, MS 38654
(662) 895-2996
WLWS #00931.36342

GRANTOR(S) ADDRESS:
P. O. Box 867
New Albany, MS 38652
Phone: 662-534-4774

GRANTEE(S) ADDRESS:
P.O. Box 287
Southaven, MS 38671
Phone: 662-890-8970
Phone: 901-828-7588

INDEXING INSTRUCTIONS: 10.00 acres in the NW ¼ of 24-1-7, DeSoto County, Mississippi.

J & M HOLDINGS, LLC,
a Mississippi limited liability company, **GRANTOR**

TO:

KEVIN WILLIS, SR., Pastor/Trustee et al **GRANTEES**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, J & M HOLDINGS, LLC, a Mississippi limited liability company, does hereby sell, convey and warrant unto KEVIN WILLIS, SR., Pastor/Trustee, LINDA WILLIS, Pastor/Trustee, AUDREY BETTS, Elder/Trustee and QUINCY PRESTON, Elder/Trustee, for New Life In Christ Fellowship Church, and their successors in office, the land lying and being situated in DeSoto County, Mississippi described as follows, to-wit:

> 10.00 acres, more or less, situated in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, being more particularly described as follows:
>
> Commencing at the commonly accepted northwest corner of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, being an iron rod found in the intersection of centerlines of Stateline and Pleasant Hill Roads; thence South 89 degrees 32 minutes 15 seconds East, a distance of 53.04 feet; thence South 1 degree 45 minutes 25 seconds East a distance of 53.04 feet to the POINT OF BEGINNING; thence South 89 degrees 32 minutes 15 seconds East along the south line of said Stateline Road a distance of 387.15 feet; thence South 89 degrees 09 minutes 08 seconds East along said line a distance of 77.03 feet; thence South 0 degrees 27 minutes 37 seconds East a distance of 942.51 feet to a

steel fence rail found; thence South 89 degrees 17 minutes 40 seconds West a distance of 461.58 feet to the east line of Pleasant Hill Road; thence along the east line of said road the following calls: thence North 0 degrees 01 minutes 50 seconds West a distance of 460.32 feet; thence North 0 degrees 05 minutes 34 seconds West a distance of 177.42 feet; thence North 1 degree 45 minutes 25 seconds West a distance of 314.84 feet to the POINT OF BEGINNING, said described tract containing 10.0 acres, more or less.

The warranty in this Deed is subject to subdivision and zoning regulations in effect in Olive Branch, DeSoto County, Mississippi, and easements for public roads and public utilities. This conveyance is further subject to a Right of Way to DeSoto County, Mississippi and 10 foot easement for sloping recorded in Book 308, Page 708; Sewer Easement to City of Olive Branch recorded in Book 420, Page 583; and Right of Way Easement to Northcentral Mississippi Electric Power Association recorded in Book 600, Page 3, all in the Land Records, Chancery Clerk's Office, DeSoto County, Mississippi.

The Grantees herein acknowledge and covenant that it is the responsibility of the Grantees to maintain property in such condition as to minimize off-site damage from erosion, sediment deposits and storm water. This requirement will be in effect from the beginning of site preparation and continued throughout the establishment of permanent vegetative cover. Grantees acknowledge and agree that Grantor is not responsible for any damages which hereafter may be suffered by Grantees or other property owners or parties as a result of site preparation work carried out by Grantees and their subcontractors and Grantees agree to fully indemnify and hold Grantor harmless from any such damages sustained in connection therewith.

Taxes for the year 2010 shall be paid by the Grantor when and as due and possession is given upon delivery of this Deed.

WITNESS THE SIGNATURE OF THE DULY AUTHORIZED OFFICIAL OF THE GRANTOR, this the 9th day of December, 2010.

J & M Holdings, LLC,
a Mississippi limited liability company
BY: _____
ROBERT M. BAILEY, Member

BY: _____
JAMES W. EUBANKS, JR., Member

3689138.1/00931.07178

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the State and County aforesaid, on this 9th day of December, 2010, within my jurisdiction, the within named ROBERT M. BAILEY and JAMES W. EUBANKS, JR., who acknowledged to me that they are Members of J & M Holdings, LLC, a Mississippi limited liability company, and that for and on behalf of said limited liability company and as its act and deed, they executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

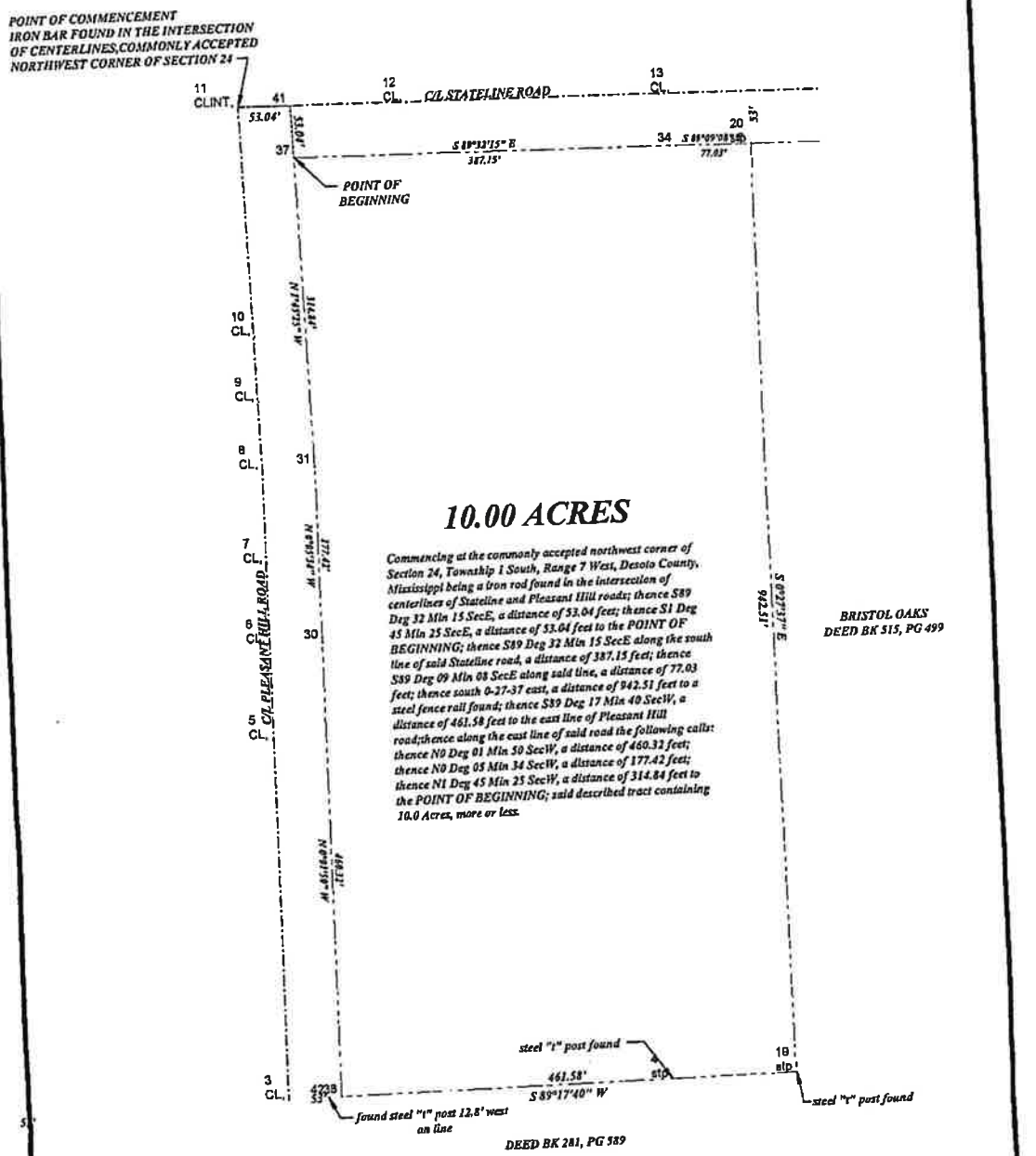
NOTARY PUBLIC

My Commission Expires 7-19-11

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 3388 JAMES E. WOODS Commission Expires July 19, 2011 DESOTO COUNTY

3689138.1/00931.07178

PART OF THE NORTHWEST QUARTER OF SECTION 24,TOWNSHIP 1 SOUTH, RANGE 7 WEST, DESOTO COUNTY, MISSISSIPPI



HENSLEY LAND SURVEYING
2449 ARKABUTLA-COLDWATER ROAD
COLDWATER,MS 38618
662-562-3503/901-652-0129

SCALE 1" = 100'
CLASS "B" SURVEY, NOV. 21,2010

NOTES:
1. THIS SURVEY IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY THAT MAY APPLY
2. STEEL "T" POST SET ON ALL CORNERS UNLESS OTHERWISE NOTED
3. BEARINGS ARE REFERNCED TO MS STATE PLANE)

Brenda P. Solomito
Land Planner

Zoning
Master Planning
Due Diligence
Project Management
Subdivision Coordinator

October 12, 2012

Mr. BJ Page
Director of Planning
City of Olive Branch, Mississippi
9200 Pigeon Roost
Olive Branch, Mississippi 38654

RE: Application for Rezoning from R-3, Planned Residential to A-R, Agricultural Residential
Southeast corner of Stateline Road and Pleasant Hill Road - Olive Branch, MS

Dear Mr. Page:

Please accept this application on behalf of New Life in Christ Fellowship Church for Rezoning from R-3 to AR. The property is located at the southeast corner of Stateline Road and Pleasant Hill Road and contains approximately 48.69 acres. We are also filing and application for Preliminary Subdivision along with this submittal.

In November of 2005, an application for rezoning from A-R, Agricultural Residential, to R-3, Planned Residential approved by the Mayor and Board of Aldermen. This application would have permitted a maximum of 71 residential lots. For a number of reasons, the Proposed Bristol Oaks Planned Development was never constructed. Almost seven years later, The New Life in Christ Fellowship Church is making this site their new Church Home.

The New Life in Christ Fellowship Church is currently located on Goodman Road in Olive Branch and has been a part of the Olive Branch community for several years. The Church is growing and is committed to staying in Olive Branch.

Our request for rezoning is based upon the following factors:

1. The original zoning, prior to the R-3 Planned Development approved in 2005 was A-R, Agricultural Residential. The proposed site is also surrounded by A-R zoning. Perhaps the Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or just possibly premature. This is not to say that the proposed Bristol Oaks Planned Development was a mistake, but that since it never materialized, the zoning should revert back to the A-R zoning.

2. The character of the area has not significantly changed since 2005. As illustrated on the attached exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports our request for the rezoning back to A-R. The General Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be a compatible land use for the surrounding properties.

2067 Kirby Parkway • Memphis, TN 38119
Tel. (901) 755-7495 • brendasolomito@bellsouth.net

3. As stated before, The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive Branch and would like to remain in the community.

Thank you again for your time and efforts. I look forward to working with you on this project. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING

Brenda P. Solomito
Land Planner

CITY OF OLIVE BRANCH
9200 PIGEON ROOST ROAD
OLIVE BRANCH, MISSISSIPPI 38654
PHONE: 662-892-9334
FAX: 662-892-9346

DESIGNATION OF AGENT

I, Quincy Preston, being owner of the property which is the subject of this application New Life Church of Christ SD (Name of proposed subdivision, address, or tax parcel ID number) hereby authorize Brenda P. Solomito to act as my representative with the City of Olive Branch's Board of Adjustment, and/or Planning Commission, and/or Board of Aldermen, as required by the type of request listed hereon.

Such representation shall be for all purposes concerning any matter, right or obligation relating to this petition. This designation authorizes my agent to make verbal or written representations and/or declarations on my behalf and I shall be legally bound by said verbal or written representations and/or declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

Property Owner's Signature _____ Date 10/10/12

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 10 day of October 2012 2089 within my jurisdiction Shelby Preston, who, being first duly sworn, states that he executed the foregoing document as h__ free and voluntary act.

Seal:

Brenda P. Solomito
Notary Public

BRENDA P. SOLOMITO
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY CO, TN

My Commission Expires:

6/4/2013

BK0424PG0541
STATE MS.-DESOTO CO.
FILED
JUL 22 2 11 PM '02

BK 424 PG 541
W.E. DAVIS CH. CLK.

This Instrument Prepared By and
Return To:
Robert K. Alvarez
5400 Poplar, Suite 100
Memphis, TN 38119
901-683-3526

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of $10.00, cash in hand paid, and other good and valuable consideration, I, JEAN BOWE ISBELL, do hereby bargain, sell, remise, release, quitclaim and convey unto JERRY GOIN, Trustee of The 2002 Jean Bowe Isbell Trust dated May 31, 2002, and recorded in Power of Attorney and Contract Book 94, Page 475, Chancery Clerk's Office, DeSoto County, Mississippi, the land lying and being situated in DeSoto County, Mississippi, described as follows, to-wit:

Parcel of land located in the northwest quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi. Commencing at the northwest corner of Section 24, which lies in the intersection of Stateline Road and Pleasant Hill Road, thence South 01°13'40" East a distance of 40.00 feet; thence South 89°39'08" East a distance of 40.00 feet to the point of beginning for the herein described parcel of land; thence South 89°39'08" East a distance of 2,156.78 feet along the south line of Stateline Road to a set iron pin; thence South 00°13'40" East a distance of 960.91 feet along the west property line of Aaron V. Melton, Jr. (DB 181, PG 224) to a found iron pipe at the intersection of said west property line and the north line of Quail Hollow Subdivision Section "B"; thence North 89°54'19" West a distance of 807.21 feet along the north line of Quail Hollow Subdivision Section "B" (called S 85°51' W 792.03') to a set iron pin; thence North 88°58'34" West a distance of 241.17 feet along the said north line of Quail Hollow Subdivision, Section "A", (called S 86°34' W 241.17') to a set iron pin; thence North 88°59'34" West a distance of 406.06 feet along the north line of Quail Hollow Subdivision, Section "A", (called S 86°33' W 406.06') to a set iron pin; thence South 89°37'26" West a distance of 702.40 feet along the north line of the Patricia Ann Humphreys and Keith Sellers Property (DB 291, PG 589), (called S 85°10' W 729.50') to a set iron pin on the east line of Pleasant Hill Road; thence North 00°13'40" West a distance of 965.82 feet along the east side of Pleasant Hill Road to the point of beginning and all being in the northwest quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, containing 2,121,061.71 square feet or 48.69 acres.

WITNESS MY SIGNATURE, this the 14th day of June, 2002.

Jean Bowe Isbell
Jean Bowe Isbell

STAFF REPORT **BOARD OF ALDERMAN**
DATE: December 18, 2012 **CAPTION:** Zoning Amendment "R3" to "AR"
Pleasant Hill @ Stateline/Bristol Oaks

BACKGROUND: New Life in Christ and J&M Holdings are the current owners of the 46 acre site located at the southeast corner of Pleasant Hill Road and Stateline Road previously rezoned as "R-3" Planned Residential when approved for development of Bristol Oaks Subdivision in 2005. Edco Properties was the developer however the land remained vacant and 10 acres have transferred by warranty deed to a church that plans construction of a sanctuary and buildings for non-profit accessory use. A final plat of the 71 lots planned as Bristol Oaks was never recorded and the 10 acre portion purchased by the Church exists in a legal description but has never been platted. The subject property remains zoned "R-3" Planned Residential however this action proposes rezoning to the original "AR" Agricultural Residential zone. *(Vicinity & Zoning Map attached)*

ZONING: The "R-3" Planned Residential Zone is a flexible zoning classification that allows for the development of a planned subdivision thru the use of a project text. The project text for Bristol Oaks did not adopt a church in its permitted uses and did not approve a listing of conditional uses. This differs from City ordinances that allow a church as a permitted use in all residential zones. Proposed Lot 1 is planned for church construction but is only 6 acres of the 46 acres to be rezoned. The church presently also owns another 3.5 acres with no expressed construction plans that they propose as Lot 2. The majority of the proposed rezoning is 36 acres in separate ownership without expressed development plans. The proposed zoning amendment will return the property to the same zoning classification it had prior to the 2005 rezoning. The abutting properties are all zoned "AR". The property abutting to the east has a church located on a 9 acre property. Agricultural Residential "AR" zoning is a large lot, rural residential zone that is mapped for sprawling expanses of undeveloped land, large lots where limited livestock and cultivation is allowed with residential development, and estate homes above average square footage. Homes are typically a minimum of 2000 sq ft with a barn or accessory building and accessed from rural cross section streets. Additionally the "AR" zone allows for all of the attached permitted and conditional uses. *(AR Ordinance Attached)*

The State of Mississippi provides that a governing body ***may consider*** these details while studying the requirements for rezoning:

- the size of the area to be rezoned
- classification & development of adjacent land
- relation of the amendment to existing zoning patterns
- the planning history of the amendment
- the benefits and detriments to owners vs overall community
- highest and best use

SIZE/CLASSIFICATION/RELATION: The New Life in Christ Church has purchased the land combined in Lots 1 & 2 and have proposed to plat them in a separate action. As previously stated, properties north, south, east and west of the subject property are all zoned AR. The AR zone requires a minimum of one acre to form a lot and a platted subdivision exceeding this requirement is pending.

THE COMPREHENSIVE DEVELOPMENT PLAN: the subject property is located in the Northwest Planning District, as shown on Exhibit 30 it is recommended as "Low Density Single Family". The proposed rezoning to "AR" is consistent with the development plan since the City ordinances recognize churches as a permitted use in residential zones and the subdivision proposed exceeds one acre for each lot. *(Exhibit 30 Attached)*

BENEFITS/DETRIMENTS: the property owner asserts three benefits: 1) the original zoning prior to the R-3 Planned development in 2005 was A-R, Agricultural Residential. The proposed site is surrounded by A-R zoning. The Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or was possibly premature. Without saying it was a mistake, since it never materialized, the zoning should revert back to A-R zoning. 2) The character of the area has not significantly changed since 2005. As illustrated on the exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports the request for rezoning back to A-R. The General Development Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be compatible land use for the surrounding properties. 3) The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive branch and would like to remain in the community.

HIGHEST/BEST USE: Staff believes that the goal of low density residential, as stated in the Comprehensive Plan is best met with the AR zone for undeveloped property.

The mandatory questions that State Law requires to evaluate a rezoning were answered as follows:

1) **Was the original zoning classification a mistake? If so why was it a mistake.**
APPLICANT: See attached
STAFF COMMENT: None

2) **Has the character of the neighborhood changed to such an extent to justify the proposed rezoning? (If the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any have occurred in the vicinity of the property in question, which were NOT anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.)**
APPLICANT: See attached.
STAFF COMMENT: The present Comprehensive Development Plan was adopted after the 2005 rezoning and project text for development of Bristol Oaks. Without the change that Bristol Oaks would have brought the development goals should be led by the Comprehensive Plan.

3) **Is there an existing public need for the rezoning?**
APPLICANT: See attached.
STAFF COMMENT: None

OTHER COMMENTS:

1. The **Planning Commission** reviewed the requested zoning amendment at the November 13, 2012 meeting. **A motion to approve** was made by Commissioner Anthony Mc Clure and seconded by Commissioner John Curbo to return the 46 acre property to Agricultural Residential "AR" zoning **finding** the Comprehensive Development Plan for the vicinity is low density residential that is best met by the AR zone which requires a minimum one acre lot configuration and that the plans for Bristol Oaks Subdivision will not occur.

2. The standard of approval for rezonings is that the Board ***must find "clear and convincing" evidence***. The standard ***is stricter*** than a preponderance of the evidence which calls for a weighing where facts in excess of 51% may be approved. Any action requires ***evidentiary findings*** regarding the four criteria listed in the Zoning Ordinance Article XIV, A4 for an amendment to the zoning map.

CHECKED FOR SUBMISSION TO THE BOA BY _____ **DATE:** 12/11/12

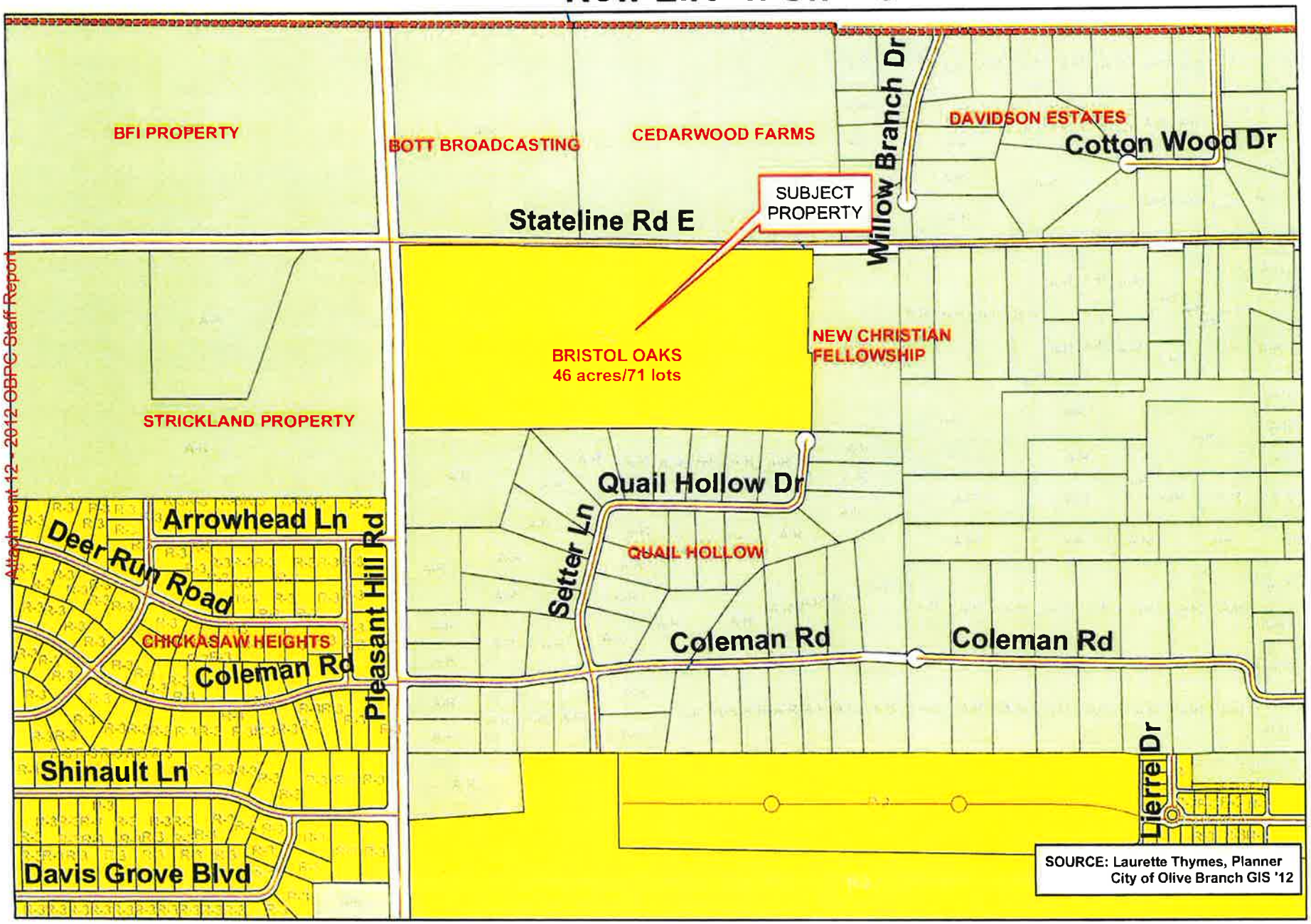
MOTION BY: Harold **SECONDED BY:** Don

VOTE	COLLINS	DICKERSON	HAMILTON	HENDERSON	JOHNSON	TULLOS	WALLACE
YES	X				X		
NO							
ABSTAIN							

Approve Rezoning to "AR"

Attachment 12 - 2012 OBPC Staff Report

VICINITY & ZONING MAP
New Life in Christ



Brenda P. Solomito
Land Planner

Zoning
Master Planning
Due Diligence
Project Management
Subdivision Coordinator

October 12, 2012

Mr. BJ Page
Director of Planning
City of Olive Branch, Mississippi
9200 Pigeon Roost
Olive Branch, Mississippi 38654

RE: Application for Rezoning from R-3, Planned Residential to A-R, Agricultural Residential
Southeast corner of Stateline Road and Pleasant Hill Road - Olive Branch, MS

Dear Mr. Page:

Please accept this application on behalf of New Life in Christ Fellowship Church for Rezoning from R-3 to AR. The property is located at the southeast corner of Stateline Road and Pleasant Hill Road and contains approximately 48.69 acres. We are also filing and application for Preliminary Subdivision along with this submittal.

In November of 2005, an application for rezoning from A-R, Agricultural Residential, to R-3, Planned Residential approved by the Mayor and Board of Aldermen. This application would have permitted a maximum of 71 residential lots. For a number of reasons, the Proposed Bristol Oaks Planned Development was never constructed. Almost seven years later, The New Life in Christ Fellowship Church is making this site their new Church Home.

The New Life in Christ Fellowship Church is currently located on Goodman Road in Olive Branch and has been a part of the Olive Branch community for several years. The Church is growing and is committed to staying in Olive Branch.

Our request for rezoning is based upon the following factors:

1. The original zoning, prior to the R-3 Planned Development approved in 2005 was A-R, Agricultural Residential. The proposed site is also surrounded by A-R zoning. Perhaps the Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or just possibly premature. This is not to say that the proposed Bristol Oaks Planned Development was a mistake, but that since it never materialized, the zoning should revert back to the A-R zoning.

2. The character of the area has not significantly changed since 2005. As illustrated on the attached exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports our request for the rezoning back to A-R. The General Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be a compatible land use for the surrounding properties.

2067 Kirby Parkway • Memphis, TN 38119
Tel. (901) 755-7495 • brendasolomito@bellsouth.net

3. As stated before, The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive Branch and would like to remain in the community.

Thank you again for your time and efforts. I look forward to working with you on this project. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING

Brenda P. Solomito
Land Planner



Copyright: Property Statutes

PREPARED BY:

Woodard Architecture, PC

CivilEngineering Solutions LLC
317 W. MARKET ST. DYERSBURG, TN 38024

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2067 Kirby Parkway • Memphis, TN 38119
brendasolomito@bellsouth.net
Office (901) 755-7493 • Cell (901) 862-0310

October 12, 2012

Existing Conditions

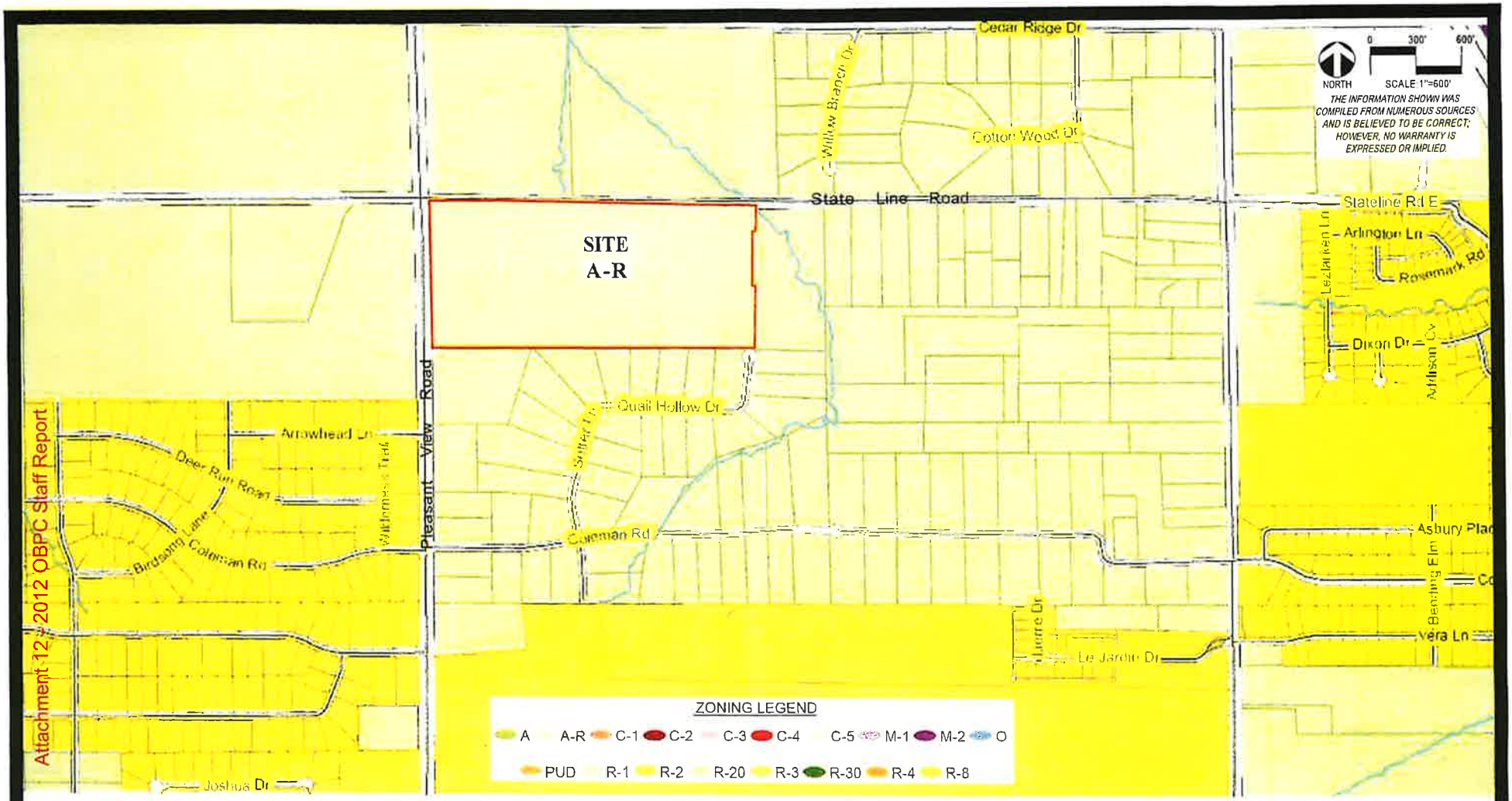
New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654

Attachment 12 - 2012 OBPC Staff Report



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PREPARED BY:

Woodard Architecture, PC

CivilEngineering Solutions LLC

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Office (901) 755-7405 • Cell (901) 569-0310

October 12, 2012

Proposed Zoning

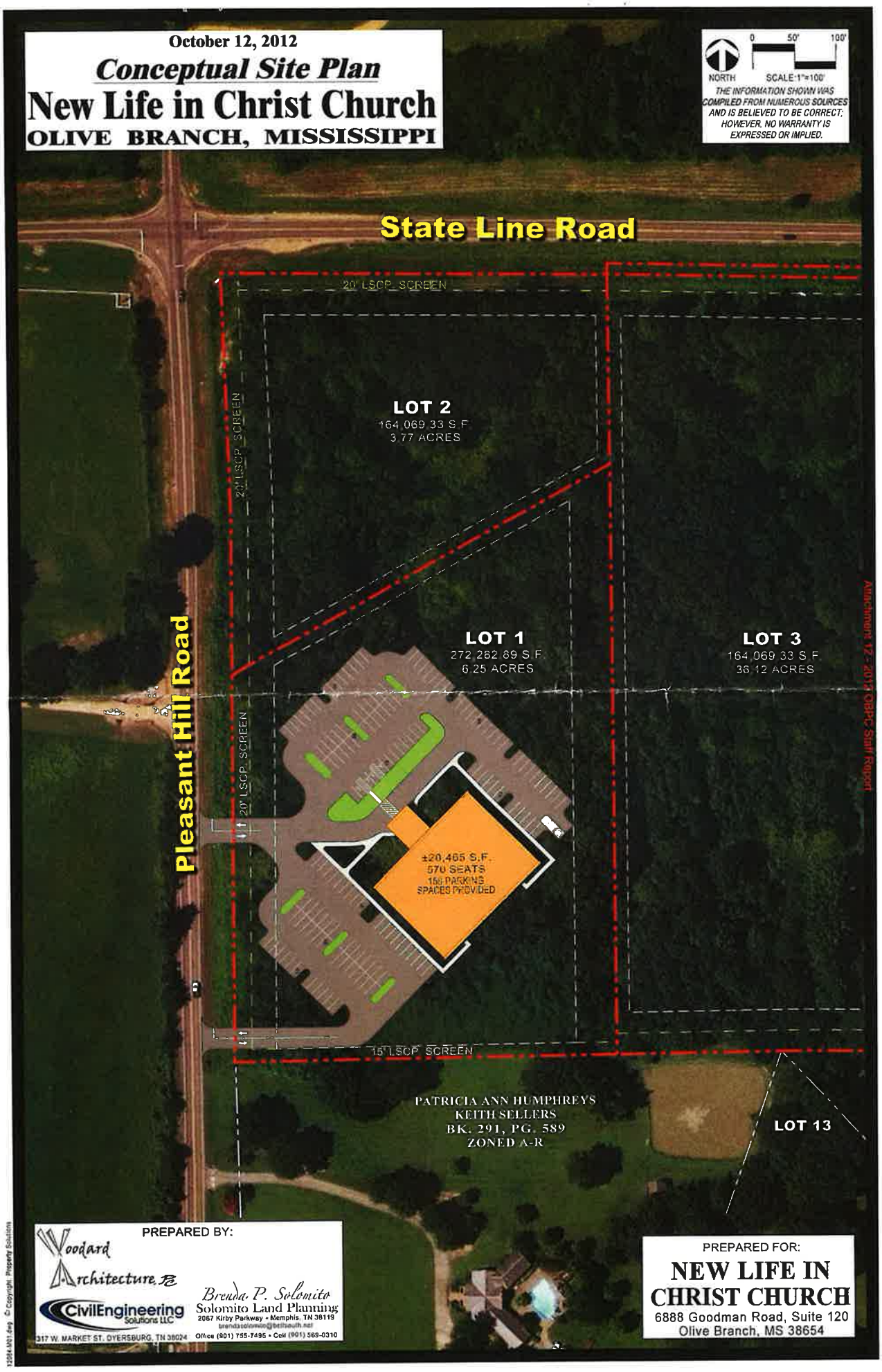
New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH

6888 Goodman Road, Suite 120
Olive Branch, MS 38654


October 12, 2012
Conceptual Site Plan
New Life in Christ Church
OLIVE BRANCH, MISSISSIPPI
NORTH
0 50' 100'
SCALE: 1"=100'
THE INFORMATION SHOWN WAS COMPILED FROM NUMEROUS SOURCES AND IS BELIEVED TO BE CORRECT; HOWEVER, NO WARRANTY IS EXPRESSED OR IMPLIED.
State Line Road
20' LSCP. SCREEN
LOT 2
164,069.33 S.F.
3.77 ACRES
LOT 1
272,282.69 S.F.
6.25 ACRES
LOT 3
164,069.33 S.F.
36.12 ACRES
Pleasant Hill Road
±20,465 S.F.
570 SEATS
156 PARKING SPACES PROVIDED
15' LSCP. SCREEN
PATRICIA ANN HUMPHREYS
KEITH SELLERS
BK. 291, PG. 589
ZONED A-R
LOT 13
PREPARED BY:
Woodard Architecture PC
CivilEngineering Solutions LLC
317 W. MARKET ST. DYERSBURG, TN 38024
Brenda P. Solomito
Solomito Land Planning
2067 Kirby Parkway • Memphis, TN 38119
Office (901) 755-7495 • Cell (901) 569-0310
PREPARED FOR:
NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654
Attachment 12-2013 OBPC Staff Report



PREPARED BY:

Woodard Architecture, PA

CivilEngineering Solutions LLC

317 W. MARKET ST. DYERSBURG, TN 38024

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Office (901) 755-7405 • Cell (901) 589-0310

October 12, 2012

Existing Conditions

New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

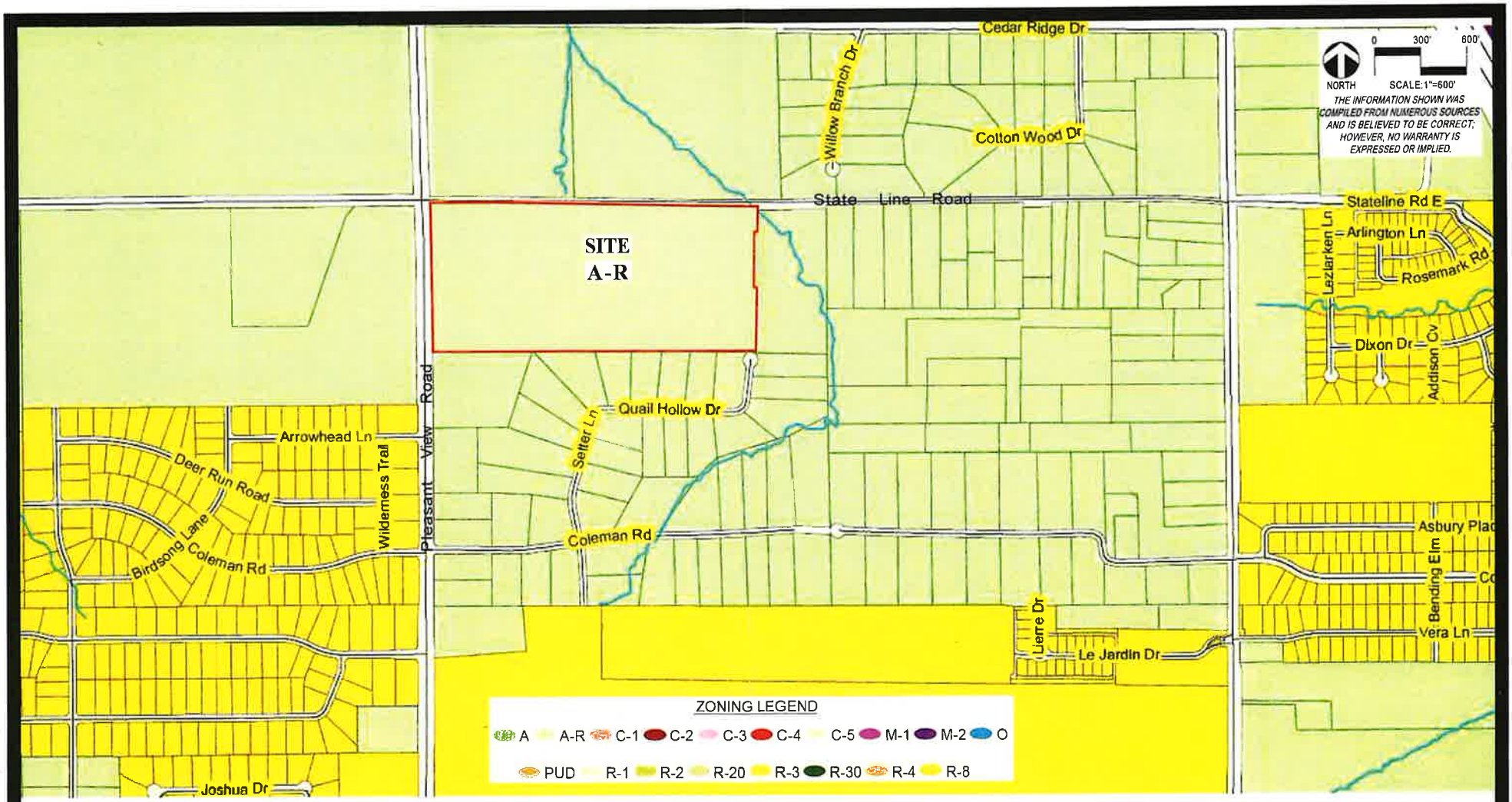
Attachment 12 - 2012 DRPC Staff Report

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654

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12044-M01.dwg



PREPARED BY:
Woodard Architecture, PC
CivilEngineering Solutions LLC
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brendasolomito@bellsouth.net
Office (901) 755-7495 • Cell (901) 569-0310

October 12, 2012

Proposed Zoning

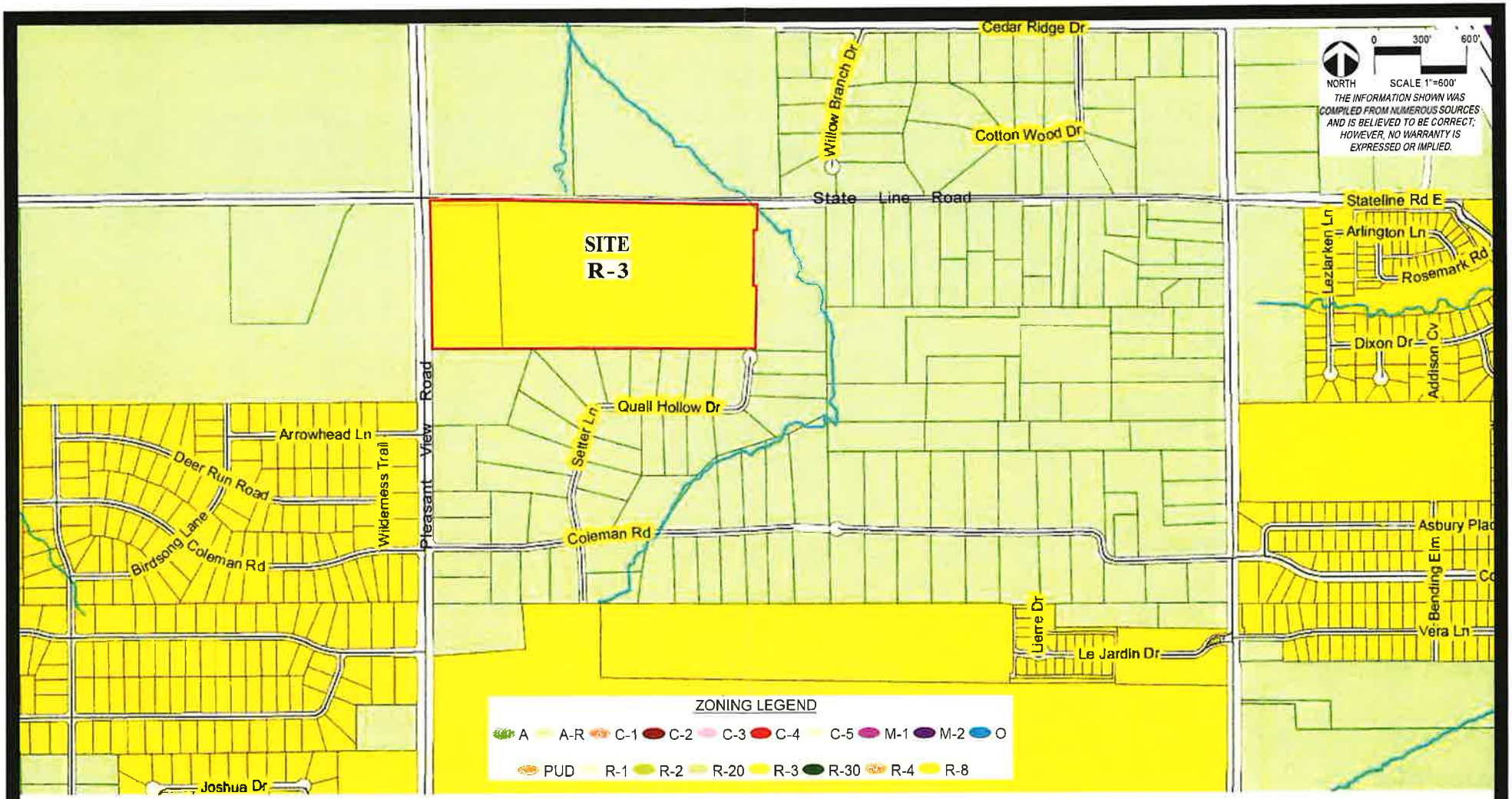
New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654

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CivilEngineering Solutions LLC
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October 12, 2012

Existing Zoning

New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
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Olive Branch, MS 38654

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12-03

STAFF REPORT **PLANNING COMMISSION**

DATE: November 13, 2012 **ITEM #** 2 **CAPTION:** Zoning Amendment "R3" to "AR" Pleasant Hill @ Stateline/Bristol Oaks

BACKGROUND: New Life in Christ and J&M Holdings are the current owners of the 46 acre site located at the southeast corner of Pleasant Hill Road and Stateline Road previously rezoned as "R-3" Planned Residential when approved for development of Bristol Oaks Subdivision in 2005. Edco Properties was the developer however the land remained vacant and 10 acres have transferred by warranty deed to a church that plans construction of a sanctuary and buildings for non-profit accessory use. A final plat of the 71 lots planned as Bristol Oaks was never recorded and the 10 acre portion purchased by the Church exists in a legal description but has never been platted. The subject property remains zoned "R-3" Planned Residential however this action proposes rezoning to the original "AR" Agricultural Residential zone. *(Vicinity & Zoning Map attached)*

ZONING: The "R-3" Planned Residential Zone is a flexible zoning classification that allows for the development of a planned subdivision thru the use of a project text. The project text for Bristol Oaks did not adopt a church in its permitted uses and did not approve a listing of conditional uses. This differs from City ordinances that allow a church as a permitted use in all residential zones. Proposed Lot 1 is planned for church construction but is only 6 acres of the 46 acres to be rezoned. The church presently also owns another 3.5 acres with no expressed construction plans that they propose as Lot 2. The majority of the proposed rezoning is 36 acres in separate ownership without expressed development plans. The proposed zoning amendment will return the property to the same zoning classification it had prior to the 2005 rezoning. The abutting properties are all zoned "AR". The property abutting to the east has a church located on a 9 acre property. Agricultural Residential "AR" zoning is a large lot, rural residential zone that is mapped for sprawling expanses of undeveloped land, large lots where limited livestock and cultivation is allowed with residential development, and estate homes above average square footage. Homes are typically a minimum of 2000 sq ft with a barn or accessory building and accessed from rural cross section streets. Additionally the "AR" zone allows for all of the attached permitted and conditional uses. *(AR Ordinance Attached)*

The State of Mississippi provides that a governing body ***may consider*** these details while studying the requirements for rezoning:

- the size of the area to be rezoned
- classification & development of adjacent land
- relation of the amendment to existing zoning patterns
- the planning history of the amendment
- the benefits and detriments to owners vs overall community
- highest and best use

SIZE/CLASSIFICATION/RELATION: The New Life in Christ Church has purchased the land combined in Lots 1 & 2 and have proposed to plat them in a separate action. As previously stated, properties north, south, east and west of the subject property are all zoned AR. The AR zone requires a minimum of one acre to form a lot and a platted subdivision exceeding this requirement is pending.

THE COMPREHENSIVE DEVELOPMENT PLAN: the subject property is located in the Northwest Planning District, as shown on Exhibit 30 it is recommended as "Low Density Single Family". The proposed rezoning to "AR" is consistent with the development plan since the City ordinances recognize churches as a permitted use in residential zones and the subdivision proposed exceeds one acre for each lot. *(Exhibit 30 Attached)*

BENEFITS/DETRIMENTS: the property owner asserts three benefits: 1) the original zoning prior to the R-3 Planned development in 2005 was A-R, Agricultural Residential. The proposed site is surrounded by A-R zoning. The Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or was possibly premature. Without saying it was a mistake, since it never materialized, the zoning should revert back to A-R zoning. 2) The character of the area has not significantly changed since 2005. As illustrated on the exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports the request for rezoning back to A-R. The General Development Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be compatible land use for the surrounding properties. 3) The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive branch and would like to remain in the community.

HIGHEST/BEST USE: Staff believes that the goal of low density residential, as stated in the Comprehensive Plan is best met with the AR zone for undeveloped property.

The mandatory questions that State Law requires to evaluate a rezoning were answered as follows:

1) **Was the original zoning classification a mistake? If so why was it a mistake.**
APPLICANT: See attached
STAFF COMMENT: None

2) **Has the character of the neighborhood changed to such an extent to justify the proposed rezoning? (If the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any have occurred in the vicinity of the property in question, which were NOT anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.)**
APPLICANT: See attached.
STAFF COMMENT: The present Comprehensive Development Plan was adopted after the 2005 rezoning and project text for development of Bristol Oaks. Without the change that Bristol Oaks would have brought the development goals should be led by the Comprehensive Plan.

3) **Is there an existing public need for the rezoning?**
APPLICANT: See attached.
STAFF COMMENT: None

OTHER COMMENTS:

1. Brenda Solomito, principal planner for Solomito Land Planning submitted a Designated Agent form from the New Life Church of Christ however records show their ownership of 10 acres and the remaining 36 acres owned by L& M Holding. The file does not include a authorization to act on behalf of the owners of the 36 acre property.
2. The standard of approval for rezonings is that the Board ***must find "clear and convincing" evidence***. The standard ***is stricter*** than a preponderance of the evidence which calls for a weighing where facts in excess of 51% may be approved. Any action requires ***evidentiary findings*** regarding the four criteria listed in the Zoning Ordinance Article XIV, A4 for an amendment to the zoning map.
3. The following language is presented for your consideration:
   To APPROVE a rezoning of 46 acres located at Pleasant Hill Road and Stateline Road formerly approved for Bristol Oaks Subdivision "R-3" Planned Residential to "AR" Agricultural Residential finding that the Comprehensive Development Plan goal for the vicinity is low density residential that is best met by the AR zone which requires a minimum one acre lot configuration.

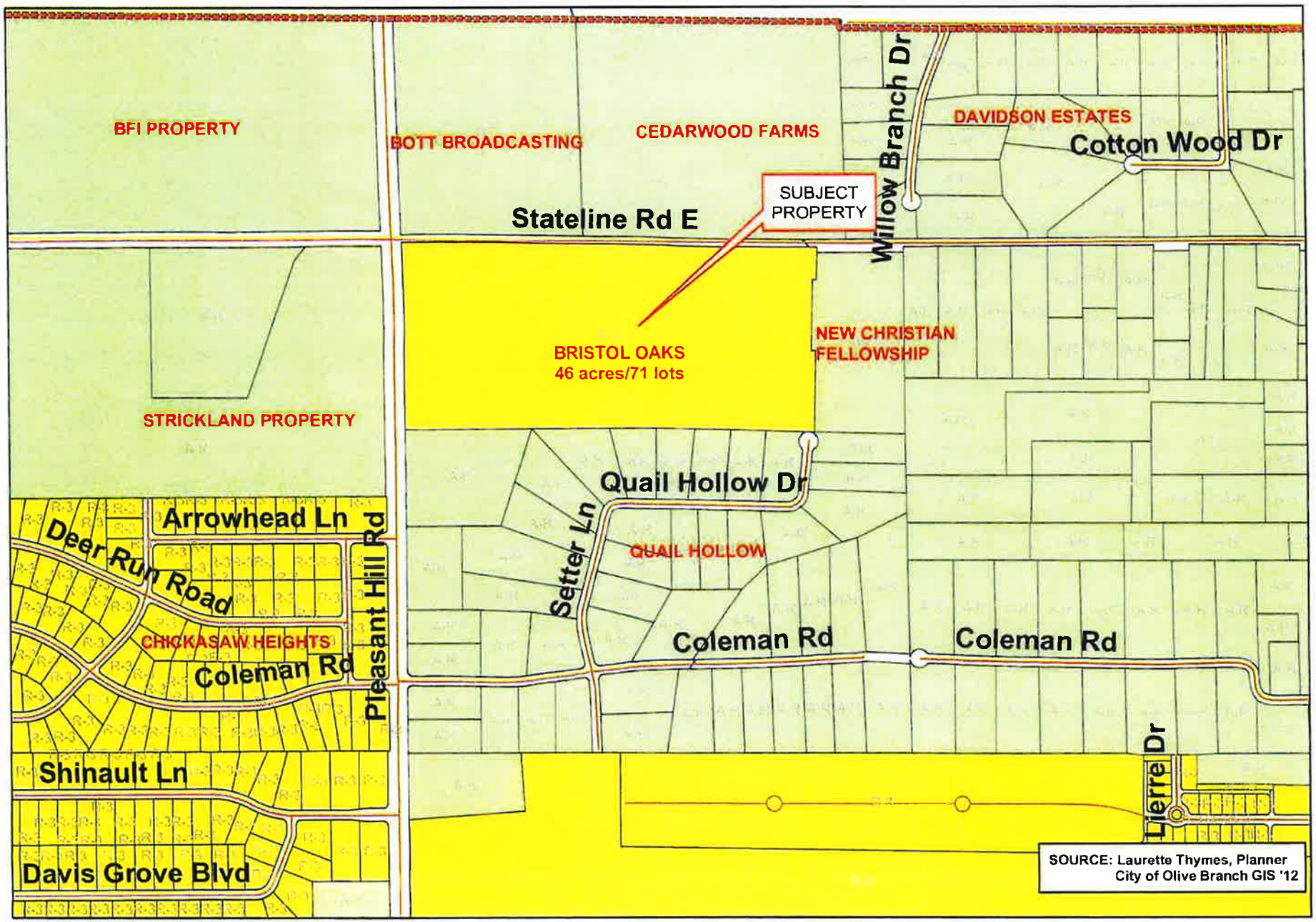
Approve R-3 to AR

CHECKED FOR SUBMISSION TO THE COMMISSION BY: _____ **DATE:** 11/02/12

MOTION BY: Tony **SECONDED BY:** John

VOTE	PRICE	MCLURE	SWINDLE	GILLESPIE	STRATTON	CURBO	LACHAUSSEE
YES	X						
NO				X			
ABSTAIN							

VICINITY & ZONING MAP
New Life in Christ



2. "AR" SINGLE FAMILY RESIDENTIAL DISTRICT

The primary purpose of this district is to permit the development of single family residential areas characterized with a rural atmosphere, low overall density with lots of at least 1-acre in size. In addition, to single family residences, churches, schools, and accessory uses compatible with low density and large lot surroundings are permitted. The district is located near urbanized communities and developing rural areas of the county and communities where this type of development has been designated in the Comprehensive Plan. In the "AR," Single Family Residential District, a building or premises shall be used only for the following purposes:

a. Permitted uses:

(1) Agriculture activities, but excluding feedlots and sales, auction yards, and auction barns
(2) Single family dwellings
(3) Churches
(4) Country Club
(5) Home occupations subject to the standards defined under the "A," Agricultural District
(6) Model Home, including sales offices, located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.
(7) Radio and television towers or antennas, or earth stations not exceeding 35 feet in height
(8) Schools, public
(9) Public Service Facilities
(10) Accessory buildings and uses as provided in Article VII

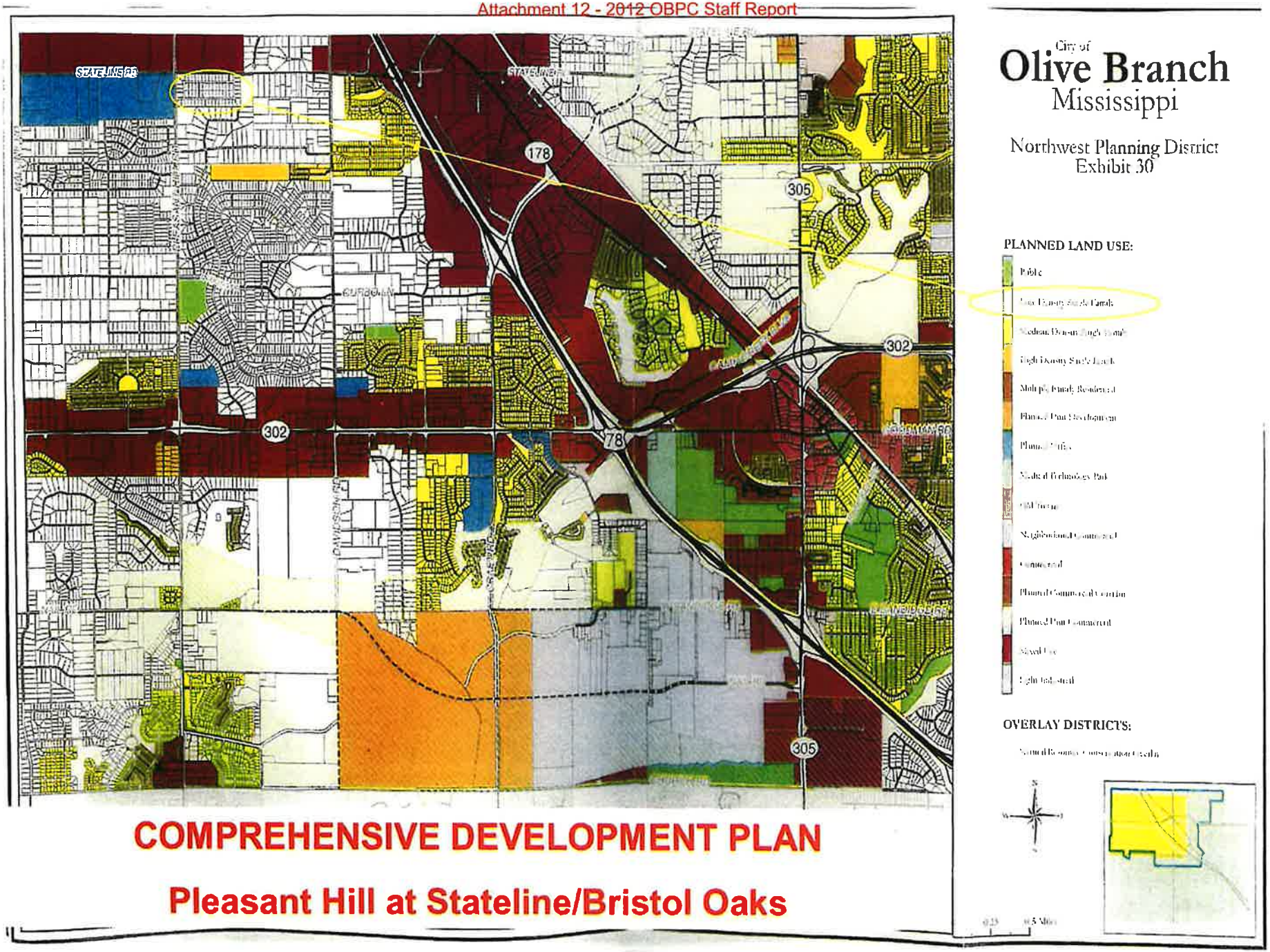
b. Conditional uses:

The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article X, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) Day care centers
(2) Hospitals, nursing homes, and educational, philanthropic, or religious institutions on sites of not less than five acres, provided not more than 20 percent of the site area may be occupied by the buildings.
(3) New cemeteries and the enlargement of existing cemeteries
(4) Parking lots located within 300 feet of a "C" district
(5) Civic, Social, and Fraternal Organizations
(6) Privately operated lakes, swimming pools, and tennis courts intended for public use, provided that they are located on sites containing not less than five acres

(7) Private schools
(8) Radio and television towers or antennas or earth stations exceeding 35 feet in height
(9) Wells, gas and oil, including drilling and extraction
(10) Extraction of minerals, including sand and gravel, as provided for under Article V, Section 1, Paragraph "b," Number 10, provided such application is made prior to December 31, 1985.

c. Minimum area, yard, and height requirements, which govern any use in this district, are listed on the Chart of Regulations unless otherwise regulated in this Article.



COMPREHENSIVE DEVELOPMENT PLAN

Pleasant Hill at Stateline/Bristol Oaks

Brenda P. Solomito
Land Planner

Zoning
Master Planning
Due Diligence
Project Management
Subdivision Coordinator

October 12, 2012

Mr. BJ Page
Director of Planning
City of Olive Branch, Mississippi
9200 Pigeon Roost
Olive Branch, Mississippi 38654

RE: Application for Rezoning from R-3, Planned Residential to A-R, Agricultural Residential
Southeast corner of Stateline Road and Pleasant Hill Road - Olive Branch, MS

Dear Mr. Page:

Please accept this application on behalf of New Life in Christ Fellowship Church for Rezoning from R-3 to AR. The property is located at the southeast corner of Stateline Road and Pleasant Hill Road and contains approximately 48.69 acres. We are also filing and application for Preliminary Subdivision along with this submittal.

In November of 2005, an application for rezoning from A-R, Agricultural Residential, to R-3, Planned Residential approved by the Mayor and Board of Aldermen. This application would have permitted a maximum of 71 residential lots. For a number of reasons, the Proposed Bristol Oaks Planned Development was never constructed. Almost seven years later, The New Life in Christ Fellowship Church is making this site their new Church Home.

The New Life in Christ Fellowship Church is currently located on Goodman Road in Olive Branch and has been a part of the Olive Branch community for several years. The Church is growing and is committed to staying in Olive Branch.

Our request for rezoning is based upon the following factors:

1. The original zoning, prior to the R-3 Planned Development approved in 2005 was A-R, Agricultural Residential. The proposed site is also surrounded by A-R zoning. Perhaps the Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or just possibly premature. This is not to say that the proposed Bristol Oaks Planned Development was a mistake, but that since it never materialized, the zoning should revert back to the A-R zoning.

2. The character of the area has not significantly changed since 2005. As illustrated on the attached exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports our request for the rezoning back to A-R. The General Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be a compatible land use for the surrounding properties.

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Tel. (901) 755-7495 • brendasolomito@bellsouth.net

3. As stated before, The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive Branch and would like to remain in the community.

Thank you again for your time and efforts. I look forward to working with you on this project. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING

Brenda P. Solomito
Land Planner



PREPARED BY:

Woodard Architecture, PC
CivilEngineering Solutions LLC
317 W. MARKET ST. OYERSBURG, TN 38024

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October 12, 2012

Existing Conditions

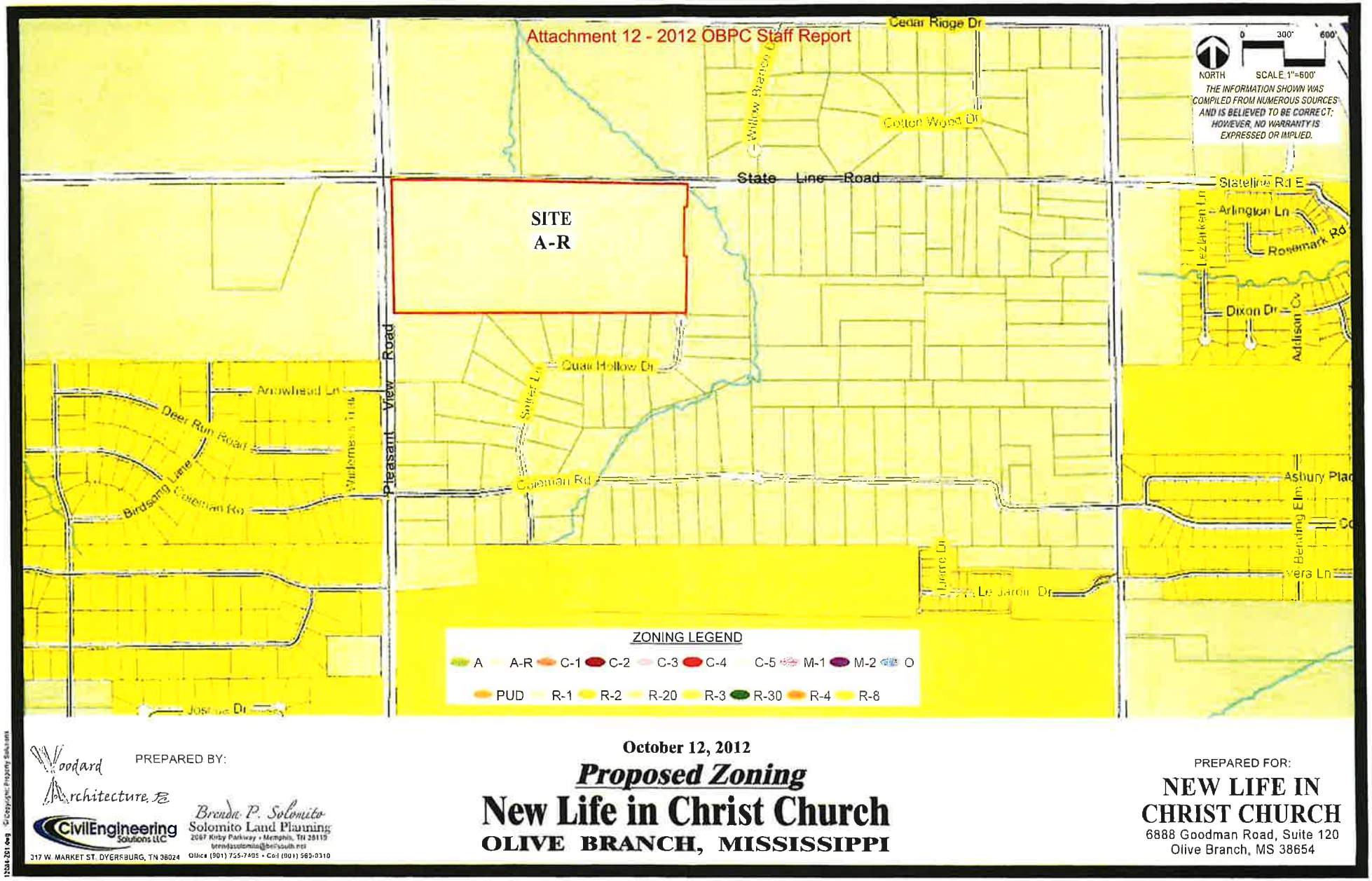
New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654

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PREPARED BY:

Woodard Architecture, PC

CivilEngineering Solutions LLC
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October 12, 2012

Proposed Zoning

New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654

Planning and Building Department

DATE: October 19, 2012

TO: Adjacent Property Owners

FROM: B. J. Page, Director of Planning BJP.

SUBJECT: November 13, 2012 Planning Commission Meeting

NOTICE OF PUBLIC HEARING TO PARTIES OF INTEREST AND CITIZENS OF THE CITY OF OLIVE BRANCH, MISSISSIPPI

A public hearing will be held by the **Planning Commission of the City of Olive Branch, MS,** in regard to an application by **Brenda Solomito**, representing the owner of the property, **New Life in Christ Fellowship Church,** for a **Rezoning Amendment**. The applicant requests to re-zone the property from its current zoning designation of "R-3" PD, Planned Residential District, to "AR", Agricultural Residential District, with plans to make this site their new church home. Subject property is located on the southeast corner of Stateline Road and Pleasant Hill Road. Tract of land consists of 48.69 acres, located in Section 24, Township 1 South, and Range 7 West. **Said hearing will be held** in the Olive Branch Municipal Court Room, located at 6900 Highland Street, on **Tuesday, November 13, 2012, at 6:00 p.m.** The public is invited to appear and be heard on this issue.

You have received this notice as a courtesy since you own property within 500 feet of the subject location. This application may be inspected by interested parties in the offices of the Olive Branch Planning and Building Department, located on the first floor of the Olive Branch City Hall, 9200 Pigeon Roost Road, Room 143, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

9200 Pigeon Roost Road • Olive Branch, Mississippi 38654
Phone: (662) 892-9334 • FAX: (662) 892-9346

BFI Waste Systems Of North
PO Box 42165
Houston, Tx 77242

Bott Broadcasting Company
555 Perkins Ext #201
Memphis, TN 38117

Buie Estella Williams Estate
5759 Stateline Rd
Olive Branch, MS 38654

Capocaccia Ralph D
5285 Quail Hollow
Olive Branch, MS 38654

Cedarwood Farms LLC
2024 Old Lake Pike
Memphis, TN 38119

Chickasaw Heights LLC
PO Box 382131
Germantown, Tn 38183

Church New Christian Fellowship
PO Box 1544
Southaven, MS 38671

Hoven Douglas A
5380 Quail Hollow Dr
Olive Branch, MS 38654

Humphreys Patricia Ann
8685 Setter Lane
Olive Branch, MS 38654

Hunt Lawrence W
8735 Setter Lane
Olive Branch, MS 38654

Ivy Eugene
9165 Willow Branch
Olive Branch, MS 38654

Kaiser Robert G
5240 Quail Hollow Dr
Olive Branch, MS 38654

Kirk Samuel Brent
5315 Quail Hollow Dr
Olive Branch, MS 38654

Knighton Bobby
8720 Setter Lane
Olive Branch, MS 38654

Liddell Everett
9095 Willow Branch
Olive Branch, MS 38654

Mashburn Helen C
5346 Quail Hollow
Olive Branch, MS 38654

Masterson Dale
5345 Quail Hollow Dr
Olive Branch, MS 38654

McCook James T
8744 Setter Lane
Olive Branch, MS 38654

McGuire Charles Rodney
9050 Willow Branch
Olive Branch, MS 38654

Miller E W
5385 Quail Hollow Dr
Olive Branch, MS 38654

Moore Michael
8800 Setter Ln
Olive Branch, MS 38654

Semmendinger Kevin L Sr.
5310 Quail Hollow Dr
Olive Branch, MS 38654

Strickland Charlie (TR)
4915 Stateline Rd
Olive Branch, MS 38654

Strickland Family LP
4915 Stateline Road
Olive Branch, MS 38654

Taubken Jay R
5210 Quail Hollow Dr
Olive Branch, MS 38654

Webb David L
8770 Setter Lane
Olive Branch, MS 38654

Williams Ivory J
5525 State Line Rd
Olive Branch, MS 38654

Wofford Dennis W
5276 Quail Hollow
Olive Branch, MS 38654

Brenda Solomito
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Collierville, TN 38027

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P.O. Box 1764
Collierville, TN 38027

MINUTES

REGULAR MEETING

OLIVE BRANCH PLANNING COMMISSION

NOVEMBER 13, 2012

The Olive Branch Planning Commission meeting was held on Tuesday, November 13, 2012, 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 Chairman Lachaussee at 6:00 p.m. with Phil Lachaussee, Steve Stratton, Tony McLure, John Curbo, and Mike Swindle being present. Chris Gillespie and Terry Boyd were absent. B. J. Page, Director of Planning and Building, Laurette Thymes, Associate City Planner, and Joyce Kerr, Planning Secretary, were present from the Planning and Building Department.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 23, 2012

There being no corrections or additions to the minutes of the regular meeting of October 23, 2012, Mr. Stratton made a motion to approve the minutes as submitted. The motion was seconded by Mr. Curbo, which then carried unanimously.

OLD BUSINESS

There was no Old Business

NEW BUSINESS

1. Application for a Preliminary Subdivision for New Life in Christ Subdivision, submitted by Brenda Solomito, on behalf of the property owner, New Life in Christ Fellowship Church. 3 lots, 48.69 acres in size. Subject property was located on southeast corner of Stateline Road and Pleasant Hill Road, in Section 24, Township 1 South, and Range 7 West. The property was currently zoned "R-3" PD, Planned Residential District, but have made application for AR", Agricultural Residential District.

Mr. Lachaussee announced the item from the agenda and asked Ms. Thymes for a staff report. Ms. Thymes requested Items 1 and 2 be entertained together and asked the Chairman to read the second item from the agenda.

2. Application for Zoning Amendment, for New Life in Christ Fellowship Church, submitted by Brenda Solomito, on behalf of the property owner. The request was to rezone property from its current zoning designation of "R-3" PD, Planned Residential District, to "AR", Agricultural Residential District. Subject property was located on the southeast corner of Stateline Road and Pleasant Hill Road. Tract of land consists of 48.69 acres, located in Section 24, Township 1 South, and Range 7 West.

Mr. Lachaussee announced the item from the agenda and asked Ms. Thymes for a staff report. Ms. Thymes explained she suggested the two items were read together because they pertain to the same location, although they are two separate actions and required separate voting. Ms. Thymes shared a power point projection of the vicinity and zoning map, showing the location of the subject property with an arrow pointing to the tract of land highlighted in yellow. Ms. Thymes stated the property was at the southeast corner of Stateline Road and Pleasant Hill Road with New Christian Fellowship Church to the east and all surrounding properties zoned "AR," Agricultural Residential District. Ms. Thymes stated they were requesting two actions, the first to vote on the approval of the Preliminary Subdivision and the second to vote on the approval of the Zoning Amendment "R-3," Planned Residential District to "AR," Agricultural Residential District. Ms. Thymes showed a power point projection of the subdivision from 2005. Ms. Thymes stated Edco Properties was the developer however the land remained vacant and ten acres have transferred in a metes and bounds description to a church that plans construction of a sanctuary and buildings for non-profit accessory use. New Life in Christ and J & M Holdings are the current owners of the forty-six acre site. Ms. Thymes stated the subject property was rezoned "AR" to "R-3" when Bristol Oaks was approved for development in 2005. Ms. Thymes showed a power point projection of the Conceptual Site Plan for New Life in Christ Church Subdivision now planned. Ms. Thymes explained New Life in Christ Church Subdivision was applying for a preliminary plat only, which means a final plat would have to be presented to the Planning Commission and the Board of Aldermen before it can be recorded.

Ms. Thymes explained the property was presently zoned "R-3" however this action was exclusively a "preliminary plat" that allows for the approval of a "conceptual development" plan. Ms. Thymes stated the plat was prepared for presentation with the long range development plan for "AR" zoning and the foregoing evaluation was based on the "AR" Agricultural Residential zone. Ms. Thymes stated the final plat for any of the lots would be recorded after a decision was rendered for the pending zoning amendment and that is why the two requests were read together.

Ms. Thymes stated the "AR" zone required a lot to be a minimum of one acre with a width of at least 110 feet at the building setback line and the building setbacks are 50 feet at the front and rear of each lot, with 15 feet at each side. Ms. Thymes stated the preliminary plat proposed three lots. Ms. Thymes stated Lots 1 and 2 are on land presently owned by New Life in Christ Church and the church plans its main structure on Lot 1 which was a 6.25 acre lot with access from Pleasant Hill Road. Ms. Thymes stated Lot 2 was proposed as 3.77 acres with dual frontage at Pleasant Hill and Stateline Road. Ms. Thymes stated these two lots combined had been transferred as a single parcel by warranty deed and would not

subdivide until a final plat was recorded. Ms. Thymes stated Lot 3 was presently in separate ownership at 36.12 acres with more than 1,500 feet at Stateline Road. It could experience further re-subdivision with a final plat presentation or present development plans as shown in it entirety.

Ms. Thymes stated the preliminary plat showed a 20 foot landscape buffer along Pleasant Hill and Stateline Road and a 25 foot landscape buffer where proposed Lot 3 abuts residential lots in the Quail Hollow Subdivision. Ms. Thymes noted if the property was rezoned to "AR" as requested, all abutting properties also had the "AR" zoning classification and therefore a bufferyard would not be a requirement however, the owner's could elect to keep this feature as a landscaping choice.

Ms. Thymes stated Pleasant Hill Road was presently widened at the property line however Stateline Road was also maintained by the City of Olive Branch and a right-of-way dedication was required for consistent development of the roadway. Ms. Thymes explained approximately 40 feet exists from the centerline and where a minimum of 50 was required. Ms. Thymes stated the preliminary plat shows a half acre dedication that would widen the right-of-way to 53 feet along Lot 3 and the required right-of-way dedication was recorded with the 10 acres planned as Lots 1 & 2. Ms. Thymes stated the existing 20 foot utility easements at both roads exceed the 10 foot residential requirement.

Ms. Thymes stated the Preliminary Plat meets the requirements for approval and the Staff recommends the following revisions when a Final Plat is presented:

a) Add the all required certification signature blocks.
b) Add the warranty deed book and page reference for the right-of-way dedication for Stateline Road Lot 2.
c) Add the "Note" of a "Voluntary Landscape Buffer" and a self imposed statement of maintenance if the decision was made to keep it; or elect to remove the landscape buffers from the final plat.
d) Revise zoning in the "Site Data" if the proposed "AR" rezoning becomes final.
e) The mandatory conditions of approval would be added to the final plat as follows:
    1) All construction within the development shall be new construction, and no principal building, nor accessory building shall be an existing building moved into the development from another site.
    2) Grading, drainage, and engineering construction plans to be approved by the City Engineer.
    3) The developer shall install any necessary drainage pipe, erosion control material, sewer mains and service, gas mains and service, water mains, fire hydrants and service, and gravel or soil cement base for the streets, and one (1) layer of blacktop, 1 ½ " thick, if required by the City Engineer, before the subdivision is recorded. A bond must be filed for the remainder of the improvements, if necessary for the project, in an amount set by the City Engineer. This includes another 1 ½ " of blacktop making a total of three (3") inches of blacktop surface.
    4) Street light plans, if required, shall be submitted to the City Engineer for approval.

5) Street identification and traffic control signs and devices, if required, are to be installed by the developer to City specifications.
6) All utilities and services (electric, telephone, cable, etc.) to be installed underground. The water service lines shall be installed with tracing wire at the top.
7) Water and sewer service to be approved by the Health Department.
8) Final Approval by the Board of Alderman and recording of plat.

Ms. Thymes stated she had completed the presentation on the Preliminary Plat and would like to go back to the zoning map shown on power point projection. Ms. Thymes noted if the subject property would be rezoned to "AR," the Board would be returning the forty-six acres to the original plan. Ms. Thymes stated the surrounding properties are also zoned "AR."

Ms. Thymes stated the mandatory questions that State Law requires to evaluate a rezoning were answered as follows:

1. **Was the original zoning classification a mistake? If so why was it a mistake.**

Response to Question #1: The original zoning, prior to the "R-3," Planned Development approved in 2005 was "AR," Agricultural Residential. The proposed site is also surrounded by "AR" zoning. Perhaps the Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or just possibly premature. This is not to say that the proposed Bristol Oaks Planned Development was a mistake, but that since it never materialized, the zoning should revert back to the "AR" zoning.

2. **Has the character of the neighborhood changed to such an extent to justify the proposed rezoning? (If the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any have occurred in the vicinity of the property in question, which were not anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.)**

Response to Question #2: The character of the area has not significantly changed since 2005. As illustrated on the attached exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports our request for the rezoning back to "AR". The General Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be a compatible land use for the surrounding properties.

3. **Is there an existing public need for the rezoning?**

Response to Question #3: As stated before, The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive Branch and would like to remain in the community.

Ms. Thymes stated the subject property is located in the Northwest Planning district and it was recommended as "Low Density Single Family", and "AR" zone is the largest City zoning and offers the lowest density. Ms. Thymes stated churches are a permitted use in an "AR" zone and does conform to the General Development Plan.

Ms. Thymes concluded the presentation for both of the items with a reminder to the Board each item needs separate hearing and voting.

Mr. Lachaussee asked if the Committee members had any questions for Ms. Thymes. There were none at this time.

Mr. Lachaussee asked if there was any one present representing the applicant?

Brenda Solomito, 2067 Kirby Parkway, Memphis, TN 38119, stated appreciation to the Staff with no further comments.

Mr. Lachaussee asked if the Commission had any questions for Ms. Solomito. Mr. Stratton asked if it would be a problem to make the landscape buffer part of the plan. Ms. Solomito responded the area was heavily wooded and they would remove some trees and supplement also. Ms. Solomito stated the Final Plat approval may address that question better, however there is no problem working with the engineering process. Ms. Thymes stated there is no grading permit required in Olive Branch, and it was square with the developers requiring maintaining trees as a voluntary buffer, however, if it becomes part of the Preliminary Plat we would expect it to be in the Final Plat. Ms. Solomito stated the landscape buffer could be provided on the Final Plat. Mr. Page reminded the Commission this is not the final say and if a condition were made concerning the landscape buffer, Ms. Solomito could go to the clients and come back at the Board of Aldermen's hearing on the matter.

Mr. Lachaussee asked if there was anyone present in opposition to the application. There were none and public discussion was closed by Mr. Lachaussee.

Mr. Stratton made a motion to approve the Preliminary Subdivision subject to the conditions stated in staff report adding 10) Convert the voluntary buffer to a required landscape easement when recorded with the plat. Mr. Swindle seconded and the motion was unanimously approved.

Regarding Item 2, Mr. McLure made a motion to approve the rezoning of forty-six acres located at Pleasant Hill Road and Stateline Road formerly approved for Bristol Oaks Subdivision "R-3" Planned Residential to "AR" Agricultural Residential finding that the Comprehensive Development Plan goal for the vicinity is low density residential that is best met by the "AR" zone which requires a minimum one acre lot configuration. Mr. Curbo seconded and the motion was unanimously approved.

3. Application for a Preliminary and Final Subdivision for the Williams Industrial Subdivision, Lots 1 and 1A, submitted by the Reaves Firm on behalf of the property-owner, Hillwood Properties. Subject property was located on the southwest corner of Stateline Road and Hacks Cross Road in Section 14, Township 1 South, Range 6 West and more commonly known as 9105 Hacks Cross Road. The property was currently zoned "M-2", Heavy Industrial District.

Mr. Lachaussee announced the item from the agenda and asked for the Staff Report. Ms. Thymes referred to a power point projection of the vicinity and zoning map showing the location of the property. Ms. Thymes stated Williams Industrial Subdivision was a single lot, 66.60 acres, platted in 1995 where Hacks Cross Logistics has a single story concrete warehouse building, municipal number 9105 Hacks Cross Road. Ms. Thymes stated the property previously held by Mazda Motors, was transferred this year with a warranty deed to Hacks Cross Asset, LP doing business as Hillwood Investment Properties and they seek to subdivide the one lot into two, separating the warehouse building from the railroad spur line track.

Ms. Thymes stated the subject property is located at the north City Limit, south of Stateline Road, west of Hacks Cross Road. Ms. Thymes explained the property crosses the section line of 14 and 23 at township 1, south, range 6 west and the property was presently zoned "M-2," Heavy Manufacturing. Ms. Thymes stated the "M-2" zone does not have a minimum area configuration however it imposes deep building setbacks that make it suitable for large lot development. Ms. Thymes noted the building setbacks are required to be 50' front, 25' sides, and 20' rear. Ms. Thymes stated this subdivision proposed to split the existing lot dividing the 217 x 145 detention area south of the driveway entrance at Hacks Cross Road to the west property line and the north lot would have a double frontage at both Stateline Road and Hacks Cross Road. Ms. Thymes stated the 43 acres for the north lot would retain the existing warehouse building with the new property line south of the driveway allowing ingress to the truck court and the south property would record an undeveloped 23 acres that shared the south portion of the detention area.

Ms. Thymes explained there were no new streets proposed in this subdivision allowing it to present preliminary and final simultaneously. Ms. Thymes stated there was also no open space requirement in a heavy manufacturing zone and the undeveloped 23 acres would be required to meet Design Review standards when construction plans were submitted that included a landscaping requirement.

Ms. Thymes concluded Staff recommends the following revisions to the plat as conditions of approval:

a) Declare dual ownership and a statement of maintenance for the detention area in the "Notes".
b) Revise the Title Box to "Williams Industrial 2 Lot Subdivision" with a subtitle "Resubdivision of Lot 1".
c) Add the City Zoning Classification to the plat as "M-2," Heavy Manufacturing.
d) Revise the parcel description to eliminate Lot 1 that would no longer exist and replace the north parcel as Lot 1A and the south parcel as Lot 1B.

e) Revise the Title Box legal description to reflect the north lot in a single section and the south lot in split sections such as Lot 1A at S14, T1S, R6W and Lot 1B as part of S14, T1S, R6W and part of S23, T1S, R6W.

f) Remove the building footprint from the final plat to be recorded.

g) The mandatory conditions of approval would be added to the final plat as follows:

1) All construction within the development shall be new construction and no principal building, nor accessory building shall be an existing building moved into the development from another site.

2) Grading, drainage, and engineering construction plans to be approved by the City Engineer.

3) The developer shall install any necessary drainage pipe, erosion control material, sewer mains and service, gas mains and service, water mains, fire hydrants and service, and gravel or soil cement base for the streets, and one (1) layer of blacktop, 1 ½ inch thick, if required by the City Engineer, before the subdivision was recorded. A bond must be filed for the remainder of the improvements, if necessary for the project, in an amount set by the City Engineer. This includes another 1 ½ " of blacktop making a total of three (3") inches of blacktop surface.

4) Street light plans, if required, shall be submitted to the City Engineer for approval.

5) Street identification and traffic control signs and devices, if required, are to be installed by the developer to City specifications.

6) All utilities and services (electric, telephone, cable, etc.) to be installed underground. The water service lines shall be installed with tracing wire at the top.

7) Water and sewer service to be approved by the Health Department.

8) Final Approval by the Board of Alderman and recording of plat.

Mr. Lachaussee asked if the Committee members had any questions for Ms. Thymes. There were none at this time.

Mr. Lachaussee asked if there was any one present representing the applicant and recognized Mr. Lee Davidson, 5880 Ridgebend, Memphis, TN 38120. Mr. Davidson stated he was comfortable with the requested conditions from the Staff. Mr. Lachaussee asked the Board if they had any questions for Mr. Davidson. There were none. Mr. Lachaussee asked if there was anyone present in opposition to the application. There were none and public discussion was closed by Mr. Lachaussee.

Mr. Stratton made a motion to approve subject to the conditions stated in the Staff Report. Mr. McLure seconded and the motion was unanimously approved.

4. Application for a Preliminary Development Plan Amendment, Cedar Hills Properties Planned Commercial District submitted by Ambarish A. Keshani, on behalf of the property owner, Cinema Group, Inc. 4 lots, 13.19 acres in size. Subject property is located on the south side of MS Highway 302 (Goodman Road), east of Malone Road, and west of Academy Drive, in Section 25, Township 1 South, and Range 7 West. The property is currently zoned "C-4," Planned Commercial District.

Mr. Lachaussee announced the item from the agenda and recognized Mr. Page for a Staff Report. Mr. Page referred to a power point projection showing the location of the property and the surrounding developments. Ms. Page stated Mr. Ambarish Keshani, the owner of the property, was requesting approval of an amendment to the project text and the preliminary development plan for Cedar Hills Properties Planned Commercial Development, located on the south side of MS Highway 302, east of Malone Road and west of Academy Drive, and zoned "C-4," Planned Commercial District. Mr. Page stated the property had Cross Roads Baptist Church to the west, the east side is vacant property, but further down was Longview Heights Baptist Church, and to the south of the subject property was Huntleigh Subdivision with large lot, single family residences. Mr. Page stated the south boundary was also separated by a creek, a major tributary. Mr. Page explained this particular subject property was zoned "C-4, " Planned Commercial District, approved in 2009 by the Board of Aldermen as Cedar Hills Planned Commercial Development. Mr. Page stated the Cross Point Baptist Church on the west, and the vacant property on the east were "C-4," Planned Commercial District. Mr. Page noted a power point projection of the Site Plan Preliminary Development Plan for the subject property.

Mr. Page stated Mr. Keshani had purchased the property with the intent of building a movie theater on Lot 4, the larger lot in the rear of the property. Mr. Page stated in order to accommodate the theater; the applicant proposed the following changes to the approved project text and preliminary development plan:

1. There are some minor changes in the sizes of the four lots reflected on the plan. Lot 1 remains the same at 1.75 acres. Lot 2 is reduced 0.014 of an acre, from 1.214 to 1.20 acres. Lot 3 was reduced 0.023 of an acre from 1.193 to 1.17 acres. Lot 4 is increased 0.03 of an acre from 9.04 to 9.07 acres. Mr. Page stated this was basically the same layout of the original plan.
2. Revise the list of uses in the project text to restore "banks" as a permitted use.
3. The project text now includes a specific parking requirement of 1 parking space for every 4.66 seats in the parking theater. The proposal was based upon the owner's experience with other theater sites he owns.
4. The revised preliminary plan eliminates the two strip retail buildings reflected on the original plan and replaces them with the theater footprint. This also had necessitated changes in the location and arrangement of parking and green areas on the site.
5. The revised plan provides additional detail concerning the size and types of plantings proposed that were not available in the originally approved plan.

6. The revised plan provides information on the proposed architecture and colors of the proposed theater building that were not provided in the originally approved plan. Additionally, detailed information concerning the freestanding sign for the theater was provided, that was also not provided in the originally approved plan.
7. The revised plan re-designs the retention areas differently from those reflected on the original plan.

Mr. Page stated the originally approved project text lists "theaters, but not including drive-in theaters" as a conditional use requiring approval by the Board of Adjustment and that application was heard and approved by the Board of Adjustment at their meeting on November 8, 2012. Mr. Page stated a copy of the revised project text and preliminary development plan, as well as a copy of the originally approved preliminary development plan were attached for the Commission's review and comparison.

Mr. Page stated in evaluating the proposed changes, the staff would note the following:

1. "Banks" were originally eliminated due to concerns over check-cashing and title loan businesses falling under that classification. A suitable compromise would be to allow "Financial institutions, not including check cashing or title loan businesses."
2. The proposed parking standard for the theater appeared to be reasonable.
3. The staff had no problem with either the minor changes to the size of the lots or the change in building footprint from two strip retail buildings to the theater.
4. It appeared that the proposed landscape plan would meet the requirements of the Design Review Ordinance with one exception. The street trees along MS Highway 302 were reflected as 2 ½" in caliper whereas the Design Review Ordinance required such street trees to be a minimum of 3" in caliper. Although the original plan reflected the 2 ½" caliper trees, one of the conditions attached to the approval of the original plan by the Board of Aldermen was that "the development of all lots within the project shall comply with all of the requirements of the Design Review Ordinance." This may simply have been one of those original changes that the applicant didn't pick up.
5. Although the revised plan does reflect an east/west cross-access easement that runs from property line to property line, the actual improved surface does not appear to do so. The plan should be revised to reflect the improved surface extending to those property lines. This would also require a small adjustment to the landscape plan on the west side of the lot to move two trees slightly away from the cross-access.
6. The revised plan reflects a 20' sign easement in the northeast corner of Lot 1 to allow a sign location for the theater on MS Highway 302 and provided a detailed representation of the proposed freestanding sign. The project text stated that all other signage would be in accordance with the City of Olive Branch sign regulations, which would allow all other businesses in the development freestanding signs as long as they are located 100' apart. The staff recommended

that adding a provision that would limit one freestanding sign, each, to Lots 1-3, and that those signs would be limited to 10' in height so as to not conflict with the theater sign.

7. A brief review of the architectural elevations indicated that they generally meet the requirements of the City's Design Review Ordinance.
8. The changes in location and size of storm water retention basins on the property would, of course have to be approved by the City Engineer if the Commission and the Board of Aldermen ultimately elect to approve this amendment.

Mr. Page concluded if the Commission should consider approval of the application, the staff would recommend consideration of the following conditions:

1. All applicable conditions of the original approval by the Board of Aldermen of the project text and the preliminary development plan on January 20, 2009, not otherwise amended herein to remain in full force and effect.
2. Revise the project text to add "Financial institutions, not including check cashing or title loan businesses" to the list of uses as a permitted use.
3. Revise the landscape plan to reflect a minimum of 3" caliper trees along the MS Highway 302 frontage of the site, rather than the 2 ½" caliper trees reflected. Revise the landscape plan to move two trees located on the western property line nearest the cross-access easement away from that easement to ensure the continuation of the easement in that direction will not be obstructed.
4. Revise the preliminary development plan to reflect that the actual surface of the east/west cross-access is running from the property line to property line.
5. Revise the project text to state that all other signs in the development shall conform to the requirements of the City's Sign Regulations, with the exception that Lots 1-3 would be limited to one freestanding sign for each lot, limited to a maximum of 10' in height.
6. The design of the entrance to Goodman Road should be subject to the review and approval by the City Engineer.
7. Final approval by the Board of Aldermen.

Mr. Lachaussee asked if the Committee members had any questions for Mr. Page. Mr. Swindle asked how much of the buffer would be the natural tree lined area. Mr. Page referred to the site plan that there wasn't an exact dimension, but at least 20'. Mr. Page stated there was nothing in the plan at this time for a specific buffer and no buffer requirement in "C-4," Planned Commercial District. Mr. Page stated whatever the Commission decided or approved would be the requirement.

Mr. Lachaussee asked if there was any one present representing the applicant and recognized Mr. Hugh Armistead, 6879 Crumpler Blvd., Suite 100, Olive Branch, MS 38654. Mr. Armistead stated he represented Mr. Keshani, and all conditions were accepted, with the exception of number 4, addressing the easement on the west side that runs into Cross Creek Church close to Malone Road. Mr. Armistead stated the ditch was a good size and ran all along

Huntleigh Subdivision. Mr. Armistead stated if the church ever flips and developed into something else, a temporary culvert would be required to be built at great expense and removed at a later date to meet the new property owner's decisions and that was the reasoning behind the property line being in the middle. Mr. Armistead stated the applicant had no problems with the trees and Mr. Robbie Jones was in attendance to speak regarding the buffer. Mr. Armistead stated there was a good 10' along the creek's edge, it was overgrown, and there was no intention of clearing the trees out. Mr. Armistead stated there was also a large ditch in the creek. Mr. Armistead stated Mr. Keshani had met the recommendations of the financial institutions.

Mr. Lachaussee asked if the Commission had any questions for Mr. Armistead. Mr. Epps stated the ditch would have to be addressed as the subject property was in the flood plain and there were stipulations from FEMA to be met.

Mr. Lachaussee recognized Mr. Robbie Jones, 8849 Hamilton, Southaven, MS 38671. Mr. Jones stated in the preliminary study the subject property was in the 100 year floodway and would not be approached if could be avoided. Mr. Jones stated the property line was zig zag and center line was the closest they could get as it was 10' to 15' on the top bank, and 50' to 60' on the west side. Mr. Jones stated the floodway was an item they were aware of and would take responsibility for it.

Mr. Lachaussee asked if there was anyone present in opposition to the applicant. There were none and public discussion was closed by Mr. Lachaussee.

Mr. McLure made a motion to approve the amendment to the project text and preliminary development plan for Cedar Hills Properties Planned Commercial Development subject to the conditions stated in the Staff Report. Mr. Curbo seconded and the motion was unanimously approved.

5. Application for a **Final Plat Approval** for Cedar Hills Properties Planned Commercial District submitted by **Ambarish A. Keshani**, on behalf of the property-owner, **Cinema Group, Inc**. 4 lots, 13.19 acres in size. Subject property was located on the south side of MS Highway 302 (Goodman Road), east of Malone Road, and west of Academy Drive, in Section 25, Township 1 South, and Range 7 West. The property was currently zoned "C-4," Planned Commercial District.

Mr. Lachaussee announced the item from the agenda and recognized Mr. Page for a Staff Report. Mr. Page stated Mr. Ambarish Keshani, the owner of the property, was requesting a preliminary and final plat approval for Pooja Cinema Commercial Subdivision, a 4-lot subdivision located on the south side of MS Highway 302, west of Academy Drive, and east of Malone Road. Mr. Page stated the subject property was currently zoned "C-4," Planned Commercial District and Lot 1 consists of 1.75 acres or 76,200.70 square feet, Lot 2 consists of 1.20 acres of 52,420.91 square feet, Lot 3 consists of 1.17 acres, and Lot 4 consists of 9.07 acres or 395,020.84 square feet. Mr. Page noted all four lots have access to City water and sanitary sewer facilities. Mr. Page stated the entire property would access MS Highway 302

(Goodman Road) via a central primary entrance and exit. Mr. Page stated according to the approved project text, there would be no other access to MS Highway 302 than the primary central entrance and this central entrance would be part of Lot 4 covered by a joint access easement for Lots 1-3. Mr. Page stated there would also be an east/west cross access easement along the rear of Lots 1-3 and Lots 1 and 2 would have access to both the primary central entrance, as well as the east/west cross access, while Lot 3 would have access to the east/west access easement. Mr. Page stated as proposed, the subdivision plat meets or exceeds all of the development requirements established in the project text for the Cedar Hills Properties Planned Commercial Development, and conforms to the approved preliminary development plan.

Mr. Page concluded with a review of the submitted plat reflecting that it conforms to the requirements of the Ordinance, therefore, if the Commission should consider approval, the staff recommends consideration of the following conditions:

1. Revise the owner's certification to conform to the City's current wording.
2. Improvements to be the responsibility of the developer and not the City of Olive Branch.
3. Grading, drainage, and engineering construction plans to be approved by the City Engineer.
4. The developer shall install drainage pipe, erosion control material, sewer mains and service, gas mains and service, water mains, fire hydrants, and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1 ½ " thick, before the plat of the subdivision was recorded, including such improvements to MS Highway 302 as may be determined necessary by the City Engineer. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1 ½ " of blacktop making a total of three (3") of blacktop surface and sidewalks.
5. Sidewalks to be installed on both sides of all streets, with the exception of MS Highway 302, where sidewalks were waived as part of the approval of the project text and preliminary development plan.
6. Street light plans to be submitted to the City Engineer for approval.
7. Street identification/traffic control signs/devices to be installed by the developer to City specs.
8. All utilities and services (electric, telephone, cable, etc.) to be installed underground. The water service lines shall be installed with tracing wire at the top.
9. Water and sewer service to be approved by the Health Department.
10. Final approval by the Board of Aldermen and recording of the plat.

Mr. Lachaussee asked if the Committee members had any questions for Mr. Page. There were none at this time.

Mr. Lachaussee asked if there was any one present representing the applicant and recognized Mr. Hugh Armistead, 6879 Crumpler Blvd., Suite 100, Olive Branch, MS 38654. Mr. Armistead stated conditions would be met at staff requested.

Mr. Lachaussee asked if there was anyone present in opposition to the applicant. There were none and public discussion was closed by Mr. Lachaussee.

Mr. Swindle made a motion to approve subject to the conditions stated in the Staff Report. Mr. Stratton seconded and the motion was unanimously approved.

6. Application for a Plat Extension for Malco Olive Branch Subdivision submitted by **Michael Lightman**, 3 lots, 16.93 acres. Subject property was located north of MS Highway 302 (Goodman Road), west of North Hamilton Circle, and east of Davidson Road, in Section 30, Township 1 South, and Range 6 West. The property was currently zoned "C-4," Planned Commercial District.

Mr. Lachaussee announced the item from the agenda and recognized Mr. Page for a Staff Report. Mr. Page stated the location of subject property was shown on power point projection and gave an idea of the development and land around it. Mr. Page stated this was a plat originally approved in 2008 and under Article IV of the City's Subdivision Regulations, "Procedure," Section G, "Final Plat Application Procedure," Item 4, states, in part:

> "After approval of the Final Plat by the Governing Authority and required improvements are installed or appropriate arrangements have been made therefore, a cloth-backed original plat shall be recorded in the Office of the Chancery Clerk within one (1) year and if not filed, such plat shall have no validity and shall not be recorded without the concurrence o f the Planning Commission..."

The purpose of this application is to secure the concurrence of the Planning Commission so that they may move forward and record the plat. Mr. Page stated Mr. Al Davidson, represented the owner of the property and was requesting an extension to the final plat approval for Lots 1 -3 of the Malco Olive Branch Subdivison, a 3-lot subdivision located on the north side of MS Highway 302, west of North Hamilton Circle, and east of Davidson Road. Mr. Page explained the subject property was currently zoned "C-4," Planned Commercial District and Lot 1 consists of 10.777 acres or 469,448 square feet, Lot 2 consists of 2.462 acres or 107,238 square feet, and Lot 3 consists of 3.460 acres or 150,704 acres. Mr. Page stated as proposed, the subdivision plat meets or exceeds all of the development requirements established in the project text for the Malco Planned Commercial Development. Mr. Page stated both lots have access to City water and sanitary sewer facilities and all three lots have direct access to MS Highway 302 (Goodman Road), while Lot 1 also has access to North Hamilton Circle.

Mr. Page stated that was why we were here, all the steps of the approval process had been gone through, but the plat was never recorded. Mr. Page stated the item would not go to the Board of Aldermen, therefore if the Commission should consider approval, the staff recommended consideration of the following conditions:

A. All conditions attached to the original final plat approval by the Board of Aldermen on January 20, 2009 to remain in full force and effect.
B. Recording of the plat.

Mr. Page concluded by stating it is exactly the same plat.

Mr. Lachaussee asked if the Committee members had any questions for Mr. Page. There were none at this time.

Mr. Lachaussee asked if there was any one present representing the applicant and recognized Mr. James Tashie, 120 Cherry Road, Memphis, TN 38117. Mr. Tashie stated he was representing Malco Theater and was excited about moving this project forward and was sorry for the delay.

Mr. Lachaussee asked if there was anyone present in opposition to the applicant. Mr. Lachaussee recognized Ms. Dee Parker, 7119 North Hamilton Circle, Olive Branch, MS 38654. Ms. Parker stated she lived on the property that the subject property wraps around. Ms. Parker stated she was not opposed to the movie theater, but was concerned about her ground and eroding of her property. Mr. Page stated he appreciated her concerns, but that is not what is before the Planning Commission. Ms. Page explained her issue needs to go to Steve Bigelow, City Engineer as he approves all construction plans. Mr. Page stated regarding her problem, Mr. Bigelow and his staff would do inspections and make sure things were done properly.

Mr. Lachaussee asked if there was else anyone present in opposition to the applicant. There were none and public discussion was closed by Mr. Lachaussee.

Mr. Curbo made a motion to approve subject to the conditions stated in the Staff Report. Mr. Swindle seconded and the motion was unanimously approved.

OTHER BUSINESS

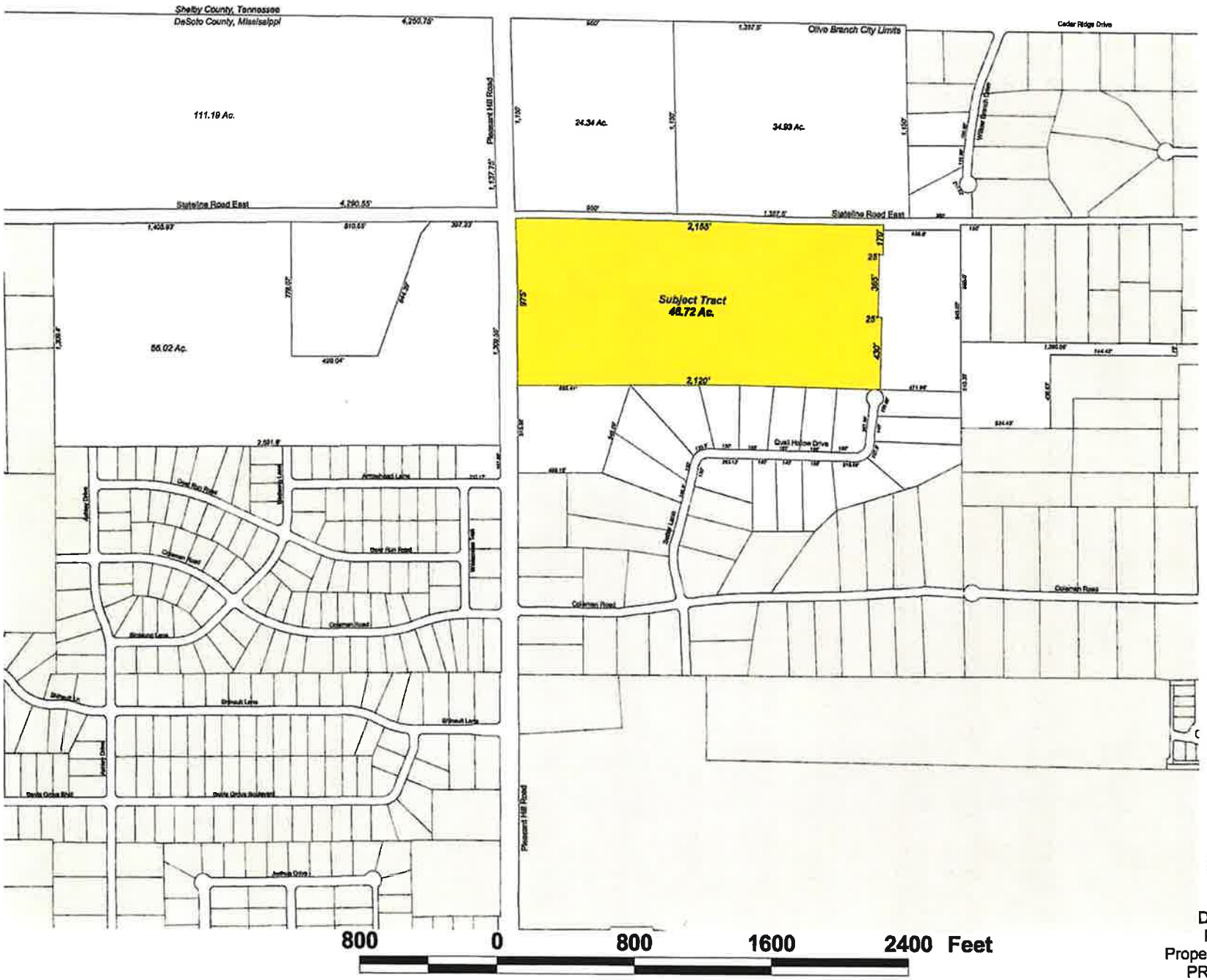
Ms. Thymes stated she would like a legal opinion on Item 1 regarding the required condition of converting the voluntary buffer to a required landscaping when recorded with the plat. Mr. Page stated he would talk with the City Attorney about the required condition, but the Planning Commission had full power to attach any reasonable condition to any subdivision plat under the laws of Mississippi.

There was no *"Other Business"* to conduct.

ADJOURNMENT

There being no further business to conduct, a motion was made by Mr. Curbo to adjourn the meeting. Seconded by Mr. McLure and the motion was unanimously approved. The meeting adjourned at 7:04 p.m.

Vicinity Map



Date: 09/17/12
Prepared By:
Property Research Data
PRD Job #12-047

That the following vote was taken on this action:

Alderman	George Collins	**Absent**
Alderman	Dale Dickerson	**Aye**
Alderwoman	Pat Hamilton	**Aye**
Alderman	Harold Henderson	**Aye**
Alderwoman	Susan Johnson	**Absent**
Alderman	Don Tullos	**Aye**
Alderman	David Wallace	**Aye**

ORDERED AND DONE this the 18th day of December, 2012.

SAMUEL P. RIKARD, MAYOR

ATTEST:

JUDY C. HERRINGTON, CITY CLERK

9. Set Public Hearing for consideration of application for a Project Text and Preliminary Development Plan for Tinseltown Plaza Planned Commercial District, submitted by Hugh Armistead, on behalf of the property owner, Suzanne Atwell. Tract of land consists of 2 lots, 8.28 acres in size. Subject property is located on the south side of Goodman Road, east of Pleasant Hill Road, and west of Southbranch Parkway, in Section 36, Township 1 south, Range 7 west. The property is currently zoned "C-4," Planned Commercial District. *Public Hearing set for January 15, 2013.*

PLANNING COMMISSION / OLD BUSINESS

Mayor Rikard next read notice of **Public Hearing for consideration of application for Zoning Amendment, for New Life in Christ Fellowship Church, submitted by Brenda Solomito, on behalf of the property owner.** The request is to rezone property from its current zoning designation of "R-3" PD, Planned Residential District, to "AR", Agricultural Residential District. Subject property is located on the southeast corner of Stateline Road and Pleasant Hill Road. Tract of land consists of 48.69 acres, located in Section 24, Township 1 South, and Range 7 West. *Public Hearing set for this date in meeting of November 20, 2012.* Laurette Thymes, Assistant Planner, presented the staff report. Brenda Solomito was present and addressed the Board in agreement. No one from the public spoke in favor or opposition. After discussion Alderman Henderson made **motion to approve Zoning Amendment, for New Life in Christ Fellowship Church, with details in Order as follows,** seconded by Alderman Tullos. Motion put to vote and carried with Alderman Dickerson, Alderwoman Hamilton, Alderman Henderson, Alderman Tullos and Alderman Wallace voting in favor, and with Alderman Collins and Alderwoman Johnson being absent. *Ordinance as follows:*

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OLIVE BRANCH, MISSISSIPPI AMENDING ORIGINAL ZONING ORDINANCE AS TO SPECIFIC PROPERTY

An Ordinance pursuant to re-zoning application submitted by New Life in Christ and J&M Holdings to amend the Ordinance adopted by the City of Olive Branch, specifically changing the zoning of a 46 acre site located at the southeast corner of Pleasant Hill Road and Stateline Road, and being situated in Section 24, Township 1 South, Range 7 West, with a more specific description being on file with the City Clerk.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

WHEREAS, New Life in Christ and J&M Holdings, owners of the property, made application to the City of Olive Branch Planning Commission for rezoning of a 46 acre tract located on the southeast corner of the intersection of Pleasant Hill Road and Stateline Road, from its current designation of R-3, Planned Residential, to A-R, Agricultural Residential, and

WHEREAS, said application was reviewed by the Olive Branch Planning Commission, and

WHEREAS, the Planning Commission voted to recommend approval of the re-zoning request, and

WHEREAS, it is required by the zoning regulations that a public hearing be held for changes of zoning, said public hearing being set before the Mayor and Board of Aldermen on the 18th day of December, 2012 at 6:30 o'clock P.M., and notice thereof was given, as provided by law, and as shown by proof of publication on file with the City Clerk, and

WHEREAS, the Mayor and five Aldermen participated in the hearing, and

WHEREAS, Laurette Thymes provided the staff's report. Ms. Thymes' written report, which was available to and reviewed by

the Board, contained the applicant's written proof as to the rezoning criteria and City staff's recommendations as to the Comprehensive Plan, and

WHEREAS, Brenda Solomito, representing the applicant, addressed the Board in support of the rezoning, and

WHEREAS, no one from the public appeared in opposition to the re-zoning request, and

WHEREAS, the Mayor and Board of Aldermen, considering the full record and taking into consideration their own common knowledge and familiarity with the subject property, find that appropriate proof was presented by the applicant to support the re-zoning request.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

1. That the applicant satisfied the burden of proof of a change in the character of the neighborhood by noting the continued large lot residential uses in the area, inconsistent with a higher density R-3 development.
2. That the applicant satisfied the burden of proof that there is public need for the re-zoning in that the City's Comprehensive Plan recommends "Low Density Single Family" uses for the subject property, and that the goals of the Comprehensive Plan are best met with an A-R zoning designation for the property.
3. This Ordinance is hereby adopted re-zoning the subject property from R-3 to A-R with a corresponding amendment to the City Zoning map.

Passage of this Ordinance is now official and the same shall take effect and be enforced as provided by law.

ADOPTED, ORDAINED AND APPROVED this 18th day of December, 2012.

SAMUEL P. RIKARD, MAYOR

ATTEST:

JUDY C. HERRINGTON, CITY CLERK

The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderman Henderson, and seconded by Alderman Tullos, with the following results:

Alderman George Collins	**Absent**
Alderman Dale Dickerson	**Aye**
Alderwoman Pat Hamilton	**Aye**
Alderman Harold Henderson	**Aye**
Alderwoman Susan Johnson	**Absent**
Alderman Don Tullos	**Aye**
Alderman David Wallace	**Aye**

The foregoing Ordinance was passed, adopted and approved on the 18th day of December, 2012.

SAMUEL P. RIKARD, MAYOR

ATTEST:

JUDY C. HERRINGTON, CITY CLERK

Appendix A - copy of Proof of Publication (Notice)
Appendix B - copy of Proof of Publication (Ordinance)

Next item being consideration of **application for a Preliminary Subdivision for New Life in Christ Subdivision, submitted by Brenda Solomito, on behalf of the property owner, New Life in Christ Fellowship Church, consisting of 3 lots, 48.69 acres in size.** Subject property is located on southeast corner of Stateline Road and Pleasant Hill Road, in Section 24, Township 1 South, and Range 7 West. The property is currently zoned "R-3" PD, Planned Residential District, but have made application for AR", Agricultural Residential District. *Tabled til this date in meeting of November 20, 2012.* Brenda Solomito was present and addressed the Board in agreement. No one from the public spoke in favor or opposition. After discussion Alderman Henderson made **motion to approve Preliminary Subdivision for New Life in Christ Subdivision, with details in Order as follows,** seconded by Alderman Tullos. Motion put to vote and carried with Alderman Dickerson, Alderwoman Hamilton, Alderman Henderson, Alderman Tullos and Alderman Wallace voting in favor, and with Alderman Collins and Alderwoman Johnson being absent. *Order as follows:*

6/27/13 9:43:51
DK W BK 710 PG 194
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

Space Above This Line for Recording Data

Prepared by: First National Financial Title Services, LLC, Lawrence F. Hatten, III, Attorney (MS Bar# 101536), 6880 Cobblestone Blvd, Ste 2, Southaven, MS 38672 (662) 892-6536

Return to: First National Financial Title Services, LLC, 6880 Cobblestone Blvd, Ste 2, Southaven, MS 38672 (662) 892-6536

WARRANTY DEED

Grantor(s): Kevin Willis, Sr., et al.
Address: 6888 Goodman Road
Olive Branch, MS 38654
Phone: 662-890-8970 (Only Number)

Grantee(s): New Life in Christ Fellowship Church, a Mississippi Non-Profit Corporation
Address: 6888 Goodman Road
Olive Branch, MS 38654
Phone: 662-890-8970 (Only Number)

For and in consideration of the sum of Ten Dollars ($10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, We, the undersigned Grantors, **KEVIN WILLIS, SR., Pastor/Trustee, LINDA WILLIS, Pastor/Trustee, AUDREY BETTS, Elder/Trustee, and QUINCY PRESTON, Elder/Trustee for NEW LIFE IN CHRIST FELLOWHIP CHURCH,** do hereby sell, convey and warrant unto **NEW LIFE IN CHRIST FELLOWSHIP CHURCH, A MISSISSIPPI NON-PROFIT CORPORATION,** the following described property, together with the improvements, hereditaments and appurtenances thereunto belonging, located in the County of DeSoto, State of Mississippi, and more particularly described as follows, to-wit:

10.00 acres, more or less, situated in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, being more particularly described as follows:

Commencing at the commonly accepted northwest corner of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, being an iron rod found in the intersection of centerlines of Stateline and Pleasant Hill Roads; thence South 89 degrees 32 minutes 15 seconds East, a distance of 53.04 feet; thence South 1 degree 45 minutes 25 seconds East a distance of 53.04 feet to the POINT OF BEGINNING; thence South 89 degrees 32 minutes 15 seconds East along the south line of said Stateline Road a distance of 387.15 feet; thence South 89 degrees 09 minutes 08 seconds East along said line a distance of 77.03 feet; thence South 0 degrees 27 minutes 37 seconds East a distance of 942.51 feet to a steel fence rail found; thence South 89 degrees 17 minutes 40 seconds West a distance of 461.58 feet to the east line of Pleasant Hill Road; thence along the east line of said road the following calls: thence North 0 degrees 01 minutes 50 seconds West a distance of 460.32 feet; thence North 0 degrees 05 minutes 34 seconds West a distance of 177.42 feet; thence North 1 degree 45 minutes 25 seconds West a distance of 314.84 feet to the POINT OF BEGINNING, said described tract containing 10.0 acres, more or less.

5

BEING the same property conveyed to Kevin Willis, Sr., Pastor/Trustee, Linda Willis, Pastor/Trustee, Audrey Betts, Elder/Trustee and Quincy Preston, Elder/Trustee, for New Life In Christ Fellowship Church, by Warranty Deed from J & M Holdings, LLC, a Mississippi limited liability company, dated December 09, 2010, recorded December 20, 2010, in Book 648, Page 687, Chancery Clerk's Office of DeSoto County, Mississippi.

Said lands are subject to rights of way and easements for public roads and for public utilities; to applicable building, zoning, subdivision and Health Department regulations; to the covenants, limitations and restrictions of record with the said recorded plat of said subdivision and to which reference is hereby made; to any matter which might be disclosed by a current, accurate survey and physical inspection of said lands.

The Grantors herein further warrant that subject property constitutes no part of their homestead and is not subject to the homestead interests of anyone at the time of conveyance.

WITNESS MY SIGNATURE this 24th day of June, 2013.

Kevin Willis, Sr., Pastor/Trustee for New Life in Christ Fellowship Church

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24th day of June, 2013, within the jurisdiction, the within named Kevin Willis, Sr., who acknowledged that he is Pastor/Trustee for New Life in Christ Fellowship Church and has executed the above and foregoing instrument after being duly authorized so to do.

Notary Public

(S E A L)

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 90001 LAWRENCE F. HATTEN, III Commission Expires June 23, 2016 DESOTO COUNTY

My Commission expires:

WITNESS MY SIGNATURE this 24th day of June, 2013.

Quincy Preston, Elder/Trustee for New Life in Christ Fellowship Church

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24th day of June, 2013, within the jurisdiction, the within named Quincy Preston, who acknowledged that he is Pastor/Trustee for New Life in Christ Fellowship Church and has executed the above and foregoing instrument after being duly authorized so to do.

Notary Public

(S E A L)

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 90001 LAWRENCE F. HATTEN, III Commission Expires June 23, 2016 DESOTO COUNTY

My Commission expires:

FILE #: S21545A

WITNESS MY SIGNATURE this 24th day of June, 2013.

Audrey Betts

Audrey Betts, Elder/Trustee for New Life in Christ Fellowship Church

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24th day of June, 2013, within the jurisdiction, the within named Audrey Betts, who acknowledged that he/she is Elder/Trustee for New Life in Christ Fellowship Church and has executed the above and foregoing instrument after being duly authorized so to do.

Notary Public

(S E A L)

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 90001 LAWRENCE F. HATTEN, III Commission Expires June 23, 2016 DESOTO COUNTY

My Commission expires:

WITNESS MY SIGNATURE this 24th day of June, 2013.

Linda Willis

Linda Willis, Pastor/Trustee for New Life in Christ Fellowship Church

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24th day of June, 2013, within the jurisdiction, the within named Linda Willis, who acknowledged that she is Pastor/Trustee for New Life in Christ Fellowship Church and has executed the above and foregoing instrument after being duly authorized so to do.

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 90001 LAWRENCE F. HATTEN, III Commission Expires June 23, 2016 DESOTO COUNTY

Notary Public

(S E A L)

My Commission expires:

ael 10/04/19 2:08:32
DK W BK 901 PG 164
DESOTO COUNTY, MS
MISTY HEFFNER, CH CLK

[SPACE ABOVE THIS LINE FOR RECORDING DATA]

Prepared by and Return To: TAYLOR BUNTIN (MSB #7525) Bridgforth, Buntin & Emerson, PLLC P. O. Box 241 Southaven, MS 38671 (662) 393-4450	**Grantor:** NEW LIFE IN CHRIST FELLOWSHIP CHURCH 6825 East Holmes Road Memphis, TN 38141 Phone: 901-370-6326
Indexing Instructions: 10.00 acres ± in Northwest Quarter, Section 24, Township 1 South, Range 7 West, DeSoto County, MS. File #2019098815	**Grantee:** NORTHCENTRAL MISSISSIPPI ELECTRIC POWER ASSOCIATION 4600 North Central Way Olive Branch, MS 38654 Phone: 662-895-2151

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS ($10.00), cash in hand paid and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, NEW LIFE IN CHRIST FELLOWSHIP CHURCH, a Mississippi non-profit corporation, by and through its authorized officials, Grantor, does hereby bargain, sell, convey, and warrant unto NORTHCENTRAL MISSISSIPPI ELECTRIC POWER ASSOCIATION, a Mississippi non-profit corporation, Grantee, the following described property being situated in DeSoto County, Mississippi, to-wit:

SEE ATTACHED **EXHIBIT "A"**

The warranty in this deed is subject to rights of way and easements for public roads and public utilities, including but not limited to those easements recorded in Book 308, page 708, Book 420, Page 583 and Book 600, Page 3 in the land records of the Chancery Clerk of DeSoto County, Mississippi, all subdivision and zoning regulations in effect in the City of Olive Branch, DeSoto

Attachment 17 - 2019 Warranty Deed

County, Mississippi, and further subject to all applicable building restrictions and the restrictive covenants of record.

Taxes for the year 2019 are to be pro-rated and possession is given with delivery of this Deed.

WITNESS the signatures of the duly authorized officials of the Grantor this the 2 day of October, 2019.

NEW LIFE IN CHRIST FELLOWSHIP CHURCH
A Mississippi Non-Profit Corporation

By: _____
Duke Coleman, Member of Executive
Leadership Staff and Authorized Signatory

By: _____
Quincy Preston, Member of Executive
Leadership Staff and Authorized Signatory

~~Mississippi~~

STATE OF ~~DeSoto~~ MS
COUNTY OF DeSoto

THIS DAY PERSONALLY appeared before me, the undersigned authority at law in and for the state and county aforesaid, the within named DUKE COLEMAN acknowledged that he is a member of the Executive Leadership Staff of NEW LIFE IN CHRIST FELLOWSHIP CHURCH, a Mississippi Non-Profit Corporation, and that for and on behalf of the said Non-Profit Corporation, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said Non-Profit Corporation to do so.

Given under my hand and official seal this the 2 day of October, 2019.

(Seal)

STATE OF MISSISSIPPI
ABIGAIL R. POPE
ID NO. 122784
Commission Expires
01/28/2022
NOTARY PUBLIC
DESOTO COUNTY

Abigail R. Pope
Notary Public
My Commission Expires: 01/28/2022

T:\Taylor\Closings\NCEPA\WD.doc

Attachment 17 - 2019 Warranty Deed

STATE OF Mississippi
COUNTY OF Desoto

THIS DAY PERSONALLY appeared before me, the undersigned authority at law in and for the state and county aforesaid, the within named QUINCY PRESTON acknowledged that he is a member of the executive leadership staff of NEW LIFE IN CHRIST FELLOWSHIP CHURCH, a Mississippi Non-Profit Corporation, and that for and on behalf of the said Non-Profit Corporation, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said Non-Profit Corporation to do so.

Given under my hand and official seal this the 2 day of October, 2019.

(Seal)

STATE OF MISSISSIPPI
ABIGAIL R. POPE
ID NO. 122784
Commission Expires
01/28/2022
NOTARY PUBLIC
DESOTO COUNTY

Abigail R. Pope
Notary Public
My Commission Expires: 01/28/2022

T:\Taylor\Closings\NCEPA\WD.doc

EXHIBIT "A"

Commencing at the commonly accepted northwest corner of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, being an iron rod found in the intersection of centerlines of Stateline and Pleasant Hill Roads; thence South 89 degrees 32 minutes 15 seconds East, a distance of 53.04 feet; thence South 1 degree 45 minutes 25 seconds East a distance of 53.04 feet to the POINT OF BEGINNING; thence South 89 degrees 32 minutes 15 seconds East along the south line of said Stateline Road a distance of 387.15 feet; thence South 89 degrees 09 minutes 08 seconds East along said line a distance of 77.03 feet; thence South 0 degrees 27 minutes 37 seconds East a distance of 942.51 feet to a steel fence rail found; thence South 89 degrees 17 minutes 40 seconds West a distance of 461.58 feet to the east line of Pleasant Hill Road; thence along the east line of said road the following calls: thence North 0 degrees 01 minutes 50 seconds West a distance of 460.32 feet; thence North 0 degrees 05 minutes 34 seconds West a distance of 177.42 feet; thence North 1 degree 45 minutes 25 seconds West a distance of 314.84 feet to the POINT OF BEGINNING, said described tract containing 10.0 acres, more or less.

Being the same property conveyed to New Life in Christ Fellowship Church, a Mississippi Non-Profit Corporation, by Warranty Deed from Kevin Willis, SR., Linda Willis, Audrey Betts and Quincy Preston, trustees for New Life in Christ Fellowship Church of record in Book 710, Page 194, in the Chancery Clerk's Office for DeSoto County, Mississippi, dated 06/24/13 recorded on 06/27/13.

Bristol Oaks
An R-3 Planned Residential Development
Olive Branch, Mississippi

Originally Submitted:
August 12, 2005

Originally Submitted by:
Jean Isbell
6437 Wynfrey Place
Memphis, TN 38120

Originally Prepared by:
RUSSELL & COMPANY – SURVEYORS/ENGINEERS
6760 GOODMAN ROAD E.
OLIVE BRANCH, MS 38654
662-893-3377
PO. BOX 1457
FAX 662-893-3379

Reconstructed for Resubmission (Rev. 2)
December 23, 2024

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Background to Amended Master Plan

The following master plan narrative is annotated and adjusted from the original Bristol Oaks R-3 Master Plan which was approved by the City of Olive Branch in 2005. The digital source file was determined to be unavailable because the company which created the original is no longer in operation. Consequently, the document has been reconstructed from a scanned file provided by the City of Oliver Branch.

Subsequent to the original submission and approval of the Bristol Oaks plan 2005, the site's zoning was mistakenly revoked 2012. Revocation was based upon errors related to misrepresentation of the ownership of the site and failure of property owner notification.

In the period since the zoning error, 10 acres was sold from the western portion of the site for a utility installation, reducing the R-3 zoned area from approximately 48 acres to 38 acres. The original plan has been adjusted to account for this circumstance. Additional adjustments have made at the request of staff clarification along with the retention of language from the original approval. Adjustments are noted by deletions indicated by ~~strikeouts~~, additions indicated by underline, and other explanatory information annotated with footnotes.

I. General Description of Bristol Oaks

Bristol Oaks, an R-3 Planned Residential Development, is designed to provide an appealing planned neighborhood environment for the existing and future residents of Olive Branch, Mississippi. [1]Its dense, existing tree growth will allow for unique and attractive home sites and plans are being made to minimize the amount of clearing onsite to preserve the natural setting that Bristol Oaks creates. Its[2] wrought iron and brick entries will present an upscale development to any onlooker. Bristol Oaks will provide single-family home ownership opportunities to meet current public need in the area.

This 38.69[3] acre site is currently vacant and is located at the southeast corner of Pleasant Hill Road and Stateline Road. Sites directly to the east of the project are zoned for AR residential home sites. To the north across Stateline Road and west across Pleasant Hill Road, properties are also zoned AR. Land to the south has been developed as Quail Hollow Subdivision, a large lot residential subdivision. To the southwest, twenty and thirty thousand square foot lots have been approved as part of a PUD. The typical soil type for this area is a Grenada Loam with a high water table of 1 - 2 feet below surface.

The narrative description and maps that form the master plan of Bristol Oaks set forth the land use for the development and shall be considered the preliminary plan for the development. Upon approval, the plan will be used to govern and coordinate the construction of the entire development.

II. Regulatory Compliance

The site of the proposed R-3 Planned Residential Development is currently zoned AR and offers lots sized from 20,000 square feet. The properties to the west, east, and north are currently zoned AR, and property immediately to the south of the project is in the R3 zoning. The development pattern of the proposed planned residential development is compatible with the existing zonings by providing single-family residential opportunities to new and existing residents of Olive Branch.

To provide appealing transitions between the adjoining properties and existing roadways, larger lots sized from 22,995 square feet are proposed ~~contiguous to Pleasant Hill Road~~ [4]~~on the west of the development and~~ contiguous to Stateline Road on the north of the development ~~to the~~

[1] The site's Pleasant Hill frontage is now occupied by a utility substation.
[2] "Gated" removed to clarify that streets are public.
[3] Acreage accounts for 10 acre utility substation site constructed on the west side of the site.
[4] The site's Pleasant Hill frontage is now occupied by a utility substation.

~~extent that these roads front the project~~ (See Exhibit 2, Site Plan). These lots offer 35 feet front yard setbacks and shall have a minimum of a two-car side load garage.

The balance of the development will provide lots from 20,000 square feet. These lots offer 35 feet front yard setbacks and shall have a minimum of a two-car side load garage.

The Desoto County Comprehensive Plan[5] designates the future use of the site as low density residential. This residential designation allows for development of up to 3.5 units to the acre, or 135 units on the 38.69 acres. The plan proposes 51 [6]lots for the site at a density of1.4. Bristol Oaks community offers lots for single-family residential use only.

III. Uses Permitted, Bulk Requirements, Plan Data, and Design Standards

1. Uses - The Site Plan shows one class of land use; residential. Uses permitted are listed as follows. Additional use restrictions may be contained in the restrictive covenants, however, any such additions shall not relieve any of the requirements of the approved project text and will only be more restrictive than the requirements of the approved project text. The builders in Bristol Oaks will utilize a variety of building styles and floor plans. The homes shall consist of a minimum of 70% brick construction on all sides [7]with a variety of color combinations to be used. Roofs shall be constructed using a dimensional style shingle and all homes shall have a minimum finished heated floor area of 2,000 square feet.

    1. Single Family Residential District - Uses in the Single-Family Residential District are as follows:
        a. Single family dwellings
        b. Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only
        c. Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature
        d. Home occupations subject to the standards defined under "A"[8] applicable provisions of the Olive Branch Zoning Ordinance.

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[5] Current City of Oliver Branch classification is Rural Estate. This classification permits 1 du per acre or more if adequate infrastructure is provided.
[6] Units, acreage, and lots updated to reflect the 10 acre utility substation site.
[7] Added for clarity.
[8] Original zoning references the DeSoto County Zoning Ordinance, but this language is modified as shown without objection.

e. Accessory buildings and uses as provided in Article VII of the Olive Branch Zoning Ordinance
f. Public Service facilities

2. Off-Street Parking - Off street parking shall be provided in accordance with the off-street parking provisions of the Olive Branch Zoning Ordinance as of the date of approval of this application.
3. Accessory buildings - Accessory buildings shall be allowed only to the rear of the home. No metal or portable buildings shall be allowed. Accessory buildings larger than 9' x 9' shall be constructed in the same manner, like colors, and like materials as the home. The placement of accessory buildings shall be subject to the applicable rules of the Olive Branch Zoning Ordinance.

4. Signs - Sign placement in the development shall be controlled by the applicable sections of the Olive Branch Zoning Ordinance. [9]

5. Landscape/ No Access Easements - Landscape/ No Access easements shall be established Stateline Road and shall restrict lots backing up to these roads from accessing them directly.

6. Fences - Fences shall be allowed according to the terms of the Olive Branch Zoning Ordinance as of the date of [10] as for the date of the fence permit application except that 6 foot high fences shall be permitted on Stateline Road. . Chain link fences shall be expressly prohibited. Permitted fences shall be constructed singularly or in combination of wood, brick, or wrought iron.

7. Mailboxes[11] -. Group mailbox installations shall be provided in one to two locations as required by the United States Postal Service and approved by the City of Olive Branch.

8. Street signs - Street signs shall be made by one manufacturer. They shall be in similar, complementing styles and materials of the mailboxes. [12]

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[9] This language is contained with the original application and struck out without objection.
[10] This language is contained in the original text but modified here without objection.
[11] Adjusted to meet current Federal postal requirements.
[12] For clarity, street signs will be constructed to Olive Branch standards.

Entrance Signs - Sign easements shall be reserved on the corner lots within the development along [13]Stateline Road for the purpose of establishing an entrance sign denoting the name of the development. The sign will be of brick with brick columns and a wrought iron gate.

2. Bulk Requirements - Bulk requirements for the development are listed as follows:
    1. Maximum Densities: Dwelling units per acre for the overall development shall be as follows:
        a. Single Family Residential -I.4 dwellings per acre
    2. Lot dimensions - Lot dimensions shall be required as follows:
        a. [14]Front Yard Set Back- 35 feet minimum
        b. Side Yard Set Back - 5 feet on each side
        c. Rear Yard Set Back - 20 feet
        d. Minimum Lot width at Front Yard Set Back - 115 feet
        e. Minimum Lot Size -20,000 Square Feet
        f. Maximum Height (principal structure)- 35 Feet
    3. Building[15] shall be prohibited in the utility easement on the west border of the property.
3. Plan Statistics and Data

The scope of the plan and the total number of units and acreage devoted to each section of the community is as follows:

[13] Pleasant Hill frontage is occupied by the 10 acre utility substation site.
[14] Heading struck without objection.
[15] As noted in the preface, the western 10 acres was sold for a utility substation and an easement established for the utility substation.

Master Plan Data[16]				
Use	Acres	Units	Density	Population
R-3	38.69	51	1.4	220
Land use density is based on gross acreage. The actual acreage of the development acres may vary slightly subject to final design and engineering.				

4. Single Family Building Design Standards - Minimum Design Standards for single family residential homes are listed as follows:

All residential structures shall be constructed of a minimum of 70% brick exterior on all sides[17]. The minimum finished heated square footage of a house will be 2,000 square feet excluding open porches, and garages.

All homes shall have a minimum of a two-car side load enclosed garage. All driveways shall be constructed of concrete. All roofs shall be constructed using a dimensional style shingle. Roofs shall be pitched at a minimum ratio of 6 to 12 for the main dwelling, and porches shall be a minimum pitch ratio of 4 to 12. Unit design and style shall be approved by the developer.

Areas adjacent to streets and pedestrian walkways, as well as interior landscape areas, shall be treated with grass and/or other types of vegetative ground cover. Such areas shall be sodded prior to building occupancy. Sod shall completely cover the front yard and shall extend to the rear corner of the home. The sod shall extend to the side property lines.

In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, and trees by utilizing a sprinkler system or hose bibs.

IV. Roads, Access, and Circulation

Bristol Oaks is accessed through a 50 foot right-of-way and connects directly to Stateline Road. From there, residents will have quick access to Highway 302, Highway 78, or Memphis. No access shall be allowed from any lot directly to Stateline Road. See Exhibit 2, Site Plan.

A right of way of40 feet (two travel lanes and center turn lane) [18]from centerline, shall be dedicated along Stateline Road in conformance with the City of Olive Branch's Major Road Plan.

[16] Table revised to account for reduced site size.
[17] Language added for clarity.
[18] Adjusted to meet current MPO Long Range Transportation Plan.

Proposed construction of Stateline Road shall consist of one and a half lanes of asphalt with curb, gutter and sidewalks across the south side to the extent that the road fronts the development.

The streets within the development are to be constructed at 50 feet right of ways. These streets shall consist of 30 feet of asphalt, measured from back of curb to back of curb and shall conform to the Road Construction Standards for Olive Branch. The outside five feet on each side shall be painted as a walking area. Sidewalks shall be provided on both sides of the street. For the typical road Cross Section see Exhibit310, Project Details. All streets shall be in conformance with the Major Road Plan.

V. Landscaping and Buffering

Landscape buffers shall be provided along the south side of Stateline Road. These buffers shall consist of existing tree growth that is currently onsite supplemented by evergreen planting screen, including the removal of undergrowth. This will preserve the natural setting of Bristol Oaks. Proposed landscape no access easements are illustrated on Exhibits 2, Site Plan. A 2" caliper deciduous tree shall be planted in the front yard of each lot prior to home occupancy. Each tree shall be a minimum of 5' from both the front and the side lot line utility easements. See Site Plan, Exhibit 2.

VI. Open Space

The developers of Bristol Oaks Subdivision have elected to pay the City designated fee in lieu of dedicating open space.[19]

VII. Drainage Facilities and Services

The master plan of Bristol Oaks has been analyzed and improvements proposed which meet Olive Branch drainage standards. No significant increase in the current storm water runoff rate shall be caused by the construction. All necessary drainage plans and facilities to provide for no significant increase in storm water runoff shall be provided to the City Engineer's Office for approval.

VI. Utility Facilities

Sanitary sewer facilities shall be provided by the City of Olive Branch. Sanitary sewer facilities shall consist of a gravity system that will be tied into the existing City sewer system.

Water service is to be provided by the City of Olive Branch. Water mains will be extended from their present location on Pleasant Hill Road and Stateline Road southeast throughout the

[19] This option was available at the time of rezoning.

subdivision. Fire hydrants will be installed in accordance with the regulations of the City of Olive Branch.

Electric power shall be supplied by North Central Mississippi Electric Power Association

Natural gas service shall be provided by Mississippi Valley.

All utilities shall be installed underground.

IX. Phases of Construction

Bristol Oaks shall be developed in one phase, upon approval. Construction shall begin in mid to late - 2025[20].

X. Justification for the rezoning[21]

1. List how the proposed amendment would conform to the recommendations of the General Development Plan.

   The General Development Plan, Detailed Land Use Map indicates that this property is recommended for Residential Low Density development. Bristol Oaks provides a density at the lower end of the range of the recommended densities. Therefore Bristol Oaks Subdivision follows this recommendation of the General Development Plan,

   Bristol Oaks is located near a major transportation route and has quick and efficient access to employment areas through access to Goodman Road and Highway 78. Therefore this rezoning request follows the recommendations of the General Development Plan of Olive Branch.

2. Why the existing zoning district designation is inappropriate or improper.

   The existing zoning designation is inappropriate because utility infrastructure is being extended to the site that will support higher density developments.

---

[20] This date is the projected date of construction as of the original approval and is adjusted to reflect current circumstances.

[21] The justification for rezoning was accepted with the original approval. The rezoning was subsequently changed by error and mistake through due to misrepresentation of ownership of the site and failure of notification of the property owner.

3. What major economic, physical, or social changes have occurred in the vicinity of the property in question that were not anticipated by the City's General Development Plan and have substantially altered the basic character of the area, making the proposed amendment to the Zoning District Map appropriate.

   The continued development and growth of the BFI landfill just across the state line in Memphis is a determent to this area. In a recent DeSoto Times article, officials were quoted to say that when complete and closed, the BFI facility will be about as high as the Pyramid in downtown Memphis. That is some 200 feet above the surrounding properties.

4. The public need for the proposed zoning amendment.

   The public need for the zoning amendment is based on the continued growth of the City and the need for housing to support that growth.

   City growth has been documented by the DeSoto County Economic Council to have reached the 29,000 mark in the year 2000. This far exceeds the General Development Plan estimate of 15,200.

   DeSoto County has also been named the 42nd fastest growing county in the nation, as recently published in a local daily newspaper. With this growth rate, a constant supply of lots and homes must be supplied for the families moving into the County and City. This request will provide for the public need of additional residences with quick access to the employment centers of Olive Branch and Memphis.

Exhibits

Exhibit 1 Restrictive Covenants[22]
Exhibit 2 Site Plan
Exhibit 3 Street Cross Section
Exhibit 4 Home Character, Entrance, Sign Examples[23]

Exhibit 1 Restrictive Covenants

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BRISTOL OAKS

ARTICLE I
PROPERTY SUBJECT TO THESE COVENANTS AND RESTRICTIONS

[22] Covenants and Restrictions are private instruments of land use control. While current planning practice in Olive Branch does not require the inclusion of
[23] Home character added for clarity, entrance and sign examples reproduced..

The real property is, and shall be, held, conveyed, transferred and sold subject to the conditions, restrictions, covenants, reservations and easements herein contained; and is located in Desoto County, Mississippi; and is described as BRISTOL OAKS. Such lots are referred to collectively as the "Subdivision" and the word "Subdivision" as used herein refers only to such lots.

ARTICLE II
GENERAL PURPOSES OF COVENANTS AND RESTRICTIONS

The conditions, restrictions, covenants, reservations and easements herein contained are made and imposed upon the subdivision and each lot contained therein to insure the best use and the most appropriate development and improvement of each lot; to protect each owner of each lot against such improper use of surrounding lots, as well as depreciation of the value of the property; to preserve, so far as practicable, the natural beauty of the Subdivision; to encourage and secure the construction and erection of attractive homes on such lots; to prevent haphazard and inharmonious improvement of such lots; to secure and maintain proper setbacks from streets and adequate space between structures; and, in general, to provide adequately for a high type and quality of improvements on such lots, and thereby enhance the value of investments made by purchasers of such lots.

ARTICLE III
DURATION OF COVENANTS AND RESTRICTIONS

The conditions, restrictions, covenants, reservations and easements herein contained shall run with the Subdivision and shall be binding on all persons claiming under them until January 1, 2035, at which time said Covenants and Restrictions shall be automatically extended for successive periods of ten (10) years. These Covenants and Restrictions, or any one of them, may be amended prior to and on such date by an instrument signed by not less than eighty (80%) percent of the owners of such lots (one vote per lot). All amendments to the restrictive covenants must be approved by the Olive Branch Planning Commission before they become final and are recorded in the Chancery Clerk's Office.

ARTICLE IV
COVENANTS AND RESTRICTIONS

A. Restrictive covenants and similar documents are private in scope and not subject to governmental enforcement. However, if a person violates or attempts to violate any of the covenants herein, it shall be lawful for any person owning real property in said Subdivision to prosecute at law or in equity any person or persons violating any such covenants, and either to prevent him or them from so doing or to recover damages or other dues from such violators.
B. Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions which shall remain in full force and effect.

C. Residences shall have a minimum finished heated floor area of 2,000 sq. ft, exclusive of open porches, carports and garages. This required square footage does not include heated porches, garages or other areas not normally considered part of the heated area.

D. No residence, building, fence, wall or other structure shall be commenced, erected or maintained upon any lot in the Subdivision, nor shall any exterior addition to, change or alteration thereof be made until the construction plans, site plan and specifications showing the nature, kind, shape, size, height, materials and location of same shall be submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by Bristol Oaks, L.L.C., or its representative. Irregardless of the above, architectural requirements include homes to be constructed with at least 70 percent brick, roofs with a minimum pitch of 6 to 12 for principal roof form and 4 to 12 on porches and overhangs, and roofs to be constructed using a dimensional style shingle. However, in the event that Bristol Oaks, L.L.C., or its representative, fails to approve or disapprove such design and site plan within ten (10) working days after said plans have been submitted, such approval will not be required and this covenant shall be deemed to have been fully complied with.

E. All lots in this Subdivision shall be used for residential purposes only. All of such lots shall be known and described as single family residential lots and are not to be subdivided into smaller lots. All buildings or structures erected upon said lots shall be of new construction, and no building or structure shall be moved from other locations onto said lots.

F. No building material of any kind or character shall be placed or stored upon any lot until the owner is ready to commence construction. Building materials shall not be placed nor stored in the street or between the curb and property lines.

G. No trailer, basement, tent, shack, garage or barn erected on any lot within the Subdivision shall, at any time, be used as a residence, either temporarily or permanently, except for construction or home sale purposes only.

H. No noxious or offensive trade or activity shall be carried on upon any lot in this Subdivision, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

I. No animals, livestock or poultry of any kind shall be raised, bred or kept on any of said lots, except that dogs, cats, or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.

J. No recreational nor commercial vehicles including, but not limited to, boats, boat trailers, house trailers, camping trailers, motor homes, motorcycles, pickup trucks,

hobby vehicles or other similar type items, shall be placed upon any lot unless stored in an enclosed garage or in a fenced area at the rear of the residence, properly screened from the view of the neighbors or the street.

K. All trash or garbage shall be regularly removed from the premises and shall not be allowed to accumulate thereon.

L. Grass, weeds, vegetation and debris on each lot shall be mowed and cleared at regular intervals by the owner thereof in order to maintain same in a neat and attractive manner. Trees, shrubs, vines and plants that die shall be promptly removed from such lot.

M. No outside clotheslines or other apparatus for the drying of clothes shall be permitted in the subdivision.

N. All exterior television or radio antennas, and satellite dishes shall be installed according to the regulations of the municipal authority.

O. No wire fences shall be allowed. All other fences shall be constructed according to the regulations of the local governmental authority.

P. No plywood sheeting shall be permitted as the finished exterior surface.

Q. Exposed metal fireplace chimneys are prohibited.

R. The front and side yards of each lot shall be solid (block) sodded and the rear yard sprigged prior to occupancy of a residence.

S. All residences must have a two car side load enclosed garage for vehicle parking. However, no garage shall be larger than for four (4) cars. Any garage built in a location on the lot where it can be seen from any public street abutting the lot, must be enclosed and must have a door which, when closed, will screen the interior of the garage from public view from all such public streets abutting the lot. Garage doors must be kept shut, except during ingress and egress.

T. All mailboxes within the subdivision are to be identical in design, i.e., Halle design mailbox Verdigris in color by Pickle Ornamental Iron Co., Inc., 3177 Summer Avenue, Memphis, TN, or like kind approved by Developer.

U. There are perpetual easements as shown on the recorded plat of the Subdivision reserved for utility installation and maintenance, and drainage.

V. Building setbacks from all streets shall be required as shown on the recorded final plat and/or required by the zoning ordinances of the proper governmental authorities. Porches, stoops, chimneys, window boxes and other portions of the structure may not project beyond the minimum setback lines. An accidental variation of less than twelve inches (12") shall not constitute a violation of this covenant.

W. Each lot owner is prohibited from obstructing the free flow of water drainage, or diverting or changing such drainage in any manner that results in damage to any other lot owner. Furthermore, the lot owner shall be responsible for any and all erosion control measures that may be required by any governmental authority, provided that all such additional restrictions imposed at the time of sale by appropriate provision in the deed shall be more restrictive than the covenants listed here.

X. 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.

Y. Bristol Oaks, L.L.C., reserves unto themselves the right to impose additional specific restrictions upon any lot in this subdivision at the time of sale by said corporation of any of such lots. Such additional restrictions may be made by appropriate provision in the deed, without otherwise modifying the covenants and provisions contained herein. Such additional restrictions as are so made shall apply to the lot or lots on which they are specifically imposed, provided that all such additional restrictions imposed at the time of sale by appropriate provision in the deed shall be more restrictive than the covenants listed herein.

Bristol Oaks, L.L.C.

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority, in and for the said County and State, on this day of 2004, personally appeared and a member of Bristol Oaks, L.L.C., a Mississippi limited liability company, and that in said representative capacity, he executed the above and foregoing instrument, after having first been duly authorized so to do.
NOTARY PUBLIC
My commission expires:

Exhibit 2 Bristol Oaks Site Plan



Exhibit 3 Street Cross Section

Streets are to be designed as 50 feet of row with the travel surface measuring 30 feet back of curb to back of curb with two five-foot sidewalks on each side as illustrated below.

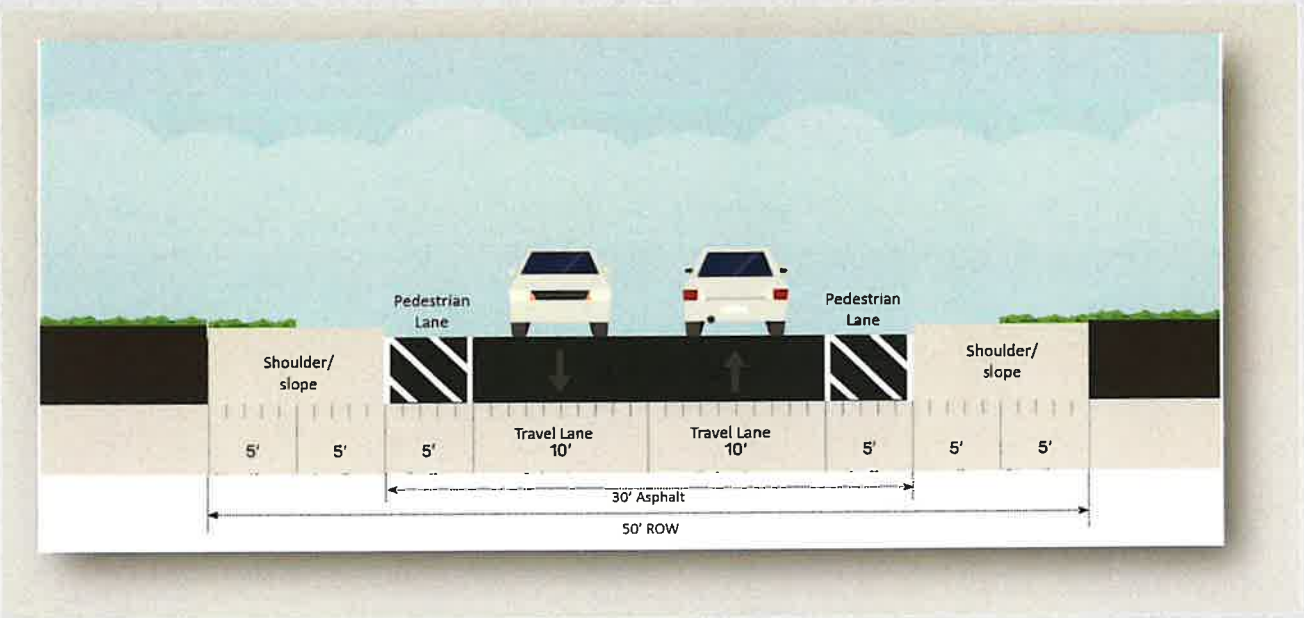


Exhibit 4 Example Home Character, Entrance, Sign Examples

The homes below represent the character of construction for Bristol Oaks.












Masters Drive

EXHIBIT 3A: 2005 Zoning Application (A-R to R-3)

OB PC

OLIVE BRANCH PLANNING COMMISSION
9150 PIGEON ROOST ROAD
OLIVE BRANCH, MISSISSIPPI 38654
(601) 895-4121

R205-0015

September 2005

ZONING MAP AMENDMENT APPLICATION

FEE DUE:	$250.00	RECEIPT #:	927268
RECORDING FEE:	$1.00	CHECK #:	5399
TOTAL FEES:	$251.00	CASH:	

AS OWNER OF RECORD, AUTHORIZED AGENT, OR ATTORNEY, *(INDICATE WHICH)* IT IS REQUESTED THAT THE PROPERTY LOCATED ON THE East SIDE OF Pleasant Hill Road (Street, Road, Drive) AND South OF Stateline Road. (Nearest Intersecting Street, Road Drive), MORE SPECIFICALLY KNOWN AS n/a (Street Address, If Assigned), CONSISTING OF 48.69 TOTAL ACRES IN SECTION 24 TOWNSHIP 01 RANGE 07, BE REZONED FROM AR (Existing Zoning) TO R-3 (Proposed Zoning Designation)

FOR THE FOLLOWING REASONS (You may use the back of this form if additional space is needed):

1. That the original zoning classification for the property was a mistake; or that,
   SEE TEXT

2. the character of the neighborhood has changed to such an extent as to justify the proposed rezoning (If the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any, have occurred in the vicinity of the property in question, which were not anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.); and that,
   SEE TEXT

3. A public need exists for the rezoning.
   SEE TEXT

I, THE UNDERSIGNED, BEING THE OWNER OF RECORD, OR THE OWNER'S AUTHORIZED AGENT, CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I FURTHER AGREE THAT I AM INFORMED CONCERNING THE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF OLIVE BRANCH, MISSISSIPPI, AS IT AFFECTS THE APPROVAL OF ZONING AMENDMENTS BY THE CITY.

(See attached sheet)
SIGNATURE OF OWNER OF RECORD

The 2002 Jean Bowe Isbell Trust - dated 05/31/02
Trustee: Mr. Jerry Goin 541 Riverview, Memphis, TN 38120 (901)274-3632 Fax: 274-6191
PROPERTY OWNER ADDRESS TELEPHONE/FAX NUMBERS

Edco Properties 6551 Stage Oaks Dr., #1 Bartlett, TN 38134 901-388-9176 Fax: 901-388-1233
DEVELOPER ADDRESS TELEPHONE/FAX NUMBERS

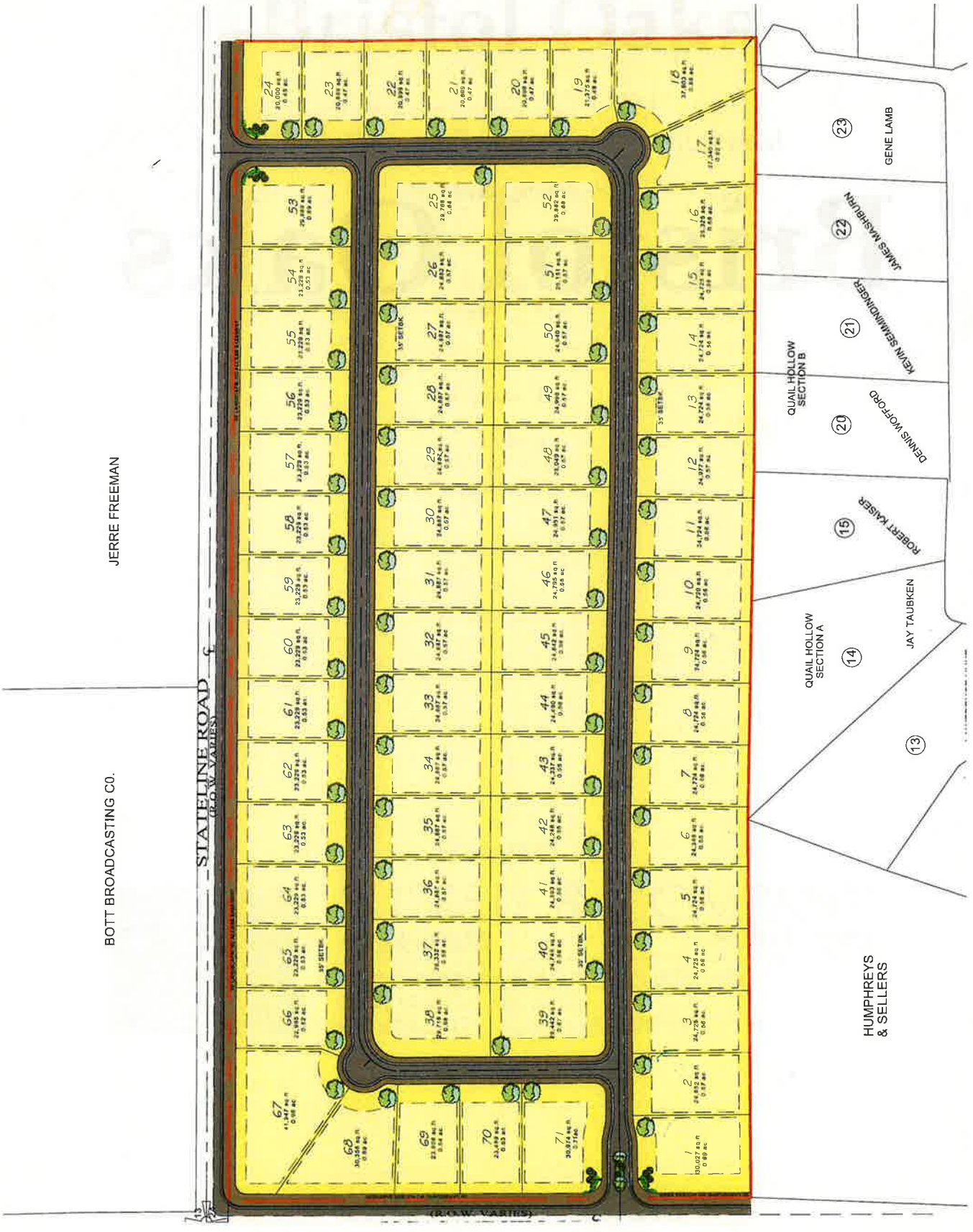
APPROVED/DISAPPROVED _____
CHAIRMAN, OLIVE BRANCH PLANNING COMMISSION

APPROVED/DISAPPROVED _____
MAYOR, OLIVE BRANCH MAYOR AND BOARD OF ALDERMEN

EXHIBIT 3B: Project Text and Preliminary Development Plan of Bristol Oaks Approved in 2005 subject to Conditions.

BRISTOL OAKS

Olive Branch, Mississippi



Bristol Oaks

Bristol Oaks

An R-3 Planned Residential Development

Olive Branch, Mississippi

Submitted:
August 12, 2005

Submitted by:

Jean Isbell
6437 Wynfrey Place
Memphis, TN 38120

Prepared by:

RUSSELL & COMPANY
ENGINEERS SURVEYORS
6760 GOODMAN ROAD E. • P.O. BOX 1457
OLIVE BRANCH, MS 38654
662-893-3377 FAX 662-893-3379

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VII. Drainage Facilities and Services 7

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IX. Phases of Construction 8

X. Justification of the rezoning 8

Exhibits 10

I. General Description of Bristol Oaks

Bristol Oaks, an R-3 Planned Residential Development, is designed to provide an appealing planned neighborhood environment for the existing and future residents of Olive Branch, Mississippi. The wide and inviting boulevard entrance from Pleasant Hill Road characterizes Bristol Oaks Subdivision. Its dense, existing tree growth will allow for unique and attractive home sites and plans are being made to minimize the amount of clearing onsite to preserve the natural setting that Bristol Oaks creates. Its gated wrought iron and brick entries will present an upscale development to any onlooker. Bristol Oaks will provide single-family home ownership opportunities to meet current public need in the area.

This 48.69 acre site is currently vacant and is located at the southeast corner of Pleasant Hill Road and Stateline Road. Sites directly to the east of the project are zoned for AR residential home sites. To the north across Stateline Road and west across Pleasant Hill Road, properties are also zoned AR. Land to the south has been developed as Quail Hollow Subdivision, a large lot residential subdivision. To the southwest, twenty and thirty thousand square foot lots have been approved as part of a PUD. The typical soil type for this area is a Grenada Loam with a high water table of 1 – 2 feet below surface.

The narrative description and maps that form the master plan of Bristol Oaks set forth the land use for the development and shall be considered the preliminary plan for the development. Upon approval, the plan will be used to govern and coordinate the construction of the entire development.

II. Regulatory Compliance

The site of the proposed R-3 Planned Residential Development is currently zoned AR and offers lots sized from 20,000 square feet. The properties to the west, east, and north are currently zoned AR, and property immediately to the south of the project is in the R3 zoning. The development pattern of the proposed planned residential development is compatible with the existing zonings by providing single-family residential opportunities to new and existing residents of Olive Branch.

To provide appealing transitions between the adjoining properties and existing roadways, larger lots sized from 22,995 square feet are proposed contiguous to Pleasant Hill Road on the west of the development and contiguous to Stateline Road on the north of the development to the extent that these roads front the project. See Exhibit 2, Site Plan. These lots offer 35 feet front yard setbacks and shall have a minimum of a two-car side load garage.

The balance of the development will provide lots from 20,000 square feet. These lots offer 35 feet front yard setbacks and shall have a minimum of a two-car side load garage.

The Desoto County Comprehensive Plan designates the future use of the site as low density residential. This residential designation allows for development of up to 3.5 units to the acre, or 170 units on the 48.69 acres. The plan proposes 71 lots for the site at a density of 1.46. Bristol Oaks community offers lots for single-family residential use only.

III. Uses Permitted, Bulk Requirements, Plan Data, and Design Standards

A. Uses - The Site Plan shows one class of land use; residential. Uses permitted are listed as follows: Additional use restrictions may be contained in the restrictive covenants, however, any such additions shall not relieve any of the requirements of the approved project text and will only be more restrictive than the requirements of the approved project text.

The builders in Bristol Oaks will utilize a variety of building styles and floor plans. The homes shall consist of a minimum of 70% brick construction with a variety of color combinations to be used. Roofs

shall be constructed using a dimensional style shingle and all homes shall have a minimum finished heated floor area of 2,000 square feet .

1. Single Family Residential District – Uses in the Single Family Residential District are as follows:

    a. Single family dwellings
    b. Model home including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only
    c. Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature
    d. Home occupations subject to the standards defined under "A" Agricultural District
    e. Accessory buildings and uses as provided in Article VII of the Olive Branch Zoning Ordinance
    f. Public Service facilities

2. Off-Street Parking - Off street parking shall be provided in accordance with the off–street parking provisions of the Olive Branch Zoning Ordinance as of the date of approval of this application.

3. Accessory buildings – Accessory buildings shall be allowed only to the rear of the home. No metal or portable buildings shall be allowed. Accessory buildings larger than 9' x 9' shall be constructed in the same manner, like colors, and like materials as the home. The placement of accessory buildings shall be subject to the applicable rules of the Olive Branch Zoning Ordinance.

4. Signs – Sign placement in the development shall be controlled by the applicable sections of the Olive Branch Zoning Ordinance as of the date of approval.

5. Landscape/ No Access Easements - Landscape/ No Access easements shall be established along Pleasant Hill Road and Stateline Road and shall restrict lots backing up to these roads from accessing them directly.

6. Fences – Fences shall be allowed according to the terms of the Olive Branch Zoning Ordinance as of the date of approval. Chain link fences shall be expressly prohibited. Permitted fences shall be constructed singularly or in combination of wood, brick, or wrought iron.

7. Mailboxes – Mailboxes shall be made by one manufacturer. They shall be made of iron, or similar material in appearance and shall be painted verdigris. A picture of a mailbox is included in Exhibit 10, Plan Details, which represents the style proposed.

8. Street signs – Street signs shall be made by one manufacturer. They shall be in similar, complementing styles and materials of the mailboxes. A picture of a street sign is included in Exhibit 10, Plan Details, which represents the style proposed.

9. Entrance Signs – Sign easements shall be reserved on the corner lots within the development along Pleasant Hill Road and Stateline Road for the purpose of establishing an entrance sign denoting the name of the development. See Exhibit 2, Site Plan. The sign will be of brick with brick columns and a wrought iron gate. The sign will be similar to those depicted on Exhibit 14.

B. Bulk Requirements - Bulk requirements for the development are listed as follows:

1. Maximum Densities: Dwelling units per acre for the overall development shall be as follows:

   a. Single Family Residential –1.46 dwellings per acre

2. Lot dimensions – Lot dimensions shall be required as follows:

   a. Single Family Residential
      Front Yard Set Back - 35 feet minimum
      Side Yard Set Back - 5 feet on each side
      Rear Yard set back - 20 feet
      Minimum Lot width at Front Yard Set Back - 115 feet
      Minimum Lot Size – 20,000 Square Feet
      Maximum Height – 35 Feet

C. Plan Statistics and Data

The scope of the plan and the total number of units and acreage devoted to each section of the community is as follows:

Master Plan Data

Use	Acres	Units	Density	Population
R-3	48.69	71	1.46	284
Total Site Size	48.69	71	1.46	284

*Land use density is based on gross acreage. The actual acreage of the development areas may vary slightly subject to final design and engineering.

D. Single Family Building Design Standards - Minimum Design Standards for single family residential homes are listed as follows:

All residential structures shall be constructed of a minimum of 70% brick exterior. The minimum finished heated square footage of a home will be 2,000 square feet excluding open porches, and garages.

All homes shall have a minimum of a two car side load enclosed garage. All driveways shall be constructed of concrete. All roofs shall be constructed using a dimensional style shingle. Roofs shall be pitched at a minimum ratio of 6 to 12 for the main dwelling, and porches shall be a minimum pitch ratio of 4 to 12. Unit design and style shall be approved by the developer.

Areas adjacent to streets and pedestrian walkways, as well as interior landscape areas, shall be treated with grass and/or other types of vegetative ground cover. Such areas shall be sodded prior to building occupancy. Sod shall completely cover the front yard and shall extend to the rear corner of the home. The sod shall extend to the side property lines.

In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, and trees by

utilizing a sprinkler system or hose bibs.

IV. Roads, Access, and Circulation

Bristol Oaks is accessed by two proposed right of way streets. The first is a 66 foot boulevard entrance and connects directly to Pleasant Hill Road. The second is a 50 foot right-of-way and connects directly to Stateline Road. See Exhibit 11, Entrance Detail. From there, residents will have quick access to Highway 302, Highway 78, or Memphis. No access shall be allowed from any lot directly to Pleasant Hill Road or to Stateline Road. See Exhibit 2, Site Plan.

A right of way of 53 feet from centerline, shall be dedicated along Stateline Road in conformance with the City of Olive Branch's Major Road Plan. Proposed construction of Stateline Road shall consist of one and a half lanes of asphalt with curb, gutter and sidewalks across the south side to the extent that the road fronts the development. For the typical road Cross Section see Exhibit 10, Project Details.

A right of way of 53 feet from centerline, shall be dedicated along Pleasant Hill Road in conformance with the City of Olive Branch's Major Road Plan. Proposed construction of Pleasant Hill Road shall consist of one and a half lanes of asphalt with curb, gutter and sidewalk along the east side of the road to the extent that the road fronts the development. For the typical road Cross Section see Exhibit 10, Project Details.

The streets within the development are to be constructed at 50 feet right of ways. These streets shall consist of 30 feet of asphalt, measured from edge of pavement to edge of pavement and shall conform to the Road Construction Standards for Olive Branch. The outside five feet on each side shall be painted as a walking area. For the typical road Cross Section see Exhibit 10, Project Details. All streets shall be in conformance with the Major Road Plan.

V. Landscaping and Buffering

Landscape buffers shall be provided along the east side of Pleasant Hill Road and the south side of Stateline Road. These buffers shall consist of existing dense tree growth that is currently onsite, including the removal of undergrowth. Exhibit 9, Aerial Photograph shows this existing growth as does Exhibit 13, Mature Tree Growth Illustration. This will preserve the natural setting of Bristol Oaks. Proposed landscape/ no access easements are illustrated on Exhibits 2, Site Plan. A 2 ½" caliper deciduous tree shall be planted in the front yard of each lot prior to home occupancy. Each tree shall be a minimum of 5' from both the front and the side lot line utility easements. See Site Plan, Exhibit 2.

VI. Open Space

The developers of Bristol Oaks Subdivision have elected to pay the City designated fee in lieu of dedicating open space.

VII. Drainage Facilities and Services

The master plan of Bristol Oaks has been analyzed and improvements proposed which meet Olive Branch drainage standards. No significant increase in the current storm water runoff rate shall be caused by the construction. Exhibit 3, Drainage Plan, shows that the site drains to the north. All

necessary drainage plans and facilities to provide for no significant increase in storm water runoff shall be provided to the City Engineer's Office for approval.

VIII. Utility Facilities

Sanitary sewer facilities shall be provided by the City of Olive Branch. Sanitary sewer facilities shall consist of a gravity system that will be tied into the existing City sewer system.

Water service is to be provided by the City of Olive Branch. Water mains will be extended from their present location on Pleasant Hill Road and Stateline Road southeast throughout the subdivision. Fire hydrants will be installed in accordance with the regulations of the City of Olive Branch. Locations are shown on Exhibit 4, Utility Plan.

Electric power shall be supplied by North Central Mississippi Electric Power Association

Natural gas service shall be provided by Mississippi Valley.

All utilities shall be installed under ground.

IX. Phases of Construction

Bristol Oaks shall be developed in one phase, upon approval. Construction shall begin in mid to late 2005.

X. Justification for the rezoning

1. *List how the proposed amendment would conform to the recommendations of the General Development Plan.*

   The General Development Plan, Detailed Land Use Map indicates that this property is recommended for Residential Low Density development. Bristol Oaks provides a density at the lower end of the range of the recommended densities. Therefore Bristol Oaks Subdivision follows this recommendation of the General Development Plan.

   Bristol Oaks is located near a major transportation route and has quick and efficient access to employment areas through access to Goodman Road and Highway 78.

   Therefore this rezoning request follows the recommendations of the General Development Plan of Olive Branch.

2. *Why the existing zoning district designation is inappropriate or improper.*

   The existing zoning designation is inappropriate because utility infrastructure is being extended to the site that will support higher density developments.

3. *What major economic, physical, or social changes have occurred in the vicinity of the property in question that were not anticipated by the City's General Development Plan and have substantially altered the basic character of the area, making the proposed amendment to the Zoning District Map appropriate.*

The continued development and growth of the BFI landfill just across the state line in Memphis is a determent to this area. In a recent DeSoto Times article, officials were quoted to say that when complete and closed, the BFI facility will be about as high as the Pyramid in downtown Memphis. That is some 200 feet above the surrounding properties.

4. *The public need for the proposed zoning amendment.*

The public need for the zoning amendment is based on the continued growth of the City and the need for housing to support that growth.

City growth has been documented by the DeSoto County Economic Council to have reached the 29,000 mark in the year 2000. This far exceeds the General Development Plan estimate of 15,200.

DeSoto County has also been named the 42nd fastest growing county in the nation, as recently published in a local daily newspaper. With this growth rate, a constant supply of lots and homes must be supplied for the families moving into the County and City. This request will provide for the public need of additional residences with quick access to the employment centers of Olive Branch and Memphis.

Exhibits

Exhibit 1	Restrictive Covenants
Exhibit 2	Site Plan
Exhibit 3	Drainage Plan
Exhibit 4	Utility Plan
Exhibit 5	Property Plan
Exhibit 6	Legal Description
Exhibit 7	Neighborhood Plan
Exhibit 8	Notice Addresses
Exhibit 9	Aerial Photograph
Exhibit 10	Project Details & Street Cross Sections
Exhibit 11	Entrance Detail
Exhibit 12	Omitted
Exhibit 13	Mature Tree Growth Illustration
Exhibit 14	Signage/ Gated Entry Photo
Exhibit 15	Master Illustration

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BRISTOL OAKS

ARTICLE I
PROPERTY SUBJECT TO THESE COVENANTS AND RESTRICTIONS

The real property is, and shall be, held, conveyed, transferred and sold subject to the conditions, restrictions, covenants, reservations and easements herein contained; and is located in Desoto County, Mississippi; and is described as BRISTOL OAKS. Such lots are referred to collectively as the "Subdivision" and the word "Subdivision" as used herein refers only to such lots.

ARTICLE II
GENERAL PURPOSES OF COVENANTS AND RESTRICTIONS

The conditions, restrictions, covenants, reservations and easements herein contained are made and imposed upon the subdivision and each lot contained therein to insure the best use and the most appropriate development and improvement of each lot; to protect each owner of each lot against such improper use of surrounding lots, as well as depreciation of the value of the property; to preserve, so far as practicable, the natural beauty of the Subdivision; to encourage and secure the construction and erection of attractive homes on such lots; to prevent haphazard and inharmonious improvement of such lots; to secure and maintain proper setbacks from streets and adequate space between structures; and, in general, to provide adequately for a high type and quality of improvements on such lots, and thereby enhance the value of investments made by purchasers of such lots.

ARTICLE III
DURATION OF COVENANTS AND RESTRICTIONS

The conditions, restrictions, covenants, reservations and easements herein contained shall run with the Subdivision and shall be binding on all persons claiming under them until January 1, 2035, at which time said Covenants and Restrictions shall be automatically extended for successive periods of ten (10) years. These Covenants and Restrictions, or any one of them, may be amended prior to and on such date by an instrument signed by not less than eighty (80%) percent of the owners of such lots (one vote per lot). All amendments to the restrictive covenants must be approved by the Olive Branch Planning Commission before they become final and are recorded in the Chancery Clerk's Office.

ARTICLE IV
COVENANTS AND RESTRICTIONS

A. Restrictive covenants and similar documents are private in scope and not subject to governmental enforcement. However, if a person violates or attempts to violate any of the covenants herein, it shall be lawful for any person owning real property in said Subdivision to prosecute at law or in equity any person or persons violating any such covenants, and either to prevent him or them from so doing or to recover damages or other dues from such violators.

B. Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions which shall remain in full force and effect.

C. Residences shall have a minimum finished heated floor area of 2,000 sq. ft, exclusive of open porches, carports and garages. This required square footage does not include heated porches, garages or other areas not normally considered part of the heated area.

D. No residence, building, fence, wall or other structure shall be commenced, erected or maintained upon any lot in the Subdivision, nor shall any exterior addition to, change or alteration thereof be made until the construction plans, site plan and specifications showing the nature, kind, shape, size, height, materials and location of same shall be submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by Bristol Oaks, L.L.C., or its representative. Irregardless of the above, architectural requirements include homes to be constructed with at least 70 percent brick, roofs with a minimum pitch of 6 to 12 for principal roof form and 4 to 12 on porches and overhangs, and roofs to be constructed using a dimensional style shingle. However, in the event that Bristol Oaks, L.L.C., or its representative, fails to approve or disapprove such design and site plan within ten (10) working days after said plans have been submitted, such approval will not be required and this covenant shall be deemed to have been fully complied with.

E. All lots in this Subdivision shall be used for residential purposes only. All of such lots shall be known and described as single family residential lots and are not to be subdivided into smaller lots. All buildings or structures erected upon said lots shall be of new construction, and no building or structure shall be moved from other locations onto said lots.

F. No building material of any kind or character shall be placed or stored upon any lot until the owner is ready to commence construction. Building materials shall not be placed nor stored in the street or between the curb and property lines.

G. No trailer, basement, tent, shack, garage or barn erected on any lot within the Subdivision shall, at any time, be used as a residence, either temporarily or permanently, except for construction or home sale purposes only.

H. No noxious or offensive trade or activity shall be carried on upon any lot in this Subdivision, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

I. No animals, livestock or poultry of any kind shall be raised, bred or kept on any of said lots, except that dogs, cats, or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.

J. No recreational nor commercial vehicles including, but not limited to, boats, boat trailers, house trailers, camping trailers, motor homes, motorcycles, pickup trucks, hobby vehicles or other similar type items, shall be placed upon any lot unless stored in an enclosed garage or in a fenced area at the rear of the residence, properly screened from the view of the neighbors or the street.

K. All trash or garbage shall be regularly removed from the premises and shall not be allowed to accumulate thereon.

L. Grass, weeds, vegetation and debris on each lot shall be mowed and cleared at regular intervals by the owner thereof in order to maintain same in a neat and attractive manner. Trees, shrubs, vines and plants that die shall be promptly removed from such lot.

M. No outside clotheslines or other apparatus for the drying of clothes shall be permitted in the subdivision.

N. All exterior television or radio antennas, and satellite dishes shall be installed according to the regulations of the municipal authority.

O. No wire fences shall be allowed. All other fences shall be constructed according to the regulations of the local governmental authority.

P. No plywood sheeting shall be permitted as the finished exterior surface.

Q. Exposed metal fireplace chimneys are prohibited.

R. The front and side yards of each lot shall be solid (block) sodded and the rear yard sprigged prior to occupancy of a residence.

S. All residences must have a two car side load enclosed garage for vehicle parking. However, no garage shall be larger than for four (4) cars. Any garage built in a location on the lot where it can be seen from any public street abutting the lot, must be enclosed and must have a door which, when closed, will screen the interior of the garage from public view from all such public streets abutting the lot. Garage doors must be kept shut, except during ingress and egress.

T. All mailboxes within the subdivision are to be identical in design, i.e., Halle design mailbox Verdigris in color by Pickle Ornamental Iron Co., Inc., 3177 Summer Avenue, Memphis, TN, or like kind approved by Developer.

U. There are perpetual easements as shown on the recorded plat of the Subdivision reserved for utility installation and maintenance, and drainage.

V. Building setbacks from all streets shall be required as shown on the recorded final plat and/or required by the zoning ordinances of the proper governmental authorities.

W. Porches, stoops, chimneys, window boxes and other portions of the structure may not project beyond the minimum setback lines. An accidental variation of less than twelve inches (12") shall not constitute a violation of this covenant.

X. Each lot owner is prohibited from obstructing the free flow of water drainage, or diverting or changing such drainage in any manner that results in damage to any other lot owner. Furthermore, the lot owner shall be responsible for any and all erosion control measures that may be required by any governmental authority, provided that all such additional restrictions imposed at the time of sale by appropriate provision in the deed shall be more restrictive than the covenants listed here.

Y. 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.

Z. Bristol Oaks, L.L.C., reserves unto themselves the right to impose additional specific restrictions upon any lot in this subdivision at the time of sale by said corporation of any of such lots. Such additional restrictions may be made by appropriate provision in the deed, without otherwise modifying the covenants and provisions contained herein. Such additional restrictions as are so made shall apply to the lot or lots on which they are specifically imposed, provided that all such additional restrictions imposed at the time of sale by appropriate provision in the deed shall be more restrictive than the covenants listed herein..

Bristol Oaks, L.L.C.

_____

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority, in and for the said County and State, on this ____ day of _____, 2004, personally appeared _____, and a member of Bristol Oaks, L.L.C., a Mississippi limited liability company, and that in said representative capacity, he executed the above and foregoing instrument, after having first been duly authorized so to do.

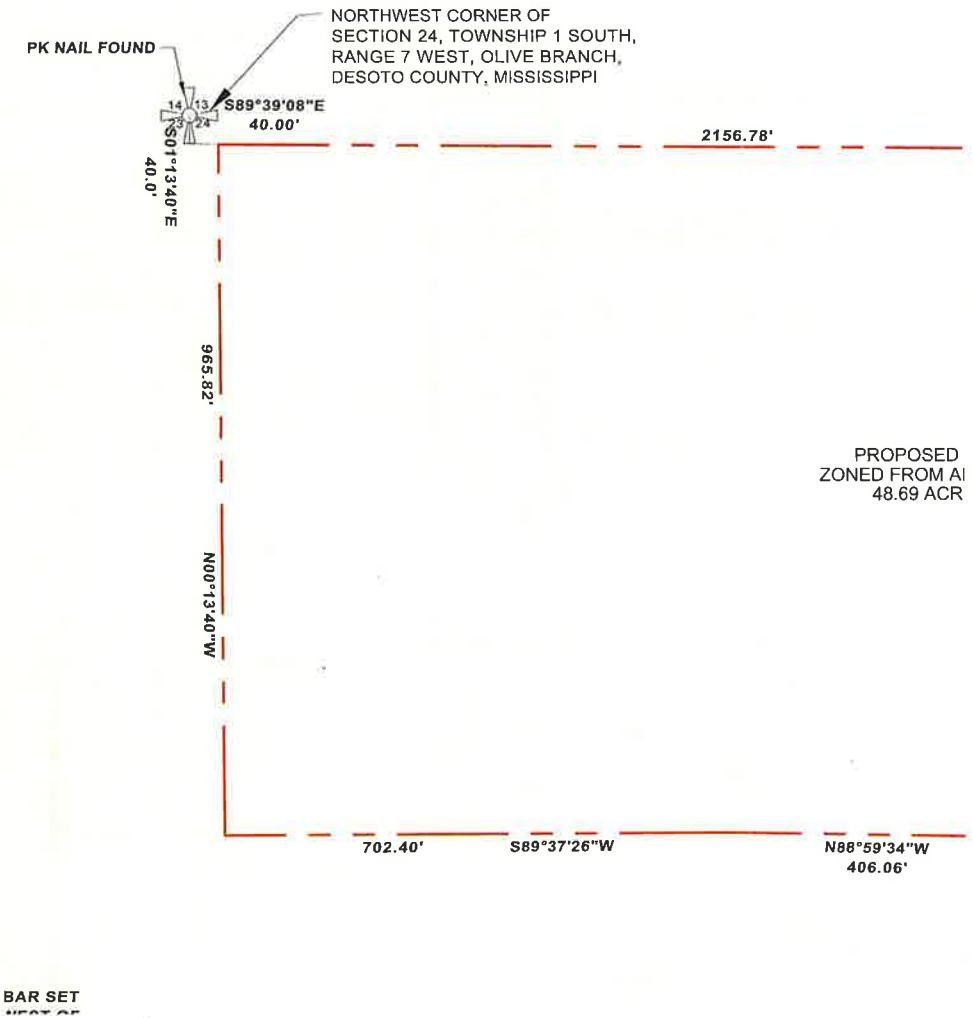
_____
NOTARY PUBLIC

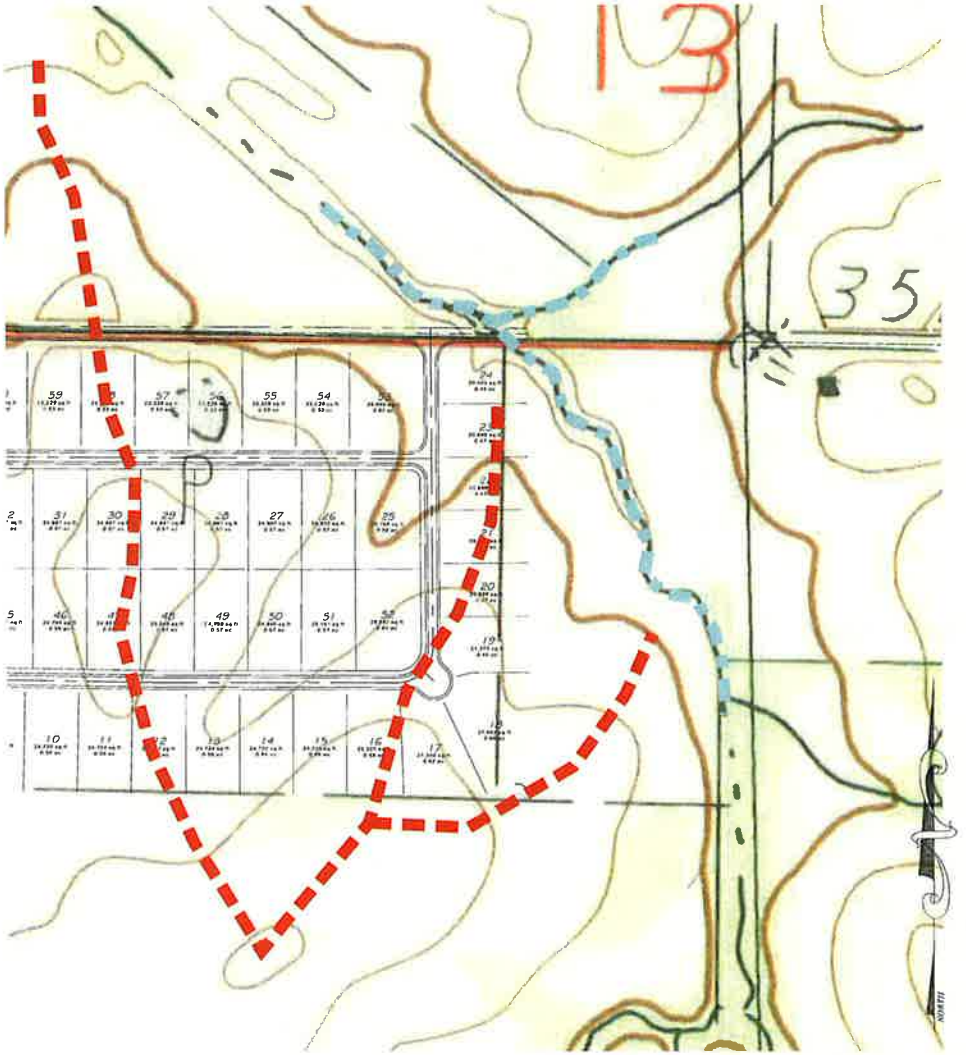
My commission expires:_____



RUSSELL & COMPANY
ENGINEERS SURVEYORS
6760 GOODMAN ROAD
OLIVE BRANCH, MS 38654
662-893-3377 FAX 662-893-3379

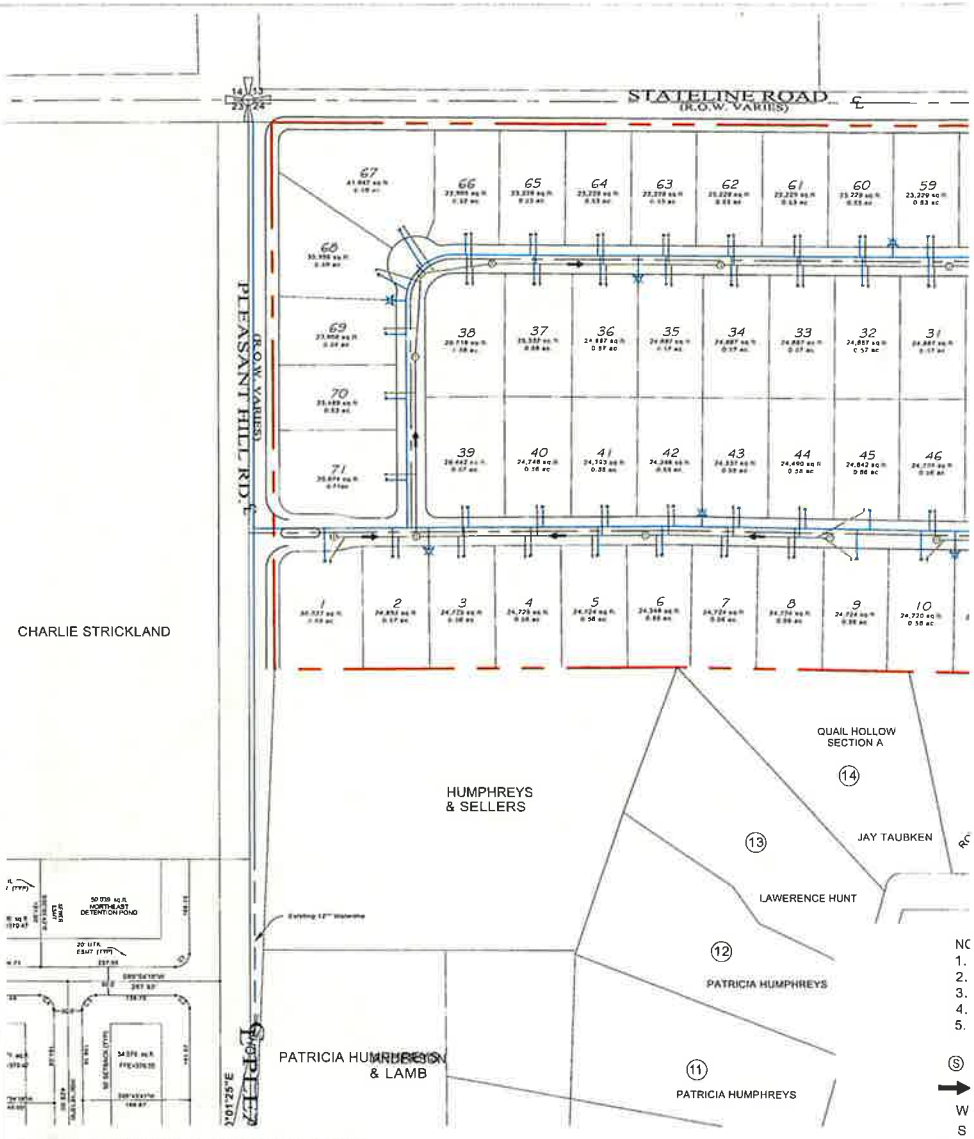
EXHIBIT 2
SITE PLAN
Bristol Oaks Subdivision





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ENGINEERS SURVEYORS
6760 GOODMAN ROAD
OLIVE BRANCH, MS 38654
662-893-3377 FAX 662-893-3379

EXHIBIT 3
DRAINAGE PLAN
Bristol Oaks Subdivision



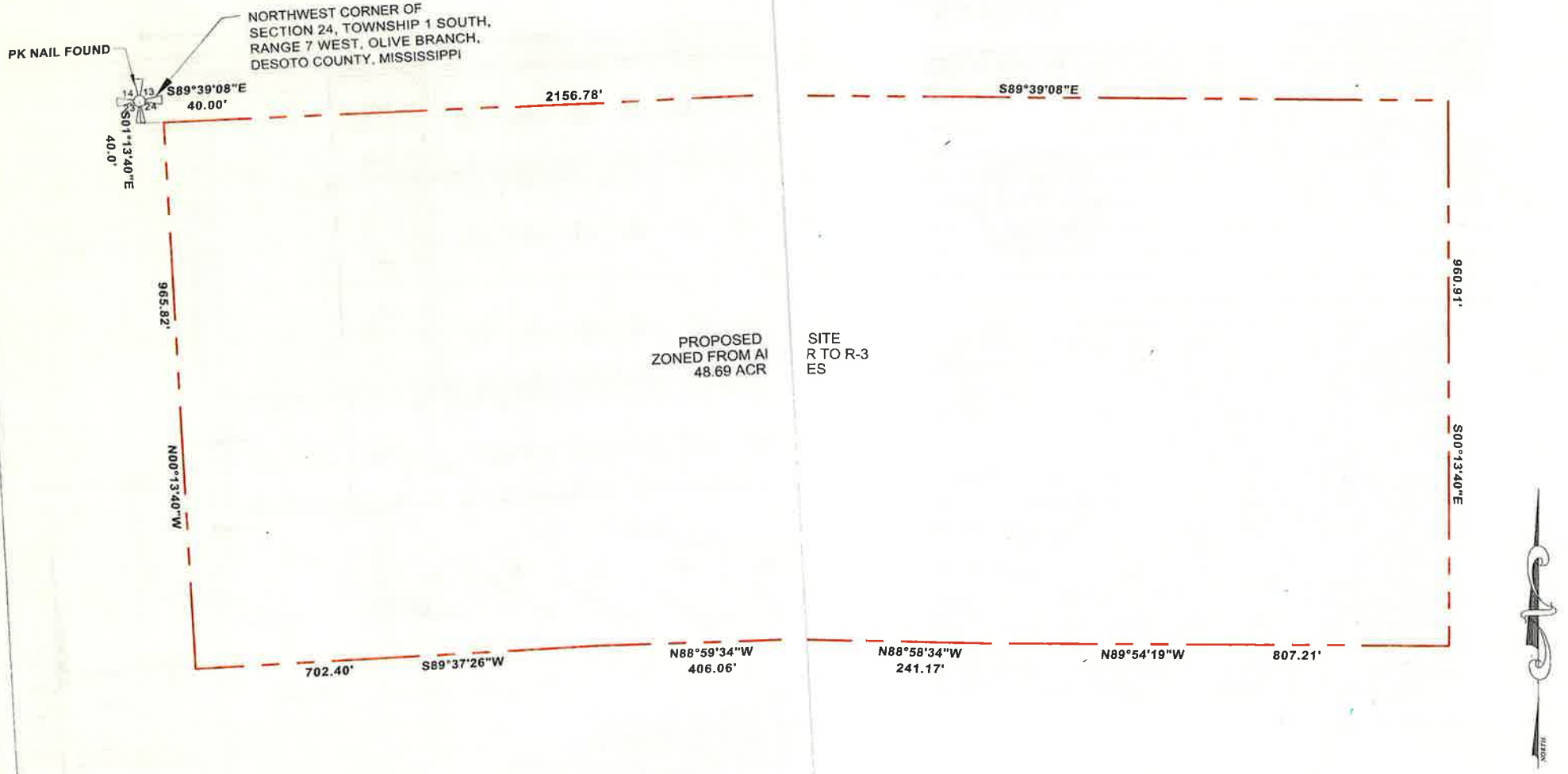


RUSSELL & COMPANY
ENGINEERS SURVEYORS
6760 GOODMAN ROAD
OLIVE BRANCH, MS 38654
662-893-3377 FAX 662-893-3379

NOTES:
1. ALL WATER LINES SHALL BE 8"
2. ALL SEWER LINES SHALL BE 8"
3. ALL WATER SERVICES SHALL BE 3/4"
4. WATER SYSTEM BY THE CITY OF OLIVE BRANCH.
5. SEWER SYSTEM OWNED BY THE CITY OF OLIVE BRANCH

- SYMBOL REPRESENTS SEWER MANHOLE
- SYMBOL REPRESENTS FLOW DIRECTION OF SEWER
- REPRESENTS WATER SERVICE
- REPRESENTS SEWER SERVICE
- REPRESENTS SEWER MAINS AND SERVICES
- REPRESENTS WATER MAINS AND SERVICES
- REPRESENTS EXISTING SEWER LINES
- REPRESENTS EXISTING SEWER LINES

EXHIBIT 4
UTILITY PLAN
Bristol Oaks Subdivision



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ENGINEERS SURVEYORS
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662-893-3377 FAX 662-893-3379

EXHIBIT 5
PROPERTY PLAN
Bristol Oaks Subdivision

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 14th day of June, 2002, within my jurisdiction, the within named JEAN BOWE ISBELL, who acknowledged that she executed the above and foregoing instrument.

Dena Edelen
Notary Public

My Commission Expires:

DENA EDELEN NOTARY PUBLIC AT LARGE SHELBY CO. TN

GRANTOR'S ADDRESS:

6437 Wynfrey Place
Memphis, TN 38120
Home Tel. No.: (901) 747-0073
Work Tel. No.: (901) 747-0073

GRANTEE'S ADDRESS:

541 Riverview
Memphis, TN 38120
Home Tel. No.: (901) 685-0725
Work Tel. No.: (901) 274-3632

STATE MS.-DESOTO CO.
FILED
Jul 22 2 11 PM '02

BK 424 PG 541
W.E. DAVIS CH. CLK.

This Instrument Prepared By and
Return To:
Robert K. Alvarez
5400 Poplar, Suite 100
Memphis, TN 38119
901-683-3526

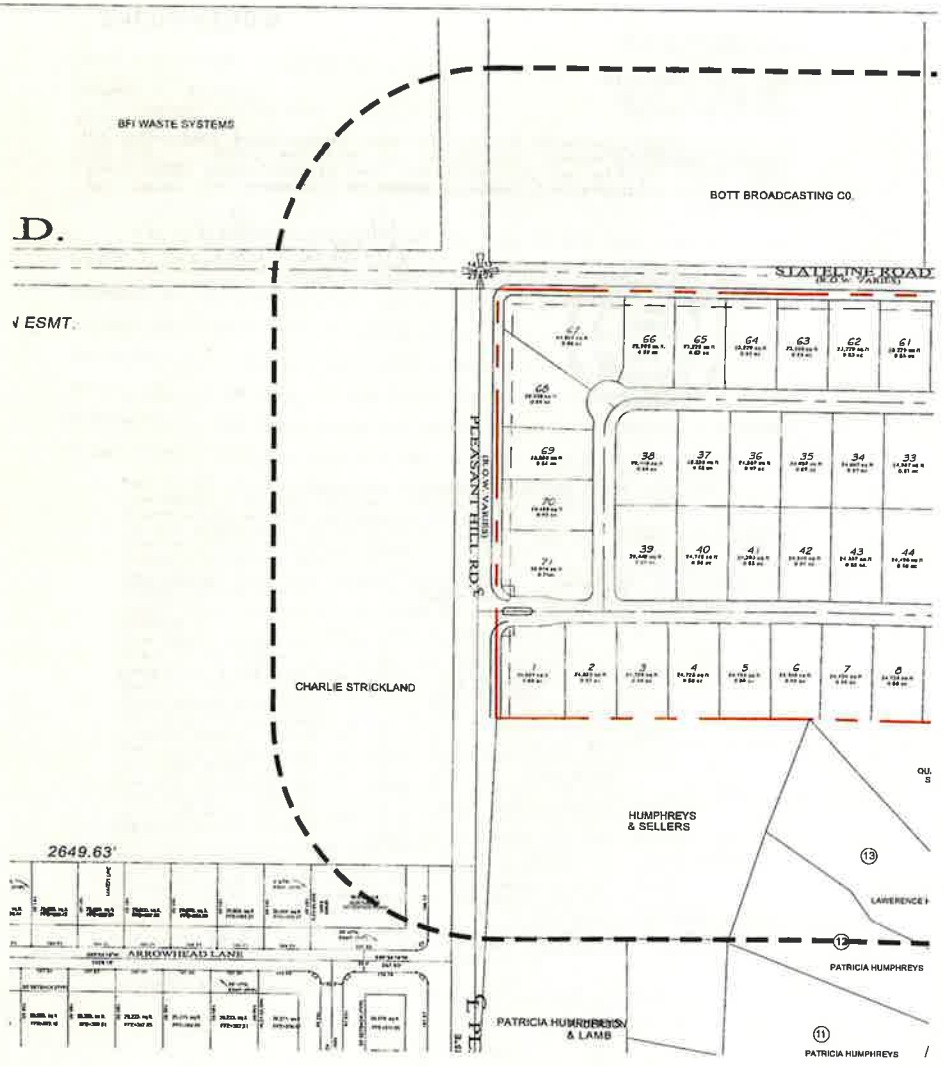
QUITCLAIM DEED

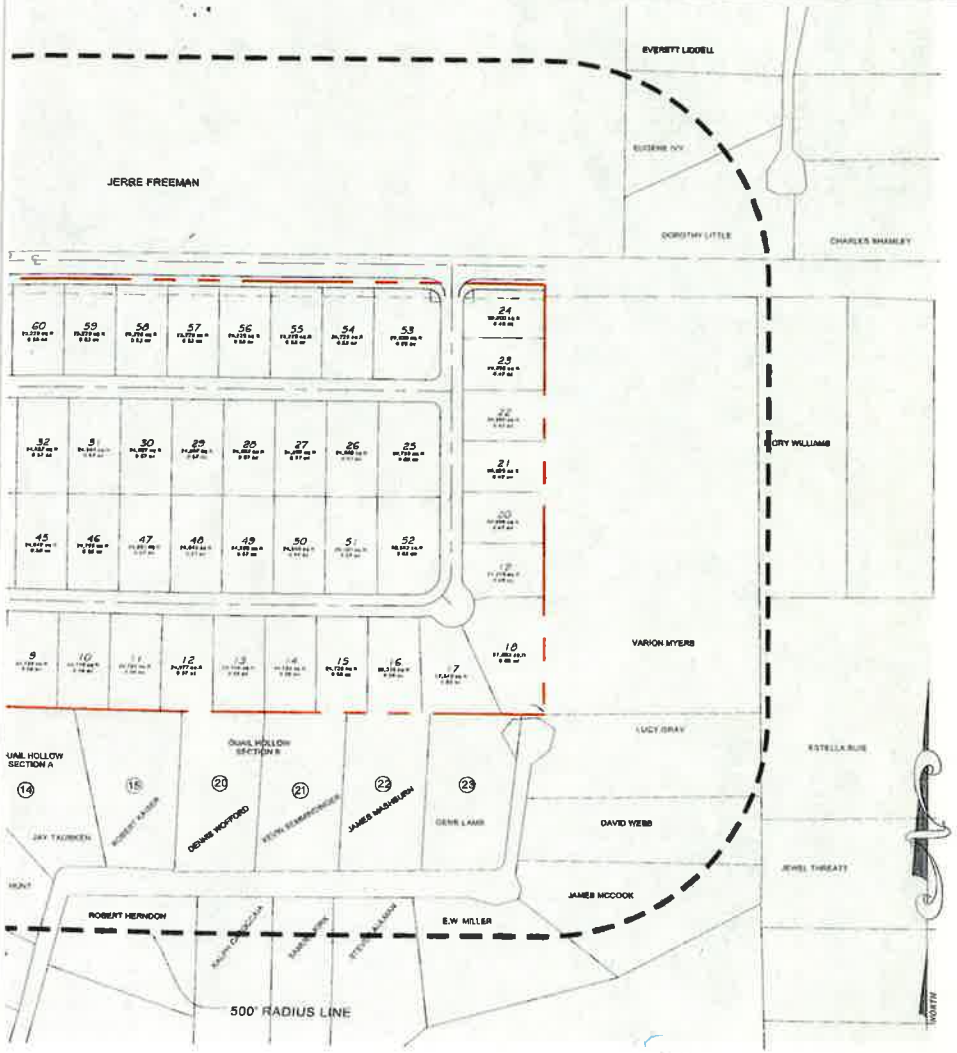
FOR AND IN CONSIDERATION of the sum of $10.00, cash in hand paid, and other good and valuable consideration, I, JEAN BOWE ISBELL, do hereby bargain, sell, remise, release, quitclaim and convey unto JERRY GOIN, Trustee of The 2002 Jean Bowe Isbell Trust dated May 31, 2002, and recorded in Power of Attorney and Contract Book 94, Page 475, Chancery Clerk's Office, DeSoto County, Mississippi, the land lying and being situated in DeSoto County, Mississippi, described as follows, to-wit:

Parcel of land located in the northwest quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi. Commencing at the northwest corner of Section 24, which lies in the intersection of Stateline Road and Pleasant Hill Road, thence South 01°13'40" East a distance of 40.00 feet; thence South 89°39'08" East a distance of 40.00 feet to the point of beginning for the herein described parcel of land; thence South 89°39'08" East a distance of 2,156.78 feet along the south line of Stateline Road to a set iron pin; thence South 00°13'40" East a distance of 960.91 feet along the west property line of Aaron V. Melton, Jr. (DB 181, PG 224) to a found iron pipe at the intersection of said west property line and the north line of Quail Hollow Subdivision Section "B"; thence North 89°54'19" West a distance of 807.21 feet along the north line of Quail Hollow Subdivision Section "B" (called S 85°51' W 792.03') to a set iron pin; thence North 88°58'34" West a distance of 241.17 feet along the said north line of Quail Hollow Subdivision, Section "A", (called S 86°34' W 241.17') to a set iron pin; thence North 88°59'34" West a distance of 406.06 feet along the north line of Quail Hollow Subdivision, Section "A", (called S 86°33' W 406.06') to a set iron pin; thence South 89°37'26" West a distance of 702.40 feet along the north line of the Patricia Ann Humphreys and Keith Sellers Property (DB 291, PG 589), (called S 85°10' W 729.50') to a set iron pin on the east line of Pleasant Hill Road; thence North 00°13'40" West a distance of 965.82 feet along the east side of Pleasant Hill Road to the point of beginning and all being in the northwest quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, containing 2,121,061.71 square feet or 48.69 acres.

WITNESS MY SIGNATURE, this the 14th day of June, 2002.

Jean Bowe Isbell
Jean Bowe Isbell

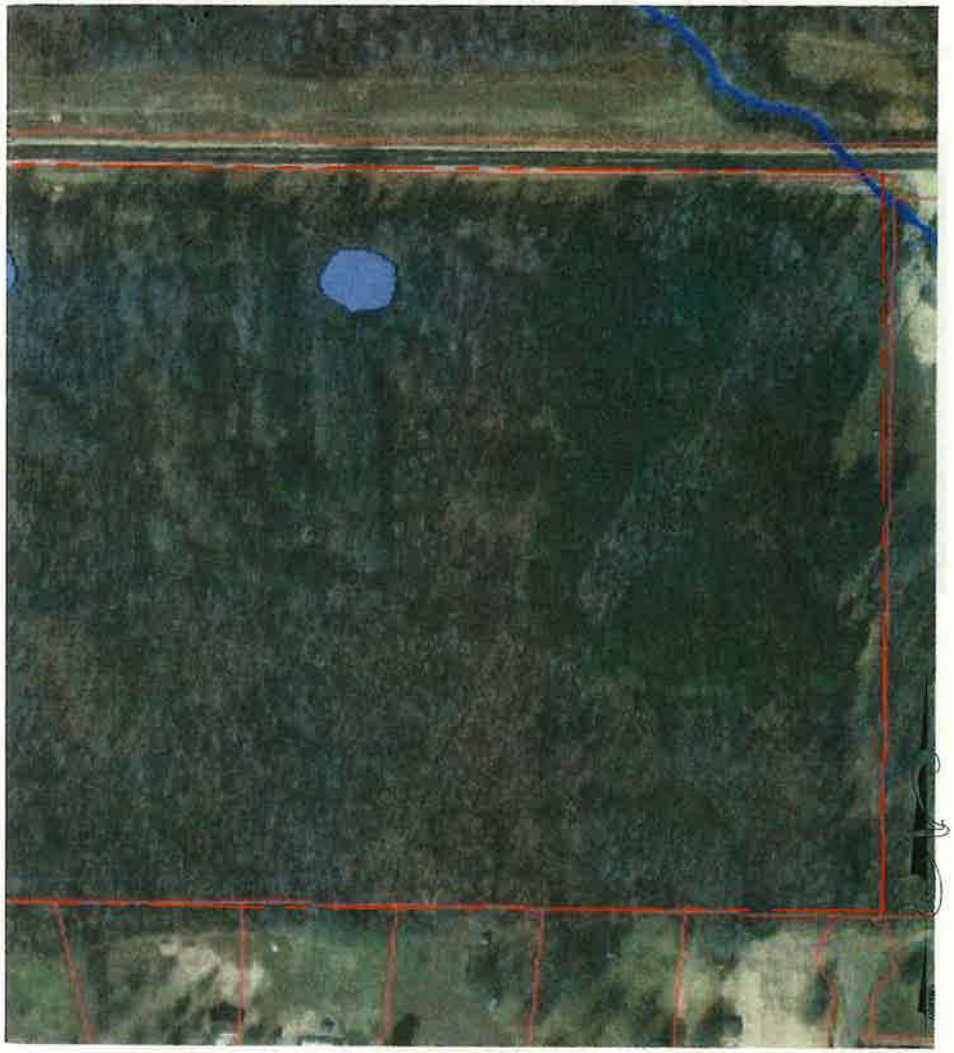




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EXHIBIT 7
NEIGHBORHOOD PLAN
Bristol Oaks Subdivision





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EXHIBIT 9
AERIAL PHOTOGRAPH
Bristol Oaks Subdivision

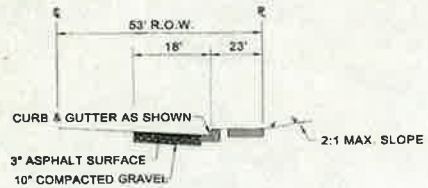
Bristol Oaks Subdivision



Typical Mailboxes



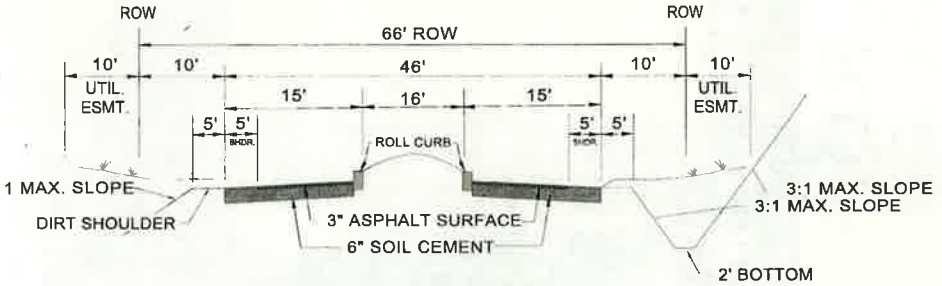
Typical Street Sign



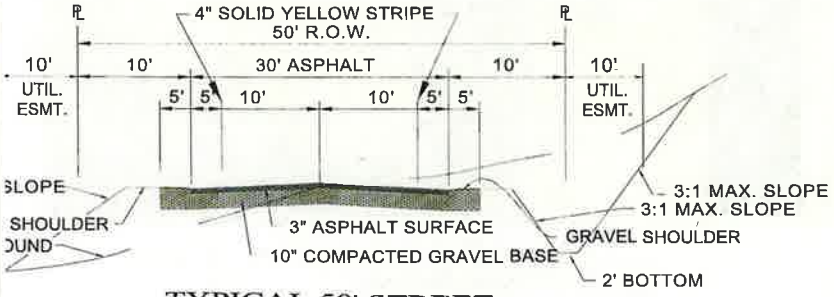
STATELINE ROAD &
PLEASANT HILL ROAD
STREET SECTION
N.T.S

3:1 MAX. S

DIRT
EXISTING GR(



PLEASANT HILL ROAD
MAIN ENTRANCE
66' STREET SECTION
N.T.S.

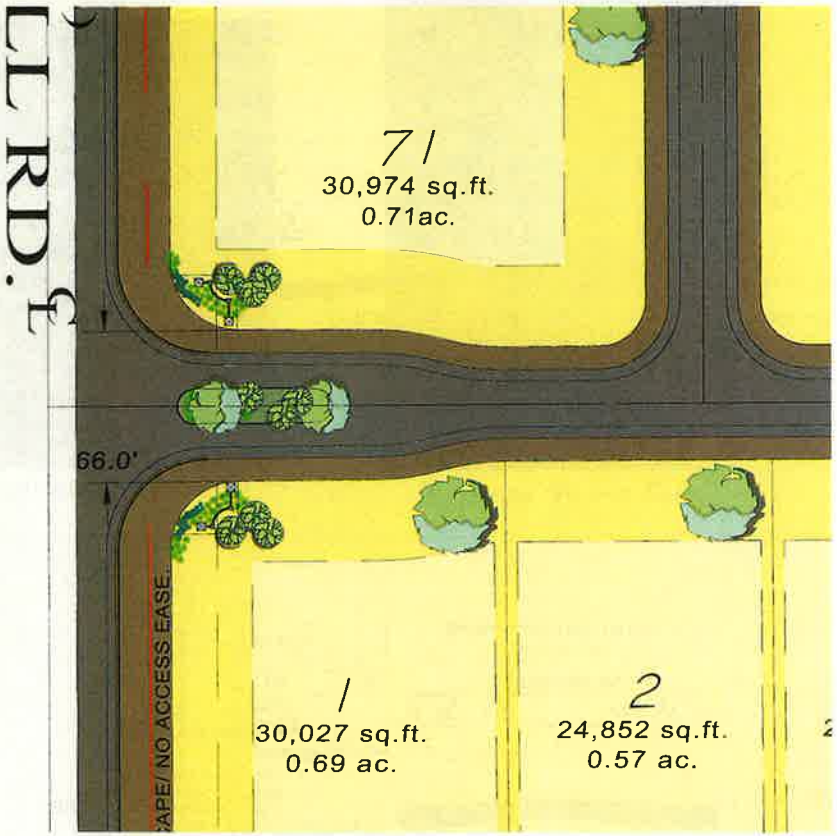


TYPICAL 50' STREET
RURAL CROSS SECTION
N.T.S.

RUSSELL & COMPANY
ENGINEERS SURVEYORS
6760 GOODMAN ROAD
OLIVE BRANCH, MS 38654
662-895-3377 FAX 662-895-3379

Exhibit 10
Project Details & Street Cross Sections
August 12, 2005

Bristol Oaks Subdivision



Pleasant Hill Road
Entrance Detail



Stateline Road
Entrance Detail

RUSSELL & COMPANY
ENGINEERS SURVEYORS
8760 GOODMAN ROAD
OLIVE BRANCH, MS. 38654
662-893-3377 FAX 662-893-3379

Exhibit 11
Entrance Detail

August 12, 2005

Bristol Oaks Subdivision













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ENGINEERS SURVEYORS
6750 GOODMAN ROAD
OLIVE BRANCH, MS 38654
662-895-3277 FAX 662-895-3279

Exhibit 13
Mature Tree Growth Illustration

August 12, 2005

Bristol Oaks Subdivision









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ENGINEERS SURVEYORS
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OLIVE BRANCH, MS 38654
662-893-5377 FAX 662-893-5379

Exhibit 14
Signage/ Gated Entry Detail

August 12, 2005

Bristol Oaks Subdivision



RUSSELL & COMPANY
ENGINEERS SURVEYORS

Exhibit 15
Master
Illustration
August 12, 2005

EXHIBIT 3C: Ordinance Rezoning Subject Property from R-3 to A-R in 2005, and approving project text/ Preliminary development plan for Bristol Oaks, subject to conditions.

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OLIVE BRANCH, MISSISSIPPI AMENDING ORIGINAL ZONING ORDINANCE AND APPROVING PRELIMINARY PLAN FOR BRISTOL OAKS SUBDIVISION

An Ordinance pursuant to re-zoning application submitted by Edco Properties and the Jean Bowe Isbell Trust to amend the Ordinance adopted by the City of Olive Branch, specifically changing the zoning of a 48.69 acre tract located at the southeast corner of State Line Road and Pleasant Hill Road, situated in Section 24, Township 1 South, Range 7 West, from "A-R" Single-family Residential to "R-3" Planned Residential, with a more specific description being on file with the City Clerk.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

WHEREAS, Edco Properties and the Jean Bowe Isbell Trust made application to the City of Olive Branch Planning Commission for re-zoning of a 48.69 acre tract situated in Section 24, Township 1 South, Range 7 West from "AR", Agricultural/Residential District to "R-3", Planned Residential District, and

WHEREAS, said application was reviewed by the City of Olive Branch Planning Commission at their meeting on September 13, 2005, and

WHEREAS, the City of Olive Branch Planning Commission voted unanimously to recommend approval of the re-zoning request and preliminary development plan, subject to conditions, and

WHEREAS, it is required by the zoning regulations that a public hearing be held for changes of zoning, said public hearing was set to be heard before the Mayor and Board of Aldermen on the 1st day of November, 2005 at 6:30 o'clock P.M., and notice thereof was given, as provided by law, and as shown by Proof of Publication on file with the City Clerk, and

WHEREAS, on the 1st day of November, 2005 the hearing for re-zoning was held before the Mayor and Board of Aldermen, with the Mayor and seven (7) Aldermen being present at said meeting, and

WHEREAS, B.J. Page, Planning Director for the City of Olive Branch, delivered the staff report and indicated that a review of the General Development Plan reflects that the Detailed Land Use Map designates the subject property for "residential - low density" (RL) land use. Density within "residential - low density" designated areas is recommended to be between 1.0 and 3.5 dwelling units per acre. The requested rezoning to the "R-3", Planned Residential District, for the purpose of a single-family detached residential development with an average density of 1.46 units per acre, conforms to the recommendations of the General Development Plan, and

WHEREAS, appearing in support of said application was Greg Russell, Russell & Company, who stated that changes have occurred in the area including the extension of utilities in the area which will support the development. He also mentioned the construction of a new elementary school on Pleasant Hill Road as evidence of substantial change in the area. Mr. Russell stated that there is a public need for the zoning amendment based on the continued growth of the City, the need for housing to support that growth, and the continued strong housing sales in the area. He also stated that the development will stress the preservation of mature trees, will include a natural buffer area, and will be a gated community with private streets, and

WHEREAS, no one appeared in opposition to the application, and

WHEREAS, the Mayor and Board of Aldermen find that appropriate proof was presented by the Applicant to support the re-zoning request and for approval of the preliminary development plan, subject to the conditions stated hereinbelow.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

Section 1. The proposed zoning change is in compliance with the City's General Development Plan.

Section 2. The Applicant met its burden of proof of a change in the character of the neighborhood, given the

development and extension of utilities in the area and the continued growth of the City.

Section 3. The Applicant met its burden of proof that there is a public need for re-zoning based on the continued growth of the City and the need for housing to support that growth, as well as continued strong sales in the area.

Section 4. This Ordinance is hereby adopted re-zoning the subject property from "A-R" to "R-3 ", with a corresponding amendment to the City Zoning Map and subject to the following conditions;

a. Include provisions in the Project Text and restrictive covenants to provide for the long-term maintenance of any plantings or improvements installed in the landscape and sign easements.
b. Revise the Project Text to include a provision for a designated 50' non-disturb area along the southern property line adjacent to Quail Hollow Subdivision and a 20' non-disturb area along the eastern property line to correspond to the landscape easements established along Pleasant Hill and State Line Roads.
c. Any Final Plat for the subdivision shall include a 20' landscape/no access/sign easement along Pleasant Hill Road, a 20' landscape/no access/sign easement along State Line Road, a 50' non-disturb area along the southern property line and a 20' non-disturb area along the eastern property line.
d. Revise the restrictive covenants as follows:
    A. Incorporate a provision requiring that all residences and detached structures shall be of new construction and prohibiting the placement of existing structures moved from other locations.
    B. Set a minimum first floor footprint for one and one-half story and two story residences of 1,600 sq. ft., and a minimum finished heated floor area for two story residences of 2,200 sq. ft.
    C. Revise the provisions regarding the minimum finished heated floor area of the residences

within the development to list storage rooms as a specific exclusion.

D. Revise the provisions regarding individual residential fences to permit vinyl fences.

e. Design of the entrance gates to the subdivision shall be subject to the review and approval of the Police and Fire Departments concerning access to the subdivision.

f. Show an access/utility easement on the plat in favor of the City over all streets and common areas.

g. Improvements to be the responsibility of the developer and not the City of Olive Branch.

h. Grading, drainage and engineering construction plans to be approved by the City Engineer.

i. The developer shall install drainage pipe, erosion control material, sewer mains and service, gas mains and service, water mains, and fire hydrants, and service, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1 ½ inch thick, including one-half of the right-of-way of Pleasant Hill Road and State Line Road before the Final Plat for the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1 ½ inch of blacktop making a total of three (3) inches of blacktop surface. The internal subdivision streets shall be a "rural cross-section," that is using roadside drainage swales rather than curb and gutter. The internal subdivision streets shall be improved with 30' of asphalt width, with the other 5' on each side of the street being striped as pedestrian/bike paths. The developer shall improve ½ of the right of way of Pleasant Hill and State Line Roads with asphalt, curb, gutter, and sidewalks to the extent those roads border the development.

j. Streetlight plans shall be submitted to the City Engineer for approval.

k. Street identification and traffic control signs and devices shall be installed by the developer to City specifications.

l. All utilities and services (electric, telephone, cable, etc.) shall be installed underground. Water service lines shall be installed with tracing wire at the top.

m. Water and sewer service shall be approved by the Health Department.

n. Recording of the plat.

Passage of this Ordinance is now official and the same shall take effect and be enforced as provided by law.

ADOPTED, ORDAINED AND APPROVED this 1st day of November, 2005.

SAMUEL P. RIKARD, MAYOR

ATTEST:

JUDY C. HERRINGTON, CITY CLERK

The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderman Collins, and seconded by Alderman Cowgill, with the following results:

Alderman Aubrey Coleman	**Aye**
Alderman Randy Cowgill	**Aye**
Alderman Joyce Haslip	**Aye**
Alderman Maurice Wallace	**Aye**
Alderman Stephen Benson	**Aye**
Alderman Dale Dickerson	**Aye**
Alderman George Collins	**Aye**

The foregoing Ordinance was passed, adopted and approved on the 1st day of November, 2005.

SAMUEL P. RIKARD, MAYOR

ATTEST:

JUDY C. HERRINGTON, CITY CLERK

EXHIBIT 3D
Warranty Deed Conveying 48.69ac from "The 2002 Jean Bowe Isbell Trust" to Bristol Oaks, LLC
Executed December 2, 2009

12/07/65 9:01:40 45 55
BK 516 PG 62
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

JERRY GOIN, TRUSTEE OF THE
2002 JEAN BOWE ISBELL TRUST
DATED MAY 31, 2002

TO: **WARRANTY DEED**

BRISTOL OAKS, LLC

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, **JERRY GOIN, TRUSTEE OF THE 2002 JEAN BOWE ISBELL TRUST DATED MAY 31, 2002, pursuant to the Declaration of Trust Agreement as recorded in Book P-94, Page 475 of the Land Deed Records, Chancery Clerk's Office, DeSoto County, Mississippi** does hereby sell, convey and warrant unto, **BRISTOL OAKS, LLC, a Mississippi Limited Liability Company,** the land lying and being situated in DeSoto County, Mississippi described as follows, to-wit:

A parcel of land located in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi.

Commencing at the northwest corner of Section 24, which lies in the intersection of Stateline Road and Pleasant Hill Road; thence South 01 degrees 13 minutes 40 seconds East a distance of 40.00 feet; thence South 89 degrees 39 minutes 08 seconds East a distance of 40.00 feet to the point of beginning for the herein described parcel of land; thence South 89 degrees 39 minutes 08 seconds East a distance of 2,156.78 feet along the south line of Stateline Road to a set iron pin; thence South 00 degrees 13 minutes 40 seconds East a distance of 960.91 feet along the west property line of Aaron V. Melton, Jr. (DB 181, PG 224) to a found iron pipe at the intersection of said west property line and the north line of Quail Hollow Subdivision Section "B"; thence North 89 degrees 54 minutes 19 seconds West a distance of 807.21 feet along the north line of Quail Hollow Subdivision Section "B" (called South 85 degrees 51 minutes West 792.03 feet) to a set iron pin; thence North 88 degrees 58 minutes 34 seconds West a distance of 241.17 feet along the said north line of Quail Hollow Subdivision, Section "A", (called South 86 degrees 34 minutes West 241.17 feet) to a set iron pin; thence North 88 degrees 59 minutes 34 seconds West a distance of 406.06 feet along the north line of Quail Hollow Subdivision, Section "A", (called South 86 degrees 33 minutes West 406.06 feet) to a set iron pin; thence South 89 degrees 37 minutes 26 seconds West a distance of 702.40 feet along the north line of the Patricia Ann Humphreys and Keith Sellers Property (DB 291, PG 589), (called South 85 degrees 10 minutes West 729.50 feet) to a set iron pin on the east line of Pleasant Hill Road; thence North 00 degrees 13 minutes 40 seconds West a distance of 965.82 feet along the east side of Pleasant Hill Road to the point of beginning and all being in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, containing 2,121,061.71, more or less, square feet or 48.69, more or less, acres.

The warranty in this Deed is subject to subdivision and zoning regulations in effect in DeSoto County, Mississippi and further subject to easements for public roads and public utilities.

1800720.1/00931.07178

WLWS

It is agreed and understood that taxes for the year 2005 shall be prorated and assumed by the Grantees herein and possession is given upon delivery of this Deed.

WITNESS MY SIGNATURE, this 21st day of December, 2005.

THE 2002 JEAN BOWE ISBELL TRUST
DATED MAY 31, 2002

BY: _____
JERRY GOIN, TRUSTEE

STATE OF MISSISSIPPI
COUNTY OF DESOTO

This day personally appeared before me, the undersigned authority in and for said County and State, on this 21st day of December, 2005, within my jurisdiction, the within named, JERRY GOIN, who acknowledged that he is Trustee of THE 2002 JEAN BOWE ISBELL TRUST DATED MAY 31, 2002, and that in said representative capacity he executed the above and foregoing instrument.

JAMES E. WOODS, DESOTO COUNTY, NOTARY PUBLIC, STATE AT LARGE

_____
NOTARY PUBLIC

My Commission Expires: 7-19-09

Grantor's Address:
541 River View Rd
Memphis TN 38120
Home # 901-685-0725
Work # 901-274-2632

Grantee's Address:
P.O. Box 7
Tunica MS 38676
Phone # 662-363-0002

PREPARED BY AND RETURN TO::
JAMES E. WOODS
WATKINS LUDLAM WINTER & STENNIS, P.A.
P.O. BOX 1456, OLIVE BRANCH, MS 38654
(662) 895-2996

00931.22663

1800720.1/00931.07178

2/01/10 11:19:46 SS
BK M BK 626 PG 312 SS
DESOTO COUNTY, MS
M.E. DAVIS, CH CLERK

EXHIBIT 3E:
Assumption of Warranty Deed from Bristol Oaks, LLC to J & M Holdings, LLC
Executed December 29, 2009

SPACE ABOVE THIS LINE FOR RECORDING DATA

PREPARED BY AND RETURN TO:
JAMES E. WOODS, MSB#7386
WATKINS LUDLAM WINTER & STENNIS, P.A.
6897 Crumpler Blvd., Suite 100
Olive Branch, MS 38654
(662) 895-2996

GRANTOR(S) ADDRESS:
P. O. Box 7
Tunica, MS 38676
Phone: 662-363-0002

GRANTEE(S) ADDRESS:
P. O. Box 7
Tunica, MS 38676
Phone: 662-363-0002

INDEXING INSTRUCTIONS: Part of the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi.

BRISTOL OAKS, LLC

TO:

J & M HOLDINGS, LLC

ASSUMPTION WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, **BRISTOL OAKS, LLC, a Mississippi Limited Liability Company,** does hereby sell, convey and warrant unto, **J & M HOLDINGS, LLC, a Mississippi Limited Liability Company,** the land lying and being situated in Olive Branch, DeSoto County, Mississippi described as follows, to-wit:

A 48.69, more or less, acre tract of land located in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi.

Commencing at the northwest corner of Section 24, which lies in the intersection of Stateline Road and Pleasant Hill Road; thence South 01 degrees 13 minutes 40 seconds East a distance of 40.00 feet; thence South 89 degrees 39 minutes 08 seconds East a distance of 40.00 feet to the point of beginning for the herein described parcel of land; thence South 89 degrees 39 minutes 08 seconds East a distance of 2,156.78 feet along the south line of Stateline Road to a set iron pin; thence South 00 degrees 13 minutes 40 seconds East a distance of 960.91 feet along the west property line of Aaron V. Melton, Jr. (DB 181, PG 224) to a found iron pipe at the intersection of said west property line and the north line of Quail

3074124.1/00931.07178

3

Hollow Subdivision Section "B"; thence North 89 degrees 54 minutes 19 seconds West a distance of 807.21 feet along the north line of Quail Hollow Subdivision Section "B" (called South 85 degrees 51 minutes West 792.03 feet) to a set iron pin; thence North 88 degrees 58 minutes 34 seconds West a distance of 241.17 feet along the said north line of Quail Hollow Subdivision, Section "A", (called South 86 degrees 34 minutes West 241.17 feet) to a set iron pin; thence North 88 degrees 59 minutes 34 seconds West a distance of 406.06 feet along the north line of Quail Hollow Subdivision, Section "A", (called South 86 degrees 33 minutes West 406.06 feet) to a set iron pin; thence South 89 degrees 37 minutes 26 seconds West a distance of 702.40 feet along the north line of the Patricia Ann Humphreys and Keith Sellers Property (DB 291, PG 589), (called South 85 degrees 10 minutes West 729.50 feet) to a set iron pin on the east line of Pleasant Hill Road; thence North 00 degrees 13 minutes 40 seconds West a distance of 965.82 feet along the east side of Pleasant Hill Road to the point of beginning and all being in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, containing 2,121,061.71, more or less, square feet or 48.69, more or less, acres.

Being the same property conveyed to the Grantee by Warranty Deed dated December 2, 2005 and recorded in Book 516, Page 62, Land Records, Chancery Clerk's Office, DeSoto County, Mississippi.

LESS AND EXCEPT:

A 0.19, more or less, acre tract of land being situated in the NW ¼ of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, and being more particularly described as follows:

Commencing at the commonly accepted Northeast corner of Section 24, Township 1 South, Range 7 West, Desoto County, Mississippi; thence S 86°34'20" W a distance of 3088.94 feet to a point in the centerline of Stateline Road; thence S 03°41'50" E leaving said centerline a distance of 193.60 feet to a point marked by a ½" rebar set on a West line of Lot 1 New Fellowship Christian Church Subdivision as recorded in Plat Book 94, Page 5 of the Chancery Court Clerk's Office, Desoto County, Mississippi. Said point being the true Point of Beginning of the herein described tract; thence continuing along said Lot 1 West line S 03° 41'50" E a distance of 363.85 feet to a point on said West line, marked by a ½" rebar set; thence S 86° 18'10" W leaving said West line a distance of 22.25 feet to a point marked by a ½" rebar set; thence N 03° 41'50" W a distance of 363.85 feet to a point marked by a ½" rebar set; thence N 86° 18'10" E a distance of 22.25 feet to the point of beginning, containing 8095.71 square feet or 0.19 acres more or less. Subject to Rights of Ways of public roads and utilities, easements of record, zoning and subdivision regulations in effect for the City of Southaven and Desoto County, Mississippi.

Further consideration for this transfer is the assumption by the Grantee of that certain outstanding and unpaid indebtedness to BancorpSouth Bank as evidenced by Deed of Trust recorded in Book 2367, Page 180, Deed of Trust Records, Chancery Clerk's Office, DeSoto County, Mississippi, to which Grantee herein takes subject to, assumes and agrees to pay when and as due.

The warranty in this Deed is subject to subdivision and zoning regulations in effect in DeSoto County, Mississippi and further subject to easements for public roads and public utilities.

It is agreed and understood that taxes for the year 2009 shall be assumed by the Grantee herein and possession is given upon delivery of this Deed.

WITNESS THE SIGNATURE OF THE DULY AUTHORIZED OFFICIAL OF THE GRANTOR, this the 29th day of December, 2009.

BRISTOL OAKS, LLC, a Mississippi limited liability company
BY: EBI, INC., a Mississippi Corporation, Managing Member

BY: _____
ROBERT M. BAILEY, President

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the State and County aforesaid, on this 29th day of December, 2009, within my jurisdiction, the within named Robert M. Bailey, who acknowledged to me that he is President of EBI, Inc., a Mississippi Corporation, and Managing Member of Bristol Oaks, LLC, a Mississippi Limited Liability Company, and that for and on behalf of said corporation as managing member of said limited liability company, and as the act and deed of said corporation as managing member of said limited liability company, and as the act and deed of said limited liability company, he executed the above and foregoing instrument, after first having been duly authorized by said corporation and limited liability company so to do.

_____
NOTARY PUBLIC

My Commission Expires 7-19-11

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 3388 JAMES E. WOODS Commission Expires July 19, 2011 DESOTO COUNTY

3074124.1/00931.07178

12/20/10 8:43:25
DK W BK 648 PG 687
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

EXHIBIT 3F
Warranty Deed Conveying 10ac from J & M Holdings, LLC to New Life in Christ Church
Executed December 9, 2010

SPACE ABOVE THIS LINE FOR RECORDING DATA

PREPARED BY AND RETURN TO:
JAMES E. WOODS, MSB#7386
WATKINS LUDLAM WINTER & STENNIS, P.A.
6897 Crumpler Blvd., Suite 100
Olive Branch, MS 38654
(662) 895-2996
WLWS #00931.36342

GRANTOR(S) ADDRESS:
P. O. Box 867
New Albany, MS 38652
Phone: 662-534-4774

GRANTEE(S) ADDRESS:
P.O. Box 287
Southaven, MS 38671
Phone: 662-890-8970
Phone: 901-828-7588

INDEXING INSTRUCTIONS: 10.00 acres in the NW ¼ of 24-1-7, DeSoto County, Mississippi.

J & M HOLDINGS, LLC,
a Mississippi limited liability company, **GRANTOR**

TO:

KEVIN WILLIS, SR., Pastor/Trustee et al **GRANTEES**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, J & M HOLDINGS, LLC, a Mississippi limited liability company, does hereby sell, convey and warrant unto KEVIN WILLIS, SR., Pastor/Trustee, LINDA WILLIS, Pastor/Trustee, AUDREY BETTS, Elder/Trustee and QUINCY PRESTON, Elder/Trustee, for New Life In Christ Fellowship Church, and their successors in office, the land lying and being situated in DeSoto County, Mississippi described as follows, to-wit:

> 10.00 acres, more or less, situated in the Northwest Quarter of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, being more particularly described as follows:
>
> Commencing at the commonly accepted northwest corner of Section 24, Township 1 South, Range 7 West, DeSoto County, Mississippi, being an iron rod found in the intersection of centerlines of Stateline and Pleasant Hill Roads; thence South 89 degrees 32 minutes 15 seconds East, a distance of 53.04 feet; thence South 1 degree 45 minutes 25 seconds East a distance of 53.04 feet to the POINT OF BEGINNING; thence South 89 degrees 32 minutes 15 seconds East along the south line of said Stateline Road a distance of 387.15 feet; thence South 89 degrees 09 minutes 08 seconds East along said line a distance of 77.03 feet; thence South 0 degrees 27 minutes 37 seconds East a distance of 942.51 feet to a

steel fence rail found; thence South 89 degrees 17 minutes 40 seconds West a distance of 461.58 feet to the east line of Pleasant Hill Road; thence along the east line of said road the following calls: thence North 0 degrees 01 minutes 50 seconds West a distance of 460.32 feet; thence North 0 degrees 05 minutes 34 seconds West a distance of 177.42 feet; thence North 1 degree 45 minutes 25 seconds West a distance of 314.84 feet to the POINT OF BEGINNING, said described tract containing 10.0 acres, more or less.

The warranty in this Deed is subject to subdivision and zoning regulations in effect in Olive Branch, DeSoto County, Mississippi, and easements for public roads and public utilities. This conveyance is further subject to a Right of Way to DeSoto County, Mississippi and 10 foot easement for sloping recorded in Book 308, Page 708; Sewer Easement to City of Olive Branch recorded in Book 420, Page 583; and Right of Way Easement to Northcentral Mississippi Electric Power Association recorded in Book 600, Page 3, all in the Land Records, Chancery Clerk's Office, DeSoto County, Mississippi.

The Grantees herein acknowledge and covenant that it is the responsibility of the Grantees to maintain property in such condition as to minimize off-site damage from erosion, sediment deposits and storm water. This requirement will be in effect from the beginning of site preparation and continued throughout the establishment of permanent vegetative cover. Grantees acknowledge and agree that Grantor is not responsible for any damages which hereafter may be suffered by Grantees or other property owners or parties as a result of site preparation work carried out by Grantees and their subcontractors and Grantees agree to fully indemnify and hold Grantor harmless from any such damages sustained in connection therewith.

Taxes for the year 2010 shall be paid by the Grantor when and as due and possession is given upon delivery of this Deed.

WITNESS THE SIGNATURE OF THE DULY AUTHORIZED OFFICIAL OF THE GRANTOR, this the 9th day of December, 2010.

J & M Holdings, LLC,
a Mississippi limited liability company
BY: _____
ROBERT M. BAILEY, Member

BY: _____
JAMES W. EUBANKS, JR., Member

3689138.1/00931.07178

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the State and County aforesaid, on this 9th day of December, 2010, within my jurisdiction, the within named ROBERT M. BAILEY and JAMES W. EUBANKS, JR., who acknowledged to me that they are Members of J & M Holdings, LLC, a Mississippi limited liability company, and that for and on behalf of said limited liability company and as its act and deed, they executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

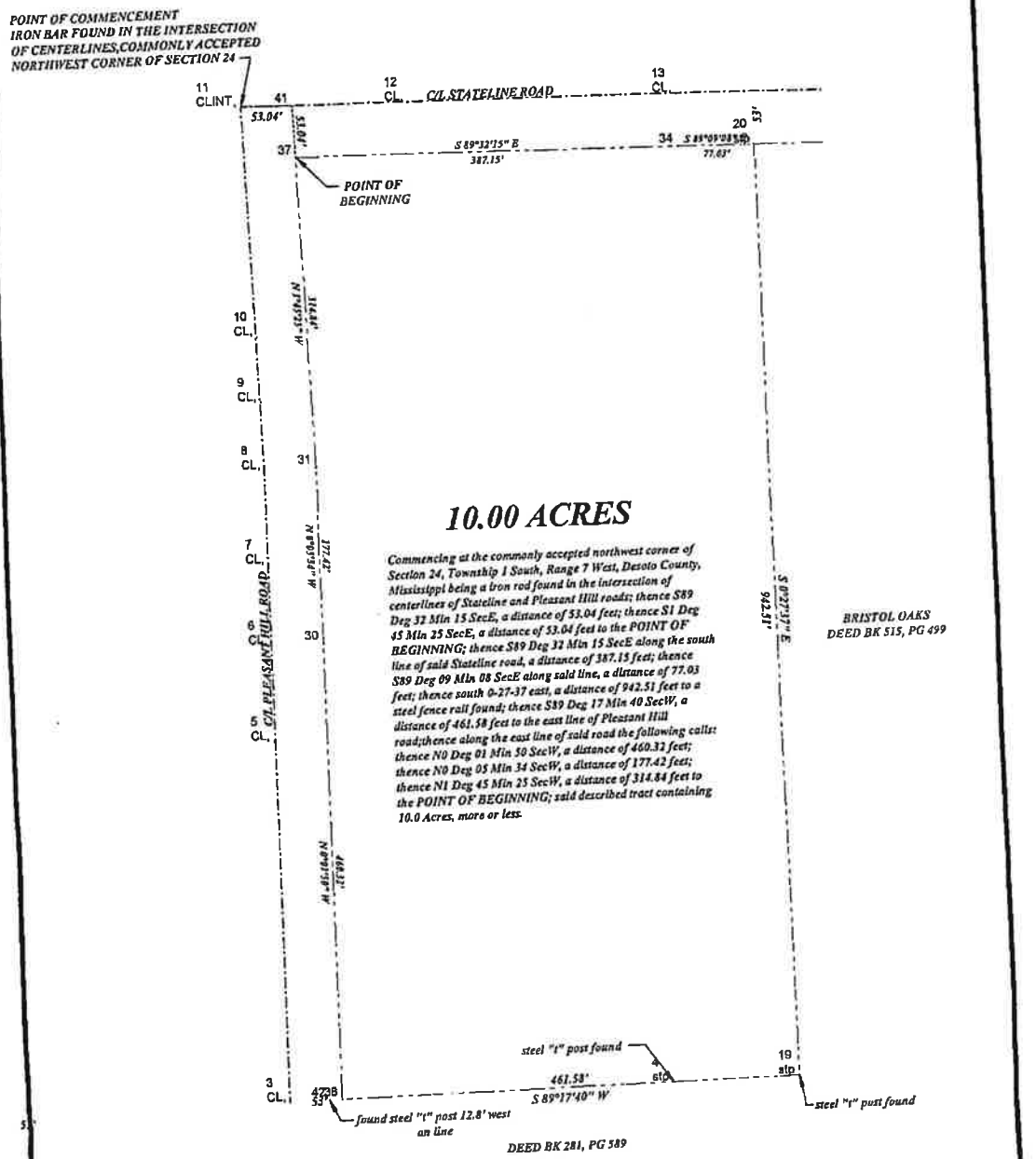
NOTARY PUBLIC

My Commission Expires 7-19-11

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 3386 JAMES E. WOODS Commission Expires July 19, 2011 DESOTO COUNTY

3689138.1/00931.07178

PART OF THE NORTHWEST QUARTER OF SECTION 24,TOWNSHIP 1 SOUTH, RANGE 7 WEST, DESOTO COUNTY, MISSISSIPPI



HENSLEY LAND SURVEYING
2449 ARKABUTLA-COLDWATER ROAD
COLDWATER,MS 38632
662-562-3505/901-652-0129

SCALE 1" = 100'
CLASS "B" SURVEY, NOV. 21,2010

NOTES:
1. THIS SURVEY IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY THAT MAY APPLY
2. STEEL "T" POST SET ON ALL CORNERS UNLESS OTHERWISE NOTED
3. BEARINGS ARE REFERNCED TO MS STATE PLANE)

EXHIBIT 3G: Rezoning Application (with attached exhibits) Submitted by Brenda Solomito to Rezone Subject Property from R-3 Back to A-R in 2012

Rev 12-03

OLIVE BRANCH PLANNING COMMISSION

9200 PIGEON ROOST ROAD
OLIVE BRANCH, MS 38654

PHONE: 662-892-9334
FAX: 662-892-9346

ZONING AMENDMENT APPLICATION

(Office use only)

APPLICATION FEE: See Attached
RECORDING FEE: $1.00
RECEIVED BY: _____

TOTAL FEES: _____
RECEIPT#: _____
DATE RECEIVED: _____

CHECK #: _____
CASH: _____
PLANNER: _____

ADDRESS OF PROPERTY: Southeast corner of Stateline Road and Pleasant Hill Road

NEAREST INTERSECTION: Stateline Road and Pleasant Hill Road

SECTION: 24 TOWNSHIP: 1 RANGE: 7W

EXISTING ZONING: R-3 PD ZONING REQUEST: AR

GROSS ACREAGE: 48.69

TOTAL NUMBER OF LOTS: 1

TYPE OF SANITARY SEWER: Gravity

LIST ANY EXISTING STRUCTURES: N/A

The following statements will need to be addressed. Space is provided for a response or a separate sheet may be used.

1. Was the original zoning classification for the property a mistake? If so why was it a mistake?

See Attached

2. Has the character of the neighborhood changed to such an extent to justify the proposed rezoning? (If the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes , if any, have occurred in the vicinity of the property in question, which were not anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.)

See Attached

3. Is there an existing public need for the rezoning?

See Attached

Note: If property owner is to be represented by another person, a designation of agent form must be notarized and turned in with the application materials. (Please Print)

Property Owner or Designated Agent	Address	Telephone	Fax	E-mail
Brenda Solomito - Solomito Land Planning	2067 Kirby Parkway Memphis, TN 38119	901-569-0310		brendasolomito@bellsouth.net
Milestone Surveying	10360 Highway 70, Suite 2 Lakeland, TN 38002	901-867-8671		milestonels@bellsouth.net
Engineer/Surveyor	Address	Telephone	Fax	E-mail

I, the undersigned, being the owner of record, or the owner's designated agent, certify that the above information is true and correct to the best of my knowledge. I further agree that I am informed concerning the provisions of the zoning ordinance of the City of Olive Branch, Mississippi, as it affects the approval of zoning amendments by the City. Applicant states that the following items are included with this application at the time of submission:

- ✓ A current survey of the property sought to be rezoned, prepared by an engineer or land surveyor (one 8.5" x 11" copy)
- ✓ A transparency of the required survey. (one 8.5" x 11" copy)
- ✓ A legal description by metes and bounds of the entire property to be zoned based upon the prepared survey. If the property is to be split between two or more zoning designations, then separate legal descriptions are required for each designation (one 8.5" x 11" copy)
- ✓ A drawing of the neighborhood , drawn to scale, showing all properties, and the owners of those properties, within 500 ft. of any property line of the subject property, including the dimensions of each property, and the widths of all streets, roads or alleys. (one 8.5" x 11" copy)
- ✓ A list of the names and addresses of the owners reflected upon the drawing of the neighborhood on gummed mailing labels.

SIGNATURE OF PROPERTY OWNER OR DESIGNATED AGENT — DATE 10/12/12

CHAIRMAN, OLIVE BRANCH PLANNING COMMISSION — APPROVE / DISAPPROVE — DATE 11-13-12

MAYOR, OLIVE BRANCH MAYOR AND BOARD OF ALDERMEN — APPROVE / DISAPPROVE — DATE

Brenda P. Solomito
Land Planner

Zoning
Master Planning
Due Diligence
Project Management
Subdivision Coordinator

October 12, 2012

Mr. BJ Page
Director of Planning
City of Olive Branch, Mississippi
9200 Pigeon Roost
Olive Branch, Mississippi 38654

RE: Application for Rezoning from R-3, Planned Residential to A-R, Agricultural Residential
Southeast corner of Stateline Road and Pleasant Hill Road - Olive Branch, MS

Dear Mr. Page:

Please accept this application on behalf of New Life in Christ Fellowship Church for Rezoning from R-3 to AR. The property is located at the southeast corner of Stateline Road and Pleasant Hill Road and contains approximately 48.69 acres. We are also filing and application for Preliminary Subdivision along with this submittal.

In November of 2005, an application for rezoning from A-R, Agricultural Residential, to R-3, Planned Residential approved by the Mayor and Board of Aldermen. This application would have permitted a maximum of 71 residential lots. For a number of reasons, the Proposed Bristol Oaks Planned Development was never constructed. Almost seven years later, The New Life in Christ Fellowship Church is making this site their new Church Home.

The New Life in Christ Fellowship Church is currently located on Goodman Road in Olive Branch and has been a part of the Olive Branch community for several years. The Church is growing and is committed to staying in Olive Branch.

Our request for rezoning is based upon the following factors:

1. The original zoning, prior to the R-3 Planned Development approved in 2005 was A-R, Agricultural Residential. The proposed site is also surrounded by A-R zoning. Perhaps the Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or just possibly premature. This is not to say that the proposed Bristol Oaks Planned Development was a mistake, but that since it never materialized, the zoning should revert back to the A-R zoning.

2. The character of the area has not significantly changed since 2005. As illustrated on the attached exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports our request for the rezoning back to A-R. The General Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be a compatible land use for the surrounding properties.

2067 Kirby Parkway • Memphis, TN 38119
Tel. (901) 755-7495 • brendasolomito@bellsouth.net

3. As stated before, The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive Branch and would like to remain in the community.

Thank you again for your time and efforts. I look forward to working with you on this project. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING

Brenda P. Solomito
Land Planner



PREPARED BY:

Woodard Architecture, PA

CivilEngineering Solutions LLC
317 W. MARKET ST. OXFORD, MS 38655

Brenda P. Solomito
Solomito Land Planning
2067 Kirby Parkway • Memphis, TN 38119
brendasolomito@bellsouth.net
Office (901) 755-7495 • Cell (901) 569-0310

October 12, 2012

Existing Conditions

New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654

12064.001.dwg © Copyright: Property Solutions


October 12, 2012
Conceptual Site Plan
New Life in Christ Church
OLIVE BRANCH, MISSISSIPPI
NORTH
0
50'
100'
SCALE 1"=100'
THE INFORMATION SHOWN WAS COMPILED FROM NUMEROUS SOURCES AND IS BELIEVED TO BE CORRECT; HOWEVER, NO WARRANTY IS EXPRESSED OR IMPLIED.
State Line Road
20' LSCP. SCREEN
LOT 2
164,069.33 S.F.
3.77 ACRES
LOT 1
272,282.89 S.F.
6.25 ACRES
LOT 3
164,069.33 S.F.
36.12 ACRES
Pleasant Hill Road
20' LSCP. SCREEN
20' LSCP. SCREEN
20' LSCP. SCREEN
±20,465 S.F.
570 SEATS
108 PARKING SPACES PROVIDED
15' LSCP. SCREEN
PATRICIA ANN HUMPHREYS
KEITH SELLERS
BK. 291, PG. 589
ZONED A-R
LOT 13
PREPARED BY:
Woodard Architecture, PE
CivilEngineering Solutions LLC
317 W. MARKET ST. OYERSBURG, TN 38024
Brenda P. Solomito
Solomito Land Planning
2067 Kirby Parkway • Memphis, TN 38119
brendasolomito@bellsouth.net
Office (901) 755-7485 • Cell (901) 569-0310
PREPARED FOR:
NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654
12264-M01.dwg © Copyright. Property Solutions



PREPARED BY:

Woodard Architecture, PC

CivilEngineering Solutions LLC

317 W. MARKET ST. DYERSBURG, TN 38024

Brenda P. Solomito
Solomito Land Planning
2067 Kirby Parkway • Memphis, TN 38119
brendasolomito@bellsouth.net
Office (901) 755-7495 • Cell (901) 569-0310

October 12, 2012

Existing Conditions

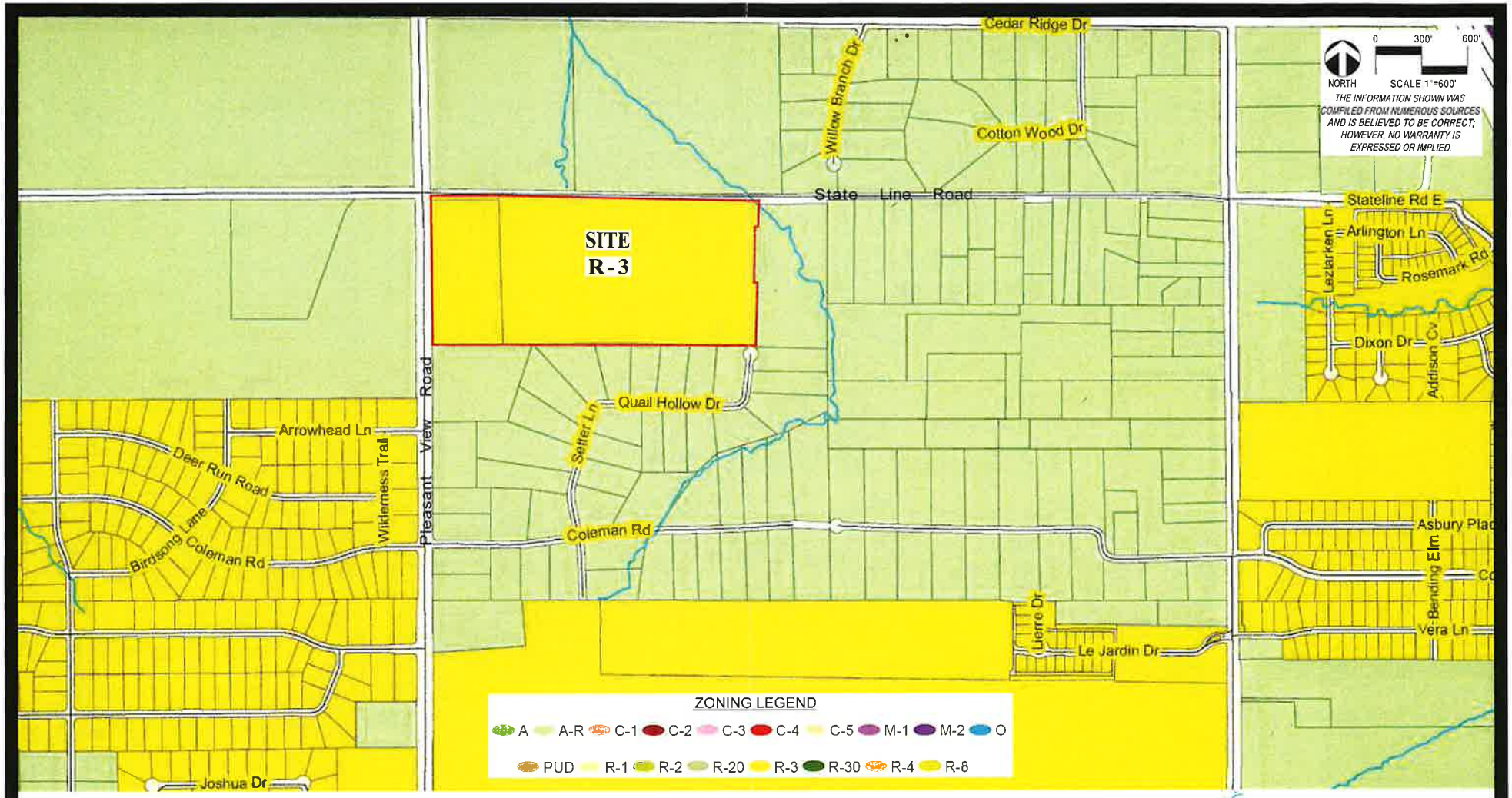
New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 12O
Olive Branch, MS 38654

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PREPARED BY:

Woodard Architecture, P.C.

CivilEngineering Solutions LLC

317 W. MARKET ST. OYERSBURG, TN 38024

Brenda P. Solomito
Solomito Land Planning
2067 Kirby Parkway • Memphis, TN 38119
brendasolomito@bellsouth.net
Office (901) 755-7495 • Cell (901) 569-0310

October 12, 2012

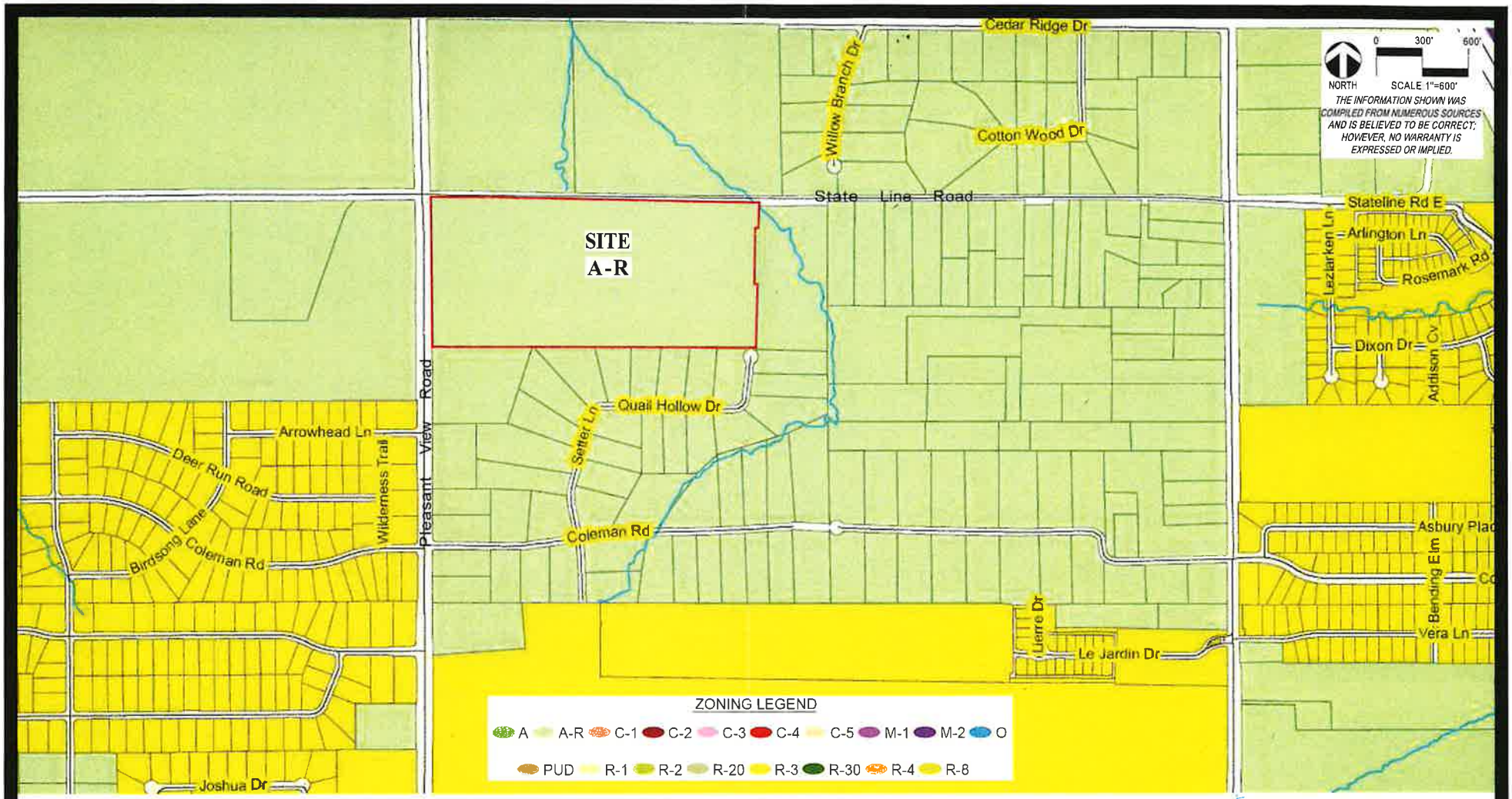
Existing Zoning

New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654



PREPARED BY:

Woodard Architecture, P.C.

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October 12, 2012

Proposed Zoning

New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654

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Brenda P. Solomito
Land Planner

Zoning
Master Planning
Due Diligence
Project Management
Subdivision Coordinator

EXHIBIT 3H: Preliminary Plat Application file submitted by Brenda Solomito in 2012, including area of subject property (submitted with associated rezoning application - see Exh. 3G)

October 12, 2012

Mr. BJ Page
Director of Planning
City of Olive Branch, Mississippi
9200 Pigeon Roost
Olive Branch, Mississippi 38654

RE: Application for Preliminary Subdivision
Southeast corner of Stateline Road and Pleasant Hill Road - Olive Branch, MS

Dear Mr. Page:

Please accept this application on behalf of New Life in Christ Fellowship Church for Preliminary Subdivision. The property is located at the southeast corner of Stateline Road and Pleasant Hill Road and contains approximately 48.69 acres. We are also filing and application for Rezoning from R-3, Planned Residential to A-R, Agricultural Residential, along with this submittal.

In November of 2005, an application for rezoning from A-R, Agricultural Residential, to R-3, Planned Residential approved by the Mayor and Board of Aldermen. This application would have permitted a maximum of 71 residential lots. For a number of reasons, the Proposed Development was never constructed. Almost seven years later, The New Life in Christ Fellowship Church is making this site their new Church Home.

The New Life in Christ Fellowship Church is currently located on Goodman Road in Olive Branch and has been a part of the Olive Branch community for several years. The Church is growing and is committed to staying in Olive Branch.

As illustrated on the attached preliminary plat, we are proposing a three lot subdivision to accommodate the future Church site on Lot 1. The Church is negotiating to purchase Lot 2 in the near future and the remainder of the property will be contained in Lot 3.

I look forward to working with you on this project. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING

Brenda

Brenda P. Solomito
Land Planner

2067 Kirby Parkway • Memphis, TN 38119
Tel. (901) 755-7495 • brendasolomito@bellsouth.net

12-20

OLIVE BRANCH PLANNING COMMISSION

9200 PIGEON ROOST ROAD
OLIVE BRANCH, MS 38654

SUBDIVISION APPLICATION

PHONE: 662-892-9334
FAX: 662-892-9346

Select One:

____ MINOR SUBDIVISION
__X__ PRELIMINARY SUBDIVISION
____ FINAL SUBDIVISION
____ SUBDIVISION REVISION
____ PLAT VACATION

(Office use only)

APPLICATION FEE: See Attached
RECORDING FEE: $1.00
RECEIVED BY: _____

TOTAL FEES: _____
RECEIPT#: _____
DATE RECEIVED: _____

CHECK #: _____
CASH: _____
PLANNER: _____

SUBDIVISION NAME: New Life in Christ Subdivision

LOCATED ON THE: South SIDE OF Stateline Road (Street, Road, Drive)

NEAREST INTERSECTION: at Pleasant Hill Road

SECTION: 24 TOWNSHIP: 1 RANGE: 7W EXISTING ZONING: AR

GROSS ACREAGE: 48.69 TOTAL NUMBER OF LOTS: 3

TYPE OF SANITARY SEWER: Gravity LIST ANY EXISTING STRUCTURES: N/A

ADDITIONAL INFORMATION:
See Attached

Note: If property owner is to be represented by another person, a designation of agent form must be notarized and turned in with the application materials. (Please Print)

Property Owner or Designated Agent	Address	Telephone	Fax	E-mail
Brenda Solomito - Solomito Land Planning	2067 Kirby Parkway Memphis, TN 38119	901-569-0310		brendasolomito@bellsouth.net
Developer	Address	Telephone	Fax	E-mail
New Life in Christ Church	6888 Goodman Road, Suite 120 Olive Branch, MS 38654			
Engineer/Surveyor	Address	Telephone	Fax	E-mail
Milestone Surveying	10360 Highway 70, Suite 2 Lakeland, TN 38002	901-867-8671		milestonels@bellsouth.net

I, the undersigned, being the owner of record, or the owner's designated agent, certify that the above information is true and correct to the best of my knowledge. I further agree that I am informed concerning the provisions of the subdivision regulations of the City of Olive Branch, Mississippi, as it affects the approval of plats or replats by the City. Applicant states that the following items are included with this application at the time of submission:

- ✓ Plat (Five full sized copies)
- — Restrictive Covenants (Two copies)
- ✓ Plat Reduced (8.5" x 11" copy)
- — Plat Reduced Transparency (8.5" x 11" copy)

Brenda P. Solomito
SIGNATURE OF PROPERTY OWNER OR DESIGNATED AGENT — DATE 10/12/12

CHAIRMAN, OLIVE BRANCH PLANNING COMMISSION — APPROVE / DISAPPROVE — DATE 11/13/12

MAYOR, OLIVE BRANCH MAYOR AND BOARD OF ALDERMEN — APPROVE / DISAPPROVE — DATE

SUBDIVISION APPLICATION INFORMATION SHEET

1. **FEES: The fees for subdivision applications are as follows.**

   A. Preliminary Plat – **$100.00** plus **$3.00** per lot plus **$1.00** State Record Fee
   B. Final Plat – **$100.00** plus **$3.00** per lot plus **$1.00** State Record Fee
   C. With the submission of a final plat at the end of the approval process for recording purposes, the applicant must submit cash or a check made out to the DeSoto County Chancery Court Clerk to cover the recording fee for the plat. The base fee for recording the plat is **$14.00, plus $1.00 per lot**. If restrictive covenants are to be recorded with the plat, the recording fee will include an additional **$11.00**.
   D. **Common Open Space** – On November 5, 2002, the Board of Aldermen amended the Subdivision Regulations to require that **all** residential subdivisions must dedicate a minimum of ten percent (10%) of their land area to common open space. As an alternative to dedicating this common open space, the applicant may elect to pay **$350.00 per lot** to the City Park Fund. If the applicant chooses to pay the fee to the Park Fund rather than dedicate the common open space, **that fee must be paid to the Planning Department office prior to the recording of the plat.**

2. **THE PROPOSED SUBDIVISION PLAT SHALL CONTAIN THE FOLLOWING:**

   A. Subdivision Name, Subdivision Owner (Full Name) and Engineer or Designer, Names of all Adjoining Subdivisions and/or Property-Owners, and the Zoning District or Districts
   B. Drawn to a scale of One (1) inch equals One Hundred (100) Feet
   C. The Submitted Plat Must Show:

      1. Existing Property Lines
      2. Locations, Widths, and Names of all Streets
      3. Locations of Buildings, Water Courses, Sewer Mains, Water Mains, Culverts, and any other Underground Structures
      4. Existing Easements, Buildings, and Adjacent Properties
      5. Total Acreage Subdivided in each 640 Acre Land Section
      6. Distances and Direction to One or more Corners in each Quarter Section
      7. Distances and Bearings for the Out boundary of the Subdivision
      8. Proposed Streets, Corner Cut-offs, Alleys, Lots, Easements, Minimum Building Lines, Etc. (Give Dimensions of Each)
      9. Number of Lots or Parcels in Numerical Sequence, Counter Clockwise, Complete a Full Block or Lots Before Going to the Next Block. In Cases of Half Blocks, a Reasonable Series of Numbers can be Skipped to Provide for use
      10. Square Footage of each Lot in the Proposed Subdivision
      11. A Vicinity Map Showing: The name of the Subdivision, the Title, North Point, Date, and Scale, the Subdivision in Bold Outline, the Relationship to Adjoining Properties, Neighborhood Schools, Commerce, Churches, Parks, and other Community Facilities, and the Main Traffic Arteries and Connecting Streets

3. **OTHER INFORMATION:**

   A. The complete Application, including all fees and materials, shall be filed no later than the "deadline" date preceding the date of the next regularly scheduled Planning Commission at which it is intended that the application will be heard. A copy of the Commission's meeting dates and "deadline" dates can be obtained from the Planning Commission staff.

   B. The Preliminary Plat approval is good for a two (2) year period from the date of action by the Mayor and Board of Aldermen. A Final Plat of all or an approved portion of subdivision must be submitted to the Planning Commission before the two (2) year period has expired or the original preliminary approval will lose its validity.

   C. The Final Plat approval is good for a one (1) year period from the date of action by the Mayor and Board of Aldermen. The Final Plat must be recorded in the office of the DeSoto County Chancery Clerk within the one (1) year period or the original final plat approval will lose its validity.



PREPARED BY:

Woodard Architecture, P.C.

CivilEngineering Solutions LLC

317 W. MARKET ST. OYERSBURG, TN 38024

Brenda P. Solomito
Solomito Land Planning
2067 Kirby Parkway • Memphis TN 38119
brendasolomito@bellsouth.net
Office (901) 755-7495 • Cell (901) 569-0310

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October 12, 2012

Existing Conditions

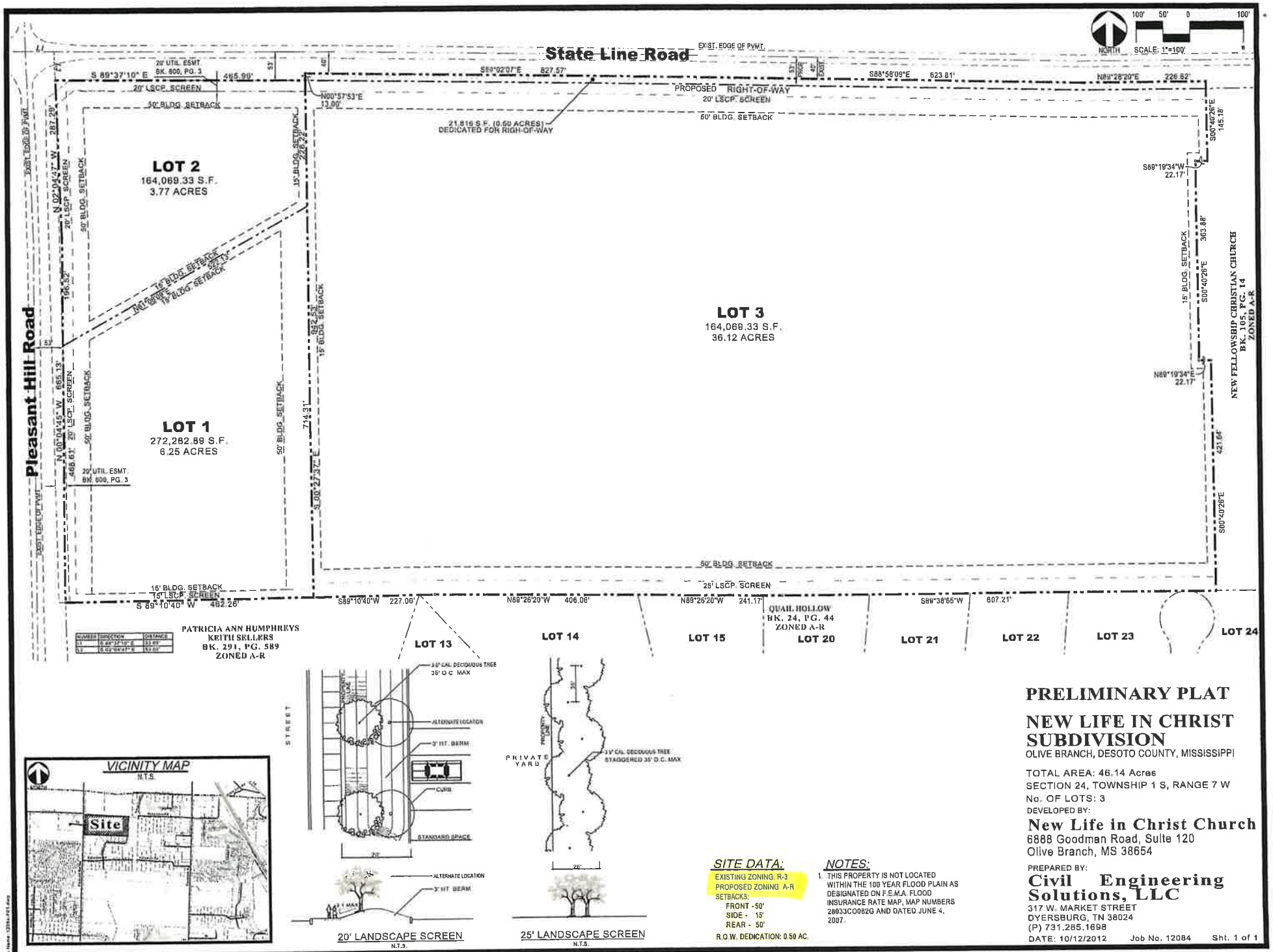
New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH

6888 Goodman Road, Suite 120
Olive Branch, MS 38654



20' LANDSCAPE SCREEN
N.T.S.

25' LANDSCAPE SCREEN
N.T.S.

SITE DATA:

EXISTING ZONING: R-3
PROPOSED ZONING: A-R
SETBACKS:
FRONT - 50'
SIDE - 15'
REAR - 50'
R.O.W. DEDICATION: 0.50 AC.

NOTES:

1. THIS PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN AS DESIGNATED ON F.E.M.A. FLOOD INSURANCE RATE MAP, MAP NUMBERS 28033C0082G AND DATED JUNE 4, 2007.

PRELIMINARY PLAT

NEW LIFE IN CHRIST SUBDIVISION

OLIVE BRANCH, DESOTO COUNTY, MISSISSIPPI

TOTAL AREA: 46.14 Acres
SECTION 24, TOWNSHIP 1 S, RANGE 7 W
No. OF LOTS: 3
DEVELOPED BY:

New Life in Christ Church
6888 Goodman Road, Suite 120
Olive Branch, MS 38654

PREPARED BY:

Civil Engineering Solutions, LLC
317 W. MARKET STREET
DYERSBURG, TN 38024
(P) 731.285.1698

DATE: 10/12/2012 Job No. 12084 Sht. 1 of 1

EXHIBIT 3I: Concept Plan for New Life in Christ Church Submitted with Rezoning Application



EXHIBIT 3J: "Designation of Agent" form from New life in Christ Church to Brenda Solomito

CITY OF OLIVE BRANCH
9200 PIGEON ROOST ROAD
OLIVE BRANCH, MISSISSIPPI 38654
PHONE: 662-892-9334
FAX: 662-892-9346

DESIGNATION OF AGENT

I, Quincy Preston, being owner of the property which is the subject of this application New Life Church of Christ SD (Name of proposed subdivision, address, or tax parcel ID number) hereby authorize Brenda P. Solomito to act as my representative with the City of Olive Branch's Board of Adjustment, and/or Planning Commission, and/or Board of Aldermen, as required by the type of request listed hereon.

Such representation shall be for all purposes concerning any matter, right or obligation relating to this petition. This designation authorizes my agent to make verbal or written representations and/or declarations on my behalf and I shall be legally bound by said verbal or written representations and/or declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

Property Owner's Signature _____ Date 10/10/12

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 10 day of October 2012 ~~2089~~ within my jurisdiction, Quincy Preston, who, being first duly sworn, states that he executed the foregoing document as h__ free and voluntary act.

Seal:

Brenda P. Solomito
Notary Public

BRENDA P. SOLOMITO
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY CO. TN

My Commission Expires:

6/4/2013

EXHIBIT 3K: Email from staff planner, Laurette Thymes, to Solomito

Thymes, Laurette

From: Brenda Solomito [brendasolomito@bellsouth.net]
Sent: Wednesday, October 24, 2012 2:45 PM
To: Thymes, Laurette
Subject: RE: Designated Agent New Life

Quincy Preston is and Elder in the Church. Same a Board of Director. They are emailing me the docs to [illegible] position.

Brenda P. Solomito
Solomito Land Planning
[illegible]

From: Thymes, Laurette [mailto:lthymes@obms.us]
Sent: Tuesday, October 23, 2012 3:11 PM
To: brendasolomito@bellsouth.net
Subject: Designated Agent New Life

Hi Brenda,
I need to confirm ownership of all three lots. Lots 1 & 2 are recorded with New Life in Christ Church however the Designated Agent signed without identification as Quincy Preston who is not the pastor. An appointed authority is allowed to sign but I need to know his official capacity. Is Quincy Preston a Trustee, Associate Minister, Recording Secretary ect? The Pastors are listed as Kevin & Linda Willis. Lot 3 is listed as J&M Holdings and does not have a Designated Agent form for the corporation.
Thanks,

Laurette Thymes~Associate City Planner~lthymes@obms.us
City of Olive Branch~http://www.obms.us/
9200 Pigeon Roost Road~Olive Branch~Mississippi~38654
Office: 662.892.9334 City Hall: 662.892.9200 Fax: 662.892.9346

EXHIBIT 3L: 2012 Rezoning Staff Report to Planning Commission

12-03

STAFF REPORT **PLANNING COMMISSION**

DATE: November 13, 2012 **ITEM #** 2 **CAPTION:** Zoning Amendment "R3" to "AR" Pleasant Hill @ Stateline/Bristol Oaks

BACKGROUND: New Life in Christ and J&M Holdings are the current owners of the 46 acre site located at the southeast corner of Pleasant Hill Road and Stateline Road previously rezoned as "R-3" Planned Residential when approved for development of Bristol Oaks Subdivision in 2005. Edco Properties was the developer however the land remained vacant and 10 acres have transferred by warranty deed to a church that plans construction of a sanctuary and buildings for non-profit accessory use. A final plat of the 71 lots planned as Bristol Oaks was never recorded and the 10 acre portion purchased by the Church exists in a legal description but has never been platted. The subject property remains zoned "R-3" Planned Residential however this action proposes rezoning to the original "AR" Agricultural Residential zone. *(Vicinity & Zoning Map attached)*

ZONING: The "R-3" Planned Residential Zone is a flexible zoning classification that allows for the development of a planned subdivision thru the use of a project text. The project text for Bristol Oaks did not adopt a church in its permitted uses and did not approve a listing of conditional uses. This differs from City ordinances that allow a church as a permitted use in all residential zones. Proposed Lot 1 is planned for church construction but is only 6 acres of the 46 acres to be rezoned. The church presently also owns another 3.5 acres with no expressed construction plans that they propose as Lot 2. The majority of the proposed rezoning is 36 acres in separate ownership without expressed development plans. The proposed zoning amendment will return the property to the same zoning classification it had prior to the 2005 rezoning. The abutting properties are all zoned "AR". The property abutting to the east has a church located on a 9 acre property. Agricultural Residential "AR" zoning is a large lot, rural residential zone that is mapped for sprawling expanses of undeveloped land, large lots where limited livestock and cultivation is allowed with residential development, and estate homes above average square footage. Homes are typically a minimum of 2000 sq ft with a barn or accessory building and accessed from rural cross section streets. Additionally the "AR" zone allows for all of the attached permitted and conditional uses. *(AR Ordinance Attached)*

The State of Mississippi provides that a governing body ***may consider*** these details while studying the requirements for rezoning:

- the size of the area to be rezoned
- classification & development of adjacent land
- relation of the amendment to existing zoning patterns
- the planning history of the amendment
- the benefits and detriments to owners vs overall community
- highest and best use

SIZE/CLASSIFICATION/RELATION: The New Life in Christ Church has purchased the land combined in Lots 1 & 2 and have proposed to plat them in a separate action. As previously stated, properties north, south, east and west of the subject property are all zoned AR. The AR zone requires a minimum of one acre to form a lot and a platted subdivision exceeding this requirement is pending.

THE COMPREHENSIVE DEVELOPMENT PLAN: the subject property is located in the Northwest Planning District, as shown on Exhibit 30 it is recommended as "Low Density Single Family". The proposed rezoning to "AR" is consistent with the development plan since the City ordinances recognize churches as a permitted use in residential zones and the subdivision proposed exceeds one acre for each lot. *(Exhibit 30 Attached)*

BENEFITS/DETRIMENTS: the property owner asserts three benefits: 1) the original zoning prior to the R-3 Planned development in 2005 was A-R, Agricultural Residential. The proposed site is surrounded by A-R zoning. The Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or was possibly premature. Without saying it was a mistake, since it never materialized, the zoning should revert back to A-R zoning. 2) The character of the area has not significantly changed since 2005. As illustrated on the exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports the request for rezoning back to A-R. The General Development Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be compatible land use for the surrounding properties. 3) The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive branch and would like to remain in the community.

HIGHEST/BEST USE: Staff believes that the goal of low density residential, as stated in the Comprehensive Plan is best met with the AR zone for undeveloped property.

The mandatory questions that State Law requires to evaluate a rezoning were answered as follows:

1) **Was the original zoning classification a mistake? If so why was it a mistake.**
APPLICANT: See attached
STAFF COMMENT: None

2) **Has the character of the neighborhood changed to such an extent to justify the proposed rezoning? (If the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any have occurred in the vicinity of the property in question, which were NOT anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.)**
APPLICANT: See attached.
STAFF COMMENT: The present Comprehensive Development Plan was adopted after the 2005 rezoning and project text for development of Bristol Oaks. Without the change that Bristol Oaks would have brought the development goals should be led by the Comprehensive Plan.

3) **Is there an existing public need for the rezoning?**
APPLICANT: See attached.
STAFF COMMENT: None

OTHER COMMENTS:

1. Brenda Solomito, principal planner for Solomito Land Planning submitted a Designated Agent form from the New Life Church of Christ however records show their ownership of 10 acres and the remaining 36 acres owned by L& M Holding. The file does not include a authorization to act on behalf of the owners of the 36 acre property.
2. The standard of approval for rezonings is that the Board ***must find "clear and convincing" evidence***. The standard ***is stricter*** than a preponderance of the evidence which calls for a weighing where facts in excess of 51% may be approved. Any action requires ***evidentiary findings*** regarding the four criteria listed in the Zoning Ordinance Article XIV, A4 for an amendment to the zoning map.
3. The following language is presented for your consideration:
   To APPROVE a rezoning of 46 acres located at Pleasant Hill Road and Stateline Road formerly approved for Bristol Oaks Subdivision "R-3" Planned Residential to "AR" Agricultural Residential finding that the Comprehensive Development Plan goal for the vicinity is low density residential that is best met by the AR zone which requires a minimum one acre lot configuration.

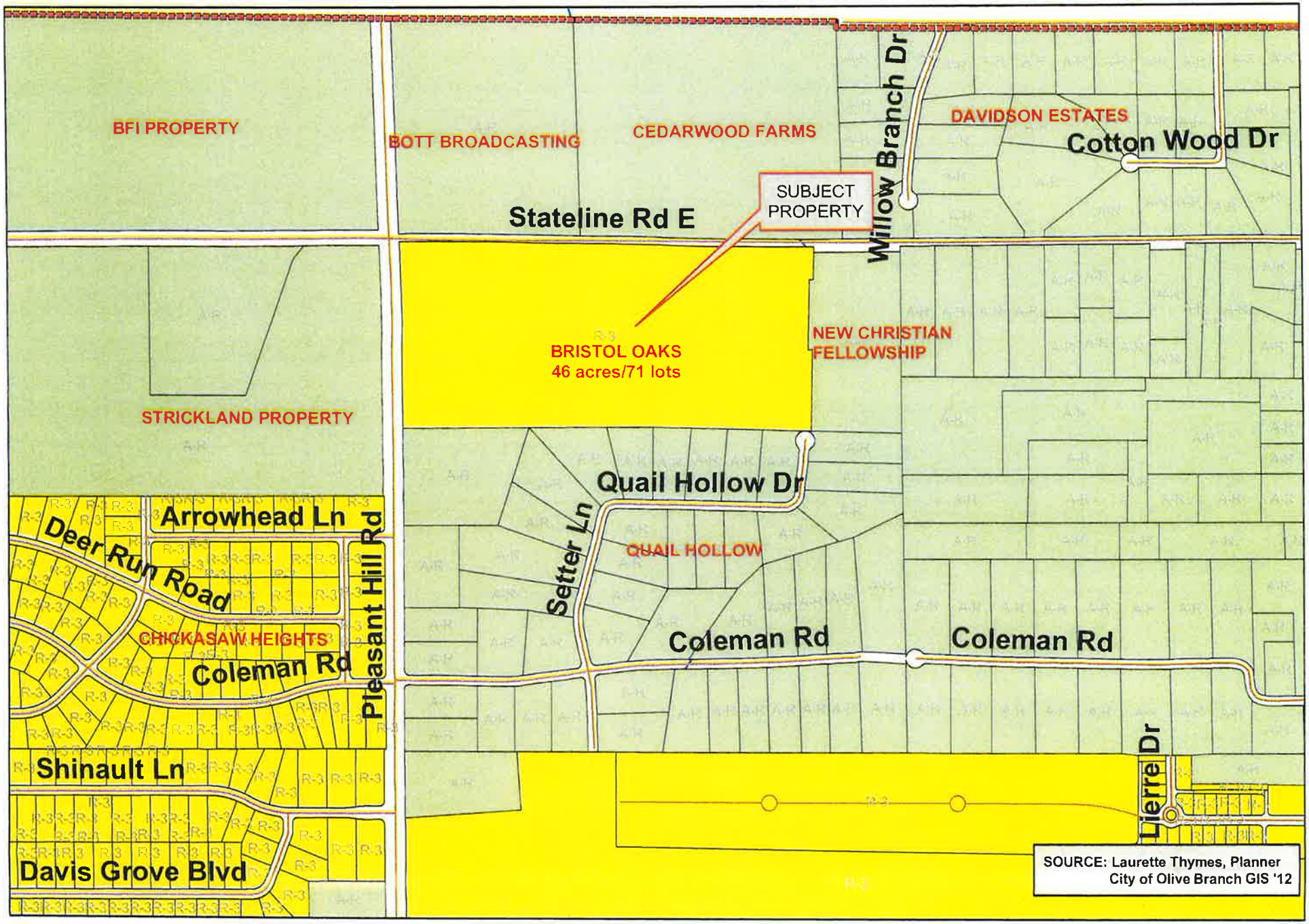
Approve R-3 to AR

CHECKED FOR SUBMISSION TO THE COMMISSION BY: Signed **DATE:** 11/02/12

MOTION BY: Tony **SECONDED BY:** John

VOTE	PRICE	MCLURE	SWINDLE	GILLESPIE	STRATTON	CURBO	LACHAUSSEE
YES	X						
NO				X			
ABSTAIN							

VICINITY & ZONING MAP
New Life in Christ



2. "AR" SINGLE FAMILY RESIDENTIAL DISTRICT

The primary purpose of this district is to permit the development of single family residential areas characterized with a rural atmosphere, low overall density with lots of at least 1-acre in size. In addition, to single family residences, churches, schools, and accessory uses compatible with low density and large lot surroundings are permitted. The district is located near urbanized communities and developing rural areas of the county and communities where this type of development has been designated in the Comprehensive Plan. In the "AR," Single Family Residential District, a building or premises shall be used only for the following purposes:

a. Permitted uses:

(1) Agriculture activities, but excluding feedlots and sales, auction yards, and auction barns
(2) Single family dwellings
(3) Churches
(4) Country Club
(5) Home occupations subject to the standards defined under the "A," Agricultural District
(6) Model Home, including sales offices, located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.
(7) Radio and television towers or antennas, or earth stations not exceeding 35 feet in height
(8) Schools, public
(9) Public Service Facilities
(10) Accessory buildings and uses as provided in Article VII

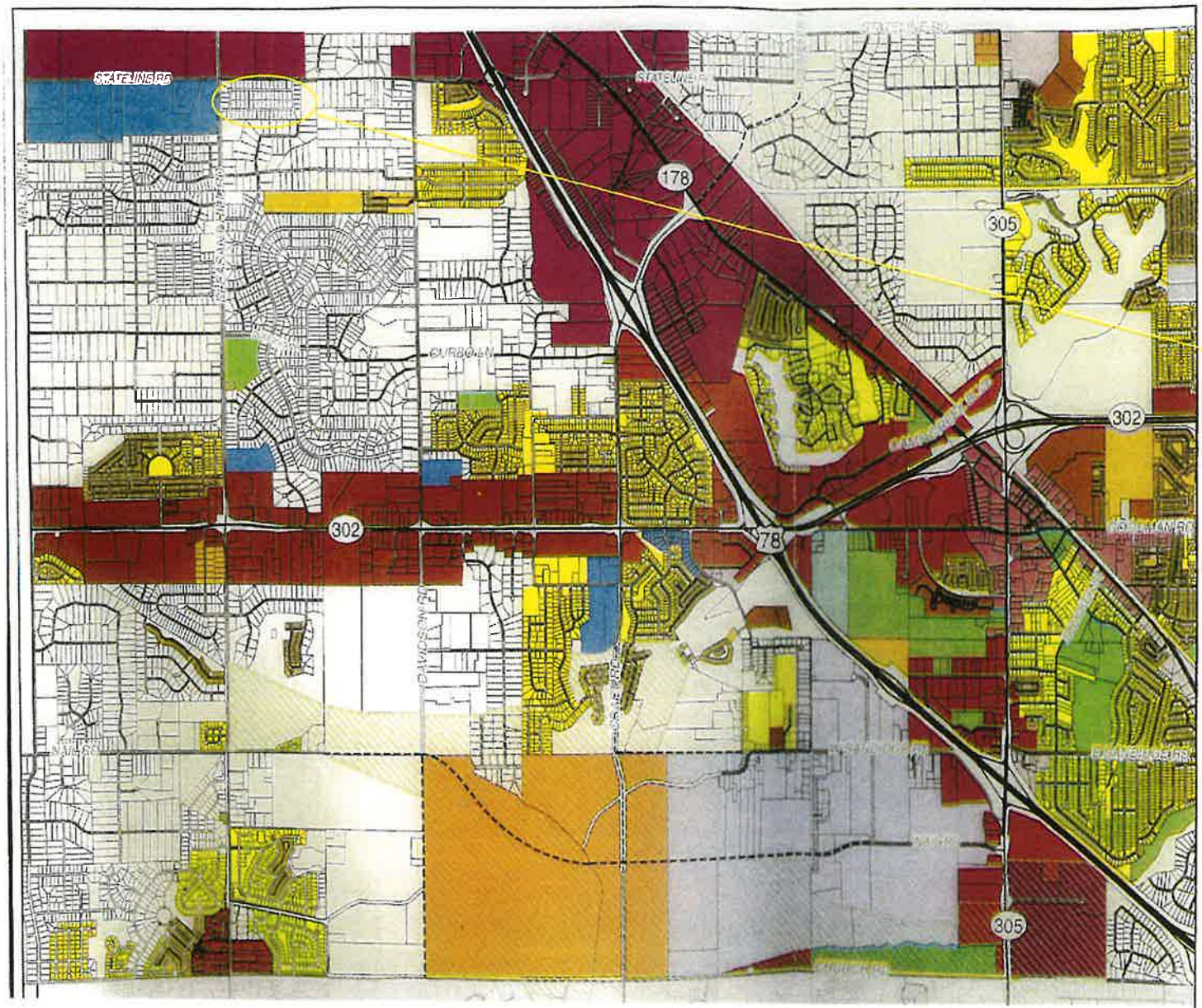
b. Conditional uses:

The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article X, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) Day care centers
(2) Hospitals, nursing homes, and educational, philanthropic, or religious institutions on sites of not less than five acres, provided not more than 20 percent of the site area may be occupied by the buildings.
(3) New cemeteries and the enlargement of existing cemeteries
(4) Parking lots located within 300 feet of a "C" district
(5) Civic, Social, and Fraternal Organizations
(6) Privately operated lakes, swimming pools, and tennis courts intended for public use, provided that they are located on sites containing not less than five acres

(7) Private schools
(8) Radio and television towers or antennas or earth stations exceeding 35 feet in height
(9) Wells, gas and oil, including drilling and extraction
(10) Extraction of minerals, including sand and gravel, as provided for under Article V, Section 1, Paragraph "b," Number 10, provided such application is made prior to December 31, 1985.

c. Minimum area, yard, and height requirements, which govern any use in this district, are listed on the Chart of Regulations unless otherwise regulated in this Article.



City of
Olive Branch
Mississippi

Northwest Planning District
Exhibit 30

PLANNED LAND USE:

- Public
- Low Density Single Family
- Medium Density Single Family
- High Density Single Family
- Multiple Family Residential
- Planned Unit Development
- Planned Office
- Medical Technology Park
- Old Town
- Neighborhood Commercial
- Commercial
- Planned Commercial Location
- Planned Unit Commercial
- Mixed Use
- Light Industrial

OVERLAY DISTRICTS:

- Natural Resource Conservation Overlay



COMPREHENSIVE DEVELOPMENT PLAN

Pleasant Hill at Stateline/Bristol Oaks

Brenda P. Solomito
Land Planner

Zoning
Master Planning
Due Diligence
Project Management
Subdivision Coordinator

October 12, 2012

Mr. BJ Page
Director of Planning
City of Olive Branch, Mississippi
9200 Pigeon Roost
Olive Branch, Mississippi 38654

RE: Application for Rezoning from R-3, Planned Residential to A-R, Agricultural Residential
Southeast corner of Stateline Road and Pleasant Hill Road - Olive Branch, MS

Dear Mr. Page:

Please accept this application on behalf of New Life in Christ Fellowship Church for Rezoning from R-3 to AR. The property is located at the southeast corner of Stateline Road and Pleasant Hill Road and contains approximately 48.69 acres. We are also filing and application for Preliminary Subdivision along with this submittal.

In November of 2005, an application for rezoning from A-R, Agricultural Residential, to R-3, Planned Residential approved by the Mayor and Board of Aldermen. This application would have permitted a maximum of 71 residential lots. For a number of reasons, the Proposed Bristol Oaks Planned Development was never constructed. Almost seven years later, The New Life in Christ Fellowship Church is making this site their new Church Home.

The New Life in Christ Fellowship Church is currently located on Goodman Road in Olive Branch and has been a part of the Olive Branch community for several years. The Church is growing and is committed to staying in Olive Branch.

Our request for rezoning is based upon the following factors:

1. The original zoning, prior to the R-3 Planned Development approved in 2005 was A-R, Agricultural Residential. The proposed site is also surrounded by A-R zoning. Perhaps the Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or just possibly premature. This is not to say that the proposed Bristol Oaks Planned Development was a mistake, but that since it never materialized, the zoning should revert back to the A-R zoning.

2. The character of the area has not significantly changed since 2005. As illustrated on the attached exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports our request for the rezoning back to A-R. The General Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be a compatible land use for the surrounding properties.

2067 Kirby Parkway • Memphis. TN 38119
Tel. (901) 755-7495 • brendasolomito@bellsouth.net

3. As stated before, The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive Branch and would like to remain in the community.

Thank you again for your time and efforts. I look forward to working with you on this project. Please do not hesitate to call with any questions and/or comments.

Sincerely,

SOLOMITO LAND PLANNING

Brenda P. Solomito
Land Planner



PREPARED BY:
Woodard Architecture, PC
CivilEngineering Solutions LLC
317 W. MARKET ST. DYERSBURG, TN 38024
Brenda P. Solomito
Solomito Land Planning
2067 Kirby Parkway • Memphis, TN 38119
brendasolomito@bellsouth.net
Office (901) 755-7495 • Cell (901) 569-0310

October 12, 2012

Existing Conditions

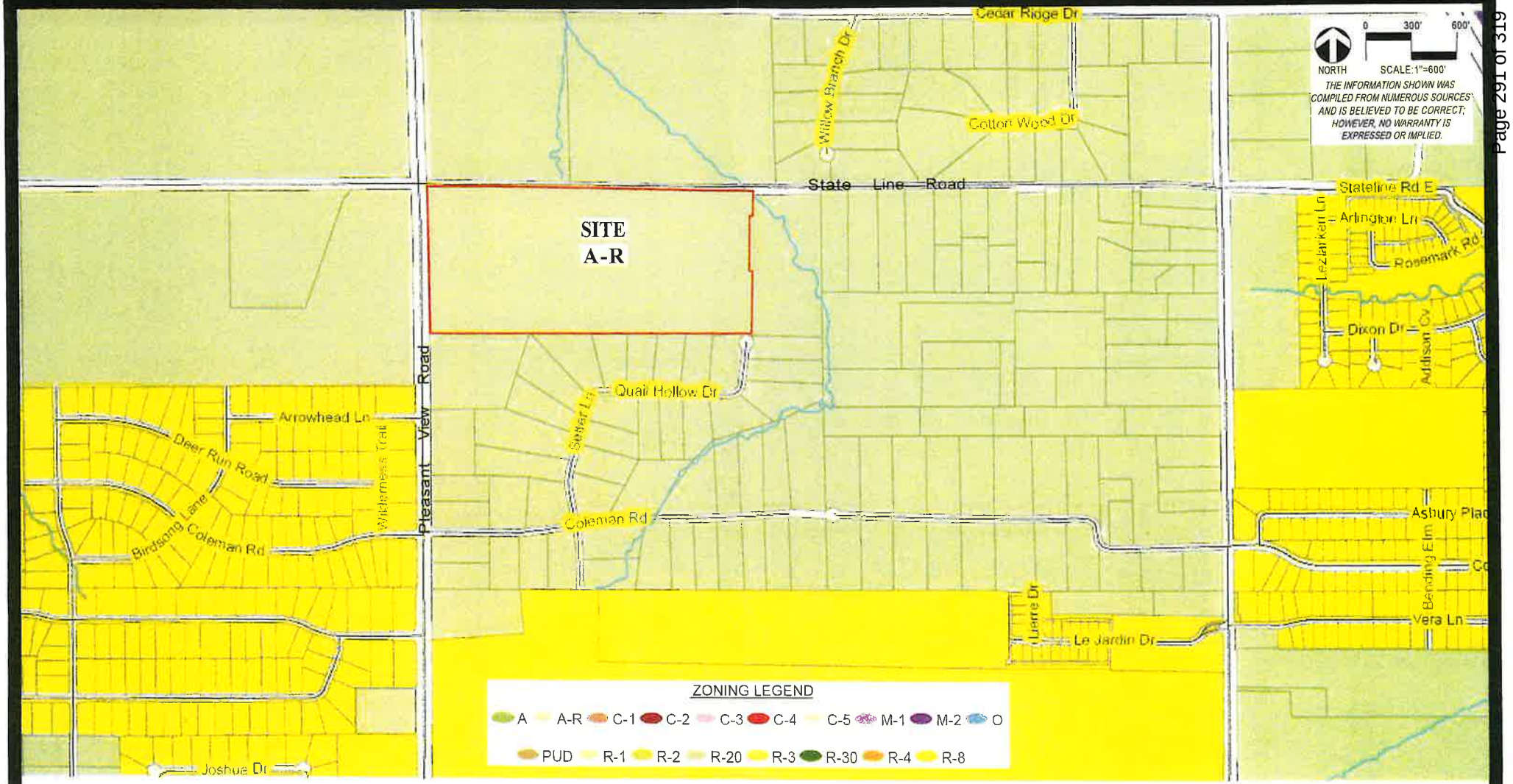
New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654

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PREPARED BY:

Woodard Architecture, PC

CivilEngineering Solutions LLC
317 W. MARKET ST. DYERSBURG, TN 38024

Brenda P. Solomito
Solomito Land Planning
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Office (901) 755-7495 • Cell (901) 569-0310

October 12, 2012

Proposed Zoning

New Life in Christ Church

OLIVE BRANCH, MISSISSIPPI

PREPARED FOR:

NEW LIFE IN CHRIST CHURCH
6888 Goodman Road, Suite 120
Olive Branch, MS 38654

EXHIBIT 3M:
"Designation of Agent" form from J & M Holdings, LLC to Brenda Solomito.

CITY OF OLIVE BRANCH
9200 PIGEON ROOST ROAD
OLIVE BRANCH, MISSISSIPPI 38654
PHONE: 662-892-9334
FAX: 662-892-9346

DESIGNATION OF AGENT

We,

I, J & M Holdings, LLC, being owner of the property which is the subject of this application New Life in Christ Fellowship Church (Name of proposed subdivision, address, or tax parcel ID number) hereby authorize Brenda P. Solomito to act as my representative with the City of Olive Branch's Board of Adjustment, and/or Planning Commission, and/or Board of Aldermen, as required by the type of request listed hereon.

Such representation shall be for all purposes concerning any matter, right or obligation relating to this petition. This designation authorizes my agent to make verbal or written representations and/or declarations on my behalf and I shall be legally bound by said verbal or written representations and/or declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

Property Owner's Signature Robert M Bailey Mr. Mike Bailey, Managing Partner Date 11/6/12

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 6th day of Nov, 2012, within my jurisdiction, Robert M Bailey who, being first duly sworn, states that he executed the foregoing document as his free and voluntary act.

Seal:

Stacey L Simpson
Notary Public

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 21255 STACEY L. SIMPSON Commission Expires Aug. 22, 2016 UNION COUNTY

My Commission Expires:

8/22/16

EXHIBIT 3N: Minutes of the Nov. 13, 2012 Planning Commission Meeting recommending rezoning of subject property from R-3 back to A-R

MINUTES

REGULAR MEETING

OLIVE BRANCH PLANNING COMMISSION

NOVEMBER 13, 2012

The Olive Branch Planning Commission meeting was held on Tuesday, November 13, 2012, 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 Chairman Lachaussee at 6:00 p.m. with Phil Lachaussee, Steve Stratton, Tony McLure, John Curbo, and Mike Swindle being present. Chris Gillespie and Terry Boyd were absent. B. J. Page, Director of Planning and Building, Laurette Thymes, Associate City Planner, and Joyce Kerr, Planning Secretary, were present from the Planning and Building Department.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 23, 2012

There being no corrections or additions to the minutes of the regular meeting of October 23, 2012, Mr. Stratton made a motion to approve the minutes as submitted. The motion was seconded by Mr. Curbo, which then carried unanimously.

OLD BUSINESS

There was no Old Business

NEW BUSINESS

1. Application for a Preliminary Subdivision for New Life in Christ Subdivision, submitted by Brenda Solomito, on behalf of the property owner, New Life in Christ Fellowship Church. 3 lots, 48.69 acres in size. Subject property was located on southeast corner of Stateline Road and Pleasant Hill Road, in Section 24, Township 1 South, and Range 7 West. The property was currently zoned "R-3" PD, Planned Residential District, but have made application for AR", Agricultural Residential District.

Mr. Lachaussee announced the item from the agenda and asked Ms. Thymes for a staff report. Ms. Thymes requested Items 1 and 2 be entertained together and asked the Chairman to read the second item from the agenda.

2. Application for Zoning Amendment, for New Life in Christ Fellowship Church, submitted by Brenda Solomito, on behalf of the property owner. The request was to rezone property from its current zoning designation of "R-3" PD, Planned Residential District, to "AR", Agricultural Residential District. Subject property was located on the southeast corner of Stateline Road and Pleasant Hill Road. Tract of land consists of 48.69 acres, located in Section 24, Township 1 South, and Range 7 West.

Mr. Lachaussee announced the item from the agenda and asked Ms. Thymes for a staff report. Ms. Thymes explained she suggested the two items were read together because they pertain to the same location, although they are two separate actions and required separate voting. Ms. Thymes shared a power point projection of the vicinity and zoning map, showing the location of the subject property with an arrow pointing to the tract of land highlighted in yellow. Ms. Thymes stated the property was at the southeast corner of Stateline Road and Pleasant Hill Road with New Christian Fellowship Church to the east and all surrounding properties zoned "AR," Agricultural Residential District. Ms. Thymes stated they were requesting two actions, the first to vote on the approval of the Preliminary Subdivision and the second to vote on the approval of the Zoning Amendment "R-3," Planned Residential District to "AR," Agricultural Residential District. Ms. Thymes showed a power point projection of the subdivision from 2005. Ms. Thymes stated Edco Properties was the developer however the land remained vacant and ten acres have transferred in a metes and bounds description to a church that plans construction of a sanctuary and buildings for non-profit accessory use. New Life in Christ and J & M Holdings are the current owners of the forty-six acre site. Ms. Thymes stated the subject property was rezoned "AR" to "R-3" when Bristol Oaks was approved for development in 2005. Ms. Thymes showed a power point projection of the Conceptual Site Plan for New Life in Christ Church Subdivision now planned. Ms. Thymes explained New Life in Christ Church Subdivision was applying for a preliminary plat only, which means a final plat would have to be presented to the Planning Commission and the Board of Aldermen before it can be recorded.

Ms. Thymes explained the property was presently zoned "R-3" however this action was exclusively a "preliminary plat" that allows for the approval of a "conceptual development" plan. Ms. Thymes stated the plat was prepared for presentation with the long range development plan for "AR" zoning and the foregoing evaluation was based on the "AR" Agricultural Residential zone. Ms. Thymes stated the final plat for any of the lots would be recorded after a decision was rendered for the pending zoning amendment and that is why the two requests were read together.

Ms. Thymes stated the "AR" zone required a lot to be a minimum of one acre with a width of at least 110 feet at the building setback line and the building setbacks are 50 feet at the front and rear of each lot, with 15 feet at each side. Ms. Thymes stated the preliminary plat proposed three lots. Ms. Thymes stated Lots 1 and 2 are on land presently owned by New Life in Christ Church and the church plans its main structure on Lot 1 which was a 6.25 acre lot with access from Pleasant Hill Road. Ms. Thymes stated Lot 2 was proposed as 3.77 acres with dual frontage at Pleasant Hill and Stateline Road. Ms. Thymes stated these two lots combined had been transferred as a single parcel by warranty deed and would not

subdivide until a final plat was recorded. Ms. Thymes stated Lot 3 was presently in separate ownership at 36.12 acres with more than 1,500 feet at Stateline Road. It could experience further re-subdivision with a final plat presentation or present development plans as shown in it entirety.

Ms. Thymes stated the preliminary plat showed a 20 foot landscape buffer along Pleasant Hill and Stateline Road and a 25 foot landscape buffer where proposed Lot 3 abuts residential lots in the Quail Hollow Subdivision. Ms. Thymes noted if the property was rezoned to "AR" as requested, all abutting properties also had the "AR" zoning classification and therefore a bufferyard would not be a requirement however, the owner's could elect to keep this feature as a landscaping choice.

Ms. Thymes stated Pleasant Hill Road was presently widened at the property line however Stateline Road was also maintained by the City of Olive Branch and a right-of-way dedication was required for consistent development of the roadway. Ms. Thymes explained approximately 40 feet exists from the centerline and where a minimum of 50 was required. Ms. Thymes stated the preliminary plat shows a half acre dedication that would widen the right-of-way to 53 feet along Lot 3 and the required right-of-way dedication was recorded with the 10 acres planned as Lots 1 & 2. Ms. Thymes stated the existing 20 foot utility easements at both roads exceed the 10 foot residential requirement.

Ms. Thymes stated the Preliminary Plat meets the requirements for approval and the Staff recommends the following revisions when a Final Plat is presented:

a) Add the all required certification signature blocks.
b) Add the warranty deed book and page reference for the right-of-way dedication for Stateline Road Lot 2.
c) Add the "Note" of a "Voluntary Landscape Buffer" and a self imposed statement of maintenance if the decision was made to keep it; or elect to remove the landscape buffers from the final plat.
d) Revise zoning in the "Site Data" if the proposed "AR" rezoning becomes final.
e) The mandatory conditions of approval would be added to the final plat as follows:
    1) All construction within the development shall be new construction, and no principal building, nor accessory building shall be an existing building moved into the development from another site.
    2) Grading, drainage, and engineering construction plans to be approved by the City Engineer.
    3) The developer shall install any necessary drainage pipe, erosion control material, sewer mains and service, gas mains and service, water mains, fire hydrants and service, and gravel or soil cement base for the streets, and one (1) layer of blacktop, 1 ½ " thick, if required by the City Engineer, before the subdivision is recorded. A bond must be filed for the remainder of the improvements, if necessary for the project, in an amount set by the City Engineer. This includes another 1 ½ " of blacktop making a total of three (3") inches of blacktop surface.
    4) Street light plans, if required, shall be submitted to the City Engineer for approval.

5) Street identification and traffic control signs and devices, if required, are to be installed by the developer to City specifications.
6) All utilities and services (electric, telephone, cable, etc.) to be installed underground. The water service lines shall be installed with tracing wire at the top.
7) Water and sewer service to be approved by the Health Department.
8) Final Approval by the Board of Alderman and recording of plat.

Ms. Thymes stated she had completed the presentation on the Preliminary Plat and would like to go back to the zoning map shown on power point projection. Ms. Thymes noted if the subject property would be rezoned to "AR," the Board would be returning the forty-six acres to the original plan. Ms. Thymes stated the surrounding properties are also zoned "AR."

Ms. Thymes stated the mandatory questions that State Law requires to evaluate a rezoning were answered as follows:

1. **Was the original zoning classification a mistake? If so why was it a mistake.**

Response to Question #1: The original zoning, prior to the "R-3," Planned Development approved in 2005 was "AR," Agricultural Residential. The proposed site is also surrounded by "AR" zoning. Perhaps the Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or just possibly premature. This is not to say that the proposed Bristol Oaks Planned Development was a mistake, but that since it never materialized, the zoning should revert back to the "AR" zoning.

2. **Has the character of the neighborhood changed to such an extent to justify the proposed rezoning? (If the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any have occurred in the vicinity of the property in question, which were not anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.)**

Response to Question #2: The character of the area has not significantly changed since 2005. As illustrated on the attached exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports our request for the rezoning back to "AR". The General Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be a compatible land use for the surrounding properties.

3. **Is there an existing public need for the rezoning?**

Response to Question #3: As stated before, The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive Branch and would like to remain in the community.

Ms. Thymes stated the subject property is located in the Northwest Planning district and it was recommended as "Low Density Single Family", and "AR" zone is the largest City zoning and offers the lowest density. Ms. Thymes stated churches are a permitted use in an "AR" zone and does conform to the General Development Plan.

Ms. Thymes concluded the presentation for both of the items with a reminder to the Board each item needs separate hearing and voting.

Mr. Lachaussee asked if the Committee members had any questions for Ms. Thymes. There were none at this time.

Mr. Lachaussee asked if there was any one present representing the applicant?

Brenda Solomito, 2067 Kirby Parkway, Memphis, TN 38119, stated appreciation to the Staff with no further comments.

Mr. Lachaussee asked if the Commission had any questions for Ms. Solomito. Mr. Stratton asked if it would be a problem to make the landscape buffer part of the plan. Ms. Solomito responded the area was heavily wooded and they would remove some trees and supplement also. Ms. Solomito stated the Final Plat approval may address that question better, however there is no problem working with the engineering process. Ms. Thymes stated there is no grading permit required in Olive Branch, and it was square with the developers requiring maintaining trees as a voluntary buffer, however, if it becomes part of the Preliminary Plat we would expect it to be in the Final Plat. Ms. Solomito stated the landscape buffer could be provided on the Final Plat. Mr. Page reminded the Commission this is not the final say and if a condition were made concerning the landscape buffer, Ms. Solomito could go to the clients and come back at the Board of Aldermen's hearing on the matter.

Mr. Lachaussee asked if there was anyone present in opposition to the application. There were none and public discussion was closed by Mr. Lachaussee.

Mr. Stratton made a motion to approve the Preliminary Subdivision subject to the conditions stated in staff report adding 10) Convert the voluntary buffer to a required landscape easement when recorded with the plat. Mr. Swindle seconded and the motion was unanimously approved.

Regarding Item 2, Mr. McLure made a motion to approve the rezoning of forty-six acres located at Pleasant Hill Road and Stateline Road formerly approved for Bristol Oaks Subdivision "R-3" Planned Residential to "AR" Agricultural Residential finding that the Comprehensive Development Plan goal for the vicinity is low density residential that is best met by the "AR" zone which requires a minimum one acre lot configuration. Mr. Curbo seconded and the motion was unanimously approved.

3. Application for a Preliminary and Final Subdivision for the Williams Industrial Subdivision, Lots 1 and 1A, submitted by the Reaves Firm on behalf of the property-owner, Hillwood Properties. Subject property was located on the southwest corner of Stateline Road and Hacks Cross Road in Section 14, Township 1 South, Range 6 West and more commonly known as 9105 Hacks Cross Road. The property was currently zoned "M-2", Heavy Industrial District.

Mr. Lachaussee announced the item from the agenda and asked for the Staff Report. Ms. Thymes referred to a power point projection of the vicinity and zoning map showing the location of the property. Ms. Thymes stated Williams Industrial Subdivision was a single lot, 66.60 acres, platted in 1995 where Hacks Cross Logistics has a single story concrete warehouse building, municipal number 9105 Hacks Cross Road. Ms. Thymes stated the property previously held by Mazda Motors, was transferred this year with a warranty deed to Hacks Cross Asset, LP doing business as Hillwood Investment Properties and they seek to subdivide the one lot into two, separating the warehouse building from the railroad spur line track.

Ms. Thymes stated the subject property is located at the north City Limit, south of Stateline Road, west of Hacks Cross Road. Ms. Thymes explained the property crosses the section line of 14 and 23 at township 1, south, range 6 west and the property was presently zoned "M-2," Heavy Manufacturing. Ms. Thymes stated the "M-2" zone does not have a minimum area configuration however it imposes deep building setbacks that make it suitable for large lot development. Ms. Thymes noted the building setbacks are required to be 50' front, 25' sides, and 20' rear. Ms. Thymes stated this subdivision proposed to split the existing lot dividing the 217 x 145 detention area south of the driveway entrance at Hacks Cross Road to the west property line and the north lot would have a double frontage at both Stateline Road and Hacks Cross Road. Ms. Thymes stated the 43 acres for the north lot would retain the existing warehouse building with the new property line south of the driveway allowing ingress to the truck court and the south property would record an undeveloped 23 acres that shared the south portion of the detention area.

Ms. Thymes explained there were no new streets proposed in this subdivision allowing it to present preliminary and final simultaneously. Ms. Thymes stated there was also no open space requirement in a heavy manufacturing zone and the undeveloped 23 acres would be required to meet Design Review standards when construction plans were submitted that included a landscaping requirement.

Ms. Thymes concluded Staff recommends the following revisions to the plat as conditions of approval:

a) Declare dual ownership and a statement of maintenance for the detention area in the "Notes".
b) Revise the Title Box to "Williams Industrial 2 Lot Subdivision" with a subtitle "Resubdivision of Lot 1".
c) Add the City Zoning Classification to the plat as "M-2," Heavy Manufacturing.
d) Revise the parcel description to eliminate Lot 1 that would no longer exist and replace the north parcel as Lot 1A and the south parcel as Lot 1B.

e) Revise the Title Box legal description to reflect the north lot in a single section and the south lot in split sections such as Lot 1A at S14, T1S, R6W and Lot 1B as part of S14, T1S, R6W and part of S23, T1S, R6W.

f) Remove the building footprint from the final plat to be recorded.

g) The mandatory conditions of approval would be added to the final plat as follows:

1) All construction within the development shall be new construction and no principal building, nor accessory building shall be an existing building moved into the development from another site.

2) Grading, drainage, and engineering construction plans to be approved by the City Engineer.

3) The developer shall install any necessary drainage pipe, erosion control material, sewer mains and service, gas mains and service, water mains, fire hydrants and service, and gravel or soil cement base for the streets, and one (1) layer of blacktop, 1 ½ inch thick, if required by the City Engineer, before the subdivision was recorded. A bond must be filed for the remainder of the improvements, if necessary for the project, in an amount set by the City Engineer. This includes another 1 ½ " of blacktop making a total of three (3") inches of blacktop surface.

4) Street light plans, if required, shall be submitted to the City Engineer for approval.

5) Street identification and traffic control signs and devices, if required, are to be installed by the developer to City specifications.

6) All utilities and services (electric, telephone, cable, etc.) to be installed underground. The water service lines shall be installed with tracing wire at the top.

7) Water and sewer service to be approved by the Health Department.

8) Final Approval by the Board of Alderman and recording of plat.

Mr. Lachaussee asked if the Committee members had any questions for Ms. Thymes. There were none at this time.

Mr. Lachaussee asked if there was any one present representing the applicant and recognized Mr. Lee Davidson, 5880 Ridgebend, Memphis, TN 38120. Mr. Davidson stated he was comfortable with the requested conditions from the Staff. Mr. Lachaussee asked the Board if they had any questions for Mr. Davidson. There were none. Mr. Lachaussee asked if there was anyone present in opposition to the application. There were none and public discussion was closed by Mr. Lachaussee.

Mr. Stratton made a motion to approve subject to the conditions stated in the Staff Report. Mr. McLure seconded and the motion was unanimously approved.

4. Application for a Preliminary Development Plan Amendment, Cedar Hills Properties Planned Commercial District submitted by Ambarish A. Keshani, on behalf of the property owner, Cinema Group, Inc. 4 lots, 13.19 acres in size. Subject property is located on the south side of MS Highway 302 (Goodman Road), east of Malone Road, and west of Academy Drive, in Section 25, Township 1 South, and Range 7 West. The property is currently zoned "C-4," Planned Commercial District.

Mr. Lachaussee announced the item from the agenda and recognized Mr. Page for a Staff Report. Mr. Page referred to a power point projection showing the location of the property and the surrounding developments. Ms. Page stated Mr. Ambarish Keshani, the owner of the property, was requesting approval of an amendment to the project text and the preliminary development plan for Cedar Hills Properties Planned Commercial Development, located on the south side of MS Highway 302, east of Malone Road and west of Academy Drive, and zoned "C-4," Planned Commercial District. Mr. Page stated the property had Cross Roads Baptist Church to the west, the east side is vacant property, but further down was Longview Heights Baptist Church, and to the south of the subject property was Huntleigh Subdivision with large lot, single family residences. Mr. Page stated the south boundary was also separated by a creek, a major tributary. Mr. Page explained this particular subject property was zoned "C-4, " Planned Commercial District, approved in 2009 by the Board of Aldermen as Cedar Hills Planned Commercial Development. Mr. Page stated the Cross Point Baptist Church on the west, and the vacant property on the east were "C-4," Planned Commercial District. Mr. Page noted a power point projection of the Site Plan Preliminary Development Plan for the subject property.

Mr. Page stated Mr. Keshani had purchased the property with the intent of building a movie theater on Lot 4, the larger lot in the rear of the property. Mr. Page stated in order to accommodate the theater; the applicant proposed the following changes to the approved project text and preliminary development plan:

1. There are some minor changes in the sizes of the four lots reflected on the plan. Lot 1 remains the same at 1.75 acres. Lot 2 is reduced 0.014 of an acre, from 1.214 to 1.20 acres. Lot 3 was reduced 0.023 of an acre from 1.193 to 1.17 acres. Lot 4 is increased 0.03 of an acre from 9.04 to 9.07 acres. Mr. Page stated this was basically the same layout of the original plan.
2. Revise the list of uses in the project text to restore "banks" as a permitted use.
3. The project text now includes a specific parking requirement of 1 parking space for every 4.66 seats in the parking theater. The proposal was based upon the owner's experience with other theater sites he owns.
4. The revised preliminary plan eliminates the two strip retail buildings reflected on the original plan and replaces them with the theater footprint. This also had necessitated changes in the location and arrangement of parking and green areas on the site.
5. The revised plan provides additional detail concerning the size and types of plantings proposed that were not available in the originally approved plan.

6. The revised plan provides information on the proposed architecture and colors of the proposed theater building that were not provided in the originally approved plan. Additionally, detailed information concerning the freestanding sign for the theater was provided, that was also not provided in the originally approved plan.
7. The revised plan re-designs the retention areas differently from those reflected on the original plan.

Mr. Page stated the originally approved project text lists "theaters, but not including drive-in theaters" as a conditional use requiring approval by the Board of Adjustment and that application was heard and approved by the Board of Adjustment at their meeting on November 8, 2012. Mr. Page stated a copy of the revised project text and preliminary development plan, as well as a copy of the originally approved preliminary development plan were attached for the Commission's review and comparison.

Mr. Page stated in evaluating the proposed changes, the staff would note the following:

1. "Banks" were originally eliminated due to concerns over check-cashing and title loan businesses falling under that classification. A suitable compromise would be to allow "Financial institutions, not including check cashing or title loan businesses."
2. The proposed parking standard for the theater appeared to be reasonable.
3. The staff had no problem with either the minor changes to the size of the lots or the change in building footprint from two strip retail buildings to the theater.
4. It appeared that the proposed landscape plan would meet the requirements of the Design Review Ordinance with one exception. The street trees along MS Highway 302 were reflected as 2 ½" in caliper whereas the Design Review Ordinance required such street trees to be a minimum of 3" in caliper. Although the original plan reflected the 2 ½" caliper trees, one of the conditions attached to the approval of the original plan by the Board of Aldermen was that "the development of all lots within the project shall comply with all of the requirements of the Design Review Ordinance." This may simply have been one of those original changes that the applicant didn't pick up.
5. Although the revised plan does reflect an east/west cross-access easement that runs from property line to property line, the actual improved surface does not appear to do so. The plan should be revised to reflect the improved surface extending to those property lines. This would also require a small adjustment to the landscape plan on the west side of the lot to move two trees slightly away from the cross-access.
6. The revised plan reflects a 20' sign easement in the northeast corner of Lot 1 to allow a sign location for the theater on MS Highway 302 and provided a detailed representation of the proposed freestanding sign. The project text stated that all other signage would be in accordance with the City of Olive Branch sign regulations, which would allow all other businesses in the development freestanding signs as long as they are located 100' apart. The staff recommended

that adding a provision that would limit one freestanding sign, each, to Lots 1-3, and that those signs would be limited to 10' in height so as to not conflict with the theater sign.

7. A brief review of the architectural elevations indicated that they generally meet the requirements of the City's Design Review Ordinance.
8. The changes in location and size of storm water retention basins on the property would, of course have to be approved by the City Engineer if the Commission and the Board of Aldermen ultimately elect to approve this amendment.

Mr. Page concluded if the Commission should consider approval of the application, the staff would recommend consideration of the following conditions:

1. All applicable conditions of the original approval by the Board of Aldermen of the project text and the preliminary development plan on January 20, 2009, not otherwise amended herein to remain in full force and effect.
2. Revise the project text to add "Financial institutions, not including check cashing or title loan businesses" to the list of uses as a permitted use.
3. Revise the landscape plan to reflect a minimum of 3" caliper trees along the MS Highway 302 frontage of the site, rather than the 2 ½" caliper trees reflected. Revise the landscape plan to move two trees located on the western property line nearest the cross-access easement away from that easement to ensure the continuation of the easement in that direction will not be obstructed.
4. Revise the preliminary development plan to reflect that the actual surface of the east/west cross-access is running from the property line to property line.
5. Revise the project text to state that all other signs in the development shall conform to the requirements of the City's Sign Regulations, with the exception that Lots 1-3 would be limited to one freestanding sign for each lot, limited to a maximum of 10' in height.
6. The design of the entrance to Goodman Road should be subject to the review and approval by the City Engineer.
7. Final approval by the Board of Aldermen.

Mr. Lachaussee asked if the Committee members had any questions for Mr. Page. Mr. Swindle asked how much of the buffer would be the natural tree lined area. Mr. Page referred to the site plan that there wasn't an exact dimension, but at least 20'. Mr. Page stated there was nothing in the plan at this time for a specific buffer and no buffer requirement in "C-4," Planned Commercial District. Mr. Page stated whatever the Commission decided or approved would be the requirement.

Mr. Lachaussee asked if there was any one present representing the applicant and recognized Mr. Hugh Armistead, 6879 Crumpler Blvd., Suite 100, Olive Branch, MS 38654. Mr. Armistead stated he represented Mr. Keshani, and all conditions were accepted, with the exception of number 4, addressing the easement on the west side that runs into Cross Creek Church close to Malone Road. Mr. Armistead stated the ditch was a good size and ran all along

Huntleigh Subdivision. Mr. Armistead stated if the church ever flips and developed into something else, a temporary culvert would be required to be built at great expense and removed at a later date to meet the new property owner's decisions and that was the reasoning behind the property line being in the middle. Mr. Armistead stated the applicant had no problems with the trees and Mr. Robbie Jones was in attendance to speak regarding the buffer. Mr. Armistead stated there was a good 10' along the creek's edge, it was overgrown, and there was no intention of clearing the trees out. Mr. Armistead stated there was also a large ditch in the creek. Mr. Armistead stated Mr. Keshani had met the recommendations of the financial institutions.

Mr. Lachaussee asked if the Commission had any questions for Mr. Armistead. Mr. Epps stated the ditch would have to be addressed as the subject property was in the flood plain and there were stipulations from FEMA to be met.

Mr. Lachaussee recognized Mr. Robbie Jones, 8849 Hamilton, Southaven, MS 38671. Mr. Jones stated in the preliminary study the subject property was in the 100 year floodway and would not be approached if could be avoided. Mr. Jones stated the property line was zig zag and center line was the closest they could get as it was 10' to 15' on the top bank, and 50' to 60' on the west side. Mr. Jones stated the floodway was an item they were aware of and would take responsibility for it.

Mr. Lachaussee asked if there was anyone present in opposition to the applicant. There were none and public discussion was closed by Mr. Lachaussee.

Mr. McLure made a motion to approve the amendment to the project text and preliminary development plan for Cedar Hills Properties Planned Commercial Development subject to the conditions stated in the Staff Report. Mr. Curbo seconded and the motion was unanimously approved.

5. Application for a **Final Plat Approval** for Cedar Hills Properties Planned Commercial District submitted by **Ambarish A. Keshani**, on behalf of the property-owner, **Cinema Group, Inc**. 4 lots, 13.19 acres in size. Subject property was located on the south side of MS Highway 302 (Goodman Road), east of Malone Road, and west of Academy Drive, in Section 25, Township 1 South, and Range 7 West. The property was currently zoned "C-4," Planned Commercial District.

Mr. Lachaussee announced the item from the agenda and recognized Mr. Page for a Staff Report. Mr. Page stated Mr. Ambarish Keshani, the owner of the property, was requesting a preliminary and final plat approval for Pooja Cinema Commercial Subdivision, a 4-lot subdivision located on the south side of MS Highway 302, west of Academy Drive, and east of Malone Road. Mr. Page stated the subject property was currently zoned "C-4," Planned Commercial District and Lot 1 consists of 1.75 acres or 76,200.70 square feet, Lot 2 consists of 1.20 acres of 52,420.91 square feet, Lot 3 consists of 1.17 acres, and Lot 4 consists of 9.07 acres or 395,020.84 square feet. Mr. Page noted all four lots have access to City water and sanitary sewer facilities. Mr. Page stated the entire property would access MS Highway 302

(Goodman Road) via a central primary entrance and exit. Mr. Page stated according to the approved project text, there would be no other access to MS Highway 302 than the primary central entrance and this central entrance would be part of Lot 4 covered by a joint access easement for Lots 1-3. Mr. Page stated there would also be an east/west cross access easement along the rear of Lots 1-3 and Lots 1 and 2 would have access to both the primary central entrance, as well as the east/west cross access, while Lot 3 would have access to the east/west access easement. Mr. Page stated as proposed, the subdivision plat meets or exceeds all of the development requirements established in the project text for the Cedar Hills Properties Planned Commercial Development, and conforms to the approved preliminary development plan.

Mr. Page concluded with a review of the submitted plat reflecting that it conforms to the requirements of the Ordinance, therefore, if the Commission should consider approval, the staff recommends consideration of the following conditions:

1. Revise the owner's certification to conform to the City's current wording.
2. Improvements to be the responsibility of the developer and not the City of Olive Branch.
3. Grading, drainage, and engineering construction plans to be approved by the City Engineer.
4. The developer shall install drainage pipe, erosion control material, sewer mains and service, gas mains and service, water mains, fire hydrants, and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1 ½ " thick, before the plat of the subdivision was recorded, including such improvements to MS Highway 302 as may be determined necessary by the City Engineer. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1 ½ " of blacktop making a total of three (3") of blacktop surface and sidewalks.
5. Sidewalks to be installed on both sides of all streets, with the exception of MS Highway 302, where sidewalks were waived as part of the approval of the project text and preliminary development plan.
6. Street light plans to be submitted to the City Engineer for approval.
7. Street identification/traffic control signs/devices to be installed by the developer to City specs.
8. All utilities and services (electric, telephone, cable, etc.) to be installed underground. The water service lines shall be installed with tracing wire at the top.
9. Water and sewer service to be approved by the Health Department.
10. Final approval by the Board of Aldermen and recording of the plat.

Mr. Lachaussee asked if the Committee members had any questions for Mr. Page. There were none at this time.

Mr. Lachaussee asked if there was any one present representing the applicant and recognized Mr. Hugh Armistead, 6879 Crumpler Blvd., Suite 100, Olive Branch, MS 38654. Mr. Armistead stated conditions would be met at staff requested.

Mr. Lachaussee asked if there was anyone present in opposition to the applicant. There were none and public discussion was closed by Mr. Lachaussee.

Mr. Swindle made a motion to approve subject to the conditions stated in the Staff Report. Mr. Stratton seconded and the motion was unanimously approved.

6. Application for a Plat Extension for Malco Olive Branch Subdivision submitted by **Michael Lightman**, 3 lots, 16.93 acres. Subject property was located north of MS Highway 302 (Goodman Road), west of North Hamilton Circle, and east of Davidson Road, in Section 30, Township 1 South, and Range 6 West. The property was currently zoned "C-4," Planned Commercial District.

Mr. Lachaussee announced the item from the agenda and recognized Mr. Page for a Staff Report. Mr. Page stated the location of subject property was shown on power point projection and gave an idea of the development and land around it. Mr. Page stated this was a plat originally approved in 2008 and under Article IV of the City's Subdivision Regulations, "Procedure," Section G, "Final Plat Application Procedure," Item 4, states, in part:

> "After approval of the Final Plat by the Governing Authority and required improvements are installed or appropriate arrangements have been rnade therefore, a cloth-backed original plat shall be recorded in the Office of the Chancery Clerk within one (1) year and if not filed, such plat shall have no validity and shall not be recorded without the concurrence o f the Planning Commission..."

The purpose of this application is to secure the concurrence of the Planning Commission so that they may move forward and record the plat. Mr. Page stated Mr. Al Davidson, represented the owner of the property and was requesting an extension to the final plat approval for Lots 1 -3 of the Malco Olive Branch Subdivison, a 3-lot subdivision located on the north side of MS Highway 302, west of North Hamilton Circle, and east of Davidson Road. Mr. Page explained the subject property was currently zoned "C-4," Planned Commercial District and Lot 1 consists of 10.777 acres or 469,448 square feet, Lot 2 consists of 2.462 acres or 107,238 square feet, and Lot 3 consists of 3.460 acres or 150,704 acres. Mr. Page stated as proposed, the subdivision plat meets or exceeds all of the development requirements established in the project text for the Malco Planned Commercial Development. Mr. Page stated both lots have access to City water and sanitary sewer facilities and all three lots have direct access to MS Highway 302 (Goodman Road), while Lot 1 also has access to North Hamilton Circle.

Mr. Page stated that was why we were here, all the steps of the approval process had been gone through, but the plat was never recorded. Mr. Page stated the item would not go to the Board of Aldermen, therefore if the Commission should consider approval, the staff recommended consideration of the following conditions:

A. All conditions attached to the original final plat approval by the Board of Aldermen on January 20, 2009 to remain in full force and effect.
B. Recording of the plat.

Mr. Page concluded by stating it is exactly the same plat.

Mr. Lachaussee asked if the Committee members had any questions for Mr. Page. There were none at this time.

Mr. Lachaussee asked if there was any one present representing the applicant and recognized Mr. James Tashie, 120 Cherry Road, Memphis, TN 38117. Mr. Tashie stated he was representing Malco Theater and was excited about moving this project forward and was sorry for the delay.

Mr. Lachaussee asked if there was anyone present in opposition to the applicant. Mr. Lachaussee recognized Ms. Dee Parker, 7119 North Hamilton Circle, Olive Branch, MS 38654. Ms. Parker stated she lived on the property that the subject property wraps around. Ms. Parker stated she was not opposed to the movie theater, but was concerned about her ground and eroding of her property. Mr. Page stated he appreciated her concerns, but that is not what is before the Planning Commission. Ms. Page explained her issue needs to go to Steve Bigelow, City Engineer as he approves all construction plans. Mr. Page stated regarding her problem, Mr. Bigelow and his staff would do inspections and make sure things were done properly.

Mr. Lachaussee asked if there was else anyone present in opposition to the applicant. There were none and public discussion was closed by Mr. Lachaussee.

Mr. Curbo made a motion to approve subject to the conditions stated in the Staff Report. Mr. Swindle seconded and the motion was unanimously approved.

OTHER BUSINESS

Ms. Thymes stated she would like a legal opinion on Item 1 regarding the required condition of converting the voluntary buffer to a required landscaping when recorded with the plat. Mr. Page stated he would talk with the City Attorney about the required condition, but the Planning Commission had full power to attach any reasonable condition to any subdivision plat under the laws of Mississippi.

There was no *"Other Business"* to conduct.

ADJOURNMENT

There being no further business to conduct, a motion was made by Mr. Curbo to adjourn the meeting. Seconded by Mr. McLure and the motion was unanimously approved. The meeting adjourned at 7:04 p.m.

EXHIBIT 30: Staff Report on Setting Public Hearing for the Rezoning 12-03

SET THE PUBLIC HEARING 12/18/12 **BOARD OF ALDERMAN**

DATE: November 20, 2012 **CAPTION:** Zoning Amendment "R3" to "AR" Pleasant Hill @ Stateline/Bristol Oaks

BACKGROUND: New Life in Christ and J&M Holdings are the current owners of the 46 acre site located at the southeast corner of Pleasant Hill Road and Stateline Road previously rezoned as "R-3" Planned Residential when approved for development of Bristol Oaks Subdivision in 2005. Edco Properties was the developer however the land remained vacant and 10 acres have transferred by warranty deed to a church that plans construction of a sanctuary and buildings for non-profit accessory use. A final plat of the 71 lots planned as Bristol Oaks was never recorded and the 10 acre portion purchased by the Church exists in a legal description but has never been platted. The subject property remains zoned "R-3" Planned Residential however this action proposes rezoning to the original "AR" Agricultural Residential zone. *(Vicinity & Zoning Map attached)*

ZONING: The "R-3" Planned Residential Zone is a flexible zoning classification that allows for the development of a planned subdivision thru the use of a project text. The project text for Bristol Oaks did not adopt a church in its permitted uses and did not approve a listing of conditional uses. This differs from City ordinances that allow a church as a permitted use in all residential zones. Proposed Lot 1 is planned for church construction but is only 6 acres of the 46 acres to be rezoned. The church presently also owns another 3.5 acres with no expressed construction plans that they propose as Lot 2. The majority of the proposed rezoning is 36 acres in separate ownership without expressed development plans. The proposed zoning amendment will return the property to the same zoning classification it had prior to the 2005 rezoning. The abutting properties are all zoned "AR". The property abutting to the east has a church located on a 9 acre property. Agricultural Residential "AR" zoning is a large lot, rural residential zone that is mapped for sprawling expanses of undeveloped land, large lots where limited livestock and cultivation is allowed with residential development, and estate homes above average square footage. Homes are typically a minimum of 2000 sq ft with a barn or accessory building and accessed from rural cross section streets. Additionally the "AR" zone allows for all of the attached permitted and conditional uses. *(AR Ordinance Attached)*

The State of Mississippi provides that a governing body ***may consider*** these details while studying the requirements for rezoning:

- the size of the area to be rezoned
- classification & development of adjacent land
- relation of the amendment to existing zoning patterns
- the planning history of the amendment
- the benefits and detriments to owners vs overall community
- highest and best use

SIZE/CLASSIFICATION/RELATION: The New Life in Christ Church has purchased the land combined in Lots 1 & 2 and have proposed to plat them in a separate action. As previously stated, properties north, south, east and west of the subject property are all zoned AR. The AR zone requires a minimum of one acre to form a lot and a platted subdivision exceeding this requirement is pending.

THE COMPREHENSIVE DEVELOPMENT PLAN: the subject property is located in the Northwest Planning District, as shown on Exhibit 30 it is recommended as "Low Density Single Family". The proposed rezoning to "AR" is consistent with the development plan since the City ordinances recognize churches as a permitted use in residential zones and the subdivision proposed exceeds one acre for each lot. *(Exhibit 30 Attached)*

BENEFITS/DETRIMENTS: the property owner asserts three benefits: 1) the original zoning prior to the R-3 Planned development in 2005 was A-R, Agricultural Residential. The proposed site is surrounded by A-R zoning. The Bristol Oaks Planned Development was never constructed as a result of poor economic factors, high construction costs or was possibly premature. Without saying it was a mistake, since it never materialized, the zoning should revert back to A-R zoning. 2) The character of the area has not significantly changed since 2005. As illustrated on the exhibits, the development pattern is still large lot or estate lot development. The lack of change in the area supports the request for rezoning back to A-R. The General Development Plan recommends "Residential Low Density" for this area and The New Life in Christ Church will be compatible land use for the surrounding properties. 3) The New Life in Christ Church has been located in Olive Branch for several years. The Church is growing and continuing to serve the residents of Olive branch and would like to remain in the community.

HIGHEST/BEST USE: Staff believes that the goal of low density residential, as stated in the Comprehensive Plan is best met with the AR zone for undeveloped property.

The mandatory questions that State Law requires to evaluate a rezoning were answered as follows:

1) **Was the original zoning classification a mistake? If so why was it a mistake.**
APPLICANT: See attached
STAFF COMMENT: None

2) **Has the character of the neighborhood changed to such an extent to justify the proposed rezoning? (If the proposed zoning classification does not conform to the City's General Development Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any have occurred in the vicinity of the property in question, which were NOT anticipated by the General Development Plan, and which have altered the basic character of the area, to make the amendment appropriate.)**
APPLICANT: See attached.
STAFF COMMENT: The present Comprehensive Development Plan was adopted after the 2005 rezoning and project text for development of Bristol Oaks. Without the change that Bristol Oaks would have brought the development goals should be led by the Comprehensive Plan.

3) **Is there an existing public need for the rezoning?**
APPLICANT: See attached.
STAFF COMMENT: None

OTHER COMMENTS:

1. The **Planning Commission** reviewed the requested zoning amendment at the November 13, 2012 meeting. **A motion to approve** was made by Commissioner Anthony Mc Clure and seconded by Commissioner John Curbo to return the 46 acre property to Agricultural Residential "AR" zoning **finding** the Comprehensive Development Plan for the vicinity is low density residential that is best met by the AR zone which requires a minimum one acre lot configuration and that the plans for Bristol Oaks Subdivision will not occur.

2. The standard of approval for rezonings is that the Board ***must find "clear and convincing" evidence***. The standard ***is stricter*** than a preponderance of the evidence which calls for a weighing where facts in excess of 51% may be approved. Any action requires ***evidentiary findings*** regarding the four criteria listed in the Zoning Ordinance Article XIV, A4 for an amendment to the zoning map.

CHECKED FOR SUBMISSION TO THE BOA BY: _____ **DATE:** 11/15/12

Set Public Hearing on Consent Agenda
Harold 3 Approved 7-0
Pat

VICINITY & ZONING MAP
New Life in Christ

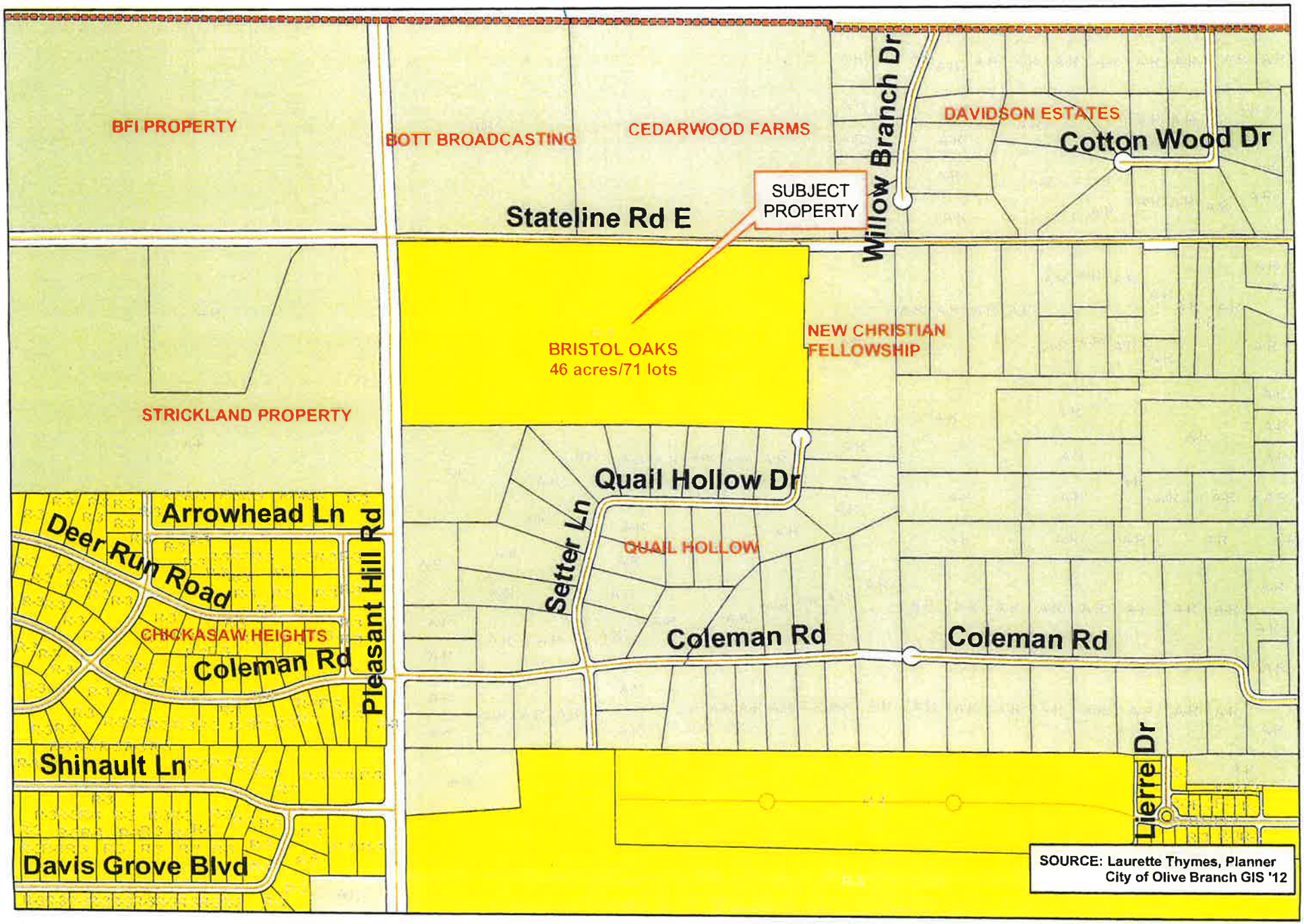


EXHIBIT 3Q: Ordinance Approving Rezoning of Subject Property from R-3 to A-R in 2012

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OLIVE BRANCH, MISSISSIPPI AMENDING ORIGINAL ZONING ORDINANCE AS TO SPECIFIC PROPERTY

An Ordinance pursuant to re-zoning application submitted by New Life in Christ and J&M Holdings to amend the Ordinance adopted by the City of Olive Branch, specifically changing the zoning of a 46 acre site located at the southeast corner of Pleasant Hill Road and Stateline Road, and being situated in Section 24, Township 1 South, Range 7 West, with a more specific description being on file with the City Clerk.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

WHEREAS, New Life in Christ and J&M Holdings, owners of the property, made application to the City of Olive Branch Planning Commission for rezoning of a 46 acre tract located on the southeast corner of the intersection of Pleasant Hill Road and Stateline Road, from its current designation of R-3, Planned Residential, to A-R, Agricultural Residential, and

WHEREAS, said application was reviewed by the Olive Branch Planning Commission, and

WHEREAS, the Planning Commission voted to recommend approval of the re-zoning request, and

WHEREAS, it is required by the zoning regulations that a public hearing be held for changes of zoning, said public hearing being set before the Mayor and Board of Aldermen on the 18th day of December, 2012 at 6:30 o'clock P.M., and notice

thereof was given, as provided by law, and as shown by proof of publication on file with the City Clerk, and

WHEREAS, the Mayor and five Aldermen participated in the hearing, and

WHEREAS, Laurette Thymes provided the staff's report. Ms. Thymes' written report, which was available to and reviewed by the Board, contained the applicant's written proof as to the rezoning criteria and City staff's recommendations as to the Comprehensive Plan, and

WHEREAS, Brenda Solomito, representing the applicant, addressed the Board in support of the rezoning, and

WHEREAS, no one from the public appeared in opposition to the re-zoning request, and

WHEREAS, the Mayor and Board of Aldermen, considering the full record and taking into consideration their own common knowledge and familiarity with the subject property, find that appropriate proof was presented by the applicant to support the re-zoning request.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

1. That the applicant satisfied the burden of proof of a change in the character of the neighborhood by noting the continued large lot residential uses in the area, inconsistent with a higher density R-3 development.

2. That the applicant satisfied the burden of proof that there is public need for the re-zoning in that the City's Comprehensive Plan recommends "Low Density Single Family" uses for the subject property, and that the goals of the Comprehensive Plan are best met with an A-R zoning designation for the property.

3. This Ordinance is hereby adopted re-zoning the subject property from R-3 to A-R with a corresponding amendment to the City Zoning map.

Passage of this Ordinance is now official and the same shall take effect and be enforced as provided by law.

ADOPTED, ORDAINED AND APPROVED this 18th day of December, 2012.

SAMUEL P. RIKARD, MAYOR

ATTEST:

JUDY C. HERRINGTON, CITY CLERK

The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderman Henderson, and seconded by Alderman Tullos, with the following results:

Alderman George Collins	**Absent**
Alderman Dale Dickerson	**Aye**
Alderwoman Pat Hamilton	**Aye**
Alderman Harold Henderson	**Aye**
Alderwoman Susan Johnson	**Absent**
Alderman Don Tullos	**Aye**
Alderman David Wallace	**Aye**

The foregoing Ordinance was passed, adopted and approved on the 18th day of December, 2012.

SAMUEL P. RIKARD, MAYOR

ATTEST:

JUDY C. HERRINGTON, CITY CLERK

EXHIBIT 3R: Ordinance adopting an "Official City Zoning Map" in September 2015, "to be used as baseline for future reference," with subject property zoned A-R

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OLIVE BRANCH, MISSISSIPPI ADOPTING OFFICIAL CITY ZONING MAP

An Ordinance of the City of Olive Branch, Mississippi making certain corrections to the zoning map, and adopting an Official Zoning Map of the City of Olive Branch.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

WHEREAS, pursuant to the authority found in Miss. Code Ann. Section 17-1-7, the City of Olive Branch has heretofore adopted and maintained a Zoning Map for the purpose of designating the various zones and for the examination of zoning designations, and

WHEREAS, it recently came to the attention of representatives of the City Planning and Building Department that the Zoning Map contains certain errors, and

WHEREAS, the Mayor and Board of Aldermen are desirous of making corrections to the Zoning Map, to ensure that it correctly reflects the proper zoning designation for the properties contained therein, and

WHEREAS, with notice to the affected property owners, a public hearing was advertised in the manner required by law and conducted on September 15, 2015 at 6:30 P.M. by the Mayor and Board of Aldermen, with the Mayor and 7 Aldermen participating, in order to consider certain corrections listed hereinbelow, and

WHEREAS, the City's planning staff offered proof in the hearing of mistakes in the zoning map affecting a limited number of parcels, said mistakes not being a mistake of judgment with respect to the zoning designation, but rather, a clerical or administrative mistake reflected on the zoning map, and

WHEREAS, the planning staff offered the following as proof regarding the property ownership and proposed corrections for affected properties:

a. The "Bailey/Goodman-Hacks" properties, approx. 74 acres, from C-2 and C-1 County to C-2 and C-4 City.

The "Masterson" property, 235.4 acres, from PUD County to PUD City.

The "Whitaker" property, 13.7 acres, from PB County to PB City.

b. "Germanwood Estates Subdivision," 81.4 acres, from R-1 to A-R

c. The "Richard Easley 8 acre" property, 8.0 acres, from R-2 to C-2

The "Dan Brown rezoning" (Z06-15) property, 73.2 acres from R-2 to R-3

d. The "Gentry 14 acre" property, 14.3 acres, from A-R to A-R & C-2

e. The "Funderburk property along old Sandidge Road," 72.1 acres, from A-R to R-2

f. The "Bridgforth rezoning case #315" properties, 20.7 acres, from A-R to R-2

g. The "Hoover" property, 2.5 acres, from R-3 or R-2 & C-2 to C-2

h. The "Wiseman rezoning case 98-13" property, 2.5 acres, from A-R to R-2

i. The "Vulcan and Lehman-Roberts" property, 24.6 acres, from A-R & M-1 to M-2

WHEREAS, the proof offered in the hearing reflected that the reasons for the proposed corrections with regard to the specified properties are listed hereinbelow:

a. This is area of the most recent annexation. It currently consists of seven tax parcels in three groups: the "Bailey/Goodman-Hacks" properties, the "Masterson" property, and the "Whitaker" property. The "Bailey/Goodman-Hacks" properties consist of 3 tax parcels and were zoned C-2 and C-4 by Desoto County. The "Masterson" property consists of 3 tax parcels and was zoned PUD (Planned Unit Development) by the County. The "Whitaker" property is located on the southeast corner of Polk Lane and Kirk Road and was zoned PB (Planned Business) by the County.

The County zoning categories will continue to be used for the properties that are now in the City. C-2, C-4 and PUD are categories that are already in the Olive Branch zoning ordinance, however, Planned Business (PB) from the County will be incorporated for the property that has been annexed. It is very similar to M-3 Planned Industrial.

b. Several places, "Germanwood Estates Subdivision" for example have a different designation from 2000 to 2015 without an explanation as to the change. In these cases the 2000 zoning designation is used.

c. One parcel---the "Richard Easley 8 acre" property--- with an existing business on it was somehow changed from C-2 to R-2 after 2000. The other three vacant parcels---the "Dan Brown rezoning" (Z06-15) continued to be shown as R-2 after being approved for rezoning to R-3 in 2006.

d. This example, the "Gentry 14 acre" property, shows that when the conversion from "hand-drawn" maps to a computer generated parcel based map happened errors occurred where parcels had more than one zoning category. Parcels are now being split to correspond to the 2000 approved map.

e. These two "pieces" of a larger parcel, "Funderburk property along old Sandidge Road," were converted as described in "d" and should be shown as R-2 like the 2000 map.

f. These parcels were zoned R-2 in the County in 1983 referred to as "Bridgforth rezoning case #315." For some reason they were shown as A-R on the 2000 map although the property owner was not aware of the change and did not intend to have the zoning changed.

g. This parcel, the "Hoover" property, is another example of a lot with multiple zoning categories on the 2000 map, but evidence has been found from 1983 that shows the entire property to be C-2.

h. The "Wiseman rezoning case 98-13" property, showing R-2 on the 2000 map or the current map is smaller than what is shown in the rezoning file from 1998. The proper larger area is shown on the new map.

i. This property was noted in 2000 as being part of a contested court case and was referred to as the "Vulcan

and Lehman-Roberts" property. From information and Board order from June 2002 these properties should be shown as M-2 Heavy Industrial.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows, to wit:

1. That the identified clerical and administrative mistakes in the City Zoning Map be, and they are hereby corrected in accordance with the contents of this Ordinance.

2. The City Zoning Map be, and it is hereby amended in order to incorporate the recently annexed properties identified above.

3. The Director of the Planning and Building Department, and his designees, be, and they are hereby ordered and directed to maintain the City Zoning Map and make changes to said map as approved by the Board of Aldermen.

4. That the Map attached hereto as Exhibit "A" is hereby adopted as the Official Zoning Map of the City of Olive Branch, to be used as the baseline map for future reference, subject to subsequent orders and ordinances adopted by the Board of Aldermen.

5. That the City's Zoning Ordinance and Comprehensive Plan be, and they are, to the extent necessary, amended to conform to the contents of this Ordinance.

6. That the Director of the Planning and Building Department be, and he is hereby directed to file a copy of this Ordinance and attached map with the Chancery Clerk of Desoto County, Mississippi.

Passage of this Ordinance is now official and the same shall take effect and be enforced as provided by law.

ADOPTED, ORDAINED AND APPROVED this 15th day of September, 2015.

SCOTT B. PHILLIPS, MAYOR

ATTEST:

TINA R. GRIFFITH, CITY CLERK

The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderman Dickerson, and seconded by Alderman Henderson, with the following results:

Alderman Mark Aldridge	**AYE**
Alderman George Collins	**AYE**
Alderman Dale Dickerson	**AYE**
Alderman Gil Earhart	**AYE**
Alderwoman Pat Hamilton	**AYE**
Alderman Harold Henderson	**AYE**
Alderman David Wallace	**AYE**

The foregoing Ordinance was passed, adopted and approved on the 15th day of September, 2015.

SCOTT B. PHILLIPS, MAYOR

ATTEST:

TINA R. GRIFFITH, CITY CLERK

614148.1/00511.06804

City of Olive Branch Zoning Districts
Adopted 9 - 15 - 15

Zoning Current as of 9-15-15

Parcels from 2015 Landroll

For Planning purposes only;
For Offical Map, see Olive Branch
Planning & Building Department.

09-17-15

1 0.5 0 1 Miles

JMH PROPERTY

EXHIBIT 3S: Official Zoning Map of the City of Olive Branch adopted on Sept. 15, 2015 "to be used as baseline map for future reference." Subject JMH Property zoned A-R

