

**MINUTES FOR THE CITY OF OLIVE BRANCH BOARD OF ZONING ADJUSTMENT  
REGULAR MEETING ON JANUARY 12, 2023**

The City of Olive Branch Board of Adjustment meeting was held on Thursday, January 12, 2023, in the Olive Branch Municipal Court Room, located at 6900 Highland Street, at 6:00 p.m.

**CALL TO ORDER**

The meeting was called to order by Aretha Wiseman, Vice- Chairman at 6:00pm.

**Mr. Gambone introduced the newest member of the Board of Zoning Adjustments, Jessica Cowan.**

**ROLL CALL**

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

**THE APPEAL PROCESS**

Ms. Wiseman announced the Appeal Process.

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF DECEMBER 8, 2022**

Ms. Wiseman asked if anyone had any questions, comments or motions regarding the minutes of the December 8, 2022 meeting and there were none. **Mr. Williams made a motion to approve the minutes as submitted and was seconded by Mr. Roman with approval as follows:**

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

**OLD BUSINESS**

**NEW BUSINESS**

1. Application for a Conditional Use Permit submitted by Nick Kreunen, Civil-Link, on behalf of property owner, the ARC NWMS. The request is to allow a teaching and tutoring facility for a period of twenty (20) years. The 3.98+/- acre subject property is zoned A-R, Agricultural-Residential, and is located on the northeast corner of Pleasant Hill Rd N and Shinault Lane, known as 8494 Pleasant Hill Rd N. (File # CU22-0012).

Ms. Wiseman announced New Business Item number 1 and asked for the staff report. Mr. Thomas shared the following: **BACKGROUND:** Nick Kreunen of Civil-Link, the applicant, is requesting approval of a 20-year Conditional Use Permit (CUP) to allow a private school for school-age children with special needs, known as the ARC NWMS Achievement Center, at the ±3.98 acres of land on the northeast corner of Pleasant Hill Rd N and Shinault Lane. The property is zoned A-R, Agriculture Residential and is designated “Suburban Neighborhood” according to the Future Land Use Map. The property Lot 1 of the Pleasant Hill One-Lot subdivision and was previously the location of the Magnolia Baptist Church. The surrounding parcels are consistent in zoning and FLUM designation with the subject property, with the exception of the abutting parcels located directly south of the property, which are zoned R-3, Planned Residential and contain the Stonecrest residential subdivision. **RECOMMENDED MOTION:** Based on the stated criteria, Staff recommends approval of the Conditional Use Permit for the ARC NWMS Achievement Center at 8494 Pleasant Hill Rd N. within Olive Branch, MS for twenty (20) years, subject to the following conditions:

1. All site improvements shall be the responsibility of the developer, and not the City of Olive Branch.
2. Board of Adjustment approval is required for any expansion of the use.
3. Any signage shall meet the requirements of the Sign Ordinance of the City of Olive Branch. Off-premise advertising is not permitted. Ground mounted signs shall be monument.
4. Applicant shall provide evidence, and planning staff shall verify that there shall be sufficient number of parking spaces that meet the minimum requirements stipulated in the Zoning Ordinance before a certificate of occupancy may be issued for the private school.
5. Before occupancy of the building, any existing utilities shall be verified. The intended use of the property as a "private school" shall comply with the Building and Fire Codes of the City of Olive Branch. Such compliance must be maintained at all times.
6. If site modifications are applicable (e.g. to handle parking needs), a complete set of civil construction and building plans that meet all development regulations and standards of the City at a minimum shall be submitted to staff for administrative review and approval

This concluded the staff report. Ms. Wiseman asked if there were any questions for staff and there were none. Ms. Wiseman asked if anyone was present to represent the application and recognized Rebecca Treadway, Executive Director for ARCNWMS, 5699 Getwell Rd, Bldg G, Ste 1, Southaven, MS 38672. Ms. Wiseman asked if there were any questions for the applicant. Mr. Williams asked what qualifies individuals for these services. Ms. Treadway advised there are a number of different types of services they offer for different types of situations. They provide social clubs for interactions, and help with job readiness and support groups in addition to day services for other individuals. Ms. Cowan asked how many they were expecting to serve. Ms. Treadway advised they would expect 40 for the day services and the social clubs would be probably one night per week and they would be around 25 individuals with disabilities and 25 friends, typical high school students. Mrs. Cook asked if there were any future plans for senior citizens to participate. Ms. Treadway advised it hadn't been considered before now. Mr. Gray asked if the potential candidates were just for developmental disabilities and not drug issues or people in rehab. Ms. Treadway advised they don't deal with mental disorders, just developmental challenges. Ms. Wiseman asked if there were anyone else to speak for or against the application and recognized Theresa Isom, 4706 Coleman Rd, Olive Branch, MS 38654. She wanted to know what the façade of the building would look like, if it would change, or how it be evaluated to maintained and managed over the 20 year period they were asking for. She also wanted to know how people would be brought in, on buses or by private cars. Mr. Thomas advised there would be no bus system; parents/guardians will be dropping off and picking up at the site. There were no proposed changes at this time to the façade. Ms. Treadway advised they were not changing anything at this time other than painting and removing the steeple. They would eventually like to add on to the building, but that was a long way off. Mr. Asongayi advised the application doesn't include a change to the façade or any expansion of building. An approval on this application wouldn't cover any of that. The Board can choose to stipulate that any future site plans would have to be brought back for Board approval as an additional condition, if they decide to. Mr. Williams stated that condition should be automatic, just as it is with building permits. Mr. Asongayi advised what is presented and approved becomes the plan. If there are alterations to hours for example and it becomes a code enforcement issue and can be revoked. Ms. Wiseman asked if there were anyone else to speak for or against the application and recognized Jacquelyn Johnson, 5179 Stone Crest, Olive Branch, MS 38654. She wants to know why Olive Branch was chosen and wanted to see the data to support that decision. She asked if there was any collaboration with Desoto County Schools. She asked if the building could be open to the public for public use. Ms. Treadway advised that 20% of students enrolled in Desoto County Schools have some sort of

IEP (Individual Education Plan) and that there are only 2 other Day Program facilities, Hernando and Southaven. There isn't enough space for those who need it. This also offers an opportunity for those who might have need of additional help, but that don't necessarily qualify for the Day Program. She advised they would love to have other clubs to come visit with the students. They are in constant communication with and have full support of Desoto County Schools. The target numbers for the first year are about 150 people, but that's not all in the same program or all at the same time. Mr. Asongayi stated that the neighborhood might have a concern for larger crowds of people, but that building code limits the max occupancy of each building. **Mr. Williams made a motion, based on the stated criteria, to approve the Conditional Use Permit for the ARC NWMS Achievement Center at 8494 Pleasant Hill Rd N. within Olive Branch, MS for twenty (20) years, subject to the following conditions:**

1. **All site improvements shall be the responsibility of the developer, and not the City of Olive Branch.**
2. **Board of Adjustment approval is required for any expansion of the use.**
3. **Any signage shall meet the requirements of the Sign Ordinance of the City of Olive Branch. Off-premise advertising is not permitted. Ground mounted signs shall be monument.**
4. **Applicant shall provide evidence, and planning staff shall verify that there shall be sufficient number of parking spaces that meet the minimum requirements stipulated in the Zoning Ordinance before a certificate of occupancy may be issued for the private school.**
5. **Before occupancy of the building, any existing utilities shall be verified. The intended use of the property as a "private school" shall comply with the Building and Fire Codes of the City of Olive Branch. Such compliance must be maintained at all times.**
6. **If site modifications are applicable (e.g. to handle parking needs), a complete set of civil construction and building plans that meet all development regulations and standards of the City at a minimum shall be submitted to staff for administrative review and approval**

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

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

2. Application for a Conditional Use Permit submitted by Ben Smith, IPD LLC on behalf of property owner Ibrahim Babuker. The request is to allow fuel pumps as an accessory to a convenience store at the proposed Fox Creek Market Place, as allowed for in the Development Plan for Fox Creek Development. The 7.91+/- acre subject property is zoned PUD, Planned Unit Development, and is located on the north side of Hwy 302, from just west of Creek Side Dr to just east of Fox Creek Dr. **(Applicant requests item to be tabled until February 9, 2023).** (File # CU22-0013).

**Ms. Wiseman announced New Business Item number 2 and noted there was a request to table. Mr. Williams made a motion to table the item until February 9, 2023. Mr. Edler made the second and the motion to table was approved as follows:**

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

## **OTHER BUSINESS**

1. Elections

Ms. Wiseman opened the floor for elections. She asked for nominations for Chairman. Mr. Williams nominated Ted Roman for Chairman. Mr. Gray made the second and **Ted Roman was nominated as Chairman as follows:**

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

Ms. Wiseman asked for nominations for Vice Chairman. Ms. Wiseman nominated Angela Cook for Vice-Chairman. Mr. Edler made the second and **Angela Cook was nominated as Vice-Chairman as follows:**

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

#### **ADJOURNMENT**

**Ms. Wiseman stated there being no further business, could she entertain a motion to adjourn. Mr. Gray made a motion to adjourn, seconded by Mr. Edler and the motion to adjourn the meeting at 6:35 p.m. was approved as follows:**

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