



**BOARD OF ADJUSTMENT
ORDER OF ITEMS
JUNE 13, 2016**

CALL TO ORDER: 7:00

APPROVAL OF MINUTES: May 9, 2016

NEW BUSINESS

Variance

Application by **Mary Biffle Campbell (1458) (1 of 2)** for a Variance to allow a mobile home less than 100 ft from a side property line in accordance with Article V, Paragraph 1, Section B(11) Page 20 of the DeSoto County Zoning Ordinance. Subject property is located at 6440 Nesbit Road, on the north side of Nesbit Road and east of Hwy 301, Parcel #2-09-6-24-01-0-00007-01 in Section 24, Township 2, Range 9 and is zoned A-R. (District 4)

Application by **Annette Dunbar (1 of 2)** for a variance to allow a mobile home less than 100 ft. from a side property line in accordance with Article V, Paragraph 1, Section B(11) Page 20 of the DeSoto County Zoning Ordinance. Subject property is located at 4491 Fogg Road, on the north side of Fogg and south of W. Oak Grove Road. Parcel #3-08-9-30-00-0-00006-00 in Section 30 Township 3 Range 8 and is zoned A (District 5)

Application by **David Goodwin** for a variance to allow a side setback of less than 15 feet in accordance with Article VI, Section D Page 37 of the DeSoto County Zoning Ordinance. Subject property is located at Lot 97 Kyles Creek Section C, on the east side of Payne Lane and south of Smokey Lane. Section 33 Township 1 Range 5 and is zoned R20 (District 1)

Application by **Minnie Campbell** for a variance to allow a side setback of less than 100 feet for a mobile home in accordance with Article V, Paragraph 1, Section B(11) Page 20 of the DeSoto County Zoning Ordinance. Subject property is located at 2151 Getwell Road, on the west side of Getwell Road and north of Holly Springs Road. Section 16 Township 3 Range 7 and is zoned Agricultural (A) (District 5)

Conditional Use

Application by **Mary Biffle Campbell (1486) (2 of 2)** for a Conditional Use to allow a mobile home in the A-R zone under hardship conditions in accordance with Article V, Paragraph 2, Section C(11) Page 28 of the DeSoto County Zoning Ordinance. Subject property is located at 6440 Nesbit Road, on the north side of Nesbit Road and east of Hwy 301, Parcel #2-09-6-24-01-0-00007-01 in Section 24, Township 2, Range 9 and is zoned A-R. (District 4)

Application by **Chad Collins (1488)** for a Conditional Use to allow an auto repair in the A zone in accordance with Article V, Paragraph 1, Section C(27) Page 24 of the DeSoto County Zoning Ordinance. Subject property is located at 2245 Johnston Road, on the west side of Johnston Road and north of Chamberlin Road, Parcel #3-07-6-14-00-0-00024-06 in Section 14, Township 3, Range 7 and is zoned A. (District 5)

Application by **Annette Dunbar (2 of 2)** for a conditional use to allow a mobile home on less than 3 acres in accordance with Article V, Paragraph 1, Section B(11) Page 20 of the DeSoto County Zoning Ordinance. Subject property is location at 4491 Fogg Road, on the north side of Fogg and south of W. Oak Grove Road. Parcel #3-08-9-30-00-0-00006-00 in Section 30 Township 3 Range 8 and is zoned A (District 5)

Application by **Standard Construction Co. Inc. (1481)** for a conditional use under Article V, Paragraph 2, Section C, (12), Page 28 of the DeSoto County Zoning and Subdivision Regulations to allow gravel mining operation. Subject property is located at 9641 Woolsey Road, Parcel # 2-06-5-22-00-0-00034-00 on the south side of Woolsey Road and east of Hwy 305, in Section 22, Township 2, Range 6 and is zoned Agricultural-Residential. (District 1)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, June 13, 2016, in the DeSoto County Courthouse in Hernando, Mississippi. The following Board members were present: Mike Duncan, Phillip Steward and Earl Ward. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Robert Quimby, Board Attorney.

Board of Adjustment Chairman Mr. Steward called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated May 9, 2016. Mr. Ward made a Motion to approve the minutes as presented. Mr. Duncan seconded the Motion. The Motion was passed with a unanimous vote.

Ms. Ashley Hendricks explained the meeting process, the provisions for Board approval of a Conditional Use and a Variance under the DeSoto County Zoning Ordinance, and the appeal process. She stated the deadline to file an appeal on items heard at this meeting is June 23, 2016, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on July 18, 2016, at 11:00 a.m.

NEW BUSINESS

Variance

Application by Mary Biffle Campbell (1458) (1 of 2) for a Variance to allow a mobile home less than 100 ft from a side property line in accordance with Article V, Paragraph 1, Section B(11) Page 20 of the DeSoto County Zoning Ordinance. Subject property is located at 6440 Nesbit Road, on the north side of Nesbit Road and east of Hwy 301, Parcel #2-09-6-24-01-0-00007-01 in Section 24, Township 2, Range 9 and is zoned A-R. (District 4)

Application by Mary Biffle Campbell (1486) (2 of 2) for a Conditional Use to allow a mobile home in the A-R zone under hardship conditions in accordance with Article V, Paragraph 2, Section C(11) Page 28 of the DeSoto County Zoning Ordinance. Subject property is located at 6440 Nesbit Road, on the north side of Nesbit Road and east of Hwy 301, Parcel #2-09-6-24-01-0-00007-01 in Section 24, Township 2, Range 9 and is zoned A-R. (District 4)

Mr. Hopkins presented the application by Mary Biffle Campbell for a Conditional Use to allow a mobile in the A-R zone under hardship conditions. Ms. Liz Proctor was present to present the application.

Mr. Liz Proctor came forward and stated her mother's home burned down two years ago and is involved in litigation. She then stated that her mother has been moving between family members' homes for the past two years and wants a place to live on her own and the mobile home would only be temporary until the litigation is complete.

Mr. Steward asked if Ms. Campbell was present at the meeting. Ms. Proctor stated Ms. Campbell is not present tonight.

Mr. Duncan asked where the mobile home would be located. Ms. Proctor stated the mobile home would be located near the home pad that was burned.

Mr. Duncan asked how long the applicant would need the mobile home. Ms. Proctor stated until they are done with the litigation but they do not have an exact time frame.

Mr. Steward asked if there was anyone to speak for or against this application.

Sissy Ferguson – 6234 Nesbit Road –stated she has a petition with 23 signatures in opposition of this application. She stated she is concerned with the following:

- Decreased property values
- Doesn't want the mobile home in the neighborhood for several years

Kevin James – 6193 Nesbit Road – came forward and is concerned with the following:

- He purchased his property because he was told there would never be mobile homes in this area
- Decreased property values
- Feels a mobile home would be an eyesore

Mr. Duncan asked where Ms. Campbell is currently living. Ms. Proctor stated she is currently moving around between relatives.

Mr. Duncan asked how much longer the litigation could take. Ms. Proctor stated she is not sure.

Mr. Duncan asked how large of a mobile home would it be. Ms. Proctor said not big it is just for Ms. Campbell.

Mr. Ward made the Motion to approve the conditional use to allow a mobile in the A-R zone under hardship conditions for 5 years until June 13, 2021 with no option to renew or extend the Conditional Use, conditioned upon the mobile home being placed as far from the road as possible. The motion was based upon a finding that the conditional use will not substantially increase traffic hazards, congestion, or fire hazards, adversely affect the character of the neighborhood or general welfare of the County, overtax public utilities or community facilities, or conflict with the Comprehensive Plan. Mr. Duncan seconded the Motion. The Motion was passed with a unanimous vote.

Mr. Hopkins presented the application by Mary Biffle Campbell for a Variance to allow a mobile home less than 100 ft. from the side Property line.

Mr. Steward asked if there was anyone to speak for or against this application.

Bill James – 6245 Nesbit Road – came forward and is concerned that it will decrease his property value and he plans to sale his home in 6 months or less.

Pat James – 6245 Nesbit Road – came forward and is concerned with the following:

- Decreased property values
- The slab that still remains on the property

Kevin James – 6193 Nesbit Road – came forward and stated he is concerned with the following:

- The proposed location on the property
- Does not feel there is a true hardship to warrant the use of a mobile home

Betty and David Johnson- 6192 Nesbit Road – came forward and are concerned with decreased property values.

Mr. Duncan made a Motion to approve the Variance request to allow a mobile home less than 100 ft from the side property line. Mr. Steward seconded the Motion. The Motion was passed with a unanimous vote.

Application by Annette Dunbar (1489) for a conditional use to allow a mobile home on less than 3 acres in accordance with Article V, Paragraph 1, Section B(11) Page 20 of the DeSoto County Zoning Ordinance. Subject property is location at 4491 Fogg Road, on the north side of Fogg and south of W. Oak Grove Road. Parcel #3-08-9-30-00-0-00006-00 in Section 30 Township 3 Range 8 and is zoned A (District 5)

Application by Annette Dunbar (1461) for a variance to allow a mobile home less than 100 ft. from a side property line in accordance with Article V, Paragraph 1, Section B(11) Page 20 of the DeSoto County Zoning Ordinance. Subject property is located at 4491 Fogg Road, on the north side of Fogg and south of W. Oak Grove Road. Parcel #3-08-9-30-00-0-00006-00 in Section 30 Township 3 Range 8 and is zoned A (District 5)

Mr. Hopkins presented the application by Annette Dunbar for a Conditional Use to allow a mobile on less than 3 acres under hardship conditions. Mr. Deljuan Robinson was present to present the application.

Mr. Robinson came forward and stated that they are requesting to put a mobile home on the property to be able to demolish the existing house and rebuild a house on the property in the future.

Mr. Ward asked how long it will be before the home is rebuilt. Mr. Robinson stated they hope to have the new home built within 10 years. Mr. Ward asked if two homes are allowed on one parcel. Mr. Robinson stated that the existing home will be demolished once the mobile home is set up.

Mr. Steward asked if there was anyone present to speak for or against this application. There was no one.

Mr. Duncan asked if the applicant could rebuild the home in 5 years. Mr. Robinson stated if that is what the Board wants he will do that.

Mr. Ward made the Motion to approve the conditional use to allow a mobile on less than 3 acres under hardship conditions for 5 years until June 13, 2021, conditioned upon the mobile home will be removed when the new home is built and the applicant will start to demolish the existing home within 2 weeks after the mobile home is in place. The motion was based upon a finding that the conditional use will not substantially increase traffic hazards, congestion, or fire hazards, adversely affect the character of the neighborhood or general welfare of the County, overtax public utilities or community facilities, or conflict with the Comprehensive Plan. Mr. Duncan seconded the Motion. The Motion was passed with a unanimous vote.

Mr. Hopkins presented the application by Annette Dunbar for a Variance to allow a side setback of less than 100 feet for a mobile home. Mr. Deljuan Robinson was present to present the application.

Mr. Steward asked if there was anyone present to speak for or against the application.

Izell Whitley- 4481 Fogg Road- came forward and stated he owns the property next to Ms. Dunbar and stated he is in agreement with this application.

Mr. Ward made a Motion to approve the Variance request to allow a mobile home less than 100 ft from the side property line. Mr. Duncan seconded the Motion. The Motion was passed with a unanimous vote.

Application by David Goodwin (1459) for a variance to allow a side setback of less than 15 feet in accordance with Article VI, Section D Page 37 of the DeSoto County Zoning Ordinance. Subject property is located at Lot 97 Kyles Creek Section C, on the east side of Payne Lane and south of Smokey Lane. Section 33 Township 1 Range 5 and is zoned R20 (District 1)

Mr. Hopkins presented the application by David Goodwin for a Variance to allow a side setback of less than 15 feet. Mr. David Goodwin was present to present the application.

Mr. Goodwin stated that a bay window was added later in the building process and would encroach the side setback. He then stated that these are wide lots and the home on the adjoining lot will actually be 48 feet from the bay window.

Mr. Steward asked if there was anyone to speak for or against this item. There was no one.

Mr. Ward made a Motion to approve the Variance request to allow a side setback of less than 15 feet. Mr. Duncan seconded the Motion. The Motion was passed with a unanimous vote.

Application by Minnie Campbell (1460) for a variance to allow a side setback of less than 100 feet for a mobile home in accordance with Article V, Paragraph 1, Section B(11) Page 20 of the DeSoto County Zoning Ordinance. Subject property is located at 2151 Getwell Road, on the west side of Getwell Road and north of Holly Springs Road. Section 16 Township 3 Range 7 and is zoned Agricultural (A) (District 5)

Mr. Hopkins presented the application by Minnie Campbell for a Variance to allow a side setback of less than 100 feet for a mobile home. Ms. Candace Reynolds was present to present the application.

Ms. Reynolds came forward and stated the spot proposed for the mobile home is not visible from the road. She then stated due to the width of the lot there is no way to have 100 feet from each side property line. Mr. Ward asked how wide the lot is. Mr. Robert Brier, the applicant's son, stated the original property was 13 acres and has been split 3 ways and the lot in question is 167 feet wide.

Mr. Steward asked if there was anyone to speak for or against this item. There was no one.

Mr. Duncan made a Motion to approve the Variance to allow a side setback of less than 100 feet for a mobile home. Mr. Ward seconded the Motion. The Motion was passed with a unanimous vote.

Conditional Use

Application by Mary Biffle Campbell (1486) (2 of 2) for a Conditional Use to allow a mobile home in the A-R zone under hardship conditions in accordance with Article V, Paragraph 2, Section C(11) Page 28 of the DeSoto County Zoning Ordinance. Subject property is located at 6440 Nesbit Road, on the north side of Nesbit Road and east of Hwy 301, Parcel #2-09-6-24-01-0-00007-01 in Section 24, Township 2, Range 9 and is zoned A-R. (District 4)

This item was heard with the companion Variance application earlier in the meeting.

Application by Chad Collins (1488) for a Conditional Use to allow an auto repair in the A zone in accordance with Article V, Paragraph 1, Section C(27) Page 24 of the DeSoto County Zoning Ordinance. Subject property is located at 2245 Johnston Road, on the west side of Johnston Road and north of Chamberlin Road, Parcel #3-07-6-14-00-0-00024-06 in Section 14, Township 3, Range 7 and is zoned A. (District 5)

Mr. Hopkins presented the application by Chad Collins for a Conditional Use to allow an auto repair shop in the “A” zoning district. Mr. Chad Collins was present to present the application. Mr. Hopkins stated there is one letter of opposition to be placed in the records.

Mr. Collins came forward and stated he has been operating a small auto repair business on this site for 18 years and did not know he needed special permission to operate the small auto repair business in the “A” zone. He then stated the neighbor who is in opposition of this application has only recently built their home behind his property. Mr. Collins stated he has even done work for the Sherriff’s Department.

Mr. Ward asked what prompted the applicant to seek a Conditional Use. Mr. Collins stated he was told he was in violation of the Zoning Ordinance. He then stated he was not aware he needed a Conditional Use but came in to apply for it as soon as he was aware that it was needed. Mr. Hopkins stated the Planning office received a complaint and Mr. Collins was contacted to inform him he was in violation. Mr. Duncan asked when the Planning office started getting complaints. Mr. Hopkins stated the office received 2-3 phone complaints and contacted the applicant and he came in and applied for a Conditional Use.

Mr. Steward asked if there was anyone to speak for or against this application.

Linda Windham – 2233 Johnston Road- came forward and has the following concerns:

- The property is a residential location
- Road is not heavily traveled
- Area is mostly farm land
- Decreased property values
- The number of vehicles on the applicants site

Mr. Steward asked Ms. Windham how long she has owned her property. Ms. Windham stated they bought their property 5 years ago and built and moved into their home 3 ½ years ago. Mr. Steward asked if the intensity of the business been going on along or only recently gotten worse. Ms. Windham stated it has always been this way.

Ms. Windham stated she is also concerned with the following:

- The applicant was able to run an illegal business for years
- Vehicles from his property going on to her property
- Clutter on Mr. Collins’ property
- Environmental issues created by this type of business

Mr. Ward asked if a fence was built on the side property line to screen the property would that satisfy the neighbor in opposition. Ms. Windham said yes but she is still concerned with water contamination and other environmental concerns such as air pollution. Mr. Ward asked if Ms. Windham has reported her concerns to the EPA.

Fred McNeil – 2215 Johnston – came forward and had the following concerns:

- This is a residential area
- Repair shop changes the character of the neighborhood
- The property is very cluttered now and would be pleased if the Conditional Use would include that things are cleaned up at the site
- Concerned with paint fumes

Mr. Collins stated he does not do work at his shop that involves dealing with oil or other chemicals of that nature. He stated he does more metal fabricating, welding, body work and painting. He then stated all materials he deals with go into a drum and paint fumes are filtered inside and outside of the building. Mr. Collins stated all of the vehicles in Ms. Windham's pictures are his personal property. He then stated the trailers on his property are barbecue trailers used in relief projects for storm victims and such and all trailers are now off the property. Mr. Collins stated he would be more than willing to build a fence and that he would have addressed it had he had been called before a complaint was made.

Ms. Windham stated she is still concerned with the vehicles coming onto her property from his property. Mr. Collins stated that can be addressed with a fence.

Mr. Ward made the Motion to approve the conditional use to allow an auto repair shop in the "A" zone for 20 years until June 13, 2036, conditioned upon a fence to be installed to screen the property between the rear of the garage and the Windham's property and along the drive along the northern property line, no work will be done before 7:00 a.m. or after 6:00 p.m. Monday- Saturday, no work will be done on Sunday and all hazardous waste will be properly disposed of. The motion was based upon a finding that the conditional use will not substantially increase traffic hazards, congestion, or fire hazards, adversely affect the character of the neighborhood or general welfare of the County, overtax public utilities or community facilities, or conflict with the Comprehensive Plan. Mr. Duncan seconded the Motion. The Motion was passed with a unanimous vote.

Application by Annette Dunbar (1489) for a conditional use to allow a mobile home on less than 3 acres in accordance with Article V, Paragraph 1, Section B(11) Page 20 of the DeSoto County Zoning Ordinance. Subject property is location at 4491 Fogg Road, on the north side of Fogg and south of W. Oak Grove Road. Parcel #3-08-9-30-00-0-00006-00 in Section 30 Township 3 Range 8 and is zoned A (District 5)

This item was heard with the companion Variance application earlier in the meeting.

Application by Standard Construction Co. Inc. (1481) for a conditional use under Article V, Paragraph 2, Section C, (12), Page 28 of the DeSoto County Zoning and Subdivision Regulations to allow gravel mining operation. Subject property is located at 9641 Woolsey Road, Parcel # 2-06-5-22-00-0-00034-00 on the south side of Woolsey Road and east of Hwy 305, in Section 22, Township 2, Range 6 and is zoned Agricultural-Residential. (District 1)

Mr. Hopkins presented the application by Standard Construction Co. Inc. for a Conditional Use to allow a gravel mining operation. Mr. Billy Myers with Myers Law Firm presented the application.

Mr. Myers came forward and stated Standard Construction is family owned and has been in operation since 1957. He stated that the company's area of coverage is the Mississippi River to the Tennessee River and they are currently operating 6 active mines. Mr. Myers stated that Standard Construction currently employs 150 people and if this operation is approved it will employ an additional 10 people. He stated the ordinance allows for sand and gravel mining if properly conditioned.

Mr. Myers presented a Power Point presentation that stated Standard Construction's proposal. He also stated that there is no dust associated with the type of materials being moved by conveyors at this property. He then stated the picture being presented by the opposition is movement of limestone and is different from the material being mined at and moved at this property, which is a wet material; there will be no dust. Mr. Myers presentation included the proposed excavation area, and the MDEQ standards of setback lines, which are more stringent than the County's requirements. He stated the area in the setback is wooded and will remain wooded and undisturbed; there will be a 10 ft. berm at the setback line. Mr. Myers stated the plan calls for excavation to begin in area 1 and move to area 2. When area 3 is opened, the reclamation process will begin in area 1, and so forth. He showed pictures of the current tree growth at the setback that will remain intact at the setback line where the 10 ft berm will be installed. He discussed the visibility of the actual site from the property lines. There will be low frequency back up alarms on the trucks and equipment that can only be heard from a minimal distance to address the noise from the site. Mr. Myers stated the wash plant will be located in the south east corner of the property. He stated there will be a paved road on to the property to the wash plant and exit onto Bethel Road. Any dust can be treated with water trucks if needed. He stated that Standard Construction employs best management practices and discussed using ponds to filter water before it leaves the site. No operation will begin until all state issued permits are obtained from MDEQ. Mr. Myers stated he feels this application will have no adverse effect on the community. Standard Construction proposes an average of 125 loads per day to exit on to Bethel Road. He then stated he has consulted with the Road Manager for the County and the entrance is located at the highest sight range on the property.

Mr. Robbie Jones with Jones-Davis & Associates addressed traffic hazards and congestion. Mr. Jones stated he has gathered information regarding traffic counts which he obtained from DeSoto County and explained the calculations he used to determine the capacity of traffic for Bethel Road. Mr. Myers asked Mr. Jones if he felt, based on the traffic count data, that adding on average 125 loads per day would cause a traffic hazard. Mr. Jones stated he did not feel it would cause a traffic hazard. Mr. Myers then asked if Bethel Road could handle the capacity. Mr. Jones stated yes. Mr. Myers asked how long Mr. Jones has been an engineer. Mr. Jones stated he has been an engineer for 28 years.

Mr. Steward asked if they will develop five acres at a time. Mr. Myers stated that depending on the demand for gravel he anticipates it taking 15 years to mine the entire site. Mr. Myers stated they would be operating in daylight hours only.

Mr. Myers stated the Road Manager would determine the road bond amount to make sure any damage done to Bethel Road will be repaired. He stated there will never be any access to Woolsey Road and the weight limits will be adhered to.

Mr. Myers stated he does not feel the operation is a fire hazard.

Bob Barber – 919 Getwell Road – came forward and addressed the effect to the neighborhood. He stated he is basing his assessment on experience as former Planning Director of Hernando, planning consultant and Planner. He stated he characterizes the neighborhood surrounding the proposed site as rural to semi-rural. He went on to state that the common space in Evening Shade Subdivision is a significant distance from the mining spot and the mining spot would not be visible from the common space or any other part of Evening Shade Subdivision. He stated there will be no dust produced from this type of mining as the product is a wet material. He then stated the equipment will be operating below grade so it will not be heard and that the equipment has low frequency alarms.

Mr. Barber presented a map of gravel mines surrounded by neighborhoods with higher end homes and also a map of areas with new construction being started near gravel mines.

Mr. Barber stated when properly conditioned a gravel mining operation will not adversely affect a neighborhood. Mr. Myers asked if the operation will adversely affect the general welfare of DeSoto County. Mr. Barber stated that it wouldn't and that the Comprehensive plan of DeSoto County does not address directly gravel mines.

Mr. Myers stated he does not feel the operation will overtax utilities. He then stated that the operation provides materials that are needed for construction and aids in the continued growth of DeSoto County. Mr. Myers stated that studies show there is no adverse effects on property values of areas surrounding gravel mines. He stated there is no evidence that gravel mines adversely affect the quality of drinking water. He stated discharge from the site is governed by MDEQ and EPA.

Mr. Duncan asked if the proposal is for 125 loads a day. Mr. Myers stated that is an average per day, some days there will be no loads and some days there will be more than 125 loads. Mr. Dunkin asked if the loads will be hauled by Standard Construction drivers. Mr. Myers some will be company drivers and some will be individual independent drivers. Mr. Ward stated he is concerned with "Jake brakes". Mr. Myers stated "Jake braking" is not an issue due to the short distance.

Mr. Hopkins noted that staff received a letter of opposition from the Mayor of the City of Olive Branch.

Mr. Steward asked if there was anyone to speak for or against this item.

Jeannie Melton came forward and stated she lives at 10143 Cypress Knee Drive, Olive Branch, MS 38654. I have a petition signed by concerned neighbors who are in opposition to the proposed industrial scale gravel operation in our community. I also have letters from many of these. I would like the petition and these letters to be considered part of the minutes of this hearing. To present the concerns of our community in an organized and hopefully brief manner, we have eight volunteers who will speak to the various concerns of our neighbors. Each one except Mr. Larry Taylor will speak for three minutes or less. Mr. Taylor is speaking for our group to two of the criteria in ARTICLE XIV or the DeSoto County Zoning Regulations and is asking for 10 minutes to present those arguments. There may be others here who desire to speak for or against this proposal but we have asked our friends to not repeat what has already been presented. For convenience we have prepared a folder for each member of the Board which matches our visual presentation.

Ronnie Hall - 9486 Bethel Road, Olive Branch, MS 38654. First let me say that we are not against anyone trying to make a dollar! But if I make that dollar at someone else's expense then maybe I should double check the way it is being made. We are aware that some will be impacted more than others if the gravel mining is allowed. But most everyone here if not the entire county will be impacted somehow by the things we will hear tonight. In our March 3rd meeting Mr. Hunt stated that they expected to haul 75 loads of gravel per day. That has changed to 125 loads per day. He also stated the application was for 12 years now it is 20 years. That is about one truck every 2 minutes for an 8 hour day! This does not include other trucks such as service and fuel. In that same meeting I asked Mr. Hunt if he lived where I live would he want a gravel pit on the 192 acres? He asks where I lived. Then I pointed out my house on his poster board, which is on Bethel Rd. For a moment Mr. Hunt seemed to go from a business owner to a person living at that location. And He said "I would be concerned". Now this comes from the owner of Standard Construction that has been in the gravel business for years! And he is the person wanting to put the gravel pit in. So my question is what would he be concerned about? Environmental? Property Values? Heavy Machinery? Safety? Traffic? Noise? All the things that will be brought out here tonight? If Mr. Hunt and I were to change positions, he lived where I live and I owned Standard Construction, he probably would be giving these details against the gravel pit instead of me! Because he would be concerned! If you lived next to the 192 acres would you want a gravel pit next to you? Or if right now you lived next to a tract of land and they were going to put in a gravel pit with a 50 foot buffer how would you vote? We believe that part of the reason Desoto County is such a great county is that we have in most cases tried to live by the golden rule. Do unto others as you would have them do unto you. We as concerned citizens are asking you to keep the golden rule in place now. Don't place a burden on us that you would not want to carry yourself. We are asking you to vote against the gravel pit and not allow Standard Construction to place a burden on us that its owner Mr. Hunt would not want to bear.

John Burrell - 10174 Cypress Knee Drive, Olive Branch, MS 38654. With a few simple time-lapsed photographs I am going to demonstrate that gravel mines in DeSoto County have historically been located in very rural areas. Gravel mining has been a vital part of the DeSoto County economy but gravel mining has always been a rural industry. As the county grew and mines were reclaimed, growth followed.

(Goodman Road & I-55 1962)

Notice several things about this aerial photo taken in 1962. There are no subdivisions or commercial activity. The area consists of open farmlands, scattered homes and gravel mines.

(Goodman Road & I-55 2013)

In this same area today all of the mines are reclaimed and we see the medical center, commercial development and residential subdivisions we all recognize.

(The Proposed Mining Site 1962)

This photo of the proposed mining site in 1962 shows a very rural area. Open farmland is the character of the neighborhood. There is a gravel mine south of Bethel Road.

(The Proposed Mining Site 2013)

At the proposed site today the farms are gone and the site is completely enveloped by subdivisions and homes.

(Methodist Hospital Slide Sequence)

This sequence of slides shows the Methodist Hospital site at Bethel Road and Highway 78 from 1991 through 2014. In 1991 there are gravel mines west and east of Bethel. The only subdivision in 1991 was Chateau Ridge. It was built adjacent to the mines.

(Next Slide)

By 1996 the mine west of Bethel Road was closed.

(Next Slide)

In 2004 subdivisions were infilling west of Bethel.

(Next Slide)

By 2010 the mines near Bethel were reclaimed. The last one to the east was reclaimed in 2012.

(Last Slide)

In 2014 Methodist Hospital was completed and more subdivisions were completed west of Bethel.

These slides demonstrate that gravel mines precede growth in DeSoto County and that there is not a history of mining in established neighborhoods. Thank you.

Sara King - 10130 Cypress Knee Drive, in Olive Branch. The maps and data I will present were obtained from the county by an official records request or from the Desoto County Website.

This Slide shows the proposed mining site between Woolsey and Bethel Roads and the homes in the area. There are 141 homes within one quarter of a mile and 722 homes within 1 mile.

This is the same location as the previous slide, the proposed area for mining. But this one shows you the existing subdivisions in yellow and the areas in green are those

subdivisions that are already planned for the future. Less than one quarter mile separates the College Road and Woolsey Road subdivisions. The slide clearly shows that this portion of the AR district is residential and still growing.

Slide three shows the mine near Starlanding Road. It has been in operation since 1970 and is next to other mines in Southaven. This is the only DeSoto County mine in an AR District. There are only 22 residences within one quarter of a mile and 98 DeSoto County residences within one mile of this mine.

Byhalia Road mine. This mine is part of an extensive mining complex that has since been reclaimed. Mining has been a part of this community for decades. There are 38 residences within one quarter of a mile and 317 within one mile.

Alphaba Road mine. This mine has been in production off and on since 1996. Located in a rural agricultural district, this mine has 18 homes within one quarter mile and 127 within one mile.

Mine at Highway 51 South and Ranch Road. Mining has been part of this community for decades. There are 40 residences within one quarter mile and 331 within a mile.

Mine near Larue Road. This mine has been approved for conditional use but has not yet been placed into operation. There are 17 homes within one quarter mile and 409 within one mile. Many residences within one mile of this mine are also within one mile of the Highway 51 South operation to the north.

These next three slides are bar graphs that illustrate a comparison of the proposed gravel mine on Woolsey Road to the existing gravel mines in DeSoto County. This first slide shows the number of homes within one mile of each mine. The number of homes in our area is overwhelmingly greater than the other mines in the County.

This slide shows the number of homes that share a property line with each mine or that are immediately across the road from a mine. There are 30 next door neighbors to the proposed mine. Three of the other mines have five adjacent homes. One has 16. These numbers speak volumes.

This slide shows the number of families that live within one quarter of a mile of each of the mines.

Note that there are more homes within one quarter mile of this proposed mine than all five of the other mines in DeSoto County combined. (136).

The purpose of this presentation was to show the overwhelming and undeniable residential nature of our area and neighborhood compared to the existing mines.
Thank you.

Larry Taylor - 9830 Bethel Road in Olive Branch. I am speaking on behalf of our community and I ask for additional time to speak. I ask that my written letter be included in the minutes of these proceedings.

You just heard from Sara's presentation that there are more homes within one quarter mile of this proposed mine than the other five mines combined. The numbers prove that this neighborhood is residential. According to the Comprehensive Plan this property and community are designated Low Density Residential and Rural Transitional Residential. The Land Use Plan marks this property and this neighborhood for those two uses. So based on the Land Use Plan and data this neighborhood is residential. Other areas of AR Districts such as Starlanding Road are Agricultural. The mining site on Robertson Road North is designated as Agricultural. My argument tonight is that what may be appropriate in Agricultural areas of AR zoned districts is not appropriate or permitted in residential areas.

(Show Slide 1 of Plan) Let's look now to two of the criteria of ARTICLE XIV of the Zoning Ordinance.

The first is Be in conflict with the Comprehensive Plan: The Comprehensive Plan states that all development proposals... must be reviewed according to each element of the plan . It also says gravel pits are an industrial use.

In the application Standard Construction says, "The gravel operation is in conformity with the Comprehensive Plan as such operations are anticipated by the Comprehensive Plan." It proclaims the requested Conditional Use conforms without comparing it to each *element of the plan* as required. The Plan tells us how to check for conflict. "The Goals, objectives and policies would be checked against the proposal to determine if there was any conflict. The proposal is a gravel pit. Let's check it against the goals, objectives and policies.

Policy 6-1.3 – "Residential Neighborhoods will be protected from the encroachment of commercial, office and industrial rezoning." This policy applies to all residential neighborhoods. The proposal is in conflict with this policy.

Policy 6-1.4 – "Use the Land Use Plan to identify vacant land into which commercial and industrial uses can expand without encroachment into residential areas." This policy is similar but requires the Land Use Plan be checked before industrial uses expand to vacant lands. We know that Land Use Plan marks the area as residential. The proposal is in conflict with this policy.

Policy 9-1.1 – "Stable residential areas will be protected from disruptive uses such as incompatible higher density residential structures, and encroaching industrial and commercial uses." This policy speaks directly to the stable areas of our neighborhood; the existing residential zoned subdivisions and single family homes that line Woolsey and Bethel Roads. The proposal is in conflict with this policy.

Policy 9-2.1 – "Transitional residential areas will be protected from disruptive uses such as encroaching industrial and commercial uses." The Land Use Plan classifies portions of this property and the neighborhood as Transitional Residential. The proposal is in conflict with this policy.

Because this neighborhood is residential and this proposal is industrial this proposed Conditional Use is in conflict with each of these elements of the Plan and with others. Therefore, according to ARTICLE XIV of the Zoning Ordinance, Conditional Use cannot be approved.

Now let us look at adversely affect the character of the neighborhood:

The application for Condition Use says and I quote, “The gravel mine will not adversely affect the character of the neighborhood.” Then it describes not the established neighborhood character and quality but how they will try to hide a 192 acre mine. Goal G-9 of the Comprehensive Plan says, “To maximize conservation of existing housing and preservation of established neighborhood character and quality.” The character of a neighborhood is established. We must determine if it is adversely affected. The Comprehensive Plan also states in Goal G-6, “Industrial uses are generally incompatible with residential uses due to noise, traffic, and other blighting influences.” This heavy industrial gravel mine and our homes are not compatible. ARTICLE I, (d) of the Ordinance states, “Encourage compatibility of adjacent land uses.” Are the blighting influences of a gravel mine compatible with these next door neighbors?

A Bed and Breakfast Inn?

A Church?

A Community Park?

An R-30 Subdivision?

30 Families?

These demonstrate the quality and the character of our neighborhood which is defined by homes, families and parks; not gravel mines.

Also, DeSoto County has already determined the character of this specific neighborhood. (Show I-269 Slide) This is cover page to The Development Framework Plan from I-269 Development Study. The Eastern Corridor section of this plan includes our community and neighborhood. The existing character is described as follows:

Primary Existing Character:

The area north of Byhalia Road is characterized by large suburban and rural subdivision neighborhoods of various eras, with many recent subdivisions still under construction and development.

The plan includes a recommendation for Land Use in our community:

Community Character and Land Use Recommendations:

Encourage suburban neighborhoods as infill development compatible with the existing neighborhoods in the northern part of the sector. A gravel mine is not a suburban neighborhood.

This study was unanimously adopted by the Board of Supervisors on September 3, 2013. The county has officially established the character of our neighborhood. It is residential. This gravel mine in this location will adversely affect the character of this neighborhood. Therefore, according to the ARTICLE XIV Conditional Use cannot be approved.

Granting Conditional Use would conflict with the previous decision of this Board on December 14, 1998 when conditional use was denied for a mine about 500 feet away. Mr. Merritt Powell, Director of the Planning Commission stated that, “Large homes, and modest size homes are built in the area...A subdivision is presently being built across the street...This could be a traffic problem.” The developer of Evening Shade Mr. Charlie

Moore testified that, "This is a residential area and this would be dangerous." The neighborhood opposed the mine. The Board unanimously denied conditional use for "traffic." During the appeal to the Board of Supervisors on January 6, 1999 Supervisor Eugene Thatch stated, "This was...an adverse effect to the neighborhood." Supervisor Jesse Medlin, "was concerned about danger and effect on the neighborhood." He moved to uphold the decision of the Board of Adjustment which passed unanimously. We thought the matter was settled. No gravel pits next door. But here we go again; double jeopardy. If a 23 acre gravel mine planned to operate for 7 years did not meet the criteria for conditional use 18 years ago then a 192 acre mine with conveyors, wash gravel screens and a loading complex that is intended to operate for 20 years or more will not meet the criteria today. Be consistent. You voted no then, vote no tonight.

The next few photographs are of the Andover Plantation Bed & Breakfast directly across Bethel Road from the proposed mine.

This is a favorite place where local people celebrate anniversaries, weddings and special occasions.

It is a favorite place for outdoor weddings.

Beautiful gardens make a wonderful addition to the community.

This is a beautiful peaceful oasis in the heart of our neighborhood. We like the character of our neighborhood just the way it is!

Scott and Lin Murry have submitted a letter to the Board of Adjustment and asked that I present their concerns as part of this presentation. You can see from their location on this slide that they will be severely affected by this mine. They are booked nearly 100% between March and October. Peace and quiet is the number one reason their guests enjoy their stay at Andover and 35% of their business is repeat business. In their letter they said, "We were here first. We are abiding by our Conditional Use permit and the neighbors love us." We do love them. They not only fit the character of our neighborhood they have helped form it.

You will find in the minutes of public hearings and in newspaper reports an often recited phrase when gravel pits are on the agenda. "You've got to mine gravel where it is." While it is an obvious statement, it is not the law. Standard Construction says since Conditional Use can be requested it must be allowed. That is not the law either. The Ordinance says "controlled as to area, location, or relation to the neighborhood." The Comprehensive Plan says to "preserve established neighborhood character and quality." It also says Residential areas will be protected...from... industrial... use." It doesn't say, "You've got to mine gravel where it is." The Ordinance speaks to the "*character of the neighborhood*" not to the location of gravel deposits. It doesn't matter where gravel is; it matters what the Ordinance says. This proposal adversely affects the character of the neighborhood; and is in conflict with the Comprehensive Plan. In accordance with ARTICLE XIV Conditional Use should be denied. This Board voted no and saved our community 18 years ago; vote no again.

I thought we would look at something beautiful for a few seconds. This is just part of my wife's daylily garden on Bethel Road. We hope we can continue to enjoy it for years to come. For 22 years Shirley and I have enjoyed our home. Our family is affected more

than most. We will be next door to one of the most disruptive industrial activities in DeSoto County. The wash gravel operation will be so close to our home we will feel it. This is the “industrial ...blighting influence” described in the Comprehensive Plan. As an unwanted neighbor, Standard Construction would deny us the enjoyment of our home and destroy our quality of life. This uninvited neighbor will drive a monster truck up or down his driveway next door 25 times an hour from the first light of dawn to 7:00 p.m. Pits, dust, noise, industrial wash gravel machines, diesel exhaust and a denuded landscape – is that a neighbor? “We’ll contain this they say and hide the hideous view. You won’t see, hear or smell a thing. No blighting influences here.” Not possible. We’re too close; next door neighbor close. He controls the watershed for our pond. He’ll scrape off the topsoil and build berms that will block or muddy the water. He actually says he will do that in his application. Shirley and I will be severely affected by this industrial blight. But we are only one of 30 families who are next door neighbor close and hundreds of other families who are within hollering distance. Let us and these families enjoy our homes. Don’t forget the people. Thank you for your attention. You saved our neighborhood 18 years ago by voting no. Vote no again.

Debbie Crum - 9180 Bethel Road, Olive Branch, MS 38654. The application for Condition Use states, and I quote, “The gravel mining operation will have minimal impact on traffic in DeSoto County...” This statement is true if you are considering the entire county of Desoto County. This statement is False if you consider the vicinity of which the proposed pit is being considered. The proposed pit application being considered tonight is dead in the middle of a beautiful residential area. This mine will have one main entry and exit point, which is on Bethel Rd. There are “NO TRUCKS ALLOWED” road signs posted at both ends of Bethel Road. It should be self-evident that 125 trucks entering and 125 trucks leaving each day from a single entrance on a narrow, curvy, hilly two lane road which according to the I-269 Plan is a primary route in the Eastern Sector, an LRTP Bikeway and is closed to trucks will “substantially increase traffic hazards and congestion.”

Desoto County is known for its community spirit and genuine concern for its residents and businesses. I know that is just one of the many reasons we chose to move to the area we are in now. Here are a few additional safety concerns we have as a community we urge you to consider.

There are four (4) schools in the immediate area of the proposed gravel pit. This means there are 350 or more stops daily for buses in the immediate area in which the gravel trucks would be in route to/from the pit. (NOTE: in 2015 a school bus was hit twice from behind directly in front of my house on Bethel Road due to drivers not being able to stop quickly enough after topping the hill and seeing the bus.) Elderly as well as new drivers and high school student drivers are constantly present on Bethel Rd. Emergency Response vehicles in route to Methodist Hospital are using Bethel Road as the primary route within the immediate area of the proposed pit site and Standard Construction is asking to use all of Bethel Road as a haul route. This proposed mine will “substantially increase traffic hazards and congestion.” Therefore according to ARTICLE XIV of the Zoning Regulations Conditional Use should be denied. Protect our children and our established residential neighborhood from accidents like the one you see here. Thank You.

Les Davis – 10201 Cypress Knee – came forward and gave the following presentation:
ARTICLE II, 16: Conditional Use

ARTICLE II, Paragraph 16 of the DeSoto County Zoning Ordinance provides the definition of Conditional Use. (Show Conditional Use definition)

ARTICLE II, Paragraph 16 of the DeSoto County Zoning Ordinance provides the definition of Conditional Use. Take a look at the definition for Conditional Use. Note that a conditional use would not be “appropriated generally.” The burden is on the applicant to demonstrate that it is appropriate. That means appropriate according to the Ordinance and Plans not just opinion. The “area, location, and relation to the neighborhood” must be considered. These requirements in this definition are derived directly from the Comprehensive Plan. Gravel mining may be appropriate in one part of an AR Zoned District but not in another. Our area is not industrial nor is it agricultural it is residential. The Land Use Plan says it is residential. The location of the property is in the middle of residential subdivisions and in relation to the neighborhood it is completely surrounded by single family homes; 30 next door and 141 within one quarter mile.

A conditional use would “promote” the listed items. Does a gravel mine in this area, in this location, in this neighborhood: (Show Promote List Slide)

- Promote public health?
 - Nearby people with COPD and Asthma don’t think it does. How many neighbors have family with respiratory problems? Raise your hands.
- Promote safety?
 - A truck every 2 minutes create hazards not safety.
- Promote order?
 - This mine will be disruptive to the neighborhood. It doesn’t fit in. There is nothing orderly about it.
- Promote comfort or convenience?
 - How can we be comfortable so close? There is nothing convenient about a gravel pit next door.
- Promote appearance?
 - Are you kidding? Compared to what?
- Promote the prosperity or general welfare?
 - Despite the claim of mining companies, property values do decline when industrial uses encroach into residential neighborhoods. The Comprehensive Plan and the Zoning Ordinance recognize this fact and require that property values are conserved.

Because of the area, location and relation to the neighborhood this Conditional Use cannot promote any of the elements in the definition. Consider that when you vote no tonight. Thank You.

Barbara Hodick - 9409 East Broadway, Olive Branch. I submit this letter along with my documentation to be included in the minutes of this meeting.

Today, I am addressing a few of the major environmental concerns.

I was a Senior Environmental Specialist for Federal Express for 21+ years (retired) and one year with a national environmental engineering and consulting firm.

The major concern for sand and gravel mines is the effect on air, land and water. Let's consider each. (Show slides on Air)

AIR – The impact on air quality comes from:

- Total Suspended Particulates (TSP) – Dust
- PM-10 - Particulates < 10u (microns) in Size
- Fugitive Dust

Of these, Particulate Matter and Fugitive Dust pose the greater health risks to employees and to nearby residential areas. (Show Slide on the Above) Employees are protected by OSHA. Communities are normally protected by placing mines in more rural areas.

You can see the source of these hazards on the slide.

Some industrial minerals like perlite and silica flux create extremely fine particles of silica that can cause silicosis on prolonged exposure

(Show Slide of Health Hazards)

As you can see on this slide the particles from Fugitive Dust and Particulate Matter can be so small that they can penetrate to the deepest parts of the lungs and enter the bloodstream.

You can also see that the most vulnerable of our neighbors are most at risk and that these pollutants have been linked to the many breathing disorders

(Show Land Slide)

Land – There is aesthetic degradation by both active and abandoned open pit mining:

Because this operation is taking out mass amounts of sand and gravel, it is possible that many of the pre-mining surface features cannot be replaced once the mining operations cease. In addition, once the mine is abandoned, you run the risk of increased flooding and soil erosion due to heavy rains and wind. There are examples of poorly reclaimed or abandoned gravel mines from over 50 years ago in our neighborhood.

Water -_There are several major drainage systems from this large property. They flow through our neighborhoods and to our local creeks and the Coldwater River. From this slide you can see the pollutants, sources and the effects they have on the area water.

Chemical Storage and Waste Disposal – These are examples of equipment will be required to be maintained and fueled on-site. This will require on-site storage of large amounts (55 gallon drums and/or Above Ground Storage Tanks) of fuel and chemicals, including hazardous chemicals.

This is yet another potential source of contamination/pollution that can enter water and soil.

It should be noted that it only takes 1 quart of oil to contaminate up to 250,000 gallons of drinking water.

Noise Pollution: Standard Construction stated that they would leave a 50 foot buffer to contain noise. This will not begin to effectively drown out the noise of equipment and drilling. When they were operating a small backhoe it could be heard for long distances. I hate to think what the heavy equipment and conveyor noise would sound like when it so near my home.

I also have horses and I would hate the thought of them having to listen to this type of noise constantly. They are use to a peaceful, quiet neighborhood. Hundreds of nearby families deserve peace and quiet as well.

This is the Google Earth view of the Memphis Stone and Gravel wash gravel operation at a gravel mine near Highway 51 South. This site is very rural and close to no one. Here it will be in the center of our community and next door to our homes. The gravel in the ground is not worth the affect that noise, air contamination and water pollution will have on so many people. Do we really have to see, hear and smell this for the next 20 years? Is gravel worth the health and safety of our children? In closing and before you vote, please ask yourself: Would you want this in your backyard? What would your honest answer be?

Sherry Canady – came forward and is concerned with traffic safety and increased number of trucks on the area.

Debra Curtis – 5606 Lyles Lane – came forward and is concerned with traffic safety and quality of life in the area.

Kenneth Cole – 3605 Fir Dr. – came forward and is concerned with traffic safety and traffic problems created by increased truck traffic.

David Minor – Woolsey Road – came forward and is concerned with traffic safety and increased traffic on Hwy 305 and Bethel Road.

Norman Scott – 1803 Woodlane Dr. – came forward and is concerned with increased traffic along Bethel Road going to Lewisburg Schools and dangerous intersections along Hwy 305.

Rhonda Williams – 10283 Cypress Knee – came forward and is concerned with the safety of children in the area of the gravel mine.

Rita Harris – 9488 Broadway – came forward and is concerned with decreased property values, quality of life, spot zoning, and health conditions from air pollution.

Mr. Myers stated he feels the applicant has produced proof the operation will not adversely affect the neighborhood and that there is no evidence that a gravel mining operation results in health issues. He then stated there is no hazardous waste stored on the property, there is no blasting done in the mining process and there is no smell from this operation.

Mr. Duncan made a Motion to Deny based on his knowledge of the area and based on the following:

- a.** Granting the conditional use would substantially increase traffic hazards or congestion;

- b.** granting the conditional use would adversely affect the character of the neighborhood; and
- c.** granting the conditional use would be in conflict with the Comprehensive Plan.

Mr. Ward seconded the Motion. The Motion was passed with a unanimous vote.

Mr. Duncan made a Motion to Adjourn. Mr. Steward seconded the Motion. The Motion was passed with a unanimous vote.