

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 13<sup>th</sup> DAY OF JUNE, 2013 AT 9:00 A.M. AT THE  
MADISON COUNTY COMPLEX BUILDING**

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**BE IT REMEMBERED** that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 13<sup>th</sup> day of June, 2013 at 9:00 a.m. in the Madison County Complex Building.

Present:        Dr. Keith Rouser  
                  Rev. Henry Brown  
                  William Amadio  
                  Will Sligh  
*Absent*        *Jim Smith*  
                  Brad Sellers, Planning and Zoning Administrator

There first came on for consideration the minutes of the May 16, 2013 meeting of the Commission. Upon motion by Commissioner Amadio, seconded by Commissioner Sligh, with all voting "aye," the motion to approve the May 16, 2013 minutes passed.

There next came on for consideration the Petition of Linda Upton to rezone 2.30 acres from A-1 Agricultural District to C-2 Highway Commercial District. This matter was tabled at the May 16, 2013 meeting. The property is located on Highway 49 North. The 2.30 acre parcel is out of a 13.8023 acre tract. A metal building has been permitted and built on this property. The owner wishes to use the building and property for an antique store. A site plan was submitted along with a signed Petition and letter opposing the Petition, which were all attached collectively as Exhibit "A" to the May 16, 2013 meeting minutes.

Henry Adams first spoke on behalf of the Petitioner. He presented photographs to the Commission of neighboring properties and he and Mrs. Upton's property, which are attached hereto collectively as Exhibit "A." He explained that one of the key points in opposition to the rezoning dealt with the appearance of the property. Mr. Adams showed in the pictures that their property was very well maintained in comparison to some of the surrounding properties. He explained that they would make the area look really nice in consistent with what was already there. He stated they intended to also build their own house on this property once their current home sales, therefore, they had a strong interest to maintain the property in good condition. Mrs. Upton also addressed the Commission and stated the area being requested for rezoning was only 2.3 acres and most of the things the opposition was concerned about wouldn't fit in that amount of acreage. She reiterated that it would be well maintained and also stated that the Commission could make a special exception to switch it back to A-1 if the antique shop wasn't successful. She also suggested a special exception to state that no bar or any other establishment of that nature could be placed in that location.

Jacob Ritchey, Esq. spoke on behalf of the opposition to the Petition. He showed the Commission the land use map that was adopted in March of 2012. He stated that the comprehensive

plan for Madison County had passed and that it contained long range goals and objectives for what land was to be used for and that the county residents had a right to be able to rely on the current zoning ordinances set forth in the plan. He stated that the Petitioners had failed to prove the requisite things set forth by law to rezone the property. Specifically, he stated that they had failed to show a substantial change in the character of the neighborhood nor a public need justifying the request to rezone this land. Because they have not shown these elements, he stated that Petitioners had failed to meet their burden and the Commission should deny the Petition. He also distinguished the subject Petition from the rezoning that occurred for the "Gotta Go" establishment back in 2002. He stated that a substantial need was present in that instance because the land was extremely junky and the person purchasing it offered to clean it if she could store her equipment and things for her Gotta Go business there. He further stated that no commercial activity took place there as the items were rented and delivered to places so cars were not coming and going to purchase things from there. He stated there was a larger buffer between this land and the homes. He also stated that Hinds County had already approved the rezoning for the adjoining larger portion of the land as C-2. He further stated that there were other antique shops in Flora. He presented an aerial photograph of this area which is attached as **Exhibit "B."** He reiterated that no substantial change nor a public need had been presented by the Petitioner and asked that the Petition be denied.

Mr. Adams responded to the opposition by pointing out that the Gotta Go establishment has their offices at this location with employees who work there. He also stated that he wasn't aware of any antique shop currently open in Flora, MS. He also stated that this store would not affect or disrupt the normal activities of those who live nearby. Upon Motion by Commissioner Rouser to deny the Petition because it does not conform to the current land use, seconded by Commissioner Amadio, with all voting "aye," the motion to deny the Petition was passed. Petitioner was informed she had fifteen (15) days to appeal this ruling in writing.

There next came on for consideration the Petition of Storage Depot, LLC to rezone R-1 Residential District to C-2 Commercial District. This land is located on the north side of Gluckstadt Rd, adjacent to Storage Depot's existing facility on the east side. The rear portion will be used for two additional storage facilities, and the front lot will be marketed at a future date. A site plan was provided. Richard Newman appeared on behalf of the Petitioner. He stated that these new units would be accessed through the access that is present for the current facility. Commissioner Sligh inquired regarding the current need for more space and Mr. Newman stated that the current facility was full and because of the growth in the area, more space was needed. Administrator Sellers inquired regarding how it would look and Mr. Newman stated it would mirror the other units already present. He further stated that you wouldn't be able to see these from Gluckstadt Rd. because of the businesses in front of it. Upon Motion by Commissioner Sligh to approve the Petition, seconded by Commissioner Rouser, with all voting "aye," the motion to approve the Petition was passed.

There next came on for consideration the Petition of Jacqueline Young for a Variance to the side and rear setback for an accessory structure in the R-2 Residential District. This property is located at 111 Muirfield Place, Ridgefield Subdivision, part 5. Ms. Young has constructed an above ground pool that encroaches on the side and rear setback requirements for the R-2 Residential District. The HOA has approved the pool. Ms. Young appeared and explained the history of the approval process and her attempts to comply with all requirements. She reiterated that the

neighborhood is satisfied with the pool and the HOA had approved it. Upon Motion by Commissioner Amadio, seconded by Commissioner Sligh, with all voting "aye," the motion to approve the Petition was passed.

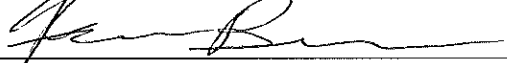
There next came on for consideration the site plan of Brandon Osborne. This is for boat and self storage at Lake Caroline. This matter was tabled at the May 16, 2013 meeting pending approval by the Lake Caroline HOA. This plan has now been approved by the Lake Caroline HOA. Upon Motion by Commissioner Amadio to approve the site plan, seconded by Commissioner Sligh, with all voting "aye," the motion to approve the site plan was passed.

There next came on for discussion the issue of attorney fees. Upon motion by Commissioner Amadio, seconded by Commissioner Sligh, with all voting "aye," the motion to approve attorney fees passed.

There next came on for discussion the setting of the July, 2013 meeting. July 11, 2013 was suggested. Upon motion by Commissioner Sligh, seconded by Commissioner Rouser, with all voting "aye," motion to set the July, 2013 meeting for July 11, 2013, passed.

With there being no further business, the June 13, 2013 meeting was adjourned.

7/11/13  
Date

  
(Chairman)