

MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 10th DAY OF MARCH, 2016 AT 9:00 A.M. AT THE
MADISON COUNTY COMPLEX BUILDING

BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 10th day of March, 2016 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present: Don Drane
Larry Miller
Walter McKay
Rev. Henry Brown

Scott Weeks, Planning and Zoning Administrator

Absent: Dr. Bill Howard

The meeting was opened with prayer by Rev. Brown, and those present participated in pledging allegiance to our flag.

There first came on for consideration a discussion regarding tabling agenda items. Commissioner McKay discussed the issue as it relates to continually tabling items and the inconvenience to the public to attend meetings each month only for the item to be tabled. Upon Motion by Commissioner McKay that any tabled agenda item, whether the matter is a request to re-zone, a site plan review, or other type of request, including the failure of petitioner to appear, shall be placed on the next agenda only if petitioner contacts the Zoning Administrator in writing by noon on the Friday prior to the meeting, thus certifying that reasons for tabling the item have been met or issues resolved; and that failure to make such contact would automatically defer the item without penalty until such contact is timely made; and that all agenda items must be in the Zoning Administrator's office by noon on the Friday before the next scheduled Planning and Zoning meeting so that the agenda and supporting documents can be up-loaded on-line and available to the public by close of business that day; seconded by Commissioner Miller, with all voting "aye," the motion to have this system in place effective immediately passed.

There next came on for consideration the minutes of the February 11, 2016 meeting of the Commission. Upon motion by Commissioner Brown to approve the minutes, seconded by Commissioner Miller, with all voting "aye," the motion to approve the February 11, 2016 minutes passed.

There next came on for consideration the petition of Peter Debeukelaer to rezone R-1 Residential to R-1A Residential 10 acres and subdivide same into 9 lots ranging in size from .90 acres to .99 acres. Brad Sellers appeared on behalf of Petitioner. He explained that Mr. and Mrs. Debeukelaer were also present in representation of this Petition. Mr. Sellers stated that this land

is located just outside of the bounds of New Castle subdivision on Dover Lane. This would be a small cul-de-sac with 9 lots. He explained the history of the development of the neighborhood that has occurred since around 1985 and that it was done slowly and with best use in mind by Mr. Debeukelaer, who also lives in the subdivision. Mr. Sellers stated that out of 90 acres that had been developed, approximately 40 lots were comprised of 1 or less acres, or approximately 2/3 of the subdivision. He said the law requires that you must show a change in the character of the neighborhood and a public need. Mr. Sellers explained that all of the neighborhoods around this area have been developed as R-2 with smaller lots, such as Reunion, Annandale, Wind Dance, Hartfield and Hathaway Lake. These neighborhoods were developed after the expansion of sewer by Bear Creek. He explained there was a public need for these size lots as there were no other 1 acre lots for sale in this area. He explained that Mr. Debeukelaer was willing to stick with the covenants imposed on New Castle which includes 2500 square foot house minimum and same design standards. He also explained since this was only 9 lots, it shouldn't create any traffic issues since its not a large development. Mr. Debeukelaer spoke next and explained that he has allowed other residents to build to their taste but their plans must be reviewed and approved by the neighborhood architectural committee. He explained there are 2 HOA for the neighborhood, the non-lake front owners and then the lake front property owners. He explained he developed the neighborhood slowly and tried to keep as many trees to maintain the natural look and there is a no fence policy as well. He said he had met with both HOA and there was no opposition voiced during those meeting. Comments from the audience were welcomed next and Jerry Stone came forward. He explained that he had a home and 3.6 acres in Grey Stone Subdivision which is across the street from this property. He stated that they were not made aware of request until the sign went up. He disputed that much of the property was less than 2 acres. He explained the various phases of how New Castle was developed. He said that New Castle Phase 1 was first and all of those are 2 or more acres. New Castle Phase 3 was developed next and those are 3 or more acres and lake front properties. New Castle Phase 2 came next and out of those 23 lots, 18 are less than 2 acres. He stated that New Caste Phase 4 was just done and all of those are 2 or more acres and still in the process of heing developed. He said most people purchased homes in that neighborhood because they wanted the larger lots and that was the appeal of this area. Mr. Stone expressed concern that the covenants were not being provided and said that Grey Stone continued to update their covenants because it was important for them to maintain the character of the neighborhood. He obtained a map from the chancery clerk's office and by his count, 74 acres were all 2 or more acres in size. He said there was talk that Mr. Debeukelaer intended to develop other neighborhoods near this and he said that area was more appropriate for this type development. Mr. Sellers came forward again and produced a plat that showed acreage which was reviewed by the Commission. Mr. Sellers stated that he understood the arguments but that he did not think any harmful effects had been proven such as an increase in traffic. He felt this was a best use of the property because it wasn't feasible to develop in 2 acre lots. He also said they stood by their numbers and said there were 39 lots with around 1 acre. He said they were including the water front property in this assessment because the 1 acre consisted of the dry developed land since the rest was in the water. Jim Ingram spoke next and stated that he had been a lake front property owner in New Castle for many years. He stated that he had known Mr. Debeukelaer for a long time and that he had taken a very thorough, measured approach to developing the neighborhood. He further pointed out that Grey Stone was a separate subdivision that had its own entrance. He said he did not see any traffic or other concerns with

this development. He pointed out that the actual land portion of the lake front properties were all approximately 1 acre of land. Commissioner Miller inquired regarding how those lots were taxed and if they were taxed on the whole property versus the dry portion of the property and Mr. Ingram stated he was not sure. Mr. Ingram said he did not think 9 lots would change anything about the demographics of the neighborhood. Mike Harmon spoke next and stated that he lived right by this property and was opposed to the development. He said that he had actually tried to purchase the property but they had not reached a favorable agreement on the price. He said they were lead to believe this would be developed as 2 acre or more lots. He said if it was needed, he could get petition signatures from other homeowners in New Castle that were opposed to the development but couldn't be present at today's meeting. Chrystal Ericson spoke next and said she lived right across from this property. She said they moved here a few years ago and wanted something more spread out. She stated that they had been lead to believe this would be developed as 2 or more acreage lots as well and she was worried how this would affect her property value. Dana Berbette spoke next and she lives in New Castle subdivision. She said she was present at the HOA meeting and no vote was actually taken on the matter. She was also concerned about the effect of this on her property value. Mr. Ingram came back up and stated that he was at the meeting and he said although no vote was taken, it was asked if anyone had any concerns or comments and no one spoke up. The Commission allowed anyone else to come forward and stated they had heard the positions and were ready to make a decision based on the documents and information provided by all parties. Upon Motion by Commissioner Drane to deny the petition, seconded by Commissioner Miller, with all voting "aye," the motion to deny the petition passed.

There next came on for consideration the petition of Sharon Vandeburgh to rezone 510 + acres from A-1 Agricultural to R-2 Residential for residential development. This property is located next to Stribling and Dewees Road. Scott Gideon appeared on behalf of Petitioner. He stated that the county was currently doing a traffic study which was critical to address the concerns by the opposition regarding traffic. Upon Motion by Commissioner Miller to table the petition, seconded by Commissioner Brown, with all voting "aye," the motion to table the petition passed.

There next came on for consideration the petition of Perry and Charlie Waggener to rezone R-1 Residential to R-1A Single Family Residential District. This property is located on Old Canton Rd. near the intersection with Clarkdell Rd. Mr. Waggener appeared on behalf of Petitioner and requested that the matter be tabled again to continue discussions with the opposing homeowners near this property. He said they had made efforts since the last meeting to set up a time for everyone to meet and that had not occurred until last night. He stated that some of those people were present at the meeting and could back them up that they had made progress in their agreement and wanted to continue to work something out that was in everyone's best interest. Commissioner McKay stated that when they did come back, he wanted to see more information on the right of way to this property. Commissioner Drane asked for further explanation on the delay in their meeting and Mr. Waggener stated that they had made plenty efforts and he had emails to back that up but he couldn't force them to meet with him. Upon Motion by Commissioner Drane to table the petition, seconded by Commissioner Brown, with all voting "aye," the motion to table the petition passed.

There next came on for consideration the site plan of a storage facility located on Aulenbrock Drive. Matthew Miller, engineer, and Greg Ainsworth, architect, appeared on behalf of Petitioner. Mr. Miller stated that they had provided revised elevations following last month's meeting and recommendations. He said the revised plan, attached hereto as Exhibit "A," showed the brick placement and fencing/lighting. He explained the chain link fence around it would not have any razor wire. He explained they would match the fence size to the current fence so it would not stick out above it. A discussion was had regarding the placement and type of fence that they would agree to use. Commissioner Drane inquired regarding the need for any fence and Mr. Miller stated it was necessary for safety and protection. Those in attendance at the meeting were asked to come forward. John Horringfort, a Twin Cedars resident spoke first. His property backs up to this area and he expressed concern regarding the parking lot and buffer between it and his property. Petitioner explained that there would be a 20 foot buffer and then the parking lot. Mr. Miller stated that he could not recommend placing the fence anywhere except on the property line due to legal concerns but they would maintain the natural buffer of trees except what they had to clear to place the fence. Commissioner McKay suggested that this was probably the best compromise to the situation and inquired regarding the use of black chain link fence. Mr. Ainsworth said he could suggest it to the property owner and to add more landscaping to increase the buffer. Zoning Administrator Weeks explained that the Petitioner would need to come back for a conditional use for the outdoor recreational storage portion on the plan. Mr. Miller stated as for the lighting, they would only have lights on the building that were low pollution and downward facing. The materials they intended to use were red brick and grey metal for the building. Marshall Jackson of Bradshaw Ridge spoke next and he lives on the east side of this property. He also inquired regarding the fence location and green space buffer and expressed concern regarding the maintenance and upkeep of the green space buffer. He stated he would discuss with the HOA regarding splitting the cost to maintain the area. He also inquired regarding the business hours and the Commissioners suggested limiting same to 6 AM to 10PM. Upon Motion by Commissioner Drane to table the site plan so that petitioner can meet with the surrounding HOA regarding the concerns noted herein regarding the buffers and fence, seconded by Commissioner McKay, with all voting "aye," the motion to table the site plan passed.

There next came on for consideration the site plan of Burger King to be located at Gluckstadt Road and Dees Way. Paul Ingram, architect, appeared on behalf of Petitioner. Commissioner McKay stated that he has safety/traffic concerns regarding the location of the entrance onto the property. He suggested either deleting the entrance or moving the proposed entrance further away from the intersection at least another 40-50 feet to reduce the traffic concerns. It was further explained that MDOT is going to install permanent traffic signals and include a left turn lane for west bound traffic and queuing traffic would conflict with turning into Burger King. Mr. Ingram stated that he couldn't suggest not having a front entrance onto the property because of the drive through and overall need for a front entrance. Commissioner McKay also inquired regarding drainage issues and Zoning Administrator Weeks explained that those would have to be approved by the county engineer before a building permit is issued. Comments were solicited from those in attendance and Lisa Williams came forward and stated that she was a Gluckstadt resident. She inquired if a playground would be at this property and Mr. Ingram stated if there was one, it would be indoors. She also inquired regarding the color

scheme and Mr. Ingram stated that it would be the nice, current model that Burger King uses. She stated she would like to see more brick than that on the plan and Mr. Ingram explained that it would be costly to change the current model for this one location. He further pointed out that this plan was consistent with the Krystal being renovated down the street. A discussion was held regarding the use of earth tone colors for the building. Tammy Harreld spoke next and she also expressed that she wanted the business to look nice and be aesthetically pleasing. Commissioner Drane stated that he would like the Petitioner to meet with Ms. Williams and Ms. Harreld to discuss the plans. Upon Motion by Commissioner Drane to table the petition pending further information on the location of the driveway and the use of earth tone colors, seconded by Commissioner McKay, with Commissioners Drane, McKay, and Brown voting "aye" and Commissioner Miller voting "nay," the motion to table the site plan passed.

There next came on for consideration the site plan of Hederman Brothers for a new business located on Industrial Drive, northeast of Pinelake Baptist Church. Jeff Peeples of Peeples Construction and Doug Hederman, President of Hederman Brothers, appeared on behalf of the petitioner. Commissioner McKay inquired regarding the type of business and Mr. Hederman stated it is a printing and direct mail business and they will be closing their other location in Ridgeland and moving to this location. Mr. Peeples produced revised photographs showing minor modifications to the building which is attached hereto as Exhibit "B." Upon Motion by Commissioner Brown to approve the site plan, seconded by Commissioner Miller, with all voting "aye," the motion to pass the site plan passed.

There next came on for discussion the payment of attorney fees for February, 2016. Upon Motion by Commissioner Miller, seconded by Commissioner McKay, with all voting "aye," the motion to approve the attorney fees for February, 2016 passed.

There next came on for discussion the setting of the April, 2016 meeting. April 14, 2016 was discussed. Upon motion by Commissioner Miller, seconded by Commissioner Brown, with all voting "aye," the motion to set the April 2016 meeting for April 14, 2016 passed.

With there being no further business, the March 10, 2016 meeting was adjourned.

April 14, 2016
Date

Harry A. Miller
(Chairman)