

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 14<sup>th</sup> DAY OF APRIL, 2016 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 14<sup>th</sup> day of April, 2016 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present: Don Drane  
Larry Miller  
Rev. Henry Brown  
Dr. Bill Howard

Scott Weeks, Planning and Zoning Administrator

Absent: Walter McKay

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 the minutes of the March 10, 2016 meeting of the Commission. Upon motion by Commissioner Brown to approve the minutes, seconded by Commissioner Drane, with all voting "aye," the motion to approve the March 10, 2016 minutes passed.

There next came on for consideration the site plan of Cedarstone Commercial for a new business located on Aulenbrock Drive. Mr. Daniel Wooldridge, an architect for the project, appeared before the Commission on behalf of the petitioner and stated that the civil engineer was also present. This is an office warehouse space. Questions were solicited from those in attendance. John Shows addressed the Commission and stated that he was representing the Bradshaw Ridge subdivision in opposition to this site plan. He showed the Commission on a Google map exactly where this property is located and stated that the property was surrounded by residential neighborhoods. Crystal Hunt addressed the Commission next and explained that she resides in this neighborhood and she has concerns regarding the buffer between the property and their neighborhood, the waste removal issue because of odor, lighting, hours of operation and she would like to see an overall restriction on the types of businesses allowed in the area. Her concerns were addressed in detail in a memorandum attached hereto as Exhibit "A." The P& Z Commission attorney, Leah Ledford, addressed those in attendance. She explained that this was a site plan and there were limitations under the Madison County ordinances as to what could be restricted. She specifically stated that although those in attendance had always been allowed to address their concerns to the Commission, a public hearing is not required for a site plan. She further stated that the ordinances protected the health, safety and welfare of the residents when considering a site plan, but things such as types of businesses and hours of operation were not

restrictions that could be imposed when considering this type of site plan under the law. Mr. Shows addressed the Commission again and explained that residents had signed an online petition regarding their objection to this matter. Upon Motion by Commissioner Howard to table the site plan pending discussions between the petitioners and those in opposition, seconded by Commissioner Brown, with all voting "aye," the motion to table the site plan passed.

There next came on for consideration the site plan of Whisper Ridge for a new Manufactured Home Park located on Sugar Hill St in Canton, MS. This land is currently zoned MHP (Manufactured Home Park Residential District). James Ellington, owner, appeared on behalf of this site plan. He explained that the land was already zoned for this and this was a site plan for initial approval by the Commission. He explained various things about the site plan to the Commission and that this would be a nice, well maintained development. Commissioner Drane inquired regarding the models of the homes and Mr. Ellington stated that all would be 2015 or newer models. Mr. Weeks, Zoning Administrator, explained that the ordinance required that there be one owner of the entire park and only that owner could rent the homes out to individuals. He further explained there were thorough covenants and those would be strictly adhered to moving forward. Mr. Ellington reiterated that this would be a nice, well maintained area, that it would be gated and that he had discussed with the neighbors and they were in favor of the development. Commissioner Brown explained that this was in his district and he thought it would be a favorable thing for the area. Upon Motion by Commissioner Brown to approve the site plan, seconded by Commissioner Drane, with all voting "aye," the motion to approve the site plan 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. Charlie Waggener appeared on behalf of Petitioner and explained that they had met with the surrounding homeowners and although there were a few who weren't on board, the majority had come to an agreement. He presented an email and letter from the HOA that are both attached hereto collectively as Exhibit "B." He stated that specifically, those to the North, West and across the street had all been part of this agreement. The letter from the HOA set forth the restrictions regarding their agreement as to a 2 acre buffer between this land and Denson Farms and the square footage minimum. The updated map of the proposal is attached hereto as Exhibit "C." He further explained that there was an issue with the driveway that had not yet been decided but this would be addressed further once a developer came into play. Commissioner Drane asked Waggener to provide evidence of support for his proposal and reminded Waggener that on several previous occasions, at three separate meetings, Waggener had been asked by Drane to come to future meetings with evidence that the neighboring residents had no objections to the lot size changes. Although all Waggener had to support his contention of such community agreement was a letter from someone saying he represented the HOA, there were no objections brought and the only apparent remaining objections, according to those in attendance, regarded the location of an entrance to the proposed development. Commission attorney Ledford stated that any driveway issues would be addressed at the preliminary plat stage and the County Engineer would make the final call on the placement of any entrances and therefore, these weren't issues that should delay a decision at this stage. Commissioner Miller explained that he felt the Petitioner had made reasonable efforts to comply

with the Commission's requests. Questions were solicited from those in attendance and John Wilkie spoke and explained that he is a resident in Denson Farms. He wanted to ensure that all stipulations made between the parties would become part of the rezoning of the property. Bruce Partridge next addressed the Commission and he is also a resident of Denson Farms. He expressed his concern over the potential entrance into this land and the potential for flooding. It was explained that the County Engineer would look at these issues following the preliminary plat stage to ensure these issues were addressed. David Thimes also from Denson Farms and too addressed concerns about the entrance with regard to power lines in the area. Mr. Thimes went on to explain the meeting they had held and that he was not opposed to the rezoning following their agreement, but he wanted to make sure the entrance issue was addressed at the necessary time. Mary Jones also spoke and stated that she was not able to attend the meeting but was opposed to the rezoning even with the 2 acre buffer. Mr. Waggener addressed the Commission and stated that the land was not in a flood plain area. Upon Motion by Commissioner Drane to approve the rezoning, seconded by Commissioner Howard, with all voting "aye," the motion to approve the petition 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. He explained that this was tabled at the prior meeting and the concerns that were presented had been addressed as best as possible. They had adjusted the entrance and added more brick but they were unable to change the colors of the building due to BK corporate requirements on the red color. Comments were solicited from those in attendance and Lisa Williams came forward and stated that she was a Gluckstadt resident who lived in Germantown Subdivision. She stated that she had met with Mr. Ingram following the last meeting and she appreciated the changes but she would still like to see more brick on the building. She also stated that she would like to see the sign brought down lower. Tammy Harreld spoke next and stated that she didn't want to leave the prior meeting while it was going so she had missed meeting with Mr. Ingram but that no one had contacted her after the meeting to discuss with her. Mr. Ingram addressed the Commission and stated that their sign met the ordinance requirements and he didn't want to bring it even lower. Commission attorney Leah Ledford confirmed that they had met the requirements for a site plan under the ordinances. Upon Motion by Commissioner Drane to approve the site plan, seconded by Commissioner Brown, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the site plan of a storage facility located on Aulenbrock Drive. Andy Clark, Esq. appeared on behalf of Petitioner. He explained that they were in the process of trying to work out an agreement with Mr. Shows' clients, the residents of Bradshaw Ridge, and he would like to table the request pending those discussions. Mr. Shows spoke and stated that he didn't think the petition should be presented absent the conditional use for the outdoor parking area being addressed first. He also stated that he objected to the request that had been made for the conditional use because he didn't think it formally met the requirements of an application for a conditional use. Mr. Clark addressed the Commission and explained that they would meet whatever was necessary to comply with the requirements of a conditional use request. Marshall Jackson addressed the Commission next and stated that he lived in Bradshaw Ridge and had been part of an agreement with the property owner and felt like the owner had then gone back on their agreement. Chrystal Hunt addressed the Commission next

and reiterated Mr. Jackson's concerns about the agreement. Lee Lyon, also of Bradshaw Ridge, spoke and stated that his property was directly adjacent to this and he was very concerned about how it would affect his property. Charlene Horryngfort of Twin Cedars spoke next and stated that her husband was present at the prior meeting and they had been pleased with the meeting they had with the owners and agreement that had been reached on the areas of concern. Upon Motion by Commissioner Howard to table the site plan for further discussion between the owner and surrounding property owners, seconded by Commissioner Brown, with all voting "aye," the motion to table the site plan passed.

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

There next came on for discussion the setting of the May, 2016 meeting. Due to the Canton Flea Market, it was suggested that the next meeting be on the third Thursday of the month, versus the second Thursday which would interfere with the market. Upon motion by Commissioner Drane, seconded by Commissioner Brown, with all voting "aye," the motion to set the May 2016 meeting for May 19, 2016 passed.

With there being no further business, the April 14, 2016 meeting was adjourned.

5-19-16  
Date

Walter McKay  
(Chairman)

LAM  
HB  
WAK