

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

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

Scott Weeks, Planning and Zoning Administrator

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 May 19, 2016 meeting of the Commission. Upon motion by Commissioner Howard to approve the minutes, seconded by Commissioner Brown, with all voting "aye," the motion to approve the May 19, 2016 minutes passed.

There next came on for consideration the petition of James Kiner for a conditional use for a private family cemetery. Zoning Administrator Weeks explained that the Board of Supervisors had already approved this due to the special circumstances but that Mr. Kiner was still going through the proper legal process in the meantime. Mr. Kiner was present to represent the petition. Upon motion by Commissioner Brown to approve the motion for a conditional use, seconded by Commissioner Howard, with all voting "aye," the motion to approve the conditional use passed.

There next came on for consideration the petition of Albert Redmond for a conditional use for a 4 acre or less mining operation. Zoning Administrator Weeks explained that the Board of Supervisors had already approved this petition because of the time constraints for the project but petitioner was going through the proper legal process in the meantime. Mr. Redmond was present to represent the petition. Upon motion by Commissioner Brown to approve the conditional use, seconded by Commissioner McKay, with all voting "aye," the motion to approve the conditional use passed.

There next came on for consideration the petition of Morris Real Estate for a sign height variance from 8 feet to 30 feet. This business is located on 1227 Gluckstadt Rd. Zoning Administrator Weeks explained that Mr. Morris had previously brought this before the Planning and Zoning Commission in May of 2015 and his request was granted conditional upon the fact that if the

Exxon business across the street ever lowered their sign, he would also have to lower his sign. The Exxon sign has since been lowered and Mr. Morris is asking for a variance allowing him to raise his sign to 30 feet. Mr. Morris was present to represent his petition. He presented a letter to the Commission explaining his request which is attached hereto as Exhibit "A." He explained that this is a fuel center type business which is different from a normal service station. He said the sign showing fuel and diesel prices is crucial to his business. He said this is a significant investment and they have worked hard to make it a really nice business and he would not do anything detrimental that could harm the property value. He explained that he just wanted it to be a successful business and he felt this sign was crucial to his business' success. Commissioner Drane inquired if Mr. Morris expected the sign to be what encourages customers to get off the Interstate. Mr. Morris stated that he would have billboards and a sign to advertise but they would not have the fuel prices on the sign and he felt like that was the main thing customers would be looking for is visibility of the fuel price. He further stated that the Exxon across the street is a convenience store and not a fuel center so his business is distinctively different from it and therefore, he felt the need for a higher sign is different. Mr. Morris stated that he was the only business of this type at this exit and the next one is not until the Canton, MS exit. Zoning Administrator Weeks explained that the ordinances currently allow up to 12 feet on sign height. Commissioner Drane stated that there was not much difference between the 12 feet allowed and his 30 feet request and wouldn't customers be able to see the sign as allowed at 12 feet. Mr. Morris stated that the average sign height for these type businesses is usually 60 feet but he knows that is out of the question so that's why he asked for the 30 feet. Discussion was allowed from those in attendance and Jim Harreld, a resident of Gluckstadt, appeared and stated that he has been a resident of Gluckstadt since 1980. He encouraged the Commission to stay consistent because once special exceptions were allowed, others would also make the same request. He stated that he agreed that customers who pulled off would be able to find the business. He reiterated that he hoped the Commission would stick with the ordinances on the height. Mr. Morris responded and reiterated that there were studies on this and the sign and price visibility was everything for success with these fuel center type businesses. Commissioner Howard stated that he agreed it was best to keep it consistent as allowed by the zoning ordinance. Upon Motion by Commissioner Drane to deny the request for a variance of 30 feet and allow up to the 12 feet sign allowed by the zoning ordinance (reiterating that there was no competition at this location and he didn't think the variance should be allowed), seconded by Commissioner Howard, with all voting "aye", the motion to deny the request for a 30 foot variance passed. A discussion was then had regarding whether the Commission would consider a variance from the square footage on the size of the sign. Zoning Administrator Weeks explained that 125 square feet was allowed under the ordinances and Mr. Morris stated that he was requesting up to 167 square feet. After discussion, the Commission agreed that they would consider this request and Mr. Morris was told that legally, he would need to go back through the proper legal procedure before this Commission before they could formally consider and vote on this request.

There next came on for consideration the petition of Wendon Moore to rezone property located on Hwy 51 across from Sowell Rd. from R-1 Residential to C-2 Commercial. No one was present to represent the petition. Upon Motion by Commissioner McKay to table the petition since no one was present to represent the petition, seconded by Commissioner Brown, with all voting "aye," the motion to table the petition to rezone passed.

There next came on for consideration the site plan for a new business located at WestFallen Dr. off of Auleubrock Dr. Chris Picou appeared on behalf of the Petition. He explained that this would be a boarding/grooming/basic training upscale animal facility for dogs and cats. It would include an indoor and outdoor area for the animals. Commissioner Drane inquired regarding whether the facility would be affiliated with any law enforcement agency and Mr. Picou stated that it would not, it would be his retirement business. He stated that they would do basic training of animals for civilian purposes only. Commissioner Howard inquired regarding the number of animals and Mr. Picou explained it would house up to 56 cats/dogs at one time. Commissioner Drane inquired regarding the size of the lot and building. Mr. Picou stated that it is a 1 acre lot and the building would be approximately 4,000 square feet in size with a fenced in play area. He said the animals would be allowed outdoor in the play area in small groups based on certain qualities such as size, age, and energy level. Zoning Administrator Weeks inquired regarding noise and whether they will have things in place to control the noise level. Mr. Picou stated that no animals would be stored outside overnight and there would be a privacy wood fence and things in place to prevent animals from barking. He stated that they would have acoustic material in the building to prevent noise travel. Commissioner Drane inquired regarding the nearby neighborhood and if there were other similar businesses nearby that had addressed noise concerns that abutted neighborhoods. Mr. Picou stated that he didn't consider this to be abutting a neighborhood but there was the dog wash in Jackson that was by a neighborhood. Commissioner Drane pointed out this appeared to be approximately 100 yards from Bradshaw Ridge and Mr. Picou stated that he agreed there was around that distance between the proposed business and Bradshaw Ridge, but he didn't think it would be any louder than the nearby daycare. The Commission inquired if anyone was present to discuss any concerns about the site plan. Marshall Jackson, a resident of Bradshaw Ridge, appeared and stated that his home is approximately 1200 feet from this business so he has concerns about the noise. He stated there is another dog training center about 4,500 feet North of this and he can sometimes hear dogs barking from that facility. He said he is also concerned about safety and inquired if there would be a secondary fence should an animal happen to escape from the main fence. He also inquired about landscaping since it isn't addressed on the site plan. He further inquired how the rooms would be laid out and if there would be sufficient barriers to prevent barking between dogs, and if nuisance animals would be allowed (and read the definition of said animals as defined by the Madison County ordinances). Mr. Picou stated that the rooms would be laid out so the dogs cannot see each other and they wouldn't be allowed outside where they would be barking at one another. He said the inside would be sound proofed with appropriate insulation and they would play music to help keep them calm. He reiterated that they wouldn't all be allowed outside at one time, only in small groups. He explained that the other nearby facility planned to close since it was outdated and the owner would be coming to work with him. As far as the nuisance animals, he said each animals would undergo a social test and if they were aggressive or anything of that nature, they would not be allowed there since he had to keep his employees safe and it was essential to his running a successful business. He also stated that each animals would have to be up to date on all vaccines. Commissioner McKay inquired regarding whether cameras would be present at the facility and Mr. Picou stated that they would and that the fence would be wooden and all along the side/back of building. He further stated that the site plan showed the building would be earth tone colors and the front would be brick. Commissioner Drane inquired regarding the size and if he had plans to expand. Mr. Picou stated that the lot wouldn't allow any

expansion but he hoped it would be successful and he could expand by doing a few more facilities in the future around the area. Lisa Williams, a resident of Germantown neighborhood in Gluckstadt, addressed the Commission next and inquired regarding whether the facility would have liability insurance and would provide proof of same, whether they would consider an 8 foot wooden minimal fence for safety, and whether they would have staff on site 24 hours a day or consider doing this for safety. Mr. Picou stated that he would provide proof of liability insurance, that he hadn't considered an 8 foot fence but would look into it. He said he didn't plan to have 24 hour employees on site and that vet offices didn't have that at their facilities either. Commissioner Drane inquired as to whether this was a permitted use. Zoning Administrator Weeks stated that this type facility is a permitted use in a C-2 district under our ordinances. Mr. Picou's architect, Joseph Cockroft, stated that the type of insulation that would be used was sufficient and he could guarantee noise would not be an issue. Upon Motion by Commissioner Howard to approve the site plan based on the issues regarding acoustics being addressed, liability insurance certificate being provided, and proper fencing being met. Commissioner Drane stated that he would like to see an updated site plan addressing these issues prior to a vote so upon Motion by Commissioner Drane to table the site plan pending it being updated to specifically address acoustic material, landscaping, the layout of the facility, the fence, and lighting, seconded by Commissioner Howard, with all voting "aye", the Motion to table the site plan passed.

There next came on for consideration the site plan of Locke Properties for a new business located at Church Rd. West of Old Jackson Rd. Joseph Cockroft appeared on behalf of Petitioner and stated that it would mirror the current building located next door. He said the building would be wrapped in brick with metal on the back of the building. He reiterated that everything facing the highway would be wrapped in brick. He said it would be mixed use office space and the parking lot would have approximately 48 spaces. The dumpster would be enclosed and next to the current one to look like all one dumpster area. Upon Motion by Commissioner McKay to approve the site plan, seconded by Commissioner Howard, with all voting "aye," the motion to approve the site plan passed.

There next came on for discussion the payment of attorney fees for May, 2016. Commissioner McKay inquired regarding the status of the covenants issue addressed at prior meetings. Commission attorney Ledford stated that it was still being reviewed but after review, there did not appear to be any authority directly on point supporting either position on the issue of whether covenants that were not filed were enforceable when they were conditional to properties being rezoned in the past. Commissioner Howard stated that it should be an issue between the current and prior landowner versus the County. Commission attorney Ledford stated that could be the case but once the County issued a decision on the issue, it would also involve the County in the dispute as well since the aggrieved party could file an appeal against the County's decision. Upon Motion by Commissioner Howard, seconded by Commissioner Drane, with all voting "aye," the motion to approve the attorney fees for May, 2016 passed.

There next came on for discussion the new business of issuing a policy information sheet to new petitioners. A proposed sheet was presented by Commissioner Howard which addressed the topics of 1) tabling items on the agenda; 2) appealing P&Z decisions to the Board of Supervisors;

3) rezoning with covenants and restrictions attached; 4) preservation of P&Z action for Board of Supervisor's consideration; and 5) providing a copy of the policy information sheet to each new petitioner in the future to facilitate the process and assist the parties with proper procedures. A copy of the proposed policy sheet for consideration is attached hereto as Exhibit "C." A discussion was had regarding this sheet and whether these things were allowed under the ordinances. Commission attorney Ledford stated that she thought it was a good idea but it may require amending the zoning ordinances to officially enact these procedures and that was something that had been discussed in the recent months as there were many things, in addition to these items, that would need to be included in the amendment process. Upon Motion by Commissioner Howard to develop a policy sheet to pass out to petitioners, seconded by Commissioner Miller, with all voting "aye", the motion to develop a policy information sheet passed.

There next came on for discussion the setting of the July, 2016 meeting. The second Thursday of the month is July 14 and all agreed to this date. Upon motion by Commissioner McKay, seconded by Commissioner Miller, with all voting "aye," the motion to set the July, 2016 meeting for July 14, 2016 passed.

With there being no further business, the June 9, 2016 meeting was adjourned.

July 14, 2016
Date

Walker McKay
(Chairman)