

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 11th DAY OF AUGUST, 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 11th day of August, 2016 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present: Walter McKay
 Larry Miller
 Dr. Bill Howard
 Don Drane
 Rev. Henry Brown
 Scott Weeks, Planning and Zoning Administrator

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

There first came on for consideration the minutes of the July 14, 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 July 14, 2016 minutes passed.

There next came on for consideration the public hearing for the petition of Brad Pepper for a special exception to excavate a four (4) acre or less mining operation. The property is zoned A-1 Agricultural. This property is located at 1331 Livingston Vernon Rd near Flora, MS. Mr. Pepper was present and stated that this is to lower the elevation of their future home for privacy purposes. He stated that they intend to use some of the dirt and sell/haul the other part to help offset the cost. Norman Gainey with Gainey Construction also appeared and stated that the weather would play a factor on how long this project would take. Dr. Howard stated that his concern was for safety given this was a 2-lane road and he wanted to see the hours of operation limited. Mr. Pepper stated that they would have flag men present as necessary and would have irrigation to help settle any dust in the area. He stated that they would place the entry/exit route in a visible location off the road and would have someone present cleaning the roads as necessary. He stated that the neighbors do not have any objection to the project. He explained that this would be for the first phase and then they intend to do a pond in the future.

Zoning Administrator Weeks explained that this was a one year special exception only and if the mining went beyond that time frame or beyond four (4) acres, they would have to start the process for another special exception. Mr. Pepper agreed to limit the hours of operation to daylight hours only of 8:00 am to 2:00 pm, and after 4:00 pm, and no Sunday operations. Mr. Pepper further explained that a DEQ permit would be applied for in the future when they began to work on the pond. Zoning Administrator Weeks explained that any bond would be up to the Madison County

Engineer. Upon motion by Commissioner Howard to approve the petition subject to the limited hours of operation and flag men present as necessary for traffic safety, seconded by Commissioner Drane, with all voting "aye," the motion to approve the special exception passed.

There next came on for consideration the public hearing for the petition of Charles Gowdy for a conditional use to sell pre-owned vehicles. The property is located on Distribution Drive next to Camper Corral. A site plan is included with petitioner's materials. Mr. Gowdy appeared on behalf of the petition and stated that he is from the Canton area and his family owned a jewelry business there for many years. He currently has his pre-owned vehicle business in Jackson, MS and would like to re-locate closer to home because he lives in Madison County. He said they had conducted a lot of research in the area and this location was deemed best suited for this type of business because of the C-2 Commercial zoning, the visibility from the Interstate, and the current businesses already located in the area. He produced a letter from Camper Corral stating that they were in support of the business, attached hereto as Exhibit "A."

Leslie Ledbetter addressed the Commission next and she is the sister and office manager for the business. She stated that they currently produce \$18,000 to \$28,000 in sales tax so they would increase the tax base for the county. She stated that there were out of growing room in their current location and that they intend to add jobs in Madison County. She stated that they were working with Greg Ainsworth, a local architect, and that the business plans were of good quality and would be an improvement to the area. The exact location of the business was discussed and Mr. Gowdy produced an aerial map showing the location which is attached hereto as Exhibit "B." Mr. Gowdy stated that the access to this location would be off of Distribution Drive and that the County was in the process of finishing the roadway off which their access would be located. Commissioner Miller inquired about the lighting and Mr. Ainsworth stated that all lighting would be downward facing.

Lisa Williams addressed the Commission next and stated that she is a resident of Germantown Subdivision in Gluckstadt and she has traffic/safety concerns for the construction phase with trucks coming onto and off the roadway and inquired if traffic could be limited during high traffic times. In response to citizen Williams' request for limited traffic, Commissioner Drane stated that the same road was used by heavy trucks (18 wheelers) hauling steel headed into and out of the Majestic Metals facility located on a parcel to the south of the proposed facility and those trucks have apparently caused no traffic issues for nearby businesses. Mr. Gowdy explained that they would build the dealership first which would take at least six (6) months to complete and then the shop. Commissioner McKay stated that he was happy with the materials to be used on the buildings. He further stated that under the ordinances, he didn't think it was appropriate for hours of operation to be limited in this situation. Upon motion by Commissioner Miller to approve the special exception and site plan, seconded by Commissioner Howard, with all voting "aye," the motion to approve the special exception and site plan passed.

There next came on for consideration the petition for a site plan for a new office park located on Highway 51. Greg Ainsworth as the architect for the project and appeared on behalf of the petition, in addition to Matthew Miller who is the engineer for the project. A discussion was had regarding the location of the business and Mr. Ainsworth produced an updated site plan for the property which is attached hereto as Exhibit "C." Commissioner McKay inquired

regarding the width of the entrance and Mr. Ainsworth explained once they went through the platting process, they will come back before the Board for final approval. The entrance would have to comply with recommendations by the County Engineer pursuant to the Madison County subdivision ordinances. He confirmed that water/sewer would be provided through Bear Creek. Upon Motion by Commissioner Drane to approve the site plan; seconded by Commissioner Miller, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the site plan of Cedarstone Commercial for a new office park. This property is located on Aulenbrock Drive and this matter was previously tabled from the July 14, 2016 meeting. Jason Weeks, Esq. appeared on behalf of the petitioner. He stated that pursuant to the discussions and instructions from the Commission at the July meeting, his client attempted to work out an agreement with Mr. Shows' clients, which are a few of the homeowners that live nearby. He stated that Mr. Shows wanted his client to enter into covenants on their property and while his client would agree to certain conditions being placed on the site plan and recorded in the minutes, they would not agree to covenants being placed on their property. Mr. Weeks produced a letter dated August 9, 2016 that spelled out what they would agree to which is attached hereto as Exhibit "D." Commissioner Drane stated that the Commission had not asked anyone to place covenants on their property but reiterated that the Commission had requested the parties to try and work out an agreement on some of the contested items. Commissioner Howard stated that he agreed with Commissioner Drane and appreciated their efforts to try and work out an agreement.

Mr. Shows addressed the Commission next and stated that his client was adamant that covenants would be necessary to protect his clients should the conditions not be followed and therefore, they wanted covenants placed on the property. His clients also want a high fence built that will protect their properties. The Commissioners discussed that this site plan review had been tabled numerous times and they were satisfied that the petitioner had tried to work out a reasonable agreement pursuant to their request.

Upon Motion by Commissioner Howard to approve the petition subject to the conditions agreed to listed in Exhibit "D" and incorporated herein by reference, which includes: providing a buffer zone along and adjacent to the Bradshaw Ridge Part Two and Part Three as provided for in the site plan; that the roof on the office warehouse buildings shall be a neutral color and the sides shall be a neutral color, either tan, light ray or off white; that the front of the warehouse building shall have brick façade at least four (4) feet in height; that the rollup doors on the front shall be a neutral color; that the building should be no more than one story in height; that certain businesses are prohibited to include a childcare facility adjacent to Bradshaw Ridge, Part III (but one may be located on West Falon Rd.), a business that produces loud music or outside activities that create noise, a liquor store, a restaurant for full service or fast food or casual dining, a cafeteria, delicatessen, coffee shop or coffee bar, the sale of beer, wine or alcoholic beverages of any type, a convenience store or gas station, a fireworks stand, a billboard; and all trash dumpsters or bins shall be located away from the homeowners of Bradshaw Ridge Part Two and Part Three (with brick façade around the dumpsters), seconded by Commissioner Brown, with all voting "aye," the motion to approve the site plan passed. The Commissioners discussed that they wanted these

conditions to be listed in the Board minutes should the Board approve the site plan subject to the conditions.

There next came on for consideration the site plan for a storage facility located on Aulenbrock Drive. This matter was previously tabled from the July 14, 2016 Commission meeting. Andy Clark, Esq. appeared on behalf of the petitioner. He stated that pursuant to the request by the Commission, his client had tried to reach an agreement with John Shows' clients regarding requests they had for the property. He said they were able to agree on most items but that his client would agree to these conditions to be recorded in the minutes but not as covenants on the property. He said Mr. Shows' main hangups appear to be that they are insistent on covenants and they want either a separate fence to be constructed some twenty (20) feet back from the property line or his client to tear down the current Bradshaw Ridge fence on that property line and replace it with a twelve (12) foot fence. He said his clients are not willing to place covenants on their property because they think the conditions as set forth in the minutes would be enforceable by the county. As for the fence, he said placing the fence 20 feet back from the property line would deny his clients' use of their property. Commissioner Drane inquired as to what his clients would be willing to do and Mr. Clark stated that his clients would be willing to construct a fence adjacent to Bradshaw Ridge's fence if they wanted another fence. It was discussed that their property in some places adjacent to the current fence were lower so a higher fence may be required just to reach the same height as the current fence. He said that the list of the things his clients were willing to agree to are listed in the correspondence which he presented to the Commission and is attached hereto as Exhibit "E."

Mr. Marshall Jackson addressed the Commission next and said he was one of the homeowners being represented by Mr. Shows. He said he met with the property owner in February and they came to a tentative agreement on the property which fell apart once the old petition came to light which had the old covenants attached that were not properly recorded. He said they did indeed want the fence to be 20 feet back to protect their property from potential crime and the property owner had originally agreed to do that. They also wanted landscaping that would further prevent potential crime. Mr. Shows, Esq. spoke next and said negotiations had not fallen apart and that the fence issue was negotiable. Commissioner Drane explained that he felt the crime issue was something that had not been discussed before and he didn't personally feel like the fence would help or hurt in that scenario because the criminal would likely just enter through the front of the neighborhood. The Commissioners discussed that this matter had been tabled numerous times and they were satisfied with the reasonable attempts made to work out an agreement.

Upon Motion by Commissioner McKay to approve the site plan subject to the conditions as agreed to and set forth in Exhibit "D" which include: a 20 foot buffer zone between the proposed concrete driveway on the East side of Phase B and the Bradshaw Ridge property line with a chain link fence to be constructed adjacent to the Bradshaw Ridge property line, planting Russian Olive or some other varietal in the buffer zone at distances to allow for maintenance but still providing adequate screening to the neighborhood, that owner will maintain the buffer zone, the use of earth tone colors similar to those proposed in the plan, to use brick facade in an aesthetically pleasing manner at least four (4) feet in height, to abide with the zoning ordinances limiting building height to forty (40) feet or three (3) stories, to limit hours of operation from 6:00 am to

10:00 pm seven (7) days a week, to use low pollution lighting, to use dual keyed locks or master keys for lessees of units, that cameras used will not be directed toward adjacent homeowners of Bradshaw Ridge, to install a security system for use in the office and other areas at their discretion, to have one gate at the storage facility as set forth on the site plan, that all dumpsters will be located away from the homeowners of Bradshaw Ridge, that tenants will be properly screened for the storage of any harmful materials, that owner will screen tenants carefully for the storage of junk vehicles or non-operational vehicles and the like, and to abide by any other Madison County zoning ordinances as appropriate for the site plan; seconded by Commissioner Brown, with all voting "aye," the motion to approve the site plan passed. Zoning Administrator Weeks informed Mr. Clark that his client would need to come back with a request for a conditional use if they want to do any outside storage at this site.

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

There next came on for discussion the setting of the September, 2016 meeting and September 8, 2016 was agreed to by the Commissioners as it is the second Thursday of the month.

With there being no further business, the August 11, 2016 meeting was adjourned.

Date

(Chairman)