



2950 Layfair Drive, Suite 101 | Flowood, MS 39232

601-664-0044 | Facsimile 601-664-0047 | [www.showssmith.com](http://www.showssmith.com)

[jhshows@showssmith.com](mailto:jhshows@showssmith.com) | [cmsmith@showssmith.com](mailto:cmsmith@showssmith.com) | [reisenberger@showssmith.com](mailto:reisenberger@showssmith.com)

August 23, 2016

**HAND DELIVERED**

Scott Weeks  
Planning and Zoning Administrator  
Madison County Board of Supervisors  
and Department of Planning and Zoning  
125 West North Street  
Canton, MS 39046

**Re: Notice of Appeal of the Approval of Site Plan of a Storage Building Located on Aulenbrook Drive on August 11, 2016 by the Madison County Planning Commission.**

Dear Mr. Weeks:

On August 11, 2016, the Madison County Planning Commission approved the site plan of L & J Holdings, LLC for a storage facility on certain property located on Aulenbrook Drive described on **Exhibit A** hereto. A copy of all documents related to this appeal are attached as **Composite Exhibit B, Tabs 1-13**. I believe that these are all the documents filed by the parties.

This site plan was filed in January, 2016 and finally approved by the Planning Commission with certain conditions on August 11, 2016.

My clients, Marshal Jackson and Patti Jackson who own Lot 120 of Bradshaw Ridge Part Two; Julie Den Herder who owns Lot 122 of Bradshaw Ridge Part Two and Kristal Hunt who owns Lot 167 of Bradshaw Ridge Part Three Amended are aggrieved by the action of the Madison County Planning Commission in approving such site plan. They take exception to such decision and do appeal that decision pursuant to Section 2613.02 of the Madison County Zoning Ordinance.

My clients ask that the Board of Supervisors hold a public hearing on this matter pursuant to Section 2613.04 of the Madison County Zoning Ordinance.

Scott Weeks  
Page 2  
August 23, 2016

I request that the entire record of this matter, as made before the Madison County Planning Commission, be forwarded to the Madison County Board of Supervisors.

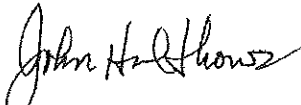
I have enclosed an appeal fee of \$75.40 which is based on what you told me to pay.

The primary basis of this appeal is that the property described on **Exhibit A** hereto is not zoned for the construction of a storage facility as proposed by L & J Holdings, LLC. This assertion is based upon the zoning file for the property described on **Exhibit A** hereto. The zoning file and the newspaper publication is attached as part of **Composite Exhibit B**. The property was allegedly zoned C-2 with the condition that certain covenants would be filed of record. No actual county ordinance has been found amending the zoning ordinance and zoning map and no ordinance was published in the newspaper.

Appellants assert that either (a) the property was never zoned as C-2 and thus, no storage facility could be built on the property described on **Exhibit A**; or (b) the zoning was conditional on the recording of the covenants and the covenants themselves prohibit the construction of a storage facility. In either event, no storage facility can be constructed on this property; therefore, the site plan should have been rejected by the Planning Commission.

Additionally, the Applicant states that a conditional use will be required for parking of vehicles on the property described on **Exhibit A** hereto. No site plan should have been approved until the conditional use is approved or disapproved by the Planning Commission. A public hearing is required for a conditional use.

Sincerely yours,

  
John Howard Shows

JHS/lm  
Enclosures

c Andy Clark  
Julie Den Herder  
Marshall Jackson



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August 24, 2016

**HAND DELIVERED**

Scott Weeks  
Planning and Zoning Administrator  
Madison County Board of Supervisors  
and Department of Planning and Zoning  
125 West North Street  
Canton, MS 39046

**Re: Notice of Appeal of the Approval of Site Plan of a Storage Building Located on Aulenbrook Drive on August 11, 2016 by the Madison County Planning Commission.**

Dear Mr. Weeks:

Enclosed please find an additional appeal fee of \$15.44 which is based on what you told me to pay.

If there are any questions, please call.

Sincerely yours,

  
John Howard Shows

JHS/lm  
Enclosure

c Andy Clark  
Julie Den Herder  
Marshall Jackson

**Legal Description  
For  
Aulenbrock Commercial Park, LLC Property – Lot 4**

A tract or parcel of land containing 5.58 acres, more or less, lying and being situated in the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 27, Township 8 North, Range 2 East, Madison County, Mississippi and being more particularly described by metes and bounds as follows:

Commencing at a found concrete monument marking the Northwest corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 27; run thence

East for a distance of 23.59 feet; thence

South for a distance of 1,963.56 feet to a found  $\frac{1}{2}$  inch iron pin marking the Northwest corner of the Entergy Mississippi, Inc. property as recorded in Deed Book 2014, Pages 268-271 in the Office of the Chancery Clerk of Madison County; thence

South 00 degrees 11 minutes 54 seconds East along the West line of said Entergy Mississippi, Inc. property for a distance of 678.97 feet to a set  $\frac{1}{2}$  inch iron pin marking the Southwest corner of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 27; thence

North 89 degrees 54 minutes 27 seconds East along the South line of said Northwest  $\frac{1}{4}$  of Section 27 for a distance of 688.53 feet to a found  $\frac{1}{2}$  inch iron pin marking the Southeast corner of said Entergy Mississippi, Inc. property as recorded in Deed Book 252, Pages 24-26 in the Office of the Chancery Clerk of Madison County

North 89 degrees 43 minutes 54 seconds East along said South line of the Northwest  $\frac{1}{4}$  of Section 27 for a distance of 531.09 feet to a found  $\frac{1}{2}$  inch iron pin; thence

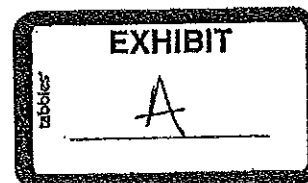
North 89 degrees 55 minutes 15 seconds East along said South line of the Northwest  $\frac{1}{4}$  and the South line of the Northeast  $\frac{1}{4}$  of said Section 27 for a distance of 255.02 feet to a set  $\frac{1}{2}$  inch iron pin marking the Point of Beginning of the herein described property; thence

North for a distance of 219.35 feet to a set  $\frac{1}{2}$  inch iron pin; thence

North 44 degrees 25 minutes 36 seconds West for a distance of 228.03 feet to a set  $\frac{1}{2}$  inch iron pin marking the proposed Easterly right of way of Aulenbrock Drive; thence

Northeasterly along said proposed Easterly right of way of Aulenbrock Drive and the arc of a curve to the left for a distance of 58.78 feet, said curve having a radius of 50.00 feet, and a deflection angle of 67 degrees 21 minutes 24 seconds, (chord bearing and distance, North 33 degrees 40 minutes 42 seconds East, 55.45 feet) to a set  $\frac{1}{2}$  inch iron pin; thence

East for a distance of 651.32 feet to a set  $\frac{1}{2}$  inch iron pin marking the West line of said Bradshaw Ridge Part Two as recorded in Plat Cabinet D, Slides 198A-198B in the Office of the Chancery Clerk of Madison County and a fence, more or less; thence



South along said West line of said Bradshaw Ridge Part Two and a fence, more or less, for a distance of 427.62 feet to a found ½ inch iron pin marking the Southwest corner of said Bradshaw Ridge Part Two and said South line of the Northeast ¼ of Section 27; thence

South 89 degrees 55 minutes 15 seconds West along said South line of the Northeast ¼ of Section 27 for a distance of 522.45 feet to the Point of Beginning.

Prepared by:  
Benchmark Engineering and Surveying, LLC  
101 Highpointe Court, Suite B  
Brandon, MS 39042

(601) 591-1077 Office  
(601) 591-0711 Fax  
Email: [mlovc@benchmarkms.net](mailto:mlovc@benchmarkms.net)

## **COMPOSITE EXHIBIT B**

### **Copies of all Documents Filed with the Planning Commission**

- Tab 1 Site Plan
- Tab 2 Letter from Matthew Miller regarding Site Plan
- Tab 3 February 2016 Minutes Planning Commission
- Tab 4 March 2016 Minutes Planning Commission
- Tab 5 April 2016 Minutes Planning Commission
- Tab 6 June 2016 Minutes Planning Commission
- Tab 7 Information sheet adopted at June 2016 Meeting of Planning Commission
- Tab 8 Andy Clark's letter to Planning Board regarding Covenants on Property
- Tab 9 July 2016 Minutes Planning Commission
- Tab 10 Andy Clark's submission for August 11, 2016
- Tab 11 Rezoning File of Sartain Associates and Phillip Nelson
- Tab 12 Minutes of August 11, 2016 Planning and Zoning Meeting (not available)
- Tab 13 Publication for June 8, 2006 Public Hearing before Planning Commission

**TAB 1**

**Site Plan**

# CONSTRUCTION PLANS FOR:

# STORAGE FACILITY

## MADISON COUNTY, MISSISSIPPI



LOCATION MAP

PREPARED BY:

**QUEST CONSULTANTS, INC.**  
1000 W. UNIVERSITY BLVD., SUITE 100, MEMPHIS, TN 38117  
 (901) 521-1100

JANUARY, 2010

CLIENT  
**L&J BOLLINGS**  
**265 LARSENBERG BLVD**  
**CANTON, MS 39046**



Noted: Mississippi is a "shallow water" jurisdiction. All 1/4" equals 1" drawings are to be constructed in accordance with the Mississippi Building Code. It is the contractor's responsibility to obtain all necessary permits and approvals from the local authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authorities.

### DRAWING INDEX

DESCRIPTION.....	SHEET
COVER, INDEX.....	1
SITE PLAN.....	2
GRADING PLAN.....	3
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SEWERY DETAILS.....	12
PRECAST INLET DETAILS.....	13
JUNCTION BOX DETAILS.....	14
SWALE DETAILS.....	15

1. The CONTRACTOR shall provide adequate access to all portions of the project site, including construction areas, for the delivery of materials, equipment, and other items necessary for the construction of the project. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities.

2. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities.

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11. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities.

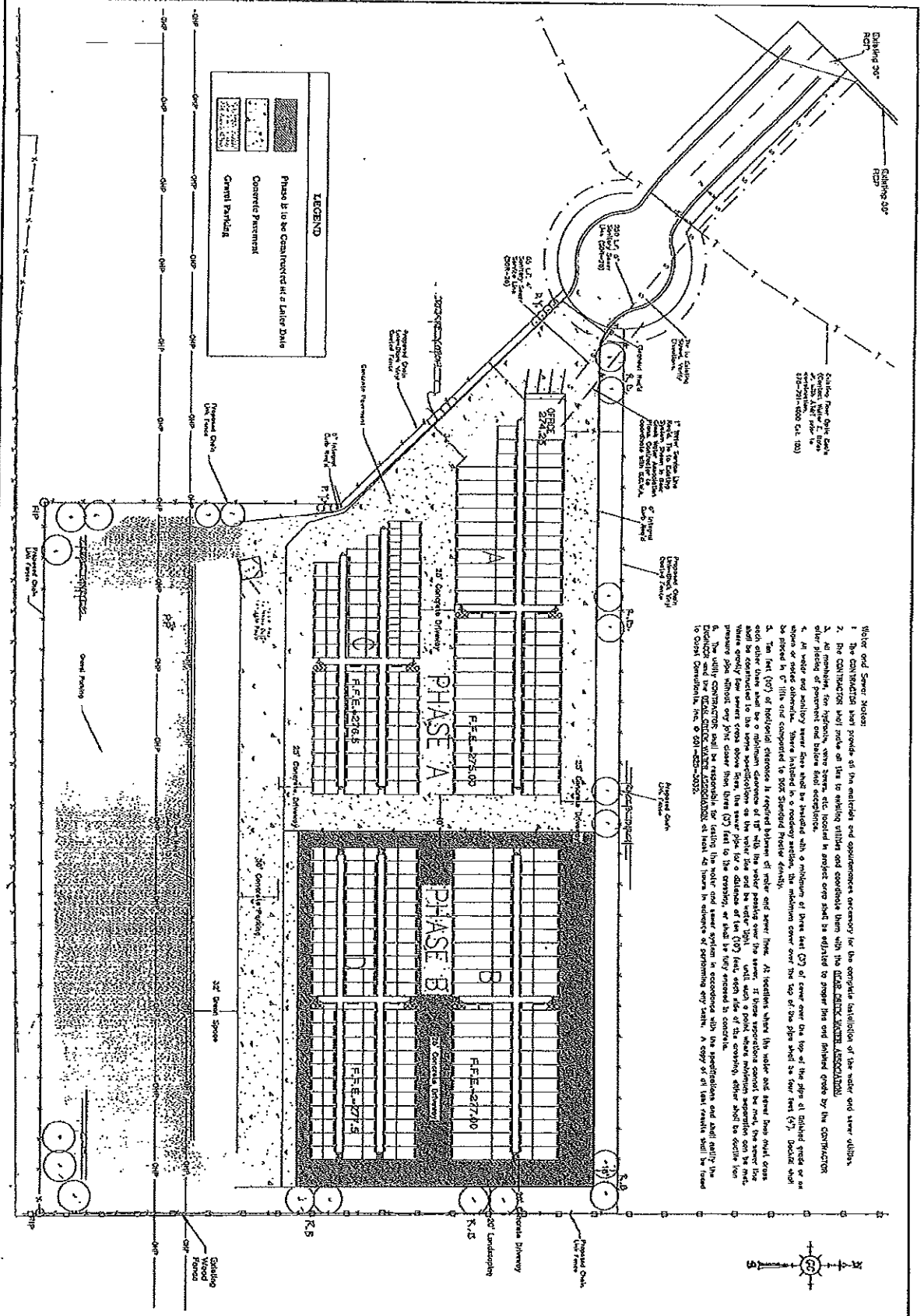
12. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities.

13. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities.

14. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities.

15. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities. The CONTRACTOR shall be responsible for obtaining all necessary permits and approvals from the local authorities.





- Water and Sewer Notes:
1. The CONTRACTOR shall provide all materials and equipment necessary for the complete installation of the water and sewer utilities.
  2. The CONTRACTOR shall make all ties to existing utilities and coordinate them with the LOCAL WATER ASSOCIATION.
  3. All materials for manholes, water lines, etc. located in project area shall be related or proper that are not finished grade or as shown on other drawings. Sewer lines shall be installed with a minimum of three feet (3') of cover over the top of the pipe at finished grade or as shown on other drawings. Sewer lines shall be installed in a roadway section, the minimum cover over the top of the pipe shall be four feet (4'). Details shall be provided in 5' lifts and completed to 500' Standard Project Details.
  4. The lift (5') of horizontal clearance is required between of water and sewer lines. At locations where the water and sewer lines shall cross, the water pipe shall be constructed to the same specifications as the sewer pipe. The sewer pipe shall be installed in a roadway section, the minimum cover over the top of the pipe shall be four feet (4'). Details shall be provided in 5' lifts and completed to 500' Standard Project Details.
  5. The utility CONTRACTOR shall be responsible for testing the water and sewer system in accordance with the specifications and shall notify the Designer and the LOCAL WATER ASSOCIATION of test results in advance of performing any tests. A copy of test results shall be filed in 500' Standard Project Details, No. 9 501-425-3003.

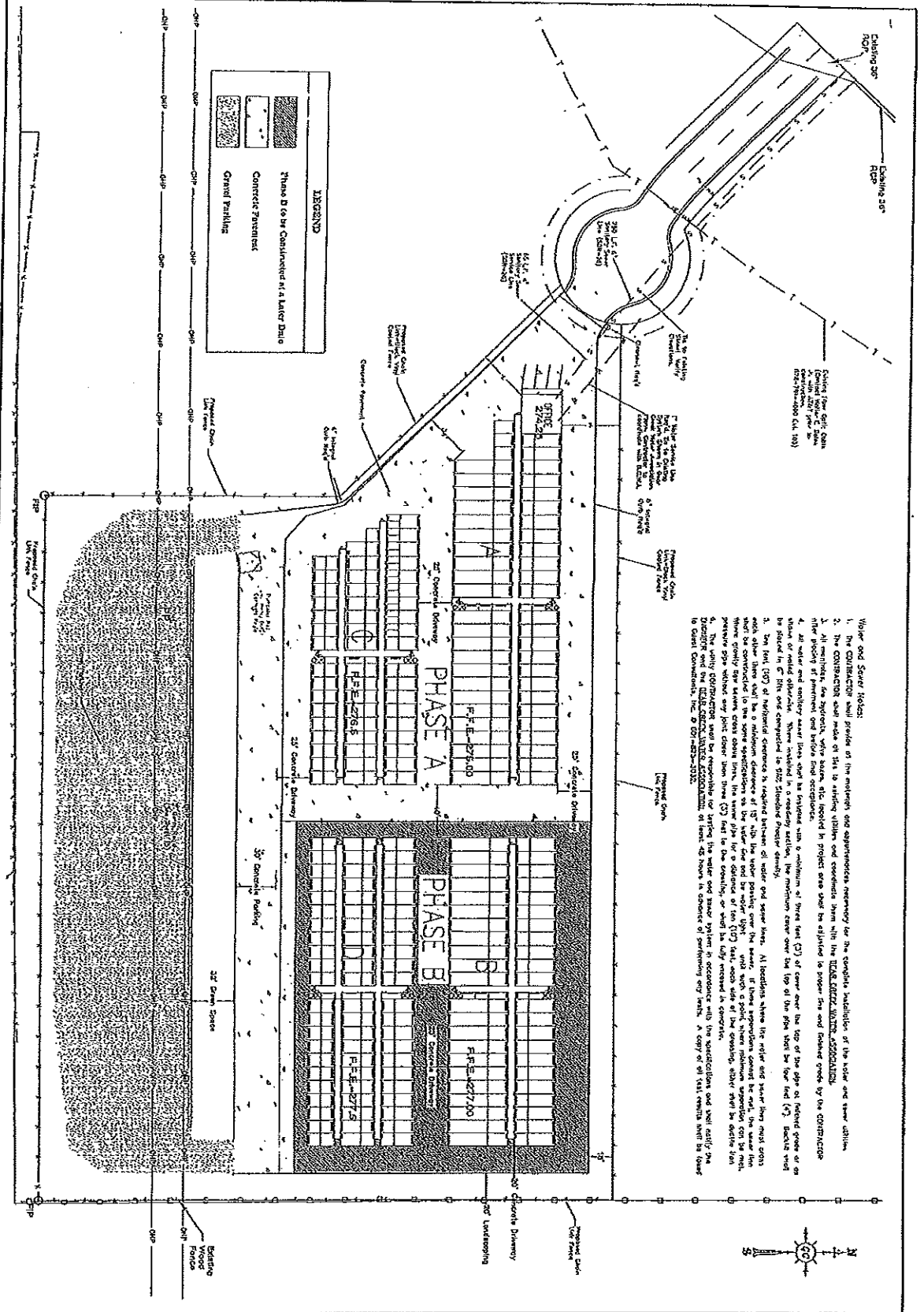
**LEGEND**

Phase B to be Constructed at a Later Date

Concrete Pavement

Gravel Parking

<p>DATE: 11/11/2010</p> <p>TIME: 10:00 AM</p> <p>PROJECT NO: 15-134262E</p> <p>2</p>	<p>OWNER: L&amp;J HOLDINGS</p> <p>PROJECT: STORAGE FACILITY</p>	<p>REV: _____</p> <p>DATE: _____</p> <p>DESCRIPTION: _____</p>	<p>CREATED BY: _____</p> <p>DATE: _____</p> <p>SCALE: 1" = 32'</p>
		<p>Guest Consultants, Inc.</p> <p>15-134262E.dwg</p>	

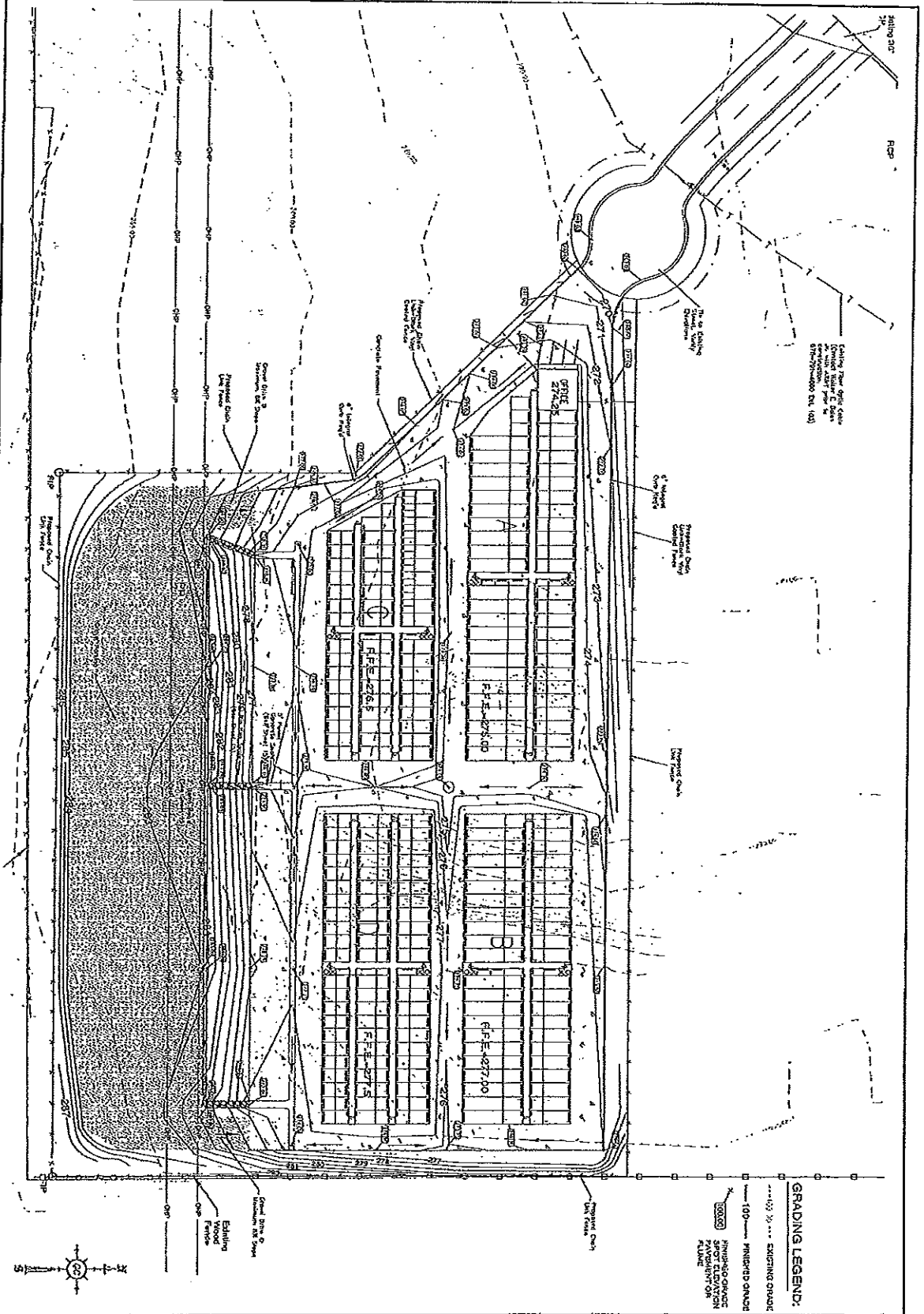


- Water and Sewer Notes:
1. The CONTRACTOR shall provide all the equipment and apparatus necessary for the complete installation of the water and sewer within the project limits.
  2. The CONTRACTOR shall provide all the water and sewer lines and appurtenances within the project limits as shown on the drawings and as specified in the contract documents.
  3. All water and sewer lines shall be installed with a minimum of three feet (3') of cover over the top of the pipe or below grade or as shown on the drawings.
  4. All water and sewer lines shall be installed with a minimum of three feet (3') of cover over the top of the pipe or below grade or as shown on the drawings.
  5. The final (10%) of material placement is required between all water and sewer lines. All materials shall be of the type and quality specified in the contract documents.
  6. All water and sewer lines shall be installed with a minimum of three feet (3') of cover over the top of the pipe or below grade or as shown on the drawings.
  7. The final (10%) of material placement is required between all water and sewer lines. All materials shall be of the type and quality specified in the contract documents.
  8. The final (10%) of material placement is required between all water and sewer lines. All materials shall be of the type and quality specified in the contract documents.



2 SHEET NO.	DRAWING TITLE <b>SITE PLAN</b>	PROJECT NO. 15-13(B)	DATE 11/11/2011	SCALE 3" = 30'	DRAWN BY JAC	CHECKED BY JAC	PROJECT NO. 15-13(B)	SHEET NO. 2	CLIENT <b>L&amp;J HOLDINGS</b>
									PROJECT TITLE <b>STORAGE FACILITY</b>

Guest Consultants, Inc.  
 1500 West 10th Street  
 Suite 200  
 Oklahoma City, Oklahoma 73106  
 Phone: (405) 521-1100  
 Fax: (405) 521-1101  
 www.guestconsultants.com

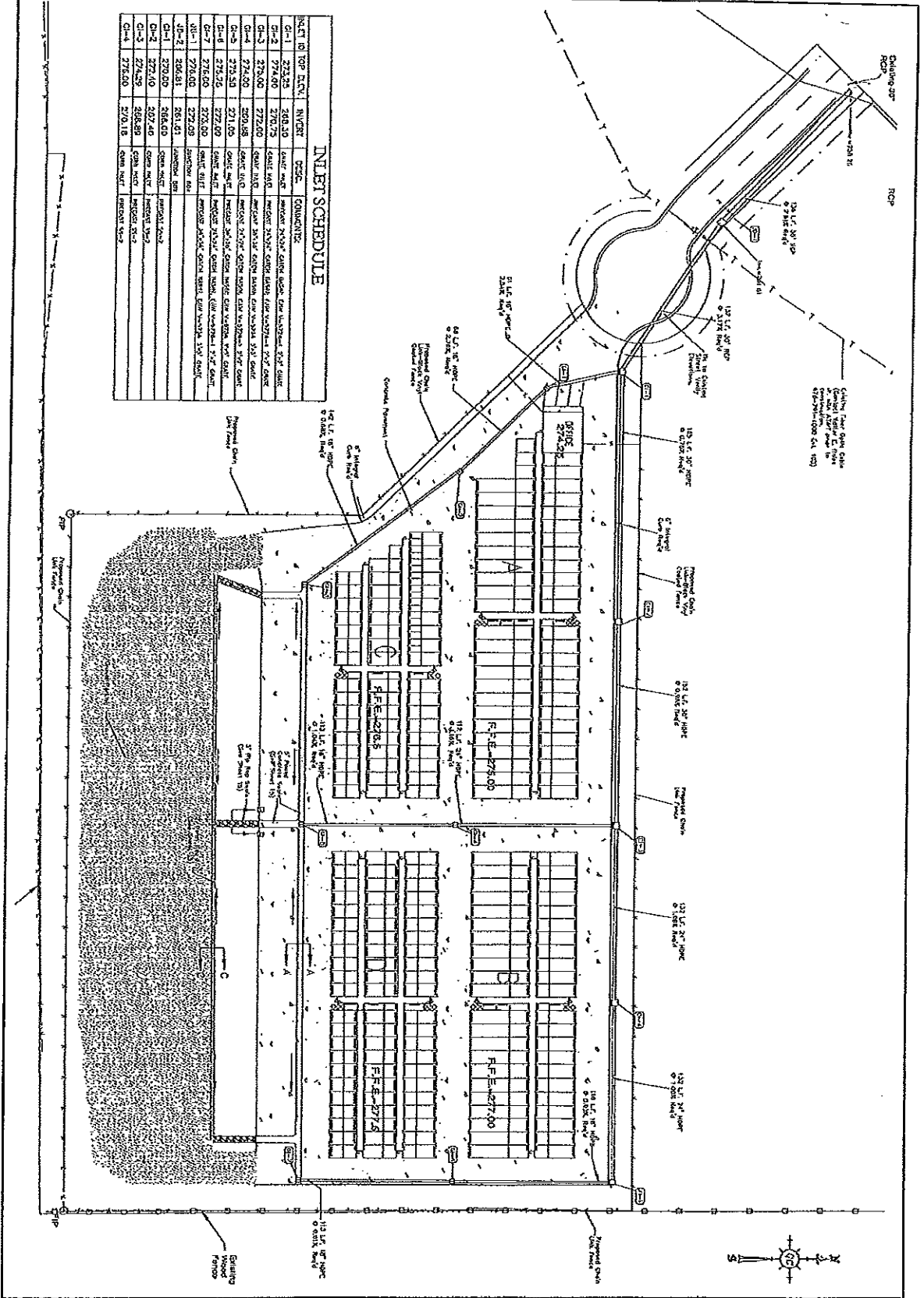


**GRADING LEGEND:**

- 10' --- EXISTING GRADE
- 100' --- FINISHED GRADE
- 1000' --- FINISHED GRADE PAVEMENT OR R/LINE



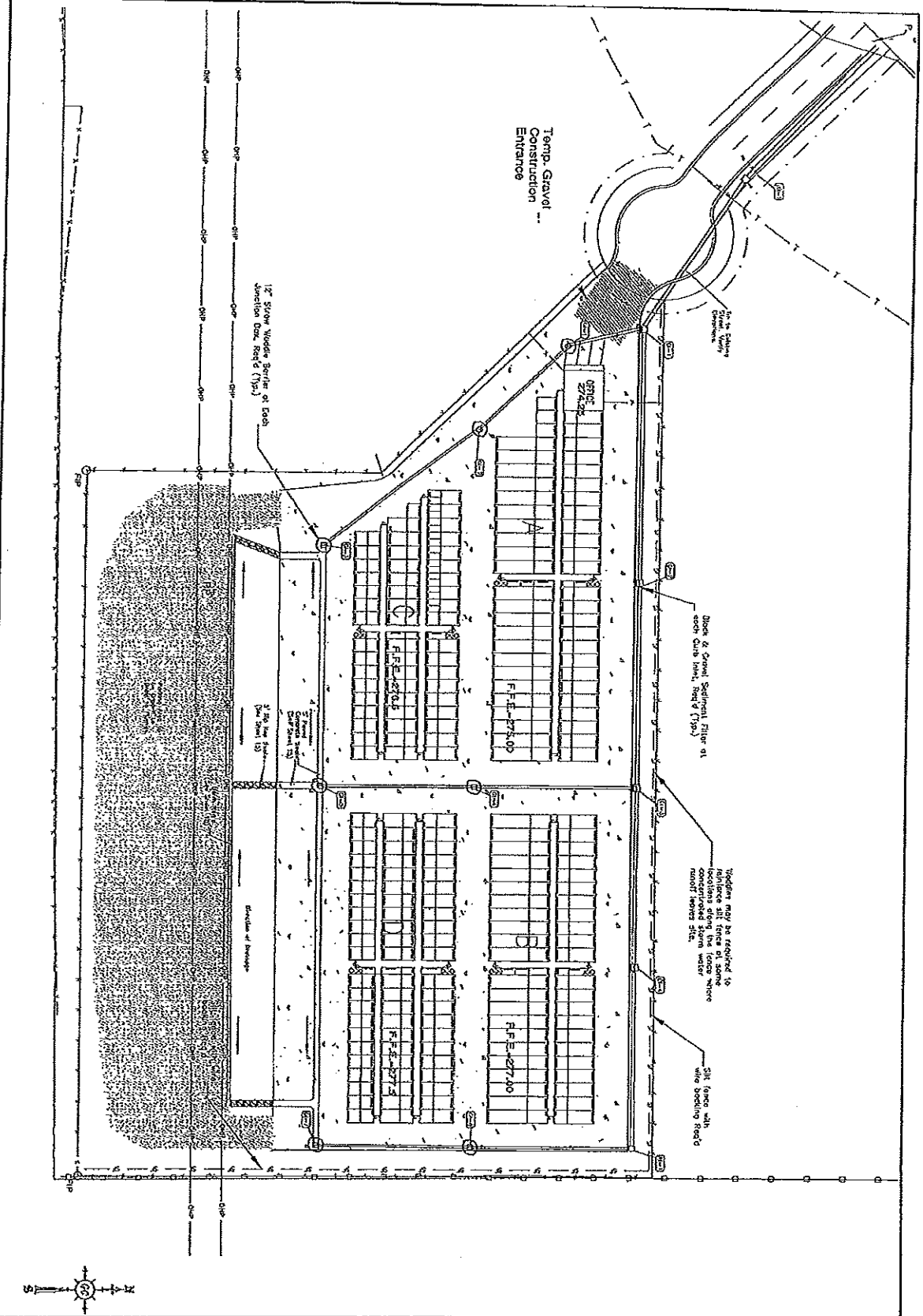
<b>3</b>	<b>GRADING PLAN</b>	CLIENT:	L&J HOLDINGS	DATE:		CREATED BY:	
		PROJECT:	STORAGE FACILITY	DESCRIPTION:		Guest Consultants, Inc. 1500 W. 15th Street, Suite 100 Tulsa, Oklahoma 74107 Tel: 918-438-1111	
SCALE:	AS SHOWN	DATE:		BY:		APPROVED BY:	



INLET ID	TOP ELEV.	INVERT	DIAM.	CONDUIT
CI-1	223.25	268.20	18"	CONCRETE
CI-2	224.00	270.25	18"	CONCRETE
CI-3	225.00	272.00	18"	CONCRETE
CI-4	224.50	269.25	18"	CONCRETE
CI-5	225.25	271.00	18"	CONCRETE
CI-6	226.00	272.75	18"	CONCRETE
CI-7	226.75	273.50	18"	CONCRETE
CI-8	227.50	274.25	18"	CONCRETE
CI-9	228.25	275.00	18"	CONCRETE
CI-10	229.00	275.75	18"	CONCRETE
CI-11	229.75	276.50	18"	CONCRETE
CI-12	230.50	277.25	18"	CONCRETE
CI-13	231.25	278.00	18"	CONCRETE
CI-14	232.00	278.75	18"	CONCRETE
CI-15	232.75	279.50	18"	CONCRETE
CI-16	233.50	280.25	18"	CONCRETE
CI-17	234.25	281.00	18"	CONCRETE
CI-18	235.00	281.75	18"	CONCRETE
CI-19	235.75	282.50	18"	CONCRETE
CI-20	236.50	283.25	18"	CONCRETE
CI-21	237.25	284.00	18"	CONCRETE
CI-22	238.00	284.75	18"	CONCRETE
CI-23	238.75	285.50	18"	CONCRETE
CI-24	239.50	286.25	18"	CONCRETE
CI-25	240.25	287.00	18"	CONCRETE
CI-26	241.00	287.75	18"	CONCRETE
CI-27	241.75	288.50	18"	CONCRETE
CI-28	242.50	289.25	18"	CONCRETE
CI-29	243.25	290.00	18"	CONCRETE
CI-30	244.00	290.75	18"	CONCRETE

INLET SCHEDULE

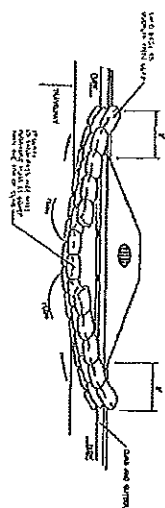
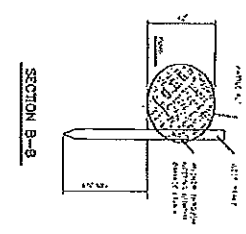
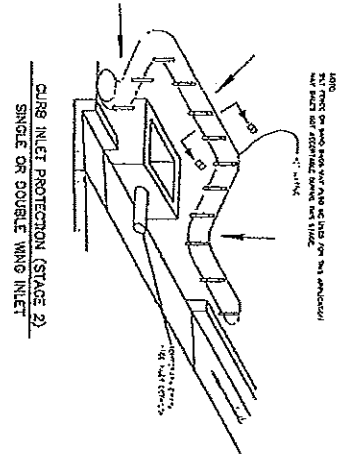
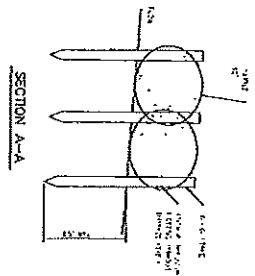
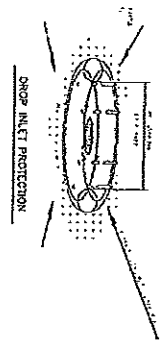
<p>4</p>	<p>DRAINAGE PLAN</p>	<p>L&amp;J HOLDINGS STORAGE FACILITY</p>	<p>REV</p>	<p>DATE</p>	<p>DESCRIPTION</p>
			<p>BY</p>	<p>CHKD</p>	<p>APP'D</p>
<p>Guest Consultants, Inc. 15-1348ASE.dwg</p>			<p>SCALE</p>	<p>DATE</p>	<p>PROJECT</p>



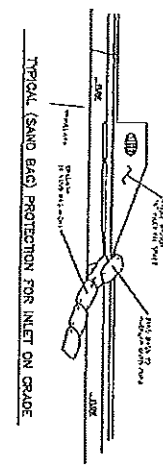
5	DATE: 11/11/2014	PROJECT TITLE: L&J HOLDINGS STORAGE FACILITY	CLIENT: L&J HOLDINGS	REV:	DATE:	DESCRIPTION:	QUEST CONSULTANTS, INC. 1500 W. 10TH AVENUE, SUITE 100 DENVER, CO 80202 TEL: 303.733.1100 FAX: 303.733.1101 WWW.QC-CO.COM	
	PROJECT TITLE: EROSION CONTROL PLAN	CLIENT: L&J HOLDINGS	REV:	DATE:	DESCRIPTION:	SHEET NO. 02 SHEET TOTAL 02 SCALE: 1" = 30' DATE PLOT: 11-11-2014		



- NOTE:
1. PROTECTIVE SAND BAGS SHALL BE MADE OF 100% POLYPROPYLENE, NOT POLYESTER.
  2. PROTECTIVE SAND BAGS SHALL BE MADE OF 100% POLYPROPYLENE, NOT POLYESTER.
  3. PROTECTIVE SAND BAGS SHALL BE MADE OF 100% POLYPROPYLENE, NOT POLYESTER.



TYPICAL (SAND BAG) PROTECTION FOR INLET IN SAG

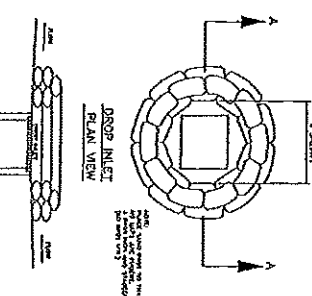


TYPICAL (SAND BAG) PROTECTION FOR INLET ON GRADE



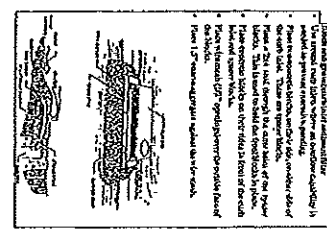
CURB AND CUTTER SEDIMENT CONTAINMENT SYSTEM

- NOTE:
1. THIS CURB INLET PROTECTION SYSTEM SHALL BE USED IN ALL AREAS OF THE PROJECT WHERE CURB AND GUTTER PROTECTION IS REQUIRED.
  2. SAND BAGS SHALL BE MADE OF 100% POLYPROPYLENE, NOT POLYESTER.
  3. SAND BAGS SHALL BE MADE OF 100% POLYPROPYLENE, NOT POLYESTER.
  4. SAND BAGS SHALL BE MADE OF 100% POLYPROPYLENE, NOT POLYESTER.
  5. SAND BAGS SHALL BE MADE OF 100% POLYPROPYLENE, NOT POLYESTER.

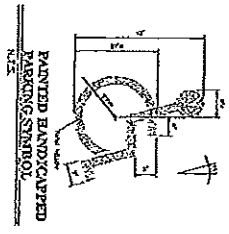
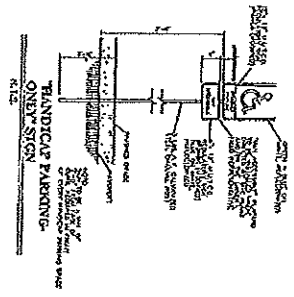
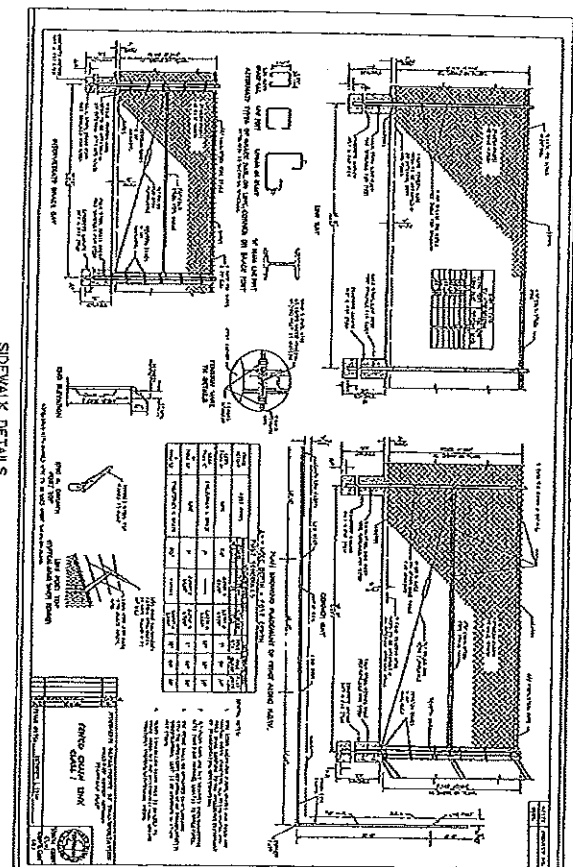


DROP INLET PLAN VIEW

SECTION A-A SAND BAG BARRIER

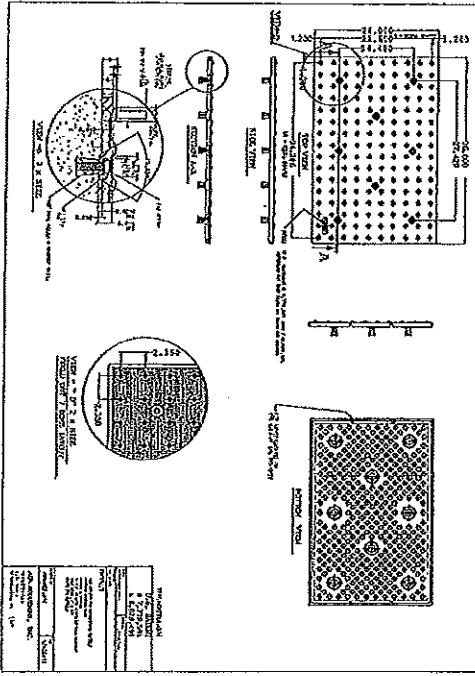
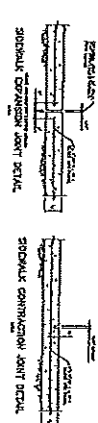


<p>PROJECT TITLE: STORAGE FACILITY</p>	<p>CLIENT: L&amp;J HOLDINGS</p>	<p>DATE: _____</p>	<p>DESCRIPTION: _____</p>	<p>SCALE: _____</p>	<p>DATE: _____</p>
		<p>DATE: _____</p>	<p>DESCRIPTION: _____</p>	<p>SCALE: _____</p>	<p>DATE: _____</p>
<p>PROJECT NO: 7</p>	<p>DATE: 11/15/2014</p>	<p>SCALE: 1/4" = 1'-0"</p>	<p>DATE: 11/15/2014</p>	<p>SCALE: 1/4" = 1'-0"</p>	<p>DATE: 11/15/2014</p>

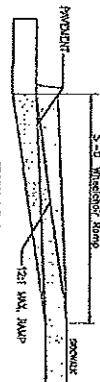


1. REFER FOR SYMBOL LAYOUT OF 48 IN DIA. SYMBOL SYMBOL TO OTHER SHEET. SEE SYMBOL SHEET FOR SYMBOL LAYOUT. SEE SYMBOL SHEET FOR SYMBOL LAYOUT. SEE SYMBOL SHEET FOR SYMBOL LAYOUT.

SIDEWALK DETAILS

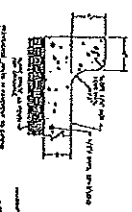


HANDICAPPED PARKING MARKINGS



1. REFER TO SYMBOL SHEET FOR SYMBOL LAYOUT. SEE SYMBOL SHEET FOR SYMBOL LAYOUT. SEE SYMBOL SHEET FOR SYMBOL LAYOUT.

INTERNAL CORNER AND CUTTER

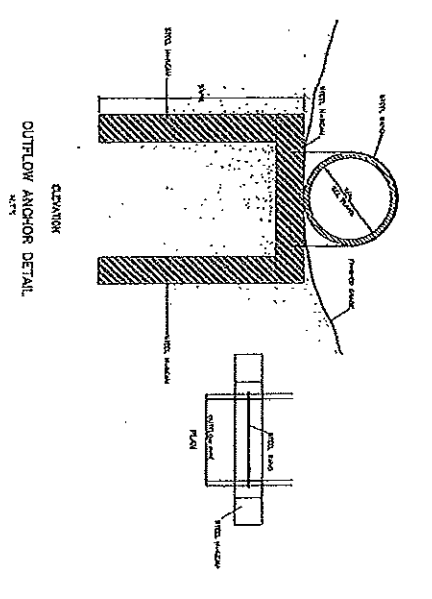
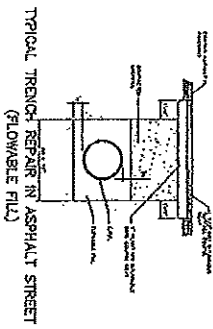
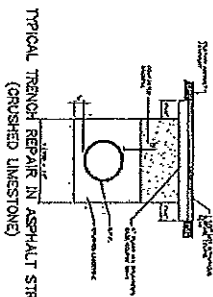
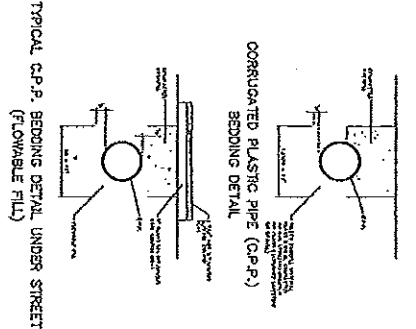
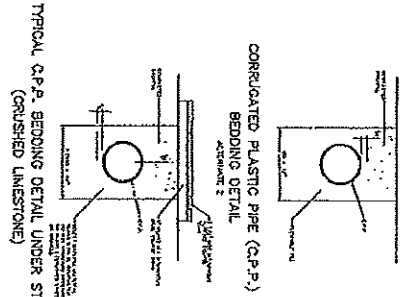
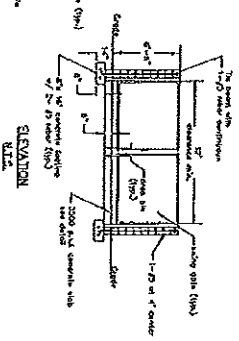
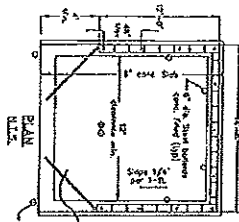
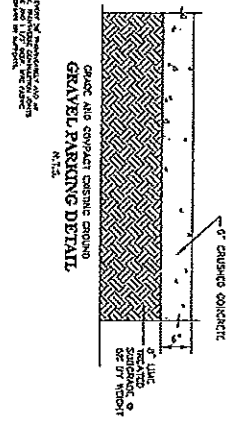
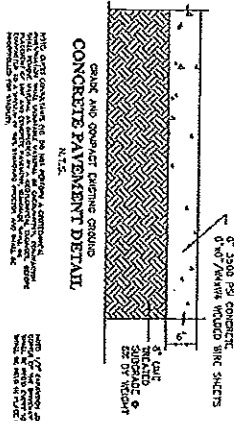
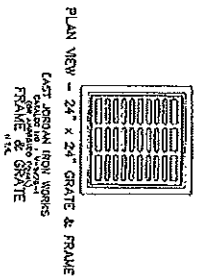
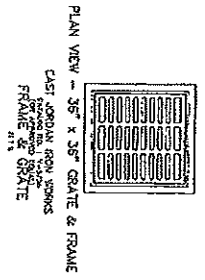


STANDARD CORNER AND CUTTER

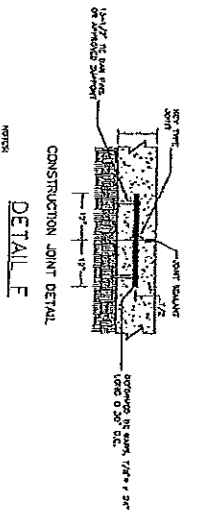
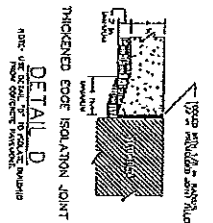
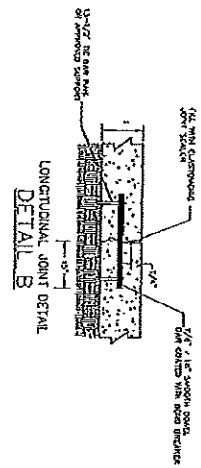
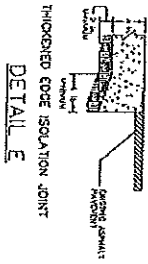
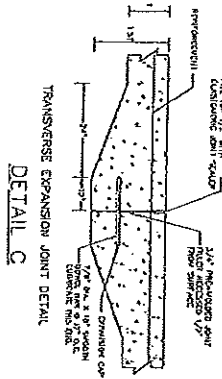
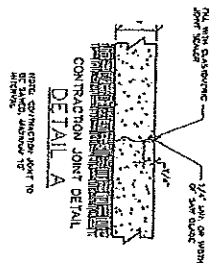


<p>8</p>	<p>CLIENT: L&amp;J HOLDINGS</p> <p>PROJECT FILE: STORAGE FACILITY</p>	<p>DATE: 12/15/83</p> <p>NO. OF SHEETS: 15</p> <p>SHEET NO.: 8</p>	<p>DESIGNED BY: [Signature]</p> <p>CHECKED BY: [Signature]</p> <p>APPROVED BY: [Signature]</p> <p>DATE: 12/15/83</p>	<p>Guest Consultants, Inc.</p> <p>1000 N. 17th St., Suite 100</p> <p>Phoenix, AZ 85016</p> <p>TEL: 602/944-8888</p>
	<p>DRAWN BY: [Signature]</p> <p>CHECKED BY: [Signature]</p> <p>APPROVED BY: [Signature]</p> <p>DATE: 12/15/83</p>	<p>PROJECT NO.: 15-1148ASE</p> <p>SHEET NO.: 8</p>	<p>SCALE: AS SHOWN</p>	<p>DATE: 12/15/83</p>

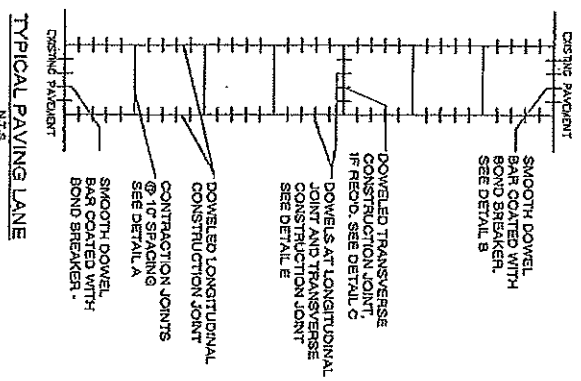




<p>6</p>	<p>MISCELLANEOUS DETAILS</p>	<p>PROJECT: STORAGE FACILITY</p>	<p>CLIENT: L&amp;J HOLDINGS</p>	<p>DATE: _____</p>	<p>DESCRIPTION: _____</p>	<p>CREATED BY: _____</p>	<p>Guest Consultants, Inc. 10000 Old Orchard Road, Suite 200 Dallas, Texas 75243 Tel: 972-440-1111 Fax: 972-440-1112 www.guestinc.com</p>
		<p>PROJECT NO: _____</p>	<p>DATE: _____</p>	<p>SCALE: _____</p>	<p>BY: _____</p>	<p>CHECKED BY: _____</p>	

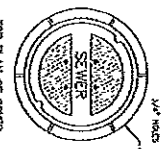


NOTES:  
 1. APPLICATION OF THICKENED CONSTRUCTION JOINT DETAIL IS LIMITED TO THICKENED EDGES OF CONCRETE SLABS.  
 2. APPLICATION OF THICKENED CONSTRUCTION JOINT DETAIL IS LIMITED TO THICKENED EDGES OF CONCRETE SLABS.  
 3. APPLICATION OF THICKENED CONSTRUCTION JOINT DETAIL IS LIMITED TO THICKENED EDGES OF CONCRETE SLABS.  
 4. APPLICATION OF THICKENED CONSTRUCTION JOINT DETAIL IS LIMITED TO THICKENED EDGES OF CONCRETE SLABS.  
 5. APPLICATION OF THICKENED CONSTRUCTION JOINT DETAIL IS LIMITED TO THICKENED EDGES OF CONCRETE SLABS.  
 6. APPLICATION OF THICKENED CONSTRUCTION JOINT DETAIL IS LIMITED TO THICKENED EDGES OF CONCRETE SLABS.  
 7. APPLICATION OF THICKENED CONSTRUCTION JOINT DETAIL IS LIMITED TO THICKENED EDGES OF CONCRETE SLABS.  
 8. APPLICATION OF THICKENED CONSTRUCTION JOINT DETAIL IS LIMITED TO THICKENED EDGES OF CONCRETE SLABS.  
 9. APPLICATION OF THICKENED CONSTRUCTION JOINT DETAIL IS LIMITED TO THICKENED EDGES OF CONCRETE SLABS.  
 10. APPLICATION OF THICKENED CONSTRUCTION JOINT DETAIL IS LIMITED TO THICKENED EDGES OF CONCRETE SLABS.



<p>10</p>	<p>DATE: 11/11/2015</p>	<p>PROJECT TITLE: STORAGE FACILITY</p>	<p>L&amp;J HOLDINGS</p>	<p>SCALE:</p>		<p>PROJECT NO.</p>	<p>DATE:</p>	<p>BY:</p>	<p>CHECKED BY:</p>	<p>APPROVED BY:</p>	<p>Guest Consultants, Inc.</p>
				<p>1:1</p>	<p>1:1</p>						



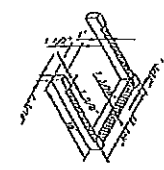


TOP PLAN OF COVER

STANDARD MANHOLE FRAME AND COVER



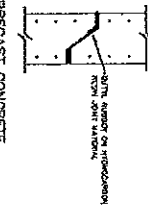
SECTION



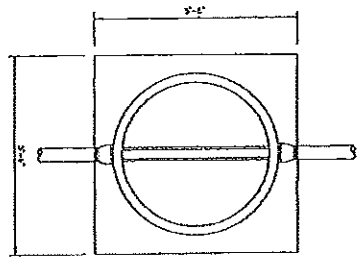
DETAIL "S"

PRECAST MANHOLE JOINT AS MANUFACTURED BY A PRECASTER OF CONCRETE

TYPICAL PRECAST CONCRETE MANHOLE JOINT DETAIL

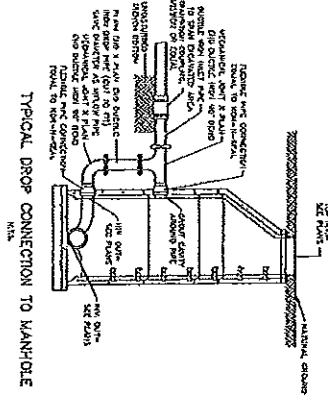
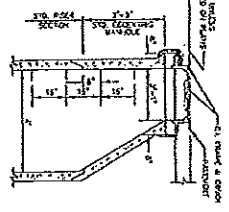


TYPICAL PIPE CONNECTION TO MANHOLE



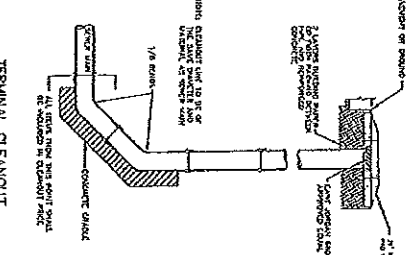
TYPICAL TRENCH DETAILS

STANDARD ECCENTRIC CONE FOR ALL DIAMETER MANHOLES

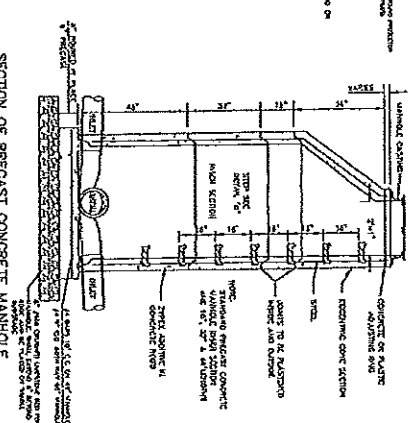


TYPICAL DROP CONNECTION TO MANHOLE

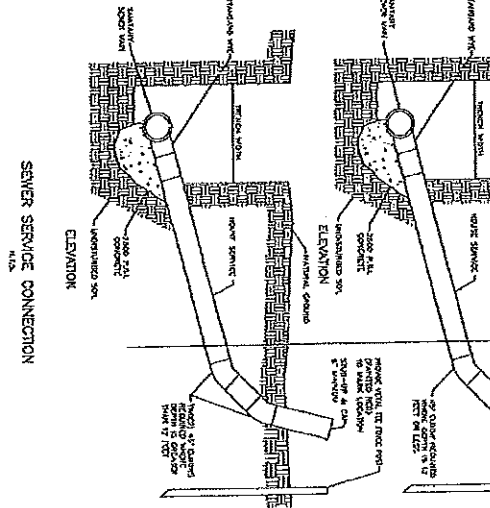
TERMINAL CLEANOUT



SECTION OF PRECAST CONCRETE MANHOLE

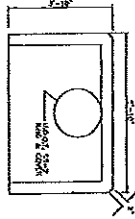
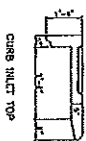
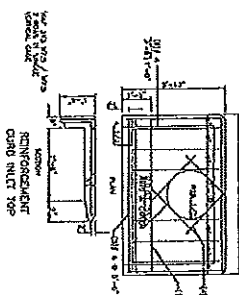
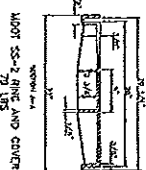
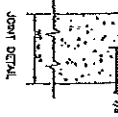
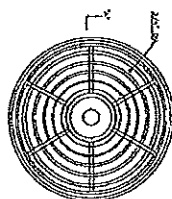
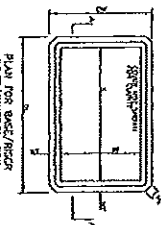
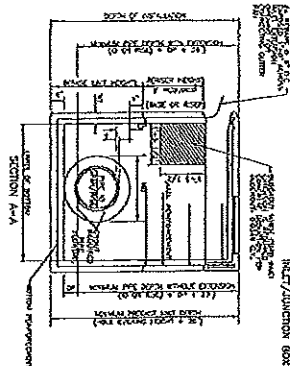


MANHOLE COVER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS. THE COVER SHALL BE CAST TO THE SAME FINISH AS THE MANHOLE WALLS. THE COVER SHALL BE CAST TO THE SAME FINISH AS THE MANHOLE WALLS. THE COVER SHALL BE CAST TO THE SAME FINISH AS THE MANHOLE WALLS.

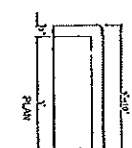
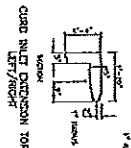
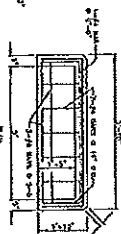
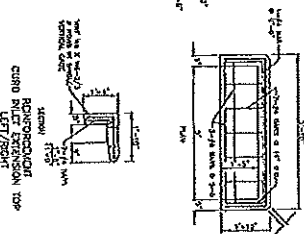


SEWER SERVICE CONNECTION

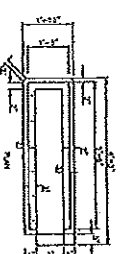
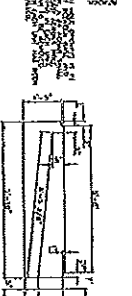
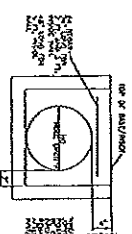
<p>12</p>	<p>PROJECT FILE</p> <p>L&amp;J HOLDINGS</p> <p>PROJECT FILE</p> <p>STORAGE FACILITY</p>	<p>CREATED BY</p> <p>Guest Consultants, Inc.</p>	<p>NO. 1</p>	<p>DATE</p>	<p>DESCRIPTION</p>
			<p>NO. 2</p>	<p>DATE</p>	<p>DESCRIPTION</p>
<p>NO. 3</p>	<p>DATE</p>	<p>DESCRIPTION</p>	<p>NO. 4</p>	<p>DATE</p>	<p>DESCRIPTION</p>
<p>NO. 5</p>	<p>DATE</p>	<p>DESCRIPTION</p>	<p>NO. 6</p>	<p>DATE</p>	<p>DESCRIPTION</p>



NOTE: ALL INLET AND CURB SHALL BE REINFORCED WITH 4# BARS. ALL CURB SHALL BE REINFORCED WITH 4# BARS. ALL CURB SHALL BE REINFORCED WITH 4# BARS.



NOTE: ALL INLET AND CURB SHALL BE REINFORCED WITH 4# BARS. ALL CURB SHALL BE REINFORCED WITH 4# BARS. ALL CURB SHALL BE REINFORCED WITH 4# BARS.



- GENERAL NOTES:
1. CONCRETE SHALL HAVE COMPRESSIVE STRENGTH OF 4000 PSI
  2. REINFORCEMENT FOR BOTTOM AND WALLS SHALL BE WELDED WIRE FABRIC, ASTM A-185, AND OF THE AREA AS SHOWN IN TABLE
  3. REINFORCEMENT FOR CURB SHALL BE WELDED WIRE FABRIC, ASTM A-185, WITH DEFORMED SHAPE, ASTM A-185
  4. JOINT TO BE SEALED WITH POLYURETHANE JOINT COMPOUND, ASTRO SPECIFICATION 81-198 TO BE LOCATED ON EACH SIDE OF BOX
  5. 3/4" DIA. BARS FOR REINFORCEMENT
  6. GROUT FOR JOINTING PIPE TO PRECAST UNITS WILL BE A COMMERCIAL PORTLAND CEMENT MORTAR
  7. PRECAST UNITS SHALL BE WELDED TO SUBSTRATE WITH WELDS
  8. FOR PIPE SEALS NOT COVERED, CONTACT MANUFACTURER
  9. ALL CURB INLET TOPS SHALL BE FINISHED IN PLACE.

GENERAL DATA		REMARKS	
DATE	11/11/83	PROJECT	STORAGE FACILITY
DRAWN BY	JL	CHECKED BY	JL
SCALE	AS SHOWN	APPROVED BY	JL
PROJECT NO.	15-134	DATE	11/11/83
SHEET NO.	13	TOTAL SHEETS	13

MATERIALS		REMARKS	
CONCRETE	4000 PSI	REINFORCEMENT	4# BARS
JOINT COMPOUND	POLYURETHANE	SEALANT	ASTRO 81-198
WELDS	ELECTRODE	WELDER	WELDED

REVISIONS		REMARKS	
NO.	1	DATE	11/11/83
BY	JL	DESCRIPTION	ISSUE FOR CONSTRUCTION

MATERIALS		REMARKS	
CONCRETE	4000 PSI	REINFORCEMENT	4# BARS
JOINT COMPOUND	POLYURETHANE	SEALANT	ASTRO 81-198
WELDS	ELECTRODE	WELDER	WELDED

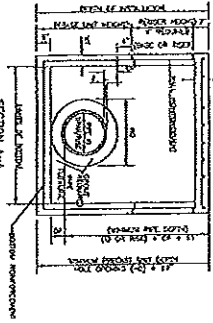
REVISIONS		REMARKS	
NO.	1	DATE	11/11/83
BY	JL	DESCRIPTION	ISSUE FOR CONSTRUCTION

MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
 PRECAST UNITS  
 SS-2 PRECAST INLET  
 (36" x 24") CONCRETE RASH PIPE AND UNITS

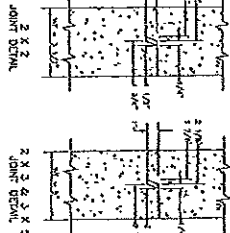
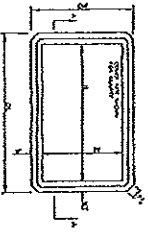
L&J HOLDINGS  
 STORAGE FACILITY

REV	DATE	DESCRIPTION

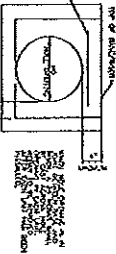
CREATED BY: JL  
 Guest Consultants, Inc.  
 15-134BASE.dwg



PLAN FOR DASH/REGISTER INLET/JUNCTION BOX



DETAIL FOR HOLE OPENING

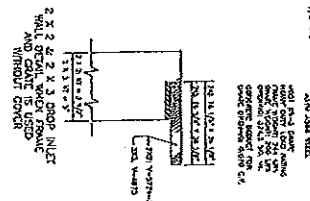
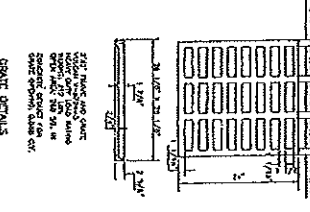
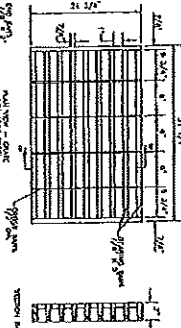
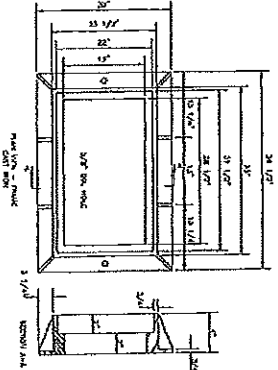
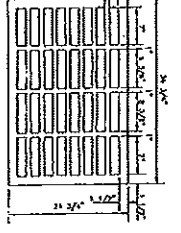


NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	2' x 2' PRECAST UNIT	1	EA	
2	3' x 3' PRECAST UNIT	1	EA	
3	2' x 2' JOINT DETAIL	1	EA	
4	2' x 2' & 3' x 3' JOINT DETAIL	1	EA	
5	DETAIL FOR HOLE OPENING	1	EA	

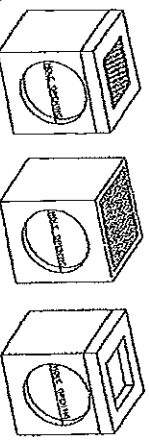
NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	2' x 2' PRECAST UNIT	1	EA	
2	3' x 3' PRECAST UNIT	1	EA	
3	2' x 2' JOINT DETAIL	1	EA	
4	2' x 2' & 3' x 3' JOINT DETAIL	1	EA	
5	DETAIL FOR HOLE OPENING	1	EA	

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	2' x 2' PRECAST UNIT	1	EA	
2	3' x 3' PRECAST UNIT	1	EA	
3	2' x 2' JOINT DETAIL	1	EA	
4	2' x 2' & 3' x 3' JOINT DETAIL	1	EA	
5	DETAIL FOR HOLE OPENING	1	EA	

2' x 2' WALL REINFORCEMENT (CON. IN PREC. UNIT, P. 13)



- DETAILS NOTES:
1. CONCRETE SHALL HAVE COMPRESSIVE STRENGTH OF 4000 PSI UNLESS NOTED OTHERWISE.
  2. REINFORCEMENT FOR PRECAST SHALL BE WELDED WITH EPOXY RESIN.
  3. REINFORCEMENT FOR CONCRETE SHALL BE WELDED WITH EPOXY RESIN.
  4. JOINTS TO BE FINISHED WITH APPROVED JOINT COMPOUND, ASHTEC INTERLOCKING UNIT.
  5. 2' x 2' UNITS SHALL BE TO BE LOCATED ON EACH SIDE OF THE REGISTER FOR AIRFLOW.
  6. CONCRETE SHALL BE FINISHED WITH A CONCRETE VENEER OR OTHER FINISH AS SHOWN.
  7. WALL UNITS SHALL BE FINISHED WITH SMOOTH, WHITE PAINT, TO MATCH THE OTHER WALL.
  8. CONTACT VENDOR FOR PRECAST UNIT CONCRETE.



NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	2' x 2' PRECAST UNIT	1	EA	
2	3' x 3' PRECAST UNIT	1	EA	
3	2' x 2' JOINT DETAIL	1	EA	
4	2' x 2' & 3' x 3' JOINT DETAIL	1	EA	
5	DETAIL FOR HOLE OPENING	1	EA	

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	2' x 2' PRECAST UNIT	1	EA	
2	3' x 3' PRECAST UNIT	1	EA	
3	2' x 2' JOINT DETAIL	1	EA	
4	2' x 2' & 3' x 3' JOINT DETAIL	1	EA	
5	DETAIL FOR HOLE OPENING	1	EA	

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	2' x 2' PRECAST UNIT	1	EA	
2	3' x 3' PRECAST UNIT	1	EA	
3	2' x 2' JOINT DETAIL	1	EA	
4	2' x 2' & 3' x 3' JOINT DETAIL	1	EA	
5	DETAIL FOR HOLE OPENING	1	EA	

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	2' x 2' PRECAST UNIT	1	EA	
2	3' x 3' PRECAST UNIT	1	EA	
3	2' x 2' JOINT DETAIL	1	EA	
4	2' x 2' & 3' x 3' JOINT DETAIL	1	EA	
5	DETAIL FOR HOLE OPENING	1	EA	

MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
 PRECAST UNITS  
 DASH/REGISTER INLET AND UNDER  
 (3' x 3' CONCRETE ROUND PIPE AND UNDER)  
 (2' x 2' CONCRETE ROUND PIPE AND UNDER)

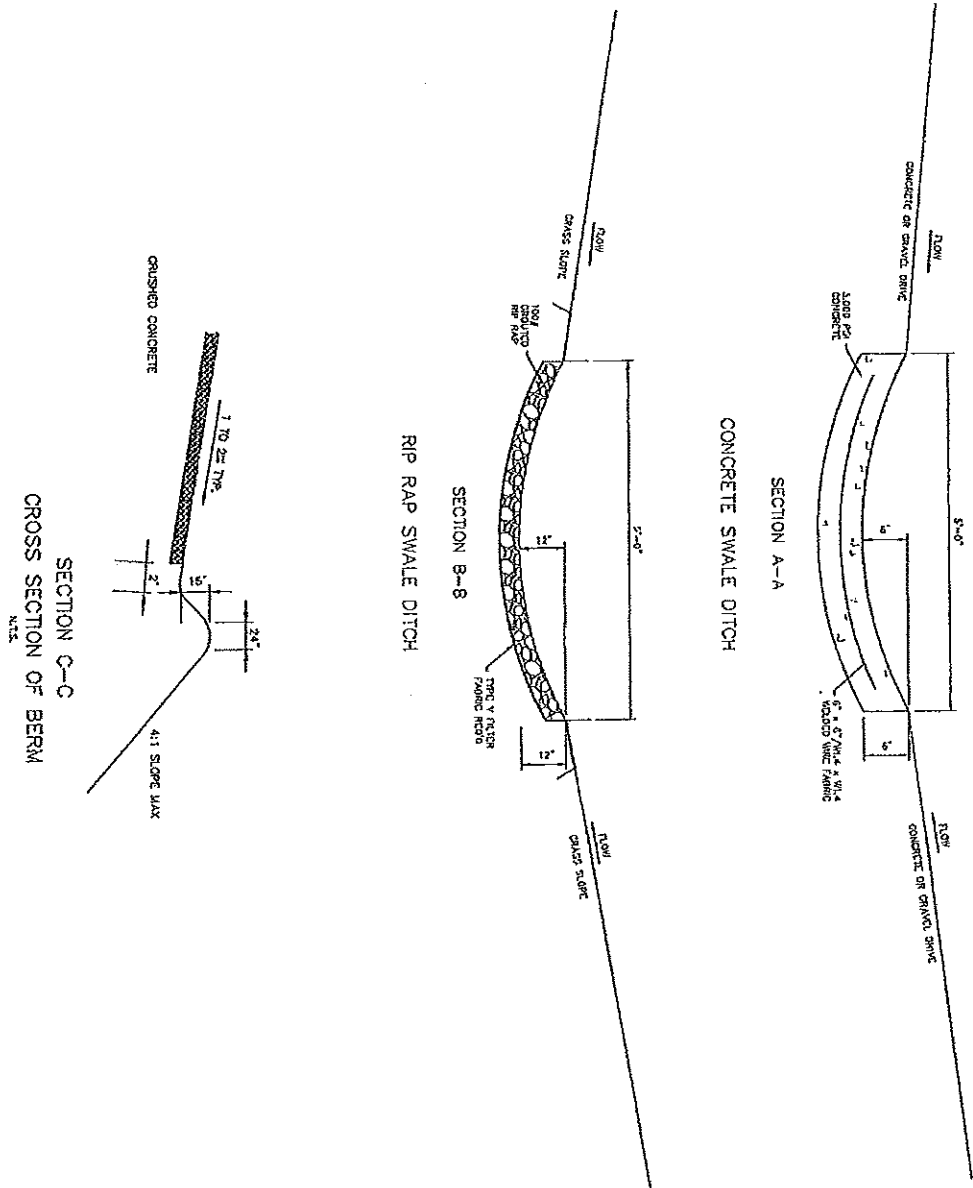
PROJECT NO. 14  
 DATE: 1-11-2014  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

PRECAST JUNCTION BOX DETAILS

L&J HOLDINGS  
 STORAGE FACILITY

REV	DATE	DESCRIPTION

STATE PROJECT NO. MISS. PROJECT NO. 14  
 Guest Consultants, Inc.  
 15-13-BASE.dwg

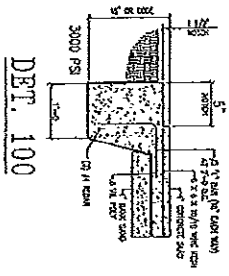
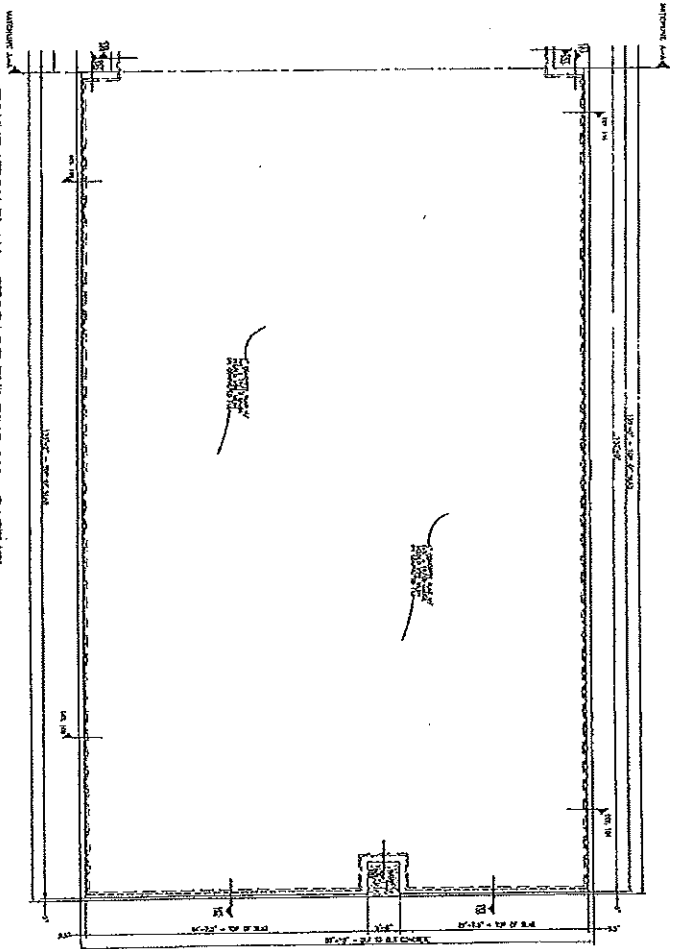


<p>15</p>	<p>DATE: 05/08/2001</p>	<p>DESIGNED BY:</p>	<p>Guest Consultants, Inc.                  2000 W. 10th Street, Suite 100                  Oklahoma City, Oklahoma 73106                  (405) 231-1111</p>
	<p>PROJECT TITLE:</p> <p>STORAGE FACILITY</p>	<p>CLIENT:</p> <p>L&amp;J HOLDINGS</p>	<p>SCALE:</p> <p>AS SHOWN</p>
<p>DATE: 05/08/2001</p>	<p>PROJECT TITLE:</p> <p>STORAGE FACILITY</p>	<p>SCALE:</p> <p>AS SHOWN</p>	<p>DATE: 05/08/2001</p>

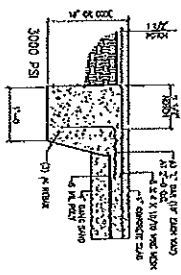




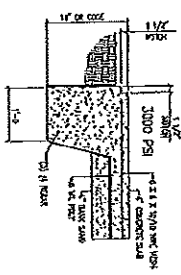
FOUNDATION PLAN - STORAGE BUILDING 'A' - PART 1B  
 SCALE 1/8" = 1'-0"



DET. 100



DET. 101



DET. 102

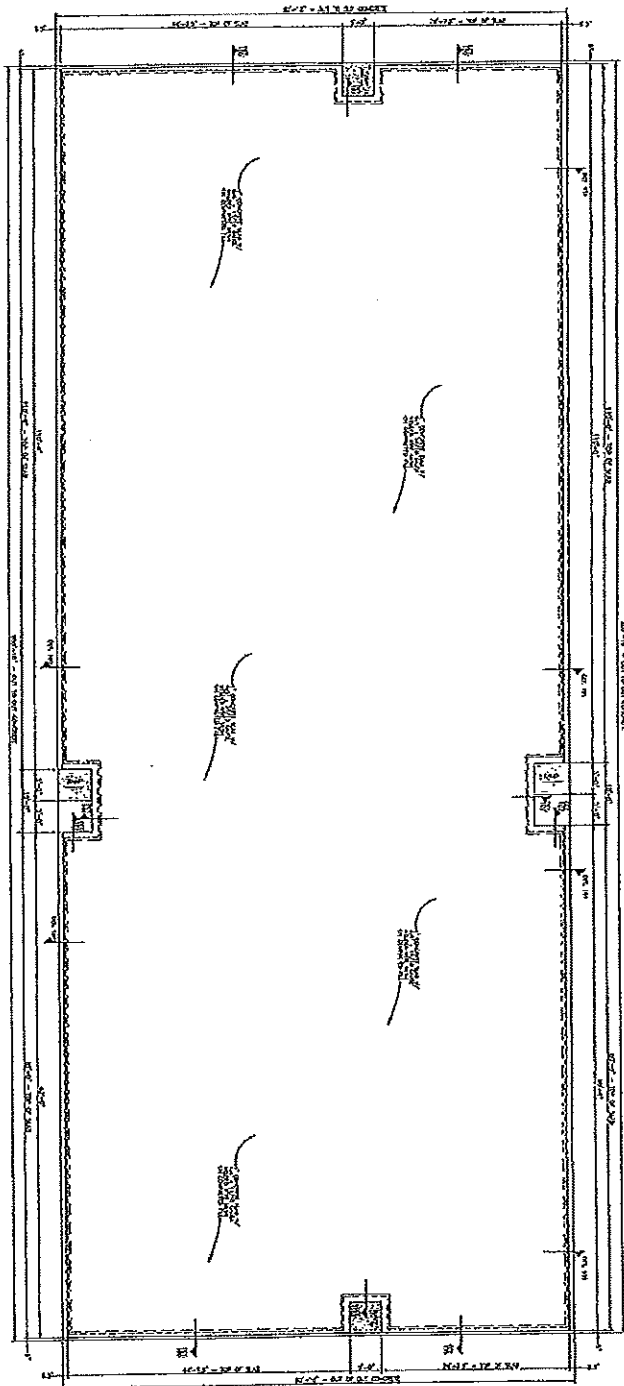


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SAHLER STORAGE BUILDINGS

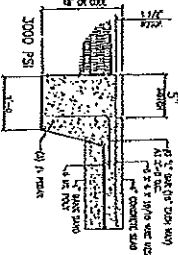
Greg Ainsworth, Architects,

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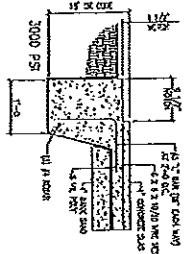


FOUNDATION PLAN - STORAGE BUILDING 'B'

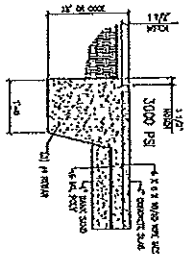
SCALE 1/8" = 1'-0"



DFT. 100



DFT. 101



DFT. 102



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**SAHLER STORAGE BUILDINGS**

Greg Ainsworth, Architects,  
 87 Southwood  
 Modern, MD 20710  
 Phone: 410-326-1234  
 Fax: 410-326-1235

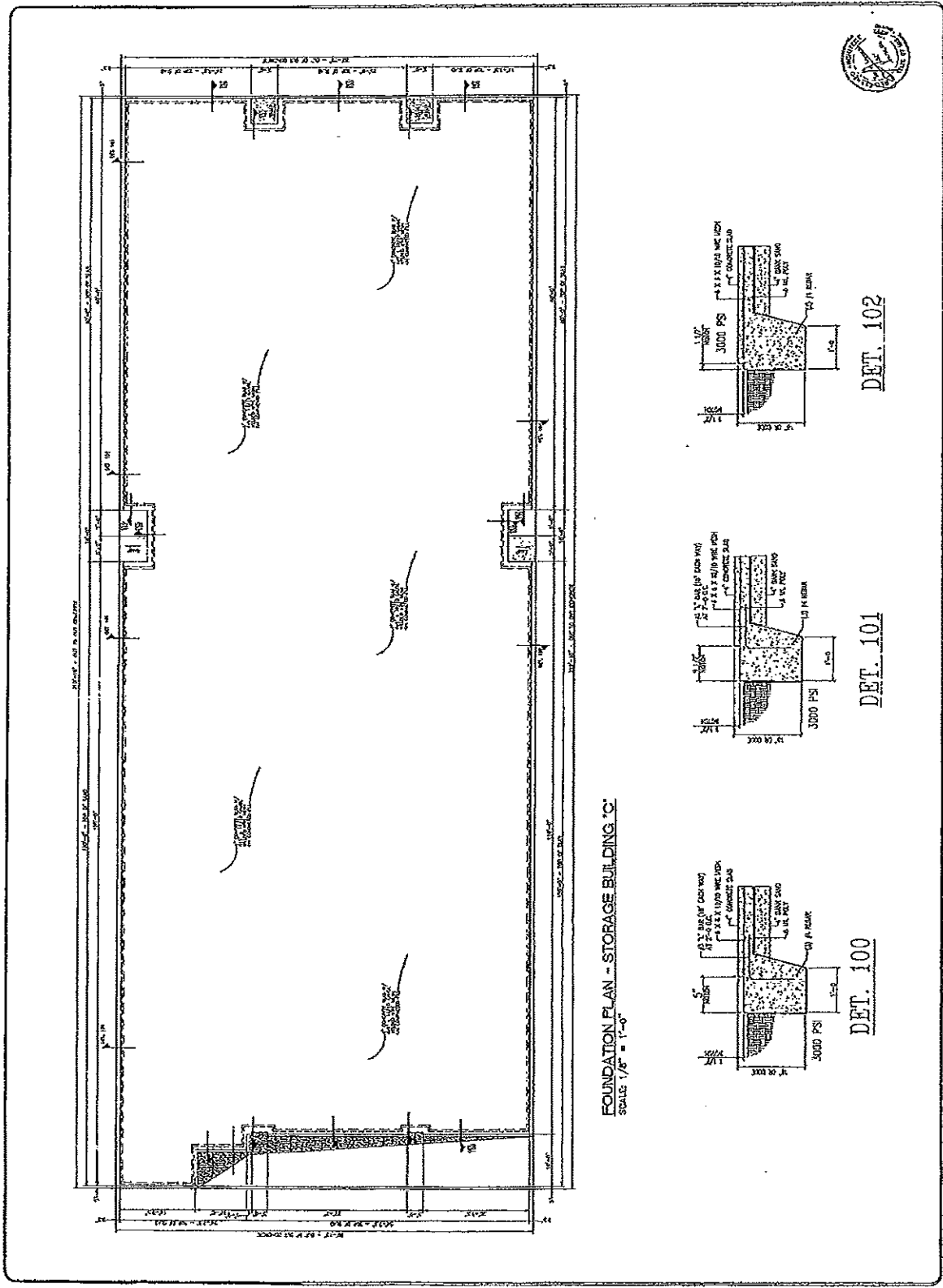
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REVISION	BY

**SAHLER STORAGE BUILDINGS**

Greg Ainsworth, Architects.  
Architects  
1100 N. 1st St.  
Seattle, WA 98109

DATE	11-17-75
SCALE	A-4
PROJECT	SAHLER STORAGE
NO.	102

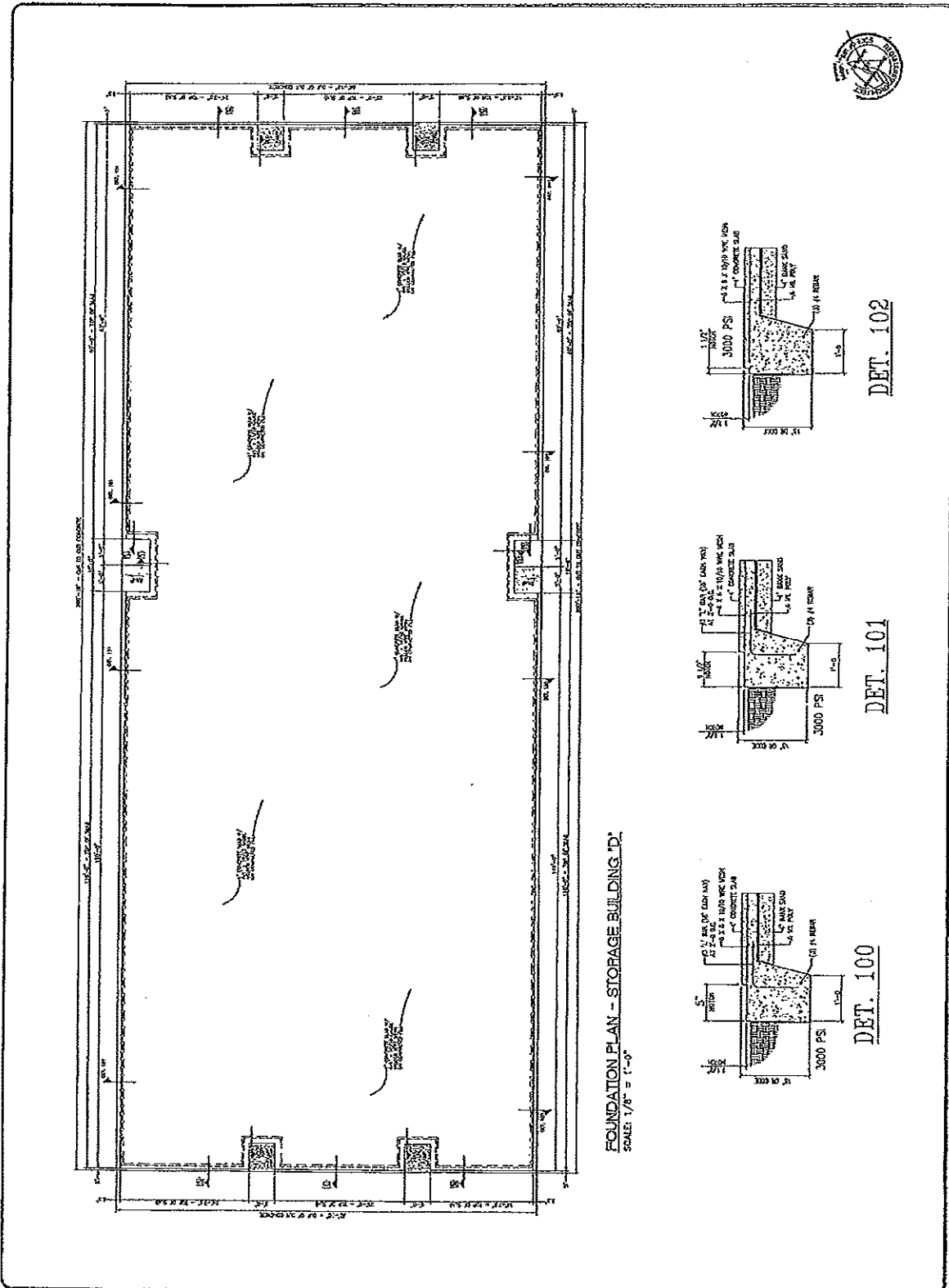


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REVISION	

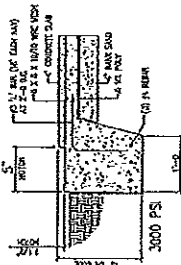
Greg Ahlsworth, Architects.  
 1600 Broadway  
 Portland, Oregon 97201  
 Phone 503-228-1111

SAHLER STORAGE  
 BUILDINGS

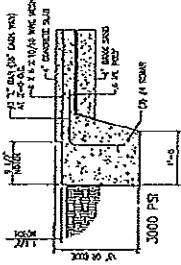
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BY	J.S. STUBBS
CHECKED	W.C. HAY
SCALE	AS SHOWN
TITLE	
NO.	A-5



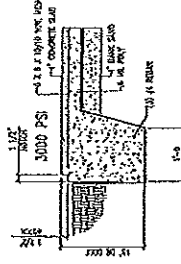
FOUNDATION PLAN - STORAGE BUILDING 'D'  
 SCALE: 1/8" = 1'-0"



DET. 100



DET. 101



DET. 102

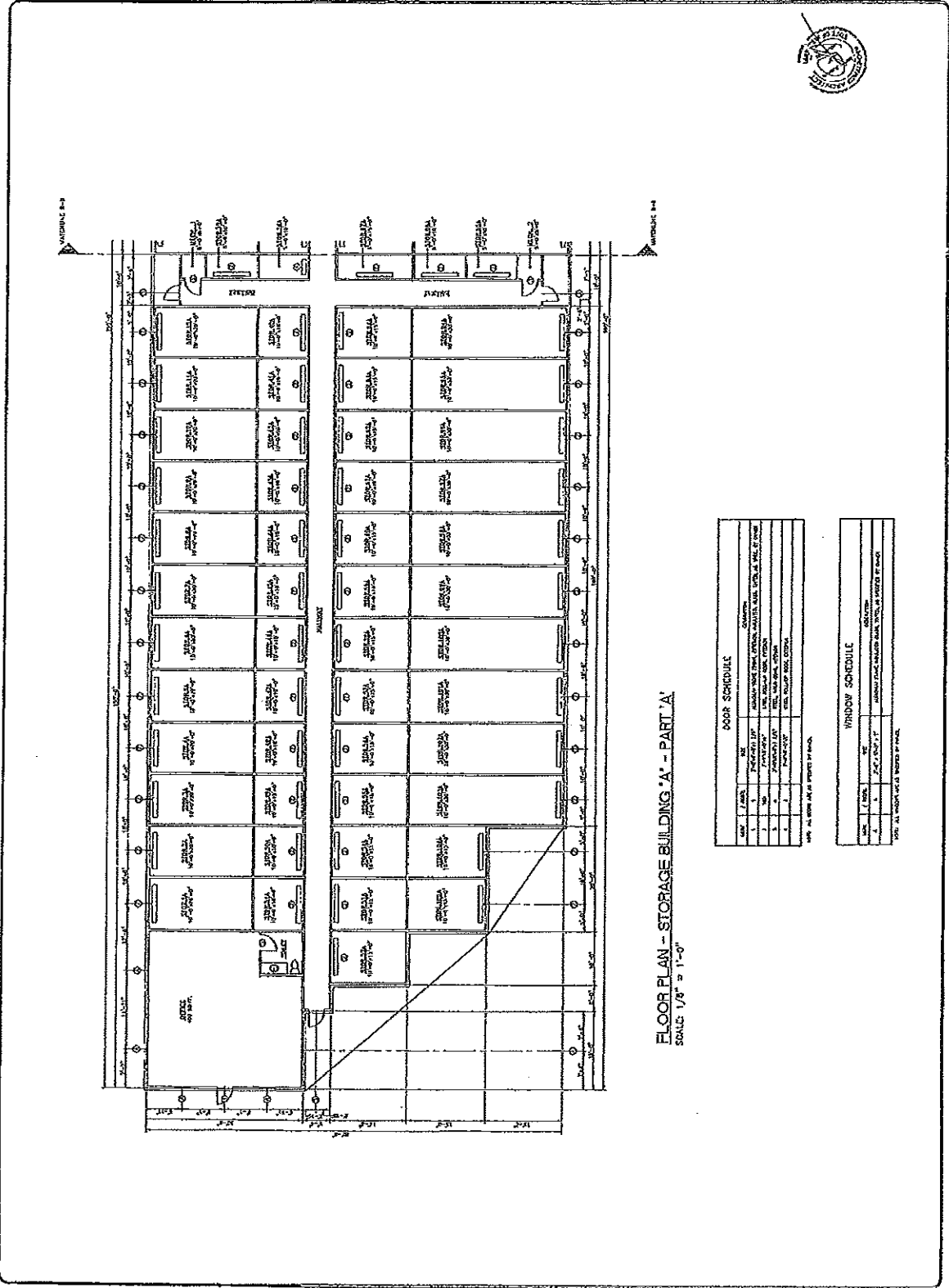
NO.	DATE	BY

**SAHBR STORAGE BUILDINGS**

Greg Ainsworth, Architects.

ARCHITECTS  
1400 - 14th Street  
S.W. - Seattle, Wash. 98101

NO.	DATE	BY



**FLOOR PLAN - STORAGE BUILDING 'A' - PART 'A'**  
SCALE: 1/8" = 1'-0"

**DOOR SCHEDULE**

NO.	TYPE	FINISH	REMARKS
1	STANDARD	WOOD	AS SHOWN ON DRAWING
2	STANDARD	WOOD	AS SHOWN ON DRAWING
3	STANDARD	WOOD	AS SHOWN ON DRAWING
4	STANDARD	WOOD	AS SHOWN ON DRAWING
5	STANDARD	WOOD	AS SHOWN ON DRAWING

**WINDOW SCHEDULE**

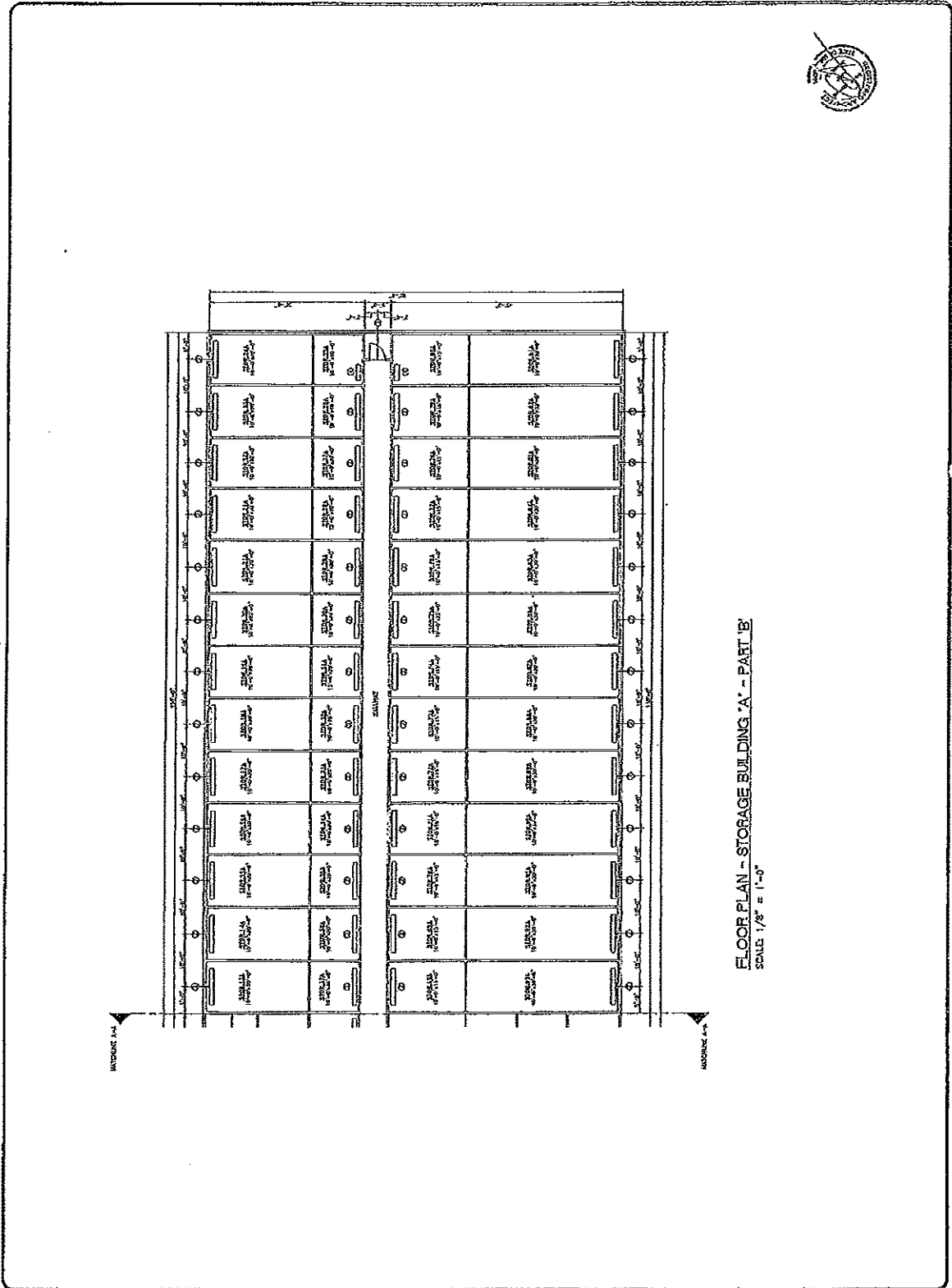
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3	STANDARD	WOOD	AS SHOWN ON DRAWING
4	STANDARD	WOOD	AS SHOWN ON DRAWING
5	STANDARD	WOOD	AS SHOWN ON DRAWING

NO.	
DATE	
REVISION	

10 SADDLE  
 PROGRESSIVE  
 BUILDING 2000  
 BRIDGES  
 GREG AINSWORTH, ARCHITECTS

SAHLER STORAGE  
 BUILDINGS

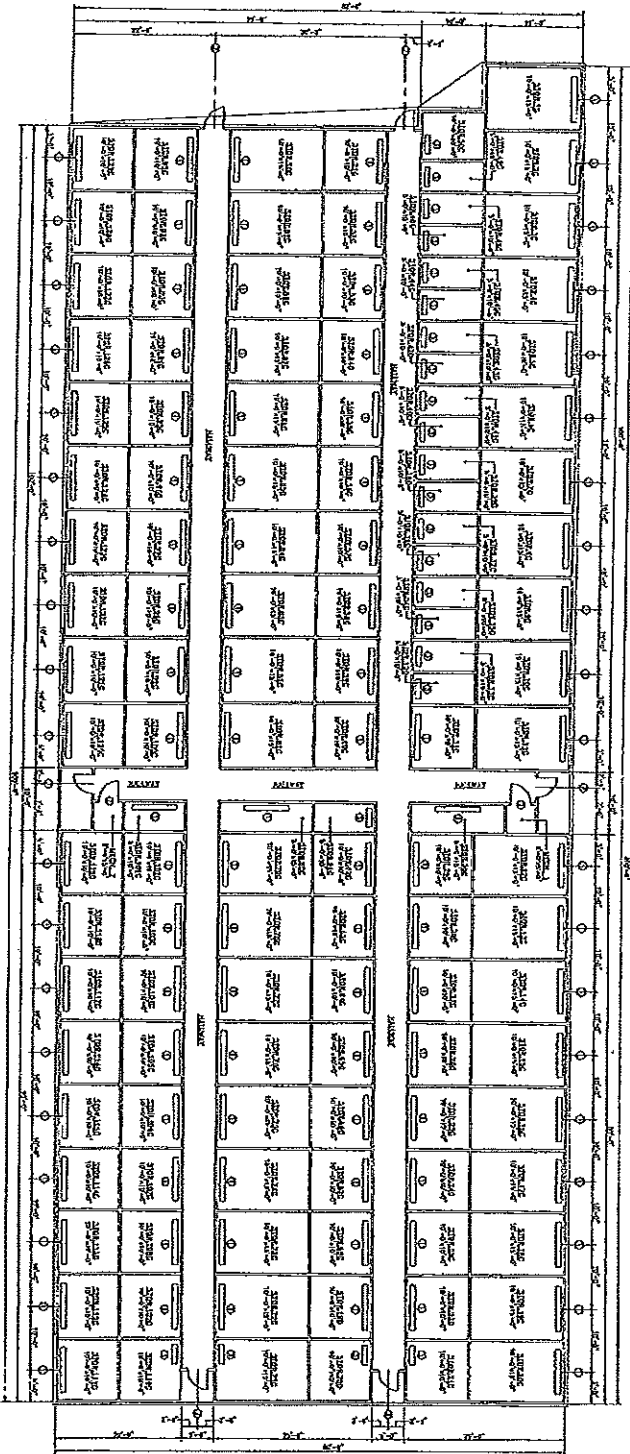
SCALE	1/8" = 1'-0"
DATE	11-27-15
PROJECT	SAHLER STORAGE
NO.	A-7
DATE	11-27-15



FLOOR PLAN - STORAGE BUILDING 'A' - PART 'B'  
 SCALE: 1/8" = 1'-0"



FLOOR PLAN - STORAGE BUILDING 'C'  
 SCALE 1/8" = 1'-0"



DOOR SCHEDULE

NO.	TYPE	LOCATION	REMARKS
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PROJECT	...
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ARCHITECT	...
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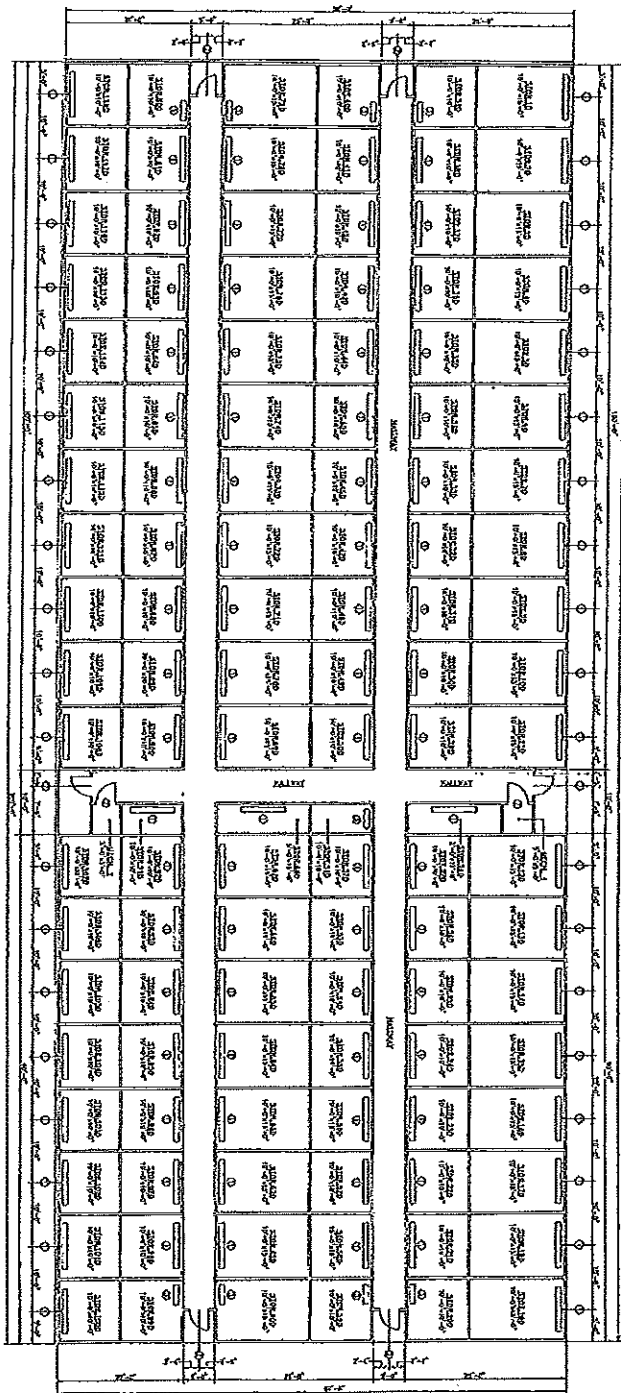
**SAHLER STORAGE BUILDINGS**

66 E. Federal Road  
 Madison, Wis. 53719  
 Telephone: 224-1111  
**Greg Ainsworth, Architects.**

NO.	1374
DATE	...
BY	...
SCALE	...
PROJECT	...
DESCRIPTION	...
ARCHITECT	...
NO.	A-9



FLOOR PLAN - STORAGE BUILDING 'D'  
SCALE: 1/8" = 1'-0"



DOOR SCHEDULE

NO.	TYPE	LOCATION	REMARKS
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3	...	...	...

NOTE: ALL DOORS ARE TO OPEN IN TO CORRIDOR.

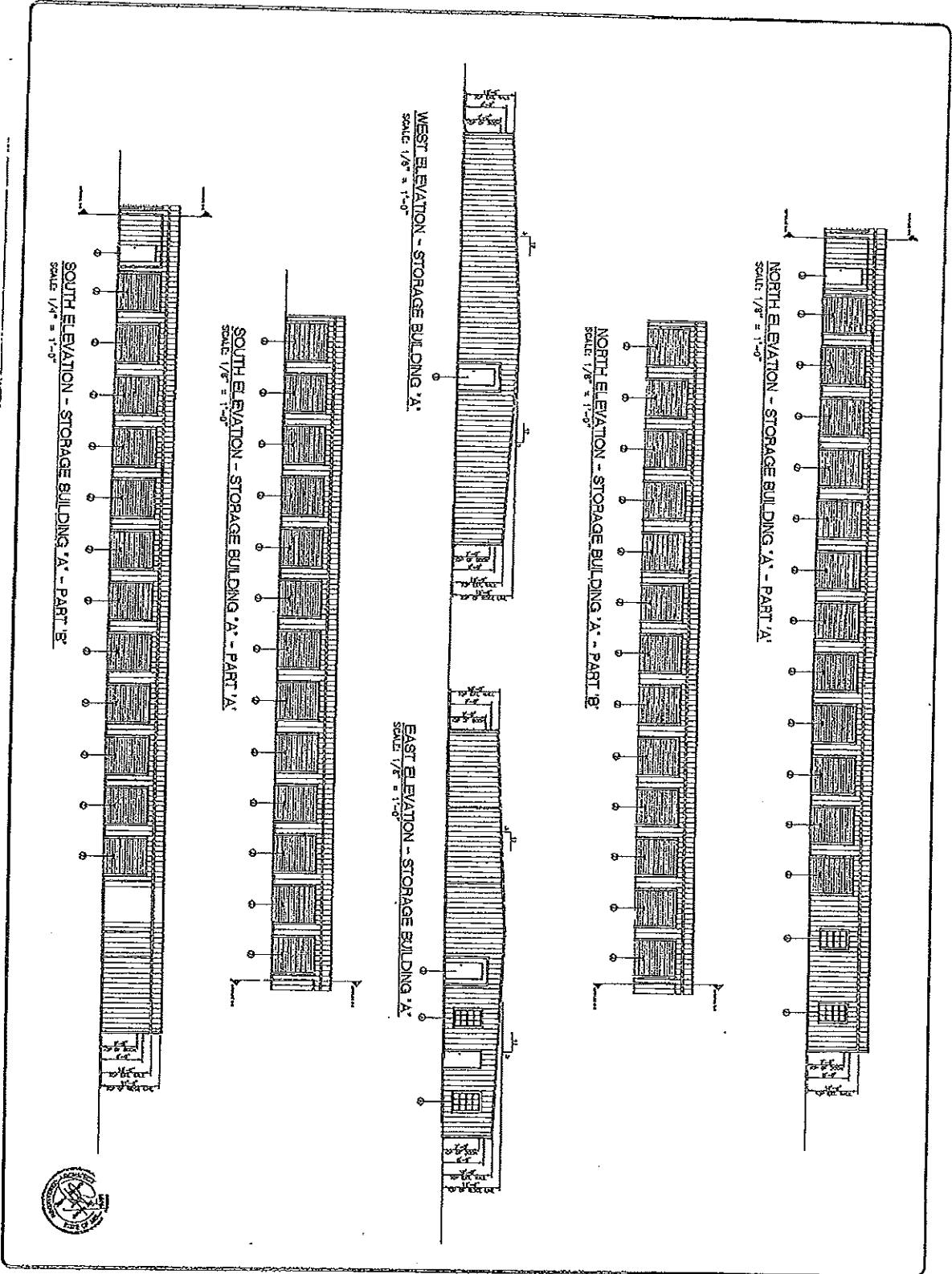


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A-10	11-17-75	...	...

**SAHLER STORAGE BUILDINGS**

Greg Ainsworth, Architects.

NO.	DATE	BY	REVISION

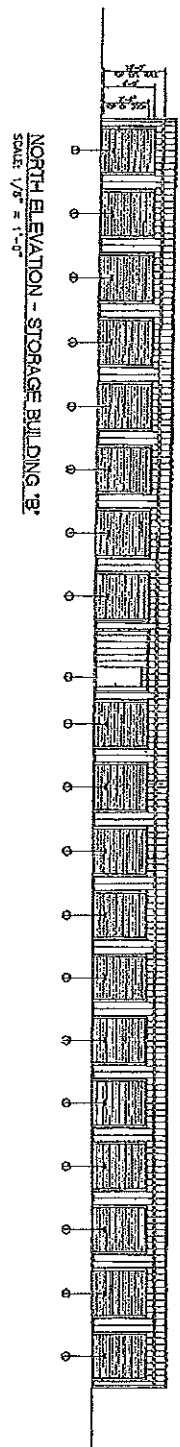


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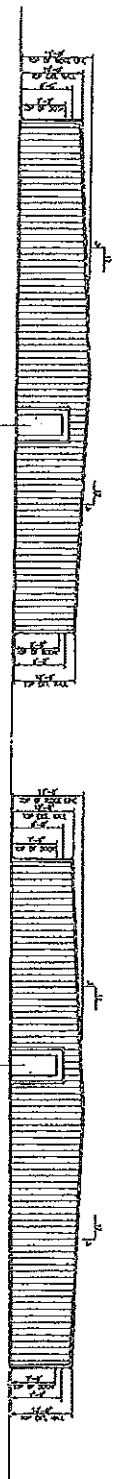
**SAHLER STORAGE BUILDINGS**

Greg Ainsworth, Architects.

REVISION	BY

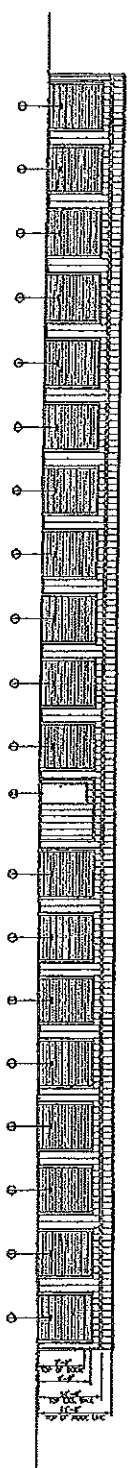


NORTH ELEVATION - STORAGE BUILDING 'B'  
SCALE 1/8" = 1'-0"



WEST ELEVATION - STORAGE BUILDING 'B'  
SCALE 1/8" = 1'-0"

EAST ELEVATION - STORAGE BUILDING 'B'  
SCALE 1/8" = 1'-0"



SOUTH ELEVATION - STORAGE BUILDING 'B'  
SCALE 1/8" = 1'-0"



DATE	NO.	BY	CHKD.
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SAHLER STORAGE BUILDINGS			
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**SAHLER STORAGE BUILDINGS**

Greg Ainsworth, Architects,

NO.	DATE	BY	CHKD.







**TAB 2**

**Letter from Matthew Miller regarding Site Plan**

## Scott Weeks

---

**From:** gregainsworth@att.net  
**Sent:** Friday, March 04, 2016 7:08 PM  
**To:** Scott Weeks  
**Subject:** Fw: L&H Holdings Storage Facility-Gluckstadt

Sent from Surface

**From:** Matthew Miller  
**Sent:** Friday, March 4, 2016 2:37 PM  
**To:** scott.weeks@madison-co.com  
**Cc:** greg alnsworth

Scott,

As we discussed today, the developer intends to place a fence around the entire Storage Facility which is being proposed in Gluckstadt. His plan is to build a 8' tall black vinyl coated chain link fence along the front of the facility and it will extend down the west side of the facility until it reaches the gate. He is going to install a galvanized 8' chain link fence around the remainder of the facility. The east side of the property already has a wooden fence along the property line, so the thought was to place the galvanized fence right along the wooden fence. The south side of the property is separated by a treeline from any residences to the south. I plan to be at the meeting next Thursday to discuss this with the committee if need be. Our client is flexible on this as wood fences would actually cost less, but the metal fences typically tend to look better in the long run since they don't require as much maintenance.

Also, I noticed one of the comments in the minutes referenced having a 25' green space buffer between the property and the adjoining neighborhood. I believe this may be a typo as a 20' greenspace is required and we are meeting that requirement on our drawings.

Thanks for taking the time to help us with this Scott. I hope this is what you needed, and if not, please let me know and I will get it to you ASAP. Hope you have a good weekend, and I will see you next Thursday.

Thanks again,

Matthew Miller, P.E., P.L.S.



26 Eastgate Drive, Suite C  
Brandon, MS 39042  
Office: 601-825-8341  
Fax: 601-825-3032  
[matthew@guestconsultants.com](mailto:matthew@guestconsultants.com)



**TAB 3**

**February 2016 Minutes Planning Commission**

MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 11<sup>th</sup> DAY OF FEBRUARY, 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 11<sup>th</sup> day of February, 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  
Dr. Bill Howard  
Rev. Henry Brown

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 nomination of President for the Planning and Zoning Commission. Upon Motion by Commissioner Brown to nominate Commissioner Walter McKay, seconded by Commissioner Miller, with all voting "aye," the Motion to nominate Commissioner Walter McKay as the President passed.

There next came on for consideration the minutes of the January 14, 2016 meeting of the Commission. Upon motion by Commissioner Miller to approve the minutes, seconded by Commissioner Howard, with all voting "aye," the motion to approve the January 14, 2016 minutes 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 explained that they would like to table the petition for additional time to discuss with the surrounding property owners. Upon Motion by Commissioner McKay to table the petition, seconded by Commissioner Howard, 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. Upon Motion by Commissioner Drane to table the petition, seconded by Commissioner Howard, with all voting "aye," the motion to table the petition passed.

There next came on for consideration the site plan of X-1000 New Commercial Buildings located on American Way. Daniel Wooldridge appeared on behalf of Petitioner. Commissioner McKay inquired regarding the elevations and Mr. Wooldridge explained that it was above the flood zone. Zoning Administrator Weeks explained that the County Engineer would review and have the final approval. Mr. Wooldridge agreed to make the building aesthetically pleasing by placing brick on the ends and on the back of the building facing the Interstate. It was discussed that the pond drainage would also be reviewed by the County Engineer. Upon Motion by Commissioner Miller to approve the site plan subject to 1) the County Engineer signing off on the drainage and other issues and 2) Petitioner adding more aesthetically pleasing brick materials to ends and faces of buildings view-able from the interstate, as set forth herein, 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 Big Ten Tire for reconstruction of a commercial structure located at 110 Dees Drive in Madison. George Chatham appeared on behalf of Petitioner. Following inquiry by Commissioner McKay, Mr. Chatham agreed to provide the same EIFS wall treatment on the Interstate side of the building that would be used on the front side of the building. He further explained they will also have a covered area for drop off and pick up on the front of the building. Upon Motion by Commissioner McKay to approve the site plan subject to 1) the County Engineer signing off on the plans and 2) Petitioner using EIFS on the rear side toward the Interstate similar to the front of the building, seconded by Commissioner Howard, 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. Greg Ainsworth appeared on behalf of Petitioner. Commissioner Drane addressed concerns regarding lighting, the appearance of the building, the current chain link fence and any potential plans for a wood fence around the facility including how it would be maintained. Commissioner Drane was especially concerned regarding razor-wire style fencing and how all of these specific things would affect the adjoining neighborhood. Mr. Ainsworth stated that they property owner would be willing to do a wood fence around the facility which they would maintain and confirmed there would be a twenty-five (25) foot green space buffer between it and the nearby neighborhood. He further confirmed there would be no pole lights, only lighting on the building that would be downward facing. He said they would be willing to use brick facade to make the appearance aesthetically pleasing. Commissioner McKay expressed concern regarding landscaping on the east side of the building where there is a slope that may create washing without some protection. Zoning Administrator Weeks confirmed that the County Engineer would need to sign off on final approval of the plan including landscaping and drainage. Upon Motion by Commissioner Drane to table the site plan so that petitioner can come back with a more specific plan addressing the concerns regarding lighting, fencing, landscaping, any drainage issues, and the building's appearance, seconded by Commissioner Howard, with all voting "aye," the motion to table the site plan passed.

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

There next came on for discussion the setting of the March, 2016 meeting. March 10, 2016 was discussed. Upon motion by Commissioner Brown, seconded by Commissioner Drane, with all voting "aye," the motion to set the March 2016 meeting for March 10, 2016 passed.

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

3-10-16  
Date

Walter J. M. Kay  
(Chairman)

**TAB 4**

**March 2016 Minutes Planning Commission**

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 10<sup>th</sup> 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 Castle Phase 4 was just done and all of those are 2 or more acres and still in the process of being 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 Clarkdcil 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 Horryngfort, 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 meeting 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)

**TAB 5**

**April 2016 Minutes Planning Commission**

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 Aulenbrook 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 Herringfort 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  
WAT

**TAB 6**

**June 2016 Minutes Planning Commission**



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

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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 9<sup>th</sup> 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 Aulenbrook 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

Walter McKay  
(Chairman)

**TAB 7**

**Information sheet adopted at June 2016  
Meeting of Planning Commission**

**Planning & Zoning Commission**  
**Policy Information Sheet**

**(original or revision date)**

**(1) Tabling items on the agenda**

Any tabled agenda item, whether the matter is a re-zone, site plan review, or failure to appear of petitioner, shall not be automatically placed on the next month's agenda. Said item shall be placed on the next agenda only if the petitioner contacts the ZA in writing by noon on the Friday prior to the P & Z meeting, thus certifying that reasons for tabling have been met or questions resolved. Failure to make such contact will automatically defer item without penalty.

**(2) Appealing P&Z Decisions to the Board of Supervisors**

The P&Z Commission makes decisions on rezoning and other petitions based on the information presented by all parties. Entities have the right to appeal P&Z rulings to the Board of Supervisors, but are not allowed to introduce new information that was not presented to the P&Z initially, unless requested to do so by the Board of Supervisors. Appeals by parties will be based on and address matters originally heard and considered by the P&Z Commission and will not involve the introduction of additional petitions, pleas, drawings, changes or revisions.

**(3) Rezoning with Covenants and Restrictions Attached**

If any parcel is approved by P&Z for rezoning or special use provision, with restrictive covenants attached, the approval WILL NOT take effect and WILL NOT go forward to the Board of Supervisors for final approval until the Proof of Filing of all the covenants has been brought back to the P&Z Commission. Proof of Filing will be recorded in the P&Z minutes. These recorded covenants will be passed on to the BOS for inclusion in their minutes when the matter is referred to them.

(There have been parcels rezoned in prior years where the rezoning was contingent upon restrictive covenants. There have been cases where the landowner failed to properly record the covenants as required by the P&Z Commission. It is the position of this Commission that those covenants (as documented in the P&Z minutes) are permanently attached to that parcel regardless of whether or not the landowner filed them.)

#### **(4) Presentation of P&Z action (denial/approval) for Board of Supervisors' consideration**

When the P&Z Director presents P&Z items to the Board of Supervisors, for their deliberation and consideration, s/he will present a concise overview of each item in order for the BOS to make an informed decision. The overview will list any restrictive covenants for the record and will summarize the basis of The Commission's denial/approval. This presentation will serve as the Commission's recommendation to The Board.

All items passed to BOS for final approval shall be accompanied with approved P&Z minutes.

#### **(5) Misc**

A signed copy of the Policy Information Sheet shall be included with any rezoning proposal/petition. This policy information sheet is intended to facilitate our process and assist all parties. If amended or revised, this information sheet will contain a revision date. If not, its original implementation date will be shown.



**TAB 8**

**Andy Clark's letter to Planning Board  
regarding Covenants on Property**

LAW OFFICES OF ANDY J. CLARK, PLLC  
350 INDUSTRIAL DRIVE SOUTH  
MADISON, MS 39110

P-601-622-7334

andy@andyjclark.com

F-601-898-1025

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July 6, 2016

VIA E-MAIL ONLY

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Katie Bryant Snell, PLLC  
P.O. Box 3007  
Madison, MS 39110  
[katy@katiebryantsnell.com](mailto:katy@katiebryantsnell.com)

Scott Weeks, Administrator  
Madison County Planning and Zoning  
P.O. Box 608  
Canton, MS 39046  
[scott.weeks@madison-co.com](mailto:scott.weeks@madison-co.com)

Leah Nichols Ledford, Esq.  
Scott, Sullivan, Streetman & Fox  
P.O. Box 13847  
Jackson, MS 39236  
[lledford@sssf-ms.com](mailto:lledford@sssf-ms.com)

**RE: L & J Holdings, LLC / Storage facility / Aulenbrock Drive**

Dear Katie, Leah and Scott:

As you are aware, and as we have discussed, I represent L & J Holdings, LLC, the developers of certain property on Aulenbrock Drive in Madison County. My clients plan to develop their property to include a storage facility, and have submitted their site plan to the Planning & Zoning Commission for approval.

Recently, the subject of certain unrecorded covenants that were attached to an April 25, 2006 Petition to Rezone and Reclassify Real Property have come to light. I attach a copy of that Petition hereto as **Exhibit "A"** for your easy reference.

I understand that the argument has been advanced that these unrecorded covenants became part of the zoning on this particular parcel. I find no legal authority to support such argument, and have been provided none by any proponent of such argument. However, detailed analysis of the entirety of the circumstances show such argument to be fatally flawed.

## THE PETITION

The Petitioners on the April 25, 2006 are listed as Sartain Associates, Inc. and Phillip Nelson. Upon review of the Madison County land records, Phillip Nelson owned the property at the time of this petition. See Warranty Deed attached hereto as **Exhibit "B."** However, Sartain Associates, Inc. did not hold title to the property. In fact, based on review of the Madison County land records, Sartain Associates, Inc. has never owned the subject property. Rather, the property was conveyed from Phillip Nelson to Sartain Properties, LLC. See Warranty Deed and Quitclaim Deed attached hereto as collective **Exhibit "C,"** (note: this conveyance to Sartain Properties, LLC was made on July 20, 2006, *after* the filing of the petition, and there is no reference to any covenants in either deed from Nelson to Sartain). This distinction is important in considering the unrecorded covenants, as discussed below.

Secondly, the plain language of the petition states that "[u]se of the property shall be for any as permitted under the C-2 designations for Madison County, Mississippi and subject to restrictions as designated by Restrictive Covenants to be recorded, See **Exhibit "A,"** at paragraph 4 (emphasis added). It is an uncontested fact that these covenants have never been recorded. Moreover, even if they had been recorded, they would be of no moment, as Sartain Associates, Inc. has never held title to the property.

Thirdly, the plain language of the petition states that "[i]n order to insure, as reasonably as is possible, the development of a desirable commercial property, Restrictive Covenants shall be placed on the subject property as outlined in attached document, Exhibit F." *Id.* at paragraph 5. Again, the purported Declarant of the covenants was not, and never has been an owner, or developer of the property; the proposed covenants were never placed on the property; and there is no mention of such unrecorded covenants becoming part of the zoning in the petition, the Planning and Zoning minutes, or the Board of Supervisors minutes. See, generally, **Exhibit "A,"** see also *June 8, 2006 Minutes of Planning and Zoning Commission*, attached hereto as **Exhibit "D,"** and excerpt from the *June 26, 2006, Minutes of the Board of Supervisors of Madison County*, attached hereto as **Exhibit "E."**

## THE UNRECORDED COVENANTS

It is uncontested that these covenants were never recorded in the Madison County land records. Accordingly, they did not and cannot attach to, or run with the land. Furthermore, there is absolutely no mention of these, or any covenants, in the chain of title from the time that Phillip Nelson owned the property, up until the time that my clients took possession. See various deeds, attached hereto as collective **Exhibit "F."** Accordingly, even upon thorough review of land records in a title search, no one in the chain of title, and most importantly, my clients, would be given any indication of any purported covenants burdening the property. Therefore, any decision of the Planning and Zoning Commission to bind my clients by unrecorded covenants would be arbitrary, capricious, unjust and patently unfair.

Secondly, in the first paragraph of the petition, Sartain Associates, Inc. falsely held itself out as the "owner and developer" of the property. Sartain Associates, Inc. has never held title to the property. See collective Exhibit "F." Accordingly, Sartain Associates, Inc. was never the "owner" of the property, and, therefore could never be the "Declarant" with regard to any purported restrictive covenants.

Notably, the unrecorded covenants, by their own terms, and "*once recorded*", were only to be for a specific duration of time, and would expire on January 1, 2026. See purported covenants attached to Exhibit "A," at Article I, Section 101.01 (emphasis added). This does not square with the argument that these unrecorded covenants became part of the zoning. Would the zoning only be good for a specific duration of time? Does the zoning go away after the covenants expire? This doesn't make logical sense, and any such argument must fail.

### THE ORDINANCE

Nowhere in the ordinance is there any support for the argument that the unrecorded covenants somehow become part of the zoning, and no proponent of such argument has come forth with any support for such argument. The only mention in the Ordinance of anything becoming part of the zoning is in reference to the site plan. "The approved site plan shall become the zoning requirements for the property involved. See Madison County Zoning Ordinance at Article XXVI, Section 2608, Paragraph 2608.06. "There is a presumption of validity of a governing body's enactment or amendment of a zoning ordinance and the burden of proof is on the party asserting validity." *Drews v. City of Hattiesburg*, 904 So.2d 138, 140 (Miss. 2005). The Ordinance drafters' specific inclusion of language regarding the site plan becoming part of the zoning, and their specific exclusion of any language regarding covenants becoming part of the zoning is indicative of their intent as to what should become part of the zoning, and no proponent of the contrary argument has met their burden of proof otherwise.

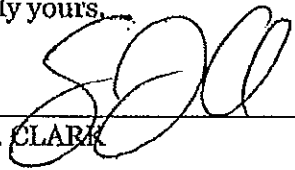
As you are aware, and as Ms. Ledford has explained to the Commission, there are certain limitations under the Ordinance as to what can be restricted, and site plan review is not subject to a public hearing. See April 14, 2016 Planning and Zoning Minutes, attached hereto as Exhibit "G." Ms. Ledford also explained that things such as the type of business were not restrictions that could be imposed when considering a site plan under the law. *Id.*

My clients have met all of the requirements for site plan review. Furthermore, although not obligated under the Ordinance, or under the law, at the direction of the Planning and Zoning Commission, my clients have previously met with certain residents of Bradshaw Ridge in an attempt to address their concerns. Most recently, at the April 14, 2016 meeting, site plan approval was tabled in order to try and work out an agreement with the residents of Bradshaw Ridge. *Id.* However, following that meeting, I was advised by counsel for certain residents of Bradshaw Ridge that his clients wish to take the position that the subject unrecorded covenants are binding. As set forth above, no authority has

been set forth in support of such position, and for the reasons set forth herein, such argument is fatally flawed.

By copy of this correspondence to Administrator Scott Weeks, my clients wish to have their site plan placed on the agenda for the July 14, 2016 meeting, and ask that the site plan be approved.

Very truly yours,

  
\_\_\_\_\_  
ANDY J. CLARK

cc: Lee Sahler (via email only)  
Jeff Cox (via email only)  
John Howard Shows, Esq. (via email only)

ORIGINAL

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF  
MADISON, STATE OF MISSISSIPPI

IN THE MATTERS OF REZONING OF  
CERTAIN LANDS SITUATED IN SECTION  
27 OWNERSHIP 8 NORTH, RANGE 2 EAST  
MADISON COUNTY, MISSISSIPPI

APPROVED  
BY MADISON COUNTY  
BOARD OF SUPERVISORS  
Date 6/26/06  
Ronny Lott, Chancery Clerk  
By C. K. K. D.C.

SARTAIN ASSOCIATES, INC. PETITIONER.  
PHILLIP NELSON, PETITIONER

PETITION TO REZONE AND RECLASSIFY REAL PROPERTY

Comes now Sartain Associates, Inc., a Mississippi Corporation, and Phillip Nelson, owner of the hereinafter described land and property, and files this petition with the Board of Supervisors of Madison County, Mississippi, to rezone and reclassify a tract or parcel of land situated in Section 27, Township 8 North, Range 2 East, Madison County, Mississippi, and more particularly described as follows, to-wit:

SEE ATTACHED EXHIBIT A

from its present Use District Classification of R1 to a C2 District, in support thereof would respectfully show as follows, to-wit:

1. The subject property consists of approximately 23 acres with two homes constructed on-site. Utilities served to site are water and sewer by Bear Creek Water Association, gas by Centerpoint Energy and electrical by Entergy.
2. Existing C-2 designations adjacent to subject parcel includes: two acres fronting Yandell Road in the NE corner of site, 8 acres East of site, a mini-storage facility North across Yandell Road and the Entergy sub-station West of site. A portion of the subject parcel is bordered to the North, East and South by Residential.

P.C. Action: Approved 6/8/06

3. Existing C-2 designations and the electric sub-station adjoining subject site, along with its access off Yandell Road render the property as undesirable for Residential purposes.

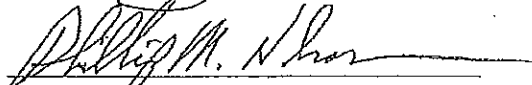
4. Use of subject property shall be for any as permitted under the C-2 Commercial designations for Madison County, Mississippi and subject to restrictions as designated by Restrictive Covenants to be recorded.

5. In order to insure, as reasonably as is possible, the development of a desirable commercial property, Restrictive Covenants shall be placed upon subject property as outlined in attached document, Exhibit F.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that this petition be received, and after due consideration, the Board of Supervisors of Madison County will enter an order (amending the Land Use Plan) rezoning and reclassifying this property from its present R1 District classification to C2 District.

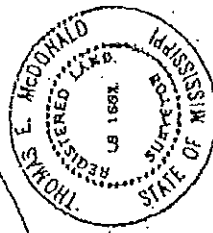
Respectfully submitted this the 25<sup>th</sup> day of April, 2006

  
Sartain Associates, Inc., President

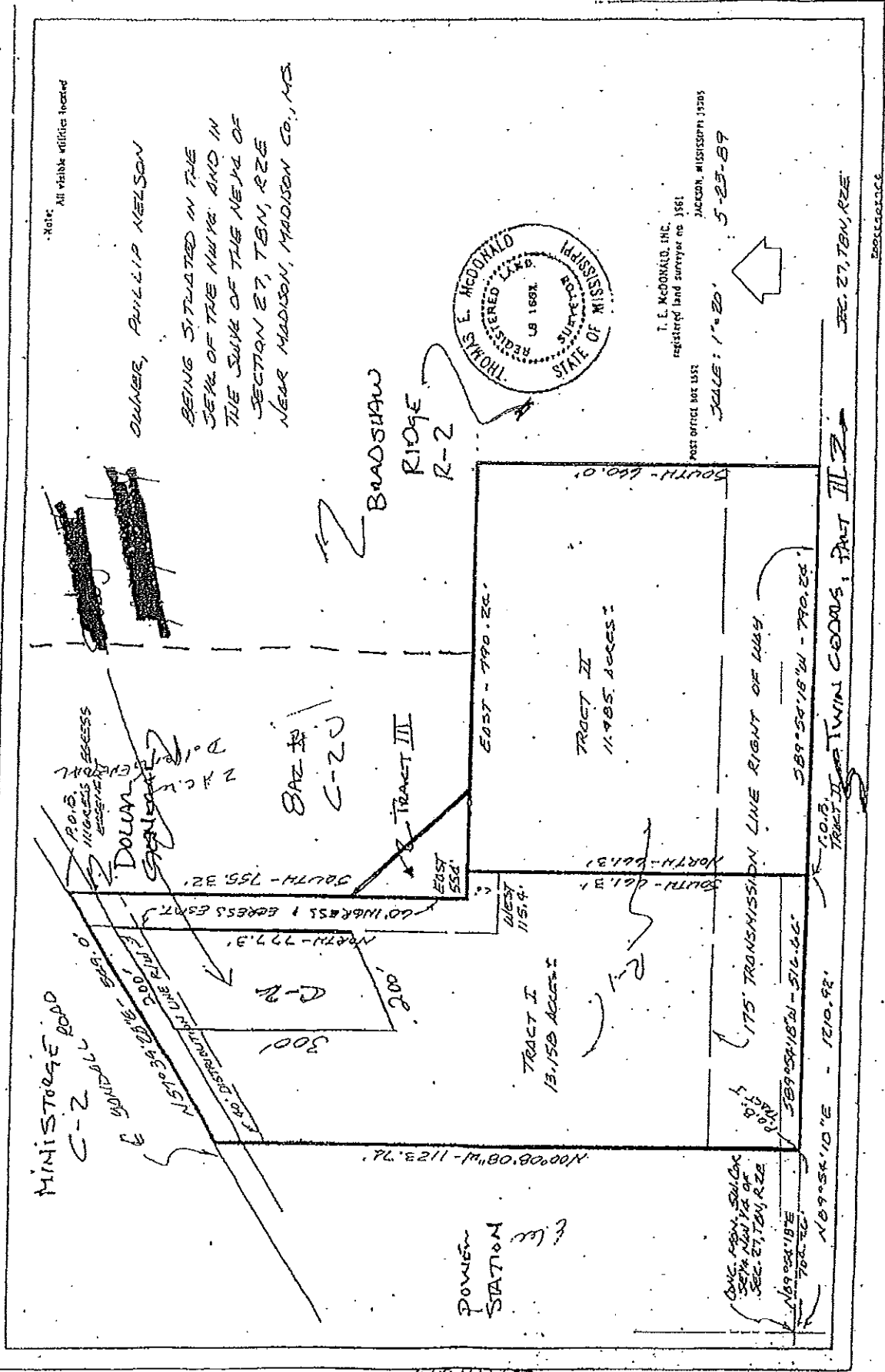
  
Phillip Nelson, Owner

Note: All visible utilities located

OWNER, PHILLIP NELSON  
BEING SITUATED IN THE  
SE 1/4 OF THE NW 1/4 AND IN  
THE SW 1/4 OF THE NE 1/4 OF  
SECTION 27, T8N, R2E  
NEAR MADISON, MADISON CO., MS.



T. E. McDONALD, INC.  
registered land surveyor no. 1881  
JACKSON, MISSISSIPPI 39205  
POST OFFICE BOX 1332  
DATE: 1" 20' 5-23-89



SEC. 27, T8N, R2E  
TWIN CREEKS, PART III

EXHIBIT A



EXHIBIT A  
PROPERTY DESCRIPTION

Tracts I, II & III  
Section 27, T8N, R2E  
Madison County, Mississippi

Tract I

A certain parcel of land lying and being situated in the NE  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 27, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds, to-wit:

Commencing at a concrete monument marking the southwest corner of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 27, thence N 89 degrees 54 minutes 18 seconds East along the line between the N  $\frac{1}{2}$  and the S  $\frac{1}{2}$  of said Section 27 a distance of 704.26 feet to the Point of Beginning of the property herein described; thence N 00 degrees 08 minutes 08 seconds West a distance of 1123.74 feet to a point in the centerline of Yandell Road; thence N 57 degrees 39 minutes 28 seconds East along the centerline of Yandell Road a distance of 549.0 feet to a point; thence South a distance of 755.32 feet to a point; thence East a distance of 55.4 feet; thence South a distance of 661.3 feet to a point on the aforesaid line between the N  $\frac{1}{2}$  and the S  $\frac{1}{2}$  of Section 27; thence S 89 degrees 54 minutes 18 seconds West along said line between the N  $\frac{1}{2}$  and the S  $\frac{1}{2}$  of Section 27 a distance of 516.66 feet to the Point of Beginning, containing 13.158 acres.

and

Tract II

A certain parcel of land lying and being situated in the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 27, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds, to-wit:

Commencing at a concrete monument marking the southwest corner of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 27, and run North 89 degrees 54 minutes 18 seconds East along the line between the N  $\frac{1}{2}$  and the S  $\frac{1}{2}$  of said Section 27 a distance of 1210.92 feet to the point of beginning of the property herein described; thence North along the east line of a certain 13.158 acre tract a distance of 661.3 feet; thence East a distance of 790.24 feet; thence South a distance of 660.0 feet; thence South 89 degrees 54 minutes 18 seconds West along the said line marking the N  $\frac{1}{2}$  and the S  $\frac{1}{2}$  of said Section 27 a distance of 790.24 feet to the point of beginning, containing 11.985 acres.

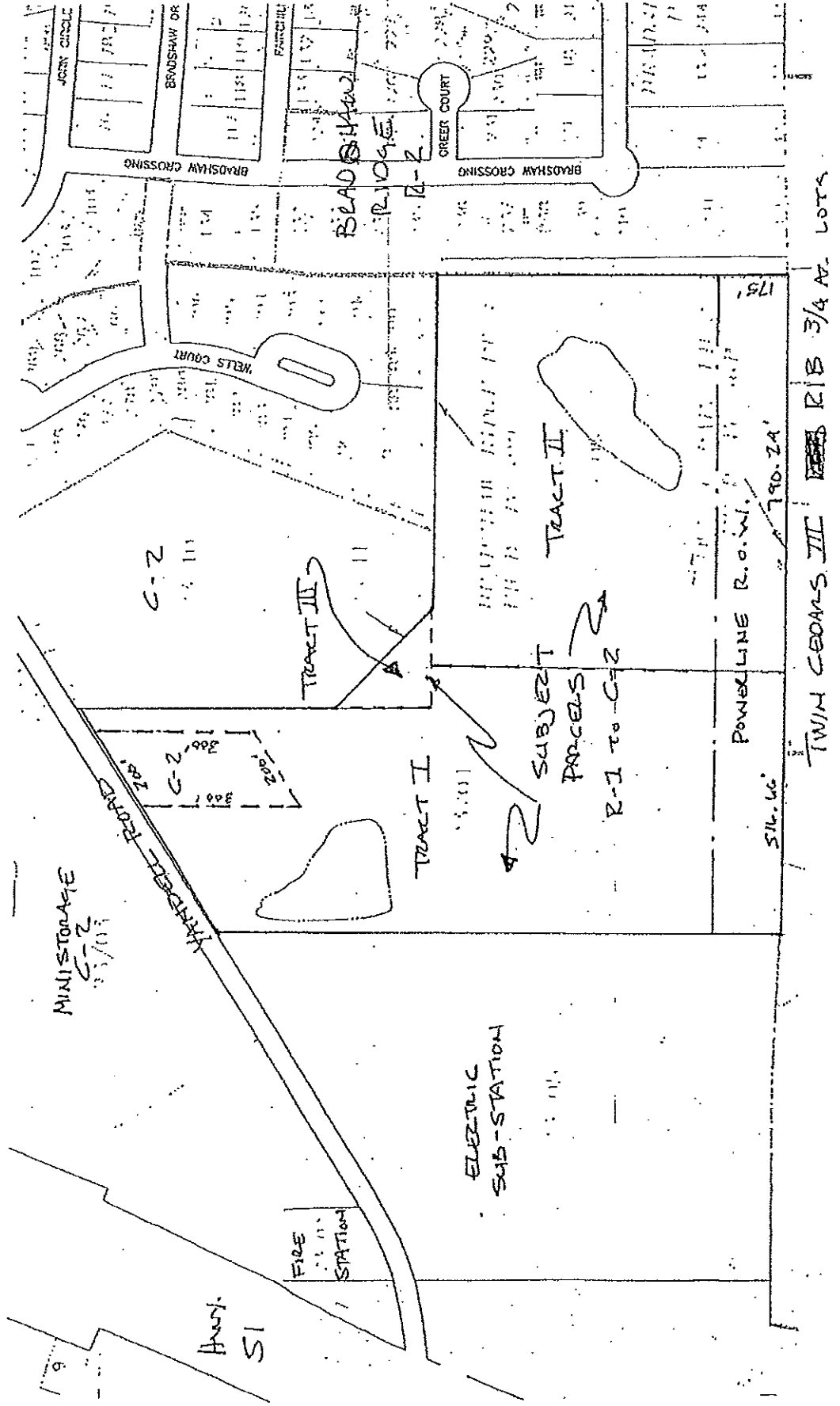
and

Tract III

A parcel of land lying and situated in the NE  $\frac{1}{4}$  and in the NW  $\frac{1}{4}$  of Section 27, Township 8 North, Range 2 East, Madison County, Mississippi being more particularly described as follows:

Commence at the SE corner of the NE  $\frac{1}{4}$  of said Section 27; and run thence S 89 degrees 56 minutes 45 seconds W along the south line on the NE  $\frac{1}{4}$  of said Section 27 for a distance of 5.00 feet to an iron pin; thence continue S 89 degrees 56 minutes 45 seconds W along said south line for a distance of 1938.80 feet to an iron pin; thence run N 0 degrees 00 minutes 00 seconds E for a distance of 660.00 feet to an iron pin; thence run S 90 degrees 00 minutes 00 seconds W for a distance of 645.65 feet to an iron pin which is the Point of Beginning of the parcel herein described. From the Point of Beginning continue thence S 90 degrees 00 minutes 00 seconds W for a distance of 200.00 feet to an iron pin; thence run N 0 degrees 00 minutes 00 seconds E for a distance of 200.00 feet to an iron pin; thence run S 45 degrees 00 minutes 00 seconds E for a distance of 282.84 feet to the Point of Beginning. This parcel contains 20,000 square feet of 0.46 acres, more or less.

NELSON PROPERTY  
SITUATED IN SECTION 27,  
T84, R2E, MADISON COUNTY, MS



MINI STORAGE  
C-2  
11/1/13

TRACT I  
300' 100' 225'

C-2

FIRE  
STATION

ELECTRIC  
SUB-STATION

SUBJECT  
PARCELS  
R-1 TO C-2

TRACT II

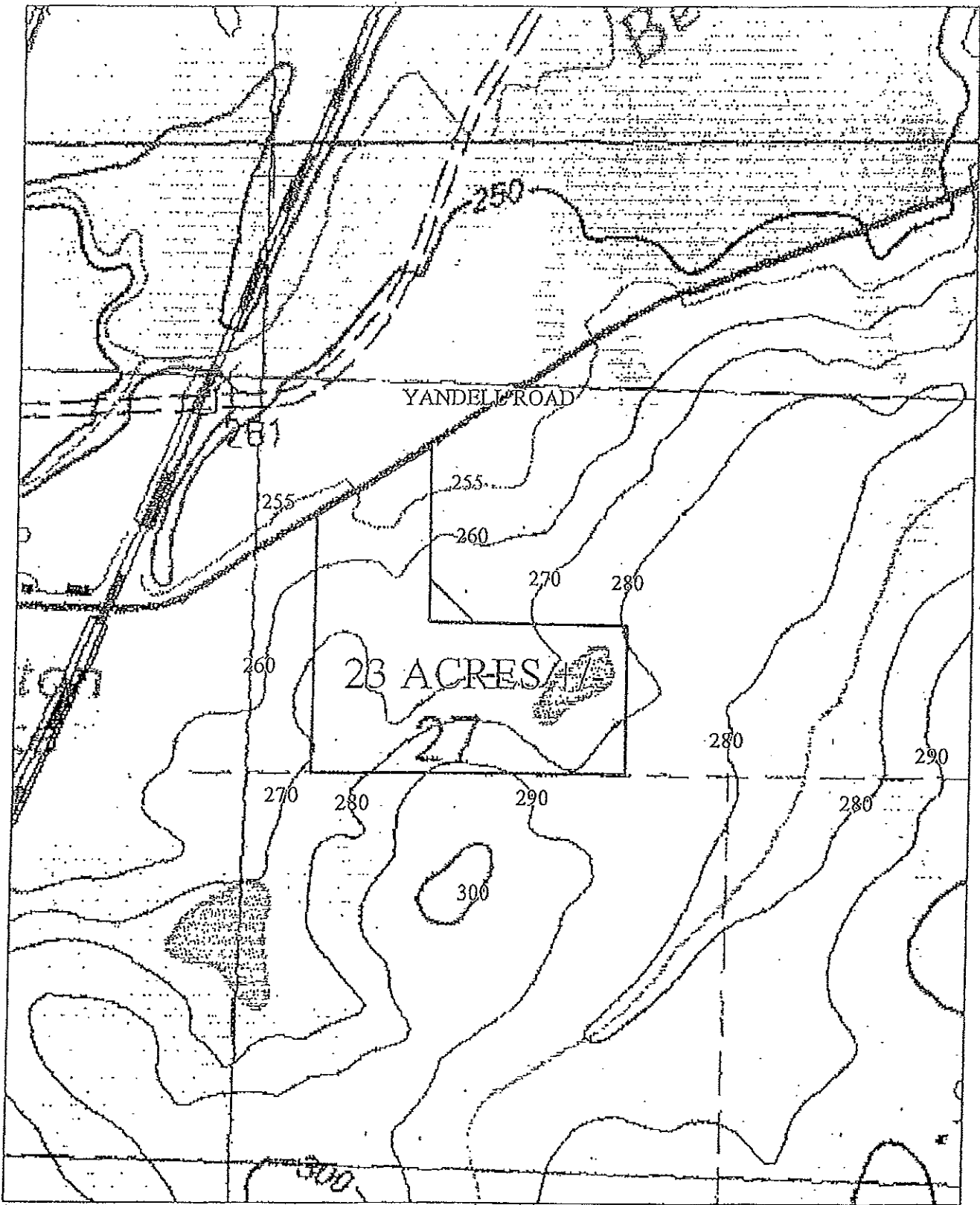
TRACT III

POWERLINE R.O.W.

514.66'

175.17'

TWIN CEDARS III RIB 3/4 AC LOTS



3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS

250 ft Scale: 1 : 6,400 Detail: 14-0 Datum: WGS84

NELSON PROP.  
SEZ. 27, T8N, R2E

## RESTRICTIVE COVENANTS

WHEREAS, Sartain Associates, Inc., a Mississippi Corporation, (herein after referred to as ("Declarant") is the owner and developer of the following described property located in Madison County, Mississippi, to wit:

See Exhibit "A", for a legal description of the subject property (the Property")

WHEREAS, the Declarant desires to make said Property to be a useful, economic and attractive property and, in order to accomplish said purpose, the said Declarant deems it advisable to place thereon a covenant running with said land;

NOW, THEREFORE, the undersigned Declarant hereby declares the Property shall be held, used and transferred subject to the following restrictive covenants:

### ARTICLE I

#### GENERAL PROVISIONS

##### 100. Purpose

100.01 The Property shall be established in order that there be an area within the community where it is deemed desirable to locate commercial and related operations. The purpose of these covenants is to govern the types of uses within the Property in order to protect Occupants, (hereinafter referred to as Owners, whether lessees or purchasers) and its neighbors against nuisance created by undesirable neighbors. Governing the use of the Property is accomplished by requiring all Owners to conform to certain performance standards based on measurable external nuisance, i.e., smoke, odor, noise, water and air pollution, etc.

100.02 The purpose of these covenants is to insure, as far as is reasonably possible, the development of a desirable commercial area, the preservation of property values, the increase of the aesthetic beauty, and the improvement of public acceptance of business which results from a high-quality commercial area. It is anticipated that the businesses locating in the area will follow the intent of these covenants. All real property shall be held, used and enjoyed subject to the limitations, restrictions and other provisions set forth herein.

##### 101. Duration of Covenants

101.01 Once recorded, these covenants shall be in effect until January 1, 2026 and run with the land. Any time prior to January 1, 2026, the Owners of a majority of the acreage within the Property may by a written declaration signed by them, change, alter, amend or extend such restriction, conditions and covenants as they desire, subject to the approval of the Madison County Board of Supervisors. Upon such approval, the written declaration shall be recorded in the Chancery Clerk's office provided, no change, alternation or amendment shall affect, invalidate, or make improper any usage or structure then in existence in conformity with these covenants.

## 102. Invalidation

102.01 Invalidation of any of these conditions, restrictions or covenants by a court of competent jurisdiction shall in no way affect any of the other provisions which shall remain in full force and affect.

## 103. Permitted Uses

103.01 Any use that is consistent with the C-2 zoning requirements of Madison County, Mississippi, as they exist now or as permitted elsewhere in this document; excepting prohibited uses, but no lot, land, premises, place or building shall be used and no building or structure shall be erected or placed which is arranged, intended or designated to be used for any purpose or business which is considered dangerous or unsafe, or which constitutes a nuisance, or which is noxious or offensive because of emission of dust, odor, gas, smoke, fumes or noise. No sound or odor shall be emitted from any part of the Property which is noxious or unreasonable or offensive to others. Without limiting the generality of the foregoing, no exterior speakers, horns, whistles, bells or other devices other than devices used exclusively for security, fire prevention or fire control purposes, shall be located or used on the Property except with the prior written approval of the owner successor.

## 104. Prohibited Uses

104.01 No land or building shall be used or occupied which does not conform to the standards set forth herein. In addition, the following uses are specifically prohibited;

104.01-01 Commercial cemeteries and Crematoriums.

104.01-02 Commercial incineration.

104.01-03 Junkyards or salvage yards.

104.01-04 Rubbish, garbage or trash dumps.

104.01-05 Drive in movie theaters, or above-ground sewage and water treatment plants

104.01-06 Amusement parks, Tattoo Parlors, and Adult Entertainment Facilities.

104.01-07 Automobile repair shops and body shops, except in cases where all vehicle storage is enclosed in a fenced area behind the shop areas. All vehicles stored shall be for the purposes of repair and release. Storage of abandoned vehicles or vehicles stored simply for the use of that vehicle's parts is prohibited. All vehicles must be repaired and returned to the owner within thirty (30) days of completion of repairs.

104.01-08 Any business or activity deemed illegal by the local governing law enforcement agency.

104.01-09 Mini-storage facilities are specifically prohibited.

104.01-10 No flashing signs shall be allowed on the Property.

104.01-11 Signs shall be submitted to the necessary governing authority for approval prior to installation.

## ARTICLE II

### 200. Approval of Plans and Specifications

200.01 The Declarant or its Assigns reserves the right to approve the architectural and engineering plans for the structures as well as the site plans to ensure compliance with these covenants and designated building codes. No construction or modification for existing construction shall be allowed to proceed prior to this approval. All plans and specifications shall be prepared under the direction of a professional engineer and/or architect registered in the State of Mississippi and shall bear his seal.

200.02 Prior to construction or alteration of any building or improvement on a building lot, two (2) sets of site plans and specifications for such building or alteration shall be submitted to the Declarant or its nominee. Written approval of such plans by the Declarant shall be proof of compliance. The site plan shall be drawn to a scale not greater than one (1) inch equals fifty (50) feet and shall show the following:

200.02-01 All lot line dimensions.

200.02-02 Building setback, side line and rear yard distances.

200.02-03 Location of off-street parking areas with dimensions showing parking spaces, access, drives, traffic circulation, and the location and description of any lighting in connection with the parking area. This includes the location and dimensions of all loading and unloading docks and area.

200.02-04 Location and description of all proposed signs.

200.02-05 Types of surfaces, paving and curbing.

200.02-06 Storm drainage facilities and means of disposal of storm water.

200.02-07 All landscaping, fences, walls or similar facilities to be provided. All lots adjoining any Residential designation shall be landscaped with trees and/or shrubs that are fast growing so as to provide a dense buffer. Said buffer shall meet the minimum rear setback requirement as per the Madison County Zoning ordinance.

200.02-08 Location of all structures within one hundred (100) feet of a property line.

200.02-09 The specific types of material to be used in construction.

200.02.10 Outside lighting plan. All lots shall provide outside lighting that shall be directed away from any adjoining Residential designation so as not to be a nuisance to said adjoining property.

200.03 If the site plan is rejected by the Declarant or its nominee, the applicant shall remedy any and all objectionable items in the plan prior to further consideration.

#### 201. Required Condition

201.01 Setbacks Setbacks shall comply with zoning requirements of the County as they exist now and as to any future building as said zoning requirements may exist in the future.

201.02 Trees Each Owner of the property shall exert its best efforts to preserve the natural beauty of its respective property and, in this regard, shall not needlessly destroy or remove live trees, other than those in an area where construction will take place. Where possible, at parking lots or entrances, trees and shrubs shall be provided by the Owner.

201.03 Commencement of Construction Each Owner shall begin construction within the time period agreed upon in writing by the Owner and Declarant, and once construction has begun or commenced, such Owner shall continue construction to completion in a timely manner.

201.04 Front Elevation Materials Front and side elevations facing the street shall be constructed solely or a combination of brick, architectural block, masonry or synthetic stucco, wood siding, or other materials as may approved by Declarant upon Architectural Review. Metal siding is specifically prohibited.

201.05 Outside Storage All outside storage areas shall be fenced to a minimum height of six (6) feet and a maximum height of eight (8) feet, and all such fencing shall be of a type to provide solid screening. No fence shall be allowed without Declarant's or its successor's approval.

202.01 All of the following minimum standard must be complied with:

202.01-01 Fire and Explosion Hazards All activities shall be carried on only in structures which conform to the National Board of Fire Underwriters' standards concerning the plan operation and storage of explosive raw materials, fuels, liquids, and



finished products. No activity shall be conducted on and no improvement shall be constructed on any of the Property which is or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no radiation or toxic substances shall be created on or emitted from the Property, no firearms shall be discharged upon the Property and no open fires shall be lighted or permitted on the Property.

202.01-02 Smoke, Fumes, Gases, Dust Odors There shall be no emission of any smoke, fumes, gas, dust or odors. These and any other atmospheric pollutant which are noxious to the human senses to the boundaries of the lot occupied by the emitter are prohibited. In any case, the limits of such emission of air pollutants shall be subject to the approval of the Mississippi Department of Environmental Quality.

202.01-03 Vibration There shall be no vibration which is discernable on the human sense of feeling beyond the immediate site on which such activity is conducted.

202.01-04 Maintenance No property herein shall be permitted to fall into disrepair, and all property, including any improvements and landscaping thereon, shall be kept and maintained by the Owners thereof in a clean, safe, attractive and aesthetically pleasing condition, not visibly in disrepair or lacking exterior paint, with windows glazed and paving swept. Any building which is vacant for any reason shall be kept locked and the windows shall be glazed in order to prevent entrance by vandals. All grounds shall be maintained in a safe, clean and neat condition free of rubbish and weeds. Lawns shall be kept in a mowed condition. Roads and pavements shall be kept in good repair. Drainage systems shall be kept clean and free of obstacles. Parking areas, lighting and signage shall be kept clean and in good repair. To the extent reasonably possible, all plantings shall be maintained in a healthy condition. Dead or dying plants shall be removed as quickly as possible, and, subject to seasonal limitations, replaced as quickly as possible, and in any event within thirty days after notification from the Declarant or its successor.

202.01-05 Garbage and Trash No refuse, garbage, trash or scrap lumber or metal, and no grass, shrub or tree clippings; and no plant waste, compost, bulk materials or debris of any kind shall be kept, stored or allowed to accumulate on the Property except within an enclosed structure or container approved by the Declarant or its successor or unless appropriately screened from view, in a manner acceptable to the Declarant or its successor.

202.01-06 Temporary Structure No temporary structure or temporary building shall be placed on any Property except with the prior written consent of the Declarant or its successor in each instance.

202.01-07 Antennas, Aerials and Dishes No exterior radio antenna or aerial, television antenna or aerial, microwave antenna, aerial or dish, or other antenna, aerial, dish or similar facility of any type shall be erected or maintained on the Property (specifically including any site) without the prior written approval by the Declarant or its successor of the location of and screening for any subject object.

202.01-08 Resubdivision Any lot may be resubdivided so long as subdivided parcels meet the minimum lot size of one half acre as required by Madison County for C-2 zoning designation.

ARTICLE II

300.01 The terms and conditions set forth in these restrictive covenants shall apply upon the sale or lease of property by the Declarant. If at such time the Declarant no longer has any ownership or leasehold interest in the Property, any responsibilities or duties of the Declarant under these covenants shall be delegated to a Development Review Committee to be established by the Owners of the Property.

ARTICLE III

400.01 Enforcement. Enforcement of these Covenants may be made by any Owner by a suit at law or in equity. The defaulting party shall be responsible for a reasonable attorney's fee and all court costs.

IN WITNESS WHEREOF, the Declarant has caused these Restrictive Covenants to be created this \_\_\_\_ day of \_\_\_\_\_, 2006.

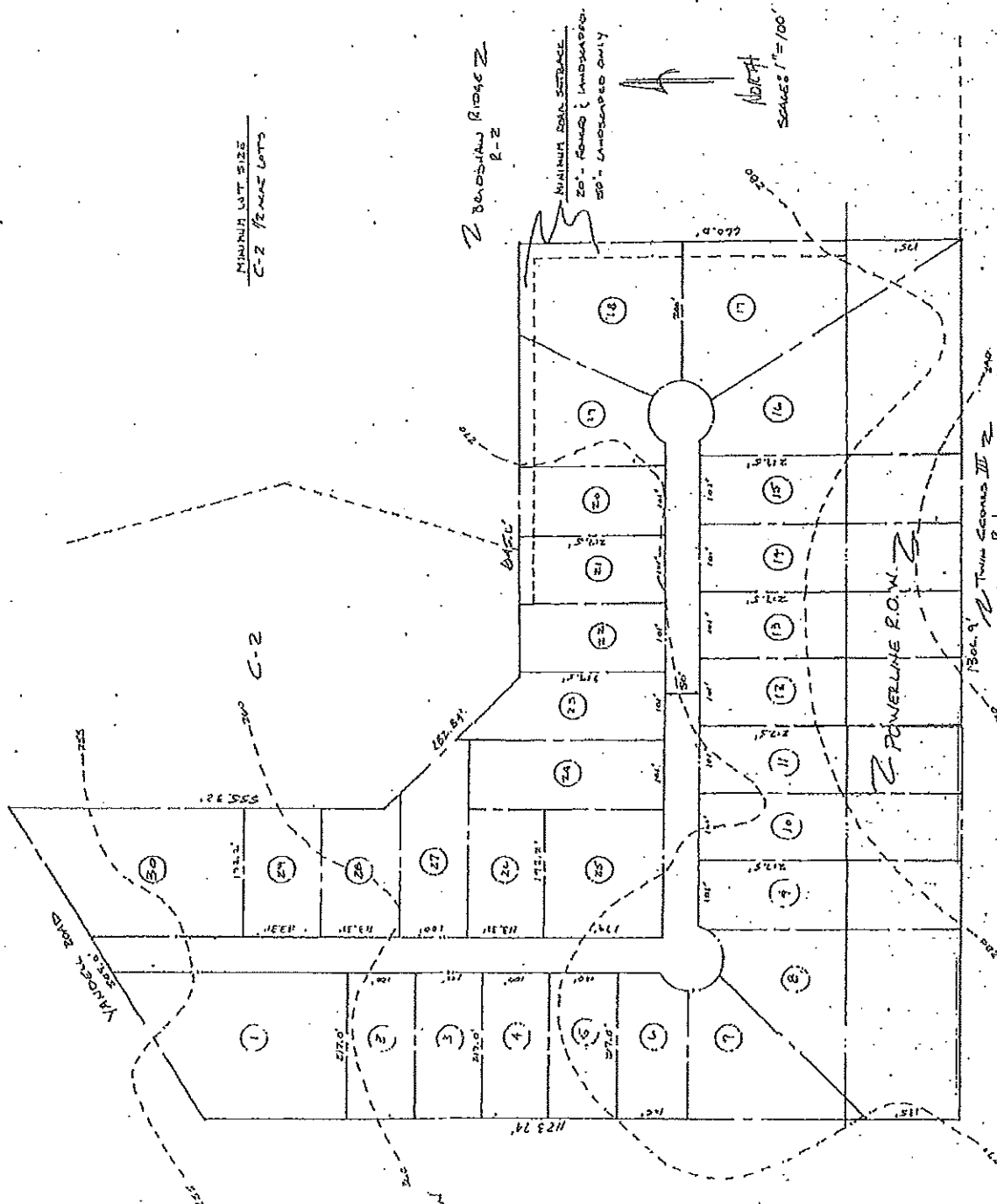
SARTAIN ASSOCIATES, INC.

By: \_\_\_\_\_  
President

STATE OF MISSISSIPPI

COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this \_\_\_\_ day of \_\_\_\_\_, 2006, within my jurisdiction, the within named \_\_\_\_\_, who acknowledged that he is the \_\_\_\_\_ of Sartain Associates, Inc. and that for and on behalf of the said Corporation and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.



STATE OF MISSISSIPPI  
LADSON COUNTY

I, Cary Lot, Chancery Clerk of the above  
County and State, do certify that the foregoing  
instrument is a true and correct copy of the original.

Witness my signature and seal of office  
this 14th day of April, 2011.

By \_\_\_\_\_  
CARY LOT, Chancery Clerk



Prepared By:  
Phillip M. Nelson  
Suite 101, One Woodgreen Place  
Madison, Mississippi 39110  
1-601-856-8869

MA 0375 PLAT 262

191867

BOOK 26:144 4 & 1/2 1/4  
Section 27, T8N22E  
Madison County, MS

**WARRANTY DEED**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, I, J. D. LOVE A/K/A JAMES D. LOVE, do hereby sell, convey and warrant unto PHILLIP M. NELSON, the following described property lying and being situated in the County of Madison, State of Mississippi, to-wit:

A certain parcel of land lying and being situated in the Southeast 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 27, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds, to-wit:

Commencing at a concrete monument marking the southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 27, and run North 89 degrees 54 minutes 18 seconds East along the line between the North 1/2 and the South 1/2 of said Section 27 a distance of 1210.82 feet to the point of beginning of the property herein described; thence North along the east line of a certain 13.158 acre tract a distance of 681.3 feet; thence East a distance of 780.24 feet; thence South a distance of 660.0 feet; thence South 89 degrees 54 minutes 18 seconds West along the said line marking the North 1/2 and the South 1/2 of said Section 27 a distance of 780.24 feet to the point of beginning, containing 11.988 acres.

**AND ALSO:**

A perpetual non-exclusive easement for the purposes of ingress, egress and installation of utilities, being sixty (60) feet in width over and across the following described property, to-wit:

A certain parcel of land lying and being situated in the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 27, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds, to-wit:

0375-263

Commencing at a concrete monument marking the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of Section 27, thence North 89 degrees 54 minutes 18 seconds East along the line between the North 1/2 and the South 1/2 of said Section 27 a distance of 704.28 feet; thence North 00 degrees 08 minutes 08 seconds West along the west line of a certain 13.158 acre tract a distance of 1123.74 feet to a point in the centerline of Yandell Road; thence North 57 degrees 39 minutes 28 seconds East along the centerline of Yandell Road a distance of 549 feet to the point of beginning of the said 60 foot Ingress and egress easement; thence South along the east line of a certain 13.158 acre tract a distance of 755.32 feet; thence East along the north line of a certain 13.158 acre tract a distance of 55.4 feet; thence South along the east line of that certain 13.158 acre tract a distance of 60 feet; thence West 115.4 feet; thence North 777.3 feet; thence North 57 degrees 39 minutes 28 seconds East along the centerline of Yandell Road a distance of 71.01 feet to the point of beginning.

LESS AND EXCEPT 2.0 acres, more or less, off the West end of the above described 11.985 acre parcel, which 2.0 acres is more particularly described as follows: Commencing at a concrete monument marking the Southwest Corner of the Southeast 1/4 of the Northwest 1/4 of said Section 27, and run North 89 degrees 54 minutes 18 seconds East along the line between the North 1/2 and the South 1/2 of said Section 27 a distance of 1210.92 feet to the point of beginning of the property herein described; thence North along the east line of a certain 13.158 acre tract a distance of 400.00 feet; thence East a distance of 145.20 feet; thence South a distance of 600.00 feet; thence South 89 degrees 54 minutes 18 seconds West along the said line marking the North 1/2 and the South 1/2 of said Section 27 a distance of 145.20 feet to the point of beginning, containing 2.0 acres.

Grantor intends to convey, and does hereby convey to Grantee all lands owned by Grantor lying and being situated in Township 8 North, Range 2 East, Madison County, Mississippi, whether or not herein properly described, and expressly includes all lands contained within any boundary line fence and not particularly described herein.

Excepted from the warranty of this conveyance are all prior reservations, conveyances or leases of all oil, gas and other minerals lying in, on or under the subject property.

The herein conveyed property is no part of the Grantor's homestead property.

This conveyance is made subject to all easements, rights-of-way, servitudes, uses, covenants, restrictions, zoning ordinances and building codes pertaining to the subject

RE: 0375-264

property.

WITNESS MY SIGNATURE on this, the 20th day of April, 1996.

J. D. Love  
J. D. LOVE

GRANTOR'S ADDRESS:  
P. O. Box 78  
Madison, MS 39130  
Res. Ph: 203-2694  
Bus. Ph same

GRANTEE'S ADDRESS:  
P. O. Box 384  
Ridgeland, MS 39158  
Res. Ph: 866-7507  
Bus. Ph: 886-8860

STATE OF MISSISSIPPI

COUNTY OF MADISON

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this the 20th day of April, 1996, within my jurisdiction, the within named J. D. LOVE, who acknowledged that he signed, executed and delivered the above and foregoing instrument of writing.

Janice Duval  
NOTARY PUBLIC

MY COMMISSION EXPIRES:  
My Commission Expires Sept 21 1998



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 20th day of April, 1996, at 2 o'clock P.M. and was duly recorded on the 35, Book No. 35, Page 262.

STEVE DUNCAN, CHANCERY CLERK

BY: J. D. Love D.C.

WARRANTY DEED

507675

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged We, PHILLIP M. NELSON and wife, JANICE D. NELSON, GRANTORS, do hereby sell, convey and forever warrant unto SARTAIN PROPERTIES, LLC, a Mississippi Limited Liability Company, GRANTEE, the following described real property lying and being situated in Madison County, Mississippi, to wit:

A certain parcel of land lying and being situated in the Southeast 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 27, Township 8 North, Range 2 East, Madison County, Mississippi described by metes and bounds, to-wit:

Commencing at a concrete monument marking the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 27, and run North 89 degrees 54 minutes 18 seconds East along a line between the North 1/2 and the South 1/2 of said Section 27 a distance of 1210.92 feet to the point of beginning of the property herein described; thence North along the East line of a certain 13.158 acre tract a distance of 661.3 feet; thence East a distance of 790.24 feet; thence South a distance of 660.0 feet; thence South 89 degrees 54 minutes 18 seconds West along the said line marking the North 1/2 and the South 1/2 of said Section 27 a distance of 790.24 feet to the point of beginning, containing 11.983 acres more or less.

AND ALSO:

A certain parcel of land lying and being situated in the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 27, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds, to-wit:

Commencing at a concrete monument marking the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of Section 27, thence North 89 degrees 54 minutes 18 seconds East along the line between the North 1/2 and the South 1/2 of said Section 27 a distance of 704.26 feet to the point of beginning of the property herein described; thence North 00 degrees 08 minutes 08 seconds West a distance of 1123.74 feet to a point in the centerline of Yandell Road; thence North 57 degrees 39 minutes 28 seconds East along the centerline of Yandell Road a distance of 549.0 feet to a point; thence South a distance of 755.32 feet to a point; thence East a distance of 55.4 feet; thence South a distance of 661.3 feet to a point on the aforesaid line between the North 1/2 and the South 1/2 of Section 27; thence South 89 degrees 54 minutes 18 seconds West along said line between the North 1/2 and the South 1/2 of Section 27 a distance of 516.66 feet to the point of beginning, containing 13.158 acres more or less.

AND ALSO:

A parcel of land lying and being situated in the NE 1/4 and in the NW 1/4 of Section 27, Township 8 North, Range 2 East, Madison County, Mississippi being more particularly described as follows:

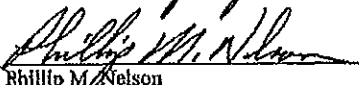
Commence at the SE corner of the NE 1/4 of Section 27 and run thence S 89 degrees 56 minutes 45 seconds W along the South line of the NE 1/4 of said Section 27 for a distance of 5.00 feet to an iron pin; thence continue S 89 degrees 56 minutes 45 seconds W along said South line for a distance of 1938.80 feet to an iron pin; thence

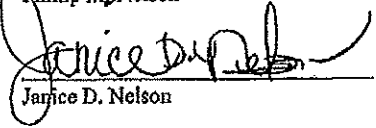
run N 0 degrees 00 minutes 00 seconds E for a distance of 660.00 feet to an iron pin; thence run S 90 degrees 00 minutes 00 seconds W for a distance of 645.65 feet to an iron pin which is the Point of Beginning of the parcel of herein described. From the Point of Beginning continue thence S 90 degrees 00 minutes 00 seconds W for a distance of 200.00 feet to an iron pin; thence run N 0 degrees 00 minutes 00 seconds E for a distance of 200.00 feet to an iron pin; thence run S 45 degrees 00 minutes 00 seconds E for a distance of 282.84 feet to the Point of Beginning. This parcel contains 20000 square feet or 0.46 acres, more or less.

WARRANTY OF THIS CONVEYANCE is subject to the following exceptions, to wit:

1. Madison County, Mississippi, ad valorem taxes for the year 2006, which are liens, but are not yet due or payable, and which shall be pro-rated as of the date hereof.
2. Madison County, Mississippi, Zoning Ordinances and Subdivision Regulations, as amended.
3. Reservations, conveyances and/or leases of record in regard to the oil, gas and other minerals lying in, on and under the subject property.
4. Rights-of-way and easements for roads, power lines and other utilities and restrictive covenants of record.
5. As a part of the above mentioned considerations, Grantee, for and on behalf of itself and its successors and assigns, does hereby accept said land and improvements "as and where is" and in its present condition with respect to suitability for Grantee's purposes, location, and physical conditions, including, without limitation, soil types, fill material, and bearing capacity, and Grantee does also hereby release Grantor from any and all claims for damages as a result of the location and condition of said land, including without limitation, damages which hereafter may be suffered by Grantee or its successors, and assigns as a result of movement of soil, the natural flow of storm water, the overflow of established drainage ways, or the failure to maintain said drainage ways by the persons or agencies responsible therefor.

WITNESS OUR SIGNATURES on this the 20<sup>th</sup> day of July, 2006.

  
 Phillip M. Nelson

  
 Janice D. Nelson

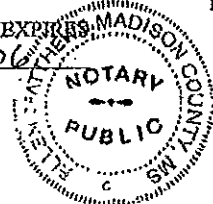
STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction above stated, the within named PHILLIP M. NELSON and wife, JANICE D. NELSON who stated and acknowledged to me that they did sign and deliver the above and foregoing instrument on the date and for the purposes therein stated.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 20th day of July, 2006.

  
 NOTARY PUBLIC

MY COMMISSION EXPIRES Sept 2, 2006  
 (SEAL)





BOOK 2077 PAGE 0032

GRANTORS:  
Phillip M. Nelson  
Janice D. Nelson  
1220 Highway 51 North  
Madison, MS 39110  
Phone No.: (601) 856-8869

GRANTEE:  
Sartain Properties, LLC  
101 1<sup>st</sup> Choice Drive  
Madison, MS 39110  
Phone No. (601) 906-0876


Prepared by:  
Montgomery McGraw Collins  
& Rand, PLLC  
3350 North Liberty Street, Suite A  
P. O. Box 1039  
Canton, MS 39046  
(601) 859-3616

#135  
12

INDEXING: SE 1/4 NW 1/4 and SW 1/4 NE 1/4 §27-T8N-R2E

[D:\MONTGOMERY\Collins to Sartain Assoc'd 1st.spt  
10/19/08/09]

MONTGOMERY MCGRAW COLLINS  
& RAND, PLLC  
ATTORNEYS AT LAW  
P.O. BOX 1039  
CANTON, MISSISSIPPI 39046

MADISON COUNTY MS This instrument was  
filed for record July 21, 2008 at *10:00 AM*  
Book 2077 Page 30  
ARTHUR JOHNSTON, C. C.  
BY: *Johnston* p.c. 

MINUTES OF A REGULAR MADISON COUNTY PLANNING AND ZONING COMMISSION  
HELD AND CONDUCTED ON THURSDAY, THE 8<sup>th</sup> DAY OF JUNE, 2006 AT 9:00 A.M. AT  
THE MADISON COUNTY COURTHOUSE

---

BE IT REMEMBERED that a regular meeting of the Madison County Zoning Commission was duly called, held and conducted on Thursday, the 8<sup>th</sup> day of June, 2006, at 9:00 a.m. in the Madison County Courthouse.

Present: Brad Sellers, Zoning Administrator  
Rev. Henry Brown  
Rev. Bennie Lockett, Chairman  
Sidney Spiro  
Steven Steen  
Lisa Walters

Absent: None

There first came on for consideration the minutes of the May 18, 2006 meeting. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to approve the Minutes, passed.

There next came on for consideration the Petition of J. Parker and Jennifer Sartain for petition to rezone A-1 Agricultural to R-1B District. Attached hereto as Exhibit "A" is a copy of correspondence from John Brunini to the Planning Commission attorneys regarding the proposed zoning matters pertaining to Annandale North Subdivision. The letter requested that the Planning and Zoning Department table any and all petitions seeking rezoning of this property during the pendency of the judicial process concerning the re-subdivision of the Annandale North Subdivision. It was recommended by the attorneys for the Commission that the matter be tabled until such time as the Madison County Chancery Court could decide any issues related to replatting the subdivision of Annandale North Subdivision. Commissioner Steen voiced his agreement with this recommendation. Chairman Lockett inquired as to whether there would be any impact from tabling this Petition twice based on prior precedent of the Planning Commission to which Zoning Administrator Sellers informed the Commission that he did not see any problem with this recommendation due to the fact that the Petitioner showed up at both meetings. Upon motion by Commissioner Walters, seconded by Commissioner Steen, with all voting "aye", motion to indefinitely table the Petitions of J. Parker and Jennifer Sartain and William Odom/John and Barbara Christmas until such time as the Madison County Chancery Court has resolved the issue of replatting Annandale North Subdivision, passed.

There next came on for consideration the Petition of Everwood Properties for a variance to setbacks in a PUD. The subject property was located in Hartfield Subdivision at 139 Hartfield Drive. Zoning Administrator Sellers informed the Commission that the Petitioner was requesting a variance to a side and rear setback due to the fact that front lot pins were disturbed by the installation of utilities and were subsequently not replaced correctly. This Petition was presented at the May 18, 2006 meeting and was tabled due to the fact that no one appeared on behalf of the Petitioner. Again, no one appeared at the June meeting on behalf of the Petitioner. Zoning Administrator Sellers informed the Commission that he notified the Petitioner twice in writing. He also stated that none of the letters had been returned and he had received no telephone calls from the Petitioner. Upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting "aye", motion to recommend denial of the Petition due to the fact that the Petitioner failed to appear at two consecutive meetings, passed.

There next came on for consideration the Petition of Louis B. Gideon for permission to rezone R-1 Residential to C-1 Commercial District located on Gluckstadt Road. According to Zoning Administrator Sellers, the Petitioner wishes to rezone the property to C-1 Commercial, which is in compliance with the adopted Land Use Plan. Bruce Payne appeared on behalf of the Petitioner as the potential end user of the property. He stated that there were no immediate plans for development. The Petitioner stated that he would purchase the property under commercial zoning so that he could utilize it as a best use in the future. Zoning Administrator Sellers confirmed with Mr. Payne his understanding that a site plan would have to be presented before the Planning Commission before development can proceed. Commissioner Spiro inquired as to whether there was any opposition to which Zoning Administrator Sellers informed the Commission that he received no telephone calls in opposition. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Sartain Associates, Inc. for permission to rezone R-1 Residential to C-2 Commercial on Yandell Road. Zoning Administrator Sellers informed the Commission that the property consisted of approximately 23 acres and that utilities would be provided by Bear Creek Subdivision. Parker Sartain appeared on behalf of the Petitioner and stated that it was his intent to develop a commercial subdivision. The property is currently owned by Phillip Nelson, and two acres of the total property is already zoned C-2. Mr. Sartain informed the Commission that the property is adjacent to Wildwood Subdivision, Bradshaw Ridge, and Twin Cedars. He also informed the Commission that Entergy has a transmission line close to the subject property and that he understands that setback requirements will be in place due to this fact. He also stated that the surrounding property is heavily wooded, but it is his intent to plant additional screening if Entergy would allow him to do so. He also informed the Commission that the Bradshaw Ridge property line was already fenced with a six foot wood fence. Commissioner Spiro inquired as to whether this was in compliance with the Land Use Plan, to which Zoning Administrator Sellers stated that the Land Use Plan would have to be amended due to the fact that it reflects residential zoning. Upon motion by

Commissioner Steen, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval with the appropriate amendments to the Land Use Plan, passed.

There next came on for consideration the Petition of Betsy Kendrick, Louise Hubbs, and Robert Hubbs for permission to rezone C-1 Commercial to R-2 Residential on Lake Castle Road, Zoning Administrator Sellers informed the Commission that the Petitioners wished to rezone this property to R-2 Residential, which is in compliance with the adopted Land Use Plan so that a residence could be constructed. Betsy Kendrick appeared on behalf of the Petitioners and informed the Commission that it was her intention to build a house on the property once the proper zoning was obtained. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval to the Board of Supervisors, passed.

There next came on for consideration the Petition of Grace Fellowship for a special exception for a church in an R-1 Residential District. Reverend Daniel Crane appeared on behalf of the Petitioner and presented a site plan that covered a 4 acre tract. Commissioner Walters inquired as to whether there was any opposition to which Zoning Administrator Sellers stated that he had received some calls in opposition to the Petition. The Petitioner stated that Grace Fellowship is a home missions church that is a part of the Mississippi Assemblies of God. They are seeking an exemption for 4 acres on Church Road, which will provide them with the opportunity to construct a 10,000 to 11,000 square foot building. A site plan was developed by Nolan Williamson on behalf of Grace Fellowship. Zoning Administrator Sellers inquired of the Petitioner as to whether the building contained on the building plans presented before the Commission would be built if the Petition was approved. The Petitioner stated that there would be no temporary buildings, as they will use rented facilities until the building is completed. Commissioner Spiro inquired as to the current number of the congregation to which the Petitioner stated that there was approximately 30 members at this time. In opposition, Jennifer Menninger appeared and expressed her concerns with traffic issues in the area, as it was her contention that Church Road is not properly equipped or ready for any additional traffic. In addition, Becky Jenkins appeared in opposition to the Petition and stated that she lives across from the proposed church. She presented a Petition of approximately 35 people in opposition, a copy of which is attached hereto as Exhibit "B". She stated that she was against the location, as it forces traffic through residential neighborhoods in order to get to the church. Also, Deborah Bennett appeared in opposition. Ms. Bennett lives in the area and stated that this area is a residential neighborhood and feels it should stay residential. In addition, she expressed concerns with increased traffic on Church Road. Rene Brown appeared in opposition to state that Church Road is too narrow to support additional traffic. She informed the Commission that her mailbox has been taken down 4 times, her yard is flooding, and her culvert has had to be replaced 3 times due to traffic concerns on Church Road. She also stated that she does not feel that there will be enough parking to accommodate the congregation of this Church and that this will create an additional problem due to the limited size of the subject property. Jeff Turbville also appeared in opposition. He is an adjacent landowner who stated that he had no problem with the Church. But, he expressed some concerns that

this is a residential area and that the Church is not in compliance with the Land Use Plan. He is afraid that this will open the door for other future uses that are not in compliance with the Land Use Plan or a residential neighborhood. Commissioner Steen inquired of Ms. Brown as to the cause of the increased traffic. Rene Brown stated that Bell South has created a lot of traffic in the area in addition to other cars from other neighborhoods in the surrounding area. David Cox appeared on behalf of the Church and represented the landowner. He stated that bad homeowners drive property values down, not churches. He also stated that churches bring positive changes to neighborhoods and that those in opposition should take that into consideration. Nancy Dorman also appeared in opposition. She stated that everything in the area is residential and that the current church that is already in the area does not affect traffic on Church Road due to its Gluckstadt Road access. She also stated that this was considered by the Planning Commission in the past as a protected overlay district and that she would like to see the Planning Commission take up this consideration again. Also, she stated her concerns with traffic in the area in addition to protecting the area as a residential neighborhood. Commissioner Walters inquired of Reverend Crane as to why they selected this property to which Reverend Crane informed the Commission that the property was the right size and fell in the price range that Grace Fellowship could afford. Commissioner Spiro inquired of the Petitioner as to whether the financing was in place for the Church to be built to which the Petitioner stated that they are in the process of finalizing the financing issues. He also stated with regard to the parking issue that they had built a church in Cleveland, Mississippi on 4 acres and have ample parking to support those in the congregation who attended. Reverend David Warren, Pastor of River of Life Church in Brandon, appeared in support of the Petition and stated that one of the desires of the Church is community. He feels that the Church would help, encourage, and bless the area and community and feels that it would be an asset to the neighborhood. He also stated that the City of Madison previously approved a 600 seat auditorium and that the facility had enough parking for its congregation. However, Reverend Warren also stated that due to additional restrictions the City of Madison placed on the Petition, the plans to build the auditorium were aborted. Commissioner Steen inquired as to the location of this auditorium to which Reverend Warren stated that it was by the Madison Airport. Pam Menninger also appeared in opposition and expressed her concerns with the traffic in the area and the strain on Church Road that this Church will add. She also, like the others, expressed concerns with the residential aspect of the neighborhood and her intent that this characteristic stay the same. Commissioner Steen stated for the record that he feels the need for additional time to look into the issues that have been raised by those in opposition and to investigate the Petition in more detail. Commissioner Spiro stated for the record his agreement with Commissioner Steen. Commissioner Walters and Commissioner Brown also stated that they were in favor of tabling the matter so that they could conduct additional investigation. Upon Motion by Commissioner Brown, seconded by Commissioner Spiro, with all voting "aye", motion to table the Petition, passed.

At this time in the meeting Chairman Luckett excused himself and Commissioner Steen took over responsibilities of Chair.

There next came on for consideration the Petition of Judy Hutchinson for a special exception to sell fireworks in a C-2 District. According to Zoning Administrator Sellers, the Petitioner has used these locations for several years and, due to recent changes in the zoning ordinance, this activity must now be considered as a conditional use. Judy Hutchinson appeared on behalf of the Petitioner and stated that she needs permission to sell fireworks every year for the 4<sup>th</sup> of July, Christmas and New Year's Holidays. No one appeared in opposition. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval to the Board of Supervisors, passed.

There next came on for consideration the Petition of Glorestine Anderson for permission for a variance in an R-3 Residential District. According to Zoning Administrator Sellers, the Petitioner engaged a contractor to add onto her existing house, and he misled her by saying that he had the appropriate building permits when he did not. What has been constructed for the Petitioner has encroached into the side yard 5.5 feet and 10 feet into the front yard. Commissioner Steen inquired as to who was the contractor, to which the Petitioner stated that his name was Allen Black. For the record and for the benefit of the Planning Commission, the Petitioner stated that her address was recorded incorrectly, and she corrected the address as 403 Sugar Hill Street. With no one appearing in opposition, upon Motion by Commissioner Brown, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval to the Board of Supervisors, passed.

There next came on for consideration the site plan of A. D. Chandon/JJ International, LLC for a convenience store and restaurant at Old Jackson Road and West Sowell intersection. The property is currently zoned C-2 Commercial. Alton Clingan appeared on behalf of the Petitioner. Mr. Clingan is with Clingan & Associates, and he presented the site plan to the Commission. The Petitioner stated that a stone water retention is being developed by the property owners. Commissioner Walters inquired as to the landscape plan, to which the Petitioner stated that the full landscape plan has not been completed, but the area is designated as such on the site plan. He also stated that although there is no direct access to Old Jackson Road, there is a new proposed street that is being developed. Zoning Administrator Sellers inquired as to whether the proposed street would be built to which the Petitioner stated that it would, as the dirt work has already been done and culverts have already been installed. Commissioner Walters inquired of Sellers as to whether the Commission would need to see the landscape, to which Zoning Administrator Sellers informed the Commission that it is not necessary at this time but he will request the landscape plan be presented to the Commission when it is completed. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval to the Board of Supervisors, passed.

There next came on for consideration the issue of setting the special June, 2006 meeting in addition to the July, 2006 meeting. Upon motion by Commissioner Walters, seconded by Commissioner Brown, with all voting "aye", motion to set the special called meeting for June 16, 2006 and the July meeting for July 13, 2006, passed.

There next came on for consideration the issue of attorneys' fees. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", motion to approve the attorneys' fees passed.

With there being no further business, the meeting adjourned at 10:30 a.m.

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Chairman)

the matter carried by the unanimous vote of those present and said findings were and are hereby made, said road was and is hereby abandoned, and the Road Manager was and is hereby directed accordingly.

SO ORDERED this the 26<sup>th</sup> day of June, 2006.

*In re: Approval of Consent Agenda Items*

WHEREAS, the Board President did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear item numbers (4) through (14) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any item be removed from the Consent Agenda, and

WHEREAS, the following items were taken up as "Consent Items," to-wit:

**(4) Approval of Petition for Reduction of Assessment - Real Property 2005**

That certain Petition for Reduction of Assessment pertaining to parcel no. 081A-11-026, in the amount of \$25,509.00 a true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference was and is hereby approved

**(5) Approval of Zoning Matter - Louis B. Gideon Petition to Rezone R-1 to C-1/Gluckstadt Road**

The action of the Madison County Planning and Zoning Commission taken on June 8, 2006 rezoning a 5.44 acre parcel of land situated in section 20, T8N, R2E from R-1 to C-1 on Gluckstadt Road at the request of Bucky Gideon was and is hereby acknowledged and approved.

**(6) Approval of Zoning Matter - Sartain and Associates Petition to Rezone R-1 to C-2/Yandell Road**

The action of the Madison County Planning and Zoning Commission taken on June 8, 2006 rezoning a 23 acre parcel of land situated in section 27, T8N, R2E from R-1 to C-2 on Yandell Road at the request of Sartain Associates, Inc. was and is hereby acknowledged and approved.

**(7) Approval of Zoning Matter - Betsy Kendrick, Robert Hubbs and Louise Hubbs Petition to Rezone C-1 to R-2/Lake Castle Road**

The action of the Madison County Planning and Zoning Commission taken on June 8, 2006 rezoning a 2 acre parcel of land situated in the southeast quarter of the northeast quarter of section 15 of T7N, R1E from C-1 to R-2 on Lake Castle Road at the request of Betsy Kendrick, Robert Hubbs and Louise Hubbs was and is hereby acknowledged and approved.

**(8) Approval of Zoning Matter - Judy Hutchinson Petition for Special Exception to Sell Fireworks in the C-2 District/Weisenberger Road**

The action of the Madison County Planning and Zoning Commission taken on June 8, 2006 to grant a special exception to Judy Hutchinson to sell fireworks in a C-2 district on Weisenberger Road was and is hereby acknowledged and approved.

President's Initials: \_\_\_\_\_

Date Signed: \_\_\_\_\_

*For Searching Reference Only: Page 6 of 14 (06/26/06)*

**EXHIBIT "E"**