

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 10<sup>th</sup> DAY OF NOVEMBER, 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 10<sup>th</sup> day of November, 2016 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

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

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

There first came on for consideration the minutes of the October 6, 2016 meeting of the Commission. Upon motion by Commissioner Drane to approve the minutes, seconded by Commissioner Miller, with all voting "aye," the motion to approve the October 6, 2016 minutes passed.

There next came on for consideration the site plan of Dollar General for a new business located at 4948 Hwy. 16 E. The property is currently zoned C-2 Commercial District. The Petitioner explained that this is the standard model but they would be willing to make any upgrades as requested by the County. Upon Motion by Commissioner Brown to approve the site plan, seconded by Commissioner Miller, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the site plan of Woodcreek Homes for a multifamily dwelling development. This property is located on Freys Lane in Canton and zoned R-3 High Density Residential District. Holly Knight with The Bennet Group appeared on behalf of Petitioner. She stated that Standard Enterprises would be the management company for this project. The property is split between the City of Canton (24 units) and Madison County (36 units) so they are seeking approval from both municipalities. She explained this is a continued part of the revitalization efforts for this area, parts of which have previously been approved by the Board of Supervisors. The property meets the definition of a blighted property. It is in a high crime area and they will, therefore, seek to gain control of the entire area so they can address crime and blight all together. A slide-show presentation was given which set forth the square footage and varying sizes/prices for the individual homes which included the projected costs for same. Said presentation is attached hereto as *Exhibit "A"* and incorporated herein by reference. Ms. Knight acknowledged that overall, this is a \$17.8 million project and the amenities would include a clubhouse, playground area, and other amenities including a security aspect given the current crime in the area. In response

to questions from Commissioners, Ms. Knight explained that access in and out of the area would be limited as they are planning to close off Freys Lane and working with the City of Canton to accomplish this through the proper legal channels. They would also have a gate. Upon Motion by Commissioner Brown 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 consideration the site plan of Bowman Plaza for an office warehouse business located on Enterprise Drive. Chris Potter appeared on behalf of the petitioner and explained that this would be a commercial retail space with each unit being approximately 1,500 square feet in size. There will be a loading dock in the back with the units each having a roll up door for loading. The store fronts will be for businesses or show rooms with the storage area in the back. Upon Motion by Commissioner Howard 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 to open the public hearing for various matters. Upon Motion by Commissioner Howard to open the public hearing, seconded by Commissioner Brown, with all voting “aye,” the motion to open the public hearing passed.

There next came on for consideration the petition of Scott Gideon and Matt Jensen to rezone 510 acres from A-1 Agricultural District to R-2 Residential District. The property is located on the southwest corner of Stribling Rd. Ext. and Dewees Rd. This matter was originally tabled from the January and February meetings this year, and again at the October, 2016 meeting. James Peden, Esq. appeared on behalf of the petitioners, Scott Gideon and Matt Jensen. Mr. Peden explained that during the October meeting, certain requests were made of his clients for additional information which they had done their best to provide. As for a letter from the school superintendent, he stated that he had spoken with Mr. McGehee who would not provide a written statement per advice from legal counsel but reiterated his verbal consent to the development and that he was happy to discuss with any citizens who may have questions. Mr. Peden reiterated that this would be a gradual project with plenty of time to accommodate any extra children as the first phase would not be complete for at least approximately two (2) years.

He then presented a report from a real estate agent in the area, Mark Warren, which is attached hereto as *Exhibit “B”* and incorporated herein by reference. Mr. Warren addressed the Commission and opined that when the first homes of this development become available in approximately two (2) years, there would indeed be a public need for the homes pursuant to his research. Mr. Peden next presented a letter from Vicky Bratton with the Mississippi Home Builders Association which is attached hereto as *Exhibit “C”* and incorporated herein by reference. Mr. Peden said this letter further demonstrated the public need aspect.

With regard to the roads concern, he noted that Madison County is fully aware of its duty to properly handle transportation needs and had a good record for building new roads and improvement to the roads. He referenced the road study conducted this year by Neel-Schaffer. He noted that the traffic is ultimately within the purview of the Board of Supervisors so he couldn’t address specifics on the road plan. He further explained that it was still too early in the process to dictate approximate figures on what the proposed roundabout discussed during the October meeting would cost; however,

his clients would be placing it on their land so the county would not have to purchase the right of way for it. Dan Gaillet, Madison County Engineer, addressed the Commission and explained that they were still looking at this and reiterated the county wanted to take a holistic approach so as to preserve the natural aspects of this area. He also reiterated that it was too early to give specific amounts but said there was an understanding between the County and the developers and if the developers didn't uphold their obligations, the County would not approve the construction plans.

Commissioner McKay inquired regarding if one (1) road was sufficient for this development and Mr. Gaillet said that the proposed roundabout would be the safest and most efficient addition to this road to keep traffic moving in a safe manner. He also said they were continuing to look at ways to improve traffic in the area and applying for federal grants to assist with addressing the transportation needs in this area.

Mr. Peden noted the traffic concerns but pointed out that you couldn't stop development and growth as it would negatively affect the tax base. He referenced the Renaissance development in Ridgeland, MS as an example and the strong opposition to the development for similar concerns. He noted that despite the opposition and concerns, the development had worked out and been an asset to the area. He presented a spreadsheet from the tax assessor's office regarding the projections for tax revenue from this development which is attached hereto as *Exhibit "D"* and incorporated herein by reference. The projection provides ranges and Mr. Peden acknowledged that the actual projection was likely somewhere in the middle of the amounts of approximately \$2.5 and \$4 million.

Mr. Peden then referenced a letter from Bear Creek that was made an exhibit to October's minutes. He also provided a list of other quality developments by the petitioners which is attached hereto as *Exhibit "E"* and incorporated herein by reference. The property owner, Sharon Vandeburgh addressed the Commission next and explained that she was one of the owners along with other family members. She said her father purchased the land in the 1970's for eventual development. She lives within a mile of the property so she will be personally affected by it and wants it to be a quality development as well for that reason. She stated that she believes it will be good quality and will help maintain or increase property values in the area. Her letter of support that she referenced is attached hereto as *Exhibit "F,"* and incorporated herein by reference.

Mr. Peden also presented support from Lake Caroline and Johnstone Home Owner's Associations, attached hereto as *Exhibit "G,"* and incorporated herein by reference. He referenced support from various individuals in attendance and a number of individuals stood in support. He reiterated that his clients had sufficiently met the requisite standard for rezoning the subject property. He requested that the rezoning be recommended to the Board of Supervisors. Commissioner McKay stated that the Commission appreciated the efforts presented to comply with their requests.

Those in opposition were asked to come forward. Jack Price addressed the Commission and stated that he and his wife Terry reside on property zoned A-1 Agricultural District that abuts this development on the south end. He understands that change is coming as they've witnessed the many developments that have come over the years but his concern is the density of the proposed development. He stated that the comprehensive plan from 2012 envisions for this property to be moderate density, or R-1B and the proposed development is for R-2. He referenced the subdivision

ordinances and 2606.04 and said in his opinion, the proposed development was 1/3 more density than is allowed by the plan. Mr. Peden was asked to address this concern and he said he disagreed with this assessment when you take the whole development as a whole per the ordinances. A discussion ensued regarding how you calculate density and whether the lake should be included in the assessment. The zoning ordinances definition of density implies you take the entire property as a whole as there is no exclusion of bodies of water.

Mr. Jim Harreld addressed the Commission next and explained that he lives across from this proposed development. He is concerned with the proposed report presented to the Commission as he felt it didn't take into account all of the surrounding subdivisions nor did it include undeveloped portions of existing nearby neighborhoods. He also noted that the more dense areas of the proposed development were right across from his property and so he recognized he was biased but he had concerns on how it would affect his property.

Ronnie Brogan addressed the Commission next and said he had spoken at the previous meeting in October in opposition to this development. He lives in Ashbrooke and he confirmed that he did speak with McGehee who said the schools would be able to handle any increase in children from this development. However, he still has concerns about the increase in traffic as well as whether the police and fire departments could handle such an increase. He presented the Commission with a poll he conducted on Nextdoor and said his results yielded that 95% of those in the area were opposed to this development. This presentation is attached hereto as *Exhibit "H,"* and incorporated herein by reference. He also presented an older petition from earlier in the year that was conducted when the petition originally was presented to the Commission. He acknowledged that some changes had been made since that time. The petition is attached hereto as *Exhibit "I,"* and incorporated herein by reference.

Russell Smith addressed the Commission and said he abuts this property and has concerns about the buffer and wants more information on the exact location of same. Howard Henderson addressed the Commission next and said despite the meetings with the developers, he was still in opposition to this because of traffic and fire safety concerns, and he feels the infrastructure is behind and this is putting the cart before the horse essentially.

Tami Harreld addressed the Commission next and noted that she had only been able to view the documents posted online and not the new information presented during the meeting today by the petitioners. She felt that the record was incomplete and missing important information. For example, not all of the property in the area had changed. She felt there were many errors in the paperwork and noted that such sloppiness could be characteristic of the developers' work. She had questions about the studies and noted the many lots and homes for sale already in the area. She expressed concern over the sign posted and said it was overgrown and some were face down. She said the infrastructure should be in place first and the community deserves that as tax payers.

Mr. Peden requested rebuttal and Mr. Warren addressed the Commission and noted that he had only included similar neighborhoods that were comparable to the proposed development so it would be a fair comparison. Mr. Gideon spoke and acknowledged that the concerns for fire protection was addressed in the Bear Creek correspondence presented during the October meeting.

Lisa Williams, a Gluckstadt resident who resides at 139 Old Orchard Rd., addressed the Commission. She noted the traffic studies done this year and said it showed 14,000 units in the area with a 14.7% growth rate and expressed concerns over traffic congestion. Commissioner Howard stated that he had questions and inquired regarding the density and if it conformed to the Comprehensive Plan. The definition of density was discussed by Commission attorney Leah Ledford who noted that it implied that the property was taken as a whole, regardless of the body of water, so applying that principle it met the density requirements. Zoning Administrator Allen explained that the comprehensive plan was a guide that evolves and given it was now four (4) years old, especially in a high growth county, it was in need of being updated. Upon Motion by Commissioner McKay to approve the petition to rezone, seconded by Commissioner Miller, with all voting “aye,” the motion to approve the petition passed.

There next came on for consideration the petition of Burg Storage for a conditional use for a new business for outdoor storage of vehicles located at 2187 Hwy 51. The property is zoned C-2 Commercial District and a site plan is included for the new business. Bain Foote appeared on behalf of the petition. He acknowledged this was a two phase development. Upon Motion by Commissioner Howard to approve the petition, seconded by Commissioner Miller, with all voting “aye,” the motion to approve the petition for a conditional use passed.

There next came on for consideration the petition of Mak Haik Chevrolet for a variance for additional square footage for various signs including the entrance site signs, the highway signs and the building signs. The property is located at 140 Autobahn Loop and the property is zoned C-2 Commercial District. Dave Carl with Mak Haik, Andy Leeper with the local Mak Haik dealership, and Allen Grant with the architects all appeared on behalf of the petitioner. A discussion was held regarding the sign requests being made for the entrance and highway signs. It was decided that this portion of the request would be tabled pending the resolution of other issues including the petitioner contacting MDOT regarding issues with the right of way. It was explained that the building sign request was being made due to the size of the building and parking lot, and making the building signs proportional to same. Commissioner Drane expressed concern regarding exceptions because if allowed, would lead to other requests and there would be no end in sight. The petitioners stated that they felt their request was unique because they had no frontage road access to their facility so visibility was limited, because of the size of their development, and the lack of other signs to identify their business due to the location. Commissioner Howard noted that he understood that the sign needed to match and be proportional to the building. Upon Motion by Commissioner Howard to approve the variance for the additional square footage on the building signs only at this point, seconded by Commissioner Miller, with all voting “aye,” the motion to approve the variance for the building sign passed.

There next came on for consideration the petition of Mak Haik Chevrolet for a variance for the maximum height and square footage of the flagpole. The same individuals appeared on behalf of the petition. They explained that the same rationale as with the signs was at issue with making the flagpole proportional to the size of the building and parking lot. They are requesting that it be 120 feet tall and 1,800 square feet in size. Upon Motion by Commissioner Miller to approve the variance, seconded by Commissioner Brown, with Commissioners Miller, Brown, Howard and McKay voting “aye,” and Commissioner Drane voting “nay,” the motion to approve the variance for

the flagpole passed.

There next came on for consideration the petition of Mak Haik CDJR for a variance on the building signs. As this is the same issue addressed herein with the Chevrolet building, no further discussion was necessary. Upon Motion by Commissioner Miller to approve the variance for the additional square footage on the building signs only, seconded by Commissioner Brown, with all voting “aye,” the motion to approve the variance passed.

There next came on for consideration the petition of Mak Haik CDJR for a variance for the maximum height and square footage of the flagpole. As this is the same issue addressed herein with the Chevrolet flagpole, no further discussion was necessary. Upon Motion by Commissioner Miller to approve the variance, seconded by Commissioner Brown, with Commissioners Miller, Brown, Howard and McKay voting “aye,” and Commissioner Drane voting “nay,” the motion to approve the variance for the flagpole passed.

There next came on for discussion the proposed amendments to the zoning ordinances. Following discussion, it was decided that the matter should be tabled for further review and consideration to ensure the wording was proper and legally sound. Upon Motion by Commissioner McKay to table the proposed amendments, seconded by Commissioner Miller, with all voting “aye,” the motion to table the matter passed.

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

There next came on for discussion the setting of the December, 2016 meeting/public hearing. December 8, 2016 is the second Thursday and that was agreed to by the Commission members. Upon Motion by Commissioner McKay to set the meeting/public hearing for December 8, 2016, seconded by Commissioner Drane, with all voting “aye,” the Motion passed.

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

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Date

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(Chairman)