

Department of Engineering
Tim Bryan, P.E., County Engineer

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MEMORANDUM

June 29, 2020

To: Sheila Jones, Supervisor, District I
Trey Baxter, Supervisor, District II
Gerald Steen, Supervisor, District III
Karl Banks, Supervisor, District IV
Paul Griffin, Supervisor, District V

From: Tim Bryan, P.E.
County Engineer

Re: Nunc Pro Tunc Minutes of July 15, 2019

Due to an error discovered in the minutes of July 15, 2019, the Engineering Department is requesting that you authorize the Chancery Clerk to nunc pro tunc a certain item of said minutes as follows:

***In re: Consideration of Petition to Rezone and Remove Restrictions
Ron Hutchinson, John Harreld and Annette Harreld***

WHEREAS, Mr. Johnny Wade did appear before the Board on behalf of Ron Hutchinson, John Harreld and Annette Harreld and presented a petition to rezone and reclassify real property situated in Section 21 Township 8N, Range 2 East, Madison County, Mississippi, located south of Church Road and west of Calhoun Station Parkway, said petition requesting the removal of certain restrictions on the subject property which is currently zoned C-2 subject to certain conditions, and

WHEREAS, Mr. Wade explained that the Board of Supervisors in 2015 re-zoned the subject property to C-2 subject to certain conditions as agreed upon by the petitioners and area residents at the time of that re-zoning, and

WHEREAS, Mr. Wade stated that the petitioners were requesting that two of twenty-two conditions placed on the property when it was originally rezoned be removed, those conditions being (1) the construction of a three foot berm on the north and west side of the property, and (2) no access to Church Road, and

WHEREAS, Mr. Wade presented visual maps in support of the request to remove the "no access to Church Road" restriction and allow for a thru road to be constructed on the subject property to connect Calhoun Station Parkway to Church Road, said maps depicting the proposed road and the intersection of the proposed road and Church Road, and

WHEREAS, Mr. Wade did argue that the marketability of the subject property would be at its highest and best use by removing the conditions, and

WHEREAS, Mr. Wade did argue that removing the conditions and allowing a thru road is necessary to attract more businesses to the area, promote economic development, and provide an increase in the tax base, and

WHEREAS, Mr. Wade did argue that there was a public need for an access point to allow for the development that is planned and to off-load traffic from Church Road, and

WHEREAS, Mr. Wade did explain that the original restriction of "no access to Church Road" resulted from discussions in 2015 regarding concerns related to a potential increase traffic burden on Church Road, but that such concerns had been addressed by a turn lane and traffic signal that were added to Church Road since the original rezoning, and

SHEILA JONES
District One

TREY BAXTER
District Two

GERALD STEEN
District Three

KARL BANKS
District Four

PAUL GRIFFIN
District Five

WHEREAS, Mr. Wade did explain that the condition requiring a construction of a three foot berm resulted from discussions in 2015 with area residents regarding their desire to have a visual buffer between Church Road and the businesses that may locate in the proposed development, and

WHEREAS, Mr. Wade did clarify that the petitioners were less concerned about the removal of a berm if the Board granted the request for a thru road, and

WHEREAS, Mr. Wade and Keith O'Keefe, a civil engineer with Neel Schaffer, Inc., presented a traffic study in support of the request to remove the "no access to Church Road" restriction and allow for a thru road to be constructed on the subject property to connect Calhoun Station Parkway to Church Road, a copy of that certain traffic study performed by Neel Schaffer, Inc. may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. O'Keefe did discuss the increase in vehicular traffic in the immediate vicinity of the subject property since the original rezoning and alternatives to address traffic flow, and

WHEREAS, Mr. Wade and Mr. O'Keefe presented evidence to the Board related to the recent expansion of Church Road to include a turn lane to accommodate the increased traffic flows, and

WHEREAS, Mr. Walter McKay, 138 Old Orchard Road in Germantown Subdivision, did appear before the Board and expressed concerns related to increasing traffic on Church Road, future infrastructure improvements necessitated by the increase in traffic due to the construction of a thru road, and complaint that petitioners did not show benefit to county, and

WHEREAS, Mr. Walter McKay explained that in 2015 the primary reason for "no access to Church Road" was to address an increase in traffic and that a turn lane had been added since that time, and

WHEREAS, Mr. Jay McKay, 138 Munich Drive, did appear before the Board presenting a written statement requesting the Board's consideration to deny the request of the petitioners and expressed concerns related to safety and heavy traffic and increased drive times on Church Road, a copy of Mr. Jay McKay's written statement may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Lee Hutchinson did appear before the Board on behalf of the petitioners and agreed that the petitioners would bear the burden of the expenses for a turn lane if the Board approved the thru road with a right-in, right-out, and

WHEREAS, Mr. Wade did explain that the thru road would help alleviate traffic congestion on Church Road by serving as a by-pass road.

Following discussion, Supervisor Trey Baxter made the motion, seconded by Supervisor Griffin, finding a substantial change in character of the neighborhood resulted from the widening of Church Road and the 8% annual growth in the area and also finding a public need existed for a right-in, right-out entrance and exit to (1) assist traffic flow exiting Church Road and entering the development and (2) off-load traffic from Church Road, which would help alleviate traffic congestion, and granting the petitioners' request to remove the "no access to Church Road" condition on the current zoning of the subject property. The vote on the matter being as follows:

Supervisor Sheila Jones Aye
Supervisor Trey Baxter Aye
Supervisor Gerald Steen Aye
Supervisor David E. Bishop Aye
Supervisor Paul Griffin Aye

the motion carried unanimously and said road was and is hereby approved as a private road, Cumberland Way.

SO ORDERED this the 15th day of July, 2019.

The Engineering Department is requesting the Board to authorize the Chancery Clerk to correct nunc pro tunc the minutes of July 15, 2019 changing the name of the private road from Cumberland Way to Gluckstadt Way