

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 7th DAY OF OCTOBER, 2021 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 7th day of October, 2021, at 9:00 a.m. in the Madison County Complex Building.

Present: Larry Miller (by telephone)
 Walter McKay
 Dr. Keith Rouser
 Bill Billingsley
 Rev. Henry Brown
 Scott Weeks, Planning and Zoning Administrator

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

There first came on for consideration the minutes of the September 9, 2021, meeting of the Commission. Upon motion by Commissioner Billingsley, seconded by Commissioner McKay with all voting “aye,” motion to approve the September 9, 2021 minutes passed.

There next came on for consideration, the need to open the meeting for public hearing of certain matters. Upon motion by Commissioner McKay to open the meeting for public hearing of certain matters, seconded by Commissioner Billingsley, with all voting “aye,” the public hearing was so opened.

There next came on for consideration the Application of David Nicholas for Variance on side setbacks for his property. Mr. Nicholas’ property is located at Lot 4 Bellevue Cove, is currently zoned PUD, and is in Supervisor District 4. Applicant, David Nicholas, appeared and requested a variance on his lot. Mr. Nicholas advised that his lot is the narrowest of the lots in that area, and requesting a variance of seventeen inches (17”) on each side of his lot to accommodate the house that he has planned to build. Mr. Nicholas advised that the owner of the lots on either side of him, Doug Fridge, as well as Rob Stockett, Developer, were aware of, and had agreed to his request (included in his Application). Upon motion by Commissioner Billingsley to approve the Application of David Nicholas for Variance of seventeen inches (17”) on side setbacks for his property located at Lot 4 Bellevue Cove, seconded by Commissioner Brown, with all voting “aye,” the motion to approve the Application of David Nicholas for Variance of seventeen inches (17”) on side setbacks for his property located at Lot 4 Bellevue Cove, was approved.

There next came on for consideration the Application of Kyle and Megan Malone for a Variance on the front setback of their property. The Malone’s property is located at 104 Hunters

Cove, is currently zoned R-1 Residential District, and is in Supervisor District 2. Applicant, Kyle Malone, and his builder, Nick Gullette, appeared on behalf of the Applicant. Mr. Gullette advised that the Applicant needed a ten foot (10') variance on the front setback of the property due to the severe slope (approximately 25') from front to rear. Mr. Gullette advised that he had placed the dirt pad on the property, but had not begun construction, and that the front of the pad for the home is approximately six inches (6") off the ground, while the rear is approximately nine to ten feet (9-10') off the ground. Mr. Gullette explained that his concern regarding strict adherence to the current fifty foot (50') setback would be additional cost of fill dirt, and the structural integrity of the home if additional was required to be placed on the now-compacted soils. Upon motion by Commissioner Billingsley to approve the Application of Kyle and Megan Malone for a Variance of ten feet (10') on the front setback of their property, seconded by Commissioner McKay, with all voting "aye," the motion to approve the Application of Kyle and Megan Malone for a Variance of ten feet (10') on the front setback of their property, was approved.

There next came on for consideration, the need to close the public hearing. Upon motion by Commissioner McKay to close the public hearing, seconded by Commissioner Billingsley, with all voting "aye," the public hearing was so closed.

There next came on for consideration the site plan for Fleetway Market Mannsdale. The property is on the northeast corner of Gluckstadt Road and Highway 463, is currently zoned C-2 Commercial and is in Supervisor District 2. Taylor Poole and Alan Grant with Dean & Dean Architects appeared on behalf of the Petitioner. Mr. Poole advised that Fleetway Market would be in the development at Mannsdale, and would be a 6,400 sq. ft. building with historic brick detailing with the intent to fit in the historic district. Commissioner McKay asked if this site plan had been before the Mannsdale Historic Preservation District ("MLHPD"). Mr. Grant advised that it had not been formally submitted, but that the Petitioner had discussed this project with MLHPD along the way of other projects at the development. Mr. Grant advised that because of the way the meeting dates of MLHPD and the Commission fell on the calendar, he was presenting to the Commission first, and then to MLHPD. Discussion ensued regarding the dates and timing of meetings of MLHPD and the Commission, and the proposal was made that MLHPD meeting should fall on the Monday prior to the Thursday meeting of the Commission, whenever that occurs, to avoid the issue of confusion on submission protocol.

Commissioner McKay questioned Petitioner regarding the submitted drawings depicting the canopy structure overlapping the setback. Some drawings show it overlapping, and some showed it even with the setback. Mr. Grant advised that the drawings would be revised to show the canopy even with the setback.

Patricia Dewese Reimers appeared, and advised that she owned property across the street on Gluckstadt Road, and that no one had approached her with regard to being a good neighbor with regard to what is being presented, and that certain people in the area believed it important the community that people are amenable to making the neighbors happy with the development, and she wanted to make her feelings known, and that she believed it should be discussed with her prior to any further development. Mr. Grant advised that he would be happy to speak to any of the neighbors, but that Petitioner had not been required to do so.

Bob Williams, Senior Warden of the Chapel of the Cross, appeared in opposition to the Fleetway Market, and cited to its prohibition under the MLHPD section of the Madison County Zoning Ordinance at Section 1603, Paragraph 12. Mr. Williams presented a copy of the section to which he cited, and read that “[s]ervice stations and convenience stores are not allowed, except on the Highway 463 corridor within 500 ft. of Highway 22.” Mr. Williams requested that the Commission deny the Petitioner’s site plan in order to preserve the historic district surrounding the Chapel of the Cross.

Bill Buner appeared and argued that the passage read by Mr. Williams regarding service stations constituted deed restrictions that were filed on January 17, 2003.

Mr. Grant argued that while gas stations and convenience stores are not permitted in the MLHPD District, the Zoning Ordinance does permit Mercantile Stores, and that such mercantile stores are allowed to sell fuel, with a limitation on the number of pumps (4), and are required to sell other products in the store, such as, limited groceries, clothing, crickets for fisherman, fresh local produce, and typical things that you would find in a country store, as opposed to items found in a typical convenience store.

Rita McGuffie, Chairman of the MLHPD, appeared and advised that MLHPD would do an extremely careful and thorough review of the site plan, and questioned the topography and what would actually be seen on the site, and that they ordinance required the fuel pumps to be screened from road view (Highway 463 and Gluckstadt Road).

Ms. Reimers appeared and inquired as to whether an appropriate infrastructure study had been done as to how the roads would accommodate the traffic. Mr. Grant advised that there had been one conducted, and that it was more focused on a traffic light at the intersection of Highway 463, and Gluckstadt Road, but that it did contain current and future traffic projections, and that he would be happy to provide same to Ms. Reimers.

A question from the audience was posed as to whether alcohol would be sold at the mercantile store. Mr. Grant advised that beer would be sold, and that they have inquired into the required distance mandated by the State of Mississippi.

Tommy Roberson appeared and asked about proposed hours of operation for the proposed business. Mr. Bradley Morris responded from the crowd that he would abide by the hours of operation set forth in the covenants on the property.

Ms. McGuffie also commented that a lighting plan would also be needed, and Mr. Grant advised that he had one to be submitted to MLHPD.

Upon motion by Commissioner McKay to table the site plan for Fleetway Market Mannsdale until such time as the Mannsdale Livingston Historic Preservation District has had an opportunity to review the site plan, and provide a recommendation to the Commission, seconded by Commissioner Billingsley, with all voting “aye,” the motion to table the site plan for Fleetway Market Mannsdale until such time as the Mannsdale Livingston Historic Preservation District has

had an opportunity to review the site plan, and provide a recommendation to the Commission, was approved.

Following the approved motion to table the site plan for Fleetway Market Mannsdale, Mr. Weeks clarified that the portion of the Zoning Ordinance cited to by Mr. Williams, and included in the minutes, was from an old version of the Zoning Ordinance, and that the current Zoning Ordinance contains the same language at Section 1903 (m).

There next came on for discussion, the setting of the November, 2021 meeting. November 11, 2021, was suggested. Upon motion by Commissioner Billingsley, seconded by Commissioner McKay, with all voting “aye,” motion to set the November, 2021 meeting for November 11th, 2021 passed.

With there being no further business, the October 7, 2021, meeting of the Madison County Planning and Zoning Commission was adjourned.

Date

Dr. Keith Rouser, Chairman