

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 19th DAY OF MAY, 2022 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 19th day of May, 2022, at 9:00 a.m. in the Madison County Complex Building.

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

Not Present: Larry Miller

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 April 14, 2022, meeting of the Commission. Upon motion by Commissioner McKay, seconded by Commissioner Brown with all voting “aye,” motion to approve the April 14, 2022 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 Brown, with all voting “aye,” the public hearing was so opened.

There next came on for consideration the Application of Tony Spears for Conditional Use for a 4 acre or less exempt Surface Mining Operation. The property subject to the application is on Robinson Road and Sharon Road, is zoned as A-1 Agricultural District, and is Supervisor District 5. Tony Spears appeared as Applicant. Commissioner McKay questioned access to the property, and Mr. Spears advised that the safest place was at the 4-way stop sign. Administrator Weeks clarified that there is an existing gravel drive/parking lot where the roads intersect. Administrator Weeks also stated that he had received numerous phone calls and questions regarding the proposed use, and that he had advised the callers of the date and time of the meeting, but no one appeared in opposition. Upon motion by Commissioner Brown to approve the Application of Tony Spears for Conditional Use for a 4 acre or less exempt Surface Mining Operation, seconded by Commissioner McKay, with all voting “aye,” the motion to approve the Application of Tony Spears for Conditional Use for a 4 acre or less exempt Surface Mining Operation was approved.

There next came on for consideration the Application of Sunnybrook Childrens Home for a Conditional Use for Public/Quasi Public Facilities or Utilities for a group home, with site plan included. The property subject to the application is at the approximate location of 3705 Highway 22, is zoned as A-1 Agricultural District, and is Supervisor District 4. Myrle Grate, Executive Director of Sunnybrook Childrens Home appeared on behalf of the Applicant. Mr. Grate advised that there is a current house on Highway 22 that Applicant is exploring the opportunity to use as an additional group home like the Ridgeland campus. In response to question from Chairman Rouser, Mr. Grate advised that this facility would serve children that are slightly younger than those currently being served at the Ridgeland campus. No one appeared in opposition. Prior to any motion, or call for a vote, Attorney Clark advised the Commission that Commissioner McKay had provided knowledge that Commissioner McKay and his wife had previously served as host parents for Sunnybrook Childrens Home, and in order to remove any appearance of impropriety, he would not participate in any discussion, and recuse himself from any vote on the matter. Upon motion by Commissioner Brown to approve the Application of Sunnybrook Childrens Home for a Conditional Use for Public/Quasi Public Facilities or Utilities for a group home, with site plan included, seconded by Commissioner Billingsley, with all present¹ voting “aye,” the motion to approve the Application of Sunnybrook Childrens Home for a Conditional Use for Public/Quasi Public Facilities or Utilities for a group home, with site plan included, was approved.

There next came on for consideration, the Application of Benton Moseley for a Conditional Use for Public/Quasi Public Facilities or Utilities for a Pumpkin Patch, and farm open to the public. The property subject to the application is on Yandell Road, is partially zoned as A-1 Agricultural District, and partially zoned as R-1 Residential District, and is Supervisor District 5. Benton Moseley appeared and distributed a packet of information to the Commission which is attached hereto as Exhibit “A.” Mr. Moseley advised that he is making the transition to the Madison County area, and seeking a Conditional Use in order to operate an “Agri-Tourism” pumpkin patch which operates seasonally, and attracts families for carnival games, train rides, and enjoy outdoor farm setting. He also advised that he would like to add a Christmas tree farm component at some point in the future. Mr. Moseley provided pictorial evidence of the property, and surrounding properties, and how each is zoned. Mr. Moseley advised that he may have to add additional parking on the site, and ingress/egress. He also advised of a future barn structure which would be a 30’ x 66’ to replace the existing barn structure. Chairman Rouser inquired as to whether he had spoken with any adjoining property owners, and Mr. Moseley advised that he had, and that all surrounding property owners were supportive. Upon motion by Commissioner Brown to approve the Application of Benton Moseley for a Conditional Use for Public/Quasi Public Facilities or Utilities for a Pumpkin Patch, and farm open to the public, seconded by Commissioner McKay, with all present voting “aye,” the motion to approve the Application of Benton Moseley for a Conditional Use for Public/Quasi Public Facilities or Utilities for a Pumpkin Patch, and farm open to the public, was approved.

There next came on for consideration, the Application of Shoemaker Homes for Variance to Side Setbacks on Lot 1168 Heron’s Bay of Lake Caroline. The property is currently zoned as a PUD, and is in Supervisor District 2. Vince Martello, Superintendent of Shoemaker Homes, appeared on behalf of the Applicant. Mr. Martello advised that when he sets his foundations, he

¹ Commissioner McKay recused himself from the vote, and did not participate in the motion, second, or discussion on the matter.

pulls a string on the property lines according to the plot plan. He advised that this particular lot did not have an offset, so he pulled his string to the pin which he believed to be the property line. In actuality, the pin he pulled to was marking the offset for the adjacent lot. This inadvertent mistake made the house on lot 1168 5.05' off the property line, as opposed to the 7.5' setback requirement. Mr. Martello advised that the house is already built, and under contract. The prospective homeowner, and the adjacent neighbor have expressed no objection to the requested variance. Upon motion by Commissioner McKay to approve the Application of Shoemaker Homes for Variance to Side Setbacks on Lot 1168 Heron's Bay of Lake Caroline, seconded by Commissioner Brown, with all voting "aye," the motion to approve the Application of Shoemaker Homes for Variance to Side Setbacks on Lot 1168 Heron's Bay of Lake Caroline, was approved.

Upon motion by Commissioner Brown to close the public hearing, seconded by Commissioner McKay, with all voting "aye," the public hearing was so closed.

There next came on for discussion, the setting of the June, 2022, meeting. June 9, 2022, was suggested. Upon motion by Commissioner Brown, seconded by Commissioner McKay, with all voting "aye," motion to set the June, 2022, meeting for June 9, 2022, passed.

With there being no further business, the May 19, 2022, meeting of the Madison County Planning and Zoning Commission was adjourned.

Date

Dr. Keith Rouser, Chairman