

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 16th DAY OF FEBRUARY, 2023 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 16th day of February, 2023, at 9:00 a.m. in the Madison County Complex Building.

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

Also Present: Hon. Mike Espy, Esq.

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 January 12, 2023, meeting of the Commission. Upon motion by Commissioner McKay, seconded by Commissioner Miller with all voting “aye,” motion to approve the January 12, 2023, minutes passed.

There next came on for consideration, the need to open the meeting for public hearing of certain matters. Upon motion by Commissioner Miller 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 Strategic Sites, LLC, in conjunction with the Madison County Economic Development Authority (MCEDA) for a Conditional Use for Public/Quasi Public Facilities or Utilities for a Communication Tower. The property subject to the application is on Madison County Parkway at the Madison County Mega Site, is zoned as I-2 Heavy Industrial, and is Supervisor District 4. Chad Wages with Civil-Link, LLC, appeared on behalf of the Applicant. Mr. Wages advised that MCEDA and Strategic Sites, LLC, were in a joint venture to construct a cell tower at the Mega Site, and that the tower would be a monopole design. Mr. Wages advised that Applicant had one cell provider ready to use the proposed tower, with additional room for other providers planned. Mr. Wages advised that the location of the tower would be adjacent to and just behind the Entergy substation and elevated water tank, so it would blend in with other structures on the site. Upon motion by Commissioner Miller to approve the Application of Strategic Sites, LLC, in conjunction with the Madison County Economic Development Authority (MCEDA) for a Conditional Use for Public/Quasi Public

Facilities or Utilities for a Communication Tower, seconded by Commissioner Billingsley, with all voting “aye,” the motion to approve the Application of Strategic Sites, LLC, in conjunction with the Madison County Economic Development Authority (MCEDA) for a Conditional Use for Public/Quasi Public Facilities or Utilities for a Communication Tower, was approved.

There next came on for consideration the Application of Dirt Dreams, LLC for a Conditional Use for a 4 acre or less Exempt Mining Operation. The property subject to the application is on the Southeast corner of Highway 17 and Pat Cobb Road, is zoned as A-1 Agricultural District, and is in Supervisor District 5. John Wallace appeared on behalf of the Applicant. Mr. Wallace advised that the subject property consisted of 65 acres to be developed into a lake, and possible cabins around the lake, but that he had appeared today to ask for Conditional Use permit to start mining on the upper end of the proposed lake. Mr. Wallace advised that there is approximately 15 feet of good dirt to be used for construction with a clay layer underneath to make a good lake bed. Mr. Wallace advised that he had obtained a commitment from MDOT to use the mined soil for highway construction because it compacts well. Commissioner McKay questioned as to whether the intention was to expand the operation beyond the 4 acres, and Mr. Wallace advised that to be their intention, but understood that they would have to come back for additional permitting and approval. Commissioner McKay inquired as to access, and Mr. Wallace advised that they would access via Pat Cobb Road, and then on to Highway 17. Commissioner Miller inquired as to easements across the property, and Mr. Wallace advised that there was a gas line traversing the property. Upon motion by Commissioner Billingsley to approve the Application of Dirt Dreams, LLC for a Conditional Use for a 4 acre or less Exempt Mining Operation, with the standard restrictions, and any other restrictions or terms that the Board of Supervisors may have, in their discretion, seconded by Commissioner McKay, with all voting “aye,” the motion to approve the Application of Dirt Dreams, LLC for a Conditional Use for a 4 acre or less Exempt Mining Operation, was approved.

There next came on for consideration the Application of Minnie J. Bozeman Family Limited Partnership for Re-Zoning of +/-350 acres currently zoned as SU-1 Special Use District to C-2 Highway Commercial District. The property subject to the application is located East of the intersection of Bozeman Road and Reunion Parkway, and West of Interstate 55, and is in Supervisor District 2.

Prior to any presentation or discussion, counsel for the Commission announced that, because the subject property was involved in ongoing Madison County projects, he had asked Hon. Mike Espy, Esq., attorney for the Madison County Board of Supervisors, to provide the Commission with a bit of background information on the subject property, and its involvement in such Madison County projects.

Mr. Espy addressed the Commission and advised that the subject property was involved in Phase 1, which is the widening of Bozeman Road from Highway 463 to Reunion Parkway, Phase 2 which is an extension of Reunion Parkway and a bridge being extended across I-55, and Phase 3 which is an extension road from Parkway East to Highway 51. Mr. Espy advised that Phase 3 contract had already been let, and that Phase 2 contract should be let in March. Mr. Espy advised that in order to make these projects viable, an ingress/egress ramp from I-55 was necessary. Mr. Espy advised that Richard Skinner and the Minnie J. Bozeman Limited Family Partnership had

graciously worked with Madison County on an agreement for the donation of right-of-way property to Madison County in order that Madison County could have clear title to that property to advance the project with MDOT. Mr. Espy confirmed that Madison County had agreed to assist in the re-zoning of the subject property in order for the Applicant to make commercial use of his property, and had provided Applicant with information on the planned roadway and ramps that would traverse his property. Mr. Espy advised that all efforts and agreements concerning this property, and the planned projects are and have been for the betterment of the citizenry of Madison County for improvement of property in order to achieve higher taxation, and relief of congestion of traffic.

Commissioner Miller inquired as to the current zoning of the property, and Mr. Espy and Mr. Clark advised that the current zoning is SU-1 Special Use District, but that the actual use was agricultural.

Commissioner McKay inquired as to whether the on/off ramps had been approved by MDOT for the bridge, and whether MDOT was going to construct those ramps. Mr. Espy advised that MDOT had approved the bridge, and that the ramps were a part of MDOT's 3-year plan, but that he could not tell the Commission that MDOT funds were currently available for construction of the ramps, and added that I-55 would need to be widened to accommodate lanes for the ramp. Mr. Espy also advised that MDOT Commissioner Simmons had stated that this project was his highest priority in the Central District.

Mr. Espy advised that the Madison County Board of Supervisors encouraged the Commission to approve the re-zoning, and that he had personally met with Mayor Hawkins-Butler, described the process to her, that she was aware of the commercial plans, and that she would not oppose it.

Administrator Weeks addressed the Commission on a point of clarity that the Application had a "received date" of January 31, 2023; however, he wished to express that he had received the actual Application in December. The January 31, 2023, date was a supplemental filing of maps, pictures, etc., received after the filing of the Application.

Steve Smith appeared on behalf of the Applicant and gave a brief description of the property, and the requested approval. Mr. Smith advised that he timely sent out notices of the Application and public hearing to adjacent property owners. See **Exhibit "A,"** attached hereto. Mr. Smith directed the Commission to a demonstrative map attached to the Application showing the property and the proposed Reunion Parkway extension. Mr. Smith reminded the Commission that in recent years, Madison County had acquired right-of-way, and moved utilities along Bozeman Road in anticipation of and planning for the Reunion Parkway extension. Mr. Smith advised that the subject property is currently designated on the Madison County Land Use Plan as C-2, which is what the Applicant is asking that the subject property be re-zoned.

Mr. Smith further advised that the Reunion Parkway extension from Bozeman Road to I-55 is specifically set forth in the 2019 Madison County Comprehensive Plan, and Major Thoroughfares Plan.

Mr. Smith directed the Commission to the criteria set forth in the Ordinance at Section 806.03(b) in that the character of the neighborhood has changed in order to justify a re-zoning, and that there is a public need. As for change in the neighborhood, Mr. Smith directed the Commission to paragraphs 8, 9, and 10 of his Application, and advised that since 2021, over \$70M in new construction permits have been issued, more than 60 new commercial permits have been issued, between 2017-2022, eighteen (18) new commercial developments had been started, more than 2100 new jobs created, and \$1.2B invested in Madison County. Mr. Smith advised that since the adoption of the 2019 Comprehensive Plan, there have been eight (8) new residential subdivisions platted within a 3-4 mile radius of the subject property, and conservatively 1,000-1,200 new subdivision lots are undergoing, or ready for construction of homes. Mr. Smith advised that Commission that residential development drives commercial development.

Mr. Smith advised that the 2020 census demonstrates a 14.6% increase in population of Madison County since the last census. Mr. Smith directed the Commission to the 2019 Comprehensive Plan, which predicts a total population increase of 18,000 by 2030, and a total population increase of 39,000 by 2040.

Mr. Smith advised that the public need for commercial property is obvious, and that the Madison County Land Use Plan designating the subject property as C-2 goes hand in hand with the re-zoning request.

Mr. Smith advised that the planned Reunion Parkway extension will be a major help to current traffic congestion on Highway 463, and the entire area, as traffic will be able to access I-55.

Mr. Smith directed the Commission to the six (6) objectives of the 2019 Madison County Comprehensive Plan as being 1) improve transportation, 2) improve public safety, 3) encourage economic development, 4) prevent overcrowding, 5) facilitate adequate water, sewer, schools, parks, and other public facilities, and 6) and promote a high quality of living. Mr. Smith advised that the re-zoning of this property fits all of those objectives.

Mr. Smith further directed the Commission to two additional objectives of the 2019 Madison County Comprehensive Plan as being intended to 1) to prevent the inefficient development of land, and 2) to protect the community's natural and already-built assets. Mr. Smith advised that the re-zoning of this property fits all of those objectives.

Jane Cory of 119 Esplanade Court in Belle Terre subdivision appeared, and questioned as to whether she (and Belle Terre subdivision) would qualify as being notified of the Application and public hearing (the answer to that question was in the negative). Ms. Cory requested that the Commission have discernment over this matter, and not be a "slam dunk" that is handled in one meeting. She further stated that the character of the area had certainly changed, but that some consideration should be given to the nearby property owners, and perhaps some mixed use of the property. She advised that she was not as concerned with what happens on the end of the property near I-55 as she is what happens on the end near Bozeman Road, and that she did not wish to see a "free for all" in C-2 designation. Ms. Cory expressed the concern of property owners in Belle Terre and Cherry Hill subdivisions as the property going from one extreme to another extreme as

far as zoning and use, and a desire to know what the developer proposes as far as use. Ms. Cory advised that she did not wish to stifle development, but asked the Commission to consider the effects on surrounding property owners.

Attorney Clark directed comments to Ms. Cory that property development is essentially a two-step process with step one being re-zoning, and step two being a Master Development Plan or site plan. Attorney Clark advised that the Commission, and the Board of Supervisors would still have discretion over any submitted Master Development Plan or site plan. Ms. Cory requested that the Commission not vote to approve a “blanket” C-2, and give opportunity for surrounding landowners to meet with the developer and have additional questions and concerns addressed.

Michael Bentley, Esq. of Bradley Arant law firm appeared on behalf of the City of Madison to object to the Application. Mr. Bentley advised that neither he, nor the City of Madison, were questioning the generosity of the Applicant, and was not intimating that the strategic transportation development should be halted. Mr. Bentley stated that the strategic transportation development would occur no matter how the subject property is zoned.

Mr. Bentley advised that, under the current zoning of SU-1, permitted uses are educational institutions and retirement communities. However, the permitted uses under proposed C-2 zoning are hotels/motels, bowling alleys, car dealerships, mechanic garages, and body shops. Conditional Uses under C-2 would include everything from fireworks stands, billboards, RV parks, payday loan and check cashing businesses, pawn shops, tattoo parlors, and vape shops.

Mr. Bentley advised that the Commission is to determine whether there has been an actual change in the character of the neighborhood such that re-zoning is in the public need, and that the Applicant must show the Commission, by clear and convincing evidence, that such has occurred. Mr. Bentley pointed out that the neighborhood is not Madison County, Gluckstadt, or the City of Madison, but rather, it is a specific inquiry about the immediate environs of the property, and that the immediate environs of this property are residential neighborhoods that would be impacted by the re-zoning.

Mr. Bentley argued that the construction of a road through the property does not meet the criteria of change in the character of the neighborhood. He further argued that all of the growth and development in Applicant’s presentation is miles away from the subject property, and that there is no evidence before the Commission that there is any development in the immediate neighborhood that is inconsistent with the surrounding residential uses in the vicinity.

Mr. Bentley reiterated the City of Madison’s objection to the re-zoning, and stated that the City of Madison does not believe that the subject property should be re-zoned at this time.

Steve Smith replied that when Madison County adopted the 2019 Comprehensive Plan, it knew full well what the permitted were for C-2 districts. He argued that the extension of Reunion Parkway begs for the property to re-zoned as C-2 and has already been designated as C-2 in the Land Use Plan.

Commissioner McKay stated that +/-350 acres is a lot of property to be zoned as C-2, and that he would have rather seen a residential component, or something less than C-2 to be designated to a portion of the property. He stated that he believed it to be a bit far-sighted for all of the subject property to be designated as C-2 by the Comprehensive Plan.

Chairman Rouser stated that he did not have a problem with the application, as he understood that development plans and site plans would have to come back for approval, and that he believed it would be a relief to traffic congestion in the area.

Ms. Cory also expressed concern over a drainage plan for the property, and Attorney Clark advised that all of those matters would be addressed on Master Development Plan or site plan. Attorney Espy also noted that Madison County has received \$23.5M for watershed mitigation in Madison County, \$1.5M for planning, and that other efforts are underway to secure additional funding up to \$150M for watershed mitigation for the County, and its municipalities as a whole.

Upon motion by Commissioner Billingsley to approve the Application of Minnie J. Bozeman Family Limited Partnership for Re-Zoning of +/-350 acres currently zoned as SU-1 Special Use District to C-2 Highway Commercial District, seconded by Commissioner Miller, the motion to approve the Application of Minnie J. Bozeman Family Limited Partnership for Re-Zoning of +/-350 acres currently zoned as SU-1 Special Use District to C-2 Highway Commercial District, was approved on a 4-1 vote, with the vote on the matter as follows:

Commissioner Rouser	“aye”
Commissioner Brown	“aye”
Commissioner Billingsley	“aye”
Commissioner Miller	“aye”
Commissioner McKay	“nay”.

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 Miller, with all voting “aye,” the public hearing was so closed.

There next came on for discussion, the setting of the March, 2023 meeting. March 9th, 2023, was suggested. Upon motion by Commissioner Billingsley, seconded by Commissioner McKay, with all voting “aye,” the motion to set the March, 2023 meeting for March 9, 2023, passed.

With there being no further business, the February 16, 2023, meeting of the Madison County Planning and Zoning Commission was adjourned.

Date

Dr. Keith Rouser, Chairman