

J. Kevin Watson W. Robert Jones, III A. Seth Robbins Michael S. McKay

October 25, 2023

Via Electronic Mail - Scott.weeks@madison-co.com Scott Weeks, Zoning Administrator Madison County, Mississippi 125 West North Street Canton, Mississippi 39046

> RE: Notice of Appeal of Planning Commission Action on Chad Phillips - Conditional Use for a Public/Quasi-Public Facility Utility (Assisted Living Facility) with Site Plan, 3265 Highway 22 Property Zoned C-1 Commercial

The Briar Patch, LLC, Cedar Rose, LLC, Accent on Design, LLC d/b/a The Palmetto – Men's Shoppe, Mr. and Mrs. Arne Greaves, Dr. and Mrs. James Sutherland, Mr. and Mrs. Sebastian Greaves, Mr. and Mrs. John Mills, Mr. and Mrs. Henry Greaves (the "Greaves Family") (collectively the "Appellants") hereby appeal the Planning Commission's October 19, 2023 recommendation to approve the Chad Phillips – Conditional Use Application for the property which proposes to grant a conditional use for an assisted living facility.

The Appellants request a public hearing on their appeal, as provided for in Section 813 of the Madison County Zoning Ordinance and the laws of the State of Mississippi. At the hearing, the Appellants will present additional evidence and arguments in support of their appeal.

Thank you for your assistance. If you have any questions or require additional information regarding the Appellants' appeal, please do not hesitate to contact me.

Sincerely,

Venu

cc: Mike Espy, Attorney for the Madison County Board of Supervisors (via electronic mail)
Andy Clark, Attorney for the Madison County Planning Commission (via electronic mail)

Steven H. Smith, PLLC ATTORNEY AT LAW

Steven H. Smith

Legal Assistant: Angela Dees

October 16, 2023

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angela@shsattorneys.com

Telephone: (601) 987-4800 Facsimile: (601) 987-6600

Via Email Only:

Scott Weeks
Madison County Planning & Zoning Administrator
Scott.weeks@madison-co-com

Re:

The Oaks Residence, residential

Assisted Living Facility Revisions to Plans as per Your October 13, 2023 email

Dear Scott:

Attached is another set of the Plans for The Oaks Residence which have been revised to address each of the six (6) points presented in your email to me of October 13, 2023. Your email of October 13, 2023 to me is attached for your convenience. For your convenience and review each of the six (6) points referenced above are continued on the following pages of the attached plans.

- Point No. 1: Page A-1; Since our side yard abuts property which is zoned commercial (C-1) our 10' set back complies with Section 2103.04 of the Madison Co. Zoning Ordinance.
- Point No. 2: Page A-1; The front set back is shown to be 35' from the Hwy 22 right of way along with an additional 80' buffer, for a total set back/buffer of 115' from the Hwy 22 right of way.
- Point No. 3: Page A-1-2. The number of plants and type of plants are listed.
- Point No. 4: The front, rear, and both side elevations are shown on pages A-4 and A-4.1.
- Point No. 5: Page A-1; The total Gross Lot Coverages is 13,120 Sq Ft.
- Point No. 6: The Oaks Residence will not use/have a dumpster on its premises.

Also, enclosed is the Application for Certificate of Appropriateness/Certificate of Appropriateness, along with property description which we have completed.

Upon receipt and review of my letter and the additional revisions to our plans, if you have any questions or if I have failed to provide you any requested information/revisions, please contact me at your earliest convenience.

Steven H. Smith, PLLC

By: _///

Steven H. Smith

Enclosures:

cc: James & Crystal Phillips

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS/ CERTIFICATE OF APPROPRIATENESS:

MANNSDALE-LIVINGSTON HERITAGE PRESERVATION (MHLP) DISTRICT

APPLICANT NAME: James Phillips and Crystal Gardner-hillips APPLICANT ADDRESS: 282 Lake Village Dr. Madison, CPOR, REI, UC APPLICANT TELEPHONE NUMBER 601-965-7911 DATE SUBMITTED TO ZONING ADMINISTRATOR: 10/16/23

LOCATION OF PROPERTY FOR WHICH CERTIFICATE OF APPROPRIATENESS IS REQUESTED: (PLEASE ATTACH MAP INDICATING BOUNDARIES OF PROPERTY INVOLVED AND/OR A LEGAL DESCRIPTION).

See attached

PLEASE SPECIFY PROPOSED USE OR USES OF THE SUBJECT PROPERTY FOR WHICH CERTIFICATE OF APPROPRIATENESS IS REQUESTED: (IF MORE THAN ONE USE, INDICATE ON THE REQUIRED SITE PLAN THE LOCATION OF ALL THE PROPOSED USES).

CHECK LIST ALL OF THE FOLLOWING THAT APPLY:

Uses Allowed Only As Special Exceptions:

- Public/ quasi-public facility or utility: Specify: personal residential assisted living - Commercial uses (See Zoning Ordinance for uses allowed as special exceptions) Please describe specific uses:

- Surface mining operations of a temporary type: Please describe:

SITE PLAN REQUIRED: A site plan is required for all proposed buildings or structures (except single-family dwellings) in the MLHP District. If the applicant proposes the subdivision of land inside the MLHP, he/she must submit a subdivision plat in accordance with the Madison County Subdivision Regulations. All site plans (required for construction on a single lot) shall be prepared in accordance with Sections 402.16-19 and 505 of the Madison County Zoning Ordinance.

Previously submitted

ADDITIONAL INFORMATION REQUIRED FOR DEVELOPMENT OF ALL COMMERCIAL PROPERTIES:

- 1. Detailed lighting plan for grounds and buildings.
- Detailed landscaping plan.

Approval of this application for a Certificate of Appropriateness is required under Section 402.16-21 of the Madison County Zoning Ordinance. The Manusdale-Livingston Heritage Preservation Commission will review this application and make a recommendation to the Board of Supervisors as to whether a Certificate of Appropriateness should be issued to the applicant. For approval of this application, the applicant must demonstrate that the proposed building or structure is not excessively similar or dissimilar to other like buildings or structures in the MLHP district and that the proposed building/structure or use would not provoke one of the harmful effects listed below:

- Lower property values;
- Decreased economic growth; and/ or
- Diminished future opportunities for land use and development.

No building permit shall be issued by the County Building Official for any proposed construction in the MLHP district without a Certificate of Appropriateness.

CERTIFICATE OF APPROPRIATENESS

Following review of the above application for a Certificate of Appropriateness with the required site plan and all supporting information, the Chairman of the Mannsdale-Livingston Heritage Preservation Commission may sign this Certificate indicating a recommendation for approval of the application and issuance of a Certificate. However, if the application for issuance of a Certificate is recommended for denial, the applicant shall have the right to appeal the recommendation of the Commission directly to the Board of Supervisors. The Minutes of the Commission shall accompany the application indicating specific findings in this case, whether recommended for approval or denial.

We, the Mannsdale-Livingston Heritage Preservation Commission, have reviewed the above

application for a Certificate of Appropriateness with the required site plan and do hereby recommend issuance of this Certificate to the Applicant.				
Chairman Mannsdale-Livingston Heritage Preservation Commission	Date			
APPROVED BY THE MADISON COUNTY BOARD	OF SUPERVISORS:			
President	Date			

EXHIBIT "A"

5.08 acres located in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, and being further described as follows:

Commencing at a ½" iron rebar found marking the northwest corner of Lot 67 of Chestnut Hill, Part 1D as referenced in Plat Cabinet "E" at slide 141B and 142A and as recorded in the office of the Chancery Clerk of Madison County at Canton, Mississippi and thence run North 52 degrees 46 minutes 44 seconds West for a distance of 2,014.07 feet to a ½" iron rebar set and also being the Point of Beginning of the tract herein described:

From the POINT OF BEGINNING thence run North 78 degrees 41 minutes 31 seconds West for a distance of 29.76 feet to a 1/2" iron rebar found; thence run North 42 degrees 47 minutes 56 seconds West for a distance of 141.39 feet to a 1/2" iron rebar found; thence run North 38 degrees 28 minutes 33 seconds West for a distance of 87.83 feet to a ½" iron rebar found; thence run North 66 degrees 09 minutes 08 seconds West for a distance of 105.85 feet to a 1/2" iron rebar set; thence run North 06 degrees 39 minutes 18 seconds East for a distance of 471.74 feet to a ½" iron rebar set; thence run North 30 degrees 49 minutes 27 seconds East for a distance of 99.83 feet to a concrete monument found on the south right-of-way line of MS Highway #22; thence run North 31 degrees 17 minutes 23 seconds East, along said right-of-way, for a distance of 19.96 feet to a concrete monument found; thence run South 59 degrees 01 minutes 33 seconds East, along said right-ofway, for a distance of 100.19 feet to a concrete monument found; thence run South 31 degrees 09 minutes 45 seconds West, along said right-of-way, for a distance of 19.99 feet to a 1/2" iron rebar found; thence run South 58 degrees 54 minutes 47 seconds East, along said right-of-way, for a distance of 58.72 feet to a ½" iron rebar set; thence run along a curve to the left with the following data: Chord Bearing of South 65 degrees 09 minutes 05 seconds East, Chord Length of 256.41 feet, Radius of 1,195.92 feet, Arc Length of 256.91 feet to a 1/2" iron rebar set; thence run South 18 degrees 40 minutes 38 seconds West for a distance of 618.30 feet back to the POINT OF BEGINNING and being 5.08 acres, more or less.

(Copy of survey plat attached as Exhibit "A")

Prepared by: Colin L. Baird, PE, PLS Baird Engineering, Inc. Clinton, Mississippi Date: February 20, 2023 Job #4735

TOGETHER WITH THE FOLLOWING EASEMENTS:

20' wide Sanitary Sewer Easement

861.90 square feet located in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, and being further described as follows:

Commencing at a ½" iron rebar found marking the northwest corner of Lot 67 of Chestnut Hill, Part 1D as referenced in Plat Cabinet "E" at slide 141B and 142A and as recorded in the office of the Chancery Clerk of Madison County at Canton, Mississippi and thence run North 52 degrees 46 minutes 44 seconds West for a distance of 2,014.07 feet to a ½" iron rebar set; thence run North 18 degrees 40 minutes 38 seconds East for a distance of 186.71 feet to a ½" iron rebar set and also being the Point of Beginning of the tract herein described:

From the POINT OF BEGINNING thence continue North 18 degrees 40 minutes 38 seconds East for a distance of 20.46 feet to a ½" iron rebar set thence run South 59 degrees 08 minutes 23 seconds East for a distance of 48.11 feet to a ½" iron rebar set; thence run South 46 degrees 49 minutes 20 seconds West for a distance of 20.80 feet to a ½" iron rebar set; thence run North 59 degrees 08 minutes 23 seconds West for a distance of 38.08 feet back to the POINT OF BEGINNING and being 861.90 square feet, more or less.

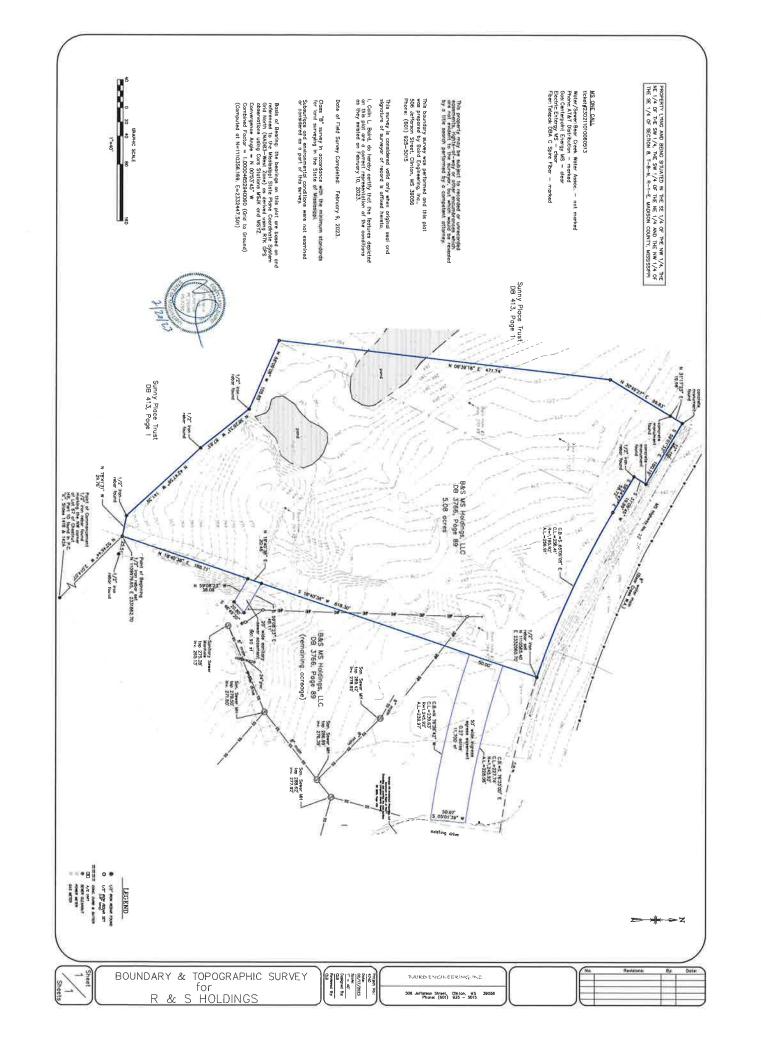
AND, 50' wide Ingress/Egress Easement

0.27 acres (11,700 square feet) located in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, and being further described as follows:

Commencing at a ½" iron rebar found marking the northwest corner of Lot 67 of Chestnut Hill, Part 1D as referenced in Plat Cabinet "E" at slide 141B and 142A and as recorded in the office of the Chancery Clerk of Madison County at Canton, Mississippi and thence run North 52 degrees 46 minutes 44 seconds West for a distance of 2,014.07 feet to a ½" iron rebar set; thence run North 18 degrees 40 minutes 38 seconds East for a distance of 518.30 feet to a ½" iron rebar set and also being the Point of Beginning of the tract herein described:

From the POINT OF BEGINNING thence continue North 18 degrees 40 minutes 38 seconds East for a distance of 50.00 feet to a ½" iron rebar set; thence run along a curve to the left with the following data: Chord Bearing of South 76 degrees 33 minutes 00 seconds East, Chord Length of 227.74 feet, Radius of 1,245.92 feet, Arc Length of 228.06 feet to a ½" iron rebar set; thence run South 05 degrees 01 minutes 39 seconds West for a distance of

50.07 feet to a ½" iron rebar set; thence run along a curve to the left with the following data: Chord Bearing of North 76 degrees 36 minutes 42 seconds West, Chord Length of 239.63 feet, Radius of 1,245.92 feet, Arc Length of 239.97 feet back to the POINT OF BEGINNING and being 0.27 acres (11,700 square feet), more or less.



The Oaks Residence

Personal Care Assisted Living Madison County, MS

Sheet Index

A-4.5 3D Render

Square Footage

First Floor Living: Port Cochere:

11,550 SQFT 550 SQFT 1,020 SQFT

11,550 SQFT 13,120 SQFT

Total Gross Lot Coverage:

5.08 ACRES Parcel Acreage:

Program Information:

Proposed Use: Number / Type of Units: Percentage of Lot Developed: Personal Care Assisted Living 15 Assisted Care

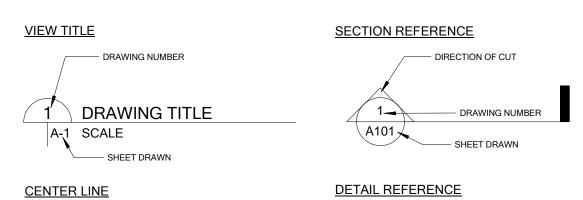
ZONED C-1

50' WIDE INGRESS EGRESS EASEMENT

Site Plan

1/32" = 1'-0"

Architectural Symbols



WINDOW TAG

DOOR TAG

ELEVATION REFERENCE

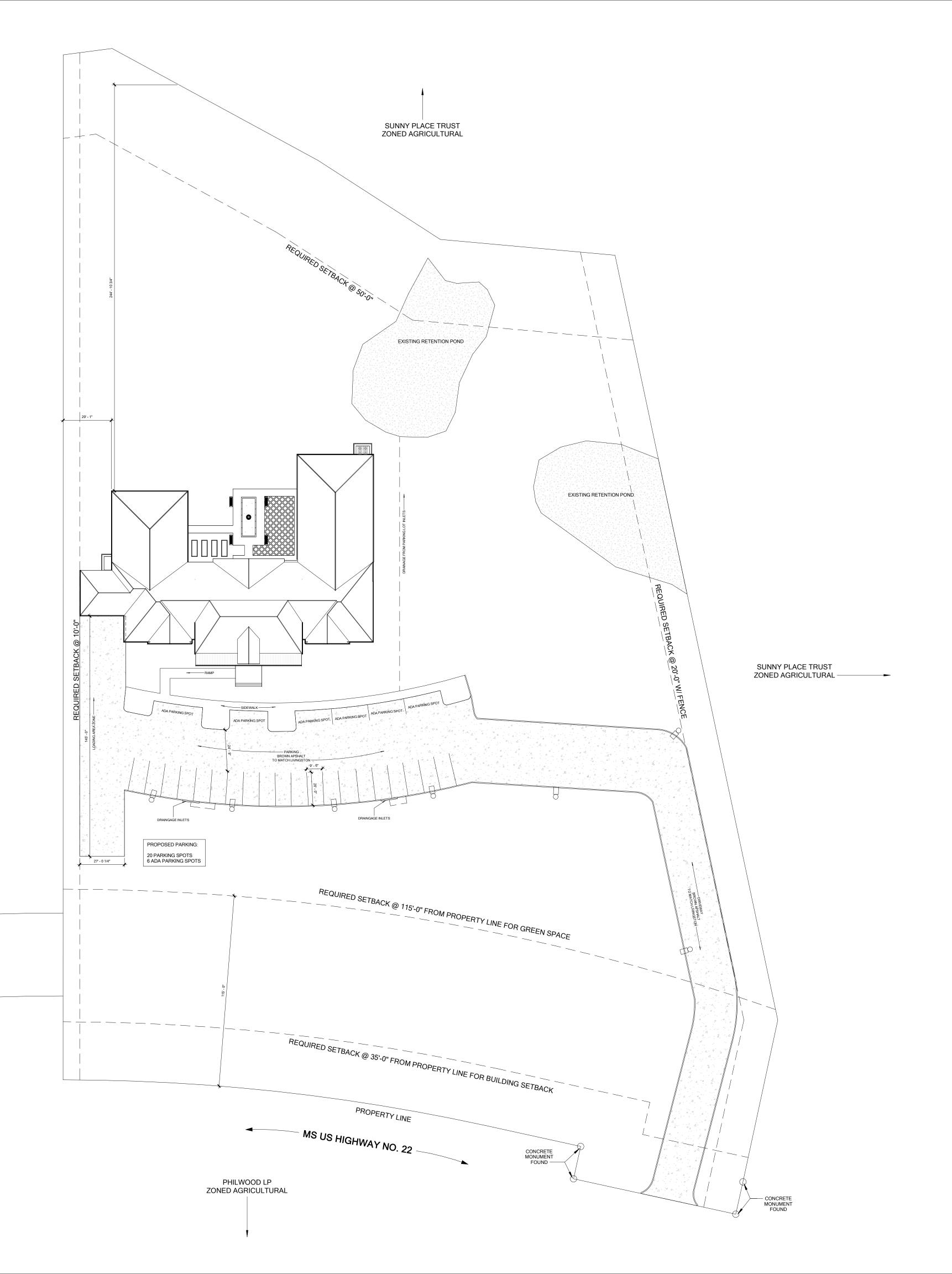
1 <(A101) **ROOM TAG** Room Name

101 0'-0"

1. ALL DESIGN TO MEET IRC 2021.

CONTRACTOR TO PROVIDE PRECUT BOARDS CUSTOM MADE TO FIT EACH WINDOW TO BE KEPT ON SITE AND ATTACHED DURING A WEATHER EVENT AS PER IRC 2021 **SECTION R301.2.1.2.**

THESE DRAWINGS HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE SUPERVISION AND TO THE BEST OF KNOWLEDGE AND BELIEF THESE DRAWINGS COMPLY WITH THIS CODE. I WILL NOT SUPERVISE NOR INSPECT THIS WORK.





Residence

DATE: 10.19.2023

Title Sheet



Joseph Flynn Architect, LLC 8903 Jefferson Hwy River Ridge LA, 70123

The Oaks Residence
Personal Care Assisted Living
Madison County, MS

PROJECT NUMBER:
DATE:
DRAWN BY:
CHECKED BY:

FD23006 10.19.2023 RLD JEF

Landscaping Plan

SHEET:

A-1.2



OAK TREE

SAVANNAH HOLLY



CREPE MYRTLE



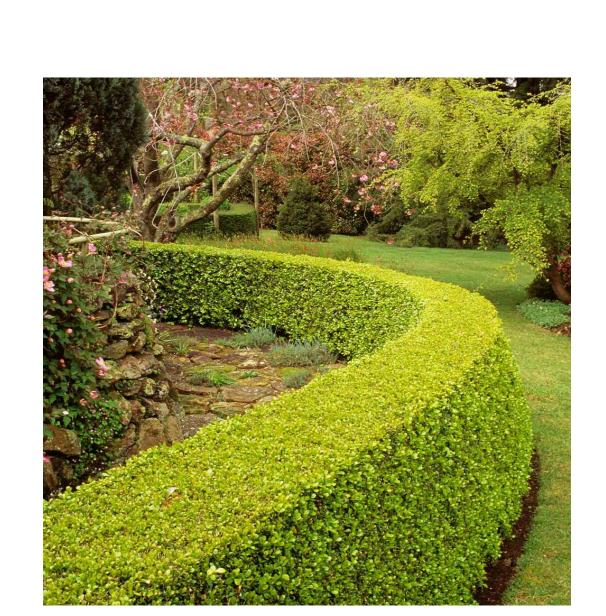
MAGNOLIA TREE



BOXWOOD - ROUND



AGAPANTHUS



BOXWOOD - LINEAR



FENCE ALONG PROPERTY SETBACK



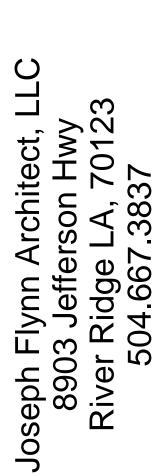
TOPIARY



STREET LAMP POST

A-1.3





Oaks Residence Personal Care Assisted Living Madison County, MS

PROJECT NUMBER: DATE: 10.19.2023 DRAWN BY: CHECKED BY:

RLD

Existing Contour Plan

A-1.4

A-2 1/8" = 1'-0"

	Door Schedule					
Mark	Width	Height	Description			
1	6' - 0"	9' - 0"	Exterior Double Wood or Vinyl Door W/ Transom; O.S.			
2	12' - 0"	9' - 0"	4-Panel Sliding Glass Doors; O.S.			
3	3' - 0"	8' - 0"	Exterior Single Door; O.S.			
4	3' - 0"	8' - 0"	Interior Single Door; O.S.			
5	2' - 8"	8' - 0"	Interior Single Door; O.S.			
6	5' - 0"	8' - 0"	Interior Double Doors; O.S.			
7	6' - 0"	8' - 0"	Interior Double Doors; O.S.			
8	8' - 0"	8' - 0"	Cased Opening; O.S.			
9	5' - 0"	8' - 0"	Double Panel Pocket Door; O.S.			



NOTE:

ALL DOOR SIZES ARE APPROXIMATE AND/ OR SELECTED BY OWNER. VERIFY WITH DOOR MANUFACTURER FOR AVAILABLE SIZES AND SELECTIONS.

Window Schedule						
Mark	Width	Height	Head Height	Description		
Α	3' - 0"	7' - 0"	8' - 0"	(2) 6-Lite Wood or Vinyl Casement Window W/ Transom (C); O.S.		
В	3' - 6"	10' - 0"	11' - 6"	15-Lite Wood or Vinyl Fixed Window; O.S.		
С	6' - 0"	2' - 0"	10' - 0"	Transom; O.S.		
D	3' - 0"	5' - 0"	8' - 0"	(2) Mulled Together Single Hung W/ Transom (E); O.S.		
Е	3' - 0"	2' - 0"	10' - 0"	Transom; O.S.		
F	3' - 6"	6' - 0"	8' - 0"	Fixed; O.S.		
G	3' - 0"	4' - 0"	8' - 0"	(2) Mulled Together Single Hung; O.S.		
Н	3' - 0"	6' - 0"	8' - 0"	Fixed Window; O.S.		
I	2' - 6"	6' - 0"	7' - 0"	(3) Fixed Windows W/ Transom (J); O.S.		
J	2' - 6"	2' - 0"	9' - 0"	Transom; O.S.		
K	3' - 0"	6' - 0"	8' - 0"	(2) Mulled Together Fixed; O.S.		

PLEASE SEE SECOND FLOOR PLAN AND/ OR ELEVATIONS FOR DORMER WINDOWS AND/ OR OTHER WINDOWS MARKED WITH ().

NOTE:

- 1. ALL WINDOWS SIZES ARE APPROXIMATE AND/ OR SELECTED BY OWNER. VERIFY WITH WINDOW MANUFACTURER FOR AVAILABLE
- SELECTIONS AND SIZING.
 SAFETY GLAZING/ TEMPERED GLAZING SHALL BE PROVIDED IN 18".
- REFER TO IRC 2021, SECTION 308. WINDOWS INSTALLED IN BATHROOM ENCLOSURES, LESS THAN 60" FROM THE FLOOR, REQUIRE SAFETY GLAZING IN ACCORDANCE WITH
- IRC 2021 R308.4.5. 4. ALL WINDOWS MUST MEET THE FOLLOWING EGRESS REQUIREMENTS PER THE IRC 2021:

1ST FLOOR: CLEAR OPENING WIDTH >20" CLEAR OPENING HEIGHT>24" MINIMUN CLEAR OPENING SQFT = 5.0 SQFT MAXIMUN SILL HEIGHT ABOVE FLOOR = 44"

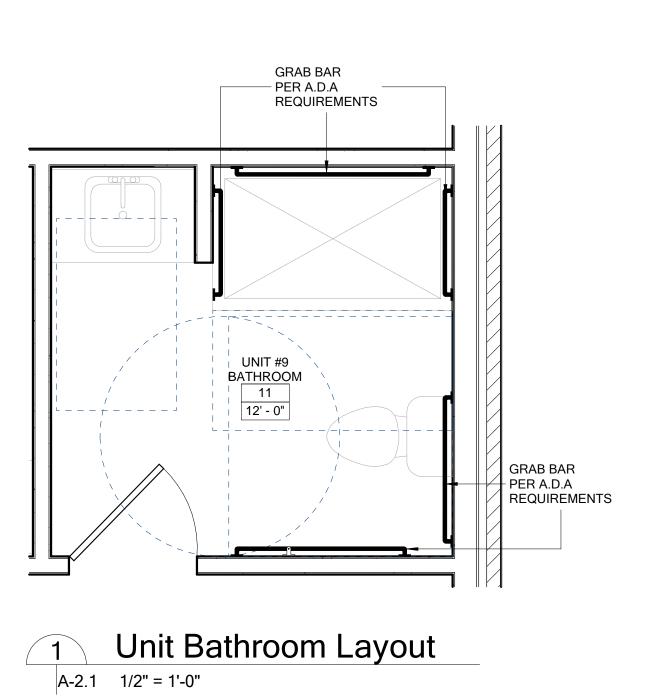
2ND FLOOR: CLEAR OPENING WIDTH >20" CLEAR OPENING HEIGHT >24" MINIMUM CLEAR OPENING SQFT = 5.7 SQFT MAXIMUM SILL HEIGHT ABOVE FLOOR = 44"

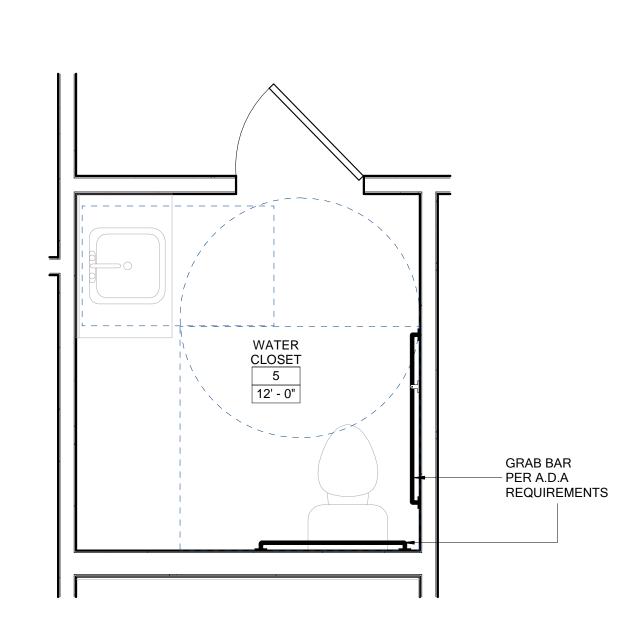
Residence Assisted Living 4, MS Personal Madison (

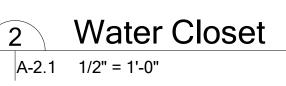
PROJECT NUMBER: DATE: 10.19.2023 DRAWN BY:

Floor Plans

A-2





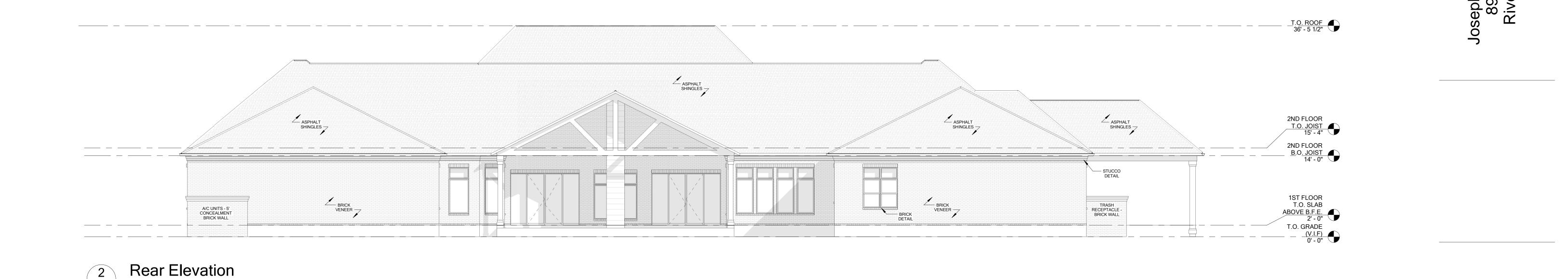


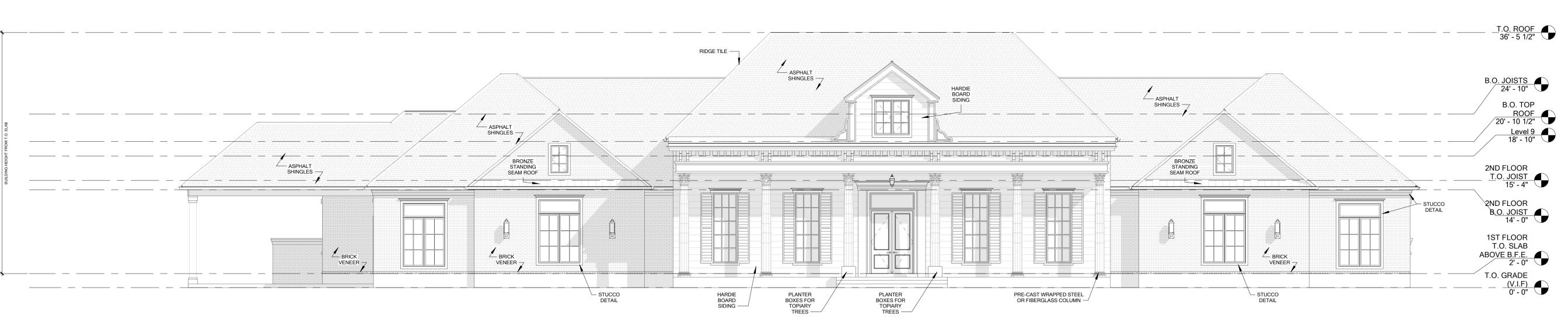
The Oaks Residence Personal Care Assisted Living Madison County, MS

PROJECT NUMBER: DATE: 10.19.2023

Bathrooms

A-2.1





1 Front Elevation
A-4 1/8" = 1'-0"

A-4 1/8" = 1'-0"

Elevations

PROJECT NUMBER:

DATE:

DRAWN BY: CHECKED BY:

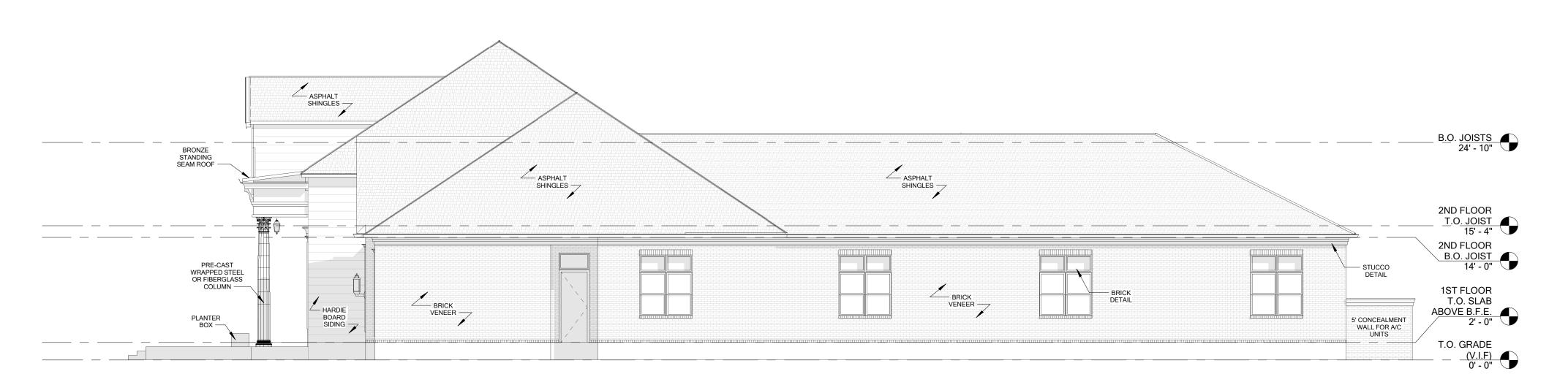
Oaks Residence

Personal Care Assisted Living Madison County, MS

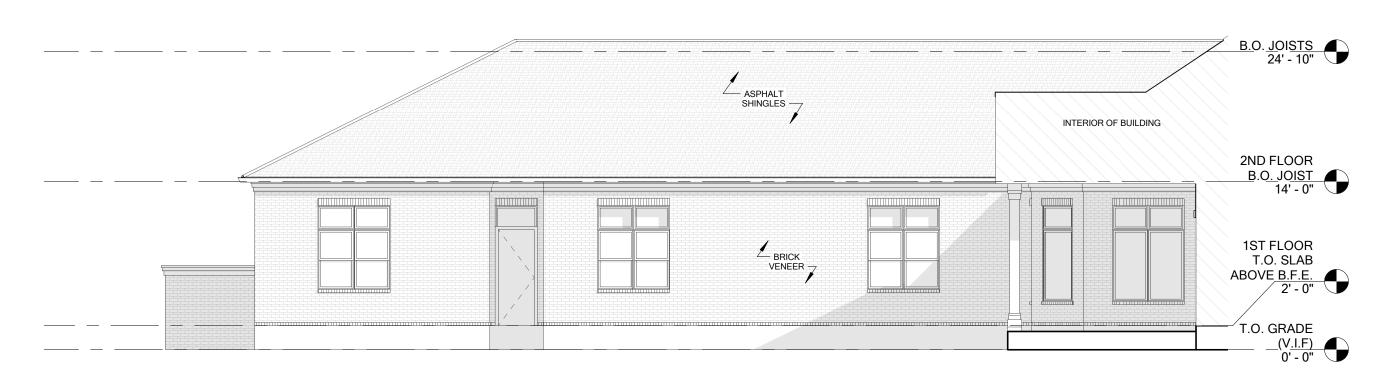
10.19.2023

A-4

2 Livingston Side Elevation A-4.1 1/8" = 1'-0"



Side Elevation A-4.1 1/8" = 1'-0"



Courtyard Elevation - Left A-4.1 1/8" = 1'-0"



A-4.1 1/8" = 1'-0"

1ST FLOOR T.O. SLAB ABOVE B.F.E. 1.U. Gi2' --0" (V.I.F) 0' - 0"

Oaks Residence Personal Care Assisted Living Madison County, MS The

FLYNN ARCHITECT

PROJECT NUMBER: DATE: DRAWN BY: CHECKED BY:

TITLE:

Elevations

10.19.2023

SHEET:

A-4.1



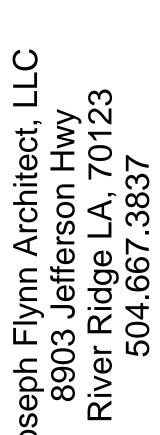
Oaks Residence

Assisted Living ty, MS Personal Care Ass Madison County, I

A-4.2

3D Render





Oaks Residence Assisted Living y, MS

Personal Care As Madison County,

3D Render

A-4.3





Residenc

A-4.4



Oaks Residence Personal Care As Madison County,

3D Render

A-4.5