

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 16th DAY OF MAY, 2024 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 May, 2024, at 9:00 a.m. in the Madison County Complex Building.

Present: Dr. Keith Rouser
 Amanda Myers
 Jean McCarty
 Mandy Sumerall
 Rev. Henry Brown

Scott Weeks, Planning and Zoning Administrator

The 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 11, 2024, meeting of the Commission. Upon motion by Commissioner Brown, seconded by Commissioner McCarty for discussion, Commissioner McCarty expressed the desire to renew, and clarify her previous motion on page 3 of 12 at the last sentence of the April 11, 2024, minutes to read that there should be a 20' buffer with an 8' fence, or a 50' buffer landscaped with at least 8' evergreen trees between the residential and commercial area. There was further discussion as to several instances of misspelling of Commissioner Sumerall's name. Upon motion by Commissioner Brown, seconded by Commissioner Sumerall, with all voting "aye," the motion to make such clarification and corrections to the April 11, 2024, minutes of Planning and Zoning Commission was approved.

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

There next came on for consideration the Application of Dave Thind to Re-Zone certain property from its current designation of A-1 Agricultural District to C-2 Highway Commercial District. The property subject to the Application is located on Old Jackson Road and Nissan Drive, is currently zoned as A-1 Agricultural District, and is in Supervisor District 2. This matter was tabled at the March 14, 2024, meeting of the Commission, and is now back before the Commission.

Don McGraw appeared on behalf of the Applicant and first advised that the Applicant would agree to an 8' fence as opposed to a 6' fence that was depicted on previous submissions. Mr. McGraw further stated that based upon the neighborhood's request, the Applicant would agree to remove the previously submitted diesel island in the rear of the proposed convenience store, but

clarified that the store would sell diesel fuel at the pumps in the front. In response to question from Commissioner McCarty as to how much of the +/-8.27 acres would be developed as a convenience store, Mr. McGraw stated that there were +/-2.5 acres depicted on the layout plan, and that there were no current plans to develop the remaining portion at this time.

Kirby Boyd appeared on behalf of the residents of Cloverleaf Drive, and advised that they had met with Mr. McGraw on the proposed development. Mr. Boyd expressed concern as to clear routes of ingress/egress to and from the property the applicant. Mr. Boyd further expressed concern over the fact that there are already convenience stores less than two (2) miles from the proposed site, and that he did not see the need for additional convenience stores in the area. Moreover, Mr. Boyd stated that there are other properties closer to those convenience stores that are already zoned C-2, and that he did not understand why the Applicant could not seek to purchase those properties instead of rezoning the subject property. Mr. Boyd further expressed concern over the types of activities that a “truck stop” would bring to the area, and specifically referenced “lot lizards” [prostitution]. Mr. Boyd further expressed concern over traffic, as well as trucks being parked on the side of the road in the area, and that another truck stop would only increase those concerns.

Rochelle Thompson appeared and advised that she lives in the area of the subject property on Hawkins-Thompson Lane, and echoed the concern over traffic. Ms. Thompson further expressed concern over the potential development of for storage units, convenience store, and a proposed wine & spirits shop on that location as it is a high traffic area, due to relatively-close proximity to Nissan, Germantown high school, and apartment complexes. Ms. Thompson further expressed concern over the potential of a vape shop being place on the property.

Mr. McGraw spoke to Mr. Boyd’s concerns, and reiterated that this would not be a “truck stop,” and that there would not be a diesel island for trucks to pull in and fill up. As such, the only truck traffic would be those delivering and picking items from any proposed store. Mr. McGraw acknowledged that there were plans for a wine & spirits shop at this location.

In response to question from Commissioner Sumerall, Attorney Clark advised that the Commission could consider a proposed wine & spirits shop in their determination on rezoning, that such use is permitted in a C-2 Highway Commercial District, but requires a separate application with the Mississippi Department of Revenue.

Commissioner Myers inquired as to whether the proposed wine & spirits shop would be closer or further away from the current wine & spirits shop near Germantown High School. Mr. McGraw confirmed that the proposed wine & spirits shop would be further away than the current one near the school, and that there were several others in that general area.

Attorney Clark clarified that it was not required that the Applicant specify any proposed use, and could be as general as stating that the proposed use would be “retail,” and added that a wine & spirits shop would qualify as “retail.” In response to question from Commissioner Myers, Attorney Clark confirmed that once the property is rezoned, it would be open to an application for conditional use in the even that the Applicant desired to put a vape shop on the premises, but that the only matter before the Commission today is the rezoning.

In response to question from Commissioners McCarty and Sumerall, Administrator Weeks stated that he was not sure if any traffic study had been conducted at the subject intersection, but that the Commission, or any citizen could request that one be conducted. Mr. Boyd reappeared, and stated that he had spoken with MDOT, and MDOT advised that there had been no request for any traffic study.

Mr. Boyd further argued that even though the Applicant had agreed to remove the diesel island, they could be added later. Administrator Weeks correctly stated that if the rezoning was approved conditioned upon no diesel island, no such island could be added without another application to rezone and remove any such conditions.

Upon question from Commissioner McCarty as to plans for cleanup of trash and litter at the subject intersection, Mr. McGraw stated that he believed his clients would clean up such trash and litter caused by third parties, and would impress upon them the need to do so.

Certain documents distributed by those in opposition are attached hereto as **Exhibit "A."**

Ms. Thompson reappeared and inquired as to whether there could be a condition on the rezoning as to prohibition of the wine & spirits store, and if so, whether the Applicant would have to come back with another rezoning application to remove such restrictions if approved. Attorney Clark advised that any conditions or restrictions would be up to the Commission.

Upon motion by Commissioner Sumerall to approve the Application of Dave Thind to Re-Zone certain property from its current designation of A-1 Agricultural District to C-2 Highway Commercial District with the conditions that 1) there be no separate diesel island for fueling large trucks, 2) there be no wine & spirits shop located on the property, and 3) that the previously submitted 6' fence be increased to an 8' fence, seconded by Commissioner McCarty, with all voting "aye," the motion by Commissioner Sumerall to approve the Application of Dave Thind to Re-Zone certain property from its current designation of A-1 Agricultural District to C-2 Highway Commercial District with the conditions that 1) there be no separate diesel island for fueling large trucks, 2) there be no wine & spirits shop located on the property, and 3) that the previously submitted 6' fence be increased to an 8' fence, was approved.

There next came on for consideration the Application of Irene Gray for a Variance on Rear Setbacks to her property at 129 Woodscape Drive in Oakfield Subdivision. The property is currently zoned as a PUD, and is in Supervisor District 5.

Ms. Gray appeared and stated that she is seeking such variance as she had enclosed a patio into a sunroom, and added as second covered patio which was discovered to be encroaching on the setbacks. Chairman Rouser inquired as to what was behind the residence, and Ms. Gray stated that there was a fence separating another residence behind her. In response to question from Commissioner McCarty, Ms. Gray stated that there is approximately 14' between her patio and the property line, and that her covenants require 25' setbacks. Ms. Gray stated that she had not discussed this issue with her HOA. Commissioner McCarty inquired as to whether Ms. Gray would have to get this approved by the HOA, and Attorney Clark stated that the County does not enforce covenants, and that the Commission is only concerned with the County Ordinance. Ms.

Gray stated that she had not spoken with her neighbors, but that there was a sign in the yard that she was requesting a variance. Administrator Weeks stated that he had gotten a few calls inquiring about it, but that he did not know if anyone was in opposition.

Upon motion by Commissioner Brown to approve the Application of Irene Gray for a Variance on Rear Setbacks to her property at 129 Woodscape Drive in Oakfield Subdivision, seconded by Commissioner Myers, the Application of Irene Gray for a Variance on Rear Setbacks to her property at 129 Woodscape Drive in Oakfield Subdivision, was approved.

There next came on for consideration the Application of Tomasa Sanchez to Re-Zone certain property from its current designation of R-1 Residential Estate District to C-1A Restricted Commercial District. The property subject to the Application is located at 470 Mannsdale Road, is currently zoned as R-1 Residential Estate District, and is in Supervisor District 2.

The Applicants appeared and stated that they desire to rezone their property, and to repurpose one of the buildings on said property that is currently being used as a daycare into an office building. The Applicants stated that they have seen the positive impact of the dental office and veterinary clinic nearby, and desire to bring similar commercial space to the area.

In response to question from Commissioner McCarty, Attorney Clark advised that any of the proposed uses listed by the Applicants would come under Business and Professional Offices under the Ordinance, but the only matter before the Commission is the rezoning. Attorney Clark advised that the Mannsdale Livingston Historic Preservation District (“MLHPD”) had approved the rezoning with the condition that no residential care facility as defined in the Ordinance which permits 24 hour care.

Upon motion by Commissioner McCarty to approve the Application of Tomasa Sanchez to Re-Zone certain property from its current designation of R-1 Residential Estate District to C-1A Restricted Commercial District with the condition imposed by the MLHPD of no Residential Care Facility, per the definition noted in the Madison County Zoning Ordinance of 2019, which permits 24-hour care, be permitted at this location, seconded by Commissioner Brown, with all voting “aye,” the Application of Tomasa Sanchez to Re-Zone certain property from its current designation of R-1 Residential Estate District to C-1A Restricted Commercial District with the condition imposed by the MLHPD of no Residential Care Facility, per the definition noted in the Madison County Zoning Ordinance of 2019, which permits 24-hour care, be permitted at this location, passed.

There next came on for consideration the Application of Prince Investments for a Conditional Use for a Mining Operation. The property is located on Highway 43 North, is zoned as A-1 Agricultural District, and is in Supervisor District 5.

Tim Hobby with T&K Farms Construction, and Nick Sharp with Prince Oil appeared on behalf of the Applicant. Mr. Hobby advised that he was asking for permission to excavate soils from certain property north of Sharon on +/-1300 acres owned by the Prince family, and transport soils to a location for a new convenience store at Old Jackson and Sowell Road. Mr. Hobby advised that they would also be taking non-desirable soils from the convenience store site back to

the property near Sharon. Mr. Hobby advised they had already received MDOT approval for their easement, and had built an entrance that includes +1000 feet of heavy aggregate so as not to enter Highway 43 with materials that would pose a danger to traffic. Mr. Hobby advised he had met with Supervisor Griffin and confirmed that no truck traffic would have any effect on any Madison County roads. Mr. Hobby advised that he had his MDEQ permit and reclamation plan in place and was simply waiting on Madison County approval. Mr. Hobby advised that all storm water would enter into a 140 acre lake on the property, and that all of the property being excavated will become a wildlife food plot.

Upon question from Commissioner McCarty regarding the application stating that the excavation would be one (1) acre, Mr. Hobby stated that the excavation would fall within that area, but that the reclamation may require more. Administrator Weeks advised that MDEQ has a permit for four (4) acres, or less, and Attorney Clark recommended that if the Commission is to approve this request, such approval be for and up to the four (4) acres, or less, as provided by MDEQ permit.

Upon motion by Commissioner McCarty to approve the Application of Prince Investments for a Conditional Use for a Mining Operation for four (4) acres, or less, seconded by Commissioner Brown, with all voting “aye,” the motion to approve the Application of Prince Investments for a Conditional Use for a Mining Operation for four (4) acres, or less, was approved.

There next came on for consideration, the Application of Gaston Barrett to rezone certain property from I-2 Heavy Industrial to R-2 Medium Density Residential District. The subject property is currently zoned I-2 Heavy Industrial, is located at Kearney Park Road south of Livingston Vernon Road, and is in Supervisor District 4.

Walton Stinson appeared on behalf of the Applicant. Mr. Stinson stated that Applicant is seeking to have the subject +/-4.83 acre parcel rezoned as it is under contract to be sold for a single family residence to be constructed by an elderly resident trying to move out of the city.

In response to whether there was any industrial growth in that particular area, Administrator Weeks advised that there is not, and that the only industrial use in that area is the old Southland Container business.

Administrator Weeks advised that he had gotten a number of inquiries, but no opposition. Mr. Weeks also advised that the Applicant had met all of the requirements of notification under the Ordinance.

Joshua Watts appeared and inquired as to Memorial Drive that is the main entrance to the parking lot of the church he pastors. Mr. Watts inquired as to whether the rezoning would affect the entrance to the church. Mr. Stinson stated that the map shows that Mr. Gaston Barrett owns the road, but that further discovery showed that the previous owner had quitclaimed the road to the Church, and others. Further, Mr. Barrett will donate any of his interest in the road to the Church.

Upon motion by Commissioner Sumerall to approve the Application of Gaston Barrett to rezone certain property from I-2 Heavy Industrial to R-2 Medium Density Residential District,

seconded by Commissioner McCarty, with all voting “aye,” the motion to approve the Application of Gaston Barrett to rezone certain property from I-2 Heavy Industrial to R-2 Medium Density Residential District was approved.

There next came on for consideration the Application of Clay Eckerson for a Conditional Use for inside storage warehouse space. The property subject to the application is at 144 Davis Crossing Road, is zoned C-2 Highway Commercial District, and is in Supervisor District 5.

Clay Eckerson appeared and stated that he is the owner of the property subject to the application, and plans to build upscale storage units in a manner where he can sell off individual units much like a condominium. Mr. Eckerson stated that this is not a residential use, but is a commercial use with 1,250 sf units.

In response to question from Commissioner McCarty, Mr. Eckerson stated that storage units are permitted outright in C-2 designation, but that most storage units are rented to users, and he wants to sell off the individual units. Mr. Eckerson stated that with traditional units, you cannot have electricity or work on vehicles in your unit. Mr. Eckerson stated that phase 1 of his development would be two (2) buildings with six (6) units per building. Mr. Eckerson stated that these units will be presold, and is for people with classic car collections, and other uses. Mr. Eckerson stated he did not want walk-up retail, but would allow persons to store material for a business there.

In response to question for Commissioner McCarty as to the condominium documents, Ms. Susan Pinkston appeared and advised that the covenants contained some typos, but would be corrected, but that they did desire to have covenants on the property so that future owners would know the exact uses which they are permitted to do.

In response to Administrator Weeks as to the waste water for the site, Mr. Eckerson stated that he had consulted with an engineer, and that they had a plan in place for a treatment plant(s) to accommodate all such use, with a sprinkler system/spray field, and would apply for approval of such with the Health Department at construction phase.

Upon motion by Commissioner Brown to approve the Application of Clay Eckerson for a Conditional Use for inside storage warehouse space, seconded by Sumerall, with all voting “aye,” the motion to approve the Application of Clay Eckerson for a Conditional Use for inside storage warehouse space, was approved.

There next came on for consideration, the need to close the public hearing. Upon motion by Commissioner Brown to close the public hearing, seconded by Commissioner Myers, with all voting “aye,” the public hearing was so closed.

There next came on for discussion, the setting of the June, 2024 meeting. June 13, 2024, was suggested. Upon motion by Commissioner Brown, seconded by Commissioner Myers, with all voting “aye,” the motion to set the June, 2024 meeting for June 13, 2024, was approved.

With there being no further business, the May 16, 2024, meeting of the Madison County Planning and Zoning Commission was adjourned.

Date

Dr. Keith Rouser, Chairman

From Mr. Bennett
Waynette Daughtery

TO: Madison County Rezoning Board

FROM: Cloverleaf Drive & Old Jackson Road Residents

DATE: 10 May 2024

SUBJECT: Rezoning of property on Nissan Drive

We the residents of Cloverleaf Drive and Old Jackson Road, strongly oppose the proposed rezoning of the parcel of land on Nissan Drive and adjacent to Cloverleaf Drive to accommodate a Liquor Store and Truck Stop. Such a development would have negative impacts on our community, compromising the quality of life we currently enjoy.

The Environmental Consequences are significant. The increase of large diesel trucks operating with engines running throughout the day and night will introduce more pollutants into our neighborhood, affecting the health and well-being of all. Furthermore, the noise generated by truck engines running throughout the day and night will disrupt the tranquility of our neighborhood, disturbing sleep and daily activities.

Safety Concerns: Such a business at this location will impose a greater safety hazard. Vehicles entering and exiting this facility at a slow to moderate rate of speed presents a very serious safety hazard. Throughout the day, particularly morning and evening, hundreds of vehicles are passing this location at high rates of speed, there are steep curves that obstruct the view of oncoming traffic from both directions (north and south) of this location. This situation not only presents a safety hazard to the residents but the general public as well.

The presence of such a facility would likely attract undesirable elements and contribute to littering and sanitation issues, further detracting from the appeal of our neighborhood and decreasing our property value. The proximity of this operation to residents with young children raises serious concerns about their safety and well-being. The increased traffic and activity associated with a Truck Stop pose a risk to their safety and limit their ability to enjoy outdoor spaces without fear of disturbance.

In conclusion, the rezoning of the parcel of land to accommodate a liquor store and truck stop would irrevocably change the safe, quiet, and peaceful environment we currently cherish. We urge the Rezoning Board to consider the negative impacts on our community and reject this proposal.

Signatures



The Community against old Jackson Rd.
Market and Truck Stop

1. Zyrke Caldwell
2. Gaylyn Caldwell
3. Mildred Harris
4. Nail Arce
5. Pearl Archie
6. Suna Ben
7. Samuel Reston
8. Virginia Proctor
9. Lebaa Cain
10. Joyce Hughes
11. Earl Lewis
12. Demorsby Lewis
13. Linda Lewis
14. Commel Mason
15. Theemo Archie
16. Loretta Guss
17. Andrew Guss
18. Waynette Daughtery
19. Bobbie Ross
20. ~~Walter J. Archie~~
21. ~~Walter J. Archie~~
22. Julia Archie
23. Eliza Bonnell
24. Jakeria Edwards
25. Jacqueline Bentfield

- 26 Shakaira Reed
27. Cardell Bentfield Sr.
- 28 Chonnette Bouldin
- 29 Tamara Bouldin
- 30 Aion Zo Bouldin
- 31 Emma Bouldin
- 32 Allan Bouldin
- 33 Hermance ~~Smith~~
- 34 ERIC Bouldin
- 35 Evelyn Johnson
- 36 Ronnie McElroy
- 37 Nickell McElroy
- 38 Mary McElroy ~~ford~~
39. Arologa CLEAVER
40. Sandra Cleaver
- 41 Leticia Cleaver
- 42 Wilby Ben
- 43 Barbara Bouldin
- 44 Jerry B. Hark
- 45 Hazel Lewis
- 46 Jamie Lewis
- 47 Markcus Lewis
- 48 Ken Bouldin
- 49 Harry Mabry Jr.
- 50 Annette Mabry
- 51 Katherine O'Manning

- 52 Marcell Brown
- 53 Presbury Brown
- 54 Benzel Davis
- 55 Elton Baldwin
- 56 Larry Dudgey
- 57 Wendell Baldwin
- Ronald Davis
- 58 Willie Maly
- 60. Charles D. Das
- 61 Ward D. Das
- 62 Marshall Johnson