

**APPLICATION FOR SPECIAL EXCEPTION**  
**Owner request to excavate existing pond and haul dirt off property**

<b>Name and Address of Applicant:</b> Arthur L Bouldin 179 Sam Bouldin Road Madison, MS 39110	<b>Street Address of Property (if different address):</b>  Same
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APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
10-13-2015	A-1	See (Exhibit A)	82D-20-017/01	X	See (Exhibit B)

**Other Comments:** As per Section 502 – Conditional Uses and Structures as provided in Section 2605 of the Madison County Zoning Ordinance.

Comments

Respectfully Submitted

*Arthur L. Bouldin*  
 \_\_\_\_\_  
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Petition submitted to Madison County Planning and Development Commission on 10-13-2015

Recommendation of Madison County Planning and Development Commission on Petition Approved Dec 10, 2015

Public Hearing date as established by the Madison County Board of Supervisors 2-1-2016

Final disposition of Petition \_\_\_\_\_



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

January 11, 2016

Leothas E. Nichols, II  
882 Way Road  
Canton, MS 39046

Re: Leothas E. Nichols, II, Bouldin Mine  
Madison County  
Notice of Exempt Operation **45-168**  
Section: 20, Township: 8 North, Range: 2 East

This letter is to acknowledge receipt of your Notice of Exempt Operation received on January 7, 2016. **In the event this operation exceeds four (4) acres, you will be required to obtain a state mining permit.**

In addition to a Notice of Exempt Operation, you must apply for and obtain coverage under a Mining Storm Water General NPDES Permit prior to any mining activities at this site. Operating without a Storm Water Permit is a violation of the Mississippi State Law, Sections 49-17-1 through 49-17-43, which provides for significant monetary penalties. In order to ensure compliance, please contact the Mining and Solid Waste Branch, Environmental Permits Division at 601-961-5567 for compliance information.

If you have any questions, please contact me at 601-961-5526.

Sincerely,

Brandon Cummins  
Mining and Reclamation Division

Enclosure

cc:

69183 EXE20160001

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF GEOLOGY  
Mining and Reclamation Division  
P. O. Box 2279  
Jackson, Mississippi 39225-2279  
(601) 961-5515

45-168  
AI#69183

NOTICE OF EXEMPT OPERATION

This form shall be filed with the Office of Geology, Mining and Reclamation Division only for operations affecting 4 acres or less and greater than 1320 feet from another mine. NOTE: Local, county, federal or other state agencies may also require permits before mining can be done on your site. This is your responsibility.

Name of applicant/operator: Leothas E. Nichols II  
Mailing address: 882 Way Rd  
Canton, MS 39046  
Telephone number: 601-941-8298

Do you have any other exempt mining operations on file? [ ] yes [X] no  
Do you plan to file for a permit and expand this site later? [ ] yes [X] no

LOCATION

NW 1/4 of NE 1/4 of Section 20, Township 08N Range 02E County Madison

Include a map or aerial photo marked with site location with this form.

Name of land owner: Arthur Bouldin  
Mailing address: 179 Sam Bouldin Rd  
Madison, MS 39110  
Telephone number: 601-213-7116

Date operation to begin Feb 1, 2016 Date operation to end (estimated) Aug 31, 2016  
Material to be mined \_\_\_\_\_ Number of acres to be mined 2.5 (A)\*  
Total acres to be affected by operation (mine, roads, storage, etc.) 2.5 (B)\*  
Is operation closer than 1,320 feet (1/4 mile) to another mine? [X] no [ ] yes\*

\*If items A or B exceed 4 acres or you answered YES above, you need to apply for a MINING PERMIT.

Applicant/operator: Leothas E. Nichols II By Leothas E. Nichols II  
Signature

Date: Jan 5, 2016 Position President

For Office of Geology use only

Date: 1/11/16 RECEIVED By Jan E. Porter  
Division Director  
Mining and Reclamation Division

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 10<sup>th</sup> DAY OF DECEMBER, 2015 AT 9:00 A.M. AT THE  
MADISON COUNTY COMPLEX BUILDING**

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**BE IT REMEMBERED** that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 10<sup>th</sup> day of December, 2015 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present: William Amadio  
Larry Miller  
Will Sligh  
Dr. Keith Rouser  
Rev. Henry Brown

Scott Weeks, Planning and Zoning Administrator

There first came on for consideration the minutes of the November 12, 2015 meeting of the Commission. Upon motion by Commissioner Rouser to approve the minutes, seconded by Commissioner Amadio, with all voting "aye," the motion to approve the November 12, 2015 minutes passed.

There next came on for consideration the petition of Renasant Bank to rezone Planned Unit Development (PUD) to C-1A Commercial and R-1 Residential and abandon the master plan to Worthington Residential PUD and Worthington Professional Park. This property is located on Hwy 51 North of Green Oak Lane and adjoins St. Davids Way. Brandon Kahlstorf, Esq. appeared on behalf of the Petitioner. Mr. Kahlstorf set forth the history of this property and explained that Gilmore Holdings filed the original petition and master plan approximately five (5) years ago that never came to fruition. The property, to be developed as Worthington, subsequently went into foreclosure. They want to restore it to its originally R-1 zoning because they have no intention of developing a PUD. Commissioner Amadio inquired regarding whether they had a potential buyer for the property and Mr. Kahlstorf stated that they had been approached by an individual who was interested in building a home. Commissioner Amadio further inquired regarding the access to this property and Mr. Kahlstorf explained that there were two (2) ways to access the property, from Hwy 51 and St. Davids Way. They just recently discovered that there was limited access for emergency personnel and one of the nearby homeowners, Mr. Eddie Tate, has an easement to access his property from St. Davids Way. Commissioner Sligh stated that the issue was the concern of St Davids Way becoming a thoroughfare. Mr. Kahlstorf stated that the Petitioner just wishes to sell the property to an individual, who is present at the meeting and can attest to his future plans if the Commission would like to hear from him. The Commission asked anyone in opposition to come forward. Mr. Jake Ritchie, Esq. came forward and explained that he represents the St. Davids HOA. He presented some documents to the Commission and stated that his clients want to keep the access to this land off of St. Davids Way the same as it would be under the PUD, emergency responders

only by way of gate access (in addition to the easement set forth above). He argued that this is a rezoning request and R-1 wouldn't comply with the current Madison County Comprehensive Plan adopted in 2012 designating this area as moderate density. He explained the history of the original PUD rezoning, including the limited access on St. Davids Way for emergency responders and that the property would be primarily accessed off Hwy 51. Commissioner Amadio inquired regarding whether the homeowners were opposed to the R-1 rezoning. Mr. Ritchie explained that they were not opposed to the rezoning itself, but they wanted to maintain the restriction set forth in the PUD that limited the access on St Davids Way to emergency responders and the current easement only. They want the access to this property to be from Hwy 51 and they also want a gate constructed on St. Davids Way as was proposed in the Worthington development. Zoning Administrator Weeks stated that he had also received an email in opposition, which will be attached hereto as Exhibit "A" to these minutes. Commissioner Sligh inquired regarding access off Hwy 51 and Mr. Kahlstorf stated that there was currently a gravel road off Hwy 51 that accessed property not owned by Petitioner. He stated that he had not seen any of the documents Mr. Ritchie presented as he was not provided a copy of the documents. He did not believe they were part of the original master plan that his client was provided. He pointed out that the plan was never developed. He said that the prospective buyer intends for this land to be private property for his home and 2 other family members' homes. He thinks this would constitute a taking because to allow Mr. Tate's easement only when his client is the underlying fee simple title owner of the property is unfair. Commissioner Amadio stated that these agreements were in place prior to his client becoming involved and they are just asking that it be upheld. He stated that the Commission would prefer that the parties work out an agreement and Mr. Kahlstorf stated that it seemed the homeowners were leaving no options other than their own. Commissioner Sligh inquired as to the exact location of the proposed 35 acres to be purchased. Mr. Kahlstorf stated that it would be much more financially feasible for the purchaser to use St. Davids Way versus Hwy 51 for access to their homes. Zoning Administrator Weeks explained that because a master plan is in place, for the property to be developed, it must be in accordance with the plan or the plan has to be removed. Commissioner Amadio inquired if they would be willing to work out an agreement and Mr. Kahlstorf stated that they are just trying to get the property sold to the interested buyer and would be amendable to trying an agreement. Ray Callahan is the President of St. Davids HOA addressed the Commission next. He stated that there is another property nearby that accesses it from a gravel road from Hwy 51 on Petitioner's property so that is a viable option. He said they are more concerned with the long term development of the property and that's why they want this agreement upheld. Mr. Kahlstorf showed the map to the Commission and stated that the issue with that road was the distance to this property and it would not be a convenient option. Lisa Williams with Germantown Subdivision addressed the Commission next and stated that the Commission did not need to grant a developer access off a platted subdivision in a cul-de-sac because it would damage the road so she was opposed to this development. Ricky Babber addressed the Commission next and stated that he is the potential buyer. He stated that the property was for him, his parents and his brother and they want to build million dollar homes. His concern with using the long gravel road for his parents is their age and their safety. He went to one of their HOA's meeting and has asked for just one access to his parents' property. That is his primary concern and he would mainly just like the one access of approximately 20 feet for his parents and he and his brother can access off Hwy 51. Upon Motion by Commissioner Amadio to deny the petition due to the PUD

access restrictions per the master plan being in place for several years, seconded by Commissioner Sligh, with all voting "aye," the motion to deny the petition passed.

There next came on for consideration the petition of MAK LLC for a conditional use on property zoned A-1 Agricultural. This is a site for a Bed and Breakfast/Wedding venue located at 2268 Hwy 22. Mr. Don McGraw, Esq. appeared on behalf of the Petitioner. The owners of the property were also present. He explained that this land is north of Martinique in Lake Caroline and they are proposing to develop 24.8 acres with a restored barn similar to a development they have done in Hattiesburg. He stated that they are not aware of any in opposition. Zoning Administrator Weeks stated that he had not received any opposition. There will be 2 entrances to the property, with 1 being the primary entrance and the other being a service entrance for caterers and the like. Upon Motion by Commissioner Rouser, seconded by Commissioner Amadio, with all voting "aye," the motion to approve the petition passed.

There next came on for consideration the petition of Arthur Bouldin for a special exception to operate an exempt mining operation of 4 acres or less to excavate a pond and remove the material from the property. This property is located at 179 Sam Bouldin Rd. near the intersection of Church Road and Stribling Road Extension. Lee Nichols appeared on behalf of the Petitioner. The Commission explained that they had limited the hours of operation in the past and they would need to comply with those restrictions. The hours of operation would need to be from 8:30AM to 2:00PM, with flagmen in place and no weekend operation. This would essentially be the same restrictions as placed on the operation on Yandell Rd. by Eutaw Construction. Zoning Administrator Weeks explained that a DEQ permit would be required before they could seek approval from the Board of Supervisors. Lisa Williams from Germantown Subdivision addressed the Commission next and asked which way trucks would be hauling. Commissioner Sligh advised that they would go west to a house pad and some would go east to other projects. Upon Motion by Commissioner Sligh to approve the petition with the limitations as set forth herein and limited to a six (6) month permit at which time they would need to request a renewal if the work is not complete, seconded by Commissioner Amadio, with all voting "aye," the motion to approve the petition passed.

There next came on for consideration the site plan of Fleetway Fuel Center for a concrete parking lot at the Shell gas station currently being constructed at the corner of Gluckstadt Rd and Industrial Drive. Bradley Morris appeared on behalf of Petitioner. Zoning Administrator Weeks explained that the County Engineer has approved the design and placement of the sign. Petitioner discussed concerns regarding the detention facility and these have been looked at by the project engineer and county engineer as well. Concerns regarding how trucks leaving the parking lot and going east were also raised. Mr. Morris advised he would place signs advising of no left turns. Upon Motion by Commissioner Amadio to approve the site plan, seconded by Commissioner Miller, with all voting "aye," the motion to approve the site plan passed.

There next came on for discussion the issue of attorney fees for November, 2015. Upon Motion by Commissioner Rouser, seconded by Commissioner Miller, with all voting "aye," the motion to approve the attorney fees for November passed.

There next came on for discussion the setting of the January, 2016 meeting. January 14, 2016 was discussed. Upon motion by Commissioner Sligh, seconded by Commissioner Brown, with all voting "aye," the motion to set the January, 2016 meeting for January 14, 2016 passed.

With there being no further business, the December 10, 2015 meeting was adjourned.

1 14 16  
Date

  
(Chairman)

STATE OF MISSISSIPPI  
COUNTY OF MADISON

WARRANTY DEED

Document prepared by and please return to:

Bentley E. Conner  
Attorney at Law #101  
P.O. Box 563 12-  
Canton, MS 39046  
601-859-6306  
Ms. Bar. Number 6465

GRANTOR's name(s), address, home and business telephone numbers:

Leroy Bouldin  
129 South Hampton Circle  
Madison, Mississippi 39110  
323-382-8928

GRANTEE's name(s), address, home and business telephone numbers:

Arthur Bouldin  
267 Church Road  
Canton, Mississippi 39046  
601-856-3259

indexing instructions: 8.5150 acres in NE1/4 §20, T8N,R2E

FOR AND IN CONSIDERATION of Ten Dollars (\$10.00) cash in hand paid and other  
good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged,



I, Leroy Bouldin, do hereby convey and warrant unto Arthur Bouldin the following described real property situated in Madison County, Mississippi, to wit:

Commencing at the Northwest corner of the NE1/4 of Section 20, Township 8 North, Range 2 East, Madison County, Mississippi run thence S 0°11'15"E 559.73 feet along the West line of the NE1/4 of Section 20 to a found iron pin; run thence S0°04'57"E 560.07 feet along the West line of the NE1/4 of Section 20 to a found iron pin; run thence N89° 59'01"E 252.77 feet to an iron pin and the Point of Beginning; run thence N89° 59'01" E 662.26 feet to an iron pin; run thence N 0°04'57"W 560.07 feet to an iron pin; run thence S 89°59'01"W 662.26 feet to an iron pin; run thence S 0°04'57"E 560.07 feet to an iron pin and the Point of Beginning. This parcel contains 8.5150 acres more or less

THE WARRANTY OF THIS CONVEYANCE IS SUBJECT ONLY TO THE FOLLOWING:

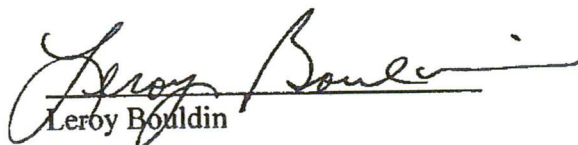
1. Subject to the payment of ad valorem taxes for the year 2010 to the City of Canton and Madison County, Mississippi, which are neither due nor payable until January, 2011.

2. Subject to all applicable zoning ordinances and subdivision regulations for Madison County, Mississippi.

3. Prior reservation or conveyance of oil, gas, or other minerals which may lie in, on, or under the captioned property.

4. The parties recite that this parcel is a portion of that allotted to Leroy Bouldin, Arthur Bouldin, and Beatrice Bouldin, in Cause number 2007-119 in the Chancery Court of Madison County, Mississippi, by judgment dated April 3, 2009, and recorded in the land records of Madison County, Mississippi, in Book 2428-888. The interest of Beatrice Bouldin was deeded to Arthur Bouldin by deed in Book 2549 at Page 87 in the land records of Madison County, Mississippi.

WITNESS MY SIGNATURE this 11 day of Oct, 2010.

  
Leroy Bouldin

STATE OF MISSISSIPPI  
COUNTY OF MADISON

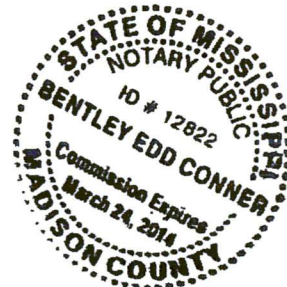
PERSONALLY APPEARED before me, the undersigned authority in and for the above county and state, Leroy Bouldin who acknowledged that he did sign, execute and deliver the above and foregoing Warranty Deed as and for his free act and deed on the day and date therein mentioned.

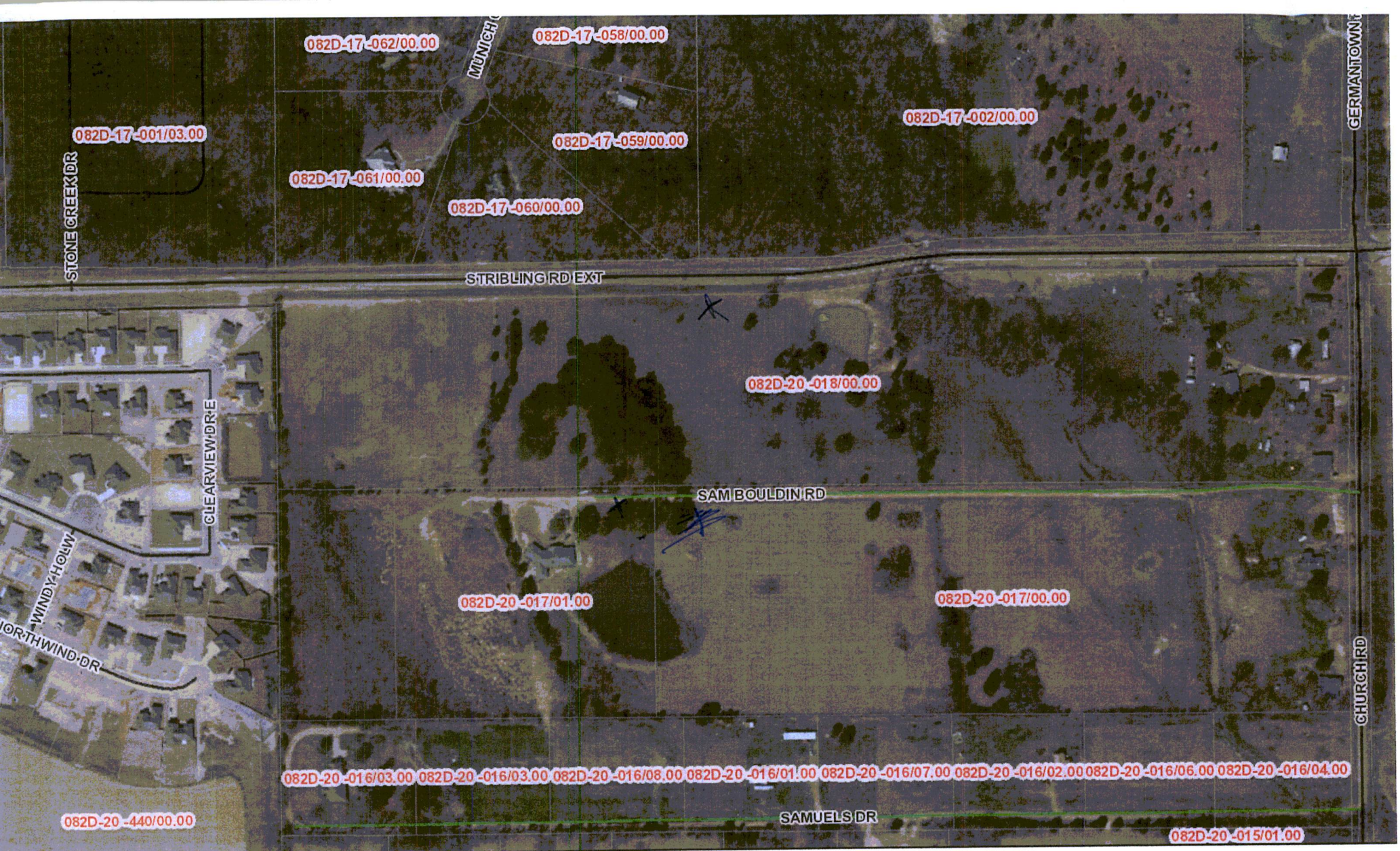
ISSUED UNDER MY HAND AND OFFICIAL SEAL this the 11 day  
of October, 2010.

*Bentley E Conner*  
Notary Public

My Commission Expires:

\_\_\_\_\_





Arthur Bouldin

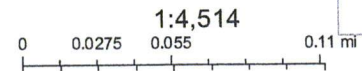
Z signs

Special Exception

S-115

--- County Boundary

Madison  
County  
GIS





REMINGTON CV

BUCKHEAD DR

STONE CREEK DR

MUNCH CV

GERMANTOWN RD

CHURCH RD

BUCKHEAD DR

STRIBLING RD EXT

CLEARVIEW DR E

SAM BOULDIN RD

CLEARVIEW DR W

NORTHWIND DR

SAMUELS DR

PALIN DR

EMRY CV

LAKEWAY DR

ESSEN LN

ALDEN PL

MILLHOUSE DR

KEBLE RD

BRADFIELD RD

MUIRFIELD PL

MINNINGER BLVD

CHURCH RD

PARKFIELD DR

LUM DR