

MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 19th DAY OF MAY, 2016 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, 2016 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present: Walter McKay
Larry Miller
Rev. Henry Brown
Dr. Bill Howard

Scott Weeks, Planning and Zoning Administrator

Absent: Don Drane

The meeting was opened with prayer by Rev. Brown, and those present participated in pledging allegiance to our flag.

There first came on for consideration the minutes of the April 14, 2016 meeting of the Commission. Upon motion by Commissioner Miller to approve the minutes, seconded by Commissioner Brown, with all voting "aye," the motion to approve the April 14, 2016 minutes passed.

There next came on for consideration the petition of Mak Haik for a conditional use to sell pre-owned vehicles. The property is located between I-55 and Calhoun Station Parkway. The petitioner is requesting three car dealership locations and a site plan has been provided for the Chrysler, Jeep, Dodge and Chevrolet dealerships being proposed. Allen Grant appeared on behalf of Petitioner as the architect for the petitioner. Andrew Leeper with the Mak Haik Jackson, MS location also appeared on behalf of Petitioner. He explained this the businesses would consist of 70% new and 30% used vehicles. The used vehicles will undergo a 125 point inspection process and be certified used vehicles. No one was present to oppose the development. Upon motion by Commissioner Howard to approve the motion for a conditional use, seconded by Commissioner Brown, with all voting "aye," the motion to approve the conditional use passed.

There next came on for consideration the site plan of Mak Haik for their businesses as just approved. Commissioner McKay inquired regarding the siding on the buildings and stated that he would like to see EIFS on the whole building, including the back, to make it look more upscale, to which Petitioner agreed. Upon motion by Commissioner Howard to approve the site plan, seconded by Commissioner Brown, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the petition of Dawn and Bennie Street for a

conditional use to excavate a lake and remove the excess material. The property is located on the Southwest corner of Goodloe Rd and Hwy 43N. This will be a 4 acre or less permit and their site plan is included. Mrs. Street appeared and stated that they intend to make this a 4 acre lake that will eventually be a larger lake. They have provided their plans and all necessary documents in support of their request, including their hours of operation which limit operation for school/work traffic and no Sunday operations. Those in opposition were asked to come forward. Jake Ritchie spoke first and explained he was the attorney hired by Rayford Pool who is an adjacent landowner to this property. He is concerned about how this will affect his property value and how the water will be maintained. He said his client is also has safety concerns because of traffic and dust created by the operations. Mr. Ritchie stated that according to the zoning ordinances, the County is to protect the health, safety and welfare of the citizens and these issues meet these concerns. Mrs. Street spoke in response to these concerns and stated that this is their home and they intend for this to be a nice lake that increases their property value. They did another lake in the area in the past and it enhanced the property value. She said there is a clear water shed coming off of Hwy 43 and it will provide plenty of water for the lake. She pointed out there is another dirt pit being operated nearby on Goodloe Rd. and that this is a public road that sees a lot of truck traffic already so this wouldn't change the conditions of the road. This is a one year permit only and they will be done within that time. She further elaborated on their history in owning the property for 15 years and that they only intend to increase the value. Commissioner McKay inquired regarding the bond and Mrs. Street stated they had put up a \$1,000 bond per acre to ensure the work was done properly, including reclaiming the edges and making the property look nice. Commissioner McKay also inquired regarding the water and Mrs. Street stated there is a ditch that floods that will provide water to the lake and the dirt will be used to make a dam for the lake and the excess will be hauled away and sold. James Parker addressed the Commission next and stated that he lives at 2355 Hwy 43N and is concerned about flooding from the nearby creek and how this may affect his property. He lives south of the proposed property. Mrs. Street stated that the maps provided showed that this land would not be affected by these operations. Nancy Isonhoot spoke next and she lives on Quail Rd. She stated there was already a mining pit being operated on Goodloe Rd. and another nearby and there wasn't a need for another pit mining operation. She also stated there was a lake that was done nearby and its nothing but a big empty hole and she didn't want to have to see that again. Commissioner Howard stated that he was concerned about the lake being well maintained. Mr. Street stated that they farm and live in this area and they wouldn't do anything to negatively effect their property value or be at odds with their neighbors. He further pointed out that he is in the land business and does this for a living and so he has plenty of experience to ensure this is done correctly. Commissioner McKay stated that DEQ would be the proper entity to oversee and enforce their permit. Upon Motion by Commissioner Brown, seconded by Commissioner Miller, with Commissioner Brown, Miller and McKay voting "aye," and Commissioner Howard voting "nay," the motion to approve the conditional use and site plan passed.

There next came on for consideration the site plan of Cedarstone Commercial for a new business located on Aulenbrock Drive. Jason Weeks appeared on behalf of Petitioner, along with Brad Williford. He stated that this was an office warehouse space that was being proposed and it was tabled from the April 14, 2016 Commission hearing. He stated that he was recently retained to represent the Petitioner due to the issues with the surrounding homeowners that they had not been able to resolve. He stated that the land was properly zoned for this and it was a site plan

review only. Commissioner McKay stated that he was absent at the April meeting and would like to know what was at issue between the parties. Mr. Weeks stated that there had been a long list of items sent to his client that he felt were unreasonable and not economically feasible for his client. He stated that they had agreed to move the dumpsters away from the landowners and the only lighting in the rear would be from the exit signs required by code. He said they had requested a 12 foot fence with razor wire on top and other things they couldn't agree to and they felt their site plan met the ordinances for this zoning. Commissioner McKay inquired regarding the building facade and why they couldn't put it on the parts that would be seen by the homeowners and that it appeared to be a reasonable request. Mr. Weeks stated that this zoning was already in a place when most of the homeowners moved and they should have taken note of the commercial zoning prior to purchasing their property. Dr. Howard inquired regarding the landscaping and Mr. Weeks stated that it was open landscaping of 20 feet as required by the ordinances. Rick Eisenberger with John Shows' office addressed the Commission next on behalf of Bradshaw Ridge Subdivision. He stated that the Petition when the land was originally rezoned in 2006 had covenants that were attached that would affect this site plan and stated that he was representing the Bradshaw Ridge subdivision in opposition to this site plan. He stated they had just received this Petition and would like time to discuss with the homeowner and try to work out an agreement so they would like the Petition to be tabled. He also denied that the landowner had tried to meet and work anything out since the last meeting. He said it was unclear whether the covenants had been recorded but that they stated there was to be EISF siding used and no metal (which is on the current site plan) and the landscaping was supposed to be more of a buffer for the homeowners. He stated they were also concerned because the current site plan doesn't address rear setbacks. Marshall Jackson, a resident of Bradshaw Ridge, spoke next and stated that he was concerned about the new location of the dumpsters because they were now located directly behind his home. Lisa Walters, a Gluckstadt resident of Germantown Subdivision, spoke next and inquired regarding the covenants issue. She stated that she had inquired this issue in the past and was concerned about how it affects zoning. Commission attorney Ledford stated that new procedures were being discussed to help ensure the recording of any covenants agreed to in zoning matters. She further stated that unrecorded covenants may not be enforceable and this legal issue was currently being reviewed. Commissioner Howard stated that in his opinion the covenants should remain in effect because they were a condition to the rezoning, regardless of whether they were filed. James Harreld addressed the Commission and stated that he is a Gluckstadt resident who resides on Stribling Rd. He stated that the other petitioner, Mak Haik, had agreed to add more siding without question and he didn't think it was right that the current petitioner wouldn't agree to same. Crystal Hunt addressed the Commission next and stated that although she was glad they had moved the dumpsters away from her property, she was concerned for the other homeowners. He also stated that they were currently getting a survey done because some of the land behind the neighborhood fence may actually belong to the HOA and she wanted that issue to be noted. Tammy Harreld addressed the Commission next and inquired regarding the lost documents and stating that she felt that the Planning and Zoning Office had lost documents in the past that cost the county citizens a lot of money and that concerned her. She stated that she would like to see the process changed to ensure this didn't happen anymore. She further stated that she felt the Commission attorney always sided with the developer and that concerned her. Commission attorney Ledford stated that this was not an issue with the Planning and Zoning office but instead covenants that had not been filed by the property owner. She also

reiterated that the County had no authority to file or enforce covenants, that was the duty of the landowner. She further stated that she was bound by the law and had no personal interest in either side's position. Commissioner Miller spoke next and stated that he didn't appreciate the accusations being made by Mrs. Harreld regarding prior Commission decisions. Upon Motion by Commissioner Howard to table the site plan pending further discussions between the petitioners and those in opposition, seconded by Commissioner Miller, with all voting "aye," the motion to table the site plan passed.

There next came on for discussion the payment of attorney fees for April, 2016. Upon Motion by Commissioner Brown, seconded by Commissioner Miller, with all voting "aye," the motion to approve the attorney fees for April, 2016 passed.

There next came on for discussion the setting of the June, 2016 meeting. The second Thursday of the month is June 9 and all agreed to this date. Upon motion by Commissioner Brown, seconded by Commissioner Howard, with all voting "aye," the motion to set the June, 2016 meeting for June 9, 2016 passed.

With there being no further business, the May 19, 2016 meeting was adjourned.

6-9-16
Date

Walter McKay
(Chairman)