

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 13th DAY OF APRIL, 2017 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 13th day of April, 2017 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present: Walter McKay
 Larry Miller
 Don Drane
 Rev. Henry Brown
 Carl Allen, Planning and Zoning Administrator

Absent: Dr. Bill Howard

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

There first came on for consideration the minutes of the March 9, 2017 meeting of the Commission. Upon motion by Commissioner Brown to approve the minutes, seconded by Commissioner Drane, with all voting "aye," the motion to approve the March 9, 2017 minutes passed.

There next came on for consideration to open the public hearing for various matters. Upon Motion by Commissioner Miller to open the public hearing, seconded by Commissioner Brown, with all voting "aye," the motion to open the public hearing passed.

There next came on for consideration the petition of Scott Gidoen for a conditional use for a mining operation on 80 acres located on the southeast corner of Stokes Rd and Richton Rd. This property is zoned A-1 Agriculture. Andy Clark, Esq. appeared on behalf of the petitioner. He explained that their plans were submitted as part of the petition. Commissioner McKay stated that he had spoken with Mr. Gideon about the plans and had no issue about it. A discussion was had regarding the bonds and Zoning Administrator Allen explained that the petitioner would work with the county engineer to post the necessary bonds. There have not been any objections voiced regarding this request. There was a discussion regarding restrictions on the operations and Mr. Clark said his client would agree to restrict the hours of operation to daylight hours only. Upon motion by Commissioner Brown to approve the conditional use subject to the restriction to daylight operation hours only, seconded by Commissioner Miller, with all voting "aye," the motion to approve the conditional use passed.

There next came on for consideration the petition of Fueltrac, LLC for a conditional use for a convenience store on property zoned C-1 Commercial located on Gluckstadt Rd. A site plan is

included with the submissions for this petition. James Peden, Esq. appeared on behalf of the petitioner. He explained that the owner lives in Johnstone Subdivision in Madison County, is a naturalized American citizen and is a successful business man with similar stores in other areas in the state and in Louisiana. This is a 1.16 acre tract of land and he is seeking the conditional use to operate this business. Mr. Peden explained that the surrounding area was primarily commercial with lots of growth in recent years. He stated that this would be compatible with the surrounding area and with the recent traffic study, his client felt like the subject property was ideal for this location. He acknowledged the long range plans of the Board of Supervisors to widen the roads to help with traffic congestion. He submitted some photographs, attached as Exhibit "A," and a site plan layout, attached as Exhibit "B," for this property. He stated that the plans would be in keeping with the other commercial structures in this area, with heavy landscaping in the front with an appropriate buffer. Bear Creek water provided a letter that was with the submissions that they would provide water and sewer to this property. All ordinance requirements would be met with regard to sales space, etc. and there would additionally be a portion of the building, approximately 1,500 square feet, that would available rental space.

Commissioner Drane inquired if diesel would be present and Mr. Peden stated that it would but for automobiles only, not for commercial trucks. Commissioner McKay inquired regarding the expected traffic they anticipated per day at this store. Mr. Peden stated that they didn't have any exact numbers but there would be 6 gas pumps that would serve up to 12 cars at one time. Commissioner McKay stated that he had concerns regarding safety because of the heavy traffic in this area and how this would increase the number of individuals entering and exiting the roads from this business. Mr. Peden stated that he wasn't aware of any accidents in this area and he didn't think that one more entrance would negatively affect traffic any more than it currently stood. Jody Jordan, the general contractor for this proposed business, was also present and he stated that the plans met all safety regulations. Commissioner Drane also inquired about the rental space and whether there was any intention to try and put a liquor store in this space. Mr. Peden stated that there was not and his client would be willing to stipulate to that effect if the Commission wanted to recommend approval with that condition/restriction. Commissioner Drane inquired regarding the nearby gas stations in the area and Mr. Peden stated that the Mississippi Supreme Court has stated in cases that the County's purpose should not be to limit or prohibit competition.

Dr. Frank Guile addressed the Commission next and stated that he had professional office space right by this business along with other similar professional businesses. He noted the heavy traffic in the area and difficulty this would impose to those businesses with more traffic coming in and out of the gas station. Martha Smith also addressed the Commission and stated that she lived on Dewees Rd. in Gluckstadt and she had concerns about safety due to the heavy traffic in this area and that until the roads were improved to help with congestion, this type business was not appropriate. A discussion was had regarding the safety concerns and emails sent to the Zoning Administrator in opposition to the petition were submitted and are attached hereto as Exhibit "C." Upon Motion by Commissioner McKay to deny the petition for a conditional use based on it not meeting the definition of conditional use because of the safety and increased traffic concerns, seconded by Commissioner Drane, with all voting "aye," the motion to deny the conditional use passed.

There next came on for consideration to close the public hearing for various matters. Upon Motion by Commissioner Brown to close the public hearing, seconded by Commissioner Drane, with all voting "aye," the motion to close the public hearing passed.

There next came on for discussion the setting of the May, 2017 meeting/public hearing. The second Thursday in May is the Canton Flea Market so the third Thursday in May, being May 18, 2017, was discussed as the best option and agreed to by those present.

With there being no further business, the April 13, 2017 meeting was adjourned.

Date

5-18-'17

Walter McKay
(Chairman)

St. Joseph Catholic Church Center

Wenger Blvd

tabbies' EXHIBIT A

St. Joseph Catholic Church

Weichert Realtors

Distribution Dr

StorageMax Gluckstadt Little Footprint Learning Center

Storage Depot-Madison

Hallmark Cleaners

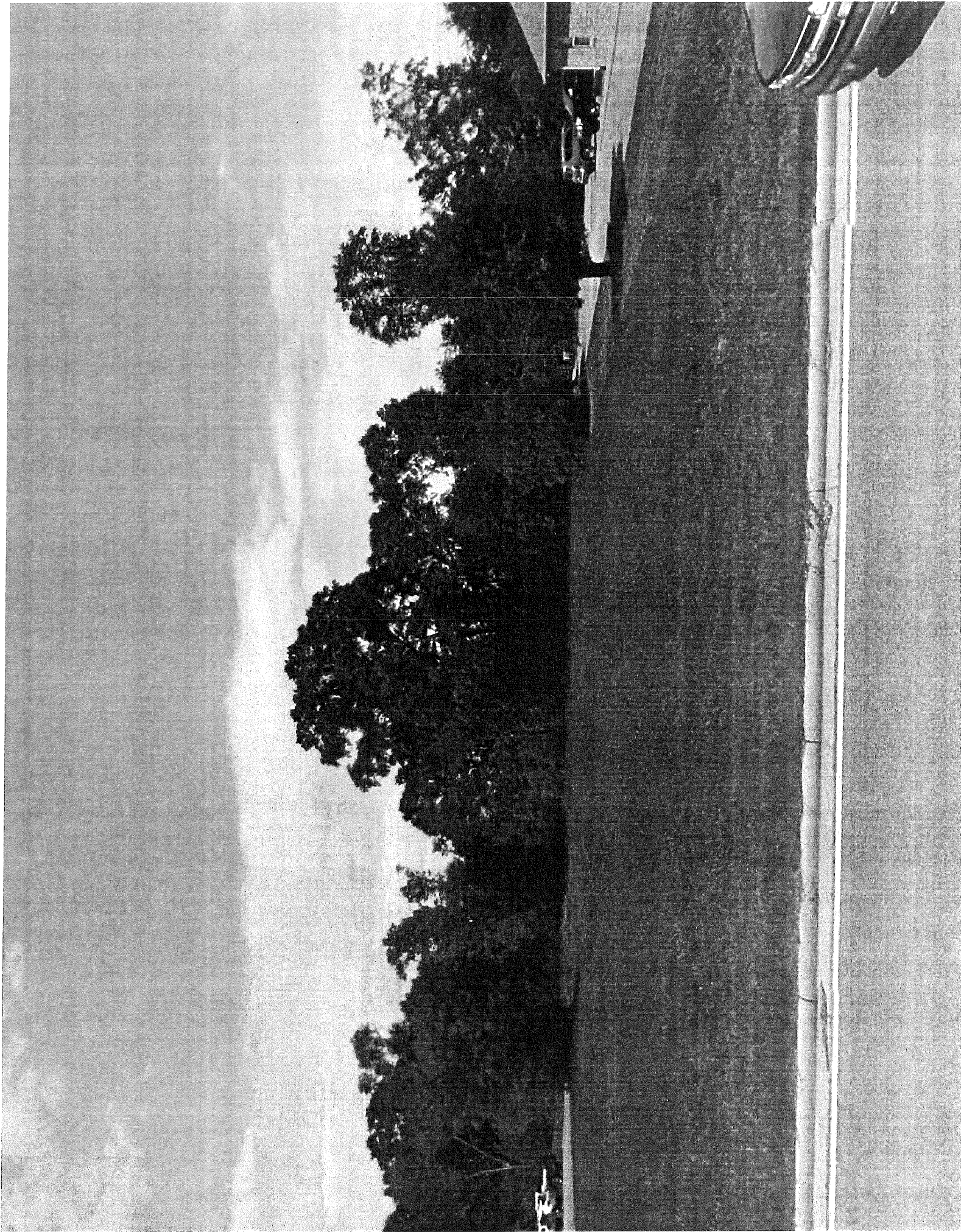
Gluckstadt Animal Hospital

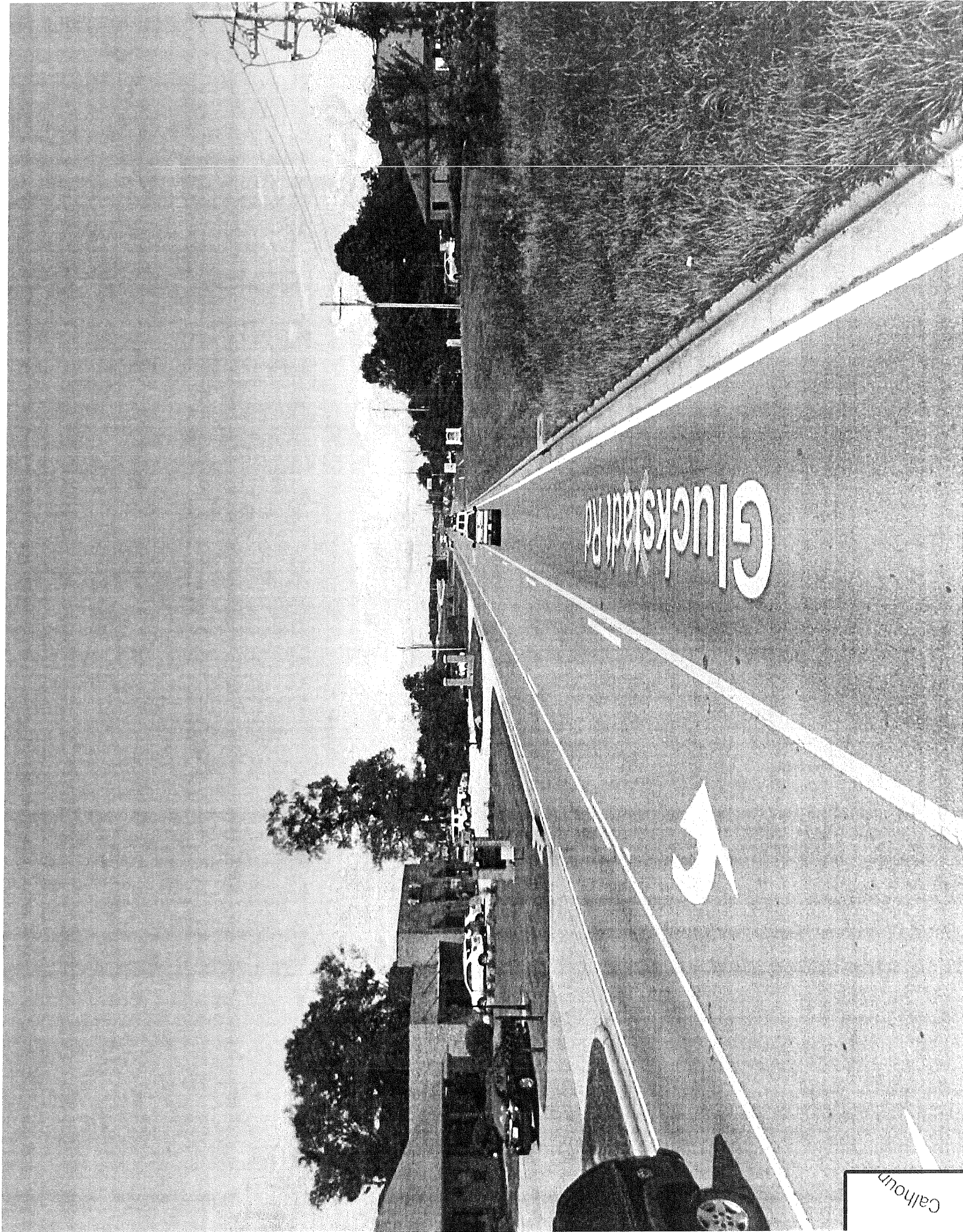
Gluckstadt Rd

Lexington Dr

Gluckstadt Rd

Dependable RV Services





Calhoun

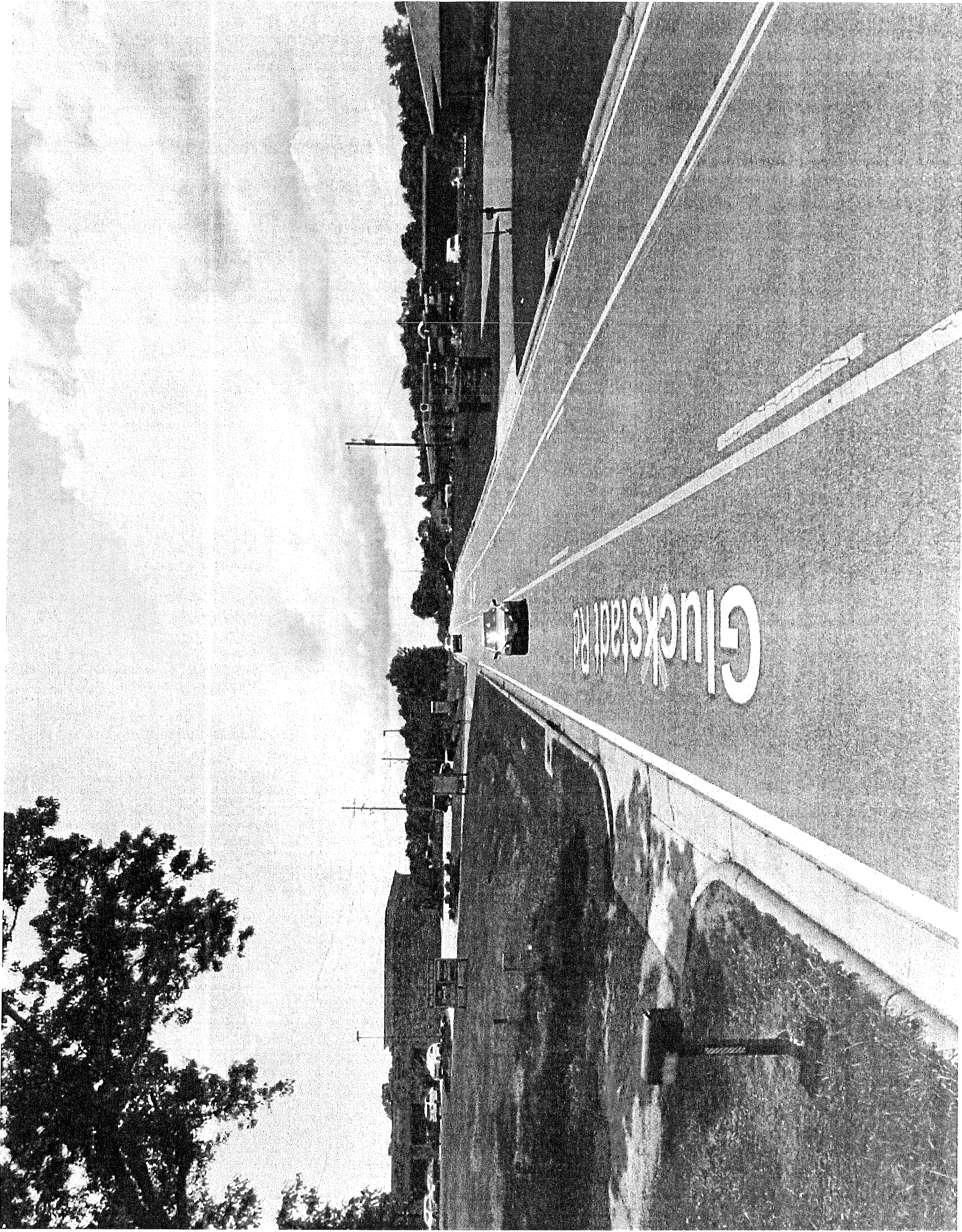
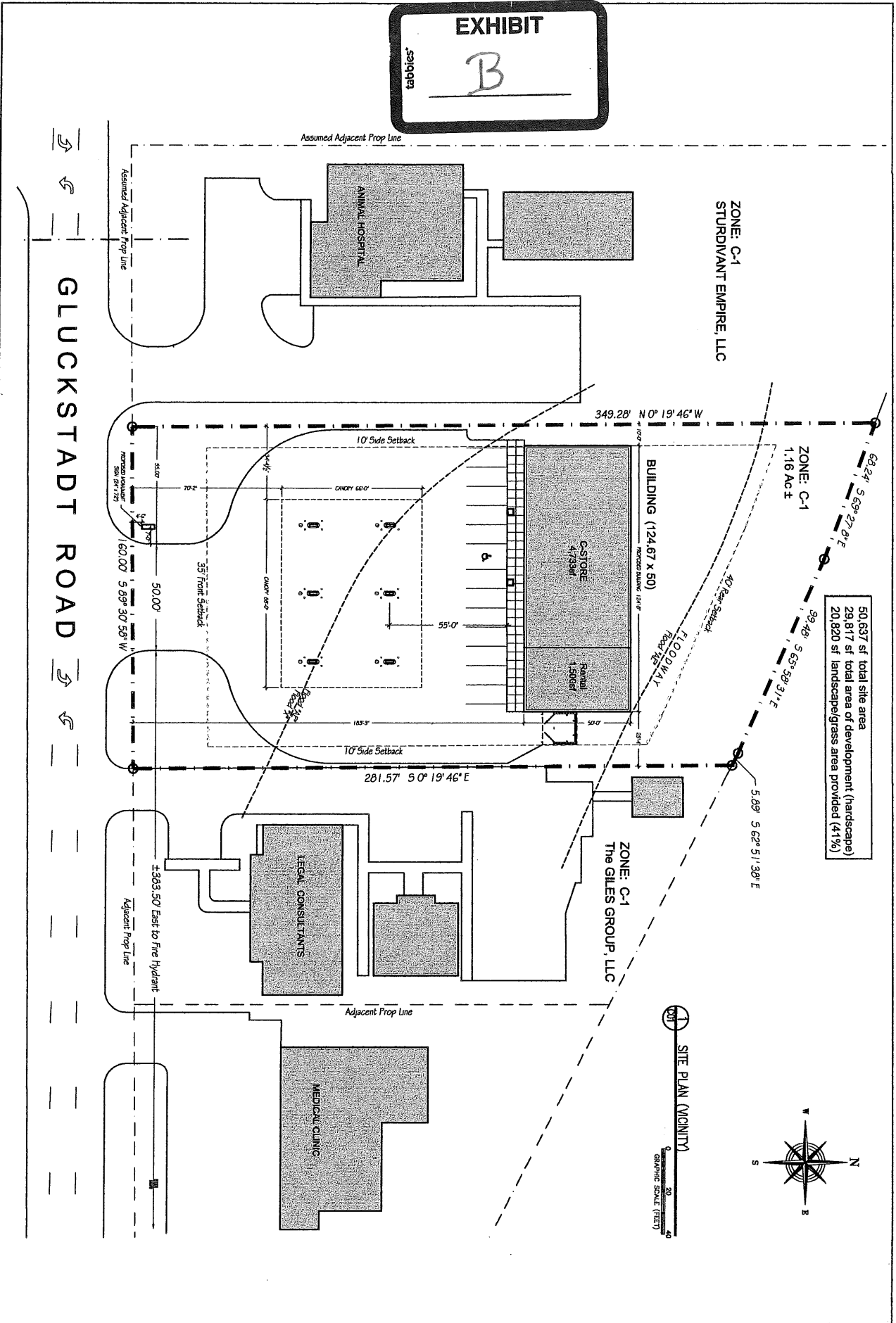


EXHIBIT
tabbies
B



50,637 sf total site area
29,817 sf total area of development (hardscape)
20,820 sf landscape/grass area provided (41%)

GLUCKSTADT ROAD

ZONE: C-1
STURDIVANT EMPIRE, LLC

ZONE: C-1
The GILES GROUP, LLC

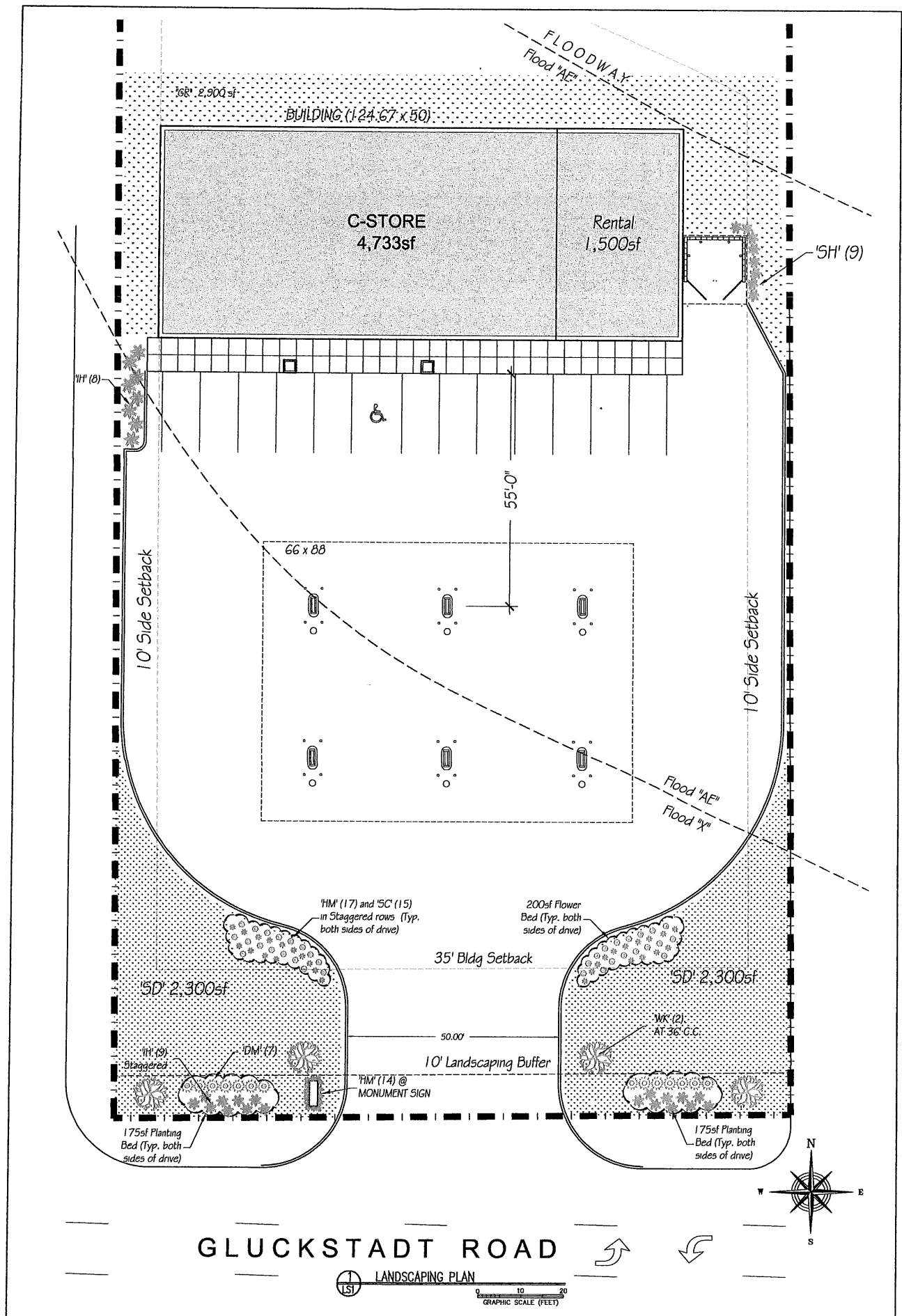
SITE PLAN (MUNICIPAL)

Sheet
C-01

NEW CONVENIENCE STORE
for
Madison County, MS
DATE: 28 FEB 2017
DRAWN BY: bbb
CHECKED BY: PP

Commercial Construction & Maintenance, Inc.
3664 GUYTON RD. HOOVER, AL 35244 (205) 305-7252 FAX (205) 424-2379
GENERAL CONTRACTOR

REVISIONS:



SHEET LS-1	NEW CONVENIENCE STORE for Madison County, MS DATE: 28 FEB 2017 DRAWN BY: bbb CHECKED BY: PP	Commercial Construction & Maintenance, Inc. 3664 GUYTON RD. HOOVER, AL 35244 (205) 305-7252 FAX (205) 424-2379 GENERAL CONTRACTOR	REVISIONS:
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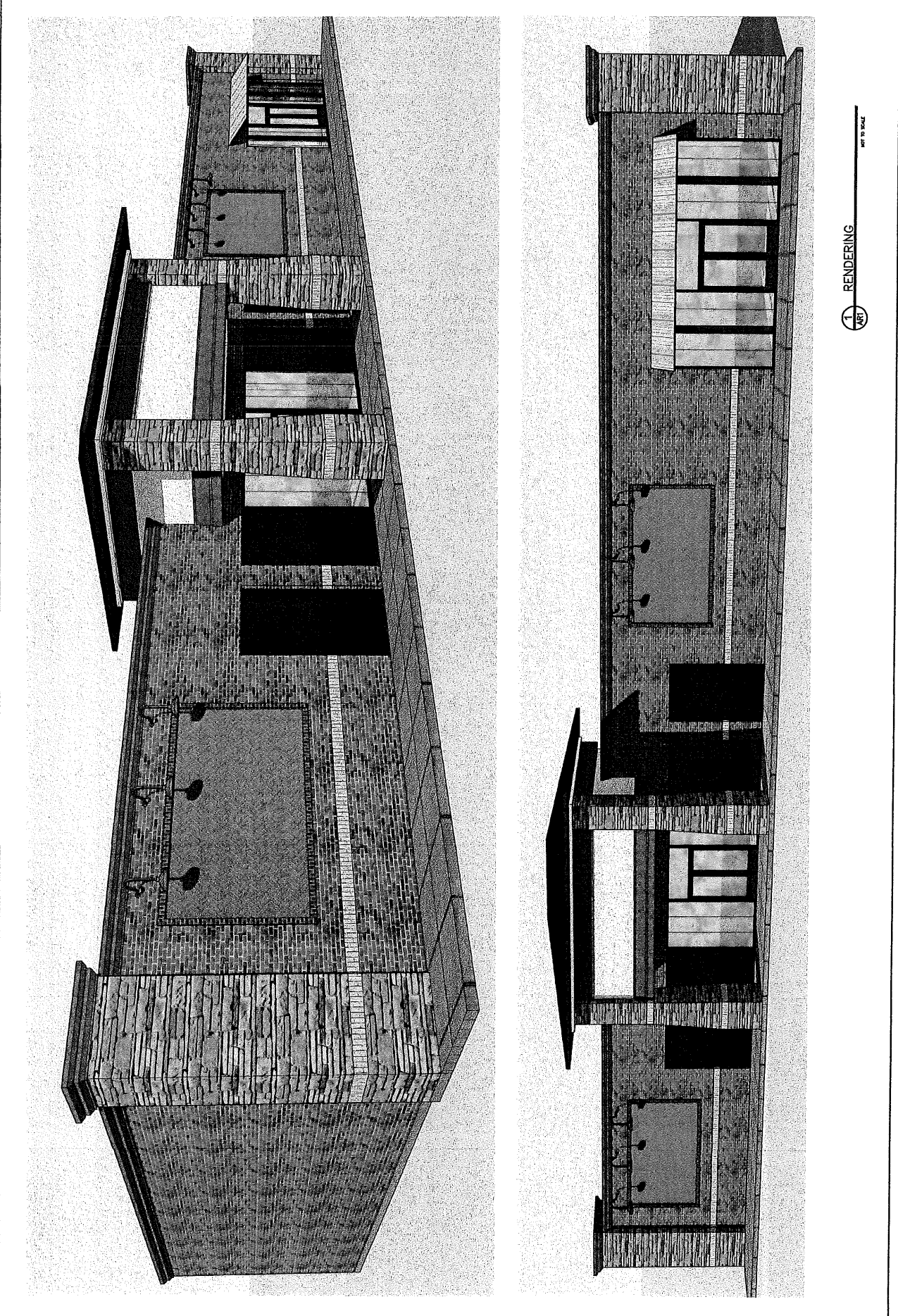
AR-1

RENDERING

NEW CONVENIENCE STORE
for
Madison County, MS
DRAWN BY: BSB
DATE: 20 FEB 2017
CHECKED BY: PP

Commercial Construction & Maintenance, Inc.
3664 GUYTON RD.
HOOVER, AL 35244
(205) 305-7252 FAX (205) 424-2379
GENERAL CONTRACTOR

REVISIONS:

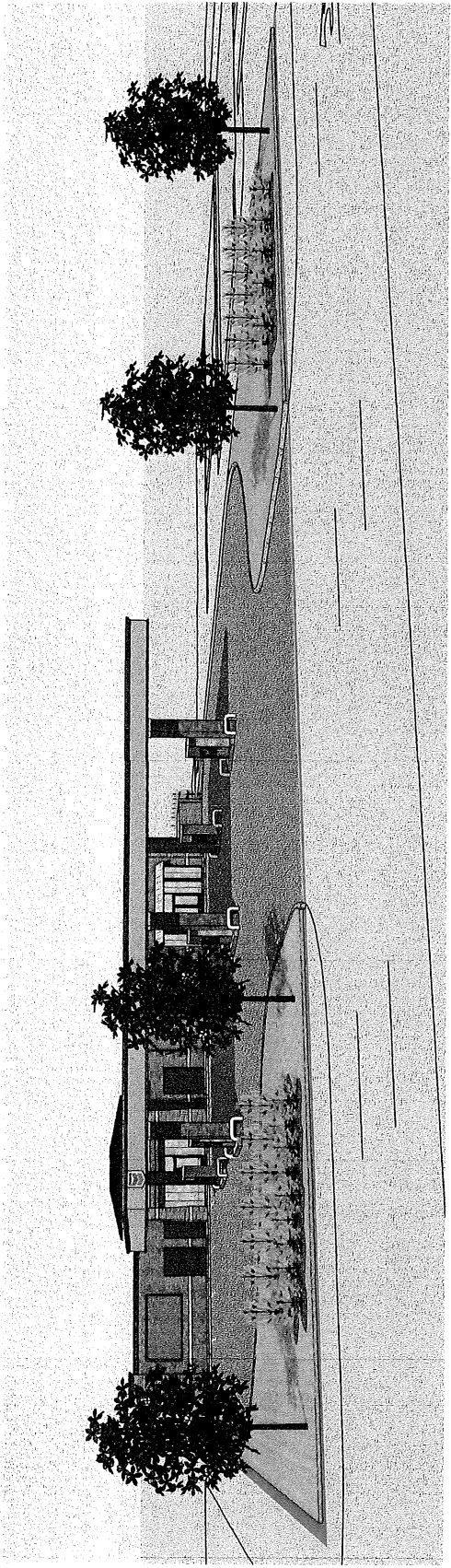
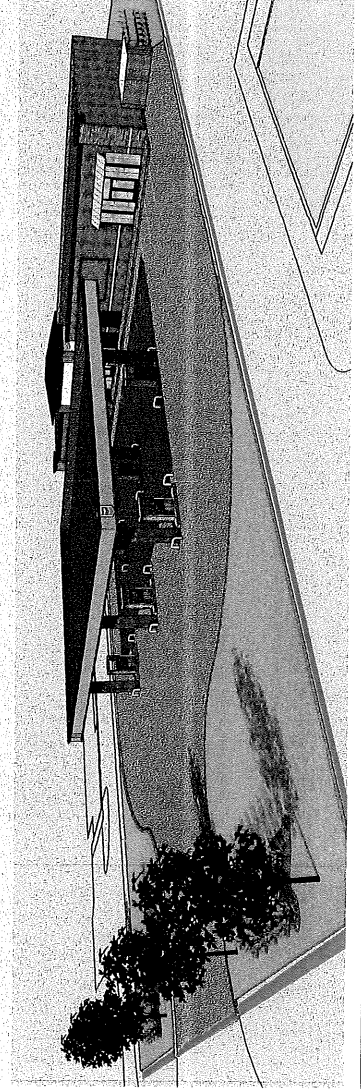
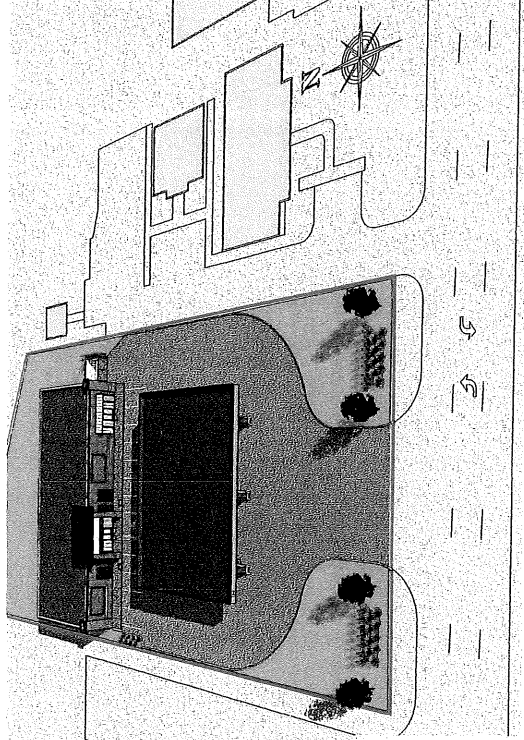


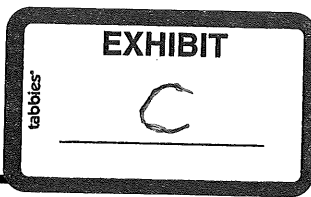
AR-2

1 RENDERING

NEW CONVENIENCE STORE
for
Madison County, MS
DRAWN BY: BAA
CHECKED BY: PP

Commercial Construction & Maintenance, Inc.
3664 GULTON RD.
HOOVER, AL 35244
(205) 305-7252 FAX (205) 424-2379
GENERAL CONTRACTOR





Carl Allen

From: Deborah Ellis <debmellis@gmail.com>
Sent: Wednesday, April 12, 2017 1:06 PM
To: Carl Allen
Subject: Proposed Convenience Store on Gluckstadt Road

Mr. Allen,

I understand there is an agenda item to be considered at tomorrow's Planning & Zoning meeting and would like to express, for the record, my concerns and opposition to that.

As a resident of a neighborhood directly on Gluckstadt Road, I deal with the existing traffic burdens exiting all our neighborhoods in an attempt to reach I-55 for work and other commitments in a timely manner. Most of us are already frustrated with it, due to more development than supported by our infrastructure. Traffic has already been previously complicated by the addition of Burger King and the expansion of the existing commercial strips.

Please, no more commercial construction compounding problems for our residential areas west of I-55! In particular, please do not allow this proposal for yet another convenience store-gas station. Too many exist now!

Respectfully,

Deborah Ellis

Carl Allen

From: Pggullory <pggullory@aol.com>
Sent: Wednesday, April 12, 2017 7:23 AM
To: Carl Allen
Cc: pggullory@aol.com
Subject: Proposed Gas Station on Gluckstadt Rd.

Dear Mr. Carl Allen:

I strongly object to the proposed new gas station for Gluckstadt Rd. This will contribute to traffic congestion to an already congested road. Please note my objection and have my objection entered into the minutes.

Thank you,

Paul G Guillory
123 Raintree Rd.
Madison 39110
pggullory@aol.com

Carl Allen

From: Richmonds <4richmonds@bellsouth.net>
Sent: Monday, April 10, 2017 5:07 PM
To: Carl Allen
Subject: Purposed Gas Station in Gluckstadt

Mr. Allen I am writing you today as a concern resident of Gluckstadt asking you to vote no on the matter of a new purpose gas station coming to Gluckstadt. I understand the matter is coming before the planning and zoning board this week and wanted to express the fact that we are in gas station overload now. There are many reasons why we don't need another gas station. Please say no.

Thanks

Ronnie Richmond

Carl Allen

From: Ricky G <rixskg@gmail.com>
Sent: Monday, April 10, 2017 1:33 PM
To: Carl Allen
Cc: Ricky
Subject: New Gas station

I strongly object to the proposed new gas station for Gluckstadt Rd. This will contribute to traffic congestion to an already heavily congested road. Please note my objection and have my objection entered into the minutes.

Thank you,

Ricky Gray ,
101 Saddle cove,
Red Oak Plantation

Sent from iPhone

Carl Allen

From: Will Hudgins <willhudgins@gmail.com>
Sent: Monday, April 10, 2017 8:50 AM
To: Carl Allen
Subject: Proposed gas station for Gluckstadt Rd.

I strongly object to the proposed new gas station for Gluckstadt Rd. This will contribute to traffic congestion to a already congested road. Please note my objection and have my objection entered into the minutes.

Thanks

--

Will Hudgins
willhudgins@gmail.com

Carl Allen

From: Amanda Parker <parker5375@comcast.net>
Sent: Monday, April 10, 2017 7:13 AM
To: Carl Allen
Subject: Gas station

I strongly object to the proposed new gas station for Gluckstadt Rd. This will contribute to traffic congestion to a already congested road. Please note my objection and have my objection entered into the minutes.

Thank you,
Amanda Parker
124 Planters Row

Carl Allen

From: Kerry Minninger <minninger@bellsouth.net>
Sent: Sunday, April 09, 2017 7:50 PM
To: Carl Allen
Cc: Trey Baxter
Subject: FuelTrac Rezoning Request

Mr. Allen.

I would like to voice my opposition to the request by FuelTrac to be granted a variance to the C1 zoning in place on the property which is located on Gluckstadt Rd.

There is no justification to allow the variance to the property for several reasons.

1. There is already a gas station and store located within a few hundred feet of the proposed development. And several more on the east side of I55. The area does not warrant additional stations.
2. The lot size and the proposed building do not allow for adequate access both in and out of the property and around the building in case of a fire.
3. The building is in close proximity to the floodway (the corner of the building may be in the edge of the floodway) and it appears the fill dirt for the slab will encroach into the floodway. I question whether this is even allowable? As a property owner on the north side of the proposed development I have serious concerns about the impact of continued development into the floodway. We have already seen a dramatic increase in water backing up on to our property during rains. During the recent rain I had water up to a point in my yard that I have not seen in the previous 20 years.

I am requesting that this email be read at the meeting and entered into the board minutes. If you have any questions please feel free to contact me. Thank you for your consideration in this matter.

Kerry Minninger
168 Minninger Blvd
Madison, MS 39110
601-573-8915

Carl Allen

From: Jo Vickers <jvic99@att.net>
Sent: Sunday, April 09, 2017 6:56 PM
To: Carl Allen
Subject: Gas station on Gluckstadt road

I strongly object to the proposed new gas station for Gluckstadt Rd. This will contribute to traffic congestion to a already congested road. Please note my objection and have my objection entered into the minutes.

Thank you,
Jo B Vickers
Sent from my iPhone

Carl Allen

From: JR Russell <jr.russell@outlook.com>
Sent: Sunday, April 09, 2017 1:44 PM
To: Carl Allen
Subject: Objection to proposed gas station

I object strongly to the proposed new gas station proposed for Gluckstadt. Absolutely ridiculous to have yet another. I wish to have my objection noted and entered into the minutes.

Thank you
Jeremy Russell

Carl Allen

From: JR <manson555@yahoo.com>
Sent: Saturday, April 08, 2017 10:46 PM
To: Carl Allen
Subject: Another gas station????

Why is there another gas station being proposed on Gluckstadt (west of 55)???? We have 3 within a quarter of a mile.

Sent from my iPhone

Carl Allen

From: Rachel Ratliff <rnratliff@gmail.com>
Sent: Saturday, April 08, 2017 11:50 AM
To: Carl Allen
Subject: Gluckstadt Road Gas Station

Mr. Allen,

Please reconsider the placement of another gas station on Gluckstadt Road in such close proximity to the Shell. There are already several other gas stations in this area, including two others that are just across the interstate. There is no need for another gas station at this location. This site could be used for new business development instead. I would like to see more variety in the area including a small grocery store, more restaurants, and other varieties of businesses. It doesn't make sense to waste that precious land space for something we already have.

Thanks,
Rachel Ratliff
RNRatliff@gmail.com

Sent from my iPhone

Carl Allen

From: askppk@aol.com
Sent: Wednesday, April 12, 2017 6:07 PM
To: Carl Allen
Subject: Red Light At Bear Creek and Another Convenience store

Carl,

I tried to call but it was someone else phone number I do believe.

At any rate, why can't we four lane Gluckstadt road before any more red lights and convenience stores get put in?

That road is ridiculously over whelmed and over loaded as it is.

And why is it necessary to put in another convenience store? Is this privately owed? Who is putting it in?

And about the red light...what kind of timer will be put on it? The prime example of bad timing is the one down at gluckstadt past the sonic that took forever for someone to get that right. You sit and sit and sit through the major directions and the other direction there was no one there. Even though it is better, it still needs some work.

Please reply so we know what to expect. I guess at this point there is no turning back, right?

Thank you

Priscilla Young
601-270-9512