

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 6th DAY OF OCTOBER, 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 6th day of October, 2016 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present: Walter McKay
Larry Miller
Don Drane
Scott Weeks, Planning and Zoning Administrator

Absent: Dr. Bill Howard
Rev. Henry Brown

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

There first came on for consideration the minutes of the September 8, 2016 meeting of the Commission. Upon motion by Commissioner Miller to approve the minutes, seconded by Commissioner Drane, with all voting "aye," the motion to approve the September 8, 2016 minutes passed.

There next came on for consideration the petition for a conditional use by King Ranch Road Church of Christ for a public/quasi-public facility (church) located in a R-2 Residential District. This property is located at the southeast corner of King Ranch Rd. and George Washington Ave. James Evans appeared on behalf of Petitioner. He stated that utilities will be provided by Canton Municipal Utilities (CMU). The site plan was included with the petition. Upon Motion by Commissioner Miller to approve the petition for conditional use and the site plan, seconded by Commissioner Drane, with all voting "aye," the motion to approve the petition for a conditional use and site plan passed.

There next came on for consideration the petition of Scott Gideon and Matt Jensen to rezone 510 acres from A-1 Agricultural District to R-2 Residential District. The property is located on the southwest corner of Stribling Rd. Ext. and Dewees Rd. This matter was originally tabled from the January and February meetings this year. Matt Jensen appeared on behalf of the petition. He stated that there was no question there had been a change in the character of the neighborhood due to the substantial change in the area over the past ten (10) plus years. He noted all the neighborhoods in the immediate area and stated that it was clear the highest and best use of the property was residential. Mr. Jensen explained that residential use was additionally in compliance with the comprehensive land use map for Madison County. He noted a demand for additional quality housing in this area of the county and that this development would facilitate growth for the county. He

emphasized the increase in tax base that would help provide for growing schools, roads and overall infrastructure of the county. Mr. Jensen said that schools seemed to be a concern with opposition and how they would be impacted. He said he had spoken numerous times with Dr. McGehee over the course of doing this development. He said he had talked to him as recently as the day before and Mr. McGehee assured him that the schools could support this development and specifically stated that the county needed this type of development to help facilitate growth in the area.

Mr. Jensen provided a copy of a letter from Bear Creek stating that they would provide the utilities to this proposed subdivision, that they would be able to handle same without burdening existing properties, and that the development would strengthen the current infrastructure already in place. A copy of this letter is attached to the minutes as "Exhibit "A." Mr. Jensen stated that this was going to be a very nice development and they had worked closely with the County Engineer, Dan Gaillet, to make sure it met all requirements of the County. He noted the traffic concerns and stated that this development would be a long term project and even with approval beginning now, it would likely be at least two (2) years before they would finish any houses for the first phase. He presented to the Commission and those in attendance a blown up version of the proposed development (which was part of the packet submitted). He went through each portion of the development and explained the size of the lots/homes in each area - the orange portion towards the top by Stribling Rd. would consist of 39 lots with 2,700 square foot minimum in size and those would be in the \$450,000 to \$600,000 price range they projected; the tan area would be higher density with 367 lots and 1,375 square foot minimum that they approximated would be \$325,000 to \$400,000 in price; the light orange lake properties would be 196 lots with 2400 and 2700 square foot minimums depending on the area which would be \$450,000 to \$750,000 in price; and the 40 acres that adjoin Johnstone neighborhood would be a total of 8 lots.

Mr. Jensen explained that there had been a traffic study conducted, both public and private, to look at the traffic in this area. He said they had worked with Mr. Gaillet and they had developed a roundabout at the entrance that would line up with the Ashbrook neighborhood entrance to help keep traffic moving. He also explained that they had met with Jim and Tami Harreld months ago regarding the development. He briefly explained the history of the property in the area being developed that began with Mr. Harreld's family selling the land that became Lake Caroline. Mr. Jensen stated that this land was directly in the middle of all residential neighborhoods and it was obvious that this land was to be residential as well. He reiterated that he had developed many neighborhoods in the area and that this would be his best work yet.

Commissioner Drane inquired regarding the conversations with Dr. McGehee about the schools and asked for the letter supporting those statements. Mr. Jensen stated that he didn't have a letter but he had been given permission to quote Dr. McGehee directly. Commissioner Miller inquired regarding the roundabout and who would be responsible for building it. Mr. Jensen stated that it would be split pro rata between the developers and the county. He couldn't give an exact amount that each would owe at this stage in the process. Commissioner McKay noted that he had requested that Mr. Gaillet be present and asked that he come forward. Mr. Gaillet explained that Neel-Schaffer was the engineering consultant they had used for the county traffic study to identify the major issues needing attention so a plan could be developed to address same. He referenced Jonathan Kiser who had worked on the study who was also present at the meeting and briefly

addressed the Commission. Commissioner McKay inquired regarding widening Dewees Rd. and the county plans to address traffic in this area. Mr. Kiser stated that there were recent studies that showed how roundabouts were proven to slow down traffic without any fatalities. He said the county already had plans underway to put in another roundabout in this area to help with traffic. He noted the country feel of Dewees Rd. and said the goal would be to maintain the character of the road while helping to address traffic concerns. Commissioner McKay asked if the area could handle this increase in traffic and Mr. Gaillet reiterated the roundabout and then with the development, another roundabout that was previously discussed by Mr. Jensen. There was a discussion regarding the issues with Gluckstadt Rd. and that because of right-of-ways that would have to be acquired to widen the road, it was a costly process. Mr. Gaillet noted that they were trying to come up with a plan to address the issue and apply for federal funding to help facilitate the issue. He noted that this was a long term development and they would be working alongside it to ensure it was done well and the county was ready for it. He noted that the plan for construction traffic would be to direct them off Hwy 22 so they would be on Stribling Rd. as little as possible. Mr. Gaillet also stated that the county had recently purchased a machine to seal cracks in the asphalt for the roads.

Mr. Gaillet with input from Mr. Kiser stated that the estimated cost for the roundabout at the entrance was approximately \$600,000. He couldn't state at this time what the county's portion would be but it would be at least \$200,000 he approximated. Commissioner Drane inquired regarding the construction entrance and Mr. Gaillet reiterated that they could mandate they use that entrance and enforce it with their deputies as necessary. Mr. Gaillet stated that it would likely be a few years before there was a system in place but that's why they were planning for it now. Commissioner Miller inquired how this would affect the development and Mr. Jensen stated that he didn't think it would be a problem since this was a long term plan which would go in phases. Mr. Gaillet stated that they planned to start improvements next summer so the plan is for it to coincide with the development plans. He noted this area was the next large priority for the county. He said they would know by the Spring if they qualified for federal funds and if they didn't, they would use money from elsewhere in the budget to pay for it.

Those in attendance were asked to speak next and those in favor of the development spoke first. Ken Primos addressed the Commission and stated that he was a long time resident of Madison County and had been a developer working there for many years. He pointed out that he was not related to the project in any way but he felt it was the next thing that needed to happen to make the county grow in the right direction. He also spoke to the high quality and good character of the developers and that this would be great work. He further pointed out that the tax base has to keep growing otherwise the residents' taxes would increase because the schools would continue to grow regardless and the roads must be maintained. Commissioner Drane inquired regarding where he lived and he stated he lived approximately five (5) miles from the area off Cedar Hill Rd. He noted that he had developed neighborhoods by this and stated that it was the developers money and risk and they would do it right according to what the county wants because of that fact.

Michael Denny spoke next and stated that he is a resident of the neighboring Johnstone area. He is on the Board for Johnstone and stated that they were not opposing the development. He said they had looked at the plans and met with the developers and felt this is the highest and best use for the property. They want to work with the developers and trust that they will make it great according

to the plans.

Michael Bailey addressed the Commission next and stated that he resides in Ashbrooke subdivision. Prior to living there, he resided in Lake Caroline so he has been in this area many years. His kids go to Mannsdale Elementary and he has been thrilled with the public schools there. He said the growth will bring challenges but they will deal with them as they always have and he's excited for these size lots and homes because they are hard to find and he wants to build there. He said the schools are already talking about expanding and so the problem already exists and this won't change that fact. Wade Quinn addressed the Commission next and stated that he didn't live nearby this but he had developed in the area for many years. He reiterated that these were great developers and this was the highest and best use for the property.

Arthur Noble addressed the Commission next and said he has been a builder and developer in the area for many years. He lives in Reunion and noted that these were quality developers. He also stated that he travels this area a lot and the developers would be helping address the traffic concerns by contributing to the roads both financially and through the development itself from the increase in the tax base. William Shanks addressed the Commission next and said he had been a developer in the area since the early 1980's. He said the growth in the county had been so good for the schools. He further noted that the growth and development were what had made Madison County such a wonderful place. He also felt from a development standpoint that this was the highest and best use for the property.

Barry Woodward addressed the Commission next and also reiterated that he was a developer and that these were high quality developers and this was the best use for the property. Brandon Martin spoke next and stated that he lived in Ashbrooke and he had to agree this was the best plan anyone could hope for the property. He was supporting the development for that reason. Those in opposition were asked to speak next.

Ronnie Grogan stated he also lives in Ashbrooke subdivision. He works from home but his wife does not and he is concerned about the traffic which is already a major concern. He said they had been there for ten (10) years and he was tired of all the development in the area. He understands that growth is important and that this land is properly suited for residential but he thinks it should be down the road in five (5) or more years. He said he respected the idea but he thought the county should slow down and catch up with the infrastructure before they built this large of a development.

Howard Henderson spoke next and he lives on Gluckstadt Rd. He said there has been a lot of discussion about traffic studies but he has yet to see any real improvements or widening of roads. He said that nothing has changed and traffic is still a major concern. He said there are still plenty of homes for sale in this area and disputed that there was a need for more houses. He didn't want more stress and strain put on the area as it was meant to be county and not a city. Vanessa Henderson, his wife, spoke as well and said that this matter was tabled in January and February so the developers could meet with the surrounding homeowners. She said that no one had tried to contact them or meet with them during that time and they directly adjoin this property.

Jim Harreld addressed the Commission next and explained that he had lived in the area since 1980 before any development began. He also said he didn't feel there was a need for more houses and that they should present statistical information to support their claims. He said there were plenty of homes for sale and that many of the existing neighborhoods had phases that hadn't even been developed yet such as Reunion and Cherry Hill. He said they met with the developers before they presented the petition back in January but they hadn't met with them since that time. He said that other neighborhoods in the area had issues with maintaining their properties such as a rotting fence along the property line of Ashbrooke. He wanted some assurance that the property would be nice and well maintained since it was across the street and directly affected their land.

Martha Ann Smith spoke next and said they are adjoining landowners to this property. She is concerned about the schools and traffic and how construction traffic will be maintained and enforced. She would like to see any trees removed to be grinded and removed versus burned because of environmental and safety concerns. She is also concerned about the buffer between their property that is adjoined to this development. She said the map didn't get loaded until Tuesday and she would like more time to look at the plan. She presented a letter to the Commission which will be attached as Exhibit "B." Zoning Administrator Weeks stated that the person who helps reconfigure large maps for scanning had been out and that was the cause of the delay in loading the map. Russell Smith, her husband, also spoke and said he felt there was a lack of evidence supporting their request. He said he had met with the developers recently and mentioned some minor adjustments they could make like larger buffers for adjoining property owners like the Harrelds. He also wanted some assurance that it would be developed according to the plan.

Tami Harreld spoke next and said she didn't feel the Zoning Administrator had done their due diligence in notifying the public because the signs from January when it originally came up were still there but were covered by grass and falling down. She also didn't feel the developers had properly met with the adjoining landowners because no one had contacted her even though they did her husband. She is concerned about the traffic and also felt they had not presented sufficient evidence to support their claims. She referenced a court case involving Belle Terre subdivision where the matter was appealed and the developers lost because they didn't have evidence to support their request to rezone the property. Commissioner Drane stated that he agreed that he would like to see more evidence supporting the request. Commissioner Miller stated that he would also like to see more information supporting the request. Madison County zoning attorney Leah Ledford addressed the court case that was mentioned and explained that the circumstances of that case involved a request to rezone to commercial. In that case, the Mississippi Supreme Court held that the petitioners did not present sufficient evidence in support of their petition to prove the requisite change in the character of the neighborhood and public need as required by zoning law.

Mr. Jensen and Mr. Gideon stated that if the matter was to be tabled, they would be ready by the next meeting in November. Mr. Gaillet also said he would be ready with information on the roundabout cost including the county's portion and a timeline on the road improvements in that area. Upon Motion by Commissioner Miller to table the matter to the next meeting in November at which time the following information is requested: a letter of support from Dr. McGehee about the schools, statistics regarding available homes and lots in the area to address the public need concerns, the cost of the roundabout and how much the county would be responsible for paying, a timeline on the

infrastructure to be in place to accommodate the development, and to meet with adjacent landowners to see if an agreement can be reached, seconded by Commissioner Drane, with all voting "aye," the motion to table the petition passed.

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

There next came on for discussion the setting of the November, 2016 meeting/public hearing. November 10, 2016 is the second Thursday of November and that was agreed to by the Commission members. Upon Motion by Commissioner Miller to set the meeting/public hearing for November 10, 2016, seconded by Commissioner Drane, with all voting "aye," the Motion passed.

With there being no further business, the October 6, 2016 meeting was adjourned.

Date

11-10-16

Walter McKay
(Chairman)

Exhibit "A"

20-6-26



P. O. Box 107
Canton, MS 39046

Phone: (601) 856-5969
Fax: (601) 856-8936

April 28, 2016

Mr. Scott Gideon
Mr. Matt Jensen

RE: Property in Sections 14 and 23, T8N, R1E
Madison County, Mississippi

Dear Sirs:

Bear Creek Water Association is aware of the potential development of the 500-600 acre tract (currently undeveloped) at the southwest corner of Dewees Road and Stibling Road. This property does lie within Bear Creek Water Association's water and sewer certificated area. The association will provide any developments within that area such services in accordance with its standard water and sewer extension policies and procedures. The development of this project is within our planning and projections and we will be able to adequately handle the water and sewer demands without putting any burden on our existing customers.

The development of this property will allow for the installation of a water main along the north side of the property (south side of Stribling Road). This will strengthen the fire protection capabilities and overall water system in the surrounding areas. That will be a benefit to existing customers in Ashbrooke, Devlin Springs, Hartfield, Hatheway Lake, Saddlebrooke, Fieldstone, Johnstone, and Providence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nolan P. Williamson".

Nolan P. Williamson, P.E.
General Manager

Russell Smith
Martha Ann Smith
187 Dewees Road
Madison, MS 39110

October 6, 2016

Madison County Mississippi
Planning & Zoning Commission
Mr. Don Drane, Mr. Larry Miller, Mr. Walter McKay,
Dr. Bill Howard & Rev. Henry Brown
Canton, Mississippi

Re: Petition by Scott Gideon and Matt Jensen to Rezone 510+ acres from A-1 Agricultural to R-2 Residential for Residential Development. Property is bordered on the east side by Dewees Road and is bordered on the north by Stribling Road

Gentlemen:

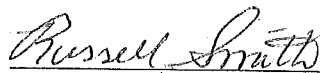
As Madison County residents we have concerns about the ability of the school system being able to handle the additional students, the road conditions because of the increased traffic, the increase in taxes in order to support the infrastructure which would be needed for additional fire and police protection because of the new development.

There are also the environmental issues that should be addressed. The removal of trees that would change the water shed and the disposal of the trees that will be removed during construction. A complete water shed analysis should be made in order to ascertain the possibility of flooding on Dewees Road which could create road and traffic problems that would have to be corrected at the expense of Madison County. Burning of the removed trees should not be allowed due to the air pollution that would be generated.

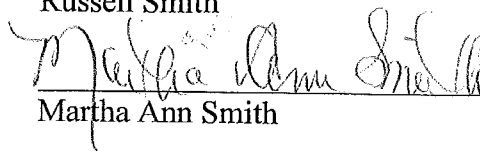
As adjacent property owners of the proposed development we have additional concerns in regard to the rezoning of the property that we feel should be resolved before the requested rezoning is approved. We believe the trees that are presently located on or near the property line are valuable assets to our property as well as the development and they should be protected in an undisturbed buffer zone large enough to accomplish that endeavor. Not only do the trees need to be protected from construction but any changes in the elevation of the lake would cause extensive damage to the trees and our property.

At this time we are requesting that the planning and zoning board not approve the rezoning of the development until the issues of concern are discussed and resolved.

Respectfully,



Russell Smith



Martha Ann Smith