

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 19<sup>th</sup> DAY OF OCTOBER, 2017 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 19<sup>th</sup> day of October, 2017 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present:       Dr. Bill Howard  
                  Rev. Henry Brown  
                  Larry Miller  
                  Don Drane  
                  Carl Allen, Planning and Zoning Administrator

Absent:         Walter McKay

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 September 14, 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 September 14, 2017 minutes passed.

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

There next came on for consideration the petition to rezone property by Martin meadowlands, LLC. This is a 72 acre parcel located on Calhoun Station Parkway and they are requesting a rezoning from A-1 Agricultural to C-2 Commercial. This was continued from the September 14, 2017 meeting so the property owner could meet with nearby homeowners to discuss the petition. Danny Spivey, Esq. appeared on behalf of the petitioner. He noted that his client had met with the Panther Creek HOA and acknowledged the letter of support from the HOA which was included with their petition and is attached hereto as Exhibit "A" and incorporated herein by reference.

Cheryl Carruth, as President of the HOA, addressed the commission next and acknowledged the meeting and the letter in support. She explained that they were satisfied with the covenants and felt like it would be a good for the area. Commissioner Howard inquired if they had any other agreements in writing with the developer to protect their interests. Mr. Spivey stated that they were bound by the covenants already filed and in place on this property. It was discussed that service stations were not specifically excluded in the language of the covenants so they would agree to add that to the list. Upon Motion by Commissioner Howard to approve this petition, conditional upon

their agreement to also include service stations to the prohibited list of businesses that will not be allowed at this property, seconded by Commissioner Brown, with all voting "aye," the motion to approve the petition to rezone passed.

There next came on for consideration the petition of Peters Real Estate to rezone property located on Calhoun Station Parkway north of Gluckstadt Road. This is a petition to rezone from R-1 Residential to C-2 Commercial. Andy Clark appeared on behalf of the petitioner. William Tucker is the current owner of the property and. Mr. Clark explained that this was a portion of the land that was being requested for rezoning. He noted the location of the business and the other businesses and commercial zoning all around the property in explaining the change in the character of the neighborhood. He provided a handout showing the property and surrounding areas in various colors specific to the zoning of the properties, which is attached hereto as Exhibit "B" and incorporated herein by reference. It was explained that there was no current project pending nor a site plan at this stage because this was just the initial rezoning phase. He pointed out that Mr. Tucker resides on this land and this section of the property would remain residential. The set back area of 100 feet off the west side of the property and the type of landscaping and buffer that was included in such was discussed. Zoning Administrator Carl Allen stated that he had walked some of this portion of the property and it was timber and vegetation. Mr. Clark noted that the letter in the file to the City of Canton was just meeting the requirements because it was a requirement since it was near the city limits. The required buffer zone per the ordinances was discussed and it was acknowledged that fifty (50) feet were required. Further, a detention pond may be required in a portion of the property because of it being a low lying area.

Mike Peters of Peters Real Estate addressed the Commission next and stated that he spoke with some nearby residents this morning. He acknowledged that the buffer zone would be a no construction zone. It was discussed that if a detention pond was required, adequate landscaping around it would be placed. Kathleen Wood next addressed the Commission and stated that she lives just north of this property and her home and land are currently for sale. She is concerned about the buffer between her property and this property and how this may affect the sale of her property. Commissioner Howard inquired regarding whether the owner would be willing to place a 100 foot buffer on her side, the north side, of the property like is being done on the west side. Mr. Peters responded that only 50 feet is required by the ordinances and that she had stated her land was for sale. He expressed concern over allowing that large of a buffer when there was a good chance her land would be sold and the person would also move to make it commercial. Commissioner Howard inquired about splitting the difference of the buffers on the west and north side to make it an equal 75 foot buffer on both sides. Mr. Peters stated that he would agree to this proposition. Commissioner Brown left the meeting due to another obligation at approximately 9:45 AM.

Dave Fontenot addressed the Commission next and expressed concern over the parts of the buffer area that did not have trees. He is worried about noise control. The ordinance requirements were discussed and Mr. Peters agreed to maintain any trees that existed in the now 75 foot buffer areas on the north and west side and to adequately landscape to screen any potential detention pond that might be required. A motion was made by Commissioner Howard to approve the rezoning conditional upon the 75 foot buffer on the west and north side and landscaping to screen any potential retention pond, which was seconded by Commissioner Miller. Commissioner Drane made

a substitute motion to deny the petition because he was not comfortable with any uncertainty and was concerned for those who live around the property. There was no second to this motion so it died for lack of a second. Commissioner Howard stated that he felt the petitioner was being reasonable and had made concessions, therefore he was renewing his motion to approve that was seconded by Commissioner Miller, with Commissioners Howard and Miller voting "aye" and Commissioner Drane voting "nay," the motion to approve the rezoning passed.

There next came on for consideration a motion to close the public hearing. Upon Motion by Commissioner Howard 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 consideration the site plan of Parkway Truck Center for a new business located on Industrial Drive. Greg Ainsworth appeared on behalf of the site plan. He discussed the plan and presented the plan and pointed out that more parking had been added to meet requirements. He said all materials will match the current businesses located in this area. He explained that this would be a similar business to Rick's Pro Truck selling parts for vehicles. Upon Motion by Commissioner Howard to approve the site plan, seconded by Commissioner Drane, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the site plan of Madison Oaks Preschool for an addition to an existing business located at 122 Lone Wolf Drive. Joe Barlow of Barlow Construction appeared on behalf of the site plan and stated that it would be to the back side of the business. It will match the current business. Upon Motion by Commissioner Drane to approve the site plan, seconded by Commissioner Howard, with all voting "aye," the motion to approve the site plan passed.

There next came on for discussion the setting of the November, 2017 meeting/public hearing. The second Thursday in November is November 9, 2017. Upon Motion by Commissioner Drane to set the November, 2017 meeting/hearing for November 9, 2017, seconded by Commissioner Howard, with all voting "aye," the motion to set the meeting date passed.

With there being no further business, the October 19, 2017 meeting was adjourned.

11-9-17  
Date

Walter McKay  
(Chairman)