

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 16th DAY OF MAY, 2019 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 16th day of May, 2019 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

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

Scott Weeks, Planning and Zoning Administrator

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 April 11, 2019 meeting of the Commission. Upon motion by Commissioner Howard to approve the minutes, seconded by Commissioner Brown, with all voting "aye," the motion to approve the April 11, 2019 minutes passed.

There next came on for consideration to open the public hearing for items to be considered. Upon Motion by Commissioner Brown to open the public hearing, seconded by Commissioner Billingsley with all voting "aye," the motion to open the public hearing passed.

There next came on for consideration of the petition of Harold Perry for a conditional use for mining operations located at 2800 Hwy. 43. The property is zoned A-1 Agricultural. Mrs. Dawn Street of Soil Masters appeared on behalf of the petition due to Mr. Perry being unable to attend. It was explained that this was an expansion of a previously approved mining operation. Mr. Weeks explained that this would just be a 1 year permit and they would have to get it renewed following such time. He explained the limitations to day light hours of operation, no Sunday hauling, no hauling during school traffic hours, they would need to address safety as necessary with flag men, a proper construction entrance, maintain the roadway and monitor the dust. No one was present in opposition. Upon motion by Commissioner Howard to approve the petition for a conditional use subject to the conditions set forth by Zoning Administrator Scott Weeks, seconded by Commissioner Miller, with all voting "aye", the motion to approve the petition passed.

There next came on for consideration of the petition of Soil Masters for a conditional use for mining operations located at Hwy. 43 and Sharon Rd. The property is zoned A-1 Agricultural. Mrs. Dawn Street of Soil Masters appeared on behalf of the petition. It was explained that this was a

similar request to that just approved. Mr. Weeks explained that this would just be a 1 year permit and they would have to get it renewed following such time. He explained the limitations to day light hours of operation, no Sunday hauling, no hauling during school traffic hours, they would need to address safety as necessary with flag men, a proper construction entrance, maintain the roadway and monitor the dust. No one was present in opposition. Upon motion by Commissioner Brown to approve the petition for a conditional use subject to the conditions set forth by Zoning Administrator Scott Weeks, seconded by Commissioner Billingsley, with all voting "aye", the motion to approve the petition passed.

There next came on for consideration of the petition of SSR Communications for a conditional use for a 300 foot communications tower located on Lake Cavalier Rd. The property is zoned R-1 Residential. Matthew Wesolowski of SSR appeared on behalf of the petition. He explained that this was previously denied based on the location and they had found another suitable location for the proposed tower. He conveyed to the Commission that he had met the requirements for contacting and providing notice to the neighbors which was part of the petition. It was noted that no one was present in opposition to the petition. Upon motion by Commissioner Howard to approve the petition for a conditional use, seconded by Commissioner Billingsley, with all voting "aye", the motion to approve the petition passed.

There next came on for consideration the petition of Ron Hutchinson, John Harreld, Annette Harreld to rezone C-2 Commercial property by removing certain restrictions. The property is located South of Church Rd. and West of Calhoun Station Parkway. Commissioner Billingsley recused himself from the hearing on this matter due to a personal conflict. Sheldon Alston first appeared on behalf of the petition. He stated that he had represented the petitioners in filing an appeal to the Gluckstadt incorporation ruling. He explained that his client had done that primarily because they were in the process of developing their land and didn't want to be held up by having to wait on the city to be established and get up and running. Commissioner McKay made the comment that the decision to permit or not permit the road accessing Church Rd. is a simple engineering decision that could be made by the new Gluckstadt administration, given all costs would fall on the developer. He further stated that the notion of Gluckstadt taking significant time to get up and running as being a hold up for the developer was a red herring. Johnny Wade appeared on behalf of the petition and explained that at the time the property was rezoned in 2015, 22 restrictions had been placed on the property and they were petitioning to remove 2 of the 22 restrictions. Specifically, he explained that they were wanting to remove the restriction regarding no access to Church Rd. which was Restriction number 3 in the previous agreement. They are also requesting to remove part of what was Restriction number 1 which is a 3 foot berm on the North and West side of the property. Mr. Wade explained the growth in the area and changes that had taken place since the original rezoning in 2015. He further stated that this would improve economic growth because it would attract higher end businesses because there would be a road connection there instead of a cul-de-sac/dead-end road. He also noted the traffic study they had completed by Neel-Schaffer which shows that such road connection would be beneficial to the area. The removal of the 3 foot berm will also improve visibility for traffic in the area according to their traffic study. He stated that the remaining restrictions would stay in place as is.

Commissioner McKay stated that he believed the 3 foot berm was beneficial and should not

be removed and he disagreed with that request. Mr. Wade explained that it had been suggested by Neel-Schaffer and that's why they included it in their petition. He said they would be willing to remove it if the County signed off on that issue. Questions were then taken from those in attendance. Tim Slattery appeared and stated that he is a resident of Germantown subdivision. He was present for the hearing on the original rezoning of this property in 2015. He was in favor of keeping the berms as suggested by Commissioner McKay, as it was pointed out that the berms would be constructed on the property, not on the right-of-way of the road. Traffic pulling up to turn must stop, and would actually be in the right-of-way, and berms would not obstruct vision to the West. Bill Weisenberger addressed the Commission next. He is a lifelong resident of Gluckstadt and expressed his concern regarding how this might affect traffic. Upon Motion by Commissioner Miller to approve the petition to remove the restriction regarding no access to Church Rd., seconded by Commissioner Howard, with Commissioners Miller, Howard, and Brown voting "aye," and Commissioner McKay voting "nay", the motion to approve the petition for removing the restriction regarding no access to Church Rd. passed. Upon Motion by Commissioner McKay to deny the petition as to the request for the removal of the 3 foot berm on the North and West side of the property, seconded by Commissioner Howard, with all voting "aye", the motion to deny the petition as to the removal of the 3 foot berm passed.

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

There next came on for consideration the site plan of Rick's Pro Truck for an amendment for the sign. No one was present to represent the request. Upon Motion by Commissioner McKay to table the request, seconded by Commissioner Miller, with all voting "aye," the motion to table the site plan passed.

There next came on for discussion the setting of the June, 2019 meeting/public hearing. The second Thursday is June 13, 2019. Upon Motion by Commissioner Brown to set the meeting for June 13, 2019, seconded by Commissioner Billingsley, with all voting "aye," the motion to set the meeting date passed.

With there being no further business, the May 16, 2019 meeting was adjourned.

6-13-19
Date

Walter McKay
(Chairman)