

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 11<sup>th</sup> DAY OF JUNE, 2020 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 11<sup>th</sup> day of June, 2020 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present:        Larry Miller (by telephone)  
                  Walter McKay  
                  Rev. Henry Brown  
                  Dr. Keith Rouser  
                  Bill Billingsley

Scott Weeks, Planning and Zoning Administrator

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

There first came on for consideration the minutes of the May 13, 2020 meeting of the Commission. Upon motion by Commissioner Billingsley to approve the minutes, seconded by Commissioner Rouser, with all voting "aye," the motion to approve the May 13, 2020 minutes passed.

There next came on for consideration to open the public hearing for the Commission to hear certain items. Upon motion by Commissioner Billingsley 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 Dahlem, Nicholas, and Segret for rezoning of SU1-Special Use to R-1 Residential property located at Bozeman and Paine Circle. Petitioners are requesting the rezoning for single-family residential use. Laurie Dahlem spoke on behalf of the petitioners and explained that this will be to build each of their personal family homes. Mimi Spyerer was in attendance and inquired about any further houses and they stated they did not intend to put any additional houses there. Zoning Administrator Weeks explained that they would have to file a subdivision plat with the Board of Supervisors. Upon Motion by Commissioner Billingsley to approve the petition, seconded by Commissioner Rouser, with all voting "aye" the motion to approve the petition for a rezoning passed.

There next came on for consideration the petition of Josephine Burse to rezone property from C-2 Commercial to A-1 Agricultural located at 202 Camden Rd. Petitioner tore down her existing home and is asking to place a mobile home on her property. There were no questions or opposition. Upon Motion of Commissioner Brown to approve the petition to rezone,

seconded by Commissioner Billingsley, with all voting "aye," the motion to approve the petition to rezone passed.

There next came on for consideration the petition of Robert Stokes to rezone property from R-1 Residential to C-2 Commercial located at Hwy 51 South of Church Rd. It was explained by the petitioner that this was for office warehouse space. There was no opposition present. Upon Motion by Commissioner Rouser to approve the petition to rezone, seconded by Commissioner Billingsley, with all voting "aye," the motion to approve the petition to rezone passed.

There next came on for consideration the petition of Richard Skinner for a Conditional Use for a 4 acre or less mining operation. The property is located at 213 Hwy 49 N. Mr. Skinner explained that this was for housing pads and the excess would be sold for developers. It was discussed that this is a 1 year permit only and it would have to be renewed. There was no opposition present. The usual restrictions of hours of operation of daylight hours only, no Sunday hauling, dust/safety control standards, and a construction entrance were also discussed. Upon Motion by Commissioner Billingsley to approve the conditional use with the listed restrictions, seconded by Commissioner Rouser, with all voting "aye," the motion to approve the conditional use passed.

There next came on for consideration the petition of Magnolia Mining for a Conditional Use for a 4 acre or less mining operation. The property is located on Pocahontas Rd. Brad Pepper is the owner and spoke on behalf of the request. He explained the project and that he understood he would have to get the permit renewed each year if it took up to 4 years as predicted. It was discussed that the County Engineer may require a bond. There was no opposition present. The usual restrictions of hours of operation of daylight hours only, no Sunday hauling, dust/safety control standards, and a construction entrance were also discussed. Upon Motion by Commissioner Rouser to approve the conditional use with the listed restrictions, seconded by Commissioner Brown, with all voting "aye," the motion to approve the conditional use passed.

There next came on for consideration the petition of Marc Petro for a variance to the setbacks for a swimming pool located at 141 Burne Run. Trey Cox with Madison Landscaping Company appeared on behalf of the request. He explained the request and there was no opposition present. Upon Motion by Commissioner Billingsley to approve the petition for a variance, seconded by Commissioner Rouser, with all voting "aye," the motion to approve the petition for a variance passed.

There next came on for consideration the petition of BDP Group for a variance for height and parking requirements for property located at Lot 12 Gluckstadt Commercial Center. Mr. Desai appeared on behalf of the petition and first explained the height variance request and that the ordinance currently allows for 3 stores, or 40 feet. This would be an additional story to the hotel. Specifically, the ordinances currently allow a height of 40 feet and they are requesting an additional 23.75 feet for a total of 63.75 feet. Commissioner McKay inquired about the request and stated that it was a major deviation from the ordinances and he therefore did not think they had met their burden for a variance request. Petitioner explained other variance requests that

had been allowed such as some of the billboards, a water tower, buildings and flagpoles in the area. Commissioner McKay disputed that there were any buildings or billboards above 40 feet in height and said the water tower was determined by the County Engineer. He explained that this would be a nice hotel similar to the newer Home2 Suites and they had talked to Lake Caroline about allowing customers who stay to golf and it would bring business to the local restaurants. Commissioner Billingsley inquired about the ability to do the project with just 3 stories and Petitioner explained it would not be commercially viable because of the size of investment vs. the return at only 3 stories. It was discussed that the nearest hotel that size was in Madison. Commissioner Rouser explained that he thought this would be a good investment for the Gluckstadt area and help attract other businesses. Commissioner McKay stated that he felt it was too far a deviation from the current ordinances. There was no one present in opposition to the request. Upon Motion by Commissioner McKay to deny the height variance, seconded by Commissioner Billingsley, with Commissioners McKay, Billingsley, Miller and Brown voting "aye," and Commissioner Rouser voting "nay," the motion to deny the height variance passed.

The parking variance was discussed next. The traffic study was discussed and the fact that the hotel would never likely be at 100% occupancy and whether this would be sufficient parking space for the property. Commissioner Rouser stated that they needed to consider the economic impact and other benefits this would be for the area. Upon Motion by Commissioner Billingsley to approve the variance for the parking requirement, seconded by Commissioner Rouser, with Commissioner Billingsley, Rouser and Brown voting "aye," and Commissioners McKay and Miller voting "nay," the motion to approve the parking variance passed.

There next came on for consideration the petition of Rands LLC to rezone property from R-1 Residential to R-2 Residential. This matter was previously discussed at length during the May meeting and Petitioner was requested to come back with additional information about their request. The opposition to the request presented the Commission with their position in a binder which will be attached as Exhibit "A" and incorporated herein. They further produced photographs that will be attached as Exhibit "B" and incorporated herein. Scott Shoemaker addressed the Commission and explained the public need for this type property. He presented a map of the area and surrounding neighborhoods to support the change in the character that is attached hereto as Exhibit "C" and incorporated herein. He explained the cost associated with public sewer for R-1 properties which makes them cost more and therefore it's not feasible for the average home buyer. It was discussed average days on the market for both types of properties and that as demand had increased and supply had decreased, the prices for the smaller homes for people like first time buyers had increased. Amanda Pollis with Pollis Properties presented certain real estate information in support of the petition, and specifically the public need. Andy Barksdale also appeared in support of the request and also explained the need and benefit it brings to the area because as people outgrow these homes, they've established themselves in the area and its schools and they then move to a larger house in the same area. Commissioner McKay inquired about other neighborhoods in the area and their sizes. The developer explained that they intended to build and not sell to someone else to build the homes. They explained that the size of the homes would be dictated by the economy and demand.

Mimi Spyerer appeared in opposition of the request. She addressed her concerns about traffic and that the infrastructure cannot support additional houses this would bring to the area. She also did not feel they have presented adequate evidence in support of the change of character and public need. Commissioner Billingsley inquired about any studies in support of this claim and she referenced the 2016 traffic study done in the area. She stated that the widening of Gluckstadt had helped some but it wasn't enough. The pictures attached hereto she felt showed the traffic problems that already existed in the area. Florette Hootsel addressed the Commission next and explained that she lived right at First Colony near this proposed development. She is not opposed to more houses but thinks the infrastructure is not in place to support this and until there is a plan in place she opposes the development. Commissioner Billingsley inquired about the time frame for when the development would be complete and petitioner stated it would be several years until complete. Commissioner McKay inquired about the easement on the neighboring land and they stated that they were in the process of purchasing the additional 7 acres from the same owner and if that doesn't work out, they won't move forward with the development. That area would likely be used for detention because it's low lying. The petitioner addressed the Commission again and reinforced the change and public need presented by the testimony and maps presented. Upon Motion by Commissioner Billingsley to approve the petition to rezone, seconded by Commissioner Rouser, with all voting "aye," the motion to approve the petition passed.

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

There next came on for consideration the site plan of Pets at Rest located on Industrial Drive S. Mike Hudgens appeared on behalf of the request and explained the changes that had been made to the original site plan previously approved. Upon motion by Commissioner Billingsley to approve the site plan, seconded by Commissioner Rouser, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the site plans of Lee Sahler and Germantown Office Complex. No one was present to present these requests. Upon Motion by Commissioner Billingsley to table the requests, seconded by Commissioner Rouser, with all voting "aye," the motion to table the site plans passed.

There next came on for discussion the setting of the July, 2020 meeting/public hearing. Upon Motion by Commissioner McKay to set the meeting for July 9, 2020, seconded by Commissioner Rouser, with all voting "aye," the motion to set the meeting date passed.

With there being no further business, the June 11, 2020 meeting was adjourned.

Date

7-9-20

Walter McKay  
(Chairman)