

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 12th DAY OF SEPTEMBER, 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 12th day of September, 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 August 8, 2019 meeting of the Commission. Upon motion by Commissioner Billingsley to approve the minutes, seconded by Commissioner Brown, with all voting "aye," the motion to approve the August 8, 2019 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 Howard, with all voting "aye," the motion to open the public hearing passed.

There next came on for consideration the petition of Fastenal for a variance on the square footage of signs to property zoned I-2 Industrial located at Old Jackson Rd. Matthew Smith with Anchor Construction appeared on behalf of the request. He explained that it would be an additional 29 square feet of signage. No one was present in opposition. Upon Motion by Commissioner Howard to approve the variance, seconded by Commissioner Miller, with all voting "aye," the motion to approve the variance passed.

There next came on for consideration the petition of Kasai for a variance on the square footage of signs to property zoned I-2 Industrial located at 435 Church Rd. Steve McMillan (?) with Rainbow Signs appeared on behalf of the request. He explained that they were having issues with visibility so they were requesting additional signage facing the Interstate which will be 180 square feet of signage. They feel that is necessary because of the size of the building and to increase visibility from the Interstate. No one was present in opposition. Upon Motion by Commissioner Howard to approve the variance, seconded by Commissioner Miller, with all voting "aye," the motion to approve the variance passed.

There next came on for consideration the petition of Lucky Towne LLC for a variance on the square footage of signs to property zoned C-1 Commercial located at 1091 Gluckstadt Rd. Lin Lee with Lucky Towne appeared on behalf of the request. She explained that it would be an increase from 150 square feet to 333 square feet because it was a large building that involved multiple tenants. No one was present in opposition. Upon Motion by Commissioner Billingsley to approve the variance, seconded by Commissioner Brown, with all voting "aye," the motion to approve the variance passed.

There next came on for consideration the petition of Cary Hill for a variance on the setbacks to property zoned C-1 Commercial located at 110 Westfalen Dr. Daniel Wooldridge is the architect and he appeared on behalf of the request. He explained that it would increase the setback from 5 to 10 feet that was necessary due to an easement on the property that causes issues with the placement of the building and parking. He provided specific information to the Commission that is attached as Exhibit "A" and incorporated as if fully set forth herein. A discussion was held regarding exits to the building and whether construction would affect adjoining property owners. No one was present in opposition. Upon Motion by Commissioner Billingsley to approve the variance, seconded by Commissioner Brown, with all voting "aye," the motion to approve the variance passed.

There next came on for consideration the petition of Mt. Leopard Retreat for a conditional use to property zoned A-1 Agricultural located at 509 Mt. Leopard Rd. Tim and Michelle Risler appeared on behalf of the request. Zoning Administrator Scott Weeks read the definition of a conditional use per the Madison County zoning ordinances. Mr. Risler explained that this was a nonprofit organization that would charge a fee of \$10,000 for a 30-day stay for men 18 and older working on the 12 steps of Alcoholics Anonymous. He explained that it was a retreat and not a medical facility. The program is for patients who want to get better and are motivated to complete the program. They do background checks on the staff and obtain the full background information on the prospective residents. He will be the Executive Director and he has 29 years of experience in this field. Commissioner Billingsley inquired about whether full background checks would be done on the residents and it was explained they would inquire about them from other facilities but background checks would not be done. They also explained that no similar facilities do background checks on residents. It was explained that the residents could not attend if they were on medications, they had no vehicle, no access to internet or a cell phone and are not allowed to leave the property. The residents are encouraged to participate but it is not mandatory. Most would be paying residents but they would apply for grants for those who needed it and were motivated to get better.

The closest similar facility is located in Tennessee and the facility is locked down at night and they have staff monitoring during the night. They own the property and it is located on their land and their home is also there. Scott Weeks provided e-mails he had received in opposition to this request and those are attached as Exhibit "B" and incorporated by reference as if fully set forth herein. Phillip Morgan appeared next and explained that he is a resident of the Highlands where this property is located and is the HOA President. There are 40 homeowners located in the neighborhood and everyone is opposed to this request. He said this is an agricultural and residential use only area and this does not conform to the surroundings. He is

concerned about the increase in traffic and how it will affect their property values. He referenced a study of a similar facility and the results of how it negatively impacted the neighborhood homeowner values, a copy of which is attached as Exhibit "C" and incorporated by reference as if fully set forth herein. Brett Crowder appeared next and he is also a resident of the Highlands. He is also worried about the decrease in property values this would cause and felt it was a dangerous precedent to allow in a residential area. Marc McKay also appeared and said he resided in the Highlands and was also the attorney for the HOA. He did not feel like the petition/application was complete. He also didn't think the request promotes the general health safety and welfare of the surrounding area, nor was it compatible with the surrounding area.

Jack Ables appeared next and said he was also a resident of the Highlands. He explained that this house had been on the market for some time prior to them deciding to try and do this resident facility. He felt their inability to sell the property was driving this request. A show of hands was requested of those in opposition which indicated a large showing of hands of those opposed to the request.

The petitioner explained that this would not negatively impact traffic because traffic wouldn't be allowed in and out much and the residents don't have vehicles. They stressed this was not a treatment facility as no medical treatment would be provided. They requested time to look at the property value issue raised by those in opposition. They also pointed out that they reside on this property too and have incentive to make sure it's a nice and well run facility. Doug Lyons addressed the Commission next and said he was the former Executive Director of Hazelden Betty Ford Clinic. He is a friend of the petitioners and lives in this area and had been consulted on the plans for this facility. He said it is more of a stigma associated with these facilities than reality. It is a spiritual retreat and they treat up to 12 people at one time. He talked about the benefits of the program and encouraged the community to embrace it. Commissioner Billingsley commented that he would like to see additional information about the property values. Commissioner Howard commented that despite the issue with property values, given the argument by the opposition that it wasn't compatible with the area, he didn't know what tabling it would accomplish. Commissioner Howard made a Motion to deny the conditional use because it was not compatible with the surrounding area. The motion died for lack of second. Upon Motion by Commissioner Billingsley to table the request to allow the petitioners adequate time to look at the issue with property values, seconded by Commissioner Brown, with Commissioners Billingsley, Brown, and Miller voting "aye," and Commissioners Howard and McKay voting "nay," the motion to table the petition for a conditional use to next month passed.

There next came on for consideration the petition of J. Lee Properties for a conditional use for an event venue to property zoned A-1 Agricultural located on Highway 16 West. Jack Brumfield appeared on behalf of the request, along with Hal Brumfield and John Lee. He explained that it would be somewhat of a bed and breakfast/wedding event venue. He felt like it would improve and add value to this area. He acknowledged there was some opposition but he felt like it was a great use for the property. Commissioner Billingsley inquired about alcohol sales and how late the venue would stay open. He said that if the person who rented it wanted to provide alcohol as part of their event it would be present but they would not be selling it. They will also have something in writing providing a time the events would need to end by at

night. Dickson Perry appeared next in opposition to this request. He is adjacent to this property and acknowledged he doesn't live their full time but he plans to upon retirement. He said it is a peaceful area and this would not promote the health, safety and welfare of the public. He also is worried about traffic and how this would negatively impact their property values. There was a discussion about those not present in opposition and Mr. Perry indicated he felt like there was a lot of opposition by the neighboring church and other people who couldn't be present today for the meeting. Commissioner Brown inquired if the petitioners had met with those in the area. Mr. Brumfield stated that they had with some but not been able to get everyone. After further discussion on this issue, petitioners stated that they felt they had gone through the proper procedures to present today and they would like to proceed forward. Upon Motion by Commissioner Brown to approve the conditional use, seconded by Commissioner Billingsley, with Commissioners Brown, Billingsley, Miller and McKay voting "aye," and Commissioner Howard voting "nay," the motion to approve the conditional use 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 Billingsley, the motion to close the public hearing passed.

There next came on for consideration the site plan of Walker Property for an equipment shed located on Virillia Rd. The property is zoned I-2 Industrial. No one was present to represent the site plan. Upon Motion by Commissioner Billingsley to table the site plan, seconded by Commissioner Brown, with all voting "aye," the motion to table the site plan passed.

There next came on for consideration the site plan of Mannsdale Upper Elementary for a new addition located at 371 Mannsdale Rd. The property is zoned SU-1. Russ Blunt and David Ford are the architects for the project and appeared on behalf of the site plan. They explained it was to add 2 classrooms at the end of each hallway. It has already been approved by the Mannsdale Heritage Preservation District. Upon Motion by Commissioner Billingsley 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 consideration the site plan of Maur Mckie for a new addition located on Enterprise Dr. The property is zoned C-2 Commercial. Mr. Mckie appeared on behalf of the site plan. He explained it was an addition of 4,000 square feet to an existing business. They would improve the overall aesthetics of the building because this would include brick facade at the ends. Upon Motion by Commissioner Billingsley 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 consideration the site plan of Callway's for a new addition located at 259 Calhoun Station Pkwy. The property is zoned C-2 Commercial. Daniel Wooldridge is the architect and appeared on behalf of the site plan. He explained it was an addition to the back of the business. They have some brick at the base that will match the existing building. They added some extra touches to try and dress up the building. This is for warehouse space only. Zoning Administrator Weeks noted that you had to balance the interests

of the improvements to that area with the building that currently exists. It was discussed that a lot of the buildings in this area have metal on them too and he had to match what currently exists. Upon Motion by Commissioner Billingsley 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 consideration the site plan of GoShine Car Wash for a new business located on Dees Way. The property is zoned C-2 Commercial. Bridgforth Rutledge appeared on behalf of the site plan. Commissioner McKay recused himself from considering or voting on this matter. Mr. Rutledge explained that they had complied with all recommendations of the architect and traffic engineer. Jill Butler is the hydro-engineer and Jonathon Kiser the traffic engineer. They both explained that this complied with recommendations. Upon Motion by Commissioner Billingsley to approve the site plan, seconded by Commissioner Howard, with all voting "aye" (Commissioner McKay did not participate in the vote and recused himself), the motion to approve the site plan passed.

There next came on for consideration the site plan of Cary Hill for the building that the variance was approved earlier in the meeting. The property is zoned C-1 Commercial and located at 110 Westfalen Dr. Daniel Wooldridge is the architect and he appeared on behalf of the request. It was discussed that the proposed materials in the packet is what would be used for the building. Upon Motion by Commissioner Billingsley to approve the site plan, seconded by Commissioner Miller, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the site plan of J. Lee Properties for the event venue that was approved earlier in the meeting. The property is zoned A-1 Agricultural and located at Hwy 16 West. Mr. Brumfield appeared on behalf of the request. The parking and road materials were discussed. They will meet all Department of Health requirements. They will further meet the requirements of MDOT and the County Engineer. Upon Motion by Commissioner Billingsley to approve the site plan subject to the requirements by these entities, 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 October, 2019 meeting/public hearing. It was discussed that the meeting would need to be October 24, 2019 to meet publication requirements. Upon Motion by Commissioner McKay to set the meeting for October 24, 2019, seconded by Commissioner Miller, with all voting "aye," the motion to set the meeting date passed.

With there being no further business, the September 12, 2019 meeting was adjourned.

10/24/19
Date

Walter McKay
(Chairman)