

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 11th DAY OF FEBRUARY, 2021 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 11th day of February, 2021, at 9:00 a.m. in the Madison County Complex Building.

Present: Larry Miller (by telephone)
 Dr. Keith Rouser
 Bill Billingsley
 Rev. Henry Brown
 Scott Weeks, Planning and Zoning Administrator

Not Present: Walter McKay

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

There first came on for consideration the minutes of the January 14, 2021, meeting of the Commission. Upon motion by Commissioner Billingsley, seconded by Commissioner Brown, with all voting "aye," motion to approve the January 14, 2021 minutes passed.

There next came on for consideration, the need to open a public hearing for the Commission to hear and consider 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 LFP, LLC to rezone +/-34.27 acres from R-1 Residential to R-2 Residential. The subject property is owned by Edward Trussell Lewis, Jr., Peggy B. Lewis, and Cassandra Jackson Gilliam, and is located on Catlett Road. Scott Shoemaker of LFP, LLC appeared on behalf of the Petitioner, and presented a preliminary plat for the proposed development with minimum lot size of 10,600 sq. ft. The preliminary conceptual plat of the proposed neighborhood is attached to these minutes as **Exhibit "A."** Mr. Shoemaker presented evidence of the change in character of the neighborhood by providing numerous items.

First, Mr. Shoemaker presented a map of the current zoning of the general area surrounding the subject property, showing properties zoned as a PUD outlined in blue, properties zoned R-2 as shaded in pink, and the subject property shaded in black. Said map is attached to these minutes as **Exhibit "B."** Mr. Shoemaker also presented a timeline of relevant events, including the adoption of the Madison County Comprehensive Plan, and various zoning changes in the general area of the subject property. Said timeline is attached to these minutes as **Exhibit "C."** Mr. Shoemaker also presented a map of properties in the proximity of the subject property that were re-zoned to

R-2 on December 2, 2019, and August 17, 2020, respectively, since adoption of the Madison County Comprehensive Plan. Said map is attached to these minutes as **Exhibit “D.”**

Next, Mr. Shoemaker addressed the public need for re-zoning of the subject property to allow for additional housing. Mr. Shoemaker quoted recent national, regional, and local magazine, newspaper articles, and news reports regarding low supply of housing inventory, and increased demand for same. Mr. Shoemaker also presented evidence of public need for additional housing from the Central Mississippi MLS Market Data Report showing active home listing count, and Months of Inventory down. Said information is attached to these minutes as **Exhibit “E.”** Mr. Shoemaker also presented a map as evidence of public need for additional housing with data from Catlett Road, and the surrounding communities near the subject property, and showing decreased number of days on the market, and rise in sales prices. Said map is attached to these minutes as **Exhibit “F.”** Mr. Shoemaker stated that this data demonstrates that there are not enough houses on the market to meet the public demand.

Next, Mr. Shoemaker addressed the consistency of his petition with the elements of the Madison County Comprehensive Plan. Mr. Shoemaker stated there is a fire station two and one-half miles away from the property, and that the law enforcement community does an outstanding job in protecting the area. Mr. Shoemaker next discussed the transportation network, and that Madison County has either already completed road improvements, and that there are other planned road improvement projects in the immediate area of the subject property. Mr. Shoemaker also presented a letter from Neel-Schaffer, Inc. stating that the current and planned improvements to the area roadways and adjacent intersections are likely going to accommodate the residential growth anticipated from the Petitioner’s development. Said letter is attached to these minutes as **Exhibit “G.”** Mr. Shoemaker stated that the first phase of his development would not be open for development sometime in mid-2023, that the first houses would not be completed until approximately six months following, and that that the County-planned road improvements would likely be completed by that time. Mr. Shoemaker also addressed anticipated peak traffic times set forth in the Neel-Schaffer letter (**Exhibit “G”**) stating that the development may be adding 17 cars in peak morning traffic, and 19 cars in the peak afternoon traffic to the roads in 2023.

Mimi Speyerer appeared in opposition to the petition, and as documentary support for her argument, provided a document entitled “Argument and List of Exhibits in Opposition to the LFP, LLC Request for Rezoning of Property on Catlett Road.” Said document is attached to these minutes as **Exhibit “H¹.”** Ms. Speyerer stated that she resides in Belle Terre subdivision. Ms. Speyerer first argued that LFP, LLC’s petition was flawed, in that it did not have certified mail return receipts showing notice to adjacent landowners, as required by the Madison County Zoning Ordinance. Ms. Speyerer next argued that LFP, LLC had not shown a change in the character of the neighborhood, or a public need to support the proposed re-zoning. Ms. Speyerer stated that there have only been two (2) re-zonings since the adoption of the Madison Comprehensive Plan was adopted in November of 2019—one (1) being a re-zoning from SU-1 to R-1, and one (1) being from R-1 to R-2. Ms. Speyerer argued that the other properties listed by Petitioner as support for his argument for change in character of the neighborhood were re-zoned prior to the adoption of

¹ This document references Exhibits “A-T.” Ms. Speyerer referenced these exhibits during her argument, and said exhibits were given to Administrator Weeks at the meeting, and are a part of these minutes.

the Madison County Comprehensive Plan, and that LFP, LLC has not shown a change in the character of the neighborhood since the adoption of the Madison County Comprehensive Plan.

Next, Ms. Speyerer stated that she did not concede that there is a public need for re-zoning of the subject property, and additional housing in the area, but argued that if there is a public need, then the 104 homes which have been approved in previous re-zonings (the Sartain and Rands² properties) would satisfy the public need for additional housing in the area. Ms. Speyerer argued that the infrastructure serving the subject property could not handle the additional traffic, that the May 2016 South Madison County Transportation Study, and the October 2017 Madison County Gluckstadt Road Corridor Study show that the existing infrastructure surrounding the subject property were either at, or exceeded its capacity, and that there had been no infrastructure improvements since the time those studies were conducted. Ms. Speyerer also stated that the Bozeman Road widening project had been extended for one year, and that construction would likely not be starting within the next year. Ms. Speyerer also contested the Neel-Schaffer letter, (**Exhibit "G"**) arguing that it was not a traffic study, not proof that the roads can handle additional traffic, presented photographs of traffic on Bozeman Road, and stated that she has had difficulty getting out of her neighborhood and traveling Bozeman Road due to traffic.

Ms. Speyerer also argued that the Madison County Comprehensive Plan and Zoning Ordinances do not allow for development while working on roads and streets to serve said developments. Ms. Speyerer quoted Miss. Code Ann. § 17-1-9 as requiring zoning regulations to be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets to avoid undue concentration of population. Ms. Speyerer argued that this section was incorporated into the objective of the Madison County Comprehensive Plan to place high density residential development in areas where the infrastructure will support the development.

Upon questioning by Commissioner Billingsley and Commissioner Rouser, Ms. Speyerer clarified that she is not opposed to development, but is opposed to approval of development when the legal standard has not been met. Ms. Speyerer stated that increased traffic was not legal grounds to oppose re-zoning, but was a component of her argument.

David Woodard also appeared in opposition to the petition, and stated that he resides in Stillhouse Creek. He stated that a number of residents in Stillhouse Creek are renters, and that is a cause of the data showing a declining number of purchased homes in surrounding neighborhoods. Mr. Woodard also expressed concern over an additional neighborhood causing overcrowding of public schools.

Mr. Shoemaker returned to the podium to address arguments made by opposition, and Commissioner Billingsley asked if the property remaining as R-1 would be feasible. Mr. Shoemaker stated that infrastructure costs would drive up development costs, and lot costs, that would make R-1 not feasible to builders or home purchasers. Ms. Speyerer stated that this concern is not a legal reason to re-zone the property, and should have been argued at the time the property was zoned R-1.

² The re-zoning of the property which is the subject of the petition of Rands, LLC is currently on appeal with Circuit Court of Madison County, Mississippi.

Upon motion by Commissioner Billingsley to approve the petition of LFP, LLC to rezone +/-34.27 acres from R-1 Residential to R-2 Residential, seconded by Commissioner Brown, with all voting "aye," the motion to approve the petition of LFP, LLC to rezone +/-34.27 acres from R-1 Residential to R-2 Residential passed.

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

There next came on for consideration the Private Sign Standard Review for property zoned C-2 Commercial, and located on Calhoun Station Parkway in Supervisor District 2. Keith Dunnam with Gator Sign Company appeared before the Commission, and presented sign standards for the location. Mr. Dunnam stated that he has adopted the sign ordinance of the City of Madison, and put together standards for the Lessor and Lessee of the property to abide by with regard to signage for the multi-tenant building at the site. Upon motion by Commissioner Billingsley to accept the Private Sign Standard Review standards for property zoned C-2 Commercial, and located on Calhoun Station Parkway in Supervisor District 2, seconded by Commissioner Brown, with all voting "aye," the Private Sign Standard Review for property zoned C-2 Commercial, and located on Calhoun Station Parkway in Supervisor District 2 passed.

There next came on for consideration, the site plan for Sherwin Williams, a new business to be located in Dees Plaza, property zoned C-2 Commercial in Supervisor District 2. Greg Bonds with Benchmark Engineering & Surveying appeared for Sherwin Williams and stated that they intend to build a 4,000 sq. ft. free-standing building on a one-half acre site for a retail paint store. Mr. Bonds advised that the parking space size would meet the County minimum size. The building would be brick/stone accent on the front, and Hardy board on the upper front, and sides. Mack Monteith appeared and advised that the reasoning behind the Hardy board was to allow Sherwin Williams to showcase their paint products. Mr. Monteith provided exemplary pictures that are attached to these minutes as **Exhibit "I."** Upon motion by Commissioner Billingsley to approve the site plan for Sherwin Williams, seconded by Commissioner Brown, with all voting "aye," the motion to approve the site plan for Sherwin Williams passed.

There next came on for consideration, the Master Plan for Madisonville, a 443 lot subdivision on Yandell Road, property zoned a PUD with an R-2 overlay in Supervisor District 5. Jason Horton with H.D. Lang & Associates appeared for the Developer. Mr. Horton advised that the maximum density for a PUD is 4.1 lots per acre, and that Madisonville development is 2.8 lots per acre. Administrator Weeks advised that Developer has met the maximum density under the PUD requirements. Administrator Weeks advised that he has had several calls from citizens concerned about drainage. Mr. Horton advised that the final construction design would not cause any detriment to surrounding properties on drainage detention.

Henry Davis appeared and advised that he resides on adjacent property. Mr. Davis was concerned about the drainage, and how water from his property would be affected. He also advised that he has a wood shop, and was concerned with noise pollution affecting the neighborhood, and advised that he had met with Developer to address a buffer zone to control noise. Mr. Horton advised that the Developer would look at a buffer zone to control the noise from Mr. Davis'

property, and detention areas for water. Upon motion by Commissioner Billingsley to approved the Master Plan for Madisonville, seconded by Commissioner Brown, with all voting "aye," the motion to approve the Master Plan for Madisonville passed.

There next came on for discussion, the setting of the March, 2021 meeting. March 11th, 2021, was suggested. Upon motion by Commissioner Billingsley, seconded by Commissioner Brown, with all voting "aye," motion to set the March, 2021 meeting for March 11th, 2021, passed.

With there being no further business, and upon motion by Commissioner Billingsley to adjourn the February 11, 2021, meeting of the Madison County Planning and Zoning Commission, seconded by Commissioner Brown, with all voting "aye," the February 11, 2021, meeting was adjourned.

3-11-21
Date


Dr. Keith Rouser, Chairman