

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 11th DAY OF AUGUST, 2016 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 August, 2016 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present: Walter McKay
 Larry Miller
 Dr. Bill Howard
 Don Drane
 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 July 14, 2016 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 July 14, 2016 minutes passed.

There next came on for consideration the public hearing for the petition of Brad Pepper for a special exception to excavate a four (4) acre or less mining operation. The property is zoned A-1 Agricultural. This property is located at 1331 Livingston Vernon Rd near Flora, MS. Mr. Pepper was present and stated that this is to lower the elevation of their future home for privacy purposes. He stated that they intend to use some of the dirt and sell/haul the other part to help offset the cost. Norman Gainey with Gainey Construction also appeared and stated that the weather would play a factor on how long this project would take. Dr. Howard stated that his concern was for safety given this was a 2-lane road and he wanted to see the hours of operation limited. Mr. Pepper stated that they would have flag men present as necessary and would have irrigation to help settle any dust in the area. He stated that they would place the entry/exit route in a visible location off the road and would have someone present cleaning the roads as necessary. He stated that the neighbors do not have any objection to the project. He explained that this would be for the first phase and then they intend to do a pond in the future.

Zoning Administrator Weeks explained that this was a one year special exception only and if the mining went beyond that time frame or beyond four (4) acres, they would have to start the process for another special exception. Mr. Pepper agreed to limit the hours of operation to daylight hours only of 8:00 am to 2:00 pm, and after 4:00 pm, and no Sunday operations. Mr. Pepper further explained that a DEQ permit would be applied for in the future when they began to work on the pond. Zoning Administrator Weeks explained that any bond would be up to the Madison County

Engineer. Upon motion by Commissioner Howard to approve the petition subject to the limited hours of operation and flag men present as necessary for traffic safety, seconded by Commissioner Drane, with all voting "aye," the motion to approve the special exception passed.

There next came on for consideration the public hearing for the petition of Charles Gowdy for a conditional use to sell pre-owned vehicles. The property is located on Distribution Drive next to Camper Corral. A site plan is included with petitioner's materials. Mr. Gowdy appeared on behalf of the petition and stated that he is from the Canton area and his family owned a jewelry business there for many years. He currently has his pre-owned vehicle business in Jackson, MS and would like to re-locate closer to home because he lives in Madison County. He said they had conducted a lot of research in the area and this location was deemed best suited for this type of business because of the C-2 Commercial zoning, the visibility from the Interstate, and the current businesses already located in the area. He produced a letter from Camper Corral stating that they were in support of the business, attached hereto as Exhibit "A."

Leslie Ledbetter addressed the Commission next and she is the sister and office manager for the business. She stated that they currently produce \$18,000 to \$28,000 in sales tax so they would increase the tax base for the county. She stated that there were out of growing room in their current location and that they intend to add jobs in Madison County. She stated that they were working with Greg Ainsworth, a local architect, and that the business plans were of good quality and would be an improvement to the area. The exact location of the business was discussed and Mr. Gowdy produced an aerial map showing the location which is attached hereto as Exhibit "B." Mr. Gowdy stated that the access to this location would be off of Distribution Drive and that the County was in the process of finishing the roadway off which their access would be located. Commissioner Miller inquired about the lighting and Mr. Ainsworth stated that all lighting would be downward facing.

Lisa Williams addressed the Commission next and stated that she is a resident of Germantown Subdivision in Gluckstadt and she has traffic/safety concerns for the construction phase with trucks coming onto and off the roadway and inquired if traffic could be limited during high traffic times. In response to citizen Williams' request for limited traffic, Commissioner Drane stated that the same road was used by heavy trucks (18 wheelers) hauling steel headed into and out of the Majestic Metals facility located on a parcel to the south of the proposed facility and those trucks have apparently caused no traffic issues for nearby businesses. Mr. Gowdy explained that they would build the dealership first which would take at least six (6) months to complete and then the shop. Commissioner McKay stated that he was happy with the materials to be used on the buildings. He further stated that under the ordinances, he didn't think it was appropriate for hours of operation to be limited in this situation. Upon motion by Commissioner Miller to approve the special exception and site plan, seconded by Commissioner Howard, with all voting "aye," the motion to approve the special exception and site plan passed.

There next came on for consideration the petition for a site plan for a new office park located on Highway 51. Greg Ainsworth as the architect for the project and appeared on behalf of the petition, in addition to Matthew Miller who is the engineer for the project. A discussion was had regarding the location of the business and Mr. Ainsworth produced an updated site plan for the property which is attached hereto as Exhibit "C." Commissioner McKay inquired

regarding the width of the entrance and Mr. Ainsworth explained once they went through the platting process, they will come back before the Board for final approval. The entrance would have to comply with recommendations by the County Engineer pursuant to the Madison County subdivision ordinances. He confirmed that water/sewer would be provided through Bear Creek. Upon Motion by Commissioner Drane 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 Cedarstone Commercial for a new office park. This property is located on Aulenbrock Drive and this matter was previously tabled from the July 14, 2016 meeting. Jason Weeks, Esq. appeared on behalf of the petitioner. He stated that pursuant to the discussions and instructions from the Commission at the July meeting, his client attempted to work out an agreement with Mr. Shows' clients, which are a few of the homeowners that live nearby. He stated that Mr. Shows wanted his client to enter into covenants on their property and while his client would agree to certain conditions being placed on the site plan and recorded in the minutes, they would not agree to covenants being placed on their property. Mr. Weeks produced a letter dated August 9, 2016 that spelled out what they would agree to which is attached hereto as Exhibit "D." Commissioner Drane stated that the Commission had not asked anyone to place covenants on their property but reiterated that the Commission had requested the parties to try and work out an agreement on some of the contested items. Commissioner Howard stated that he agreed with Commissioner Drane and appreciated their efforts to try and work out an agreement.

Mr. Shows addressed the Commission next and stated that his client was adamant that covenants would be necessary to protect his clients should the conditions not be followed and therefore, they wanted covenants placed on the property. His clients also want a high fence built that will protect their properties. The Commissioners discussed that this site plan review had been tabled numerous times and they were satisfied that the petitioner had tried to work out a reasonable agreement pursuant to their request.

Upon Motion by Commissioner Howard to approve the petition subject to the conditions agreed to listed in Exhibit "D" and incorporated herein by reference, which includes: providing a buffer zone along and adjacent to the Bradshaw Ridge Part Two and Part Three as provided for in the site plan; that the roof on the office warehouse buildings shall be a neutral color and the sides shall be a neutral color, either tan, light gray or off white; that the front of the warehouse building shall have brick façade at least four (4) feet in height; that the rollup doors on the front shall be a neutral color; that the building should be no more than one story in height; that certain businesses are prohibited to include a childcare facility adjacent to Bradshaw Ridge, Part III (but one may be located on West Falon Rd.), a business that produces loud music or outside activities that create noise, a liquor store, a restaurant for full service or fast food or casual dining, a cafeteria, delicatessen, coffee shop or coffee bar, the sale of beer, wine or alcoholic beverages of any type, a convenience store or gas station, a fireworks stand, a billboard; and all trash dumpsters or bins shall be located away from the homeowners of Bradshaw Ridge Part Two and Part Three (with brick façade around the dumpsters), seconded by Commissioner Brown, with all voting "aye," the motion to approve the site plan passed. The Commissioners discussed that they wanted these

conditions to be listed in the Board minutes should the Board approve the site plan subject to the conditions.

There next came on for consideration the site plan for a storage facility located on Aulenbrock Drive. This matter was previously tabled from the July 14, 2016 Commission meeting. Andy Clark, Esq. appeared on behalf of the petitioner. He stated that pursuant to the request by the Commission, his client had tried to reach an agreement with John Shows' clients regarding requests they had for the property. He said they were able to agree on most items but that his client would agree to these conditions to be recorded in the minutes but not as covenants on the property. He said Mr. Shows' main hangups appear to be that they are insistent on covenants and they want either a separate fence to be constructed some twenty (20) feet back from the property line or his client to tear down the current Bradshaw Ridge fence on that property line and replace it with a twelve (12) foot fence. He said his clients are not willing to place covenants on their property because they think the conditions as set forth in the minutes would be enforceable by the county. As for the fence, he said placing the fence 20 feet back from the property line would deny his clients' use of their property. Commissioner Drane inquired as to what his clients would be willing to do and Mr. Clark stated that his clients would be willing to construct a fence adjacent to Bradshaw Ridge's fence if they wanted another fence. It was discussed that their property in some places adjacent to the current fence were lower so a higher fence may be required just to reach the same height as the current fence. He said that the list of the things his clients were willing to agree to are listed in the correspondence which he presented to the Commission and is attached hereto as Exhibit "E."

Mr. Marshall Jackson addressed the Commission next and said he was one of the homeowners being represented by Mr. Shows. He said he met with the property owner in February and they came to a tentative agreement on the property which fell apart once the old petition came to light which had the old covenants attached that were not properly recorded. He said they did indeed want the fence to be 20 feet back to protect their property from potential crime and the property owner had originally agreed to do that. They also wanted landscaping that would further prevent potential crime. Mr. Shows, Esq. spoke next and said negotiations had not fallen apart and that the fence issue was negotiable. Commissioner Drane explained that he felt the crime issue was something that had not been discussed before and he didn't personally feel like the fence would help or hurt in that scenario because the criminal would likely just enter through the front of the neighborhood. The Commissioners discussed that this matter had been tabled numerous times and they were satisfied with the reasonable attempts made to work out an agreement.

Upon Motion by Commissioner McKay to approve the site plan subject to the conditions as agreed to and set forth in Exhibit "E" which include: a 20 foot buffer zone between the proposed concrete driveway on the East side of Phase B and the Bradshaw Ridge property line with a chain link fence to be constructed adjacent to the Bradshaw Ridge property line, planting Russian Olive or some other varietal in the buffer zone at distances to allow for maintenance but still providing adequate screening to the neighborhood, that owner will maintain the buffer zone, the use of earth tone colors similar to those proposed in the plan, to use brick facade in an aesthetically pleasing manner at least four (4) feet in height, to abide with the zoning ordinances limiting building height to forty (40) feet or three (3) stories, to limit hours of operation from 6:00 am to

10:00 pm seven (7) days a week, to use low pollution lighting, to use dual keyed locks or master keys for lessees of units, that cameras used will not be directed toward adjacent homeowners of Bradshaw Ridge, to install a security system for use in the office and other areas at their discretion, to have one gate at the storage facility as set forth on the site plan, that all dumpsters will be located away from the homeowners of Bradshaw Ridge, that tenants will be properly screened for the storage of any harmful materials, that owner will screen tenants carefully for the storage of junk vehicles or non-operational vehicles and the like, and to abide by any other Madison County zoning ordinances as appropriate for the site plan; seconded by Commissioner Brown, with all voting "aye," the motion to approve the site plan passed. Zoning Administrator Weeks informed Mr. Clark that his client would need to come back with a request for a conditional use if they want to do any outside storage at this site.

There next came on for discussion the payment of attorney fees for July, 2016. Upon Motion by Commissioner McKay, seconded by Commissioner Miller, with all voting "aye," the motion to approve the attorney fees for July, 2016 passed.

There next came on for discussion the setting of the September, 2016 meeting and September 8, 2016 was agreed to by the Commissioners as it is the second Thursday of the month.

With there being no further business, the August 11, 2016 meeting was adjourned.

9-8-16
Date

Walter McKay
(Chairman)

Exhibit "A"

Camper Corral, Inc.

P. O. Box 250 • 381 Distribution Drive
Madison, Mississippi 39110
(601) 856-6070

July 22, 2016

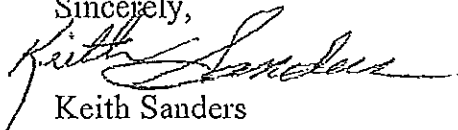
Madison County Board of Supervisors
146 W Center Street
Canton, MS 39046

Members of Madison County Board of Supervisors,

After reviewing the site plan and preliminary drawings for the building that is proposed on the three acre lot adjoining Camper Corral, we would be pleased to have this facility next to our business.

We have hesitated in selling this three acre lot for more than ten years, fearing we may not get the right kind of neighbor; however, this proposed facility more than meets our expatiations and I, personally think that this business will do exceptionally well in selling high end used vehicles in the growing Gluckstadt area.

Sincerely,



Keith Sanders

President

376 DISTRIBUTION
376 DISTRIBUTION

135 AMERICAN

New parcel corner needs to join parcel corner on adjoining lot.

Distribution Dr.

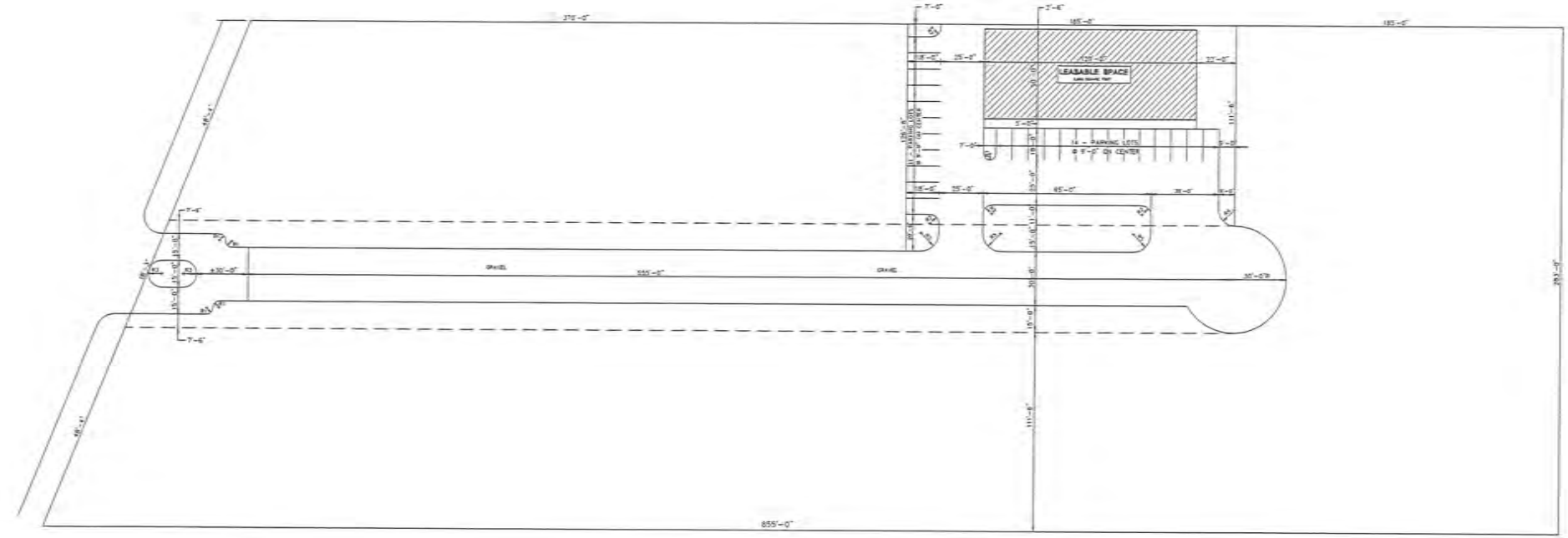
DISTRIBUTION

Make building corner 10' off of property line

The turn we discussed

Exhibit
"B"





PROPOSED SITE PLAN
SCALE: 1" = 30'-0"

GENERAL NOTES:

1. ALL CURB AND SIDEWALK RADIUS ARE AS LISTED: R1 - 3'-6", R2 - 5'-0", R3 - 7'-6", R4 - 9'-0" AND R5 - 10'-0".

REVISION	BY

66 Sibleywood
Medford, MS 39110
gregainsworth@at.net
601.666.9988

GREG AINSWORTH, ARCHITECTS®

GLUCKSTADT OFFICE BUILDING PROJECT
GLUCKSTADT, MISSISSIPPI

DRAWN	P.G.B.
CHECKED	S.C.A.
DATE	8-10-16
SCALE	AS SHOWN
JOB NO.	
SHEET	C-1
OF	SHEETS

RANDALL | SEGREST
ATTORNEYS AND COUNSELORS

August 9, 2016

John H. Shows., Esq.
Show & Smith Law Firm, PLLC
2950 Layfair Drive, Ste 101
Flowood, MS 39232

RE: Bradshaw Ridge/Cedarstone Commercial

Dear John:

In response to the proposed covenants you provided on July 22, 2016, my client is willing to agree on certain restrictions proposed therein but cannot agree to record those restrictions as covenants. We are willing to have the following restrictions included with the Commission's recommendations to the Board as follows:

A. To provide a buffer zone along and adjacent to the Bradshaw Ridge Part Two and Part Three as provided for on the plans we are seeking approval for;

B. The roof on the office warehouse buildings shall be a neutral color and the sides of the office warehouse buildings shall be a neutral color, either tan, light gray or an off white. The front of the warehouse building shall have a brick façade at least four (4) feet in height. The rollup doors on the front shall also be a neutral color. No building shall be more than one story in height.;

C. No part of the property shall be used as, or for:

1. a childcare facility which is adjacent to Bradshaw Ridge, Part III; one may be located on West Falon Road;
2. a business that produces loud music or outside activities that create noise.;
3. a liquor store.;
4. a restaurant for full service or fast food or casual dining.;
5. a cafeteria, delicatessen, coffee shop or coffee bar.;

6. the sale of beer, wine or alcoholic beverages of any type.;
 7. a convenience store or gas station.;
 8. a fireworks stand.;
 9. a billboard.;
- D. All trash dumpsters or bins shall be located away from the homeowners of Bradshaw Ridge Part Two and Part Three. (There shall be a brick façade around the dumpsters.):

Please review this with your client and if possible, please provide a response prior to the August 11, 2016 Commission meeting.

Sincerely,

RANDALL SEGREST, WEEKS & REEVES, PLLC.



Jason E. Weeks

Exhibit "E"

LAW OFFICES OF ANDY J. CLARK, PLLC
350 INDUSTRIAL DRIVE SOUTH
MADISON, MS 39110

P-601-622-7334

andy@andyjclark.com

F-601-898-1025

August 8, 2016

VIA E-MAIL ONLY

Shows & Smith Law Firm, PLLC
John Howard Shows, Esq.
2950 Layfair Drive
Suite 101
Flowood, MS 39232

RE: L & J Holdings, LLC / Storage facility

Dear John:

I am in receipt of a document from you entitled "Covenants and Restrictions Storage Facility" that I understand your clients wish to be placed on the subject property. I attach a copy hereto as Exhibit "A" for the sole purpose of reference, and not to be construed in any manner as to evidence any agreement to my clients as to the contents thereof, their validity, or any agreement to be bound by said document, whatsoever.

As discussed, my clients will not agree to any covenants, or other recordable document that would encumber their property. However, my clients are willing to agree to certain terms, and for evidence of said agreement to be read into and placed on the minutes of the meeting of the Madison County Planning and Zoning Commission, just as has been done with previous petitioners appearing before the Board. Accordingly, I would respond to your proposal as follows:

A. Buffer Zone

1. On the site plan, there currently exists a 20' buffer zone between the proposed concrete driveway on the East side of Phase B, and the Bradshaw Ridge property line. The site plan also depicts a proposed chain link fence to be constructed adjacent to the Bradshaw Ridge property line. This complies with Article XIX, Section 1903.04, Paragraph 3 of the Ordinance which states:

3. Side and rear yards where abutting any residential district;...or 20 feet, which shall remain open and be landscaped and a fence approved by the Zoning Administrator along side or rear yards.

Further, this proposal was confirmed via email dated March 4, 2016 from Greg Ainsworth to Scott Weeks, attached hereto as Exhibit "B." This was also confirmed in the Planning and Zoning minutes from March 10, 2016 attached hereto as Exhibit "C," wherein Matthew Miller advised he "could not recommend placing the fence anywhere except on the property line due to legal concerns..." Commissioner McKay "suggested that this was probably the best compromise to the situation..." Mr. Ainsworth said he could "suggest [the use of black chain link fence] to the property owner and to add more landscaping to increase the buffer." My clients are willing to abide by this, and, in order to alleviate any safety/security concerns, will place barbed wire on top of the fence in such a manner as to prevent any climbing over.

You also propose owner planting *Elaeagnus Angustifolia* or "Russian Olive" every seven (7) feet. This is too close together to be properly maintained. However, my clients will agree to place "Russian Olive" or some other varietal in the above-referenced buffer zone at distances to allow for maintenance, but still provide adequate screening.

2. Owner agrees to maintain the above-referenced buffer zone as depicted on the site plan.

3. As this reads, owner would have to "back off" the Bradshaw Ridge line, and construct the fence. As set forth above in Paragraph 1, this is not what has been previously proposed on the site plan, discussed in minutes, or otherwise required by the Ordinance. Owner does not agree to this.

4. Other than the fence discussed in Paragraph 1 above, Owner does not agree to build a fence for the Bradshaw Ridge residents.

5. Owner agrees to own and maintain the 20' buffer as set forth on the site plan, and as discussed in Paragraph 1 above.

B. Colors for Storage Facility

1. Owner agrees to use earth tones similar to those proposed-i.e.-no neon or loud colors-but shall select specific colors for the doors, roof, trim, and rollup doors.

2. Owner agrees to use brick facade in an aesthetically pleasing manner on the storage facility at least four (4) feet in height.

3. Owner agrees to abide by Article XIX Section 1903.01 of the Zoning Ordinance which allows for a maximum building height of 40 feet, or three (3) stories.

C. Hours of Operation; Lighting and Security

1. Owner agrees that the facility shall be available to the public from 6:00 a.m. to 10:00 p.m. seven (7) days a week. I believe these are the hours of operation suggested by the Commissioners in the March 10, 2016 meeting.
2. Owner agrees to use low pollution light emission lights to be "dark sky compliant." These lights will be on the building, and will shine down, and not on or into adjacent homes.
3. Owner agrees to use dual keyed locks or master keys for lessees of units. Any cameras used will not be directed toward adjacent homeowners of Bradshaw Ridge.
4. This does not make sense. Owner cannot wire each door to a security system. Owner will select its own security system for use in office or other areas at their discretion.
5. Owner agrees to have one gate at the storage facility as depicted on the site plan, and shall use a key code system for entry.
6. Owner agrees to all trash dumpsters or bins being located away from the homeowners of Bradshaw Ridge, as depicted on site plan.
7. "Hazardous or explosive or incendiary material" is too broadly defined. Owner shall carefully screen tenants, and what they store.
8. Owner agrees that no junk vehicles, or non-operational vehicles, or heavy equipment shall be stored on site. "Commercial Equipment" is too broadly defined to be an exclusion, but Owners will carefully screen tenants and what they store.

D. Enforcement

1. N/A-Owner does not agree to any covenants being placed on their property.
2. N/A-Owner does not agree to any covenants being placed on their property.

Owner agrees to County enforcement of the Ordinance.

E. Binding Effect of Covenants


1. N/A-Owner does not agree to any covenants being placed on their property.
2. N/A-Owner does not agree to any covenants being placed on their property.
3. N/A-Owner does not agree to any covenants being placed on their property.
4. N/A-Owner does not agree to any covenants being placed on their property.

G. Site Plan Approval

Owner agrees to comply with the requirements of the Madison County Zoning Ordinance.

This confirms L & J Holdings, LLC's good faith efforts toward a compromise as requested by the Madison County Planning and Zoning Commission. Please feel free to contact me if I may be of assistance to you. With kindest personal regards, I am

Very truly yours,



ANDY J. CLARK

cc: Lee Sahler (via email only)
Jeff Cox (via email only)