

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 9th DAY OF MARCH, 2017 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 9th day of March, 2017 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present: Walter McKay
 Larry Miller
 Don Drane
 Dr. Bill Howard
 Rev. Henry Brown
 Carl Allen, 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 February 9, 2017 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 February 9, 2017 minutes passed.

There next came on for consideration the site plan of Cary Hill for an addition to an existing building. Jason Myers appeared on behalf of the petition. He explained that this would be an addition to the existing business/building with parking area added to accommodate the addition. He explained that it would be in keeping with what is already built. Upon motion by Commissioner Howard 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 to open the public hearing for various matters. Upon Motion by Commissioner Brown 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 L H Harris Construction for a conditional use to expand mining operations. This is 22.5 acres located on Hwy 16 east of Canton. The property is zoned A-1 Agricultural and an application has already been filed with the Department of Environmental Quality. Danny Spivey, Esq. appeared on behalf of the petition. He explained that this is Lonnie Harris’ operation and they have currently been mining there for approximately 20 years with no complications or accidents or complaints. Commissioner McKay inquired about the DEQ process and he explained that it had begun but could not be finalized until the County gives its approval. Mr. Spivey explained that there weren’t able to remove anything further off the current site so this would just be moving to another adjacent location. He said they

would have another entrance for this area and would handle any dust issues. Zoning Administrator Carl Allen explained that there had not been any opposition or complaints. Commissioner McKay inquired if hauling needed to be restricted and a discussion ensued regarding such requirements being evaluated on a case by case basis due to the hardships it places on companies. It was explained that they had always operated without restricts and this had not ever caused any issues at this location. Upon Motion by Commissioner Brown to approve the petition for a conditional use, seconded by Commissioner McKay, with all voting "aye," the motion to approve the conditional use passed.

There next came on for consideration the petition of JNJ LLC for a conditional use for minig operation. This property consists of 78 acres located at 2156 Old Canton Rd. The property is zoned R-1 Residential and an application has been filed with the Department of Environmental Quality. Andy Clark, Esq. appeared on behalf of the petition. He explained the exact location of the property. Because the property is near Canton, he had reached out to the City and they had no complaints. He explained that it was not a heavily traveled road, with no schools nearby. Upon Motion by Commissioner Drane to approve the petition for a conditional use, 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 P and G Mine for a conditional use to expand their mining operation. This property consists of 10 acres located at 1331 Livingston Vernon Rd. The property is zoned A-1 Agricultural and an application has been filed with the Department of Environmental Quality. Brad Pepper appeared on behalf of the petition. He explained that this was needed to complete the lake behind his house and reminded the Commission of his approval from last year that was to be completed by February, which was completed in January. He said his neighbors were not opposed to this, and they used dust control methods during the other phase and would continue those as necessary for this phase. Commissioner Howard explained that he lived near this location and there had not been any issues. He reiterated that the Department of Environmental Quality needed the County's approval before they could complete the process. Upon Motion by Commissioner Howard to approve the petition for a conditional use, seconded by Commissioner Miller with all voting "aye," the motion to approve the conditional use passed.

There next came on for consideration the petition of Capitol Body Shop for a conditional use and site plan for outside storage of vehicles at their business located on Autobahn Loop. The property is zoned C-2 Commercial. Daniel Wooldridge appeared on behalf of the petitioner as the architect. Doug White is the owner of the facility. It was explained that this area was needed for storing vehicles prior to and after vehicles were fixed. It was discussed that there would be a screened fencing used like the Capitol Body Shop location in Ridgeland, MS. Marvin Corrolla, a Gluckstadt resident, appeared and inquired further about the screened fence. It was explained that it was a solid fence where you could not visibly see through it. It was requested by the Commission that the petitioner present to the Board specific information about the proposed screening, to which they agreed. Upon Motion by Commissioner Howard to approve the petition for a conditional use with condition that the screened fence material information be presented to the Board, seconded by Commissioner Brown, with all voting "aye," the motion to approve the conditional use and site plan passed.

There next came on for consideration the petition of L and J Holdings for a conditional use and site plan for outside storage of vehicles. This is for the storage facility currently being built on Aulenbrock Drive. The property is zoned C-2 Commercial. A site plan is included with the request. Andy Clark, Esq. appeared on behalf of the petitioner. He went through the history of the approval of the storage facility and what led to this request. The screening/fencing was discussed and the Commission expressed the need for a solid fence with shrubbery barrier. Mr. Clark explained that this area would be used for the storage of boats, RV's and the like.

John Shows, Esq. appeared on behalf of several homeowners who live nearby that are opposed to the request. He stated that they were currently appealing the approval of the site plan of the storage facility from several months ago to the Circuit Court in Madison County. His clients want to see the screening that is being proposed and reiterated that this was a big issue of concern. He presented his arguments in a document that is attached hereto as Exhibit "A."

Marshall Jackson appeared next and stated that he lived at 121 Bradshaw Crossing. He lives adjacent to this facility and is concerned that this additional will be an eye sore and he thinks there is a higher and better use for the property. He expressed concern about any property that is stored for a long period of time and inquired about how they would be able to get that property removed if it was abandoned. He also inquired about the power lines running near there and whether storing of vehicles under the lines would be allowed. Planning and Zoning Commission attorney Leah Ledford explained that there was a legal process the owner of the storage facility must follow to be able to remove/auction off abandoned items and it was a relatively short process. Commissioner Howard inquired about the fencing and if they built a solid structure if the opposition would be ok with that proposal. They said they would if they could agree on a proposal for the fencing.

Mr. Clark addressed the Commission in response to some of the issues and stated that it was his understanding the owner had spoken with Entergy about the power lines and they were ok with his client's proposal. As for the fence, he reminded the Commission that an 8 foot fence had already been proposed and rejected by the opposition - they had wanted a 12 foot fence made of composite material that was not economically feasible for this client. He showed the location for this outdoor storage area on the plan and pointed out that this portion does not abut Bradshaw Ridge. Commissioner Miller stated that he would like to see something in writing from Entergy regarding the power lines and if vehicles were able to be stored in this location. Commissioner Howard stated that he would like to see the parties try and work something out on the fence issue.

Julie Den Herder addressed the Commission next and stated that she is directly adjacent to this area, located at 125 Bradshaw Crossing. She stated that she is concerned about safety and security and wanted to be able to work something out with the landowners about the fence. Following additional discussion by the Commission on the requirements for screening for this type request, upon motion by Commissioner McKay to table the petition pending a letter from Entergy addressing the storage of vehicles under the power lines, pending a more thorough plan being presented with drawing of the specific area at issue, and pending specific information on the proposal for the screening/fencing, seconded by Commissioner Drane, with all voting "aye," the motion to table the petition passed.

There next came on for consideration the petition of Chestnut Hill to amend their master development plan. Andy Clark, Esq. appeared on behalf of the petition, in addition to one of the developers, David Landrum. Mr. Clark explained the history of the development and the approval of each plat phase and due to some of the lots being approved for subdividing, this request was to amend the master plan to conform with the final plats. He explained that the subdividing of these lots had already been approved and those were larger lots and with the changing market, those had been subdivided. He said that the original plan accounted for 100 lots and with the prior approved subdivided lots, this pushed the number of lots up to 105. He reiterated that the original footprint remained the same, just some of the lots had been subdivided. He presented some material to the Commission which is attached hereto as Exhibit "B."

Gene Berry appeared on behalf of Rita Black, who owns several lots in the development. He argued that he did not believe the public notice was done properly. He said his client found out about today's hearing indirectly. He said the sign posted at the entrance of the subdivision said Public Notice but did not say anything about a hearing to take place. He stated this was insufficient notice and did not conform with the ordinance requirements to post notice of a public hearing. Zoning Administrator Allen read the published description which did have information about the hearing. He also stated that the information had been posted on the county website. He explained that these were the signs the county had used to give notice for over 25 years. A discussion was held regarding the wording on the sign and where the sign was posted and Mr. Berry argued that more signs should have been posted throughout the neighborhood. Scott Weeks stated that he had placed the sign at the front entrance as it was the only way in and out of the neighborhood and so it appeared to give the best notice. Commissioner Miller stated that this seemed like the best location for a sign as it would be the most traveled area.

Following additional discussion regarding the notice, Commissioner McKay stated that he would entertain motions. Mr. Berry objected and stated that he had other arguments to make to which he was told he would get a chance to raise those to the Board of Supervisors on appeal if he chose but he had been given sufficient time to speak. Commissioner Drane made a motion to deny the request to amend the master development plan, which failed for lack of a second. Commissioner McKay made a motion to pass the request on to the Board of Supervisors without a recommendation, which failed for lack of a second. Upon motion by Commissioner Miller to approve the request to amend the master plan, seconded by Commissioner Brown, with Commissioner McKay voting "aye", Commissioner Drane voting "nay", and Commissioner Howard abstaining from voting, the motion to approve the request to amend the master development plan passed. Commissioner Miller noted that his approval was based on the newspaper publication notice, the website notice, and that despite the fact that the word "hearing" was missing, the sign stated public notice, what was at issue and to call for more information, all of which he felt was sufficient.

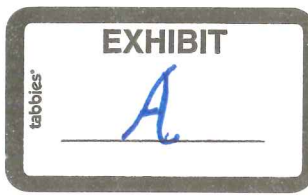
There next came on for consideration to close the public hearing for various matters. Upon Motion by Commissioner Miller to close the public hearing, seconded by Commissioner Brown, with all voting "aye," the motion to close the public hearing passed.

There next came on for discussion the setting of the April, 2017 meeting/public hearing. April 13, 2017 is the second Thursday and that was agreed to by the Commission members.

With there being no further business, the March 9, 2017 meeting was adjourned.

4-13-17
Date

Walter McKay
(Chairman)



**OBJECTION TO CONDITIONAL USE
REQUEST BY L & J HOLDINGS, LLC
FOR OUTSIDE STORAGE OF VEHICLES**

1. I represent Julie Den Herder, Marshall Jackson and wife, Patti Jackson, and Krisstel P. Hunt. All of my clients live in Bradshaw Ridge Subdivision.
2. My clients have appealed the decision of the Planning and Zoning Board and decision of the Board of Supervisors regarding the site plan for this property to the Circuit Court of Madison County. The appeal is currently pending.
3. Julie Den Herder and Marshall and Patti Jackson live adjacent to the area where vehicles are to be parked and specifically object to the granting of a special exception for the parking of vehicles by the Planning and Zoning Board.
4. The first basis for our objection is that the Planning and Zoning Board should wait until the appeal is resolved by the Madison County Circuit Court.
5. The second basis for our objection is that the Applicant has failed to file a proper site plan under the County Zoning Ordinance. The site plan filed is for a storage facility with buildings, not parking. (See Section 2607 of the Zoning Ordinance.)
6. The third basis for our objection is that the Applicant has failed to comply with the specifications set forth in Section 2609.01 of the Zoning Ordinance.
7. The fourth basis for our objection is that the Applicant has not made satisfactory provision and arrangement for all of the requirements of Section 2605.01.
8. Section 2605.01 states:

The Planning Commission shall not grant a special exception unless satisfactory provision and arrangement has been made concerning ALL of the following:

- A. Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and

convenience, traffic flow and control, and access in case of fire or catastrophe.

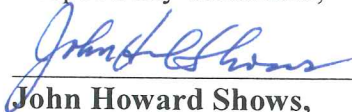
- B. Off-street parking and loading areas.
- C. Refuse and service areas.
- D. Utilities, with reference to locations, availability, and compatibility.
- E. Screening and buffering with reference to type, dimensions, and character.
- F. Required yards and other open space.
- G. General compatibility with adjacent properties and other property in the district.
- H. Any other provisions deemed applicable by the Planning/Zoning Commission or the Board of Supervisors.

ALL these things have not been done.

9. The fifth basis for our objection is that inoperable vehicles should not be parked next to a residential subdivision with no screening whatsoever.

Dated: March 9, 2017.

Respectfully submitted,



John Howard Shows,
Attorney for Julie Den Herder,
Marshall and Patti Jackson
and Krisstel P. Hunt

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Flowood, Mississippi 39232
Telephone: (601) 664-0044
Facsimile: (601) 664-0047

EXHIBIT
B

Chestnut Hill



For Information Contact:

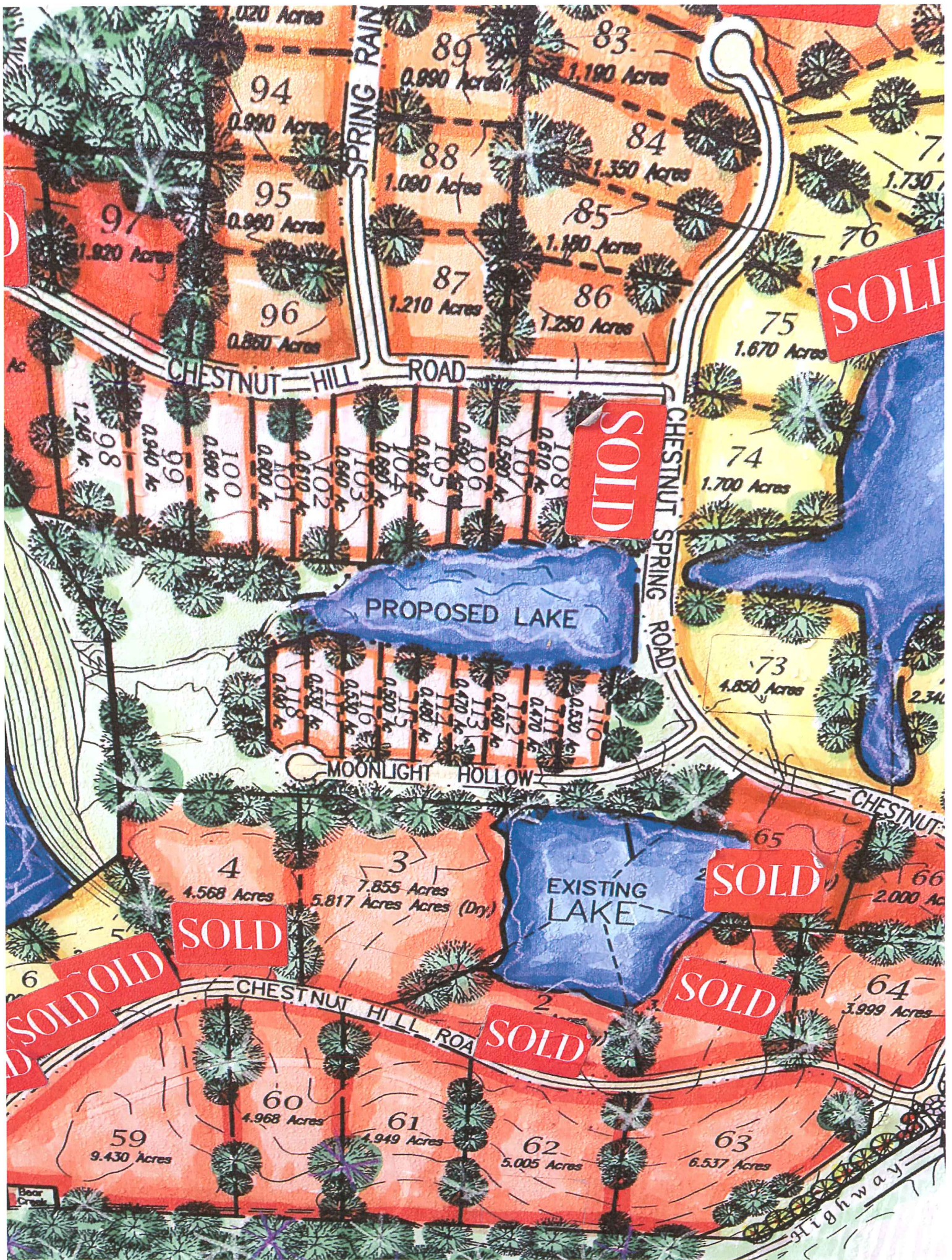
Walt Bowi



LIVINGSTON
LAND COMPANY
Developers

Chestnut Developers, LLC

769.234.7511



1.020 Acres

94
0.990 Acres

95
0.960 Acres

97
1.020 Acres

96
0.860 Acres

98
1.248 Ac

99
0.940 Ac

100
0.980 Ac

101
0.620 Ac

102
0.610 Ac

103
0.640 Ac

104
0.630 Ac

105
0.590 Ac

106
0.580 Ac

107
0.610 Ac

108
0.610 Ac

109
0.580 Ac

110
0.450 Ac

111
0.470 Ac

112
0.460 Ac

113
0.470 Ac

114
0.480 Ac

115
0.500 Ac

116
0.520 Ac

117
0.530 Ac

118
0.460 Ac

SPRING RAIN

CHESTNUT HILL ROAD

CHESTNUT SPRING ROAD

MOONLIGHT HOLLOW

CHESTNUT

4
4.568 Acres

3
7.855 Acres
5.817 Acres (Dry)

EXISTING LAKE

65

66
2.000 Ac

64
3.999 Acres

SOLD

SOLD

SOLD

SOLD

SOLD

CHESTNUT HILL ROAD

59
9.430 Acres

60
4.968 Acres

61
4.949 Acres

62
5.005 Acres

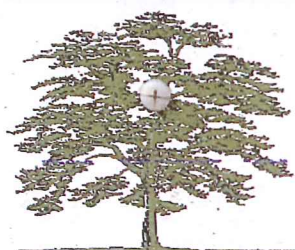
63
6.537 Acres

Highway

Bear Creek

SOLD

SOLD



CHESTNUT HILL
HOMESITE 96

1.360 Acres

2,500 square footage minimum

EXHIBIT

tabbies

C

PUBLIC NOTICE

THIS PROPERTY CONSIDERED FOR

MASTER PLAN AMENDMENT

LADE #

FOR MORE INFORMATION
CONTACT THE MADISON COUNTY
ZONING ADMINISTRATOR
601-855-5501