

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 14th DAY OF SEPTEMBER, 2017 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 14<sup>th</sup> day of September, 2017 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present:       Walter McKay  
                  Dr. Bill Howard  
                  Rev. Henry Brown  
                  Larry Miller  
                  Don Drane  
                  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 August 10, 2017 meeting of the Commission. Upon motion by Commissioner Brown to approve the minutes, seconded by Commissioner Miller, with all voting "aye," the motion to approve the August 10, 2017 minutes passed.

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

There next came on for consideration the conditional use for a storage facility with outdoor storage located on Lake Caroline Blvd. The property is zoned C-2 Commercial. A proposed site plan is also included for consideration should the conditional use be approved. Greg Hopping is the owner and he appeared on behalf of the petition, in addition to Daniel Wooldridge, the architect for the proposed business, and attorney Brad Reeves. Mr. Wooldridge explained that the inside would be climate controlled storage. He said that although storage facilities are not specifically listed under the permitted uses with C-2, the county had always interpreted them to be proper in C-2 zoning. He said that a conditional use would be needed for the outside storage of boats, trailers, campers and other recreational vehicles. That area will be fenced. The facility itself will look like a barn and the petitioner is willing to work with the County on the best color and other areas involving the aesthetics of the proposed business. He also explained that they will have good landscaping to limit visibility, and they were flexible in the type of plants they plan to use if the opposition had specific requests.

Mr. Wooldridge noted the history of this property and that the petitioner had previously received approval for this business but in the meantime, Entergy had required an easement for

widening of electrical facilities which had caused the petitioner to have to reconfigure the business to a smaller degree because there was now less land to work with for the project. He explained that they met the set back and other ordinance requirements for C-2. There was a discussion regarding the requirements of the rear set back, which none is required by the ordinances because that portion does not abut residential property. Commissioner Miller inquired about whether there was sufficient room for construction because it is right on the property line and Mr. Wooldridge said he felt they would not have any problem working with their neighbor on that issue. Commissioner McKay stated that they would need something in writing to that effect regarding an agreement with the neighbor.

A discussion occurred regarding them only considering the conditional use initially. Upon Motion by Commissioner Drane to limit the initial discussions to the conditional use request, seconded by Commissioner Howard, with all voting "aye," the motion to first consider the conditional use passed. The fencing for the outside storage area was discussed and that it would need to be solid material. Commissioner Drane inquired about the hours of operation and Mr. Hopping stated that they had a similar business in Flowood, MS and they operated 6AM to 6PM and that was their intention here if agreeable. He further explained that there was a gate and it locked and the place was no longer accessible after closing time. They also have motion lights with cameras around the business.

There was a large group in attendance in opposition to this petition. Steve Smith, Esq. addressed the Commission on behalf of the Lake Caroline Homeowners Association. He explained that they were opposed to the proposed request. He didn't think their written application was sufficient to meet the requirements of the ordinances. He also argued that this type business was not specifically addressed in the C-2 zoning so he disagreed that it was allowed. He stated that this use was not compatible with the surrounding residential neighborhoods and it was out of harmony. He also said he didn't know of any other storage facility in a neighborhood in Madison County. He argued that the character of the neighborhood has changed and there are now many upscale, newer homes and residential neighborhoods in this area. He further didn't think the proposed outside storage was proper nor met the proposed ordinances on the location and setbacks. He also felt because of the easement by Entergy, that there was not enough acreage so they would now exceed the allowable size. Even though the site plan was not being considered, he stated that the proposed plan did not meet many of the requirements of a site plan according to the ordinances. Commissioner Howard then made a motion to deny the conditional use because he didn't feel they met the burden as required by the ordinances, which was seconded by Commissioner Miller.

Commissioner Drane inquired about what type of C-2 business the opposition would not object to and Mr. Smith said they did not agree with anything that wasn't compatible with the residential area. Brad Reeves, Esq. addressed the Commission next on behalf of the petitioner. He pointed out that the easement is required by state law and not something that the petitioner willingly just gave to Entergy. He also pointed out that the property is correct zoned C-2, and the larger size business had been previously approved by prior Boards. He also pointed out that the plan was previously approved by the Lake Caroline HOA in 2007, before it was reduced in size. Mr. Wooldridge pointed out that this type use was much more compatible than other C-2 uses as permitted by the ordinances. He again stressed that the petitioner was willing to work with the Commission on the aesthetic appearance of the building. He stood by the definition in the

ordinances about the size requirements and stated that they did meet the requirements because you still look at the lot as a whole.

Nancy Lang in Martinique next addressed the Commission and noted that she was on the Board for the HOA and also resides near this property. She reiterated that they were in opposition and said there were other people present who would like to speak if the Commission would allow it. Commissioner Howard renewed his earlier motion to deny the request for a conditional use on the basis that it doesn't meet the requirements of the ordinances and is not compatible with the area, seconded by Commissioner Miller, with Commissioners Brown, Drane, Howard and Miller voting "aye," and Commissioner McKay abstaining from voting, the motion to deny the conditional use passed.

There next came on for consideration the request by Martin Meadowlands, LLC to rezone 72 acres from A-1 Agricultural to C-2 Commercial. This property is located on Calhoun Station Parkway. Danny Spivey, Esq. appeared on behalf of the petitioner. Additionally, Mr. McQuary with Martin Meadowlands also appeared. Mr. Spivey explained the history of the property and the surrounding areas constituting the change in the character of the neighborhood and public need for more commercial. And because of the location, he explained that this was a great use for this property. He presented a letter for utilities from CMU. Commissioner McKay inquired about the connection of the covenants with First Baptist Church Ridgeland and Mr. Spivey explained that they were shared and they governed that entire property. They were going to look at and correct any issue the property line. Cheryl Freeman Carruth appeared next and explained she lives in the Panther Creek area which abuts this property. She said there were 120 homeowners in the area. She would like a chance to look at what is being proposed and discuss with the neighbors. She found out about the meeting from the sign posted and called the number on the sign and spoke with the Zoning office.

The Commissioners discussed with Mrs. Carruth and said they would like a chance for the petitioner to meet with the homeowners to address any concerns they may have, to which petitioner agreed. Upon Motion by Commission Howard to table the petition until the petitioner met with the nearby homeowners, seconded by Commissioner Miller, with all voting "aye, the motion to table the petition passed.

There next came on for consideration the conditional use of GST Capital Partners, LLC for a cell tower located at 5238-Z Hwy 51 North. Belinda Body appeared on behalf of the petitioner. She said this is the second cell tower she has presented this year and the proposed was similar to the last that was approved. There were no questions from those in attendance. Upon Motion by Commissioner Howard, seconded by Commissioner Brown, with all voting "aye," the motion to approve the conditional use passed.

There next came on for consideration the petition for a conditional use by Danny Murphy to operate a dirt pit of 4 acres or less located at 2886 Highway 43 North. Danny Murphy appeared on behalf of the petition. He stated that this was a 4 acre pit. They would limit their hours of operation around school traffic. He noted that DEQ had approved their request. Commissioner McKay inquired about a previous mining operation at this location and Mr. Murphy stated there had been

one that they cleaned up. Upon motion by Commissioner Brown to approve the conditional use, seconded by Commissioner Howard, with all voting "aye," the motion to approve the petition for a conditional use passed.

There next came on for consideration the petition for a variance on the lot width of property zoned I-2 off Industrial Drive South. Mike Hudgins appeared on behalf of the petition and noted the issue of the property layout and issue with the drainage easement and sewer lagoon. They are trying to sell this portion of the property to Jason Denman for a new business. The variance would be from 200 to 142 feet. Zoning Administrator Allen noted that this meets the definition of a hardship and that these type issues should be looked at more favorable under the circumstances. The new proposed business is an animal crematorium. Upon Motion by Commissioner McKay to approve the variance petition, seconded by Commissioner Howard, with all voting "aye," the motion to approve the variance passed.

There was a discussion regarding the setback requirements while reviewing the proposed site plan for the business. 100 is required for Industrial zoning. Greg Ainsworth is the architect for the business and stated that because the property was a commercial use, he had lined this setback up with the other commercial businesses in this area even though the property was zoned I-2. Zoning Administrator Allen confirmed that was his interpretation as well. Mr. Hudgins stated that this would only be for small animals, nothing over 200 pounds. Upon Motion by Commissioner Miller to approve the site plan, including the 90 foot setback because the business is commercial in nature, seconded by Commissioner McKay, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the variance of Matt Iburg for a setback. This property is located on Lake Cavalier. Keith Brown, the contractor for the structure, appeared on behalf of the petition. He stated that this addition had been approved by the HOA. It would be an addition to the home. 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 a motion to close the public hearing. Upon Motion by Commissioner Brown to close the public hearing, seconded by Commissioner Miller, with all voting "aye," the motion to close the public hearing passed.

There next came on for consideration the site plan of Faurecia for a new expansion to the existing business near the Nissan Plant. Mr. Dan Ericson appeared on behalf of the plan. He stated that they recently purchased the building and plan to renovate and expand. They are a supplier of car seats to the Nissan Plant. Upon Motion by Commissioner Miller to approve the site plan, seconded by Commissioner Drane, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the site plan of Vertical Church located on Gluckstadt Rd. Daniel Wooldridge appeared on behalf of the petition. He explained they would use the same materials previously used on the existing building, and there would not be any additional parking needed. Upon Motion by Commissioner McKay to approve the site plan, seconded by Commissioner Brown, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the site plan of Cedarstone Commercial on Westfallen Drive. This is for an office warehouse behind the Dollar General. It will be a brick and metal building, with one (1) tenant. He said their brick layout on the building is consistent with what is in the area on other businesses. They will ensure the lighting is downward facing so to prevent any light pollution. Marshall Jackson inquired about the plans and it was explained that more detailed information would be in the construction plans which come after the initial site plan approval. Upon Motion by Commissioner McKay to approve the site plan, seconded by Commissioner Brown, with all voting "aye," the motion to approve the site plan passed.

There next came on for discussion the setting of the October, 2017 meeting/public hearing. The second Thursday in October is when we normally meet but that coincides with the Canton Flea Market and the local offices are closed that day. Accordingly, it was discussed that the meeting would be moved to the third Thursday, being October 19, 2017. Upon Motion by Commissioner McKay to set the October, 2017 meeting/hearing for October 19, 2017, seconded by Commissioner Brown, with all voting "aye," the motion to set the meeting date passed.

With there being no further business, the September 14, 2017 meeting was adjourned.

October 19, 2017  
Date

Vary A. Miller  
(Chairman)