

MADISON COUNTY PLANNING AND ZONING COMMISSION
PUBLIC HEARING MINUTES
MAY 17, 2022 @ 6:00 PM

MEMBERS PRESENT:

Chairman Conolus Scott
Kenneth Bradley
Lee Mitchell
William Smith
Bruce Gandy
Cynthia Fortson

MEMBERS ABSENT:

None

STAFF PRESENT:

Tracy W. Patrick, Zoning Administrator
Christopher Roach, Planning, Zoning, and Code Enforcement Dept. Head
Mike Pruet, County Attorney

GUESTS:

Jeff Hendricks

OPEN/WELCOME/INTRODUCTIONS:

Chairman Scott called the meeting to order at 6:00 PM and opened in a word of prayer.

REQUIRED STATEMENTS

No member of the Planning and Zoning Commission indicated any conflict of interest for the public hearings scheduled for tonight.

OLD BUSINESS

1. **Gyeong Ho Park**, represented by attorney David Jordan, is requesting for his Conditional Use application for a dog kennel with a maximum of twenty five (25) breeding dogs, be reconsidered for approval. This application was remanded back to the Planning and Zoning Commission by the Board of Commissioners on 1/3/22, requesting clear guidelines and regulations for this dog kennel and the Conditional Use application being requested. Mr. Park was also advised to provide a more precise site plan. The property is located at 861 Hannah Creek Church Road on map 0075 parcel 005 in **District 4**.

Zoning Administrator Tracy Patrick read the application and explained the details of the request.

Chairman Scott opened the public hearing.

Attorney David Jordan, representing Gyeong Ho Park, addressed the board and provided answers to their questions while going over the updated site plan. In addition, he informed the board that Mr. Park has now implemented the compost waste management method for the dog waste.

Chairman Scott asked if anyone would like to speak in favor of the request.
No one came forward.

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Chairman Scott asked if anyone would like to speak in opposition to the request.

Mr. Phill Smith spoke in opposition to the request noting noise complaints.

Mr. Jordan addressed the board in rebuttal to Mr. Smith's complaints.

Chairman Scott closed the public hearing and the floor was opened for discussion.

There was discussion. The discussion was closed and a vote was taken.

A motion by Lee Mitchell and second by Bruce Gandy, the board voted to approve the conditional use request with the condition that there can only be a maximum of twenty-five (25) adult dogs on the property at all times.

The vote was as follows: Lee Mitchell, Kenneth Bradley, Cynthia Fortson, and Bruce Gandy voted YES. Chairman Scott and William Smith voted NO.

NEW BUSINESS

2. Public Hearing Items:

1. **Harold & Jhnette Appleby** are requesting to rezone their 5.75 acre property from RR to A2 to combine with 5 acres from adjoining A2 property (0015/045A) to serve as a privacy buffer for a total of 10.75 acres. The property is located at 145 Stoy Smith Road on map 0015 parcel 047 in **District 1**.

Zoning Administrator Tracy Patrick read the application and explained the details of the request.

Chairman Scott opened the public hearing.

Mr. Harold Appleby addressed the board and stated their intentions regarding the request.

Chairman Scott asked if anyone would like to speak in favor of the request.

Mr. Gale Coleman spoke in favor of the request.

Chairman Scott asked if anyone would like to speak in opposition to the request.
No one came forward.

There was discussion. The discussion was closed and a vote was taken.

A motion by Kenneth Bradley and second by Cynthia Fortson, the board voted to approve the rezone request with the condition that both tracts be combined into one.

The vote was as follows: William Smith, Lee Mitchell, Chairman Scott, Kenneth Bradley, Cynthia Fortson, and Bruce Gandy voted YES.

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2. **Jerry & Amy McEachin** are requesting a conditional use permit for their 38.92 acre A2 property to allow them to build and operate an event hall for weddings, birthday parties, and other family-oriented events. The property is located at 0 Hwy 29 S on map 0054 parcel 033 in **District 2**. (The property address has not yet been assigned because it is vacant property.)

Zoning Administrator Tracy Patrick read the application and explained the details of the request.

Chairman Scott opened the public hearing.

Mrs. Amy McEachin addressed the board and stated their intentions regarding the request and presented a PowerPoint presentation detailing their proposed event hall, future home, site plan, and three (3) proposed phases of their plans for the property.

Chairman Scott asked if anyone would like to speak in favor of the request.
No one came forward.

Chairman Scott asked if anyone would like to speak in opposition to the request.
No one came forward.

Ms. Tiffany Phillips asked to address the board and stated she was not in favor or in opposition to the request, but wanted to ask if all three (3) proposed phases would be voted on tonight.

The board stated that the vote tonight was for the event hall only, and said when the McEachin's wish to implement additional phases and activities beyond operating the event hall, they would have to apply for additional requests to be voted on individually.

Ms. Robin Claborn asked to address the board and stated she was not in favor or in opposition to the request, but had specific questions regarding the request.

There was discussion. The discussion was closed and a vote was taken.

A motion by Lee Mitchell and second by Chairman Scott, the board voted to approve the conditional use request with the condition that they keep a fifty (50') natural buffer between the subject and adjoining properties on the southeastern boundary.

The vote was as follows: William Smith, Lee Mitchell, Chairman Scott, Kenneth Bradley, Cynthia Fortson, and Bruce Gandy voted YES.

3. **Herschel & Mary Beth Dalton** are requesting to rezone two of their properties (0065/103, 0.5 acres) & (0065/108, 1.43 acres) from RR to A2 to combine with adjoining A2 properties (0065/104, 1.41 acres) & (0065/106, 3.71 acres) for a total of four parcels being combined into one tract with a total acreage of approximately 7.05 acres to sell. The properties are located near 2570 Hwy 191 in **District 4**.

Zoning Administrator Tracy Patrick read the application and explained the details of the request.

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Chairman Scott opened the public hearing.

Applicant Charles Jones addressed the board and stated the property owner's intentions regarding the request.

Chairman Scott asked if anyone would like to speak in favor of the request.
No one came forward.

Chairman Scott asked if anyone would like to speak in opposition to the request.
No one came forward.

There was discussion. The discussion was closed and a vote was taken.

A motion by Cynthia Fortson and second by William Smith, the board voted to approve the rezone request.

The vote was as follows: William Smith, Lee Mitchell, Chairman Scott, Kenneth Bradley, Cynthia Fortson, and Bruce Gandy voted YES.

4. **John Michael Barton** is requesting to rezone a portion (2.01 acres) of his 14.49 acre property from A2 to RR to gift his uncle, Paul Waddell, exactly 2.01 acres that his uncle has lived on for 45 years. The property is located at 7709 Nowhere Road on map 0016 parcel 103-01 in **District 1**.

Zoning Administrator Tracy Patrick read the application and explained the details of the request.

Chairman Scott opened the public hearing.

Applicant Paul Waddell addressed the board and stated the property owner's intentions regarding the request. Mr. Waddell is the property owner's uncle.

Chairman Scott asked if anyone would like to speak in favor of the request.
No one came forward.

Chairman Scott asked if anyone would like to speak in opposition to the request.
No one came forward.

There was discussion. The discussion was closed and a vote was taken.

A motion by Kenneth Bradley and second by Bruce Gandy, the board voted to approve the rezone request.

The vote was as follows: William Smith, Lee Mitchell, Chairman Scott, Kenneth Bradley, Cynthia Fortson, and Bruce Gandy voted YES.

3. CONSIDER AMENDING THE ZONING ORDINANCE

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1. **Article III of Zoning Ordinance:** Consider revising the definition of a **“Pole Barn”** to include “Any structure with no sides” and omitting “can have up to three sides.” Proposed definition: “Built of poles and a roof, may or may not have a floor, ~~can have up to three sides.~~ **any structure with no sides.**”
2. **Article III of Zoning Ordinance:** Consider revising the definition of an **“Accessory Building or Use”** to include **with one (1) or more sides** within the existing definition. Proposed definition: “A subordinate building or use customarily incidental to the principle use of the land and located on the same lot with the principal use. This would include but not be restricted to personal garages, storage buildings, sheds, prefab buildings or like structures **with one (1) or more sides** after the residence has been built. An accessory building cannot be lived in.”
3. **Section 12.2 of Zoning Ordinance:** Consider revising the **minimum square footage requirement** from 288 square feet to **200** square feet for any accessory building without needing to obtain a building permit.

4. CONSIDER AMENDING THE SUBDIVISION REGULATIONS

1. **Article III of the Subdivision Regulations:** Consider adding a definition for a **“Digital Copy”**. Proposed definition: **“A digital copy must be on a flash drive and must contain both the JPEG and MPEG formats of the subdivision’s preliminary and final plats.”**
2. **Section 8.4, #3 (d) of the Subdivision Regulations:** Consider revising the **number of digital copies** required for the **preliminary plat** from one (1) to **two (2) copies** for the Building and Zoning Department.
3. **Section 9.0 (g) of the Subdivision Regulations:** Consider revising the **number of digital copies** required for the **final plat** from one (1) to **three (3) copies** for the Building and Zoning Department, (Property Valuation receives one (1) of the (3)).
4. **Section 9.4 (b) of the Subdivision Regulations:** Consider revising to include a **two (2) digital copy requirement of the final plat to the Zoning Administrator.**

The board reviewed and discussed the amendments and will vote on them at their 6/7/22 meeting.

5. COMMENTS FROM STAFF

None

6. ADJOURN

On motion by Lee Mitchell and second by Kenneth Bradley, the board voted unanimously to adjourn at 7:47 PM.