

## MCPC - Minutes June 11, 2024 Board Minutes

The Madison County Plan Commission met on the above date at 9:00 A.M. with President Olivia Pratt, presiding.

Members Present: Olivia Pratt, Mark Gary, John Simmermon, Tom Shepherd, Michael Pelsor, and Lindsay Brown via Teams

Members Absent: Rob Steele, Denise Spooner, and Jerry Alexander

Also Present: Larry Strange - Director, Jeff Graham – County Attorney, and Nikki Wood – Board Secretary

### Current Business

1. Prayer – John Simmermon
2. Pledge of Allegiance
3. Roll call: 6 members present, 3 absent – Rob Steele, Denise Spooner and Jerry Alexander
4. Approval of the May 14, 2024 Board Minutes – Member Gary made a motion to approve the May 14, 2024 minutes, seconded by Member Shepherd. Voice call was unanimous. **Motion approved**

### Old Business

No old business

### New Business

1. Petition: 2024-Z-004  
Address: 0 S 300 E (48-12-33-100-003.000-033)  
Location: Union Township  
Petitioner: Evan & Emily Rodgers  
Landowners: Evan & Emily Rodgers  
Zoning: CR – Conservation Residential  
Request: A Rezone from CR – AG to bring into compliance

Director Strange presented petition 2024-Z-004. The petitioner would like to rezone from Conservation Residential to Agriculture to allow a small truck operation. This started with a violation in 2023, the Rogers' began parking triaxle dump trucks on the property. The petitioner decided to try for a rezone and special use which will go in front of the BZA on June 25<sup>th</sup>. There was a letter of remonstrance sent in opposition. The same remonstrator emailed Director Strange this morning that they now support the Rogers petition. The Tech Review Committee gave a favorable recommendation. Staff recommendation is unfavorable to the Board of Commissioners for the rezone. Director Strange suspects the project is turning out to be a business larger than just a special use. Member Simmermon questioned a rezone to commercial. Director Strange mentioned the idea of rezoning to Light Industrial. There was discussion between Director Strange and the board while looking at the zoning map. Attorney Jonathon Cook and the petitioners explained the plan to build a 60' x 80' barn to house some of the trucks. The petitioners passed around an

## MCPC - Minutes June 11, 2024 Board Minutes

image to show their plans. Member Shepherd asked if they are putting in a wash station to which the petitioner stated he currently washes the trucks behind his garage and plans to put a wash station at the north end of the property as a solution to a neighbor's complaint of noise and dust from the power washing. Two conditions were discussed and placed during the Technical Review Committee meeting: Condition 1) 12-truck maximum, condition 2) stormwater management plan. Attorney Graham asked the petitioners if they are ok with placing the conditions in the ordinance as commitments to which they stated yes. The petitioners answered questions from the board about landscaping. Member Simmerman said there were a couple similar places in Lapel and see no problems. Two remonstrators spoke in opposition of this petition due to fear of anything industrial coming to that property, additional water run-off onto surrounding properties and degradation of property value and traffic issues. The petitioners responded with information about the fuel tank on the property, plans of where the barn will be built, and pond placement as recommended by the Drainage Board. Attorney Cook added that they have no intention of asking for a Light Industrial rezone and wants to keep some parameters on what the business can be in the future and what it can be if the petitioners decide to move on from there. He feels the zoning ordinance needs updated to allow for situations like this; for the small businesses to keep some parameters that would be set by the special use. Member Simmermon asked if most traffic is going north to the highway. The petitioner plans to purchase the property to the north and placing a driveway onto State Road 236 in the future. Member Simmermon stated the BZA could place a restriction that the trucks have to go North. If left AG, the BZA could put restrictions. Director Strange thinks it will be bigger than a special use after experience with other special uses granted. Member Brown asked what is hauled in the trucks and where the blacktop is cleaned out of the trucks. The petitioner stated the trucks are cleaned at an asphalt plant to keep messes off the lot. Member Brown asked Director Strange how this works with the comprehensive plan. Director Strange doesn't think this would be inconsistent with the comp plan. Member Simmermon made a motion to accept 2024-Z-004 for a favorable recommendation and accept the findings of fact, seconded by Member Pelsor. Roll call was unanimous. **Motion passes with a favorable recommendation to the Commissioners**

### FINDINGS OF FACT

- a. The Madison County Comprehensive Plan and any other applicable, adopted planning studies or reports - The recommendation on the Future Land Use Map in the Comprehensive Plan is to be conservation residential area, which is generally an area for transition from agricultural to residential/commercial activity.
- b. The current conditions and the character of current structures and uses in each district – Rezoning to AG for a limited special use should not be an issue.
- c. The most desirable use of which the land in each district is adapted – A mixed use (agricultural/commercial) can be a desirable use.
- d. The conservation of property values throughout Madison County – This rezoning should not have an impact on property values..
- e. Responsible growth and development – This petition is part of a development process used for responsible growth and development.

### Miscellaneous

Director Strange wanted to update the Board on the various energy situations in our ordinance. There is a moratorium on the solar ordinance which was updated in December 2023. No applications have been submitted. There was moratorium placed on the Wind Ordinance. Director Strange would like a subcommittee like with the Solar Ordinance to update the

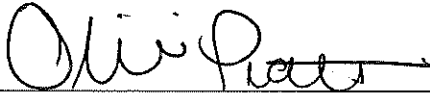
**MCPC - Minutes June 11, 2024 Board Minutes**

ordinance. The Battery Energy Storage System: Jupiter Energy, private company working for AEP, showed interest in building BESS on 400 S and 400 E. Director Strange sent Liz Bruns to Texas to see how the BESS operates. A moratorium could be placed and address concerns. The process now is that they would have to go through Article 8, site development plan, and go through the Planning Commission. After discussion between the board and Director Strange, BESS will be added to the subcommittee.

Greg Valentine gave an update on a situation at State Road 13 and 1050 S that was cleaned up by the Planning Department. He asked the board for help with a clean up at 8577 Old Fort Rd. Director Strange said he'll check into it.

**Adjournment**

Member Pratt made a motion to adjourn, seconded by Member Simmermon. Meeting adjourned at 9:58:26



Olivia Pratt, President



Nikki Wood, Board Secretary