

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 14th DAY OF JANUARY, 2016 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 January, 2016 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present:        Don Drane  
                  Larry Miller  
                  Walter McKay  
                  Dr. Keith Rouser  
                  Rev. Henry Brown

Scott Weeks, Planning and Zoning Administrator

There first came on for consideration the nomination of President for the Planning and Zoning Commission. Upon Motion by Commissioner Miller to nominate Commissioner Rev. Henry Brown, seconded by Commissioner Rouser, with all voting "aye," the Motion to nominate Commissioner Rev. Henry Brown as the President passed.

There next came on for consideration the nomination of Vice President for the Planning and Zoning Commission. Upon Motion by Commissioner Rouser to nominate Commissioner Larry Miller, seconded by Commissioner McKay, with all voting "aye," the Motion to nominate Commissioner Larry Miller as the Vice President passed.

There next came on for consideration the minutes of the December 10, 2015 meeting of the Commission. Upon motion by Commissioner Rouser to approve the minutes, seconded by Commissioner Miller, with all voting "aye," the motion to approve the December 10, 2015 minutes passed.

There next came on for consideration the petition of Dave Dear for a variance of seven (7) feet to construct a garage on an existing structure. This property is located at 219 Lakeshore Dr., Madison, MS Lot 92 at Lake Lorman, Part 3. Mr. Dear appeared on behalf of Petitioner and stated that he had met with the HOA and is in compliance with the neighborhood requirements. This will be to construct a 2 car garage over the parking pad. He produced a letter from the HOA which is attached hereto as Exhibit "A." Upon Motion by Commissioner McKay to accept the petition, seconded by Commissioner Rouser, with all voting "aye," the motion to accept the petition passed.

There next came on for consideration the petition of Sharon Vanderburgh to rezone 510 + acres from A-1 Agricultural to R-2 Residential for a residential development. Matt Jensen appeared on behalf of Petitioner. He explained that they needed to meet with those in opposition

or with questions about the development due to misinformation on the proposed development. Upon Motion by Commissioner McKay to table the petition to the next meeting, seconded by Commissioner Drane, with all voting "aye," the motion to table the petition passed.

There next came on for consideration the petition of Claridge and Associates to rezone 31.44 acres and 4.09 acres from R-2 Residential to R-4 Town House Residential District with a Planned Unit Residential District (PURD) overlay. This property is located at Hwy 16 West and Green Acres Drive. Bob Montgomery, Esq. appears on behalf of Petitioner. Mr. Montgomery explains the exact location of the land and the other buildings and land in the vicinity around it. He stated that their plan is to clear the area and construct townhouses. He pointed out multiple studies that have been conducted that support the public need for this type housing that is being requested. He further explains that the development will be aesthetically pleasing and well maintained. He sets forth the buffer areas and states that there will be a clubhouse and recreational area. These properties will have two (2) car garages and stated that it is in Supervisor Griffin's district and he is in support of the development. Commissioner Drane inquired regarding the model presented in their packet and Mr. Montgomery said that the development would be consistent with that initial plan. Commissioner McKay inquired regarding the size of the development and expressed concern over whether the proposed plan meets all requirements, including open space requirements, pursuant to the ordinances. Mr. Montgomery stated that when they came back and presented the site plan for approval, they would ensure the plan was in line with all ordinances. Questions from the audience were encouraged and David Cook came forward and stated that he was representing the interests of the homeowners who lived by this property and wanted to protect their driveway entrance. Mr. Montgomery stated that they will protect that interest. Zoning Administrator Scott Weeks explained that they would be required to later present a site plan for approval on the specifics of the plan and the current request was only to change the zoning so they could move forward with their plans. Upon Motion by Commissioner Rouser to approve the petition with the stipulation that the driveway would be protected as set forth herein and petitioner will come back to the Commission for approval of the site plan, seconded by Commissioner Miller, with all voting "aye," the motion to approve the petition passed.

There next came on for consideration the petition of Perry and Charlie Waggener to rezone R-1 Residential to R-1A Single Family Residential District. This property is located on Old Canton Rd. near the intersection with Clarkdell Rd. Mr. Waggener appeared on behalf of petitioner and explained that the property had been in their family for over 70 years. He went through the history of the property and different farming uses of it but stated that they are looking towards retirement and while they want to keep some of the land, they are wanting to sell the remaining 35 acres for development. He said there have been other neighborhoods developed in their area in the past that have been slow to sell and he thinks it is primarily because the properties were developed with over 2 acre lots. He stated that with the current zoning requiring 2 acre minimum lots, they would have trouble selling the land. He pointed out that they would still be living there and they want to keep it nice and will agree to stipulate as to lot size in the 1 to 1.25 acre range versus 2 or above. He presented information about their request which is attached hereto as Exhibit "B." He explained they knew there were some present in opposition but he also had some in support of his petition as well. Those in opposition were asked to come

forward. John Wilkie appeared and stated that he and his neighbors were opposed to the rezoning request. He stated that it was not in keeping with the surrounding area because they all have 2 acre minimum lots. He presented photographs of some of the houses in their neighborhood as an example of what is in keeping with the character. He also presented a petition and emails from his neighbors who were all opposed to the request, all of which is attached hereto collectively as Exhibit "C." Another person came forward and stated that they were no opposed to developing the property but there was just not enough information about what was being requested. They were also concerned about run off storm water, traffic and road concerns that a new development would bring about. Mr. Charlie Waggener then came forward and said they own the 50 acres directly west of this property and reiterated the issue with developing the propert as is and that 1 acre lots made more sense under the circumstances. Commissioner McKay inquired regarding sewage and Mr. Waggener stated that it was approximately 90 feet away on Clarkdale Rd. Mr. Perry Waggener addressed the concerns raised by those in opposition and stated that he understands and will agree to covenants restricting things like the lot size and square footage but he cannot market the property as it is currently zoned and sell it. He stated that those in support of this petition own more of the surrounding land than those present in opposition. Zoning Administrator Scott Weeks addressed the Commission and explained that Petitioner could not move forward with developing anything until a plan is approved, including public sewage. Upon Motion by Commissioner Drane to table the petition to rezone so the homeowners can meet with the homeowners around them and work out an agreement on covenants as to the lot size, square footage, et., seconded by Commissioner Rouser, with all voting "aye," the motion to table the petition passed.

There next came on for consideration the site plan of X-1000 New Commercial Buildings located on American Way. No one was present on behalf of petitioner. Upon Motion by Commissioner Rouser to table the site plan, seconded by Commissioner Miller, with all voting "aye," the motion to table the site plan passed.

There next came on for discussion the payment of attorney fees for December, 2015. Upon Motion by Commissioner Rouser, seconded by Commissioner Miller, with all voting "aye," the motion to approve the attorney fees for December, 2015 passed.

There next came on for discussion the setting of the February, 2016 meeting. February 11, 2016 was discussed. Upon motion by Commissioner Miller, seconded by Commissioner Rouser, with all voting "aye," the motion to set the February 2016 meeting for February 11, 2016 passed.

With there being no further business, the January 14, 2016 meeting was adjourned.

Date

2-11-2016

Walter McKay  
(Chairman)