

**MINUTES OF THE THURSDAY, JANUARY 13, 2005**  
**MADISON COUNTY PLANNING AND ZONING COMMISSION**  
**MEETING FOR MADISON COUNTY, MISSISSIPPI, HELD AT 9:00 A.M.**  
**AT THE MADISON COUNTY CHANCERY BUILDING**

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BE IT REMEMBERED that a meeting of the Madison County Zoning Commission for Madison County, Mississippi, was duly called, held and conducted on Thursday, the 13<sup>th</sup> day of January, 2005, at 9:00 a.m. in the Madison County Chancery Building.

Present:      Rev. Bennie Lucket, Chairman  
                  Brad Sellers, Zoning Administrator  
                  Steven Steen  
                  Rev. Henry Brown  
                  Lisa Walters  
                  Sidney Spiro

Absent:      No absentees.

There first came on for consideration the minutes of the December 9, 2004 meeting. On Motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting aye, Motion to approve the minutes passed.

There next came on for consideration the Petition of Richard A. Ambrosino/Parkway Development, Inc., for permission to re-zone R-2 Residential to C-1 and C-2 Commercial. Blake Mendrop appeared on behalf of the Petitioner, Richard Ambrosino. Mr. Mendrop is of Mendrop and Wages, an engineering firm that is involved in the development of this property, proposed as the Galleria Parkway Commercial Development. The Petitioner stated that there is 136 acres between Interstate 55 and the planned development of Fontanelle (?) that is being requested to be re-zoned as C-2. The area between Fontanelle and Galleria Parkway, which appeared on the plat, is being proposed to be re-zoned as C-1. The Petitioner stated that the proposed development is in compliance with the current Land Use Plan, there has been significant changes in the neighborhood, and the recent comprehensive plan adopted by the Madison County Board of Supervisors has this area designated as Commercial. Commissioner Walters inquired as to her concerns with the amount of buffer as being proposed between the C-1 development and the Fontanelle development. The Petitioner stated that there is a buffer of approximately 30-40 feet that will consist of a burm. Commissioner Spiro inquired as to the covenants of this area, particularly Section 104.01-07, which contained language regarding prohibited uses. Specifically Commissioner Spiro was concerned with the definition of "timely" as it is used

in this section, as it was his opinion that this is an ambiguous phrase. In lieu of the use of "timely," Commissioner Spiro suggested 60 days to have the automobiles removed from the premises. In response to Commissioner Spiro's comments, the Petitioner, Ambrosino, stated that he had no problem with making this change and that he will also include a requirement that the proper screening for developments such as this be mandatory. The Petitioner stated that he wants this area to be a specialty business area with unique businesses being developed. Commissioner Spiro next inquired as to whether there was any opposition, to which Zoning Administrator Sellers informed the Commission that there was none. Upon Motion by Commissioner Steen, seconded by Commissioner Spiro, all voting aye, Motion to recommend approval to the Board of Supervisors contingent on the Petitioner changing the language in Section 104.01-07 in the proposed covenants from "timely" to 60 days for the removal of automobiles, passed.

There next came on for consideration the Petition of Homelands LP/First Choice Development, LLC for permission to re-zone A-1 Agricultural District to C-2 Commercial District. J. Parker Sartain appeared on behalf of the Petitioner and stated that utilities will be provided by Bear Creek and that a covenant and site plan has been provided as well. In addition, the Petitioner informed the Commission that a 4-lane road project has already been approved on this land by the Board of Supervisors. The subject property consists of approximately 76 acres and the Petitioner informed the Commission that the proposed rezoning does meet the Land Use and Transportation Plan. Commissioner Spiro stated for the record that he had a problem with the covenants, more specifically, the same concerns as he had with the covenants presented with the Richard Ambrosino/Parkway Development, Inc. Petition previously discussed. The Petitioner stated that he had no problem with making this change. He informed the Commission that the intended usage of this property will be retail stores, food service, office warehouses, hotels, offices space, and banks. Upon Motion by Commissioner Steen, seconded by Commissioner Walters, with all voting aye, recommend approval to the Board of Supervisors contingent on the Petitioner changing the language in the proposed covenants from "timely" to 60 days for the removal of automobiles, passed.

There next came on for consideration the Petition of Erik Battle for permission to renew a permit for a mobile home in an R-2 District. Mr. Battle appeared and stated for the record that his mobile home had been on the property for approximately 3 years and the property is located on Ellis Road outside of Flora, Mississippi. He stated that there is approximately 35-40 mobile homes in this area. He stated that it was his intention to remove an old trailer and replace it with a 2005 double-wide model with running water and sewage. He stated that the mobile home presently on the property will be towed.

Chairman Luckett inquired as to whether or not the Petitioner had purchased the home yet, to which the Petitioner stated for the record that he had not. Commissioner Steen informed the Petitioner of his concerns regarding this significant investment for the home that may not be allowed to remain once the three year extension he is currently seeking has expired. Zoning Administrator Sellers informed the Petitioner that if the area becomes subject to residential development, there is a likelihood that it will be hard to get a permit for an extension in the future. The Petitioner acknowledged for the record that he understood their concerns, but he wanted to continue with his plans regardless. Commissioner Spiro inquired as to how many homes were in the area, to which the Petitioner informed him that there were approximately 5. Chairman Luckett asked the Petitioner whether or not he planned on building a home on the property, and Mr. Battle informed him that he did not. Upon Motion by Commissioner Brown, seconded by Commissioner Steen, with all voting aye, Motion to recommend approval of the Petition of an extension on the permit to allow a mobile home in a residential area limited to 3 years, based on no changes in the neighborhood at the current time, passed.

There next came on for discussion the issue of attorneys' fees. Upon Motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting aye, the Motion to approve attorneys' fees passed.

Lewis Smith next appeared on behalf of his father, John Smith, to inquire of the Commission concerning a Petition of his father to re-zone land along Nissan parkway. Zoning Administrator Sellers informed the Commission that Mr. Smith did not get his Petition in on time and it was therefore not included on this month's agenda. Mr. Smith stated that his father wanted to re-zone the property located along Nissan Parkway from A-1 to Commercial and wanted the Commission's opinion regarding the Petition. Commissioner Steen informed Mr. Smith that he needed to go through the proper process to have his Petition heard by the Commission.

There next came on for discussion the issue of the election of officers for the Planning Commission for the 2005 year. After a brief discussion, the Planning Commission expressed their gratitude towards the present officers and their opinion that the officers had done a great job in 2004. Upon Motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting aye, Motion to retain Rev. Luckett as Chairman and Mr. Steen as Vice-Chairman for the 2005 year, passed.

There being no further business, the meeting was adjourned at 10:00 a.m.

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Date

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(Chairman)