

MINUTES OF A REGULAR MADISON COUNTY PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 8th DAY OF JULY, 2004 AT 9:00 A.M. AT THE MADISON COUNTY CHANCERY BUILDING

BE IT REMEMBERED that a regular meeting of the Madison County Zoning Commission was duly called, held and conducted on Thursday the 8th day of July, 2004, at 9:00 a.m. in the Madison County Chancery Building.

Present: Bennie Lucket, Chairman

Sidney Spiro

Steven Steen

Henry Brown

Lisa Walters

Brad Sellers, Zoning Administrator

Absent: None

There first came on for consideration the minutes of the June 10, 2004, meeting. It was realized that Commissioner Spiro's name was inadvertently omitted from the list of members present at the June 10th meeting. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting Aaye@, motion to approve the minutes contingent on the inclusion of Commissioner Spiro as being present at the June 10, 2004 meeting, passed.

There next came on for consideration the resolution to adopt Tax Increment Financial Redevelopment Plan of 2004 of Madison County, Mississippi. Samuel Keyes appeared on behalf of the City of Ridgeland and stated that Mississippi statutes require the County to have a comprehensive plan and a redevelopment plan that provides for the utilization of tax increment finance under certain situations. The proposed situation, as presented by Mr. Keyes, was the County Line Revitalization Project. He explained that it was the duty of the Planning Commission to review the proposed documents in order to decide whether or not it is consistent with the comprehensive plan of the county, for any proposed project has to be consistent with the zoning laws that are currently in place. Zoning Administrator Sellers explained that the redevelopment plan under consideration was consistent with the commission's comprehensive plan. Upon inquiry by the Commission, Attorney Jim Streetman stated that he felt it was in the best interest

of Madison County and was consistent with the comprehensive plan as well. Upon motion by Commissioner Walters, seconded by Commissioner Spiro with all voting Aye@, motion to recommend approval to the Board of Supervisors passed. Attorney Streetman attested to the vote and signed the proposed Tax Increment Financing Plan of 2004 on behalf of the Madison County Planning Commission, which is attached hereto as *Exhibit AA@*.

There next came on for consideration the petition of Richard Kuebler and Alan Hederson for permission to re-zone R-1 Residential to C-1. This petition was presented at the June 10, 2004, meeting, where it was tabled. Alan Henderson appeared on behalf of the petitioners and stated that they had originally sought County C-2. However, subsequent to the tabling at last months meeting, successful negotiations had evolved with the City of Madison. The petitioner further stated that the Mayor of Madison had discussed the proposed re-zoning with the neighbors. In effect, the petitioner further stated that they are now seeking County C-1 re-zoning for the subject property. John Hedgland appeared on behalf of the City of Madison and presented proposed covenants for this subject property which reflects the product of the negotiations between these parties. The proposed covenants are attached hereto as *Exhibit AB@*. A summary of the covenants that is in the form of a letter to Mr. Brad Sellers, dated July 7, 2004, is attached hereto as *Exhibit AC@*. Commissioner Walters inquired of the petitioner as to what the purpose of the re-zoning was anticipated by the petitioner. The petitioner stated that they were not sure as to what project was going to be undertaken on this land, but the covenants have been agreed upon to protect the neighbors= interest in those regards. John Hedgland stated that the neighboring land owners had agreed to the re-zoning in light of the covenants being filed. Upon motion of Commissioner Steen, seconded by Commissioner Spiro, motion to recommend approval to the Board of Supervisors that the subject property be re-zoned to County C-1 contingent on the proposed covenants being filed, passed.

There next came on for consideration the petition of Foshee Construction Company for a special exception to conduct surface mining. Jim Foshee appeared on behalf of the petitioner. Zoning Administrator Sellers indicated that the paper work for this petition was in place and in order. Commissioner Walters inquired as to whether there was any opposition to this petition, and Zoning Administrator Sellers indicated that there was, as usual, opposition to the operations, which often resulted in dust and mud in the subject area. However, Zoning Administrator Sellers stated that a Class 2 rubbish site will allow them to bring in stumps and trees and turn the mining area into a lake at the conclusion of the project. Commissioner Walters inquired as to how they planned to deal with the dust. The petitioner stated that there was a water truck on site and the

roads would have water applied to them when they became dusty. Chairman Lockett indicated to the Commission and those present at the meeting that time constraints were approved up to five years. The petitioner stated that this project would last five years, but that it would come to a conclusion within this time, as there will be no need to request additional time. He further indicated that the land owners are planning on building homes around the proposed lake once the project is completed. Upon motion of Commissioner Spiro, seconded by Commissioner Brown, with all voting aye, motion to recommend approval of the continued mining operation up to the next five years to the Board of Supervisors, passed.

There next came on for consideration the petition of Alma L. Williams for permission to place a mobile home in an R-2 District. Zoning Administrator Sellers stated that he spoke to the Mayor of Flora, who indicated to him that they were not opposed to this petition, as the subject property was outside of the City of Flora. Alma Williams and her son Christopher Harrelson appeared on behalf of the petitioner. He stated that the subject property was a house site but that they planned to replace the house with a mobile home. Commissioner Walters asked the petitioners whether they planned on rebuilding the house eventually, to which the petitioners stated that they did not. Zoning Administrator Sellers indicated for the record that the petitioners were aware of the time constraints involved in a petition such as this. Commissioner Spiro inquired as to how many homes are in the subject area, and the petitioner stated that two homes existed in the subject area, but that five or six mobile homes were present as well. Commissioner Steen inquired upon Attorney Streetman as to whether the Commission had in the past demonstrated a particular policy to these petitions. Attorney Streetman stated that all applicants have been approved in the past and it was dangerous to hold these petitioners responsible for a policy of rejection that had not yet been adopted nor followed by the present Commission. Chairman Lockett inquired upon Zoning Administrator Sellers as to whether a policy to object these petitions had been adopted by the Commission. Zoning Administrator Sellers indicated that the present Commission has always viewed these petitions on a case by case basis. Commissioner Spiro inquired as to how long mobile homes have been in this subject area, to which the petitioner responded that the mobile homes had existed here for several years. It was discussed that the City of Flora had adopted a resolution to restrict mobile homes to existing mobile home parks in the city limits of Flora, and Zoning Administrator Sellers indicated that the subject property of this petition is outside of the city. Zoning Administrator Sellers also indicated that the previous planning commission had made a recommendation to disallow these types of petitions to the Board of Supervisors; however, the Board never acted on this recommendation. Commissioner Brown inquired upon the petitioner as to whether a home would ever be built on this site, and

the petitioner stated that they were not financially able at present to consider this option. Commissioner Spiro asked whether the mobile home had been purchased yet and the petitioner stated that it had not. The petitioners further stated that they purchased the subject property not knowing that it was not properly zoned. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting Aaye@, motion to recommend approval to the Board of Supervisors for three years, passed.

There next came on for consideration of two preliminary plats:

- A. Bainbridge
- B. Hartford

A. Bainbridge: Barry Woodrich appeared on behalf of the petitioner and presented the preliminary plat of this subdivision, which was a 250 area track. He stated that the homes in this subdivision would follow specific architectural guidelines, and he also presented the first phase plat as well as an engineering plat that contained said architectural guidelines. Commissioner Spiro inquired as to the covenants that would be in effect for this subdivision. He also inquired into when the home owners would take control of the subdivision from the developers. Petitioner stated that the Home Owners Association will begin collecting dues after six months and further stated that there would be seven voting shares per lot. The petitioner also informed the Commission that the green space in the subdivision was allotted at 10% per phase, which is in compliance with applicable guidelines. Commissioner Steen asked the petitioner how they would respond to the District 1 Supervisor's position that the minimum square foot requirement for this area should be 1800 square foot. The petitioner stated that it was their intention to show the Board of Supervisors that they were committed to the quality in their homes and would make sure that the homes were constructed accordingly. In addition, the petitioner stated that it was their intention to inform the Board of Supervisors that market shares are being lost to other counties based on the square footage requirements being enforced in this county. He informed the Commission that they were having a hard time competing with home builders in Rankin County and other neighboring counties. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting Aaye@, motion to recommend approval to the Board of Supervisors passed.

B. Hartford: This preliminary plat is located 6/10 of a mile north of Hoy Road. The petitioner stated that the original plat got a unanimous recommendation from the previous planning commission and was passed by the Board of Supervisors. In addition, the petitioner stated that there was no opposition to this proposed amended

plat. He further stated that this plat consisted of 102 acres, which was going to contain 107 lots. Also, he stated that the plat had been given to the City of Madison and that they were to go before the City of Madison the Monday night following this meeting to request further approval. Commissioner Spiro inquired as to what the minimum square footage was to the proposed construction, and the petitioner stated that the minimum lots were to be 2 acre and the minimum square footage for the homes were to be 3,000 square feet. Chairman Luckett asked how many phases would be involved in this construction, and the petitioner stated that there would be two phases. Commissioner Walters inquired as to how much green space was available, and the petitioner informed the Commission that there was 30% of proposed green space in the plat. The petitioner further informed that there would be no homes backing Old Canton Road, and alot of that area had been designated as green space. He further stated that the subdivision would include a club and pool house. Commissioner Spiro inquired as to whether there had been any covenants for the subdivision, and the petitioner stated there had been covenants filed for the square footage and acreage minimums. He further stated that the covenants will mirror Ashton Park Subdivision's covenants. Commissioner Steen asked as to whether an entrance had been designed. Petitioner stated that the entrance design was still under development, but that it would be located on Madison Avenue. Upon motion by Commissioner Steen, seconded by Commissioner Walters with all voting Aaye@, motion to recommend approval to the Board of Supervisors passed.

There next came discussion as to the policy of the Madison County Planning Commission in regards to petitions to place mobile homes in Residential Districts. Zoning Administrator Sellers informed the Commission that it had been attempted to set guidelines in the past concerning this subject, but that the Board of Supervisors took no action whatsoever. He further stated that the original purpose for this exception was to allow for temporary residence in certain situations. Upon motion by commissioner spiro, seconded by Commissioner Walters, with all voting Aaye@, motion to put a moratorium until the October meeting on mobile home applications so a policy can be developed to address concerns with current mobile home provisions, passed.

There next came on for consideration the issue of attorney's fees. Upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting Aaye@, motion to approve attorney's fees passed.

There next came on for discussion a petition presented by Karl Banks regarding property owned by the Miller Banks Estate. The prior petition had requested re-zoning of an A-1 to a C-2, and, according to Karl Banks, when it was previously passed, it was never reflected on any zoning maps, and there are no documents in existence to verify

that the petition was actually approved previous to this date. As such, Mr. Banks requested that it be brought before the Planning Commission by filing said petition. Commissioner Spiro stated for the record that it appeared to him that there was an error in the original zoning and there had been a change in the characteristics of the neighborhood requirements mandating that the re-zoning requirements had been met. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting members in favor, motion to recommend approval of the re-zoning from A-1 to C-2 subject to the petitioner filing the required covenants, passed.

There being no further business the meeting was adjourned at 10:55 a.m.

CHAIRMAN
DATE