

**MINUTES OF THE THURSDAY, DECEMBER 9, 2004
MADISON COUNTY PLANNING AND ZONING COMMISSION
MEETING FOR MADISON COUNTY, MISSISSIPPI, HELD AT 9:00 A.M.
AT THE MADISON COUNTY CHANCERY BUILDING**

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 9th day of December, 2004, 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 November 10, 2004 meeting. On Motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting aye, Motion to approve the minutes passed.

There next came on for consideration the Petition of Jerry Wayne Brasher for permission to re-zone R-1 Residential to I-1 Industrial. Mr. Brasher's Petition has been on the agenda twice; however, due to a problem with his mail and the date change for last month's meeting, Mr. Brasher's Petition has been tabled. Wayne Brasher appeared on behalf of the Petitioner, and stated that he has submitted a site plan and that the covenants are almost identical to other businesses in the surrounding area. It is his intent to manufacture fitness equipment, and they are in the patent procedure now with 100 machines pending. He intends to start his business with three employees and will team up with McFarling Fitness Equipment out of Amory, Mississippi, for the manufacturing process. The first few years of operation would only consist of engineering that would be utilized on site with no manufacturing to be conducted initially. Mr. Brasher stated for the Commission that he had cleaned up the property and will keep the property maintained in a clean manner. He also stated that there is currently a mobile home existing on the property and that he intends to have it removed within two years. Upon inquiry by Commissioner Walters, the Petitioner informed the Commissioner that he was unaware of any opposition. Zoning Administrator Sellers

stated for the record that one person called concerning the Petition but expressed no opposition. Upon Motion by Commissioner Steen, seconded by Commissioner Brown, all voting aye, Motion to recommend approval to the Board of Supervisors with the necessary amendment to the Land Use Plan passed.

There next came on for consideration the Petition of G. & S., LLC-s, Petition to re-zone C-1 Commercial to C-2 Commercial on Distribution Drive. Louis B. Gideon appeared on behalf of the Petitioner. In addition, covenants were provided by the Petitioner. According to Mr. Gideon, it is the intent of the Petitioner to re-zone the 1.88 acre tract of land to C-2 Commercial so that his son can operate a commercial business thereon. Upon Motion by Commissioner Spiro, seconded by Commission Walters, with all voting aye, Motion to recommend approval to the Board of Supervisors with the necessary amendment to the Land Use Plan passed.

There next came on for consideration the Petition of Brook Highland Developers, LLC-s Petition to re-zone R-2 Residential to R-5, Patio Home within the Belle Terra Subdivision on Bozeman Road. Richard Skinner appeared on behalf of the Petitioner and informed the Commission that there was a need for patio home residential property development in the area. He stated that the patio home lots would be on the interior portion of the subdivision which is currently under development. Commissioner Steen stated for the record that he owns property in the subdivision and he removed himself from the presence of the Commission and abstained from discussion and vote concerning this Petition. The Petitioner stated that many individuals in the subdivision have expressed a desire for patio home residential home development. Commissioner Walters inquired as to whether there was any opposition, to which the Petitioner and Zoning Administrator Sellers informed her that there was none. Commissioner Walters inquired of the Petitioner whether or not any lots in Belle Terra Subdivision had been sold, to which the Petitioner stated that 45 of the 54 lots in Phase 1 have been sold. The Petitioner is proposing 24 patio home lots to be located in the interior of the subdivision. He also informed the Commission that 22 homes were currently under construction in Belle Terra. Commissioner Walters expressed concern with changing the aesthetics of the neighborhood after people had already bought lots in the subdivision. The Petitioner stated that everyone who has purchased a lot were made aware of the intent to develop patio home lots in the subdivision because it was shown on the original plat that all buyers viewed prior to their purchase. Upon Motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting aye, Motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Billy Johnson to re-zone a T-1

Mobile Home District to an R-2 Residential. Mr. Johnson appeared before the Commission and stated that he owned two lots in this area and he wants to remove mobile homes from the area and develop the property in a residential manner. He stated that although the property is currently zoned as T-1 Mobile Home, he has never developed the property as a mobile home park and does not intend to. Upon Motion by Commissioner Walters, seconded by Commission Steen, with all voting aye, Motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of W. E. Harreld, Michael McElroy, and Joe Zorzoli's Petition to re-zone A-1 District to a R-2 Residential. Wilson Harreld appeared on behalf of the Petitioner and informed the Commission that the current property is located on Stribling Road and consists of 65.75 acres. Canton Municipal Utilities has agreed to provide utility services to this area, and covenants were provided to the Commission. Commissioner Spiro inquired of the Petitioner as to what percentage of homeowners does it require before control of the homeowners association passes to the homeowners. The Petitioner informed Commissioner Spiro that it was his belief that this was to occur at 60% ownership. He also informed the Commission that there was no opposition to this Petition and that there were no plans to have the community gated at this time. The lots would consist of 1,600 square foot minimums and that the property would not allow log homes, trailers, or manufactured housing. Upon Motion by Commissioner Steen, seconded by Commission Spiro, with all voting aye, Motion to recommend approval to the Board of Supervisors passed.

There next came on for discussion the Proposed Amended Zoning Ordinance. Larry Smith appeared to assist in the discussion. The Commission was informed that the Board of Supervisors expressed their intent to entertain the amended zoning ordinance for discussion on December 17, 2004. Zoning Administrator Sellers presented to the Commission a list of items to be discussed, which is attached hereto and incorporated herein by reference as Exhibit AA.® In light of the discussion, Cecil Palmer, a resident of Madison, Mississippi, appeared to voice his concerns with certain land development issues he noted in the proposed zoning ordinance. Mr. Palmer informed the Commission that he was in the land development profession and has a degree in civil engineering. He expressed his concern with the impact on the tax-payers of Madison County with the proposed high density residential developments contained in the proposed plan. He expressed his concern that the Commission and the Board of Supervisors needed to consider the issue of over crowding in the schools and the streets when allowing high density developments to be built. Upon Motion by Commissioner Walters, seconded by Commission Spiro, with all voting aye, Motion to recommend approval of the Proposed Amended Zoning Ordinance along with the recommendation that the Board of Supervisors consider all issues outlined in Exhibit AA® to these

Minutes, passed.

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

There being no further business, the meeting was adjourned at 10:30 a.m.

Date

(Chairman)