

**MINUTES OF THE THURSDAY, FEBRUARY 10, 2005
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 10th day of February, 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 January 13, 2005, meeting. On Motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting aye, Motion to approve the minutes passed.

There next came on for consideration the Petition of Prentiss Guyton for permission to re-zone A-1 Agricultural to C-2 Commercial in order to build and operate a convenience store. The Petitioner informed the Commission that a convenience store previously existed on the subject property. Zoning Administrator Sellers stated for the record that the Petitioner seeks zoning that is not in compliance with the current Land Use Plan. The Petitioner stated that there is a public need in the area for a store such as this. Commissioner Walters inquired as to whether or not the store would supply gas, to which the Petitioner informed the Commissioner that this was in the future plans, but that gas would not be provided in the initial phase of the operation of the store. In addition, the Petitioner stated that the store would include restrooms for the public. Commissioner Walters inquired as to whether there was any opposition, to which Zoning Administrator Sellers informed the Commission that there was none. Upon Motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting aye, Motion to recommend approval to the Board of Supervisors with the appropriate amendments to the Land Use Plan to reflect the proposed re-zoning, passed.

There next came on for consideration the Petition of John Smith for permission to rezone A-1 Agricultural to C-2 Commercial. Lewis Smith appeared on behalf of the Petitioner and informed the Commission that the tract was composed of 43 acres and was located along the Nissan Parkway. The Petitioner wants to rezone the property prior to offering it for sale. Canton Municipal has agreed to supply all utilities, and the proposed rezoning is in compliance with the Land Use Plan. Restrictive covenants were provided, and the Petitioner informed the Commission that the area has experienced a change toward such rezoning. Zoning Administrator Sellers inquired as to whether or not the daughter of the Petitioner had acquired any of the land, to which the Petitioner stated that 2 acres out of the 43 acres had been bought. Zoning Administrator Sellers told the Petitioner that a new legal description would need to be provided to include the 41 acres that is to be rezoned as opposed to the 43 acres that is included in the Petition. Upon Motion by Commissioner Steen, seconded by Commissioner Brown, with all voting aye, Motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Randy L. Knouse, Todd Sandridge, and Charles Kemp Enterprises, Inc. for permission to rezone R-1 Residential to R-2 Residential. Randy Knouse appeared on behalf of the Petitioners and stated that Bear Creek has agreed to provide utilities, covenants have been provided, and the Petitioners provided a lay-out of the proposed lots, which is attached hereto as Exhibit "A". Zoning Administrator Sellers informed the Commission that although at the time the Petition was filed, this proposed rezoning was in compliance with the Land Use Plan, since the adoption of the new comprehensive plan, this proposed rezoning is no longer within compliance with the current Land Use Plan. The Petitioners stated that it was their opinion that there is a demand for smaller housing in this area, and the proposed costs for the houses in this subdivision would range from \$150,000 to \$200,000. They stated that they intended on protecting the structural design of the homes with strict architectural review, requirements for brick veneer, two car garages and high roof pitches. Zoning Administrator Sellers informed the Petitioners that the Petition reflected less than the minimum lot requirement, and that this would need to be changed to reflect a minimum lot requirement of 10,600 feet. There are four entrances proposed, three on Smith Carr Road and one on Yandell Road. The green space is proposed to exist along a creek that splits the property. Commissioner Steen inquired as to the effect of changing the square footage from 1,600 square feet to 1,800 square feet, to which the Petitioners informed the Commission that this would increase the price of the home and would take them out of the market they are targeting. Commissioner Steen brought to the Petitioners' attention that other subdivisions in the area are restricted to 1,800 square feet. Commissioner Spiro inquired as to what percentage of ownership would create property owners' control in the Homeowners' Association. Although the

Petitioners could not address this concern, he stated that he had no problem with allowing control of the Homeowners' Association to pass at 60%. In opposition, Dave Scott, Ward and Kay VanSkiver, and Joe Galloway appeared and expressed their concerns that the development would increase the amount of water that drains onto their land and would increase the potential for flooding. They stated that 1,600 square foot minimum for residences in this area is too small, and three entrances on Smith Carr Road would increase the amount of traffic flow and cause a lot of traffic and safety concerns, as this road is not a primary road and is not in a condition to support this amount of traffic flow. The opposition also expressed their concerns with the potential for trespassing and vandalism on their properties as a result of such a high density residential development being located in their community. Commissioner Walters suggested to the Petitioners that they meet with those who appeared in opposition in order to work out these questions and issues, and, in doing so, table the Petition. The Petitioners, in response to those in opposition, stated that the water in fact flows towards the subdivision and would not cause any flooding and, in addition, they stated for the record that the development of a residential subdivision would increase the value of the surrounding property. Further, the Petitioners stated that they would be in favor of tabling the matter for a month in order to attempt to work out the concerns of those in opposition. Upon Motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting aye, Motion to table the Petition for one month in order to allow time for the Petitioners and those in opposition to meet in order to attempt to work out certain issues, passed.

There next came on for consideration the Petition of Thaddis Carroll for permission to conduct surface mining in an A-1 District. Mr. Carroll appeared and stated for the record that the mining would be conducted around the Sharon Community on Highway 43 north of Canton. He has mined the same parcel of land under a permit for many years and has exhausted the mine, which has required him to move to another portion of the same property in order to continue his operations. He stated that his operations will not impact any county roads and that signs would be posted for safety purposes. His hours of operation were submitted, and he stated for the Commission that he would keep the highway sprinkled daily in order to keep any potential dust from causing problems on the road. Zoning Administrator Sellers stated for the record that there has never been a complaint from any individual regarding Mr. Carroll's mining operations. Zoning Administrator Sellers also stated for the record that he had explained to the Petitioner that although his current operation has no time limits, the present Petition would require that a time limit be in effect. Upon Motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting aye, the Motion to recommend approval to the Board of Supervisors for a 4-year time limit, passed.

There next came on for consideration the Petition of Shawn Dean for permission for variance to a front setback in an R-1 District located off Woody Hills Road in North Livingston. Upon Motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting aye, the Motion to recommend approval to the Board of Supervisors for a 25 foot variance to the 50 foot required setback, passed.

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

There being no further business, the meeting was adjourned at 10:05 a.m.

Date

(Chairman)