

**MINUTES OF A REGULAR MADISON COUNTY PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 6th DAY OF MAY, 2004 AT 9:00 A.M. AT THE MADISON COUNTY CHANCERY BUILDING**

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BE IT REMEMBERED that a regular meeting of the Madison County Zoning Commission was duly called, held and conducted on Thursday the 6<sup>th</sup> day of May, 2004, at 9:00 a.m. in the Madison County Chancery Building.

Present: Bennie Lucket, Chairman

Steven Steen

Lisa Walters

Henry Brown

Brad Sellers, Zoning Administrator

Absent: Sidney Spiro

There first came on for consideration the minutes of the April 8, 2004, meeting. Commissioner Steen pointed out on page 4 that Zoning Administrator Sellers does not get a vote, and this should be stricken. The full Commission approved the minutes contingent on this change, which was to be submitted for Chairman Lucket's signature once the change had been completed.

There next came on for consideration the petition of Dr. S. L. Sethi for permission for re-zone R-1 Residential to R-1A Residential, R-1B Residential, and R-5 Patio Home District. John Hedglund, appearing on behalf of the City of Madison, stated that he had not heard from Dr. Sethi or his attorney. Zoning Administrator Sellers excused himself from the meeting to call Dr. Sethi and inquire about his absence. This matter was set aside temporarily to allow time for Dr. Sethi to arrive.

There next came for consideration the petition of WLP Homes, Inc. for permission to a variance to a rear set back at 101 Wendy Lane, Hartfield Subdivision, part 1. This petition was tabled at the April 8, 2004 meeting because no one appeared on behalf of the petitioner. The petitioner for WLP Homes, Inc. stated that there was a mistake in the foundation of this home that needed to be corrected prior to finishing the home. Commissioner Walters asked the petitioner and Zoning Administrator Sellers whether or not there was any opposition to this petition. Upon informing the entire commission that there was no opposition, and upon motion of Commissioner Steen, seconded by Commissioner Walters, with all voting Aaye, motion to recommend approval to the Board of Supervisors passed.

There next came for consideration the petition of Terry Sledge for permission to re-zone R-1 Residential to C-2 Commercial. No one appeared on behalf of the petitioner, and Zoning Administrator Sellers stated for the record that he sent a letter to the petitioner regarding the hearing. However, he has not spoken or heard from Mr. Sledge since the letter was sent on April

28, 2004. Zoning Administrator Sellers stated that he would take it upon himself to notify the petitioner again. Chairman Luckett proposed that the petition be table until the next meeting in order to wait on covenants, which is the reason why the petition was tabled at the April meeting. Upon motion of Commissioner Walters, seconded by Commissioner Steen with all voting Aaye@, motion to table the petition for the June meeting in order to wait on covenants to be presented passed.

There next came for consideration the petition of Louis B. Gideon/Plantation Millworks for permission to re-zone C-1 District to C-2 District. Louis B. Gideon appeared on behalf of the petitioner and stated that the land in question was located adjacent to Camper Corral on Distribution Drive. He stated that he wanted to build two buildings, one for the display of the heart pine and the other for retail operations for old wood and antique furniture. Zoning Administrator Sellers asked the petitioner whether the mill would stay in Flora as it is currently situated, and the petitioner stated that it would. Upon motion by Commissioner Steen, seconded by Commissioner Brown, with all voting Aaye@, motion to recommend approval to the Board of Supervisors passed.

There next came for consideration the petition of Eutaw Construction/John Harreld/Ron Hutchinson for permission for a Special Exception to operate a surface mine in a C-2 Commercial District and an R-1 Residential District located on Church Road in Madison County. Scott Eutaw appeared on behalf of the petitioners and stated that the plans were to grade the hills on this site and build a retention pond on the south side of the property for potential future development. He stated that the Board of Supervisors has allowed them to begin preparing the interchange site with the State of Mississippi's request to expedite the process. The dirt that is to be mined from the hills at this location is to be used for the construction of the interchange. Upon motion by Commissioner Walters, seconded by Chairman Luckett, with all voting Aaye@, motion to recommend approval to the Board of Supervisors passed.

There next came for consideration the petition of Dr. S.L. Sethi for permission to re-zone R-1 Residential to R-1A Residential, R-1B Residential, and R-5 Patio Home District. This petition was re-visited as Dr. Sethi appeared at the meeting on his own behalf. Again, John Hedgeland appeared on behalf of the City of Madison. Mr. Hedgeland stated that the parties had met and a reconfigured plat with substitutions of larger lots was presented and accepted by the City contingent on the one acre lots containing a three thousand square foot minimum, the half acre lots containing a twenty-eight hundred square foot minimum and the fifteen thousand square foot lots containing a twenty-five hundred square foot minimum for residential construction. Mr. Hedgeland stated that he was not asking for the commission to hold up the petition any longer, and he requested the commission to make the recommendation contingent on the parties final agreement. He felt that the disagreements had been worked out, and he presented to the Commission a copy of a facsimile communication from the City of Madison to H.D. Brock, Esq. regarding the reconfigured plat and the contingencies that the City were going to require. This facsimile is being made a part of the minutes and is incorporated herein as *Exhibit AA*@. Upon motion by Commissioner Steen, seconded by Commissioner Luckett with all voting Aaye@,

motion to recommend approval to the Board of Supervisors subject on the parties working out the final agreement as set forth in *Exhibit AA*, passed.

There next came for consideration the petition of Bald Hill, LLC for permission for a Special Exception to conduct surface mining in I-1 District, located on North County Line Road, north of BFI Landfill. Gene Wardlaw appeared on behalf of the petitioner, and stated that sand mining is prevalent in this area. Commissioner Steen asked the petitioner how they proposed to access the property, and the petitioner stated that they would access the property from North County Line Road. Commissioner Steen further inquired as to whether there was any opposition to this petition, and the petitioner and Zoning Administrator Sellers stated that there was no opposition. Chairman Luckett brought to the Commission's attention that this was the same property that was previously considered for landfill operations. Zoning Administrator Sellers informed the Commission that the material would need to be removed anyway for a landfill operation to be conducted. Upon motion of Commissioner Steen seconded by Commissioner Walters, with all voting in favor, motion to recommend approval to the Board of Supervisors passed.

There next came for consideration the petition of Kathy Sumler for permission for a Special Exception to place a mobile home in an R-2 District, located at 101 Vaughn Street, Flora, Mississippi. Kathy Sumler appeared on her behalf, and she stated that a mobile home had existed on this property before. Commissioner Walters asked the petitioner whether this would be temporary or permanent, and the petitioner stated that it was her desire that the mobile home be a permanent fixture upon this property. Zoning Administrator Sellers then advised the petitioner of the three year maximum limitation for these types of Special Exceptions. Chairman Luckett asked the Commission whether this was a residential area, and Zoning Administrator Sellers confirmed that it was. The petitioner stated that there was approximately seven mobile homes in this area, but that she had not purchased the mobile home yet. She stated that she would reside in the mobile home, and Zoning Administrator Sellers informed the Commission that there was no opposition to this petition. Commissioner Steen asked the petitioner whether or not the lot was big enough to build a home while simultaneously living in the mobile home on the lot, and the petitioner stated that it was not. Upon motion by Commissioner Walters, seconded by Commissioner Brown with all voting in favor, motion to recommend approval to the Board of Supervisors passed.

There next came for consideration the petition of Ira Ott for permission for a Variance in the P-1 District at Lot 22 Camden Court of Lake Caroline. Ira Ott appeared on his behalf, and stated that there were guidelines and rules set in place for this area and that he had selected the smallest home that he could that would fit within these guidelines and rules for the property but that it would still not be suitable for this location without the proposed variance. The petitioner further stated that there was a two story home next to this lot and that the two homes on the other side were almost identical to the home that is being proposed for Lot 22. Zoning Administrator Sellers informed the Commission that this was the third home in Camden Court to seek a variance in order to keep the homes up to 1,800 square feet, which is the minimum according to the guidelines and regulations. The petitioner presented a letter from Lake Caroline and the

Home Owners Association asking for the variance to be approved and stating there was no opposition. Upon motion by Commissioner Brown, seconded by Commissioner Steen, with all voting Aaye@, motion to recommend approval to the Board of Supervisors passed.

There next came for consideration the petition of Marvin Ross/Willie Steen Battle for a Special Exception for to place a mobile home in an R-2 District, located at Ellis Road, Flora, Mississippi. Willie Steen Battle appeared on her behalf and stated that she filed her petition in order to help Marvin Ross by allowing him to place a mobile home on property that was owned by Mrs. Battle's family. Zoning Administrator Sellers informed the Commission that there is information provided to the petitioner when they file their petition regarding the three year maximum variance for special exceptions of this type. Upon motion by Commissioner Brown, seconded by Commissioner Steen, with all voting Aaye@, motion to recommend approval by the Board of Supervisors passed.

There next came for consideration the petition of Waggener Heights regarding a Preliminary Plat. This petition was tabled at the April 8, 2004, meeting, for noone appeared on behalf of the petitioner. Pat Waggener appeared on his own behalf and stated that he was seeking to divide the land into two and one-half acre lots for re-sale. He explained that he was not present at the May meeting due to the fact that the letter informing him of the meeting was sent to the wrong address. The petitioner stated that the minimum square footage for the residential structures built on these lots would be 2,500 square feet. He further stated that the land was covered mostly in pines and contained some hardwood trees. He also stated that he has hired an engineer that is working on a drainage plan for the property. 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 for consideration the issue of attorneys fees. Upon motion by Commissioner Walters, seconded by Commissioner Steen, with all voting Aaye@ motion to approve attorneys fees passed.

There next came for consideration whether the Board of Supervisors could delegate final decision making authority to the Planning Commission concerning Zoning Petitions. Jim Streetman, attorney for the Commission, stated that his preliminary research indicates that the Board of Supervisors could not delegate this authority. Commissioner Steen commented that the Zoning and Planning Commission serves as a filter and this function is necessary and appropriate. Zoning Administrator Sellers stated that this function was necessary in that it gives time for posting public notice of the petitions in case someone were to oppose the petition. Attorney Streetman informed the Commission that in his opinion, if authority is given, it should be made contingent on the County providing a defense and indemnification.

There being no further business, upon motion by Chairman Lockett, the meeting was adjourned at 10:09 a.m.

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CHAIRMAN