

**MINUTES OF A REGULAR MADISON COUNTY PLANNING AND ZONING
COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 8th DAY OF
DECEMBER, 2005 AT 9:00 A.M. AT THE MADISON COUNTY
COURTHOUSE**

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 December, 2005, at 9:00 a.m. in the Madison County Courthouse.

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

There first came on for consideration the minutes of the November 10, 2005 meeting. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to approve the Minutes passed.

There next came on for consideration the Amended Master Plan/Ashbrook Development. This Development is located on the corner of Stribling Road and Dewees Road and consists of 300 acres. This property is currently zoned R-2 and exceeds the 10% common area requirement. Bucky Gideon and Nolan Williamson appeared on behalf of Ashbrook. Nolan Williamson informed the Commissioners that the changes in this Master Plan consisted of the street geometry makeup only. He stated that this would not affect the lot size or the square footage of each house in the northwest area of this development but the lot size for the lots south of the lake would change. In response to Commissioner Walters' inquiry, Nolan Williamson informed the Commission that the 34 lots south of the lake were changed and resulted in 10 additional lots. He also informed the Commission that some of the lakes had been omitted or turned into green space. Commissioner Spiro inquired as to how much these changes increased the existing green space to which Mr. Williamson informed the Commission that the green space is currently 18-19% of the development. Zoning Administrator Sellers inquired as to whether or not the common area would be titled over to the Homeowners' Association. Nolan Williamson informed the Commission that Timbers and Ashbrook 1-A homes currently do not have any residences and there is no Homeowners' Association to title the common area to. Upon Zoning Administrator Sellers' request, Nolan Williamson agreed to provide a schedule to the Commission of when these areas will be titled over to the Homeowners' Association. Commissioner Walter inquired as to whether the proposed changes affected any of the buffers along Dewees Road to which Nolan Williamson stated that the proposed changes did not affect the buffer. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting "aye", motion to recommend approval, passed.

There next came on for consideration the Amended Master Plan of the Reunion Development located along Gluckstadt Road and Highway 463. William Randall appeared and presented the existing plan in addition to the proposed plan outlining the changes. Mr. Randall informed the Commission that the 2001 original Plan, as approved, pre-dated any development, and as development has since ensued, the proposed changes have now become necessary. He also stated that the golf course, as built, occupies more acres than was originally platted for the course and that the green space requirement has been met in that Reunion contains approximately 40% green space. The subdivisions on the proposed plat contain 482 lots and the Petitioner stated that the proposed plat shows the subdivision in great detail and that he is confident this is how the subdivisions would be developed. He also informed the Commission that he reserved an area of green space to the third nine holes on the golf course, but this plan is speculative at this time. He stated that the area reserved is over and above the 40% green space which has already been calculated in the development. Commissioner Steen inquired as to what this area will be used for if not being used for a third nine holes to the golf course. Mr. Randall informed the Commission that if it is not being used for a third nine holes, it will be developed. He stated they are in the process of deeding Lake 1 to the Homeowners' Association and that Lake 2 had just been completed. Commissioner Walters inquired as to the proposed square footage of the homes in the subdivisions to which Mr. Randall informed the Commission that Vinings and Covington subdivisions would require a minimum square footage of 1800. Zoning Administrator Sellers inquired as to the schedule of the donation of the green space and whether it was within the requirements set forth by the zoning ordinance to which Mr. Randall informed the Commission that the schedule has at least doubled these requirements. He agreed to provide documentation of such to the Commission. Commissioner Walters inquired as to whether there was any opposition to which Zoning Administrator Sellers stated for the record that he received many telephone calls regarding whether these proposed changes would affect the covenants and the architectural design guidelines but nothing in opposition. The Petitioner stated that he has also fielded a lot of telephone calls from people questioning the process itself. There were no public comments. 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 Annandale Expansion Development Plan. Blake and Gary Cress appeared on behalf of Annandale and stated that a PUD had been filed a long time ago and that Annandale has partnered with Southern Farm Bureau in order to complete the development as indicated. Their intent is to protect all other prior developments with the proposed development by developing in a similar format with the estate lots along the golf course with minimum square footage above what currently exists. They also plan to develop a proposed 20 acre lake to divide the estate lots from the garden home lots. They stated that the architectural review would be controlled by Cress Developments and that homes in the garden district would be a minimum of 2,150 square feet. They also stated that a 265 foot wooded separation buffer would exist between the single family development homes and the existing estate lots and that a park/clubhouse/pool was being proposed with this development as well. Commissioner Walters inquired as to the proposed green space to which the Petitioner stated that it was approximately 20%, which is above the minimum requirements. They also stated that there would be a boulevard entrance from Robinson Springs Road to the family lots with a separate entrance for the estate lots. Zoning Administrator Sellers informed the

Commission that there was nothing in writing in regard to the utilities that would be provided to this proposed development. Blake Cress stated that this issue has been presented to the City of Madison and that the development is within the proposed annex of the City of Madison. Blake Cress stated that he has been informed that the City of Madison is providing a letter indicating that utilities and sewer would be provided, but he has not yet received anything in writing from the City. Commissioner Steen inquired as to the issue with the sewage for this development increasing the sewage that is currently being passed into the City of Jackson. Gary Cress stated that Southern Farm Bureau has lagoons and has the ability to handle the sewage if this is an issue. Commissioner Walters inquired as to the covenants to which Gary Cress stated that they have covenants and have submitted those to the City of Madison, and he also stated that these covenants are available should the Commission want to review them. The Petitioner also stated that at 20% ownership, the control begins to shift to the Homeowners' Association. Richard MacSherry appeared in opposition to this proposed expansion. He owns an existing estate lot and stated for the record that the 65% buffer is not enough, as is being proposed between the estate lots and the garden home lots. He stated that he is familiar with the area and is under the impression that he would still be able to clearly see the garden home lots from his home even if the 65 foot wooded buffer was in place. He is concerned that a 2100 square foot house on a small lot will not be consistent with the characteristics of the neighborhood. He stated that he does not have a problem with the development itself, just the size of the proposed homes that would be abutting his property. He also expressed concerns about the lack of notice from the developers and the fact that they have not attempted to communicate with the existing homeowners at all. Frank Bell also appeared in opposition. He currently resides in Bradford Green. His main concern was with the sewage. He stated that he pays the City of Madison and Jackson for sewage transfer and process and that he has made several complaints to the City of Madison about the sewage. He stated that he has pictures and video of sewage overflowing in the streets, flowing through his yard and into storm drains and into Annandale Lake. Blake Cress stated that the prior sewage capacity, pursuant to the contract, is for 1,750 homes. He additionally stated that this development would not even come close to approaching that number of homes. He also stated that the architectural guidelines are apparently being developed and they were going to require the City of Madison's approval. Commissioner Walters and Commissioner Spiro stated that they were not comfortable in approving a proposed developments with so many outstanding issues being brought before the Commission in addition to the fact they have no written approval from the City of Madison. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", motion to table the Petition due to the pending sewage issues and the opposition and concerns expressed at the December meeting passed.

There next came on for consideration the Site Plan for Dependable Pest Service - Lot 9, First Choice Business Park. Nick Thomas appeared on behalf of the Petitioner and submitted the plans for the Commission. Commissioner Walters inquired as to the description of the proposed building to which Mr. Thomas stated that the building would be built with metal and include brick fronting facing both roads around the perimeter of the property. He stated that the windows and doors would have copper awnings and it was their intent to preserve the existing trees on the lot. Commissioner Steen inquired as to whether there was any opposition to which Zoning Administrator Sellers stated that there was not. Mr. Thomas stated that this business has been in operation for over 25 years in Jackson, Mississippi, and it is their intent to relocate to Madison County at this site. Upon

motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting "aye", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the preliminary plats of Deus Cailles d'Annandale. Clay Parker appeared on behalf of the Commissioner and stated that this subdivision would be developed on a private road but that drainage and all other issues have currently been addressed with an engineer in order to ensure the road will be in compliance with the public roads. Zoning Administrator Sellers inquired as to the description of the proposed homes to which the Petitioner stated that the homes would be a minimum square footage of 4,500 and that covenants and architectural review guidelines are available for the Commission. This development is also developing a sewage system that would assist the existing Newcastle Subdivision and would work with Newcastle to share costs and funding for that sewer system. He stated they have Bear Creek certification. Zoning Administrator Sellers informed the Commission that this property was not in the proposed annexation of the City of Madison and that due to this fact, the sewage system is not an issue. In addition, Zoning Administrator Sellers stated that sewage is not a concern for the Commission when the minimum lot size is not less than 5 acres, which is the case in this instance. Commissioner Steen inquired into whether there was any opposition to which Zoning Administrator Sellers stated there was none. 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 preliminary plat of Bainbridge III. Cory Winders appeared on behalf of the Petitioner and stated that Bainbridge III will follow phases I and II with square footage and lot size. He stated that the common area will consist of 14% and that once Phase III is complete, 40% of the overall development would be complete. Zoning Administrator Sellers inquired as to when the developer intended on building the club house to which the Petitioner stated that it was their intent to begin building the club house in the summer of 2006. Commissioner Steen inquired as to whether there was any formal commitment from the developer as to a deadline for the development of the club house to which the Petitioner stated that there was not a formal commitment. Commissioner Steen suggested that approval of Phase III should be conditioned on ensuring that the development of a club house is begun for the property owners due to the fact that the existence of a club house within a development is an important selling point and that buyers need to be protected should the club house not be built. Zoning Administrator Sellers stated that a performance bond is within the zoning regulations and is a remedy to protect buyers in such instances. The Petitioner stated that the developer indicated they wanted to build a club house in 2006 in order to help sell lots in Phase III and the remaining lots that have not been sold in Phases I and II. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting "aye", motion to recommend approval subject to the developer posting a performance bond to ensure the building of the proposed club house and pool in the calendar year 2006, passed.

There next came on for consideration the preliminary plat of Phase 3 of Wind Dance subdivision. Again, Cory Winders appeared on behalf of the Petitioner and stated that Phase 3 of Wind Dance is in part of old Annandale and borders Highway 463. He stated that Phase 1 is complete and Phase 2 is under construction. The Petitioner stated that the developer has approval of this Phase from Annandale subject to the development not being

formally connected to the existing streets of Annandale and that a 30 foot buffer or iron fence be positioned between this development and the existing Annandale. Also, the Petitioner stated that approval was contingent upon the Mississippi Department of Transportation issuing a permit for access to Highway 463 for the developer's personal lot. The Petitioner further stated that they are presently working on drainage issues and have permission from Whisper Lake to direct drainage over Whisper Lake Golf Course into Annandale Lake. The petitioner also stated that the developer has approval from the City of Madison and the Department of Environmental Quality for sewage. Upon motion by Commissioner Walters, seconded by Commissioner Steen, with all voting "aye", motion to recommend approval of Wind Dance 3 to the Board of Supervisors passed.

There next came on for consideration the preliminary plat of Wind Dance Phase 4 and Cory Winders appeared on behalf of the Petitioner. He stated that this phase is south of Phases 1, 2 and 3 and that he has verbal approval from the City of Madison regarding sewage. However, he stated that does not have any written confirmation of this approval. He stated that Phases 1, 2 and 3 would contain minimum square footage of 2,400 and that Phase 4 would increase that minimum square footage to 2,600 in exchange for sewage approval from the City of Madison pursuant to the developer's agreement. Upon motion by Commissioner Walters, seconded by Commissioner Brown, with all voting "aye", motion to table the preliminary plat of Phase 4 of Wind Dance due to lack of written approval regarding sewage, passed.

There next came on for consideration the preliminary plat of Madison County Economic Development Authority - 16th Section west of Old Jackson Road. Bear Creek has authorized sewage and water utilities, and Zoning Administrator Sellers informed the Commission that this approval has been provided in writing. 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 issue of attorneys' fees. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval of attorneys' fees passed.

There being no further business, the meeting was adjourned at 10:50 a.m.

Date

(Chairman)