

MINUTES OF A REGULAR MADISON COUNTY PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 12th DAY OF JANUARY, 2006 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 12th day of January, 2006, at 9:00 a.m. in the Madison County Courthouse.

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

Absent: Lisa Walters

There first came on for consideration the minutes of the December 8, 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 Petition of Annandale Expansion Development/Cress Realty. This Petition was tabled at the December meeting for lack of information, and, according to Zoning Administrator Sellers, no further information from the Petition has been received since the December meeting. Commissioner Spiro set forth a motion to deny the Petition, which was seconded by Commissioner Steen. Zoning Administrator Sellers, at this point, informed the Commission that if the Petition was denied, the Petitioners would not be able to resubmit the Petition to rezone this parcel for 1 year based upon the Zoning Ordinance. Based upon this information, upon motion by Commissioner Spiro, seconded by Commissioner Steen, and with all voting "aye", motion to remove the previous motion to deny the Petition passed. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to remove the Petition of Annandale Expansion Development Plan from the agenda passed.

There next came on for consideration the Petition of Verizon Wireless for a special exception to construct a cellular tower located along Highway 43 South. Bill Mendenhall, the attorney for Verizon Wireless, appeared on behalf of the Petitioner. He stated that the tower would be approximately 190 feet and would be located 2000 feet off of Highway 43 in an A-1 District. He further stated that this would be a monopole tower with no guide wires and that it would be designed to facilitate up to 4 cellular carriers. Mr. Mendenhall also informed the Commission that this would have no adverse impact on the county and that it would serve a significant public need, as this tower would fill a void in the coverage in this area of Madison County. Commissioner Steen inquired as to whether there was any opposition to which Zoning Administrator Sellers stated that there was none. However, Zoning Administrator Sellers stated that the Commission, upon approval, would have to make a finding that there is no other suitable site for this tower. The Petitioner stated that these cellular towers are expensive to build, and, as there is no other option available to

meet this need, they are requesting approval to build this tower. He also stated this is the best location. Zoning Administrator Sellers informed the Commission that they needed to address the removal of the cellular tower by the owner if the tower becomes obsolete. The Petitioner, in response to this suggestion, stated that it is included in the lease with the property owner that the tower has to be removed within 60 days of non-use or cancellation. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval subject to the owner removing the cellular tower within 60 days of said tower becoming obsolete through cancellation or non-use, passed.

There next came on for consideration the Petition of Breeland Builders, Inc. for a variance to a side setback in the R-2 District located in Belle Terre Subdivision. As Commissioner Steen owns property in this subdivision, he stated for the record that he would be abstaining from the discussion and vote on this Petition. Zoning Administrator Sellers informed the Commission that the Petitioner owns 2 adjacent lots in Belle Terre and constructed a house on 1 lot. This lot encroaches into the 10 foot required setback, which has necessitated this Petition. Bobby Higgenbotham, the attorney for the Petitioner, appeared in order to answer any questions the Commission may pose. He stated that there is no opposition to this Petition and that an architectural review committee has expressed in writing they have no opposition. Upon motion by Commissioner Spiro, 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 Jim Robertson, Inc. for permission to rezone A-1 District to R-1A District on Highway 463. The Petitioner, Jim Robertson, was represented by Blake Mendrop, the engineer for the project. Zoning Administrator Sellers informed the Commission that this property is shown as residential estates on the Land Use Plan and it will need to be changed accordingly based upon the Board of Supervisors' decision. The Petitioner stated that Bear Creek has agreed to provide sewage and water. The Petitioner stated that they have purchased the property from the surrounding landowner and are not proposing any lot size of less than 1 acre. He further stated that this would be a gated community with a minimum of 4500 square foot homes. Zoning Administrator Sellers inquired as to the section in the covenants addressing future amendments to the covenants. He stated that this section would need to reflect that all amendments shall first be submitted to the Planning Commission for their review. The Commissioner stated that they would have no problem in making that revision. In addition, Zoning Administrator Sellers stated that the Mannsdale-Livington Heritage Preservative District has contacted the Planning Commission and stated that although they have not reviewed this Petition, they had no problem with having the Planning Commission review it and vote on the recommendation as long as the recommendation is contingent upon the Petition being presented to them for approval. In addition, Zoning Administrator Sellers informed the Petitioner that the Mannsdale-Livington Heritage Preservative District will require them to maintain a 100 foot buffer along Highway 463 or, in the alternative, a 65 foot buffer with an iron fence. At any rate, he stressed that this Petition would have to be presented to the District for their review and approval. Commissioner Spiro inquired as to when the control of the development would shift to the Homeowner's Association. Mr. Robertson stated that the Homeowner's Association would be set up immediately, but that the control would not shift until the last lot has been sold. In addition, Mr. Robertson stated that if additional land was purchased from the landowner, there would be a

requirement that the veto rights would return to the developer. Commissioner Steen inquired as to whether this was in the proposed Annexation of the City of Madison to which Zoning Administrator Sellers stated that it was not. The Petitioner also stated for the record that there is a change in the neighborhood and a public need for this development. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval, with the appropriate amendments to the Land Use Plan, to the Board of Supervisors contingent on proposed amendments to the covenants being presented to the Planning Commission, in addition to contingent upon the Petitioner having received approval from the Mannsdale-Livington Heritage Preservative District, passed.

There next came on for consideration the Petitioner of G&H Links of Madison County, LLC for permission to rezone R-1 Residential to R-2 with Planned Unit Overlay and to amend the Master Development Plan for the Links of Madison County. Jim Logue and Sid Robinson appeared on behalf of the Petitioner. Commissioner Steen inquired as to whether there was any opposition to which Zoning Administrator Sellers stated that there was not. They stated that the development consisted of multi-family units on the Links portion, which has, to date, been completed. Commissioner Steen inquired as to the number of units to which the Petitioner stated that it was approximately 560. Commissioner Steen further inquired into the size to which the Petitioner stated that they were 1 and 2 bedroom units that ranged from 750 to 1100 square feet. In addition, they said that there was a 15000 square foot clubhouse available for the residents. Commissioner Steen inquired as to whether the proposed town homes would be rented or sold. The Petitioner stated that it was their intent to sell the town homes. Commissioner Steen also inquired as to the size to which the Petitioner stated they would be a minimum of 1200 to 1300 square feet and they are currently looking at several designs with 1 and 2 car garages. The Petitioners stated that the City of Canton has previously approved this development which will consist of the completion of the back 9 holes of the golf course. Commissioner Spiro inquired as to who would maintain the golf course to which the Petitioners stated that this would not be shifted to the Homeowner's Association. Cecil Palmer appeared in order to express his concerns as a tax payer in Madison County. He inquired as to who would maintain the streets and the drainage to which the Petitioners stated that these were public streets and that, currently, they are under the understanding that the City of Canton plans to annex this area. Zoning Administrator Sellers stated that if it remains in the County, the County would be responsible for maintaining the streets and drainage and if it was annexed into the City of Canton, then the responsibility would shift to the City of Canton. The Petitioners stated that CMU has agreed to provide sewage and utilities. Upon motion by Commissioner Steen, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval contingent on written verification of approval from the City of Canton, passed.

There next came on for consideration the Petition of Justin Adcock for a variance to the required side setback in an R-2 District located in Providence Subdivision. Justin Adcock appeared before the Commission on behalf of the Petitioner and stated that he was recently before the Commission one month ago on the same house and same lot requesting the same relief. He stated that initially, the corner pin was placed in the wrong location which necessitated the filing of the first Petition. Since the first Petition was granted, it has been noticed that the pin location as represented in the first Petition was incorrect as well.

As such, Mr. Adcock is requesting an additional setback due to the fact that the home, which is already constructed, encroaches into the 10 foot required setback more than was originally thought or represented. Mr. Adcock has presented a letter from Jeff Thigpen, which is attached as Exhibit "A". This letter indicates that Mr. Thigpen, as the owner of Lot 7, which is adjacent to the subject lot, has no objection to the requested relief. Chairman Lockett inquired as to who is ultimately responsible for ensuring that the pins are in their proper location, to which the Petitioner stated that it was ultimately his responsibility. Chairman Lockett stressed to the Petitioner that he should be more careful in the future. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with Commissioners Spiro, Brown, and Steen voting "aye", and Chairman Lockett voting "nay", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the site plan from Mike Rozier for a proposed retail development. The Petitioner, Mike Rozier, stated that the land was already properly zoned and that he is seeking to place a Dollar General Store on the location. He stated that Dollar General has a standard building style but other designs are available as may be required. It was learned that the packet of information concerning this Petition was inadvertently omitted from the information provided to the Commission. However, Mr. Rozier stated that he owned the property and that he would lease it back to Dollar General and ensure the property was well maintained. He also stated that the intent concerning the building style is to combine split block and brick in order to dress up the exterior of the establishment. He stated that he would also be willing to entertain the notion of using synthetic stucco as opposed to metal and that the brick would extend from the front of the facility to both sides. In addition, the Petitioner stated that Bear Creek has agreed to provide sewage. However, due to the lack of information available for the Commissioners in advance of the January meeting, upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting "aye", motion to table the Petition until the February meeting, 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.

Upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting "aye", motion to adjourn the January meeting at 10:02 a.m., passed.

Date

(Chairman)