

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

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

Absent: Steven Steen

There first came on for consideration the minutes of the January 12, 2006 meeting. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", motion to approve the Minutes passed.

There next came on for consideration the Petition of Luther Green for special exception to conduct surface mining located on Sharon Road. Luther Green appeared on behalf of the Petitioner. The subject property is approximately 4 acres and is zoned agricultural. The subject property is located on the corner of Sharon and Robinson Road in Madison County. Zoning Administrator Sellers informed the Commission that the Mississippi Department of Environmental Quality has provided an exempt notice for the 4 acres and that the Petitioner wishes to dig out a small existing pond in order to enlarge it. The enlargement of the pond will constitute the reclamation requirement. Hours of operation noted in the application were Monday through Saturday from 7:00 a.m. until 5:00 p.m. The Petitioner desires to provide fill materials to the developers and contractors. Commissioner Spiro inquired as to whether or not the Department of Environmental Quality has approved the Petition, to which Zoning Administrator Sellers stated that they have provided exempt notice but will not officially approve the project until the Madison County Board of Supervisors has approved it. Zoning Administrator Sellers informed the Petitioner that should the permit be issued, it will not be transferrable to any other individual, as it will be petitioner specific. In addition, the Petitioner stated that he was agreeable to request only a 1 year permit with the condition that should he need additional time, he will come back on a yearly basis to request such from the Commission. Commissioner Brown inquired as to whether there are any other pits in the area to which Zoning Administrator Sellers stated that there was not any in the immediate vicinity, but there was one on Highway 16 and another on the Acey-Minter Road. Commissioner Walters inquired into the amount of time the Petitioner is requesting to mine 4 acres and expressed concerns as to whether he would actually require this amount of time. The Petitioner stated that he is unsure of exactly how much time he will require as he has never

done this type project before. Zoning Administrator Sellers reminded the Commission that he will have to come back each year if he plans to continue mining the pit. Commissioner Spiro inquired as to who would be responsible for repairing the road to which Zoning Administrator Sellers stated that the Petitioner would be forced to get a heavy hauling permit that would help fund the road repair and his pro rata share. Commissioner Brown inquired of the Petitioner as to whether he would be amenable to operating Monday through Friday as opposed to Monday through Saturday. The Petitioner stated that he would have no problem with those hours of operation. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval of the Petition subject to the Petitioner obtaining approval from the Mississippi Department of Environmental Quality and the Office of Geology, receiving a heavy hauling permit, changing his hours of operation from Monday through Saturday to Monday through Friday, subject to one year, passed.

There next came on for consideration the Site Plan of Mike Rozier Construction Company for a proposed retail commercial establishment on Yandell Road. The property is zoned C-1 Commercial, and this Site Plan was tabled at the January meeting for more information. Mike Rozier appeared on behalf of the Petitioner and presented an elevation exhibit and architectural drawing of the proposed structure, which is contemplated to be a Dollar General Store. Zoning Administrator Sellers presented Site Plan information to the Commission with landscape descriptions. The Petitioner stated that he has just recently learned that Madison County has signage covenants, and he particularly stressed that Dollar General would be willing to come into compliance with the covenants. He stated to the Commission that they have met the zoning, set-back, and landscape requirements and that covenants have been filed with the County. Commissioner Walters inquired as to whether the Dollar General sign had to be in yellow to which the Petitioner stated that it did due to the fact that yellow is Dollar General's trademark color. Commissioner Walters inquired as to how large the signs could be, to which Zoning Administrator Sellers stated that all signs had to be no more than 125 square feet aggregate. The Petitioner again stressed that Dollar General would be in compliance with this requirement. The Petitioner stated that he owns the property and that he is responsible for the landscape, upkeep, and general grounds maintenance that will be involved in making sure this property is well presented. He stated that Dollar General currently has 7900 stores open and that it is their intent to dress up the design for this particular store so that it can be attractive to the esthetics of the neighborhood. Rachel Massey appeared in opposition. She lives in Wildwood Subdivision and her main concern was that the Dollar General would increase the lights from local commercial establishments that would shine brightly into her neighborhood. She also stated that she is not pleased with the development in this area, and she currently has her house for sale. Commissioner Spiro inquired as to whether she knew the subject property was zoned C-1 when she built her home to which Massey stated that she did not. Zoning Administrator Sellers stated for the Commission that the property has been zoned C-1 for approximately 4 years. Massey stated that she has been in the area for approximately 2 years and was not sure whether it was C-1 or not when she moved to this area. In addition, Jennifer Robinson a resident of Harvey Crossing Subdivision, also appeared in opposition. She stated that she was aware that there would be commercial establishments along Highway 51 and Highway 55 but felt protected on Yandell Road from

any commercialism in her area. She stated that she is already concerned with the traffic on Yandell Road, as new schools are being built in the area which will increase traffic flow. Further, she stressed her concerns with her property value going down and the road conditions becoming worse. Mike Rozier next spoke in order to address these concerns. He stated that it will be impossible to see the buildings from Wildwood Subdivision due to the buffer of trees between the Dollar General property and the subdivision. In addition, he stated that Harvey Crossing is approximately 2-1/2 miles from the proposed location. He stated the Dollar General caters to existing neighborhoods and that it is not going to generate any additional traffic from the surrounding area. As for the lights, he stated that the lights would turn on at dark and that time cells will make sure that the lights turn off at 10:00 p.m. He stated that the lights are necessary for security. The hours of operation are from 8:00 a.m. to either 7:00 or 8:00 p.m., and Mike Rozier stated that the lights will turn off at 10:00 p.m. Although there were bullhorn-type lights shown on the architectural plats, Rozier stated that these lights would not be used. In lieu of the bullhorn lights, Rozier stated that there will be two wall pack lights on the front of the building, one on the rear, five on one side, and one on the opposite side. He also stated that he has the ability to put shields on some of the lights in order to keep the lighting directed and centralized to the Dollar General property. There was also some concern expressed as to the landscaping and whether there could be additional landscaping between Dollar General and Wildwood Subdivision. The Petitioner stated that he would not have any objection to ensuring that additional landscaping was installed in this area. Zoning Administrator Seller suggested including landscaping that would be tall and bushy to which the Petitioner agreed. Upon motion by Commissioner Walters, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval to the Board of Supervisors subject to adding the additional agreed-to landscape to the rear of the Dollar General property and providing shields to the lights on the rear and east side of the building, passed.

There next came on for consideration the Preliminary Plat of Kemper Creek. Randy Kenouse appeared on behalf of the Petitioner and stated that since coming before the Commission last year for this Petition, they have donated 1.7 acres to the local area church and the County in order to relocate Smith-Carr Road to address safety concerns with the current location of the road. In addition, they have eliminated entrances to this proposed subdivision off Smith-Carr Road and have centralized entrances from Yandell Road only. Commissioner Spiro inquired as to what percentage the control of the subdivision would shift to the homeowners association, to which the Petitioner stated that control would shift at two-thirds ownership. Zoning Administrator Sellers inquired as to whether or not covenants have been filed with the County to which the Petitioner stated that they had not. Zoning Administrator Sellers suggested that the covenants include language regarding control shifting to the homeowners association at two-thirds ownership and further suggested that the Petitioner have the covenants filed with the County. The Petitioner stated to the Commission that he would have no problems with this, and he further stated that the Board of Supervisors has already informed them that the covenants cannot be changed without the Board of Supervisors first approving any proposed changes. Upon motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting "aye", motion to recommend approval to the Board of Supervisors subject to the Petitioner

including in the covenants that control of the development would shift to the homeowners association at two-thirds ownership, passed.

There next came on for consideration the issue of attorneys' fees. Upon motion by Commissioner Walters, seconded by Commissioner Brown, with all voting "aye", motion to approve attorneys' fees passed.

Date

(Chairman)