

**MINUTES OF THE MADISON COUNTY PLANNING AND ZONING  
COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 10<sup>th</sup> DAY OF  
AUGUST, 2006 AT 9:00 A.M. AT THE MADISON COUNTY COURTHOUSE**

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BE IT REMEMBERED that a meeting of the Madison County Zoning Commission was duly called, held and conducted on Thursday, the 10<sup>th</sup> day of August, 2006, at 9:00 a.m. in the Madison County Courthouse.

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

There first came on for consideration the Minutes of the July 13, 2006 meeting. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting “aye”, motion to approve the Minutes passed.

There next came on for consideration the Minutes of the July 20, 2006 meeting. Present at that meeting were Chairman Lockett, Commissioner Brown, and Commissioner Spiro. Accordingly, Commissioners Walters and Steen abstained from the vote. Upon motion by Commissioner Brown, seconded by Commissioner Spiro, with Commissioners Spiro, Brown, and Chairman Lockett voting “aye”, motion to approve the Minutes passed.

There next came on for consideration the Petition of Hanover, LLC for permission to rezone R-1 Residential to R-2 Residential. Horace Lester appeared on behalf of the Petitioner and as the engineer for the project. He stated that the property that is now being developed as Hanover was rezoned accordingly 1 year ago. At that time, Hanover, LLC did not own the property that is the subject of this Petition, and, as they have now purchased this property, they desire to have it rezoned in order to include it within the development. Mr. Lester stated that there is currently a mobile home on the property, to which Commissioner Steen inquired as to the status of the mobile home. Lester stated that the mobile home is currently being moved. Commissioner Walters inquired as to the use of the subject property once it is rezoned, to which the Petitioner stated that it is their desire to transform this property into 2 additional lots within Hanover. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting “aye”, motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Lake Lorman Utility District for special exception to erect and operate an elevated water tank and pump. Jim Martin appeared on behalf of the Petitioner and stated that the subject property is located at the end of Lorman Lane. Zoning Administrator Sellers stated for the Commission that he received 4-5 calls in regard to this Petition, but none of the individuals contacting him had any problems or opposition to this Petition. Commissioner Walters inquired as to whether

or not there would be any cellular antennas erected in the future on this elevated tank, to which the Petitioner stated no. Upon motion by Commissioner Walters, 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 Verizon Wireless for a special exception to erect and operate a cellular tower in an SU-1 District. Zoning Administrator Sellers informed the Commission that the proposed cellular tower will be constructed with the lighting at an athletic field at St. Joseph Catholic School. Bill Mendenhall appeared on behalf of the Petitioner. He stated that the City of Madison had some concerns with the lighting element of this plan with regard to neighboring residential neighborhoods, but they had no objection to the cellular antenna. Commissioner Spiro inquired as to whether this would require any guide wires to which the Petitioner stated no. He stated that this plan has been presented to the City of Madison, and the Petitioner stated they are willing to seek approval contingent on meeting the City of Madison’s requirements for lighting with regard to the residential neighborhood but not with respect to the dumpster area behind the Home Depot that is adjacent to this location. The Petitioner stated that football lights are already in existence on this property and are higher than the proposed baseball field lights that will contain the cellular antenna. In addition, the Petitioner stated that the baseball lights would shine away from the neighborhood. The Petitioner also stated that Verizon Wireless was paying for the lights to be constructed around the baseball field on behalf of the school in return for allowing them to place the cellular antenna with the lighting system. He further stated that the antenna would accommodate 4 cellular carriers and will fill a large gap in coverage that exists in this area. Commissioner Lockett inquired as to how far this proposed site is from the city limits of Madison to which Zoning Administrator Sellers stated that this property is across the street from the city limits of Madison but it is in the annexation area. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting “aye”, motion to recommend approval to the Board of Supervisors contingent upon the Petitioner meeting the lighting requirements of the City of Madison, passed.

There next came on for consideration the Petition of Mark Jordan Companies, Inc. for a special exception to conduct surface mining on 99 acres zoned A-1. Mr. Jordan appeared on behalf of the Petitioner and stated that he is seeking operational hours of 7:00 a.m. to 7:00 p.m. daylight savings time, 6 days a week, excluding Sunday. He stressed for the Commission that the access route will be Highway 22 and not Stokes Road. Mr. Jordan further stressed that he would not be petitioning for this special exception if he did not have access to Highway 22, as he has no desire to use Stokes Road at any point during the operation of this mine. Zoning Administrator Sellers stated for the Commission that he received 1 telephone call regarding the time of the public meeting, and he has had no other objections or concerns that he is aware of brought to his attention. Initially, the Petitioner sought 2 years but expressed some concern as to whether or not he could definitely complete the project within this time. The Commission suggested amending his Petition to increase the time from 2 years to 3 years in order to ensure that he had ample time to complete the project. The project consists of removing dirt from the subject property in order to construct a 100 acre lake. It was also discussed and duly noted that due to the fact

that the Petitioner had direct access to Highway 22 as a haul route for the mine, this fully relieves any and all issues related to a Stokes Road haul route in addition to the concerns with school traffic and the bridges on Stokes Road. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting “aye”, motion to recommend approval to the Board of Supervisors for 3 years and forbidding access to Stokes Road as a haul route, passed.

There next came on for consideration the Petition of Caroline 22, LLC for a petition to amend the Master Development Plan for Caroline 22, LLC, and North Shore of Caroline. Mark Jordan, President of Lake Caroline, Inc., remained for this Petition in order to state for the record that he fully supports the Petition being presented by Caroline 22, LLC. Blake Cress appeared on behalf of the Petitioner. He stated that the Master Plan for this area was initially approved in 2004. The amended plan seeks to combine the smaller lots into larger residential lots. This will reduce the density of the development from 350 lots to 258 lots and will provide more lake access. Cherry Deddens, a resident of North Shore, appeared in support of the Petition. Commissioner Walters inquired as to the proposed square footage of the homes that will be developed on these lots, to which Cress stated that although this element has not yet been decided, they are anticipating nice homes on these lots and the minimum square footage will be included on the plat once it has been filed with the County. Upon motion by Commissioner Walters, 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 Petition of Everwood Properties for a variance to setbacks in a PUD. The subject property is located in Hartfield Subdivision, and the Petitioner requests a variance to the side and rear setbacks. Apparently, according to the Petitioner, the front lot pins were disturbed by the installation of the utilities and were not correctly replaced. The house encroaches .4 feet into the left side yard, 2.9 feet into the right yard, and 1.6 feet into the rear yard. Zoning Administrator Sellers received a letter from the Homeowners Association indicating they have no problem with the requested variance. 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 site plan of D. J. Horecky. Zoning Administrator Sellers informed the Commission that Ms. Horecky has completed a dental office on the property and is now ready to begin construction of a second building. Zoning Administrator Sellers inquired of Horecky as to whether the building will be similar to the dental office. The Petitioner stated that it would be an exact miniature of the current building on the property. Zoning Administrator Sellers stated for the record that the current building was exactly as was approved by the Board of Supervisors and was a very nice development. Upon motion by Commissioner Walters, 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 site plan of Chestnut Hill Subdivision. Cherry Deddens and Horace Lester appeared on behalf of the Petitioner. Both stated that they have met with the Mansdale Heritage Association and have received their approval of

the subdivision. Ms. Deddens provided photographs of Noah's Mill, a similar development in the market, for review by the Commission so the Commission would have an idea as to their plans for this development. Commissioner Walters inquired as to whether they would keep and maintain the trees that are currently on the property, to which Ms. Deddens stated that they would. Zoning Administrator Sellers inquired as to whether the roads in the subdivision would be private to which the Petitioner stated yes. Commissioner Walters inquired as to whether this would be a gated community to which the Petitioner stated yes. Commissioner Walters also inquired as to the size of the proposed homes to be developed in this subdivision, to which Horace Lester stated that the homes would consist of 3,500 square foot minimum requirements. Commissioner Spiro inquired as to the covenants and when the control of the Homeowners Association would shift to the homeowners. Mr. Lester stated for the record that the control would shift at 4:1 ownership. He further stated that the developer would appoint a board of directors until lots not owned by the developer equals 4:1, at which time the Homeowner's Association would obtain authority to elect a board of directors. He stated that this is included in the covenants and is the same as other covenants that he has presented before the Commission and the Board of Supervisors for other developments. Upon motion by Commissioner Walters, seconded by Commissioner Steen, with all voting "aye", motion to recommend approval to the Board of Supervisors contingent on any substantial changes in the covenants first receiving prior approval by the Board of Supervisors, passed.

There next came on for consideration the preliminary plat of Gideon Real Estate. Bucky Gideon appeared on behalf of the Petitioner. He presented a plat to the Commission of the subject office park. Zoning Administrator Sellers stated that this was the same plat that was presented at the re-zoning Petition. The Petitioner stated that there would be no through road through the office park, but his partner owned an adjacent piece of property with 3 buildings on it, and he will have access to that property from the roads constructed in this office park. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration setting a date for the September meeting. Zoning Administrator Sellers suggested having the meeting set for September 14<sup>th</sup>, which is the second Thursday in September. Upon motion by Commissioner Brown, seconded by Commissioner Walters, with all voting "aye", motion to set the September meeting for September 14, 2006, passed.

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

With there being no further business, the meeting adjourned at 10:00 a.m.

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Date

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(Chairman)