

MINUTES OF A CALLED MADISON COUNTY PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 13th DAY OF JULY, 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 13th day of July, 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 June 8th and June 16th Minutes. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", motion to approve the June 8th and June 16th minutes, passed.

There next came on for consideration the Petition of Grace Fellowship for a special exception for a church in an R-1 Residential District located on the corner of Church Road and Kehle Road. This Petition was before the Madison County Planning Commission at the June 8, 2006 meeting; however, due to lack of information and additional research being necessary, the Planning Commission tabled the Petition for additional time. Commissioners Walters and Brown both stated for the record that they personally inspected the property and felt that the traffic and location was suitable for the proposed establishment. Commissioner Steen inquired as to whether the church and those in opposition had an opportunity to meet in order to sort out their differences before this meeting. Rev. Crane appeared on behalf of Grace Fellowship and said that he had tried to speak with several people but received the feeling that no one wanted to talk to him and that there was not much middle ground for compromise. Reverend Crane presented an aerial photograph showing that the location is not in the middle of the residential community and stated that the proposed church is close to other churches and cemeteries in the area. Jennifer Meninger appeared in opposition and stated that she had just built a new home in the surrounding area and does not want to live close to a church. She also stated that this proposed church was not in a good location due to traffic concerns and the historical characteristics of the neighborhood. Michael Hope appeared in opposition and expressed concerns with the traffic in the area. In addition, Debra Bennett appeared to also express concerns with increased traffic due to the proposed church and to express concerns with whether the subject acreage was large enough to accommodate the church congregation without having cars parked up and down the roads. Becky Jenkins also appeared in opposition and stated that she lives next door to the proposed church location. She is concerned that she will not be able to sell her house and that her property value will decrease. She also stated for the record that the Germantown community has approached her and presented her with a Petition listing names in opposition; however, this Petition

was not presented to the Commission. Commissioner Steen stated for the record that he personally just relocated next to a church and that he has no opposition to the church in his residential area. 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 the Petition of Lester Parker/Joe McGee Construction for a special exception to conduct surface mining in an A-1 District. Bud Smith, an engineer from McGee Construction, appeared on behalf of the Petitioner. The subject property is located at Old Highway 51 and Putnam Road, and, according to Zoning Administrator Sellers, will be used solely for a Mississippi Department of Transportation project, closing its operation once the project is complete. Commissioner Walters inquired of Mr. Smith as to how long the mine would be open. Mr. Smith stated that once the road being built on behalf of Mississippi Department of Transportation is complete, the mine will close and the pit will be reclaimed. He also stated that the project is currently anticipated to take approximately 15 months (August, 2007 termination date). In addition, Mr. Smith stated that the miners will not use Putnam Road as a private road has been built through Mr. Parker's personal property to Highway 17, so there will be no county road impact. Upon Motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval to the Board of Supervisors until August of 2007 passed.

There next came on for consideration the Petition of Hanover, LLC for permission to rezone R-1 Residential to R-2 Residential. No one appeared on behalf of the Petitioner. Chairman Luckett inquired of Zoning Administrator Sellers as to whether the Petitioner was notified of the meeting to which Zoning Administrator Sellers stated that they were notified and he has not received any calls from the Petitioner stating that there would be any problem with attending the meeting. Upon motion by Commissioner Steen, seconded by Commissioner Brown, with all voting "aye", motion to table the Petition until the August, 2006 meeting, passed.

There next came on for consideration the Petition of Marvin Smith for permission to rezone A-1 Agricultural District to R-2 Residential District located on Hill Road. Zoning Administrator Sellers stated that the subject property consists of approximately 41.11 acres and that utilities will be provided by Canton Municipal Utilities. According to Zoning Administrator Sellers, approval would also require amending the adopted Land Use Plan. Mary King and Mike McKenzie appeared on behalf of the Petitioner. The Petitioner stated that the proposed square footage for the homes would be 1600 minimum square footage as provided by the covenants that were provided to the Planning Commission and attached hereto as Exhibit "A". Commissioner Steen inquired as to whether there was any opposition to which Zoning Administrator Sellers stated that there was no opposition but that he had received calls regarding only what the proposed zoning was to be. Zoning Administrator Sellers inquired of McKenzie as to the issue of percentage ownership before the control of the homeowners association shifts to the homeowners' association. He also discussed with McKenzie that the Board of Supervisors desires to have any changes to the covenants to be resubmitted to the Board of Supervisors for consideration. McKenzie stated that there would be no problem with adding these changes to the covenants. Commissioner Spiro

inquired as to what the proposed percentage ownership would be before the control of the homeowners association passed to the homeowners to which the Petitioner stated that it would be after 70 lots had sold. Commissioner Spiro inquired as to whether the Petitioner would be opposed to 70% as opposed to 70 lots to which the Petitioner stated that there would be no problems with that suggestion. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting “aye”, motion to recommend approval to the Board of Supervisors, contingent on amending the covenants to include the shift of control of the homeowners association to the homeowners after two-thirds of the total lots have sold in addition to amending the covenants to include provisions that any future changes to the covenants would have to be approved by the Board of Supervisors and to recommend approval to the Board of Supervisors to make all appropriate amendments to the Land Use Plan, passed.

There next came on for consideration the site plan of Andy Copeland for a car wash and warehouse facility located at Highway 51. Andy Copeland appeared on behalf of the Petitioner and stated that the proposed car wash would be a 5-bay car wash at the front location of the subject property with an office warehouse building located directly behind the proposed car wash. He stated that there is a verbal agreement with Spanky’s to allow access from the subject property to Spanky’s parking lot, which also contains an automatic car wash. Mr. Copeland stated that the pitch roof that is proposed for the car wash will blend in with the existing roof on the automatic car wash and will maintain the 16 feet height access that is contained in the automatic car wash for access for boats. Zoning Administrator Sellers discussed the issue of the Petitioner potentially wanting to include outside storage on the remaining property behind the office warehouse, which consists of approximately 1.5 acres. Zoning Administrator Sellers informed the Petitioner that the Board of Supervisors would not take that issue under advisement with this Petition, as it needs to be a separate petition if Mr. Copeland decides to utilize that 1.5 acres for outside storage purposes. Commissioner Walters inquired as to the makeup of the office warehouse to which the Petitioner stated that it will be a metal building with a brick facade on the front and both two sides. With regard to the car wash, Mr. Copeland stated that it would consist of brick and EIFS. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting “aye”, motion to recommend approval of the site plan as presented, passed.

There next came on for consideration the site plan of Keeling Company/Peoples Construction for an office warehouse in a C-2 Commercial District on Highway 51. Jeff Peoples of Peoples Construction appeared on behalf of the Petitioner. He informed the Commission that this property is directly north of Deviney Rental and adjacent to a gravel road that provides access to a concrete company. He informed the Commission that Keeling Company provides plumbing fixtures, Jacuzzi products, and irrigation heads and is a regional company. He stated that the proposed building will include brick and facade with overhead braced awnings for an architectural flair. It was his intention when designing the building to give it a “turn of the century” look. Zoning Administrator Sellers asked the Petitioner as to whether there would be any additional screening for the outside storage to the side and behind the building other than a chain link fence. The Petitioner stated that the storage would be in the rear and there would be adequate screening for the

pipe products that would be stored in that area. Commissioner Walters stated for the record that in her opinion, the chain link fence would not provide enough screening to which the Petitioner stated that he would be open to suggestions. Commissioner Walters suggested greenery, plants and landscaping to which the Petitioner agreed to provide. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting “aye”, motion to recommend approval to the Board of Supervisors subject to adequate screening for the outside storage, passed.

There next came on for consideration the site plan of Church Road Properties/Peoples Construction for an office warehouse lease property located on Church Road. Jeff Peoples appeared on behalf of the Petitioner and stated that the subject property is a small parcel that fronts Church Road. He stated that the building will contain a maximum of 4 tenants and would be comprised of brick across the front. In addition, the Petitioner stated that it is the intention of the leasee to share a driveway with the adjacent lot in order to cut back on additional access to Church Road as provided in the zoning ordinance. He stated that a lot of glass and windows were added to the front design of the building for a retail look for future expectations and development. He also stated for the Commission that this is the first building in this area that will be new construction. 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 preliminary plat of Chenal Subdivision. Jeff Boutwell appeared on behalf of the Petitioner. This proposed development consists of 12 lots that will dead-end on a cul-de-sac that will contain emergency access. Commissioner Walters inquired as to the minimum square footage to which the Petitioner stated that it would be 4,000 square feet. Zoning Administrator Sellers informed the Commission that the length of the street and the number of houses on the street exceed the minimum requirements for cul-de-sacs within the zoning ordinance, and that the Petitioner needs a change in design standards for maximum length of cul-de-sac roads in order to accommodate the development. Zoning Administrator Sellers also informed the Commission that the county engineer has reviewed this and does not foresee any problems with the design change. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting “aye”, motion to recommend approval of the amended site plan with the change to the design standard for the length of the cul-de-sac, passed.

There next came on for discussion the JJ International Alfred Klingan Petition that was previously recommended for approval at a prior meeting. As agreed to in that meeting, Alfred Klingan presented Zoning Administrator Sellers with a site plan for the convenience store on Old Jackson and West Souwell Road, particularly with additional proposed landscaping as discuss at that meeting. Accordingly, Zoning Administrator Sellers presented the site plan with the proposed landscaping to the Commission.

There next came on for the August meeting. Upon motion by Commissioner Walters, seconded by Commissioner Steen, with all voting “aye”, motion to set the August meeting for August 10, 2006 at 9:00 a.m., passed.

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

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

Date

(Chairman)