

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

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

Absent: Lisa Walters

There first came on for consideration the minutes of the February 9, 2006 meeting wherein it was announced by Zoning Administrator Sellers that a correction would be made to the Minutes. The correction is as follows: The Motion to approve the January 12, 2006 minutes was made by Commissioner Walters and seconded by Commissioner Spiro. Following the correction, the approval of the minutes with the corrections was made upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", and motion to approve the Minutes, as corrected, passed.

There next came on for consideration the Petition of Harold and Nancy Sligh for a variance to the front setback of their residence located at 376 Dover Lane, Lot 15, New Castle, Part III. The subject residence is encroaching 30.6 feet into the required 50 foot setback. Zoning Administrator Sellers informed the Commission that all required releases had been recorded, including the letter from the Homeowner's Association, which has not been received from the clerk. Further, Zoning Administrator Sellers informed the Commission that letters from the utility companies had been received. Upon motion by Commissioner Steen for approval of the 30.6 feet variance, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval of the Petition, passed.

There next came on for consideration the Petition of the Madison County Schools Board of Education for a rezoning of a parcel of land situated in Section 16, T8N-R2E, Madison County, Mississippi, for the development of a vocational center. Debbie Jones appeared on behalf of the Petitioner and stated that the site plan had been presented and that the preparation on the site had begun. There were no questions presented by the Commission. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to rezone and reclassify the subject property to SU-1 and to amend the Land Use Map as needed, passed.

There next came on for consideration the Petition of King Ranch Road Partners II, LP to rezone from R-2 to R-5 a 22.4 acre tract situated at Section 24, T9N-R2E in east

Madison County, Mississippi. Verlyn Foley appeared on behalf of the Petitioner. Commissioner Spiro inquired as to whether the tract of land was located within the city limits of Canton. Zoning Administrator Sellers advised that the property was in the County, outside the Canton city limits. Mr. Foley then represented that the property is adjacent to the Canton city limits. Chairman Luckett stated that the people in the community are concerned about commercial development in the area. Commissioner Spiro inquired as to when the homeowners would take over the property. Mr. Foley stated that the homeowners would take over the property after 15 years. Chairman Luckett inquired as to whether the developer will be in control of the Homeowner's Association, to which Mr. Foley stated that the Homeowner's Association would be the developer for the first 15 years and that the developer would maintain all green space and all lots. Commissioner Steen inquired as to whether the tenants would maintain the residential houses, to which Foley stated that it was the responsibility of the developer to maintain the houses. Commissioner Steen inquired as to whether the tenants would own their residences free and clear of any debt after 15 years. Mr. Foley stated that after 15 years, the amount of the mortgage would be paid down to approximately \$25,000 to \$30,000, and that the tenants would then have an opportunity to take over the mortgage. Mr. Foley further stated that the idea of the development is to transition renters into homeowners. Chairman Luckett asked the Petitioner what would result if another tenant moved into a residence after the original tenant, but before the expiration of the 15 year term. Mr. Foley responded that the resident at the time of the expiration of the 15 year term would then be able to purchase the property. Mr. Foley further stated that whoever the occupant was at that time would be able to take advantage of the funds paid into the property, regardless of the length of time they had been a tenant. Chairman Luckett inquired whether the tenants would pay rent for the first 15 years, and whether that rent would go toward the purchase price. Mr. Foley responded that rent would be paid for the first 15 years, which would go towards the purchase price of the residences. Commissioner Spiro inquired as to which individual or individuals would be responsible for the repairs and maintenance on the residences, to which Mr. Foley advised that the developer would maintain all lots and interiors of the residences. Mr. Foley further stated that the property would be a hybrid of ownership and rental, but the developers would maintain the ultimate responsibility for the property. Chairman Luckett inquired as to whether the plan for the development was reduced to writing. Mr. Foley advised that the developers had already received the credits for the property. Mr. Foley further advised the Commission that there was a 15 year compliance period with strict compliance standards for maintenance. Mr. Foley further stated that if the developers were negligent in their maintenance, they would be barred from participating in the program. Commissioner Steen inquired as to whether the program was funded through the Mississippi Home Corporation. Mr. Foley responded affirmatively. Zoning Administrator Sellers indicated that part of the subject tract was in a flood plain and that there would be additional requirements such as land to be filled. Mr. Foley advised that there were approximately 6-1/2 acres of the subject tract in the flood plain, and that the most deficient areas were 1-1/2 feet below the basin. Mr. Foley further stated that Aqua Engineering has been retained for the project, and that 2 feet of dirt would be the most required. Mr. Foley further stated that the flood plain had been considered in the plan. Zoning Administrator Sellers inquired as to whether all the residences will be site built homes. Mr. Foley answered affirmatively, further adding that there will be no modular homes. Zoning

Administrator Sellers advised that a 10 foot landscaped strip would be required, a 10% green space, and a bond for the facilities. Mr. Foley stated that there were 4-1/2 acres reserved for green space. Chairman Luckett stated that he was not in favor of apartment dwellings. Mr. Foley stated that although there would be single family dwellings, there would be no multi-family homes. Mr. Foley further stated that the homes in the development would be occupied by a working class of citizens. Commissioner Brown inquired as to the square footage of the residences, to which Mr. Foley responded that the homes would be between 1150 and 1400 square feet, consisting of 15 two bedroom units, 46 three bedroom units, and 10 four bedroom units. Mr. Foley further stated that the idea of the project was to create a subdivision atmosphere. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval of the subject property from R-2 to R-5, passed.

There next came on for consideration the Petition of Mount Olive Grove Missionary Baptist Church for a variance to side and rear setback. Specifically, the Petitioner is requesting a 5 foot variance to the rear setback and a 15 foot variance to the side setback in order to replace its existing church building. Reverend Glen Robinson appeared on behalf of the Petitioner. Chairman Luckett inquired as to the membership of the Petitioner Church. Reverend Robinson stated that the membership was currently at 30 members, and the building was in disrepair. Commissioner Spiro inquired as to the cost of the new Church facility. Reverend Robinson stated that the exact cost of the Church would be known by the end of the month. Chairman Luckett inquired as to whether the parking would be increased, to which Reverend Robinson stated that there would be a need for additional parking. Zoning Administrator Sellers then stated that approval needed to be contingent upon the old Church being removed when the new Church was completed. Commissioner Steen inquired as to what the time frame for removal of the old Church building would be. Zoning Administrator Sellers stated that it should be completed within a reasonable time. Reverend Robinson stated that the Church would comply with whatever contingent time period the Commission placed for the removal of the old Church building. Zoning Administrator Sellers asked to the Commission whether 180 days from the Certificate of Occupancy would be reasonable. Chairman Luckett stated that it should not take more than 60 days from the Certificate of Occupancy to have the building removal completed. Commissioner Steen then stated that he considered 90 days to be reasonable. Commissioner Spiro stated that he considered not over 60 days to be reasonable. Commissioner Steen then requested what recourse would be available in the event the building removal was not completed within the appropriate time limit. Zoning Administrator Sellers stated they would be in violation of the approval. Commissioner Steen then inquired as to whether Reverend Robinson would consider 60 days reasonable. Reverend Robinson stated that the Church would comply with whatever time frame the Commission approved. Commissioner Brown then requested whether money was provided in the Church budget for the demolition. Reverend Robinson stated that the plan for the funds for demolition were being worked on at this time. Zoning Administrator Sellers then stated that debris from the demolition must be disposed of in an approved container. Reverend Robinson stated that all debris would be disposed of appropriately. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval of a variance for the subject Church demolition and construction,

contingent upon the current Church building being removed within 60 days of the Certificate of Occupancy and that the debris from the demolition be disposed of in approved containers, passed.

There next came on for consideration the preliminary plat of Bellamare Subdivision. No individuals appeared on behalf of the Petition. Commissioner Spiro stated that all covenants were on file. Commissioner Steen inquired as to whether the matter should be passed, as no one appeared on behalf of the Petitioner. Zoning Administrator Sellers stated that all matters were in order. 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 preliminary plat of Ashbrooke Estates. Nolan Williamson appeared on behalf of the Petitioner. Zoning Administrator Sellers stated that the plan complied with the Master Development Plan. Mr. Williamson stated that the development was for estate lots from 2 acres to approximately 29,000 square feet, or two-thirds to three-quarter acre. Mr. Williamson further stated that the development would consist of 44 lots, which would be much larger than the houses in the Ashbrooke subdivision. Mr. Williamson further stated that there was a public right-of-way, and that the sewer would be provided by the Bear Creek Water Association. Mr. Williamson further stated that the homes would consist of a 2400 square foot minimum, with lots ranging in price from \$60,000 to \$120,000. Commissioner Steen inquired as to whether there would be lots entering the lake. Mr. Williamson responded that the rear lot line of the water front lots would be 10-15 feet into the water. Commissioner Steen then inquired as to whether the lake would be accessible to other residents. Mr. Williamson stated that the lake would only be accessible by homeowners with frontage on the water, but that they would then sell lake rights to some residents without access to the lake. Mr. Steen inquired as to who would maintain the lake, to which Mr. Williamson responded that it would be maintained through an additional assessment to the homeowners with lake rights. Mr. Williamson further stated that there would be a Homeowners Association and a Lake Owners Association. Zoning Administrator Sellers inquired as to whether the lake would be considered in the total common area. Mr. Williamson stated that he would inquire as to whether the lake would be considered a total common area. Zoning Administrator Sellers stated that the question regarding the lake would be considered in the total common area must be answered before taking the matter to the Board of Supervisors. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval to the Board of Supervisors, subject to verification of whether the subject lake is included in the 10% common area, unless same is accessible to all residents, passed.

There next came on for consideration the preliminary plat of Fontanelle, phase I. Zoning Administrator Sellers stated that the matter was previously brought before the Commission in 2005.

There next came on for consideration the preliminary plat of Magnolia Pointe, Part II. Nolan Williamson appeared on behalf of the Petitioner. Zoning Administrator Sellers

stated that the development was zoned correctly and that the covenants were the same as Part I. Upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting "aye", motion to recommend approval to the Board of Supervisors that Magnolia Pointe, Part II be made part of Magnolia Pointe, Part I, 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)