

**MINUTES OF THE MADISON COUNTY PLANNING AND ZONING
COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 18th DAY OF
JANUARY, 2007 AT 9:00 A.M. AT THE MADISON COUNTY COURTHOUSE**

BE IT REMEMBERED that a meeting of the Madison County Zoning Commission was duly called, held and conducted on Thursday, the 18th day of January, 2007, 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

Absent: Lisa Walters

There first came on for consideration the Minutes of the December 14, 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 Petition of Orco Investments, Inc./Twisted Oak, LLC for permission to rezone R-1 Agricultural District to R-2 Residential District with a Planned Unit Development located at Yandell Rd. This Petition was tabled at the December 14, 2006 meeting and, according to Zoning Administrator Sellers, the Petitioner and those in opposition have requested that the Commission table this matter until the February meeting. Attorney Streetman stated for the record that he had been contacted by those concerned with this Petition and it appears to him that they seem to be making progress. Commissioner Steen also stated that he was involved in the negotiations and would support tabling this matter even though the Commission has not made it a policy to continuously grant requests for tabling matters in the past. Under these circumstances, Commissioner Steen felt that it would be appropriate. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to table the Petition until the February meeting passed.

There next came on for consideration the Petition of Kale Johnson/Reunion Development for a variance to a front and side setback on Lake Village Drive, Lot D-4 Vinings at Reunion. Mr. Johnson appeared on behalf of the Petitioner and stated that the variance would be needed to the front and side setbacks. Zoning Administrator Sellers stated that this matter was tabled at the last meeting due to the Petitioner not appearing before the Commission; however, he learned since the meeting that he had sent the Notice to the incorrect address. Mr. Sellers also stated that the lot had an unusual shape, which requires this relief, and the Reunion Architectural Review Committee and the Home Owners Association has approved this request. 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 T. E. Bradshaw for permission to rezone C-1A Restricted Commercial to C-1 Commercial located on Yandell Road. Daryl Breland, who represents the buyer of the subject property, appeared on behalf of the Petitioner. The buyer, Freddie George, also appeared before the Commission in support of this petition. They informed the Commission that the buyer needs the rezoning in order to operate a neighborhood pharmacy on the location. He operates other similar pharmacies in Kosciusko and Quitman, and it is his desire to service the neighborhood with their pharmaceutical needs. Zoning Administrator Sellers, although not presently before the Commission due to the pending rezoning application, informed the Petitioner that they would need to address issues such as hours of operation, the servicing issues surrounding the dumpster, buffers with the neighboring land owners and lighting of the premises. The Petitioner stated that the primary customer base would be the surrounding neighborhoods and, accordingly, it is his desire to please these neighbors. They also informed the Commission that they are in the process of addressing these issues and will continue to be mindful of such in the future. They also informed the Commission that they have taken it upon themselves to send a letter to the residents addressing these very issues. Commissioner Steen inquired of Zoning Administrator Sellers as to whether they would be coming back before the Commission in the future with a site plan should this matter be approved, to which Zoning Administrator Sellers stated that they would due to the fact that the Petition currently before the Commission is strictly addressing the issue of rezoning. Upon motion by Commissioner Steen, 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 First Independent Methodist Church of Madison for a special exception to construct and operate a church in an R-1 Residential District located on Highway 51 South. Rick Garner appeared on behalf of the Petitioner and stated that he was on the Building Committee and was the designer of the building. He stated that the property to the north is Twin Cedars Subdivision. Commissioner Steen inquired as to whether they had spoken with Twin Cedars about this development to which the Petitioner stated that they had spoken with them and had their blessing. Commissioner Steen inquired as to whether there was any opposition to which there was none. Upon motion by Commission 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 Norman Cannady, Jr./the Cannady Group, LLC for a variance to a front setback at Lot 189 in Providence Subdivision. Norman Cannady appeared on behalf of the Petitioner and stated that he desired a five foot variance to the front setback. On behalf of the Petitioner and others in similar situations, Commissioner Steen informed the Commission that sometimes situations arise in which the setback is required due to uncontrollable factors. Zoning Administrator Sellers stated that he had received some telephone calls in response to the notice regarding this variance, but no one expressed any concerns or opposition. In addition, he stated that he had invited these callers to the meeting; however, no one appeared in opposition. 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 Norman Cannady, Jr./the Cannady Group, LLC for a variance to a front setback at Lot 286 in Providence Subdivision. The Petitioner is again requesting a five foot variance to the 30 foot required front setback. He stated for the Commission that he had begun this project under the assumption that there was a 25 foot setback as opposed to a 30 foot setback. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", the motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Todd Brock for variance to a side setback in the Planned Unit Development District at Lot 5 of South Hampton of Lake Caroline. The area was approved as a Zero Lot line; however, the Petitioner needs a variance of 18 inches to the side setback to clear a cornice on the zero setback side of the lot. Zoning Administrator Sellers informed the Commission that the Lake Caroline owners association has approved the application. Upon motion by Commissioner Brown, 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 preliminary plat of Trinity Estates on Robinson Road. Rhonda Varner appeared on behalf of the Petitioner and stated that they had reconfigured the street layout; however, the lots will still meet the R-2 minimum requirements. Zoning Administrator Sellers informed the Commission that the subdivision requirements require a 500 foot maximum length for a dead end street; however, these streets may not comply with these requirements. Accordingly, upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to recommended approval to the Board of Supervisors with the acknowledgment that the minimum 500 foot street length subdivision requirements may not be met, passed.

There next came on for consideration setting the date for the February, 2007 meeting. Upon motion by Commissioner Brown, seconded by Commissioner Spiro, with all voting "aye", motion to set the February meeting for February 8, 2007, passed.

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

With there being no further business, the meeting adjourned at 9:30 a.m.

Date

(Chairman)