

**MINUTES OF THE MADISON COUNTY PLANNING AND
ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 14th DAY OF JUNE 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 14th day of June, 2007, at 9:00 a.m. in the Madison County Courthouse.

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

Absent: None

There first came on for consideration the Minutes of the May 17, 2007 meeting. Upon motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting "aye", and motion to approve the Minutes passed.

There next came on for consideration the Petition of South Madison Development, a Petition which was tabled at the last meeting. Attorney Peden appeared on behalf of the Petitioner along with the owner. They stated for the Commission that they wanted to amend the Petition in order to include sections within the development that provided for 1500 square foot homes, 1600 square foot homes, 1700 square foot homes and 1800 square foot homes, as opposed to a minimum proposed house of 1300 square feet. A handout, which is attached hereto as Exhibit "A", was presented to the Commission in order to itemize the requested amendments to the application for rezoning. The Petitioner stated that there would be 807 lots in the Petition with 17.34% green space. Commissioner Amadio inquired as to whether the green space included the property set aside for the existing power lines, to which the owner said that although they are developing off the power company's easement, the land under the power lines would be included in the green space. Zoning Administrator Sellers confirmed that it was appropriate for a developer to include this in the green space calculations. Commissioner Amadio expressed concerns with the square footage of the development as compared to other developments in the area. Specifically, he pointed out that Eastview, a development that was recently approved, contained 1600 square foot minimums, which seemed to be the standard in the area. Commissioner Spiro inquired as to the covenants to which the Petitioner stated that there would be one master set of covenants with each subpart under the development having separate covenants. Commissioner Spiro further inquired as to what percentage the ownership of the homeowner's association would shift to the homeowners to which the owner stated that there had not been a formal decision made but that he would want the shift to occur as soon as is feasible. Upon motion by Commissioner Amadio, seconded by Commissioner Walters, with Commissioners Spiro and Brown voting "aye," and Chairman

Luckett voting “nay”, motion to recommend denial of the Petition to the Board of Supervisors passed. In support of his Motion, Commissioner Amadio stated that the current Petition, which contained 1300 square foot minimums, was out of characteristic with the existing developments in the area, the infrastructure in the area could not support this number of homes being added to the existing population, the school in the area is filled to capacity and cannot support any additional students, and one access to and from this development would be too much of a strain on the roadways in the area.

There next came on for consideration the Petition of Cress Development for permission to rezone R-2 Residential to R-2 Residential District with a Planned Unit Development overlay located on Catlett Road. The subject property consists of 97.517 acres and is in compliance with the adopted Land Use and Transportation Plan, according to Zoning Administrator Sellers. Jim Martin appeared on behalf of the Petitioner and stated that the minimum square footage would be 1600 square feet, and the developer intends to develop 272 lots on the property. He further stated that the common area consists of 15% of the development. Although Cress Development is the current Petitioner for rezoning, Cress Development does not own the property and is seeking rezoning in connection with its attempts to purchase the property. Attached as Exhibit “B” is a letter, signed by the current owner, providing authority for Cress Development to proceed before the Madison County Board of Supervisors in its rezoning efforts. The Petitioner stated that it is their intent to impose a PUD over the existing zoning in order to allow more flexibility in the development, and proposed covenants were provided with the Petition. The Petitioner stated that this development is comparable to other developments in the area, and will include a park, playground, and trails. The Petitioner stated that there was a growing need for this type of development in the area. Commissioner Walters inquired as to whether the Commission could take action due to the fact that Cress Development is not the owner, to which the Commission attorney and Zoning Administrator Sellers advised the Commissioners that it was allowed under the ordinance. Commissioner Walters inquired as to whether the development would be gated, to which the Petitioner stated that it would not. Commissioner Spiro inquired as to the percentage of ownership that would have to be met before the control of the home owner’s association shifted to the homeowners, to which Gary Cress stated that it would typically depend on the revenue. When there is enough revenue to make the shift in a sensible manner, then control would pass to the homeowners. Upon motion by Commissioner Walters, seconded by Commissioner Amadio, with all voting “aye,” motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Madison County School District for permission to rezone A-1 Agricultural to SU-1 District. Zoning Administrator Sellers introduced the Petition and stated that the School District is requesting the special use district designation in order to build and operate a elementary school on site. A letter was provided from Bear Creek verifying utilities for the site, and the Petitioner is further requesting that the adopted Land Use and Transportation Plan be amended. Ronnie McGehee appeared on behalf of the Petitioner and stated that the elementary school will be constructed approximately 1100 feet from Highway 463. Scott Booth, the engineer for the project, also appeared on behalf of the Petitioner. He stated that the sole access to the school would be from Highway 463 and that box culverts would be introduced to the area

along with a 100 buffer of trees along Highway 463. Commissioner Amadio inquired as to the acreage that would be affected, to which the Petitioner stated that there were 71 total acres included in the rezoning, but the elementary school will sit on 28 acres. Commissioner Walters expressed concerns with traffic along Highway 463 with this being the sole access to the site. The Petitioner stated that there would be 300 to 320 feet of turn lanes from the west constructed on Highway 463 along with a 200 plus foot stacking area on Highway 463 to accommodate these traffic concerns. Commissioner Walters further inquired as to whether or not the Petitioner would attempt to have a traffic light installed, to which the Petitioner stated that it is currently unknown as to whether or not that would be done but that they certainly intended to apply for one with the Mississippi Department of Transportation. Commissioner Walters also asked the Petitioner how many students the school will accommodate, to which the Petitioner stated that it would be 400 to 500 projected. The Petitioner further informed the Commissioner that the school will be built to accommodate 650 students. Zoning Administrator Sellers addressed the Petitioners by saying that the entrance and the construction involving the entrance would be within the Mannsdale-Livingston Heritage Preservation District's territory, and he would suggest that the Petitioners get the approval from them prior to going before the Board of Supervisors. The Petitioners agreed with this suggestion. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye," motion to recommend approval to the Board of Supervisors with the appropriate amendments to the Land Use Plan contingent upon the Petitioners obtaining a letter from the Mannsdale-Livingston Heritage Preservation District reflecting approval, passed.

There next came on for consideration the Petition of Chestnut Developers for permission to rezone A-1 Agricultural to C-2 Highway Commercial District. This development consists of 3 parcels of land totaling 35.42 acres. A letter from Bear Creek has verified the utilities for this area, and, according to Zoning Administrator Sellers, the adopted Land Use and Transportation Plan must be amended if the Petition is approved. The Petitioner also presented a site plan with the Petition, and they have obtained the approval of the Mannsdale-Livingston Heritage Preservation District. Horace Lester appeared on behalf of the Petitioner, along with David Landrum, the developer, Powell Ogletree, Jr. and Cherry Deddens. They stated that this property is at the intersection of Highway 463 and Highway 22, and it is their intent to reconstruct the old town of Livingston, the former county seat of Madison County. The Petitioner provided the Commissioners with a brief history of Livingston, and they followed by stating that there is a substantial need for retail and commercial developments in this area. Particularly, although they intend to develop the entire property, the first phase of the development will consist of a mercantile store, a produce market, a town hall/courthouse, and a chapel. They stated that they would make sure that the buildings maintain the historical elements of the original town of Livingston. The Petitioner stated that they did not know of any opposition. They also informed the Commission that the property to the south is being developed as residential. Commissioner Amadio inquired as to what the C-2 development would allow, to which Zoning Administrator Sellers stated that it would allow any type of wholesale or retail along with limited storage. The Petitioner presented photographs in order to demonstrate how these buildings would look upon completion, which are attached hereto as Exhibit "C". Cherry Deddens represents the Mannsdale-Livingston Heritage

Preservation District and she lives in the area. She appeared in support of the Petition. She also stated that there are various other subdivisions and developments that support this development as well. David Landrum, the developer, lives in the area and informed the Commissioners of his passion to develop the town of Livingston. Monroe Alexander, a local church member and resident, expressed some concerns with having this development so close to his church. Especially, he voiced concerns with the traffic and was concerned about the development impeding their access to the church, which is located on property close to the property that is the subject of this Petition. Horace Lester stated that Mr. Alexander was present at a meeting they had with the church, and he also told the Commissioners that it is their intent to improve the road, which will help Alexander and his church. At this point, there was some discussion as to whether the existing road along the development providing access to the local church was public or private. Rita McGuffey appeared on behalf of the Mannsdale-Heritage Livingston Preservation District and stated that the developers have met all requirements, and the architecture and lighting will be within the theme of the district. Chairman Luckett inquired if there were any calls in opposition, to which Zoning Administrator Sellers stated that he only received calls out of curiosity and one call from a local church member expressing concerns with not having full access to their church. Commissioner Walters, who had physically been to the area, stated that this would, in her opinion, be an asset to the area. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye," motion to recommend approval to the Board of Supervisors with the appropriate amendments to the Land Use Plan and being contingent upon verification of whether the Brownsville-Livingston Road is a public road, passed.

There next came on for consideration the petition of Chestnut Developers for permission to rezone A-1 agricultural to R-1A Residential located on Highway 463. Zoning Administrator Sellers introduced the Petition to the Commissioners. Commissioner Walters advised the Commissioners that the Petitioners and those in opposition are in the process of working out their differences and disputes concerning this Petition. Accordingly, upon Motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", motion to table the Petition until the next meeting passed.

There next came on for consideration the Petition of Robert S. Addison for a Special Exception to conduct surface mining along Virililia Road. Don McGraw appeared on behalf of the Petitioner and stated that the Petitioner is seeking a one year special exception in order to build a lake on the subject property. He has obtained an exempt permit from the Department of Environmental Quality. Although the Petitioner is seeking one year, Mr. McGraw stated that the Petitioner felt that he would be able to have this project complete within 3-4 months. Accordingly, Commissioner Walters inquired as to whether the Petitioner would be comfortable in limiting the petition time frame to 6 months to which the Petitioner stated that he would. Commissioner Amadio inquired as to whether the Petitioner had taken into consideration any issues with regard to drainage, to which Zoning Administrator Sellers stated that those issues were addressed by the Mississippi Department of Environmental Quality. Commissioner Walters expressed concerns with using Virililia Road as a haul route. Zoning Administrator Sellers stated that the City of Canton had provided a letter approving the Petition due to the limited amount of traffic that

will be subjected to Virilia Road. Upon Motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting “aye”, motion to recommend approval to the Board of Supervisors for a 6-month time frame passed.

There next came on for consideration the Petition of Kim Chancellor for a variance to a rear setback in a Planned Unit District located at Lakepointe at Reunion. The Petitioner is requesting a 5 foot variance to the rear set back to site this house on the lot and to keep the driveway off the property line for drainage purposes. Zoning Administrator Sellers informed the Commission that Reunion has submitted a letter of approval with respect to this application. 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 Louis Gideon with respect to an office/warehouse building on Gluckstadt Road. Mr. Gideon presented the landscape plan and site plan to the Commissioners for their review. 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 a site plan of Louis B. Gideon for a retail building on Business Park Drive at Gluckstadt. Information regarding the site plan was provided to the Commissioners by the Petitioner with respect to this building. 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 discussion the proposed amendments to the Zoning Ordinance. Zoning Administrator Sellers provided a handout to the Commissioners, which is attached hereto as Exhibit “D”. Each of these items were discussed between Zoning Administrator and the Commissioners. Upon Motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting “aye”, motion to recommend approval to the Board of Supervisors of the proposed amendments to the Zoning Ordinance passed.

There next came on for discussion the setting of the July meeting. Upon Motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting “aye,” motion to set July meeting for July 12, 2007 passed.

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

There next came on for discussion the election of a Vice Chairman in light of the recent resignation of Steve Steen. Upon Motion by Commissioner Spiro, seconded by Commissioner Amadio, with all voting “aye”, motion to elect Lisa Walters as Vice Chairman passed.

With there being no further business, the meeting adjourned at 10:55 a.m.

Date

(Chairman)