

**MINUTES OF THE MADISON COUNTY PLANNING AND
ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 10th DAY OF APRIL, 2008 AT 9:00 A.M.
AT THE MADISON COUNTY CHANCERY BUILDING**

BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 10th day of April, 2008, at 9 a.m. in the Madison County Chancery Building.

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

Absent: None

There first came on for consideration the Minutes of the March 13, 2008 meeting. Upon motion by Commissioner Spiro, seconded by Commissioner Amadio, with all voting "aye", the motion to approve the Minutes passed.

There next came on for consideration the Petition of Richard M. Lingle to rezone R-2 Residential to A-1 Agriculture District. This property is located on Gluckstadt Road, Section 24, T8N-R1E. This is a 9.26 acre tract that is mistakenly shown on the Official Zoning Maps as R-2 Residential. When the R-2 Residential zoning was placed on the maps for Providence Subdivision, this tract was included in that change in error. The petitioner is wanting to build a barn and stable for horses on his property. Upon motion by Commissioner Walters, seconded by Commissioner Brown, with all voting "aye", the motion to approve the petition to rezone to A-1 Agriculture District passed.

There next came on for consideration the Petition of the City of Ridgeland for a Special Exception to construct and operate an elevated water tower and well. This property is located on Walter Payton Lane, Section 21, T7N-R1E. The City is in need of this new water tower because the current system is unable to provide adequate service the area. Present on behalf of the petitioner was Mayor Magee, James Gabriel (an attorney for the City), Gary Huff of Waggoner Engineering and Mike McCollum who is the Public Works Director. Zoning Administrator Sellers stated that the county will not issue any further building permits until the water situation is corrected in this area because it is currently inadequate to meet the needs of the area. This area is zoned R-1 Residential. This Petition is for a special exception only. Mr. McCollum stated that the need for this system is imperative and that this is an approximately 15 acre tract. He further stated that this was the best area that the city could purchase for this purpose at the best price and that is why they chose this particular tract of land. He further explained that this well will only be on about 2 to 3 acres and will vastly improve not only the water system but improve safety by

providing adequate fire protection. He stated that the City of Ridgeland is in the top 5% in the state on managing their water systems. Commissioner Walters inquired regarding the look of the tank. Mr. Huff stated that the tank will be 120 feet high but will be partly surrounded by a nice fence (partly iron and partly chain link) and they will leave as many trees as possible to keep the area looking nice and will replant any trees that are removed during the construction of the tank. Commissioner Amadio inquired regarding the look of the pump house. Mr. Huff stated that the storage shed would be behind the well and showed pictures of what it will look like in the neighborhood. He further stated that there will be a forty foot and one hundred foot buffer between any houses and the pump. Zoning Administrator Sellers inquired regarding the noise level. Mr. Huff explained that the well motor will make some noise but it will be within the City's required level of noise. Commissioner Walters inquired regarding when the pump would be completed to which petitioner replied December of 2009. Chairman Luckett asked about the current water system to which Mr. McCollum explained that the water was functioning at 80% right now and they are going to do everything to keep water working until the new facility is in place. He further stated that they plan to request that the order stay in place preventing any further building in this area until the pump is complete. He also stated that they will maintain the acreage remaining that they purchased that will not be used for this pump. Questions were solicited from the attendees. Mr. and Mrs. Oscar stated that they live on Walter Payton Lane and they are very concerned that this pump will decrease their property value. They further posed the following questions to the petitioners: how far would the tank be from their homes, why was this area chosen and not the current location, will the property tax increase, will it be annexed to City, will this change their current residential zoning, what will happen with the remaining acres not used by pump, what were the other locations discussed for the pump, and how many buildings will be included with this construction. They further presented pictures from their front door which showed their current view and explained how this would affect their view. They stated that they are not against improvement but their main concern is that this could be built in a better location other than a residential neighborhood.

Zoning Administrator Sellers first addressed the attendees and explained that this wouldn't change their current zoning because it is just a special exception limited to construction for the purpose of this pump. He stated that nothing will happen with the remaining acres and if the City tried to do anything else with that land, they would have to come back and request permission for another special exception. He further stated, and petitioners agreed, that the only time people will be at the facility is to check it out if there is some kind of problem. Otherwise, no one will be present at the facility on a daily basis. Petitioner stated that they have tanks in other neighborhoods and suggested to the attendees that they go see those properties and how well they are maintained. He explained that some of those are in very nice residential neighborhoods. Petitioner explained that they chose this area because it was a high point and there was really only one other spot that it could have been placed and there were no certainties to the purchase of that property. As such, they chose to purchase this particular piece of land. He explained that the buffer would be about forty feet from the south right of way of road. He stated that the other buffer would be about ninety to one hundred feet from the homes in

the area. He further stated that there would not be a tax increase and that he couldn't say for sure about the City annexing this area but if the City did choose to annex again, it would probably be in that direction so it was a possibility. Chairman Luckett inquired whether all of these things were set in black and white. Petitioner stated that they had the City's word and their application presented to the Commission and their testimony today as their word that they will do what they say they are going to do. Another attendee, Eunice Riley, inquired regarding how much of the other acres will be rezoned. Zoning Administrator Sellers again stated that none of it would be rezoned and that the only thing they can do with this property if the special exception is approved is construct the pump and well and things discussed here today. All attendees present again stated that they are against this construction because they are concerned it will decrease their property value and they inquired whether this pump could be placed at the existing water site. The Petitioner explained that the current site is only about 1/3 of an acre and there is not enough space to construct the well and pump needed. Commissioner Walters then stated that when the City of Ridgeland does something, they do it very well and maintain it very well. Commissioner Walters further stated that she thinks they chose the best location they could for the water system and accordingly, she is going to make a motion to approve the special exception. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "ay", the motion to approve the special exception passed.

There next came on for consideration the Petition of True Faith Fellowship Church for a Special Exception for a church in the A-1 and C-2 districts. The land is located on Highway 51 North at the Northeast intersection of Davis Crossing Road and Highway 51, Section 28, T10N-R3E. The Petitioner wishes to construct and operate a church on this site as a public/quasi-public facility. This is a five acre tract that currently has two zoning designations of C-2 and A-1. Larry Thomas appeared on behalf of the Petitioner. He is a trustee and deacon at the church and said that they purchased the land with the intention to build a church. The Commission solicited questions from the attendees. Jim Cruise stated that he is there as an attorney on behalf of the Grogans family. They own the land across the street and he said although the property is rural right now, the County is growing quickly and this has become a high traffic area. The Grogans are concerned that the construction of a church could affect their future development in that it could limit the type of buildings they could build in that area. Zoning Administrator Sellers explained that if they chose to put a convenient store or something like that there, there would have to be a buffer between the store and church if alcohol was sold. He suggested that if the church could agree to not objecting to the potential of a convenient store being constructed in the future, that might solve the problem. Robin Love, the pastor of this church, spoke and stated that he spoke on behalf of the church and that he doesn't have a problem working out any concerns the Grogans might have. He stated that he could make a decision on behalf of his members and stated that the building is supposed to start in June. Commissioner Walters suggested that they table this petition until the next meeting for the two to discuss and work out any concerns as that wouldn't affect the expected build date of June. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", the motion to table this petition until next month's meeting passed.

There next came on for consideration the Petition of Hugh T. Cottrell to rezone R-1 Residential to R-1B Residential. This is a fifteen acre tract located on Pearl River Church Road, Section 1, T7N-R2E. The petitioner proposes to develop a subdivision with 31 lots. The utilities are to be provided by Bear Creek Water and petitioner has furnished the covenants. Mr. Cottrell stated that he has owned the land for about twenty to twenty-five years. He said he has not done anything to develop the land before now because of complications with getting a sewer line run. He said that has now been addressed and he is proposing to construct 1,800 minimum square foot homes. He stated that his daughter lives on this land now and that he has no intention of decreasing the value of the property. Questions were solicited from the attendees. Jane Galloway Heart stood and spoke and stated that they all have a minimum of two acre lots, many have more than two acres, and that the smallest square footage of homes is 2,000. She further stated that the roads are very rural and not ready for this development. Darlene Manly of Woods Lake Subdivision then spoke and presented a petition of 28 names, 18 households, of those who live in the area and are opposed to this Petition. This petition is attached hereto as Exhibit "A". She also presented pictures of homes in the area which are attached hereto as Exhibit "B". She stated that they are all concerned about the number of homes in this small area and stated that there is no reason to change how the neighborhood currently is laid out. She further stated that the roads are terrible and that they do not want the dense population in their area that this subdivision would attract. Nancy Opshinsky of Woods Lake also addressed the Commission and stated that she has lived in this area for 16 years and is very concerned about the small acreage lots and number of homes being proposed in this small of an area. She said that the development would decrease their property value. She stated that she wouldn't be opposed if these were 2 acre lots and a total of 7 homes but she cannot agree with building 31 homes in this small area. Sheila Speeks of Crescent Lake Drive also presented a petition from other homeowners in the area who are opposed to this development. Their petition is attached hereto as Exhibit "C". She stated that this is a very dangerous area already with the roads in their current condition. She said that cramming all of this development in this small area would only worsen the conditions. She said something needs to be done with the roads before any further development is done in the area. Commissioner Spiro inquired regarding if this area is approved, at what point and at what percentage the homeowners' association would take over the area. The Petitioner stated that he wasn't really sure because right now he was just asking to rezone the area but has no immediate plans to develop at this time. Another attendee spoke and stated that there is only one access road right now into the neighborhood and this would just create problems with the increase in traffic. They are concerned about their property value and what this would do to the noise level in a neighborhood that is normally very quiet. John Shanks of Woods Lake also addressed the Commission and stated that he doesn't understand why he is proposing to change the rezoning to such a small area of land. There were at least 25 total people from this area present at the Hearing in opposition to this development. Petitioner addressed the questions and agreed that the roads in this area are very bad. He said it would not be feasible for him to develop 2 acre lots on this land economically. He said he couldn't predict what would happen with land values but he said most people cannot afford large lots. Commissioner Amadio inquired regarding why it wouldn't be feasible to develop with 2 acre lots because that is what is consistent with the

current surrounding landowners. The Commissioners stated that they are having a problem with the development as proposed because it isn't consistent with the current landowners in the area. Upon motion by Commissioner Amadio to table this to the next meeting in hopes that all parties can discuss this matter and try and work something out amongst themselves, seconded by Chairman Luckett, with all voting "aye", the motion to table this Petition to the next meeting in May passed.

There next came on for consideration the Petition of Community First Development, Inc. to rezone R-1 Residential to R-2 Residential. The land is comprised of 64.641 acres just east of Sweet Briar Subdivision, and south of Hampton Hills Subdivision in Section 25, T8N-R2E. John Jordan, President of Community First, appeared on behalf of the Petitioner. This matter was tabled from the March meeting. Mr. Jordan stated that he did meet with the homeowners and that nothing really was resolved at the meeting. He said that the main two issues were with the entrances into the proposed subdivision and the swimming pool. Steven Land spoke on behalf of the Hampton Hills Homeowners' Association. He confirmed that they had met with Mr. Jordan and that the Hampton Hills Homeowners had met on two different occasions to vote on this issue. He said overall, the Association had voted against the rezoning. He said the main concern was the lot and house size. The homeowners feel they were promised that this area would have larger homes and lot sizes. Zoning Administrator Sellers inquired whether the Association would still be opposed if the development was completely separated and there was no connecting entrance into Hampton Hills. Mr. Land stated that he would have to meet with the Association before he could speak on behalf of them. Mr. Jordan stated that he owns the land that connects to this area and that it is already zoned what he is requesting for this area today. He thinks it would be consistent with the surrounding areas. He also stated that he doesn't have a problem separating the two subdivisions. He further stated that he thinks the property is conducive to what he is requesting zoning and that if he built a pool, it would be ready by next summer. Mr. Land again addressed the Commission and stated that the pool wasn't as big of an issue as the lot and house size. Attendee Betsy Sholtis addressed the Commission and stated that she didn't think this land could be rezoned again because it was previously rezoned years ago. She also thinks that these homeowners were promised larger lots and houses and now that is not what is being built. Mr. Weaver too addressed the Commission and stated that he was the original developer and stated that the Board had changed since the time when larger lots were promised and the current Board is now approving what Mr. Jordan is requesting today. Mr. Hugo Newcomb, owner of the land, also addressed the Commission. He presented a letter to the Commission, a copy of which is attached hereto as Exhibit "D." Commissioner Walters stated that she appreciated that everyone had met and tried to reach a conclusion. However, since no resolution was reached, it is now in the hands of the Commission to decide. She further stated that because there are smaller square footage homes in this area, she is going to make a motion to approve the Petition. Upon motion by Commissioner Walters to approve the Petition contingent that the two subdivisions, Sweetbriar and Hampton Hills, are completely separated and, the streets in Hampton Hills are terminated by cul-de-sac by the petitioner, seconded by Commissioner Spiro, with all voting "aye", the motion to approve the Petition passed.

There next came on for consideration the petition to approve the site plan of Little School Daycare in Galleria Parkway. This material has previously been presented to the City of Madison. Richard Ambersceno appeared on behalf of the petitioner. He stated that the school is going to be very nice. Commissioner Spiro inquired regarding this area being annexed with the City of Madison. Zoning Administrator Sellers stated that the Order had not yet been entered so this is still county property. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", the motion to approve the site plan passed.

There next came on for consideration the petition to approve the site plan of Storage Depot, LLC which is located on Gluckstadt Road. Richard Newman appeared on behalf of petitioner. He stated that they wish to add three new buildings, one on the original site and two on a parcel zoned C-2 that adjoins on the west side, per the site plan provided. Upon motion by Commissioner Amadio, seconded by Commissioner Spiro, with all voting "aye", the motion to approve the site plan passed.

There next came on for consideration the preliminary plat of Mannsdale Park located on Highway 463. Robert Case and David Cox appeared on behalf of the petitioner. This is a commercial subdivision with 6 lots, 15 acres, that is zoned C-1 Commercial. Upon Motion by Commissioner Amadio to approve the preliminary plat, seconded by Commissioner Brown, with all voting "aye", the motion to approve the preliminary plat passed.

There next came on for consideration the approval of the attorney's fees. Upon Motion by Commissioner Spiro, seconded by Commissioner Amadio, with all voting "aye", the Motion to approve the attorney's fees passed.

There next came on for consideration the setting of the May meeting. Zoning Administrator Sellers stated that it would be May 8, 2008.

With there being no further business, the meeting adjourned at 11:30 a.m.

Date

(Chairman)