

**MINUTES OF THE MADISON COUNTY PLANNING AND  
ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 13<sup>th</sup> DAY OF MARCH, 2008 AT 9:00 A.M.  
AT THE MADISON COUNTY COURTHOUSE**

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BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 13<sup>th</sup> day of March, 2008, at 9 a.m. in the Madison County Courthouse.

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 February 14, 2008 meeting. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", the motion to approve the Minutes passed.

There next came on for consideration the Petition to rezone R-1 Residential to C-2 Highway Commercial located on Highway 51 at Section 14, T8N-R2E. The property is approximately 13.5 acres and petitioners wish to rezone this property to sale and have no development plans. Mr. Spivey appeared on behalf of the Petitioner, Yvonne Henry. There is no opposition to this rezoning from the adjoining landowners. He stated that everything else in this area is zoned as C-2 and the highest and best use of the property would therefore be C-2. Zoning Administrator Sellers stated that he had not received any complaints about this rezoning. Commissioner Walters inquired regarding why Petitioner was requesting C-2 instead of C-1. Petitioner explained that C-2 was the highest and best use of the property. Zoning Administrator Sellers explained that everything else in this area is commercial and this would conform to what already exists in the area. Mr. Morgan is the immediate adjoining landowner and he was present and stated that he had no objections to the rezoning. Upon motion by Commissioner Amadio to amend the land use plan and rezone to C-2 Highway Commercial, seconded by Commissioner Spiro, with all voting "aye", the motion to approve the petition passed.

There next came on for consideration the Petition of Pleasant Green M. B. Church for a Special Exception to establish a cemetery. The land is located on Highway 43, Section 22 at T10N-R4E. John Beamon appeared on behalf of the Petitioner. He stated that they have purchased 46.5 acres on Highway 43 and they wish to establish a church cemetery on 5 acres of this A-1 zoned property. Zoning Administrator Sellers explained that he had gotten one phone call from a party who inquired regarding the cemetery as it backs up to her property. Petitioner has agreed to include a 30 feet buffer between the

cemetery and her land in which Petitioner will plant trees. Mr. Sellers further explained that the caller had been provided the date and time of the meeting and she isn't present. Petitioner stated that the remainder of the 46.5 acres will not be developed right now. Upon motion by Commissioner Brown to approve the Special Exception, seconded by Commissioner Walters, with all voting "aye", the motion to approve the Special Exception 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. He stated that the request is to develop a residential subdivision and will be similar to the existing and Phase II of Sweet Briar. The minimum square footage will be 1,600 square foot homes, same as Phase I. Commissioner Spiro inquired regarding who would comprise the architectural review committee, and at what point and at what percentage the Home Owners' Association would take charge. Petitioner replied that he and the other principles would comprise the committee and stated that he wasn't positive at what point the Home Owners' Association would take over but that at 75% seemed fair. He stated he would be willing to do whatever the Commission suggested. Commissioner Spiro stated that he thinks it should be at 65% and that it should be included in the covenants. Commissioner Walters inquired regarding the number of lots and Mr. Jordan replied about 150 with a clubhouse, pool and park. Questions were solicited from the attendees. Shane Lang of Hampton Hills inquired regarding whether this subdivision would be connected to Hampton Hills and Mr. Jordan replied that they would be separate. Zoning Administrator Sellers inquired regarding whether you would eventually be able to access Hampton Hills from this subdivision and Mr. Jordan stated that you would be able to go from one subdivision to the other. Mr. Lang presented a petition from 42 of the home owners' in Hampton Hills opposed to this development. The petition is attached hereto as Exhibit "A." Next, attendee Grady Portera inquired as to whether the gravel county road would eventually be paved to which Mr. Jordan stated that it would be. Mr. Portera further stated that when he built in Hampton Hills, he thought Phase III would be bigger homes and with Hampton Hills having minimum square footage of 1,800, he is worried about his property value being decreased with this development. Next, attendee Tim Weaver addressed the Commission and he stated that he is the developer of Hampton Hills and owner of over 50% and said it has never been represented to the Hampton Hills' Homeowners what Phase III would be comprised of. He further stated that he is in favor of this development.

Ryan Creek also addressed the Commission and he too is a Hampton Hills' homeowner. He said that he thought this land was originally going to be a part of the Hampton Hills' development. Zoning Administrator Sellers explained that the original petition to rezone this land did have larger lots and was part of the Hampton Hills plan but it never actually became part of Hampton Hills. Attendee William Hudson also addressed the Commission and stated that he too is a Hampton Hills' landowner and he is worried about the subdivisions being connected and he thinks at the very least they should be separated. He said that he thought Phase III was supposed to be 2,400 square foot minimum homes

and he just bought his 2,800 square foot home and is concerned regarding his property value. Next, attendee Lydia Bogan addressed the Commission and said she too was worried about her property value. She further stated that Hampton Hills was promised a pool which has never been done. Mr. Weaver again addressed the Commission and stated that to be competitive in the market, the lots need to be quarter acre rather than half or one-third acre lots. Attendee Bill Bramlet of Hampton Hills also addressed the Commission and stated that while he understood the dilemma for the developers, he thinks the market will turn around. He thinks the development will hurt his and others' property value because most who moved to Hampton Hills were told larger homes would be built, not smaller. Mr. Jordan then addressed the Commission and questions posed by the attendees. He stated that he's been a developer for many years and this is the first time he's experienced any opposition. He stated that with the current market state, he thinks it most economical to build with the 1,600 square footage minimum. He said most people will build larger homes and that his focus has always been on quality and not quantity. He said he wants to improve the neighborhood with this development. He said he would be open to possibly combining the home owners' associations from both subdivisions to share a larger pool and clubhouse. He said that the subdivisions would be connected by a road but he thinks for safety purposes in getting emergency vehicles around, it would be best for safety purposes. Commissioner Walters stated that it seemed both sides were willing to negotiate but it doesn't seem like anyone has tried to work any of the details out to date. She further stated that she doesn't feel comfortable voting at this time until such details are discussed and addressed. The Commission agreed. Upon motion by Commissioner Walters to table this petition until the parties can meet to work out details, seconded by Commissioner Spiro, with all voting "aye", the motion to table this petition until the next meeting passed. Zoning Administrator Sellers explained that this would be the first item on the next meeting's agenda on April 10, 2008.

There next came on for consideration the petition of Bo Coney for a variance to rear setback at Lot 82 at Hatheway Lake, phase 1-b, Olympus Court. He wishes to construct a deck adjoining the rear of the residence. The setback is 25 feet and this deck will encroach approximately 12 feet into the setback. A letter was furnished by the Homeowners' Association with no objections to the variance. Upon motion by Commissioner Walters to approve the variance, seconded by Commissioner Spiro, with all voting "aye", the motion to approve the variance passed.

There next came on for consideration the petition to approve the site plan of Ful-Atlantic at Lot 9, Lone Wolf Commercial/Business Park. Harold Calloway appeared on behalf of the petitioner. He stated that the addition will be to the existing building and will look exactly the same as the existing building, just larger. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, 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 Madison South Rubbish Landfill, Inc. for an equipment/site manager office on North County Line Road. Wayne Russell is the project manager and appeared on behalf of the

petitioner. Commissioner Walters inquired regarding the size and petitioner stated about 5,000 square feet. Zoning Administrator Sellers explained that he had no calls or objections. Upon motion by Commissioner Amadio, seconded by Commissioner Brown, with all voting "aye", the motion to approve the site plan passed.

There next came on for consideration the consideration of the November 15, 2007 meeting minutes. Zoning Administrator Sellers explained that he had recovered the remaining minutes but he was unable to locate the November meeting minutes. No changes were proposed to the minutes by the Commission. Upon Motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", the motion to re-approve the November 15, 2007 meeting minutes passed.

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

There next came on for consideration the setting of the April meeting. Zoning Administrator Sellers stated that it would be April 10, 2008.

There will be another March meeting regarding Lake Caroline on March 27, 2008 in the new building.

With there being no further business, the meeting adjourned at 10:15 a.m.

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Date

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(Chairman)