

**MINUTES OF THE MADISON COUNTY PLANNING AND
ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 15th DAY OF MAY, 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 15th day of May, 2008, at 9 a.m. in the Madison County Chancery Building.

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

Absent: Sidney Spiro

There first came on for consideration the Minutes of the April 10, 2008 meeting. Zoning Administrator Sellers proposed changes which were made. Upon motion by Commissioner Walters, seconded by Commissioner Brown, with all voting "aye", the motion to approve the Minutes with the proposed changes made 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. This matter was tabled from the April 10, 2008 meeting for the parties to work out an agreement. An agreement was reached and the parties presented same to the Commission. This agreement states that the Petitioner agrees to waive the distance restriction imposed regarding development near a church. A copy of the Waiver of Distance Restrictions is attached hereto as Exhibit "A." Jim Crews appeared on behalf of Grogan family. Larry Thomas appeared on behalf of the Petitioner. Upon motion by Commissioner Walters, seconded by Commissioner Brown, with all voting "aye", the motion to approve the Special Exception 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. This matter was tabled from the April 10, 2008 meeting for the parties to try and resolve any disputes. Zoning Administrator Sellers presented a letter from Mr. Cottrell to the Commission withdrawing his application for rezoning at this time. A copy of the letter is attached hereto as Exhibit "B."

There next came on for consideration the Petition of Hope Hollow Ministry for a Special Exception to operate a Public/Quasi-Public facility in the A-1 District. The location of this property is 910 Catlett Road at Section 6, T8N-R2E. The petitioner wishes to provide a place where children and adults with and without physical and mental disabilities may enjoy unique camping, environmental and retreat experiences. Zoning Administrator Sellers stated that this is the only use that will be allowed for the property. If petitioner wishes to do anything else with the property, they will have to come back and get approval. Commissioner Walters inquired regarding the capacity of the camp. Mike Phelps appeared on behalf of the petitioner and stated that there would be room for 12 campers and some youth helpers. Upon motion by Commissioner Walters, seconded by Commissioner Brown, with all voting "aye", the motion to approve the Special Exception passed.

There next came on for consideration the Petition of Eric Malouf for a conditional use in the C-1 District. The location of this property is at 160 Weisenberger Road. The petitioner plans to open and operate a restaurant and add a drive-through service. The zoning ordinance allows drive-through service as a conditional use of C-1 District. Mr. Malouf appeared on behalf of the petitioner. Commissioner Walters inquired regarding whether there was any opposition. Zoning Administrator Sellers stated that all of the calls he had gotten were just asking when it would be open. Commissioner Amadio inquired regarding the type of restaurant and petitioner stated it would have a variety of foods including deli sandwiches, ribs and catfish. He said they would have good quality food fast. Upon motion by Commissioner Amadio to approve the conditional use, seconded by Commissioner Brown, with all voting "aye", the motion passed.

There next came on for consideration the Petition of Madison County Economic Development Authority to rezone R-1 Residential to I-2 Industrial. The location of the property is Church Road, section 2, T8N-R2E. This .83 acre tract was erroneously omitted when the property was previously rezoned to I-2. Zoning Administrator Sellers stated that everything else in the area was zoned I-2. Mr. Stringer appeared on behalf of the petitioner. Commissioner Amadio inquired regarding any opposition to the petition to which Zoning Administrator explained there was not and that everything else in the area is I-2 and this was simply an oversight when the property was previously rezoned. He stated that the land use plan already shows the land as I-2. Upon motion by Commissioner Walters to approve the Petition, seconded by Commissioner Amadio, with all voting "aye", the motion to approve the Petition passed.

There next came on for consideration the petition of Eric Demond Wilson for a Special Exception to relocate an existing residential structure to a R-1 Residential District. Mrs. Wilson appeared on behalf of the petitioner. Pictures of the existing residential structure were submitted with the petition. Zoning Administrator Sellers explained that the Board requires approval for this to make sure that properties are maintained and not allowed to deteriorate. Commissioner Walters inquired regarding the structure of the home to which Mr. Sellers stated that he believed it was structurally sound. Commissioner Brown inquired regarding whether the home was move-in ready. Petitioner stated that it would require some work but it was in really good condition. Petitioner requested 6 months to

complete renovations of the property. Mr. Sellers explained that 3 months or 90 days is the normal amount of time that is allowed and Petitioner stated this would be acceptable. Mr. Sellers further explained that if it took longer than 3 months, petitioner would have to come back for an extension to complete the renovations. Upon motion by Commissioner Brown to approve the petition, seconded by Commissioner Walters, with all voting "aye" (with the exception of Chairman Luckett who did not participate in the petition process due to a conflict because he knows the petitioner), the motion to approve the petition passed.

There next came on for consideration the petition to approve the site plan of Pace Commercial Office, located at Lot 1, Mannsdale Park, Highway 467. Mr. Morgan is the architect and he appeared on behalf of the petitioner and presented the plans for the building. The plans are to construct an office building. Commissioner Walters inquired regarding whether there was any opposition to this building to which Zoning Administrator Sellers stated there was not. Upon motion by Commissioner Amadio to approve the site plan, 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 Garrett & Son, Inc. Mr. Peacock appeared on behalf of the petitioner. The property is located at 130 American Way in Gluckstadt. This is an addition to an industrial building which will look like the existing building. They are simply needing to expand because the business is growing. They rebuild transformers. Upon motion by Commissioner Walters to approve the site plan, seconded by Commissioner Amadio, 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 Larry Smith-Vaniz located at Old Jackson Road. Jim Jones appeared on behalf of the petitioner and stated that they wish to construct an office building in this location. The plans were submitted. Upon motion by Commissioner Walters to approve the site plan, seconded by Commissioner Brown, with all voting "aye", the motion to approve the site plan passed.

There next came on for consideration the preliminary plat of Kemper Creek, phase 2. Zoning Administrator explained that the plans had already been approved but that for each phase, it is required that the petitioner come back for approval. Mr. Sellers further explained that this was a hard piece of property to develop and this was the best use of the property. 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 Walters, seconded by Commissioner Brown, with all voting "aye", the Motion to approve the attorney's fees passed.

There next came on for consideration the setting of the June meeting. Zoning Administrator Sellers stated that it would be June 12, 2008.

With there being no further business, the meeting adjourned at 9:55 a.m.

6/12/08
Date

Pamela Luchet
(Chairman)

STATE OF MISSISSIPPI

COUNTY OF MADISON

WAIVER OF DISTANCE RESTRICTIONS

WAIVER OF DISTANCE RESTRICTIONS entered into on this 15th day of May, 2008, by True Faith Fellowship Missionary Baptist Church ("Church").

1. Church has filed a Petition for Special Exception with the Madison County Planning Commission, seeking authority to construct and operate a church as a public/quasi-public facility on a five (5) acre parcel located at the southeast corner of the intersection of Highway 51 and Davis Crossing Road in Section 28, Township 10 North, Range 3 East. The Church property is partially zoned C-2 commercial and partially A-1 agricultural.

2. William N. Grogan, Sr., William N. Grogan, Jr. and Allison Grogan Crews ("Grogans"), are the owners of tax parcels 103D-20-19 and 103E-21-1/03, which are located at the northwest corner of the intersection of Highway 51 and Davis Crossing Road. The Grogan tracts are diagonally across the intersection from the Church tract.

3. Grogans desire to allow Church to proceed with its plans, subject to Church's agreement to waive certain distance restrictions that might otherwise impair or impede the future commercial development of the Grogan tracts. Church does not desire to undertake any actions that would impair or impede the future commercial development of the Grogan tracts.

4. On July 23, 1995, the Madison County Board of Supervisors enacted a Regulation Regarding Location of Alcoholic Beverage Sales that provided as follows:

No authority shall be granted to any person or entity to manufacture, sell or store for sale any alcoholic beverage (including beer, wine or other liquor) within 400 feet of any church, school or funeral home. However, with an area zoned commercial, such minimum distance shall not be less than 100 feet.

A church or funeral home may waive the distance restrictions to authorize the manufacturing, sale or storage of alcoholic beverages which could otherwise be prohibited under the minimum distance criterion. Such waiver shall

be in written form from the owner, the governing body, or the appropriate officer of the church, or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the Madison County Board of Supervisors before becoming effective.

5. Church hereby waives the distance restrictions to authorize the manufacturing, sale or storage of alcoholic beverages which could otherwise be prohibited under the minimum distance criterion with respect to the Grogan tracts, in order that Grogans and/or their successors in interest may proceed with commercial development of their property at such time as they deem appropriate.

6. Church hereby agrees that this Waiver of Distance Restrictions shall be made a part of any Order entered by the Madison County Planning Commission and/or the Madison County Board of Supervisors granting Church's petition for special exception. Church further agrees that it shall take all reasonable and necessary steps to ensure that this Waiver of Distance Restrictions shall be filed and verified with the Madison County Board of Supervisors.

WITNESS OUR SIGNATURE, this 15TH day of May, 2008.

TRUE FAITH FELLOWSHIP MISSIONARY
BAPTIST CHURCH

By: Larry Thomas

Title: TRUSTEE / DEACON

STATE OF MISSISSIPPI

COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state on this 15TH day of MAY, 2008, within my jurisdiction, the within named LARRY THOMAS, who acknowledged that he is TRUSTEE / DEACON of True Faith Fellowship Missionary Baptist Church, and that in said representative capacity he executed the above and foregoing instrument, after first having been duly authorized to do so.


NOTARY PUBLIC

MY COMMISSION EXPIRES:

March 10, 2009
(SEAL)

May 5, 2008

Mr. Brad Sellers, Administrator
Planning and Zoning
Madison Co. Board of Supervisors
P.O. Box 608
Canton, Mississippi 39046

RE: Lambuth Subdivision

Dear Mr. Sellers,

Thanks for your assistance in attempting to get our property rezoned on Pearl River Church Road in Madison County, Mississippi. At this time, I wish you would remove the application for rezoning until further notified. Again, thank you for your assistance.

Sincerely,

THWEATT CONSTRUCTION, INC.


Hugh T. Cottrell