

APPLICATION FOR REZONING

R-1 to C-2

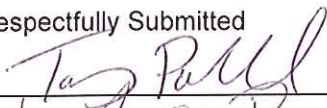
| | |
|---|--|
| Name and Address of Applicant: TERRY POWELL POWELL 137 ASHTON PARK BLVD. MADISON, MS 39110 | PROPERTY ADDRESS: 2344 Hwy 51 MADISON, MS |
|---|--|

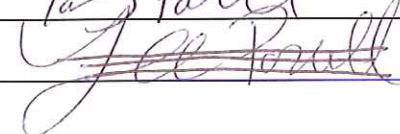
| APPLICATION DATE | Present Zoning of Property | Legal Description of Property: | TAX PARCEL NUMBER | FLOOD ZONE | MAP/PLAT OF PROPERTY |
|------------------|----------------------------|--------------------------------|-------------------|------------|----------------------|
| 11-28-18 | R-1 | See (Exhibit A) | 082A-11-011/01.0 | X | See (Exhibit B) |

Other Comments: As per Article 2606 of the Madison County Zoning Ordinance.

Comments

Respectfully Submitted





Petition submitted to Madison County Planning and Development Commission on _____

Recommendation of Madison County Planning and Development Commission on Petition _____

Public Hearing date as established by the Madison County Board of Supervisors _____

Final disposition of Petition _____

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON
STATE OF MISSISSIPPI

IN THE MATTER OF REZONING OF
CERTAIN LAND SITUATED IN SECTION 11
TOWNSHIP 8 NORTH, RANGE 2 EAST/WEST
MADISON COUNTY, MISSISSIPPI

PETITIONER: TERRY POWELL

PETITION TO REZONE AND RECLASSIFY REAL PROPERTY

Comes now TERRY POWELL, owner of the hereinafter described land and property, and files this petition with the Board of Supervisors of Madison County, Mississippi, to rezone and reclassify a tract or parcel of land situated in Section 11 Township 8 N, Range 2, Madison County, Mississippi, more particularly described as follows, to-wit:

SEE EXHIBIT A

from its present Zoning District Classification of P-1 District to a C-2 District, in support thereof would respectfully show as follows, to-wit:

1. The subject property consists of 4.82 acres.
2. The zoning proposed (~~is~~) is not in compliance with the adopted Land Use and Transportation Plan of Madison County, but is the highest and best use.
3. List of changes or conditions that support rezoning:

SEE EXHIBIT ~~B~~ E

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that this petition be received, and after due consideration, the Board of Supervisors of Madison County will enter an order amending the land use plan to reflect C-2 zoning and reclassifying this property from its present ~~R-1~~ District classification to a C-2 District.

Respectfully submitted, this the 29 day of November, 2018.

Tom Bell, Petitioner

LIST OF PROPERTY OWNERS WITHIN 160 FEET OF
SUBJECT PROPERTY

1.

MELISSA MALOUF PLLC
501 E CAPITOL ST
JACKSON, MS 39201

2.

LEWIS WILLIAM -EST-
C/O PEARLINE BURNS
10072 WEST
LANCASTER DR
SUN CITY, AZ 85351

3.

JONATHAN K BERRY
ETUX ERICA M
39 WINTERGREEN RD
MADISON, MS 39110

4.

JAMES STEVENS &
SANDRA L
2320 HWY 51
MADISON, MS 39110

5.

ODESSA THOMPSON
731 FOREST AVENUE
JACKSON, MS 39206

6.

MICHAEL BLAKE
BURCHFIELD
148 LONG PINE RD.
CANTON, MS 39046

7.

MYRTIS SIMPSON
2335 HWY 51
MADISON, MS 39110

8.

FLOYD BOULDIN
2321 HWY 51
MADISON, MS 39110

EXHIBIT "A"

A PARCEL OF LAND CONTAINING 4.82 ACRES (209,972.55 SQUARE FEET), MORE OR LESS, BEING SITUATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 8 NORTH, RANGE 2 EAST, MADISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT A FOUND CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 11; RUN THENCE NORTH 89 DEGREES 44 MINUTES 29 SECONDS EAST TO AN IRON PIPE; THENCE NORTH 89 DEGREES 44 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 109.70 FEET TO AN IRON PIN ON THE EASTERN RIGHT OF WAY LINE OF U.S. HIGHWAY 51; THENCE RUN ALONG SAID RIGHT OF WAY NORTH 23 DEGREES 45 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 531.20 FEET TO AN IRON PIN MARKING THE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE NORTH 23 DEGREES 45 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 190.80 FEET TO AN IRON PIN; THENCE LEAVE SAID RIGHT OF WAY AND RUN SOUTH 77 DEGREES 53 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 962.70 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES 00 SECONDS EAST FOR A DISTANCE 465.90 FEET TO AN IRON PIN; THENCE WEST FOR A DISTANCE OF 51.47 FEET TO AN IRON PIN; THENCE NORTH FOR A DISTANCE OF 256.80 FEET; THENCE NORTH 75 DEGREES 13 MINUTES 00 SECONDS WEST FOR DISTANCE OF 577.80 FEET; THENCE NORTH 77 DEGREES 46 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 420.10 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"
PAGE 1

SPACE ABOVE THIS LINE FOR RECORDING USE ONLY

STATE OF MISSISSIPPI
COUNTY OF MADISON

Prepared by and Return to:

1200
#614
Home-LAND

Brad D. Wilkinson Esq.
Wilkinson Law Firm, P.C.
511 Keywood Circle
Flowood, MS 39232
601-355-0005
MS Bar # 10285

Grantor: Michael E. Palmer and
Justin L. Palmer
201 Dover Lane
Madison MS 39110
(601) 946-2525

Grantee: Terry Powell
137 Ashton Park Blvd
Madison MS 39110
(601) 720-5000

INDEXING INSTRUCTIONS:

PART OF THE SE ¼ OF THE SW ¼ OF SECTION 11, TOWNSHIP 8 NORTH, RANGE 2
EAST, MADISON COUNTY, MISSISSIPPI.

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and
other good, legal and valuable consideration, the receipt and sufficiency of which is hereby
acknowledged, we, the undersigned, MICHAEL E. PALMER AND JUSTIN L. PALMER,
GRANTORS, do hereby Grant, Bargain, Sell, Convey, and Warrant unto TERRY POWELL,
GRANTEE, that certain land and property situated and being in MADISON County, Mississippi, to-
wit:

A PARCEL OF LAND CONTAINING 4.82 ACRES (209,972.55 SQUARE FEET), MORE OR LESS, BEING
SITUATED IN THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 11, TOWNSHIP 8 NORTH,
RANGE 2 EAST, MADISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT A FOUND CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF
SECTION 11; RUN THENCE NORTH 89 DEGREES 44 MINUTES 29 SECONDS EAST TO AN IRON
PIPE; THENCE NORTH 89 DEGREES 44 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 109.70
FEET TO AN IRON PIN ON THE EASTERN RIGHT OF WAY LINE OF U. S. HIGHWAY 51; THENCE
RUN ALONG SAID RIGHT OF WAY NORTH 23 DEGREES 45 MINUTES 05 SECONDS EAST FOR A

EXHIBIT "B"
PAGE 2

DISTANCE OF 531.20 FEET TO AN IRON PIN MARKING THE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE NORTH 23 DEGREES 45 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 190.80 FEET TO AN IRON PIN; THENCE LEAVE SAID RIGHT OF WAY AND RUN SOUTH 77 DEGREES 53 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 962.70 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 465.90 FEET TO AN IRON PIN; THENCE WEST FOR A DISTANCE OF 51.47 FEET TO AN IRON PIN; THENCE NORTH FOR A DISTANCE OF 256.80 FEET; THENCE NORTH 75 DEGREES 13 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 577.80 FEET; THENCE NORTH 77 DEGREES 46 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 420.10 FEET TO THE POINT OF BEGINNING.

This conveyance, however, is subject to Prior Reservations of oil, gas and other minerals; any and all Easements, Right-of-Way and Dedication of record affecting same and any and all Protective or Restrictive Covenants and Building restrictions of record affecting same.

Ad valorem taxes are being prorated between the parties as of this date.

EXHIBIT "B"
PAGE 3

WITNESS THE SIGNATURE(S) of the Grantor(s), this the 8th day of May, 2012.

~~_____
MICHAEL E. PALMER~~

Justin L. Palmer

JUSTIN L. PALMER

STATE OF MISSISSIPPI
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named ~~MICHAEL E. PALMER AND~~ JUSTIN L. PALMER, who acknowledged that they signed, sealed and executed that above and foregoing Warranty Deed on the day and year therein, mentioned, as their free and voluntary act and deed, for the purposes therein expressed.

Given under my hand and official seal, this the 8TH day of May, 2012.




Bradd Wilkinson

NOTARY PUBLIC

EXHIBIT "B"
PAGE 4

WITNESS THE SIGNATURE(S) of the Grantor(s), this the 9th day of May, 2012.


MICHAEL E. PALMER

STATE OF MISSISSIPPI
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named **MICHAEL E. PALMER** who acknowledged that he signed, sealed and executed that above and foregoing Warranty Deed on the day and year therein mentioned, as his free and voluntary act and deed, for the purposes therein expressed.

Given under my hand and official seal, this the 9TH day of May, 2012.




NOTARY PUBLIC

EXHIBIT "E"

A list of changes or conditions that support the rezoning are as follows:

(1) There has been change in the character of the neighborhood as development and construction has occurred on adjacent parcels and along Highway 51 and Sowell Road. The traffic and noise and lights of the new baseball facility along the north property line of the subject property, conflict with the practical and expected peaceful use of the current zoning.

(2) The character of the neighborhood had changed to such an extent as to justify reclassification, and there is a public need for rezoning.

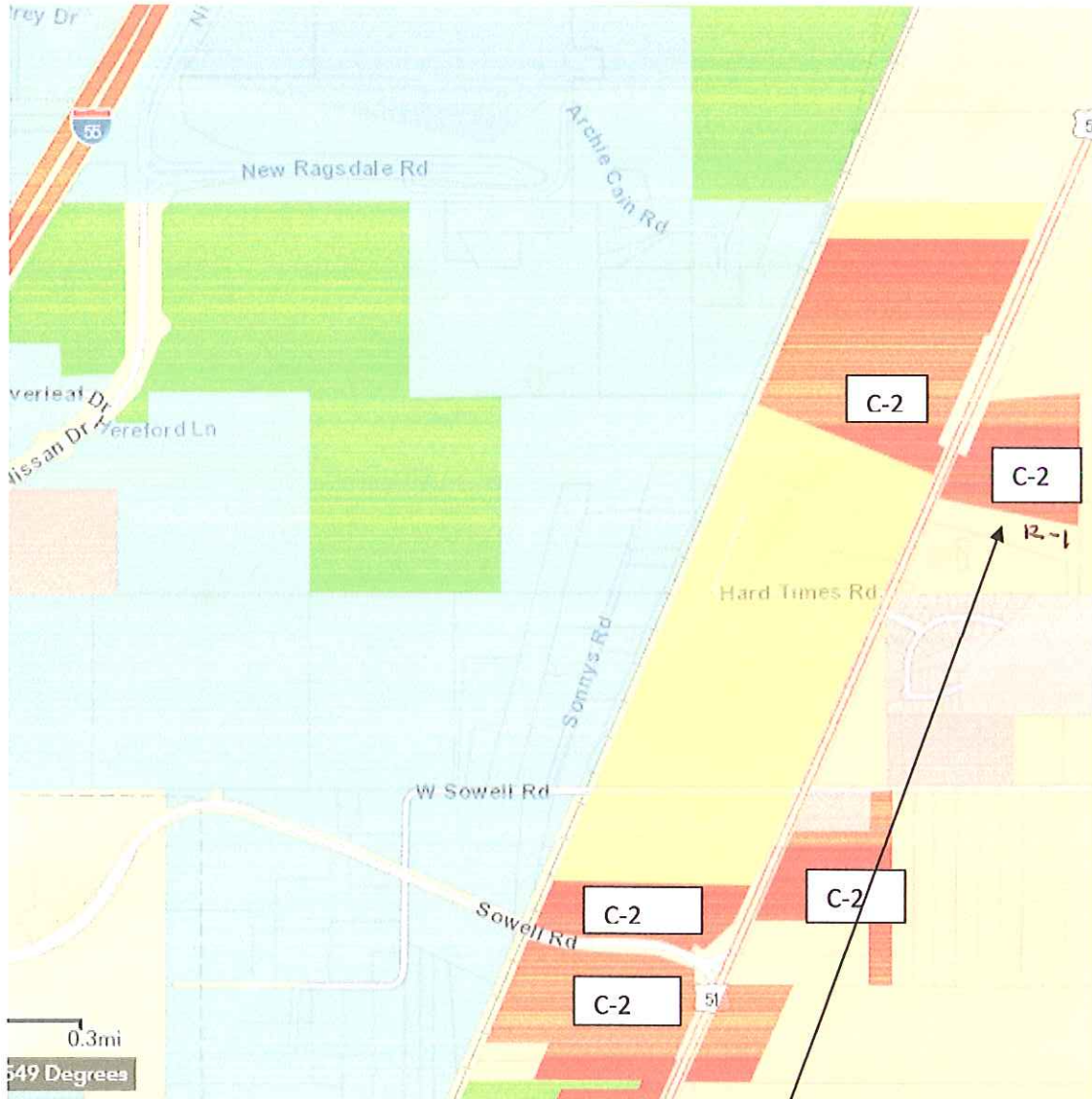
(3) Adjacent parcels to the north and nearby parcels were recently rezoned from R-1 to C-2

(4) Recent nearby rezoning from R-1 to C-2 designation include landowners Phoenix Development LLC, Michael Burchfield, Ricky Norton, Sunflower Farms, Lloyd Parker.

(5) The property owned by Terry Powell is planned to be used as a Landscape Architecture design/ build showroom office and community garden. This parcel will benefit from the C-2 designation.



EXHIBIT C- LOCATION MAP



SUBJECT PROPERTY

EXHIBIT D- MADISON COUNTY ZONING MAP

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| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |
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LEWIS WILLIAM EST C/O PEARLWE BURNS

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PETITION FOR REZONING- MADISON COUNTY, MISSISSIPPI

Date November 29, 2018

Applicant's Name: Terry Powell

Mailing Address:

137 Ashton Park Blvd

Madison, MS 39110

Present Zoning Classification of Property: R-1

Proposed Zoning Classification of Property: C-2

Legal Description of Property:

SEE EXHIBIT "A" ATTACHED HERETO

This petition for re-zoning a 4.82 Acre parcel described in EXHIBIT "A" herein. The currently zoned Residential Estate District (R-1). The amendment will allow for the parcel to be developed for its highest and best use as Highway Commercial District (C-2) .

The adjoining property to the North and within 160 ft include the property owners of land to be given notice of the hearing date for this petition, all zoned Highway Commercial District (C-2) and depicted as High Intensity Commercial on the adopted Land Use and Transportation plan of Madison County. Property owners to be given notice of the hearing date for this petition are as follows: (1) MELISSA MALOUF PLLC; (2) City of Canton, Mississippi whose corporate boundaries are within one mile of the subject property.

The adjoining property to the East and within 160 ft include the property owners of land to be given notice of the hearing date for this petition, all zoned Residential Estate District (R-1). Property owners to be given notice of the hearing date for this petition are as follows: (1) LEWIS WILLIAM -EST-C/O Pearline Burns.

The adjoining properties to the South and within 160 ft include the property owners of land to be given notice of the hearing date for this petition, all zoned Residential Estate District (R-1). Property owners

to be given notice of the hearing date for this petition are as follows: (1) JAMES & SANDRA L STEVENS; (2) ODESSA THOMPSON .

The adjoining properties to the South and within 160 ft include the property owners of land to be given notice of the hearing date for this petition, all zoned PUD . Property owners to be given notice of the hearing date for this petition are as follows: (1) JONATHAN K BERRY ETUX ERICA M

The adjoining properties to the northwest and within 160 ft, is separated by HWY 51 Right Of Way but includes the property owners of land to be given notice of the hearing date for this petition, all zoned all zoned Highway Commercial District (C-2) and depicted as High Intensity Commercial on the adopted Land Use and Transportation plan of Madison County (C-2). Property owners to be given notice of the hearing date for this petition are as follows: (1. MICHAEL BLAKE BURCHFIELD.

The adjoining properties to the west and within 160 ft, is separated by HWY 51 Right Of Way but includes the property owners of land to be given notice of the hearing date for this petition, all zoned MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2). Property owners to be given notice of the hearing date for this petition are as follows: (1) MYRTIS SIMPSON; (2) FLOYD BOULDIN.

The Warranty Deed of petitioned parcel is attached as EXHIBIT "B"

A map showing the location of the property is attached as EXHIBIT "C"

A Zoning Map showing the zoning classifications of the subject property and the surrounding properties attached as EXHIBIT "D"

The approval of this Official Zoning Map Amendment will enable this are to grow and further meet the needs of the citizens of Madison County and its surrounding areas.

WHEREFORE PREMISES CONSIDERED, Petitioner respectfully requests that this Petition be received, and after due consideration, the Board of Supervisors of Madison County , MS will amend the Land Use Plan to reflect the subject property as High Intensity Commercial and reclassify this property from its present zoned Residential Estate District (R-1) Classification to Highway Commercial Distict (C-2) Classification.

RESPECTIVELY SUBMITTED, this the 30th day of November, 2018.



Terry Powell, OWNER

137 Ashton Park Blvd.

Madison, MS 39110

PETITION FOR REZONING- MADISON COUNTY, MISSISSIPPI

Date November 29, 2018

Applicant's Name: Terry Powell

Mailing Address:

137 Ashton Park Blvd

Madison, MS 39110

Present Zoning Classification of Property: R-1

Proposed Zoning Classification of Property: C-2

Legal Description of Property:

SEE EXHIBIT: "A" ATTACHED HERETO

This petition for re-zoning a 4.82 Acre parcel described in EXHIBIT "A" herein. The currently zoned Residential Estate District (R-1). The amendment will allow for the parcel to be developed for its highest and best use as Highway Commercial District (C-2) .

The adjoining property to the North and within 160 ft include the property owners of land to be given notice of the hearing date for this petition, all zoned Highway Commercial District (C-2) and depicted as High Intensity Commercial on the adopted Land Use and Transportation plan of Madison County. Property owners to be given notice of the hearing date for this petition are as follows: (1) MELISSA MALOUF PLLC; (2) City of Canton, Mississippi whose corporate boundaries are within one mile of the subject property.

The adjoining property to the East and within 160 ft include the property owners of land to be given notice of the hearing date for this petition, all zoned Residential Estate District (R-1). Property owners to be given notice of the hearing date for this petition are as follows: (1) LEWIS WILLIAM -EST-C/O Pearline Burns.

The adjoining properties to the South and within 160 ft include the property owners of land to be given notice of the hearing date for this petition, all zoned Residential Estate District (R-1). Property owners

to be given notice of the hearing date for this petition are as follows: (1) JAMES & SANDRA L STEVENS; (2) ODESSA THOMPSON .

The adjoining properties to the South and within 160 ft include the property owners of land to be given notice of the hearing date for this petition, all zoned PUD . Property owners to be given notice of the hearing date for this petition are as follows: (1) JONATHAN K BERRY ETUX ERICA M

The adjoining properties to the northwest and within 160 ft, is separated by HWY 51 Right Of Way but includes the property owners of land to be given notice of the hearing date for this petition, all zoned all zoned Highway Commercial District (C-2) and depicted as High Intensity Commercial on the adopted Land Use and Transportation plan of Madison County (C-2). Property owners to be given notice of the hearing date for this petition are as follows: (1. MICHAEL BLAKE BURCHFIELD.

The adjoining properties to the west and within 160 ft, is separated by HWY 51 Right Of Way but includes the property owners of land to be given notice of the hearing date for this petition, all zoned MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2). Property owners to be given notice of the hearing date for this petition are as follows: (1) MYRTIS SIMPSON; (2) FLOYD BOULDIN.

A list of changes or conditions that support the rezoning are as follows:

(1) There has been change in the character of the neighborhood as development and construction has occurred on adjacent parcels and along Highway 51 and Sowell Road. The traffic and noise and lights of the new baseball facility along the north property line of the subject property, conflict with the practical and expected peaceful use of the current zoning.

(2) The character of the neighborhood had changed to such an extent as to justify reclassification, and there is a public need for rezoning.

(3) Adjacent parcels to the north and nearby parcels were recently rezoned from R-1 to C-2

(4) Recent nearby rezoning from R-1 to C-2 designation include landowners Phoenix Development LLC. Michael Burchfield, Ricky Norton, Sunflower Farms, Lloyd Parker.

(5) The property owned by Terry Powell is planned to be used as a Landscape Architecture design/ build showroom office and community garden and potentially other commercial development.

This parcel will benefit from the C-2 designation.

A map showing the location of the property is attached as "EXHIBIT C"

A Zoning Map showing the zoning classifications of the subject property and the surrounding properties attached as "EXHIBIT D"

The approval of this Official Zoning Map Amendment will enable this are to grow and further meet the needs of the citizens of Madison County and its surrounding areas.

WHEREFORE PREMISES CONSIDERED, Petitioner respectfully requests that this Petition be received, and after due consideration, the Board of Supervisors of Madison County , MS will amend the Land Use Plan to reflect the subject property as High Intensity Commercial and reclassify this property from its present zoned Residential Estate District (R-1) Classification to Highway Commercial District (C-2) Classification.

RESPECTIVELY SUBMITTED, this the 30th day of November, 2018.

Terry Powell

137 Ashton Park Blvd.

Madison, MS 39110

A PARCEL OF LAND CONTAINING 4.82 ACRES (209,972.55 SQUARE FEET), MORE OR LESS, BEING SITUATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 8 NORTH, RANGE 2 EAST, MADISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT A FOUND CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 11; RUN THENCE NORTH 89 DEGREES 44 MINUTES 29 SECONDS EAST TO AN IRON PIPE; THENCE NORTH 89 DEGREES 44 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 109.70 FEET TO AN IRON PIN ON THE EASTERN RIGHT OF WAY LINE OF U.S. HIGHWAY 51; THENCE RUN ALONG SAID RIGHT OF WAY NORTH 23 DEGREES 45 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 531.20 FEET TO AN IRON PIN MARKING THE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE NORTH 23 DEGREES 45 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 190.80 FEET TO AN IRON PIN; THENCE LEAVE SAID RIGHT OF WAY AND RUN SOUTH 77 DEGREES 53 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 962.70 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES 00 SECONDS EAST FOR A DISTANCE 465.90 FEET TO AN IRON PIN; THENCE WEST FOR A DISTANCE OF 51.47 FEET TO AN IRON PIN; THENCE NORTH FOR A DISTANCE OF 256.80 FEET; THENCE NORTH 75 DEGREES 13 MINUTES 00 SECONDS WEST FOR DISTANCE OF 577.80 FEET; THENCE NORTH 77 DEGREES 46 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 420.10 FEET TO THE POINT OF BEGINNING.