

**MINUTES OF A REGULAR MADISON COUNTY PLANNING AND ZONING  
COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 14<sup>TH</sup> DAY OF JULY,  
2005 AT 9:00 A.M. AT THE MADISON COUNTY COURTHOUSE**

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BE IT REMEMBERED that a regular meeting of the Madison County Zoning Commission was duly called, held and conducted on Thursday the 14<sup>th</sup> day of July, 2005, at 9:00 a.m. in the Madison County Courthouse.

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

Absent:         None

There first came on for consideration the minutes of the June 9, 2005, meeting. Commissioner Spiro pointed out that his concerns regarding the safety issues referenced in the Pat Russell/Russell Trucking Petition for special exception to conduct surface mining were not adequately addressed. As such, upon motion by Commissioner Brown, seconded by Commissioner Spiro, with all voting "aye", motion to revise the June 9, 2005 minutes to reflect the addition of Commissioner Spiro's comments regarding safety concerns to the Pat Russell Petition in light of the construction of the new school, school traffic, and the presence of children in the subject petition area, passed. Upon motion by Commissioner Brown, seconded by Commissioner Spiro, with all voting "aye", motion to approve the revised Minutes, passed.

There next came on for consideration the Petition of Deep South Timber, Inc. & L.N. Bennett Land and Timber for a special exception to conduct surface mining on the subject property located on the corner of Old Natchez Trace Road and Sharon Road. The subject property consists of 31.55 acres and an application has been filed with the Mississippi Department of Environmental Quality. This Petition was tabled at the June meeting. Mr. Leonard Bennett appeared on behalf of the Petitioner, and stated for the Commission that he purchased the land last fall in order to build a subdivision but currently desires to mine dirt off the land. In opposition, Mike Baxter appeared. Mr. Baxter owns property located on Sharon Road. He is opposed to the petition primarily due to concerns with safety. He pointed out to the Commission that the Old Natchez Trace Road used to be a blacktop road but is now gravel due to the presence of large dirt trucks traveling the road. He stated that the road is torn up and in bad condition and that it is just a matter of time before something bad happens. He pointed out that Herbert Galloway was already mining dirt in the area and by allowing another mine to begin operations, the problems with the road and the safety concerns will be compounded. He also pointed out that the hours of operation include peak travel times and this is unsafe for the neighbors. John Pruitt appeared in opposition as well. He has been a Sharon Road resident for approximately 3 years, and he stated that at the time he moved to the area, the roads were in good shape but now they are in bad condition due to the large trucks from present mining operations. He stated that 3 weeks after the Galloway mine began operations, the roads began to break up and deteriorate. He also pointed out that safety is a big concern of his, for he recently had to take away the driving privileges of his mother, who

is 82-years old and lives with them, and one of the considerations for taking away this privilege was because of the trucks on Old Natchez Trace Road and Sharon Road. He also pointed out that due to the road conditions, his family's vehicles have been damaged. Commissioner Spiro inquired of Mr. Pruitt as to how many residents were in the area, to which Mr. Pruitt informed him that there were approximately 100-150 homes in the area and that this road is more traveled than one would think. Chairman Luckett inquired as to how many trucks are running the area now, to which Mr. Pruitt stated that he was unsure as to an exact number but feels that there is approximately 50-75 trucks traveling these roads per day. He stated that these roads are narrow and cannot support the large trucks. He also pointed out for the Commission that there are school busses that travel this route and this is also unsafe. Percy and Angela Harris also appeared in opposition. They addressed similar concerns as previously addressed by Mr. Pruitt and Mr. Baxter. They pointed out that the road is in bad shape, large trucks on the road represent safety concerns, there are children in the area which compound the safety concerns, and the road conditions are so bad that they have experienced damage to their vehicles. Angela Harris specifically pointed out that the truck drivers are not courteous in that they will drive up behind them on the roads and honk their horns in an attempt to try to get around them. She also stated that she calls the county every week to report the conditions on this road and nothing has been done. Mr. Bennett stated for the record that from Highway 43 to the subject property, there are only about 15 homes. He also stated for the Commission that they would be willing to adjust their hours of operation in order to accommodate the school bus traffic. In light of the safety concerns presented by those in opposition, upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to recommend denial of the Petition passed.

There next came on for consideration the Petition of Thomas E. Bradshaw for permission to rezone R-1 Residential to C-1A Commercial. Danny Spivey appeared on behalf of the Petitioner and informed the Commission that the subject property was located on the corner of Yandall Road and Clarksdale Extension. Mr. Spivey informed the Commission that Mr. Bradshaw was in the process of liquidating, and, as such, he wishes to rezone the subject property in order to accommodate the marketability of the property so that he can attempt to sell it. Commissioner Steen inquired as to whether or not the Petitioner intended on submitting any covenants. Mr. Spivey informed the Commission that the requested C-1A zoning was the most restrictive and that he did not believe that covenants would be necessary. However, he informed the Commission that if that was their intent they would provide covenants. Alternatively, Mr. Spivey stated that it was the intent of the Petitioner to allow the Board of Supervisors to retain site plan review privileges on the property. Zoning Administrator Sellers stated for the Commission that site plan review, if offered, would be better than covenants because the Board would be able to ensure that the subject property was developed appropriately with restrictions they feel necessary. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting "aye", motion to recommend approval of the Petition, subject to site plan review privileges by the Board of Supervisors, with the appropriate amendments to the Land Use Plan and contingent on limiting access to the subject property to Yandell Road only, passed.

There next came on for consideration the Petition of Brad Pierce/P&K Builders for permission for a variance to a side street setback in an R-2 District. The subject property is located in Bear Creak Court, and Ricky Keys appeared on behalf of the Petitioners. He stated that the variance was needed in order to get the house to fit on the selected lot. The Petitioners are requesting a variance from the side street of 7 feet. Commissioner Steen inquired as to how many feet this would leave the setback from the right-of-way, to which Mr. Keys informed him that it would leave 23 feet from the right-of-

way. He also informed the Commission that the lot gets wider toward the back of the lot. Zoning Administrator Sellers stated for the Commission that from the curb, the variance will leave approximately 30 feet. Upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting "aye", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Bear Creek Water Association for permission for a special exception to construct a water well and tank on North Livingston Road. Tony McMullen and Scott Bonner appeared on behalf of the Petitioners. Zoning Administrator Sellers informed the Commission that there were no calls in opposition to this Petition. The Petitioners presented for the Commission pictures of the proposed water tank which, as they described, was completed enclosed for safety purposes. They informed the Commission that the Madison Community Church is in the process of purchasing the property and that they are agreeing to sell Bear Creek Water Association a portion of the back of the parcel in order to construct the tank. They also presented for the Commission photographs of the proposed building, which would be constructed with brick and will include a metal roof. Upon motion by Commissioner Walters, seconded by Commissioner Steen, with all voting "aye", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Cellular South Real Estate, Inc. for a special exception to construct a cellular tower located at Madison Station Elementary School on Reunion Parkway. Jerry Skipper, in a letter addressed to Mr. Brad Sellers, requested that the Petition be tabled until the August meeting so they can have time to continue reviewing different designs at this time. The letter is attached hereto as Exhibit "A" and incorporated herein by reference. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", motion to table the Petition until the August meeting, passed.

There next came on for consideration the Petition of Camden Willing Workers Society for special exception to erect a public/quasi-public facility. The Society helps citizens with funeral expenses, and they want to build a small building in which to conduct meetings. James Taylor appeared on behalf of the Petitioners. Chairman Luckett stated for the Commission that due to the fact that this proposed building would be directly in front of his church, he excused himself and allowed Commissioner Steen to take over as Chair. Mr. Taylor stated that he is the President of the Society and, as the old building was in poor condition, they were forced to demolish it and are in the process of attempting to rebuild a new one. He stated that the slab has been poured, but they needed to get a permit, which requires rezoning. He stated for the Commission they meet once a month for approximately 3 hours and they are an organization that helps the society. Commissioner Spiro inquired as to where they get the expenses to assist with funeral costs, to which Mr. Taylor informed the Commission that the members join the Society for \$.25, when a member dies, everyone pays \$1.00, and they will pay \$1,000.00 towards the funeral with these proceeds. Commissioner Spiro inquired as to how many members were in the Society, to which Mr. Taylor informed him there were approximately 1,900. Commissioner Walters inquired as to how they expected to pay for the building, to which Mr. Taylor informed him the Society had taken out a loan with a bank. Commissioner Walters inquired as to whether or not there was any opposition to this Petition, to which Mr. Taylor and Zoning Administrator Sellers responded there was none. Upon motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting "aye", except for Chairman Luckett, who abstained, motion to recommend approval of the Petition to the Board of Supervisors passed.

There next came on of consideration the Petition of Jimmy and Faye Bailey for a variance to a side street setback on Northshore Boulevard at Lake Caroline. Jimmy and Faye Bailey appeared on behalf of the Petitioners. They showed the lot plan to the Commission and stated for the Commission that they had the approval of the Homeowner's Association and the neighbor for which the setback would affect. Upon motion by Commissioner Spiro, 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 proposed amendments to the Land Use and Transportation Plan. Larry Smith appeared before the Commission on behalf of the Central Mississippi Planning and Development District. The first issue concerned a proposed buffer at Bozeman Road and the proposed Reunion Parkway. Tom Johnson appeared to express concerns as to this issue. Tom Johnson stated that he is a resident of the Reserve and he wants to maintain a country atmosphere in the area. He stated that he fights the notion of commercializing this property as the homes built in these areas were built on acreage and were intended to have space around them. He stated that introducing commercialization is not conducive to the atmosphere. He also stated that there is plenty of commercial property in the surrounding area in which to develop and there is no need to stretch commercial zoning out to Bozeman on Reunion Parkway. He also stated that traffic is extremely heavy on Bozeman Road and allowing commercial zoning in this area would exacerbate that problem. Charlie Paine also appeared in opposition to commercial zoning on this property and presented a map for demonstrative purposes, which is attached hereto as Exhibit "B" and incorporated herein by reference. He stated similar concerns in that there were plenty of areas surrounding the subject property that are ripe for commercial development. He also stated that it was his opinion that property values would decrease in the area if this area is zoned commercial. He agreed that there are terrible traffic problems on Bozeman Road due to residential developments and school traffic and that commercial development will make this worse. Alternatively, if the area should be zoned commercial, he recommended that the only entrance to the subject property be from Reunion Parkway, that other options besides pine trees be used as a buffer, that the buffer be maintained as to not present fire hazards and that no development be allowed until Reunion Parkway is completed all the way to I-55. Larry Smith stated that it would be feasible to limit the commercial development to the Reunion Parkway interchange and to limit the property along Reunion Parkway at Bozeman Road to C-1A, which is the most restrictive commercial zoning allowed. Zoning Administrator Sellers stated for the record that it was his opinion that in order to get the Reunion Parkway complete, the individual landowners would need to cooperate, and commercial zoning will assist in their cooperation in that the landowners would be able to see more profitability of their land than residential zoning would allow. Commissioner Walters opined as to changing the subject property along Reunion Parkway to Bozeman Road to residential on the Land Use Plan in that if the Parkway is completed, specific landowners in this area would be allowed to petition for rezoning on a case-by-case basis. As such, upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", motion to recommend the Land Use Plan be amended to reflect a change in the current zoning north and south of Reunion Parkway 1,000 feet east of Bozeman Road to R-1, past.

The next issue addressed in regard to the proposed Amendments to the Land Use and Transportation Plan included subject property shown as C-1A along the north side of Gluckstadt Road, west of Church Road to Arington Subdivision. John C. Minninger and Jennifer Minninger appeared in order to address concerns with this proposed zoning. They presented a letter to the Commission, which is attached hereto as Exhibit "C" and incorporated herein by reference, which outlines their intent to have zoning on both the north and south side of Gluckstadt Road west of I-55 to Arington/Red Oaks

Subdivisions as commercial. They stated that they desired to have the zoning on the north side of Gluckstadt Road in this area zoned commercial up to Minninger Creek, which would serve as a buffer to the residential zoning to the north of the Creek. They said that the property across Gluckstadt Road is zoned C-1A and they are currently in the process of building a dentist's office on that property and that commercial property on the north side of Gluckstadt Road is conducive to the zoning in the area. Upon motion by Commissioner Walters, seconded by Commissioner Steen, with all voting "aye", motion to recommend amendment of the Land Use Plan to show C-1A on property on the north side of Gluckstadt Road, west of Church Road, to the east boundary of Arlington Subdivision with Minninger Creek being the northern boundary of the C-1A zoning, passed.

The remaining issues regarding amendments to the Land Use Plan were taken into consideration as a whole. As such, upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting "aye", motion to recommend the following amendments be adopted to the comprehensive plan, including revisions to the Land Use Plan, passed. The recommended amendments to the comprehensive plan include:

1. Reflect 50 feet of landscape buffer on the east side of the north south portion of Church Road, and continuing the C-1A commercial on the east side of the north south portion of Church Road;
2. Remove the substation symbol at the intersection of Stribling Road and Highway 463;
3. Remove "Jackson Corporate Limits" at Natchez Trace Parkway and North Livingston Road;
4. Reflect public/quasi-public at Billberry property and Ballard property on north County Line Road; and
5. R-1 property on the north side of Countryside Drive changed to R-1B zoning.

There next came on for discussion the issue of attorneys' fees. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", motion to approve attorneys' fees passed.

There being no further business, the meeting was adjourned at 11:15 a.m.

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Date

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(Chairman)