

**MINUTES OF A REGULAR MADISON COUNTY PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 8<sup>th</sup> DAY OF APRIL, 2004 AT 9:00 A.M. AT THE MADISON COUNTY CHANCERY BUILDING**

---

BE IT REMEMBERED that a regular meeting of the Madison County Zoning Commission was duly called, held and conducted on Thursday the 8<sup>th</sup> day of April, 2004, at 9:00 a.m. in the Madison County Chancery Building.

Present: Bennie Luckett, Chairman

Steven Steen  
Sidney Spiro  
Lisa Walters  
Henry Brown  
Brad Sellers, Zoning Administrator

Absent: Noone

There first came on for consideration the minutes of the March 11, 2004, meeting. Upon motion of Commissioner Steen, seconded by Commissioner Brown, with all voting Aaye@, motion to approve minutes as presented passed.

There next came on for consideration the petition of Dr. S. L. Sethi for permission to re-zone R-1 Residential to R-1A Residential, R-1B Residential, and R-5 Patio Home District. This petition was tabled at the March 11, 2004, meeting pending approval by the City of Madison to provide utility services to the petitioner. John Hedgeland, attorney for the City of Madison, reported that a meeting was held with the petitioner but that Dr. Sethi still needed to present revised documents to facilitate their agreement. Mr. Hedgeland also informed the Committee that the parties were close to working out an agreement to provide these utility services, and the petitioner concurred. Both parties requested that the petition again be tabled until the May 6<sup>th</sup> meeting. Chairman Luckett questioned as to why the commission could not take action at this meeting, and Mr. Hedgeland stated that the City of Madison was opposed to the petition and the plans as presented and that revised documents needed to be presented. Attorney for the Commission, Jim Streetman, advised the Commission not to take action without the underlying issues being resolved first. Commissioner Spiro stated for the record, with the agreement of Commissioner Steen, that a special meeting prior to the May 6, 2004, meeting would still be an alternative if the parties met before that time. Upon motion of Commissioner Spiro that the petition be tabled as requested by both parties with the option of a special meeting, seconded by Commissioner Steen, with Commissioners Walters, Brown, Steen, Spiro, and Zoning Administrator Sellers voting Aaye@, with Chairman Luckett voting Anay@, motion to table petition passed.

There next came for consideration the petition of BankPlus to re-zone I-1 Industrial District to C-1 Commercial District. Tom Cook appeared on behalf of BankPlus and presented the petition to construct an ATM on a tract of land adjacent to Tower Automotive for the convenience of the employees located in the Central Mississippi Industrial Park. Upon motion of Chairman Luckett that the petition be approved with a recommendation to amend the land use plan, seconded by Commissioner Spiro, with all voting Aaye@, motion to recommend approval passed.

There next came for consideration the petition of Tommie Garner for permission to place a mobile home in an R-1 Residential District. The petitioner's son appeared on her behalf, and he stated that Mrs. Garner's current residence is in poor condition and, with this in mind, they are requesting permission to replace the existing home with a new mobile home. The petitioner's son relayed his understanding of the three year limitation on petitions such as this. Commissioner Walters questioned the existing home and how it was to be removed, and the petitioner's son stated that the existing home would be demolished on site. Chairman Luckett questioned as to whether the mobile home had already been purchased, and the petitioner informed the Commissioner that his sister had already purchased the mobile home without knowledge of any zoning issues. Upon motion of Commissioner Brown that the petition be approved, seconded by Steen, with all voting Aaye@, motion to recommend approval passed.

There next came for consideration the petition of WLP Homes, Inc., for a variance to a rare set back to a newly constructed house in the Hartfield subdivision. Noone appeared on behalf of the petitioner. Upon motion of Commissioner Brown to table the petition until the May 6, 2004, meeting, seconded by Commissioner Spiro, with all voting Aaye@, motion to table passed.

There next came for consideration the petition of Lonnie Harris for permission to receive a special exception in order to conduct surface mining in A-1 District. The petitioner was represented by his personal attorney, Danny Spivey. Mr. Spivey explained to the Commission that the expansion of the existing mining operation would not add to any of the current complaints of dust in the area, for the petitioner has agreed to add asphalt to the pavement of the primary road used in these operations. Commissioner Walters questioned the petitioner about whether there had been any complaints from any of the neighboring land owners. Mr. Spivey explained that the dust was a concern but that adding moisture to the road contributed to muddy conditions and pot holes. He further explained that the paving of this road would eliminate the dust as well as the pot holes and muddy conditions that are prominent on the road as it currently exist. Upon motion of Commissioner Steen that the petition be approved, seconded by Commissioner Brown, with all voting Aaye@, motion to recommend approval passed.

There next came for consideration the petition of Terry Sledge for permission to re-zone R-1 Residential to C-2 Commercial. Commissioner Steen asked the petitioner about existing

covenants, and the petitioner agreed that he would submit to any reasonable covenants that are currently in place for this property. He further expressed that he is currently unsure of what the exact use of the property will be, but he stated that it would be automobile related. Commissioner Steen proposed tabling this petition until covenants are presented and the petitioner questioned about whether he would be allowed to conduct dirt work in the meantime. Zoning Administrator Sellers advised him that if the petitioner would provide him with a grading plan and the city engineer signed off on such plan, that he would be allowed to conduct his proposed dirt work. Upon motion by Commissioner Steen that the petition be tabled until the May meeting, seconded by Commissioner Spiro, with all voting Aye@, motion to table passed.

There next came for consideration the petition of James K. Smith to reconsider hours for his race track located on Lottville Road. Commissioner Spiro questioned as to whether this petition should go before the Board of supervisors first and whether this Commission had the authority to set hours for operation. Zoning Administrator Sellers informed the Commission that the Board had requested a recommendation from the Commission on this issue. Commissioner Walters asked Zoning Administrator Sellers whether or not a notice sign was posted in order to place the public on notice of the hearing regarding this petition, and Zoning Administrator Sellers informed the Commission that a notice sign was posted and that no response had been received to date. Upon the Commission's recommendation, the petitioner agreed to limit the hours to be altered from 12:30 a.m. to 12:00 a.m. on Sundays only during the months that school is in recess. The original petition had requested a 12:30 a.m. cut-off for the months of March to September. Commissioner Walters expressed concerns due to the noise of this race track. Commissioner Steen brought up the issues of noise and its effect on the neighbors as well as whether or not alcohol was sold at the track. The petitioner informed the Commission that he did in fact have a license to sell alcoholic beverages. He also stated that the closest residence was one half of a mile away, and Commissioner Steen expressed concerns with the amount of time that the notice signs were posted prior to this hearing and whether or not the neighbors and considered individuals had enough time to voice their concerns and disapproval. Upon motion of Commissioner Brown that the petition be approved with the amendment that the hours only extend from 10:00 to 12:00 a.m. for the months of June, July, and August (months school is in recess), seconded by Chairman Lockett, with Commissioners Steen, Spiro, Brown, and Chairman Lockett Aye@, with Commissioner Walters voting Anay@, motion to recommend approval with the amendment passed.

There next came for consideration the petition of Waggener Heights regarding preliminary plat. Noone appeared on behalf of the petitioner. Upon motion of Commissioner Walters that the petition be tabled until the May meeting seconded by Commissioner Steen, with all voting Aye@, motion to table passed.

There next came for consideration the issue of attorney's fees. However, no bill has been submitted to date, and this issue was not discussed. It was agreed that the bill for the month

of March would be submitted with the draft of the minutes.

There next came discussion for Zoning Administrator Sellers a conflict with the scheduled date for May's meeting due to the Flea Market. Commissioner Walters proposed May 6, and Commissioner Spiro stated that he would not be available on that date. Chairman Lockett set the meeting for the first Thursday of May, May 6, 2004.

There next came discussion from Commissioner Steen regarding developers of certificated areas being forced to meet with the City prior to appearing before the Commission in order to streamline the process and in order to work out issues prior to petitioning the Commission. Upon motion by Commissioner Steen that the Commission require developers to give notice to the Commission prior to petitioning the Commission that they have contacted city utilities and received service approval when the subject land lies within one mile of a city or a proposed annex of that city, as well as requiring all petitioners to be present at meetings at which their petition is being presented, seconded by Commissioner Walters, with all voting Aaye@, motion passed.

There being no further business upon motion by Commissioner Spiro, the meeting was adjourned at 10:31 a.m.

---

CHAIRMAN