

**MINUTES OF THE WEDNESDAY, NOVEMBER 10, 2004  
MADISON COUNTY PLANNING AND ZONING COMMISSION  
MEETING FOR MADISON COUNTY, MISSISSIPPI, HELD AT 9:00 A.M.  
AT THE MADISON COUNTY CHANCERY BUILDING**

BE IT REMEMBERED that a meeting of the Madison County Zoning Commission for Madison County, Mississippi, was duly called, held and conducted on Wednesday the 10<sup>th</sup> day of November, 2004, at 9:00 a.m. in the Madison County Chancery Building.

Present: Brad Sellers, Zoning Administrator

Sidney Spiro  
Steven Steen  
Rev. Henry Brown  
Lisa Walters

Absent: Rev. Bennie Lucket, Chairman

There first came on for consideration the minutes of the October 7, 2004 meeting. On Motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting aye, Motion to approve the minutes passed.

There next came on for consideration the minutes of the October 20, 2004 meeting. On Motion by Commissioner Walters, seconded by Commissioner Brown, with all voting aye, Motion to approve the minutes passed.

There next came on for consideration the minutes of October 27, 2004 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 of Jerry Wayne Brasher for permission to re-zone R-1 Residential to I-1 Industrial. The Petitioner did not show up to present the Petition. As such, the Petition was placed in abeyance to provide an opportunity for the Petitioner to arrive.

There next came on for consideration the Petition of Richard A. Ambriosino for permission to re-zone R-2 to R-2 with PUD overlay. The location of the subject property is a proposed Parkway South. Petitioner proposed re-zoning approximately 140 acres to R-2 with a PUD overlay for the future development of a residential subdivision. The

Petitioner stated for the record that he felt there was significant change in the neighborhood and a public need exists in the City of Madison for such a development. The proposed subdivision would consist of two lakes with an overall density of 2 units per acre. Covenants were provided. The proposed square foot minimum for the homes to be built in this subdivision is 2200 square feet, and the Petitioner informed the Commission that the subdivision would contain a clubhouse as well as a swimming pool. Commissioner Walters inquired as to whether or not the subdivision would be gated, and the Petitioner informed the Commission that it would not. Commissioner Walters next inquired as to whether or not the City of Madison has expressed approval of the subdivision. The Petitioner informed the Commission that he has met with the mayor and that the City of Madison does approve such a development. In addition, the subdivision will be built in two phases with phase I consisting of the development of 80 lots, construction of the lakes, as well as construction of the clubhouse and pool. Upon Motion by Commissioner Walters, seconded by Commission Brown, with all voting aye, Motion to recommend approval passed.

There next came on for consideration the Petition of James Foy for Special Exception to conduct mining in an A-1 District located off David Crossing Road on Mr. Foy's personal property. He informed the Commission that he proposed to mine 4 acres of land in order to cut an existing hill down and sell the dirt. He stated that the mining should take between 12-18 months and the proposed hours of operation were from 7 a. m. to 5 p.m., Monday through Saturday, excluding holidays. A reclamation plan was provided with the Petition. Upon Motion by Commissioner Walters, seconded by Commissioner Spiro, the Motion to Recommend to the Board of Supervisors the approval of the Petition to Conduct Surface Mining for a period not to exceed 18 months passed.

There next came on for consideration the Petition of David E. Nickles for permission to re-zone R-1 and C-1 Districts to C-2 Commercial District. James Peden appeared on behalf of the Petitioner and stated that the subject property was located off Highway 51. He also informed the Commission that the Petitioner is a Georgia businessman and has proposed the subject property for development as a landscape and farm supply business on an 8-acre tract on the west side of Highway 51 between Ellis Road and Church Road. The current zoning on approximately 5 acres of this land is C-1 with the remainder of the land being currently zoned as R-1. The Petitioner wants the entire acreage re-zoned as C-2 Highway Commercial and has pointed out in his Petition property in the area which has previously been re-zoned as such. In addition, Mr. Peden pointed out to the Commission the dramatic change in the area and that said changes warrant re-zoning this area, especially with the recent development of Nissan. A letter from Bear Creek

was provided to the Commission, which states they will supply water and sewage. The Petitioner operates a similar business in the Atlanta metropolitan area. Mr. Peden provided photos of his business to the Commission to demonstrate the aesthetics of this proposed business. Said photographs are attached hereto and incorporated herein by reference as Exhibit AA.® Mr. Peden informed the Commission that the protective covenants that are required for C-2 zoning will be provided by Mr. Nickels to the Board of Supervisors should the Petition be approved. In addition, Mr. Peden asked that the land use map be amended to reflect the proposed re-zoning. There was no opposition to the Petition present at the meeting, and Ms. Sellers was unaware of any outside opposition. Commissioner Walters stated for the record her concern with the safety issues that would arise with the location of this business and the selling of this type of equipment. Zoning Administrator Sellers recommended that excess equipment in stockpile be held in an area where it can be screened. Upon Motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting aye, the Motion to Recommend that the subject property be re-zoned to C-2 Commercial and that the land use plan be amended to represent said change along with the requirement that restrictive covenants be provided with a use plan that provides for screening equipment, products, and stockpile for inventory, passed.

There next came on for consideration the Petition of J. S. Harris/David Trunnel for special exception to conduct surface mining in an A-1 District located off Stokes Road. The original Petition was filed by Kenneth Barnes, and David Trunnel appeared on behalf of the Petitioner, as he was taking over the operation should the Petition be approved. An exempt permit from the Mississippi Department of Environmental Quality was presented to the Commission as well as the reclamation plan for the subject property. David Trunnel appeared as President of Trunnel Excavating and Hauling to answer questions from the Commission regarding the Petition. He informed the Commission that he would finish a dam on a lake and take out excess dirt in exchange for services. He stated that the dirt would be used in the surrounding areas for home and business development sites. The hours of operation would be Monday through Saturday, and he estimated that it would take approximately 18 months to complete the operation. Commissioner Steen inquired as to whether there was any opposition to which Zoning Administrator Sellers informed the Commission that there was none. Upon Motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting aye, the Motion to recommend approval to the Board of Supervisors for a period of no longer than 18 months passed.

There next came on for consideration of a preliminary plat Stump Bridge Lake. Sellers provided the plat and the restricted covenants for the subject development to the Commission for review. The lots in the development will vary between 3-7 acres, and

the development would be north of Canton approximately 12 miles and east of Highway 51 North. Commissioner Walters brought to the Commission's attention that the covenants were not complete. Upon Motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting aye, the Motion to recommend approval subject to the covenants provided being filled out completely by Peachtree Property, passed.

There next came on for discussion the issue of preliminary plats. Zoning Administrator Sellers recommended to the Commission that it be required that Petitioners for proposed preliminary plats be present at the meeting wherein the plat is going to be discussed. Following said recommendation, the Commission agreed that this requirement should be put into effect.

There next came on for consideration the continued discussion on special exceptions for mobile homes in residential areas. An amended resolution was presented to the Commission. Upon Motion by Commissioner Walters, seconded by Commissioner Brown, with all voting aye, the Motion to adopt the resolution was sent to the Board of Supervisors for approval, passed. A copy of the executed Amended Resolution is attached hereto and incorporated herein by reference as Exhibit AB.®

There next came on for consideration comments raised by participants at the October 20 and 27, 2004 meetings regarding the Proposed Comprehensive Plan. J.D. Rankin appeared to express concerns with the Proposed Comprehensive Plan regarding an area east of Highway 43 in Madison County. He stated that his opinion was that the area east of Highway 43 which is proposed to be zoned as all residential lots should be reconsidered in order to take under advisement the large area that this property consists of. He stated there are large tracts of land owned by single landowners that may have a desire to develop larger estates and subdivisions. As such, he stated for the record that it was his opinion that the area be changed to reflect smaller residential lot developments along Highway 43 but to also include designations for the development of large estate subdivisions further east. A list of concerns was provided to the Commission by Zoning Administrator Sellers outlining concerns regarding the Proposed Comprehensive Plan. A copy of the list of concerns is attached hereto and incorporated herein by reference as Exhibit AC.® The Commission next discussed each item on the list embodied as Exhibit AC,® and some items were scratched and the modifications were duly noted by Zoning Administrator Sellers. An amended list of concerns and proposed changes to the Proposed Comprehensive Plan will be presented at the December meeting for final review. Upon Motion by Commissioner Walters, seconded by Commissioner Brown, with all voting aye, the Motion to recommend changes in the proposed land use plan to the Board of Supervisors as embodied in the

amended list which will be presented at the December meeting by Zoning Administrator Sellers, passed.

There next came on for consideration the issue of attorneys= fees. Upon Motion by Commissioner Walters, seconded by Commissioner Brown, with all voting aye, the Motion to approve attorneys= fees passed.

There being no further business, the meeting was adjourned at 10:40 a.m.

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Date

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(Chairman)