

**MINUTES OF A REGULAR MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD  
AND CONDUCTED ON THURSDAY, THE 12<sup>th</sup> DAY OF AUGUST, 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 12<sup>th</sup> day of August, 2004, at 9:00 a.m. in the Madison County Chancery Building.

Present: Bennie Lucket, Chairman

Sidney Spiro  
Steven Steen  
Henry Brown  
Brad Sellers, Zoning Administrator

Absent: Lisa Walters

There first came on for consideration the minutes of the July 8, 2004, meeting. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting Aaye@, motion to approve the minutes passed.

There next came on for consideration the petition of Dr. S.L. Sethi for permission to re-zone A-1 agricultural property to C-2 Commercial. Dr. S.L. Sethi appeared on behalf of the petitioner and stated that the proposed plan for this property was to provide a storage yard for construction equipment as well as a maintenance shed and an office. The petitioner did indicate that there would be covenants restricting uses of this property put in effect. Dr. Sethi indicated that he would maintain the area and use a wood fence to prevent visibility of the construction equipment and maintenance shed. In addition, he stated that the welding shop would be maintained inside the structure built on this property. He stated that the buildings would be constructed of new metal and that all storage would be within the fenced area. In addition, the petitioner stated that he would prepare covenants to present to the board of supervisors. The petitioner also stated that he would be willing to plant evergreens around the property to satisfy concerned neighbors. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting Aaye@, motion to recommend approval to the Board of Supervisors contingent on covenants being presented to the Board of Supervisors that include solid wood fencing around the proposed storage and maintenance structure and the planting of evergreens on the subject property to prevent visibility, passed.

There next came on for consideration the petition of Sammy Brown for permission for a special exception to conduct surface mining at 4239 Hwy 51. Mr. Brown appeared on behalf

of the petitioner and stated that he has already acquired an exempt permit, and that he desires to expand the size of an existing pond. He stated that no time line has been provided but that he anticipates the project to be concluded prior to three years. Petitioner stated that the dirt would be removed by Dennis Love as needed and that the hours of operation would be from 7:00 a.m. to 7:00 p.m. Monday through Saturday, and 7:00 a.m. until 5:00 p.m. during daylight savings time. Commissioner Brown inquired as to whether the dirt would be hauled everyday, and the petitioner informed the Commission that the dirt would only be hauled as the sub-contractor needed it. Also, the petitioner informed the Commission that the subject pond was located on his property behind his residence. Upon motion by Commissioner Brown, seconded by Commissioner Spiro, with all voting Aaye@, motion to recommend approval to the Board of Supervisors for a special exception not to exceed three years, contingent on the hours of operation being Monday through Saturday from 7:00 a.m. to 7:00 p.m., and 7:00 a.m until 5:00 p.m. during daylight savings time, passed.

Certain individuals appeared late at the meeting regarding Dr. Sethi's petition, which had already been brought before the Commission. Although they were late, details of the petition were discussed momentarily, and Zoning Administrator Sellers agreed to meet with these individuals following the adjournment of the meeting to answer any and all questions they had concerning the petition.

There next came on for consideration the petition of American Family Association for a special exception to erect and operate a radio tower in A-1 area. Don Locke appeared on behalf of the petitioner. He is an employee of Christian Radio Network, and stated that the purpose of the tower was to provide Christian Radio Network coverage to the west of their existing coverage including the Yazoo City area. He did state that the network attempted to position a tower on existing owned property but were unsuccessful. In addition, the petitioner stated that this tower would not interfere with any other existing radio stations. Commissioner Steen inquired as to whether the network was buying the subject property. The petitioner stated that they were buying 10 acres from Lynn Castens, the current owner. Zoning Administrator Sellers stated that there was no opposition to this petition. Commissioner Spiro inquired as to whether there was FCC approval, and the petitioner stated that there was FAA and FCC approval for this radio tower. The petitioner informed the Commission that the tower would contain white strobe lights at night, and during daytime, the tower will provide more lighting for more visibility in order to meet FAA regulations. The petitioner brought to the Commission's attention a letter, attached hereto as *Exhibit AA@* and incorporated herein by reference, regarding the makeup of the lights that will be affixed to this tower. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting Aaye@, motion to recommend approval to the Board of Supervisors contingent on proof of FCC and FAA approval in writing, passed.

There next came on for consideration the proposed Madison County Comprehensive Plan.

Larry Smith appeared and presented a revised draft of the comprehensive plan for Madison County, Mississippi. He indicated to the Commission that land use plans were not included in this comprehensive plan but that they would be mailed to members of the Commission at a later date. He indicated to the Commission that the objectives of the comprehensive plans were to outline goals, objectives, and policies; to include a land use plan; to include a public facilities plan; and to include a transportation plan, which is to be taken into consideration with all zoning requests. In addition, Mr. Smith stated that December 1996 was the date of the last adopted comprehensive plan. Mr. Smith presented the comprehensive plan to the Commission, and he also presented a copy of the land use map and discussed the land use categories with the Commission. In addition, he indicated that the proposed realignment of Highway 22 and the proposed annexation of Madison is included on the map.

Commissioner Steen inquired as to the public hearing requirements and the petitioner stated that there would be separate hearings for residents of Madison County living on the west and east side of I-55 as soon as the Board and Commission is comfortable with going forward with said hearings. The petitioner stated that he would return for further discussion of this comprehensive plan at the September meeting of the Commission.

There next came on for consideration the petition of the preliminary plat of Summerfield Farms. The petitioner appeared and presented the proposed covenants, which are attached hereto as *Exhibit AB* and incorporated herein by reference. The petitioner indicated that the land had been used as a cattle farm for many years and the property is being divided for many farms. He stated that the covenants require a minimum square footage of 2,000 square feet and would allow for barns and horses. He stated that future development plans would need to be approved by an architectural board, and he also stated that a Homeowner's Association would be established. Upon inquiry by Commissioner Steen, the petitioner stated that mobile homes would be excluded from this plat. Also, the petitioner stated that the lots would be sold at \$4,500.00 to \$6,000.00 per acre. Commissioner Spiro inquired as to whether a Homeowner's Association would definitely be established and the petitioner indicated that the developer would make it mandatory. Commissioner Spiro also inquired as to when the control of the Homeowner's Association would pass to the homeowners, and the petitioner stated that this would be conducted after twelve months. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting *Aye*, motion to recommend approval to the Board of Supervisors passed.

There next came on for discussion towers being permitted as a special exception based on a letter submitted to Zoning Administrator Sellers, which questioned the status of towers in which uses have been discontinued. Said letter requested a suggestion from the Commission of what should be done if a tower is abandoned. Upon motion by Commissioner Steen, seconded by Commissioner Brown, with all voting *Aye*, motion to adopt policy to include in future motions for tower exceptions provisions to deal with the removal of said towers if and once they become abandoned, passed.

There next came on for discussion the special exception for mobile homes in residential areas, as continued from the July 8, 2004, meeting. The Commission voiced concerns as to justification for changing a precedent that has previously been set by the actions of the Commission. Also, it was mentioned that mobile homes are currently not permitted in residential districts for any reasons under the current regulations. Zoning Administrator Sellers did indicate, however, that there are certain circumstances that may warrant mobile home exceptions. Chairman Lockett stated that it is the Commission's responsibility to check out every situation that brings to light exceptional circumstances when a special exception is sought for mobile homes in residential areas. Chairman Lockett excused himself at 10:35 a.m. leaving Commissioner Steen in control. Zoning Administrator Sellers stated that if a resolution were adopted, it would then become a guideline. As such, he recommended a resolution be presented to the Commission in writing. Commissioner Steen also stated for the record that there was no current moratorium on petitions for mobile homes in Madison County as a whole, only in areas that currently do not permit mobile homes. Commission Attorney Streetman stated that as long as the Commission abides by the regulations, there will be no wrong doing. As such, Attorney Streetman stated that he would draft a recommendation on this topic and present it to the Board at the next meeting for discussion.

There next came on for consideration the issue of attorney's fees. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting Aaye@, motion to approve attorney's fees passed.

There being no further business, the meeting was adjourned at 10:45 a.m.

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**CHAIRMAN**  
**DATE**