

**MINUTES OF A REGULAR MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD  
AND CONDUCTED ON THURSDAY, THE 7<sup>th</sup> DAY OF OCTOBER, 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 7<sup>th</sup> day of October, 2004, at 9:00 a.m. in the Madison County Chancery Building.

Present: Rev. Bennie Luckett, Chairman

Sidney Spiro

Steven Steen

Brad Sellers, Zoning Administrator

Absent: Rev. Henry Brown

Lisa Walters

There first came on for consideration the minutes of the September 9, 2004, meeting. Upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting Aaye@, motion to approve the minutes passed.

There next came on for consideration the petition of Kenneth Barnes for a Special Exception to conduct surface mining in an R-1 District. Said petition was brought before the Commission at the September 9, 2004, meeting; however, the petition was tabled for the October meeting. Mr. Kenneth Barnes appeared on behalf of the petitioner, and stated that he is currently running four trucks over the subject area, as the route he is currently running will be the same as if this petition is approved. Lisa Hall, a neighboring land owner appeared in opposition. She stated that she was not opposed to the lake that was going to be built through Mr. Barnes' operation, just the amount of time Mr. Barnes is requesting in order to complete his job. She also expressed concern with the current state that the roads are in due to the heavy traffic from all the mining operations in the area as well as her concern with turning the area into a strip of commercial developments. The petitioner stated in response that the reason he had asked for one year to conduct the surface mining was to afford him the time that he needs to complete the operation, as it will not be conducted on a daily basis. Commissioner Steen inquired of the petitioner as to whether he would be able to exhaust the mine in less than a year. The petitioner stated that he would try, but that weather may preclude him from reaching that goal. Phillip Nelson appeared on behalf of Ronnie Carroll in opposition to this petition. He stated that he was opposed to the future exposure that this permit would create to surface mining in this area as well as the dust and silt that would result from conducting the surface mining activities. Upon motion

by Commissioner Steen, seconded by Commissioner Spiro, with all voting Aaye@, motion to recommend approval to the Board of Supervisors with a one year limitation, passed.

There next came on for consideration the petition of Cooperative Baptist Fellowship of Mississippi for a petition for Special Exception in an A-1 District. Mr. Perkins appeared on behalf of the petitioner and stated that the congregation wished to use an existing residence on this property for church related functions. He informed the Commission that the congregation was 35 in number and that it was possible that future expansion will be necessary if the congregation grows. However, he did inform the Commission that it is not expected for this congregation to experience rapid growth. Zoning Administrator Sellers informed the Commission that he had received several calls on this petition in opposition to the Church expanding in a residential area. There was no opposition to the church using the existing home itself. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting Aaye@, motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the petition of J.S. Harris/K-Barnes Trucking for a petition for a Special Exception to conduct surface mining in an A-1 District. Kenneth Barnes appeared on behalf of the petitioner. Mr. Harris is the owner of the subject property. Petitioner stated that he would receive materials in exchange for work; however, he asked that the Petition be tabled until the next meeting. With no opposition, the petition was tabled.

There next came on for consideration the petition of Wayne Brasher for a petition to re-zone R-1 Residential to I-1 Industrial. Noone appeared on behalf of the petitioner. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting Aaye@, motion to table the petition until the November meeting passed.

There next came on for consideration the petition of William and Judith Payne for variance to side set back at their residence on Lot 18, Kathrine Point of Lake Caroline. Judith Pane appeared on behalf of the petitioners and stated that the lot narrows toward the water and that the house needs to be close to the street, which necessitates requested variance. Upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting Aaye@, motion to recommend approval of a 10 foot 6 inch side set back and 35 foot set back from the street passed.

There next came on for consideration the petition of Charles D. Holmes, Sr., Dianne D. Holmes, Trustmark National Bank, as Trustee for M. E. Ragsdale Residuary Trust and Lula Mae Ragsdale Trust to re-zone A-1 Agricultural District to C-2 Highway Commercial District. Danny Spivey appeared on behalf of the petitioners and stated that the subject area

had met the qualifications required to show that there was a change in the neighborhood and a public need. Mr. Spivey stated that these requirements were met through Nissan's existence and that a proposed business to be located on the subject property needs to be close to Nissan. Mr. Spivey informed the Commission that Waggoner, the proposed business to be located on this property, hauls finished automobiles for Nissan. The facility to be located on this property would be a trucking facility strictly for the trucks that haul the finished Nissan products. Alonzo Archie appeared in opposition to this petition. Mr. Archie informed the Commission that he lives in the vicinity and that the trucks on the road will be a nuisance to his family. He also stated that he and his family were concerned about the noise that this operation will create. In support of his opposition, Mr. Archie presented a petition to this Commission, which is composed of 34 names of neighbors in opposition to the prospective re-zoning, which is attached hereto as *Exhibit AA*. Commissioner Steen stated for the record that Nissan is very close to this subject property and that there clearly is a change in the character of the neighborhood since Nissan's opening. Commissioner Spiro, agreeing with Commissioner Steen, stated that the criteria for change has been satisfied in regards to this subject property. Chairman Luckett stated that the Commission has to do what is best for the county, and this area has improved and change is imminent. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting *Aye*, motion to recommend approval to the Board of Supervisors as well as a change in the land use plan to reflect change from A-1 to C-1 Highway Commercial passed.

There next came on for consideration the petition of Donald C. and Sharron M. Guild/Cress Development LLC for the petition to re-zone A-1 Agricultural to R-2 Residential. The petitioner requests the re-zoning in order to develop a 97.5 area tract as a subdivision with 226 proposed lots. Commissioner Spiro voiced his disagreement with the developer being able to own one lot and still have control over the Architectural Review Committee and the Board of Directors. Jim Marten, appearing on behalf of the petitioner stated that the idea behind this is to ensure that the entire subdivision is developed appropriately; however he did express agreement with Commissioner Spiro. Zoning Administrator Sellers informed the Commission that he had had several calls in opposition to this petition, but no one has appeared in opposition. Upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting *Aye*, motion to recommend approval to the Board of Supervisors contingent on the inclusion of acceptable covenants for this particular development as well as the amendment to the land use plan to reflect said re-zoning passed.

There next came on for consideration the preliminary plat of Harrison Estates. Rita Harrison appeared on behalf of the petitioner. Zoning Administrator Sellers presented the plat of the development to the Commission. Commissioner Steen inquired as to covenants. The petitioner responded that none have been drafted yet but stated that they will more than likely allow mobile homes. Commissioner Spiro asked the petitioner whether the subdivision would include only mobile homes or if there would be a mix of mobile homes

and residential structures. The petitioner stated that there would probably be a mix of both types of structures. Commissioner Steen informed the Commission that the subject property was already zoned for this type of development. Commission Attorney Streetman stated for the record that this is a permitted use and is consistent with the intent of the Commission and the land use plan. In response, Commissioner Steen stated for the record that it was his desire that the Commission stay consistent with the recommendations, and that there were no problems with this petition in that it is clearly within the proper zoning for this area. Upon motion of Commissioner Steen, seconded by Commissioner Spiro, with all voting Aaye@, motion to recommend approval to the Board of Supervisors contingent on the petitioner providing covenants to the Board for review, passed.

There next came on for consideration the continued discussion on Special Exception for mobile homes in residential areas. Zoning Administrator Sellers informed the Commission that the Board of Supervisors would not leave a moratorium on this issue forever and has asked for a recommendation from the Commission. After discussion, it was agreed that a proposed resolution will be presented at the November meeting to include a change that would adopt a case by case analysis for review of individuals who are residing in mobile homes through the exceptions provided for residential areas in the past.

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

There being no further business, the meeting was adjourned at 10:50 a.m.

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**CHAIRMAN**  
**DATE**