

**MINUTES OF A REGULAR MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD
AND CONDUCTED ON THURSDAY, THE 9th DAY OF SEPTEMBER, 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 9th day of September, 2004, at 9:00 a.m. in the Madison County Chancery Building.

Present: Rev. Bennie Lucket, Chairman

Sidney Spiro
Steven Steen
Lisa Walters
Brad Sellers, Zoning Administrator

Absent: Rev. Henry Brown

There first came on for consideration the minutes of the August 12, 2004, meeting. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting Aaye®, motion to approve the minutes passed.

There next came on for consideration the petition of Bald Hill, LLC for a Special Exception to conduct surface mining in an I-1 District. The petitioner requested conditional use to conduct surface mining on 82 acres. The existing site has previously been approved to mine 10 acres, and the petitioner stated that he wants to expand the size of the mine to include 82 additional acres. Gene Wardlaw appeared on behalf of the petitioner and stated that there were no objections to this petition. He also stated that all the appropriate permits have been obtained. Commissioner Walters inquired as to the expected date of completion. The petitioner stated that it depended on the need for the dirt that is being mined, but that the current need has been more than first expected. Chairman Luckett asked the petitioner whether the mining of the first 10 acres had been completed yet, and the petitioner stated that it is expected to be exhausted by the first of the year. In addition, the petitioner stated that once the 10 acres has been completed, it would then become subject to the reclamation plan prior to conducting any mining of the requested 82 acres. Zoning Administrator Sellers informed the petitioner that the Board of Supervisors has limited these petitions to a maximum five year time period as a matter of policy. Upon motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting Aaye®, motion to recommend approval for a five year period subject to the reclamation plan being approved by the Department of Environmental Quality passed.

There next came on for consideration the petition of Kenneth Barnes for Special Exception to conduct surface mining in an R-1 District. Kenneth Barnes appeared on behalf of the petitioner. Zoning Administrator Sellers informed the board that there were several telephone calls regarding this petition and that the neighboring residents were invited to appear at the hearing. Commissioner Walters inquired as to the proposed hours of operation, to which the petitioner stated that the hours of operation would be identical to APAC's hours of operation. Joyce Spell appeared in opposition to this petition. She stated that she resides four-tenths of a mile from APAC's gate, and that APAC is already conducting surface mining in this area. She expressed concerns about the conditions of the roads from the use of the trucks to haul the mined materials as well as the noise and disturbance that these trucks cause on the road in front of her house. She stated that 448 trucks a day pass by her house because of the existence of APAC's mine and a pit located on Pocahontas Road. In addition, Mrs. Spell informed the Commission that two pits have been

denied on her road prior to APAC-s operation, which began earlier this year and was approved for five years. Upon motion by Commissioner Walters, seconded by Commissioner Steen, with all voting Aaye@, motion to table the petition until the October meeting in order to allow time for the parties to discuss the issues raised, passed.

There next came on for consideration the petition of Herman Sutton for Special Exception to conduct surface mining in an A-1 District. Herman Sutton appeared on behalf of the petitioner, and he stated that his plans were to re-design an existing pond in conjunction with the construction of a subdivision. He informed the Commission that the existing pond was a half-acre pond, and he plans to expand it to two and a half acres. In addition, the petitioner stated that his intention was to create more lots next to an existing subdivision. Also, he informed the Commission that there was no opposition to his knowledge. Commission Walters inquired as to the expected date of completion, and the petitioner stated that he expected the mining to expand over a two to three year time period. In addition, he stated that the mining would not consist of daily operations and that it may take less time than expected. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting Aaye@, motion to recommend approval to the Board of Supervisors for a three year time period subject to Department of Environmental Quality approval, passed.

There next came on for consideration the petition for Special Exception to conduct surface mining in A-1 District. Jim Cruz appeared on behalf of the petitioner, Shan Martin. He informed the Commission that the long term desire of the petitioner was to develop a tract of land, and, in doing so, surplus dirt will become available. In addition, Mr. Cruz stated that the hours of operation will be from 7:00 a.m. to 3:00 p.m. six days a week and that there was no opposition to his petition. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting Aaye@, motion to recommend approval to the Board of Supervisors for a one year time period, passed.

There next came on for consideration the preliminary plat of Commercial Parks Subdivision. Lewis Gideon appeared on behalf of the petitioner. Mr. Gideon presented a copy of the preliminary plat of the proposed commercial park for the Commission-s review. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting Aaye@, motion to recommend approval to the Board of Supervisors subject to the inclusion of covenants that are already in place, passed.

There next came on for consideration the petition of B & B Nursury, Inc. for consideration of covenants. Mr. Burchfield appeared on behalf of the petitioner, and stated that he was trying to upgrade his property so that it would correlate with the area in which his nursery is located. He stated that his property was recently re-zoned from C-1 to C-2 with the approval of the Board of Supervisors subject to receipt, review, and approval of covenants. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting Aaye@, motion to recommend approval of the covenants to the Board of Supervisors subject to a change in Section 101.01 that the covenants will run with the land until 2025 unless a majority of the land owners vote otherwise, passed.

There next came on for discussion the revised Madison County Comprehensive Plan. Larry Smith appeared to answer questions and to discuss any proposed amendments or comments on the plan. There was discussion regarding the area known as Lost Rabbit, which showed up on the map as a subdivision, and Mr. Smith informed the Commission that this area would show up as agricultural on the final map. There was also discussion regarding the impact statement on schools and Department of Transportation, including deficiencies in certain arterial roads in the City of Madison as well as the over-crowding of the school systems. Upon motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting

Aye@, motion to request to the Board of Supervisors to proceed with the planning of the necessary public hearings regarding the revised Madison County Comprehensive Plan as well as request for permission for an opportunity to view the development plans pertaining to certain properties regarding the Pearl River Water Valley Association in Madison County, passed.

There next came on for consideration the continued discussion regarding the special exception for mobile homes in residential areas. A resolution was presented to the Commission by the Commission Attorney, which is attached hereto as *Exhibit AA@* and incorporated herein by reference. Upon inquiry by Commissioner Steen regarding Commissioner Lockett-s opposition to these exceptions, Chairman Lockett addressed the Commission and stated that in order to conclusively terminate these types of exceptions, it would be necessary for the Commission to adopt a firm policy against these exceptions. In addition, Chairman Lockett advised the Commission that it was his opinion that in order to accomplish this, the Commission needs to begin denying these requests, as it would be vital for the Commission to take a firm stand in order to develop such a policy. Upon motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting Aye@, motion to request an extension of the existing moratorium on petitions for Special Exceptions to place mobile homes in residential areas until the new Madison County Comprehensive Plan has been adopted, passed.

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

There being no further business, the meeting was adjourned at 10:55 a.m.

CHAIRMAN

DATE