

**MINUTES OF A REGULAR MADISON COUNTY PLANNING AND ZONING
COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 5th DAY OF MAY,
2005 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 5th day of May, 2005, at 9:00 a.m. in the Madison County Chancery Building.

Present: Sidney Spiro
 Steven Steen
 Brad Sellers, Zoning Administrator
 Lisa Walters
 Rev. Bennie Luckett, Chairman
 Rev. Henry Brown

Absent: None

There first came on for consideration the minutes of the April 14, 2005, meeting. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", the motion to approve the minutes passed.

There next came on for consideration the petition of Pat Russell/Russell Trucking for a special exception to conduct surface mining. The subject property is on the corner of Virillia Road and Stokes Road, and the Petitioner wishes to operate a mine for a 3 year period with projected hours of operation of 6:00 a.m. until 6:00 p.m. This petition was tabled at the April meeting in order to provide time and opportunity for the Commissioners to fully inspect the conditions of the roads surrounding the subject area. Pat Russell appeared on behalf of the Petitioner and stated for the Commission that he had changed the permit to reflect a Virillia Road haul route and a 1 year time frame instead of the 3 year time limitation and the Stokes Road haul route that was previously submitted to the Commission. Commissioner Steen inquired as to the hours of operation, to which the Petitioner stated that he is flexible and would be willing to start later in the day and stop earlier in the day in order to work with the traffic that will be subjected to this area due to the proposed school that is being constructed. Commissioner Steen inquired as to what the Petitioner's thoughts were about the school and how it would affect his operation. The Petitioner stated that the school will not be completed for another year and that he would be willing to work around it in order to operate his mine. He also stated that he would be willing to shut down his operation during peak traffic times due to the school.

Commissioner Steen inquired as to whether the Petitioner was seeking to mine an area under 4 acres to which the Petitioner said yes. Commissioner Walters inquired as to how many acres existed on the subject property overall. The Petitioner informed the Commission that there were 50 acres in all and that he intended to eventually mine more than the 4 acres he is currently seeking if the operation proves successful. Commissioner Walters stated for the record that her main concern is the existence of the school and the overall safety aspects that are involved with having these trucks on the roads in that area. Commissioner Steen stated for the record that he was concerned with the continuing operation over and beyond the initial 4 acres contained in this Petition. In opposition, Jim Hawkins, a resident of Stokes Road, appeared and stated that he was concerned with the potential lack of enforcement to confine the Petitioner to the 4 acres. In addition, he stated that he had spoken with John Granberry of the County Engineer's Office, and he informed him that the 4 bridges on Virillia Road were not rated or posted with weight limits. With that, Jim Hawkins stated he thought that the trucks traveling along this road and over these bridges would be unsafe and it would be harmful to the bridges. In addition, he stated that many traffic accidents occurred due to the previous pit that was located on Virillia Road and this pit would create the same conditions. Dan Grafton, another Stokes Road resident, appeared and stated that Stokes Road is planned to be re-paved this year and that this pit will undermine this project. With that, Mr. Grafton was of the opinion that allowing the trucks to travel along the newly paved Stokes Road, when complete, would not be economically feasible. In addition, Mr. Grafton stated that the moving of the meeting to the second Thursday due to the flea market affected the presence of local churches at this meeting that wanted to participate in opposition to this Petition. Mr. Grafton stated that he had concerns with the safety issues that will result in regard to this operation, especially in light of the school being in the area, and he also stated that he felt it would be hard to regulate any conditions the Commission or the Board of Supervisors placed on approving this surface mine in order to ensure that the Petitioner was in compliance. Jeff Dickson, the owner of the subject property, appeared in support of the Petition. He stated that if the Petition is denied based on the conditions of the road and the bridges, that all commercial traffic should be stopped, especially during school hours. He stated that he does not want to undermine the value of property and has demanded that Pat Russell reclaim the subject property when finished with the mining operations. Zoning Administrator Sellers stated for the record his belief that the bridges are rated due to the fact that Virillia Road is a state-aid road. Roberta Moore also appeared in opposition to this Petition. She stated that the property opens to a blind curve and the access to Virillia Road as proposed is dangerous. She stated that currently there is a school bus that travels Stokes Road every morning during the week and that this is an additional safety concern. She also stated that Virillia Road is in bad condition. Commissioner Steen inquired as to whether there was any clear policy on surface mine petitions to which Zoning Administrator Sellers informed him that

there was not. Commissioner Steen stated that he was under the impression that there was a clear policy, and due to mis-information in addition to his opinion that the church members in opposition needed to be present in order to have an opportunity to express their concerns, he recommended that the Petition be tabled for another month. Upon Motion by Commissioner Steen, seconded by Commissioner Brown, with Commissioners Walters, Brown, and Steen voting "aye", and Commissioner Spiro and Chairman Lockett voting "nay", the Motion to table the Petition until the June meeting passed.

There next came on for consideration the Petition of James B. Collins/Michael Young for special exception to surface mine certain property located on Coker Road. This Petition was tabled at the last meeting. An exempt permit was provided from the Department of Environmental Quality. Michael Young appeared on behalf of the Petitioner and stated he was to build a lake in exchange for the dirt on the property. He stated that his hours of operation were proposed to be 7:00 a.m. until 6:00 p.m. and that it would take approximately 1 year to complete. He stated that the exit route would be onto Coker Road. Bob Marsh appeared in opposition. Mr. Marsh lives on Lake Lorman across from the site. He stated that he had safety concerns due to the fact that Coker Road is a small road. He provided photographs of the road, which are attached hereto as Exhibit "A". He also said that having numerous trucks on Robinson Springs Road will create a nuisance to the local residents. Jay Cook also appeared in opposition. He is a property owner at Lake Cavalier and is concerned with future expansion of the mine. He also stated concerns with watershed issues with putting another lake in the area due to the fact that several lakes are already located in this community. Floyd Doolittle, a resident at Lake Lorman, also appeared in opposition and shared the same concerns as others in opposition. In addition, he stated that this operation would increase dust and pollution in the area and this will affect retired older individuals. Mira Hester appeared in opposition and stated that the road is in bad condition and that there are safety concerns due to the fact that this road contains many hills and blind spots. Commissioner Steen inquired as to how the Department of Environmental Quality regulates the exemptions that they grant. Zoning Administrator Sellers informed the Commission that DEQ notifies the County of the exemption permit and relies on the County for enforcement of the regulations. Commissioner Steen stated for the record that he committed to the residents of Robinson Springs Road in response to a prior mining petition on Robinson Springs Road (APAC) to oppose any additional trucks being subjected to Robinson Springs Road. As such, upon Motion by Commissioner Steen, seconded by Commissioner Spiro, with Commissioners Steen, Spiro, Walters and Brown voting "aye", and Chairman Lockett voting "nay", the Motion to recommend denial of the Petition to the Board of Supervisors passed.

There next came on for consideration the Petition of John Jordan to rezone R-1 Residential to R-2 Residential on North Old Canton Road. Mr. Jordan appeared on behalf of the Petitioner and stated that the City of Madison would provide the sewer and Bear Creek Utilities will provide utility services. He also stated that the City of Madison has approved this plan. He stated that the Planning and Zoning Commission of the City of Madison originally denied his plat due to some problems with setbacks on some of the lots, but the Petitioner presented a new plat that has addressed all of these concerns, which has subsequently been adopted by the City of Madison. Commissioner Spiro stated for the Commission that he personally checked with the City of Madison regarding this Petition and verified that this plat had been approved with no conditions by the City of Madison. Upon motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Sidney A. Turner/John G. Horecky & D. J. Horecky for permission to rezone R-1 Residential to C-1A Limited Commercial District. D. J. Horecky appeared on behalf of the Petitioner and stated that Bear Creek will provide utilities. She stated that the subject property was listed as R-1 on the adopted land use plan and that they want the property rezoned to C-1A in order to construct an office park, which would include approximately 4 offices. She stated that they would use the same architect that developed Dr. Tom Garrett's office, which is located in the neighboring area. Upon motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting "aye", motion to recommend rezoning the subject property from R-1 to C-1A in addition to any necessary amendments to the land use plan, passed.

There next came on for discussion the issue of attorneys' fees. Upon Motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", motion to approve attorneys' fees passed.

There being no further business, the meeting was adjourned at 10:15 a.m.

Date

(Chairman)