

**MINUTES OF THE MADISON COUNTY PLANNING AND  
ZONING COMMISSION HELD AND CONDUCTED ON  
WEDNESDAY, THE 15<sup>th</sup> DAY OF APRIL, 2009 AT 9:00 A.M.  
AT THE MADISON COUNTY CHANCERY BUILDING**

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BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Wednesday, the 15<sup>th</sup> day of April, 2009, at 9 a.m. in the Madison County Chancery Building.

Present:       Chairman Bennie Luckett  
                  Brad Sellers, Zoning Administrator  
                  Sidney Spiro  
                  Ken Steere  
                  Rev. Henry Brown  
                  William Amadio

There first came on for consideration the Minutes of the March 12, 2009 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 the Mississippi Muslim Association for a Special Exception to erect and use a mosque and Community Center on 5 acres zoned R-1 Residential District. This property is just north of the Madison City limits, on the west side of Highway 51. A site plan has been provided. The architectural design is not included as Petitioner was waiting for approval before they incurred the cost to have those plans drawn up. Roger W. Williams appeared on behalf of the petitioner. Mr. Williams presented signed petitions in support of the subject petition, containing approximately 400 names. These petitions are being attached collectively hereto as Exhibit "A". Mr. Williams explained that the Mississippi Muslim Association is a Mississippi non-profit corporation. Their current location is in South Jackson, where they have been located since 1991. However, most of the members now live in Madison County and they are seeking a place to worship in the community where they now live. The Petition is to construct a mosque and Community Center at this location. Mr. Williams stated that the site is suitable for the proposed structures because it consists of five (5) acres. It is therefore large enough to hold the proposed structures, and it further leaves room for potential growth in the future if needed. Mr. Williams explained that it would cause minimal disruption to the surrounding property owners. Their largest gathering has been approximately 120 to 150 people, with about forty (40) to fifty (50) cars total. This lot is the appropriate size to accommodate these structures as well as a parking area. There is further a church site located about six tenths (6/10) of a mile from this site and therefore, the subject Petition is generally compatible with the surrounding area. Mr. Williams further stated that this is not a petition to rezone the property, but a request for a special exception. Mr. Williams also pointed out that there are many churches in Madison County near residential developments and that the subject petition is no different from the existing churches. Mr. Williams stated that they understood that if approved, the architectural plans would need to be submitted for approval as well.

Mr. Williams stated that he was aware there were individuals who were present at the March hearing when the Petition was tabled, who were in opposition to the Petition. He had contacted Zoning Administrator Sellers and gotten the names of these individuals and sent each of them a letter. A copy of the letters were presented to the Commission and are attached hereto collectively as Exhibit "B". These letters provided more information regarding Petitioner's request and invited each individual to a meeting to address any concerns. Mr. Williams explained that none of the individuals who they contacted chose to attend the meeting. Mr. Williams further stated that he had received the letter where the City of Madison is refusing to provide utility services to this location due to the lack of restrictive covenants and a master plan for the area. Mr. Williams referenced a letter from the City of Madison and his letter in response. A copy of each of these letters is attached hereto collectively as Exhibit "C". Mr. Williams further reiterated that Petitioner is willing to work with the City of Madison to do whatever is needed to comply with the regulations of the City. He further stated that Petitioner was willing to allow the Petition to be approved contingent upon obtaining utilities from the City of Madison or through a private facility. He again stated that most of the members are residents of Madison County, many professionals, and they are simply wishing to construct a place to worship and fellowship in their community.

Questions were solicited from the attendees. Azzan Aburmirshid, a member of the Petitioner, addressed the Commission. He stated that he had been a resident of Madison County for seven (7) years and he was very grateful to the county for the opportunities it had provided he and his family thus far. He stated that he and the other members had immigrated to the United States because it is the best county in the world. He further stated that the members are active participants in the community, their children attend both the local public and private schools, and play sports with the other children in the community. He stated that they are everyone's neighbors and colleagues and they are trying to provide for their families and raise their children like everyone else in the community. He stated the proposed Community Center will be a place of fellowship for all people, Muslim and non-Muslim. He further stated that they plan to provide free medical screening to those in the community. He reiterated that the United States is founded on freedom, including freedom of religion, and he requested that the Commission approve the subject Petition.

Michelle Thompson also spoke and said she had been a resident of Madison County for fifteen (15) years. She stated that Madison has become a diverse community and that she personally knows many of the families present today. She explained that she runs a summer camp and a chess club and that many of the families present have attended the summer camp and/or are members of the chess club. She stated that all citizens deserve a place to worship. She stated that she had looked at the proposed site a number of times and she thinks the location makes sense and would be a good fit, especially since there is another church site right up the road. She stated that she was present to express her support of the Petition.

Questions were then solicited from those present in opposition to the subject Petition. Alan Henderson addressed the Commission and stated that he was present, along with his wife, as well as other members of the community. He stated that he is a life long resident of Madison County and he strongly opposes the Petition. He stated that it was an

exception being requested, meaning it was not within the usual intent of the current zoning. He stated that this property was purchased six (6) months ago and the owner of the property lives in Clinton, not in Madison County. He stated that granting the Petition would be giving the Petitioner special and preferential treatment. He stated that the proposed structures, in addition to the existing structures, will be a total of approximately 2,500 square feet. He further stated that a mosque is not in character with the surrounding properties. He said that he owns the adjacent land on three (3) sides and it is farm land. He stated that he felt the Petitioner's structure would be better suited somewhere else. He stated that he spent about a year working with the City of Madison trying to determine the best use of his property in the long range terms. He stated that he was finally granted the rezoning but he had worked with the City of Madison to obtain approval. He stated that he wants to protect his property value and they are concerned this will diminish their value. He also strongly disagrees regarding the similarity Petitioner is claiming to the other church located down the road from the proposed site. He stated that the Methodist church site located down the road had originally approached him about his land and that church was turned down. He stated that it is not a similar comparison for land use. He further stated that he has lost several sales of his property because it wasn't in character with the surrounding property. He said the west side of Highway 51 is considered to be a commercial growth area and the east side (where the Methodist site has been approved) is residential. He said that prior Board decisions should be consistent.

Commissioner Steere inquired regarding the current structure located at the site and said that the site plan states that the structure would be demolished. Zoning Administrator stated that this was correct. Attendee Alan Henderson apologized and stated that he stood corrected on this point. Commissioner Amadio inquired regarding the property that bordered this property that was allegedly previously denied for this use. Attendee Henderson stated that it had been denied and that the decisions should be consistent. He further stated that he thought there was a tremendous difference between the east and west sides of the road - the current Methodist church is located on the east side of the road and the subject site is located on the west. Commissioner Steere inquired regarding the location of the property where the previous site was denied and he stated that it was south of the subject site. Attendee Henderson further stated that his objection was not religious related but that a mosque was not in character with the neighborhood. Zoning Administrator addressed the Commission and stated that the Methodist Church was not previously denied, it had withdrawn its Petition because the utilities were not furnished by the City.

Thadius Clayton Cochran addressed the Commission and stated that he is personal friends with the owner of the property and that he is in support of this Petition. He stated that he sells medical equipment and had worked with the physician who owns the land for over ten (10) years. He said that he knows him on both a personal and professional level and that he can't speak highly enough about his character. He is further acquainted with many of the others present today in support, and can also attest to their high character. He said he was proud to be present today in support. He further stated that the owner could potentially be relocating to Madison in the near future as his neighbor.

Attendee Doug Varney addressed the Commission next and stated that he has been a resident of Madison County for twenty-five (25) years. He said those in opposition are not questioning the character of the people but are questioning the character of the property.

He stated that the proposed area will most likely be developed commercially and this will not conform to that plan. He further stated that he is concerned regarding their property value. He also stated that if granted, certain businesses would be prevented from building near the site because of regulations regarding limiting the sale of various items which are located near a religious institution. He stated this would limit the types of businesses that could be developed on surrounding commercial sites. He also stated that he was concerned regarding the increase in traffic it would create.

Roger Williams again addressed the Commission regarding the issues that had been brought up by those in opposition. He stated Petitioner is not requesting special treatment and that any religious institution would be required to come before the Commission to obtain approval. He further stated that the property is zoned residential, not commercial. He stated that Petitioner was more than willing to meet with the adjoining land owners to address any concerns. He further pointed out that there are many churches located near commercial property in Madison County and they are simply requesting the same thing.

Thomas Clark, Pastor of Ascension Lutheran Church, addressed the Commission. He stated he has been a resident of Madison County for five (5) years and his church is located just outside of the county line. Most of his members are residents of Madison County. He is the leader of the Mississippi Religious Leadership Conference. He stated that he had previously sent a letter to Zoning Administrator Sellers and he read that letter aloud to the Commission. The letter and other petitions in support of his letter are attached hereto collectively as Exhibit "D". He stated that most people associate Muslims with terrorism but that couldn't be further from the truth. He stated that he believed the proposed site would add value to the community.

Maur McKie addressed the Commission next and stated that he lives across the street from this property. He stated that he is not questioning the Petitioner's faith, but just the property and zoning. He stated that it was not a religious issue. He thinks that there is a more appropriate place for this site and he thinks the decision should be about the law.

Mr. Aburmishid again addressed the Commission and stated that they are not here to hurt the neighboring properties or to devalue their property. They further are not asking for special treatment. He said that the Petitioner would be willing to waive any alcohol sale issue and that they would have no problem with alcohol sales in proximity to this site. He stated that they were willing to do whatever necessary to work with the City of Madison to address all issues.

Another member of Petitioner stood and addressed the Commission. She stated that their service hours were not during high traffic times and that it would, therefore, not interfere with traffic.

Bruce Partridge also addressed the Commission. He stated that he is a thirty-two (32) year resident of Madison County. He stated that this area is zoned commercial and should remain commercial. He stated that the future growth of the County depends on businesses and this would hinder growth.

John Hedglin, attorney for City of Madison, was then asked to address the Commission regarding whether the City had a position on the subject Petition. He stated that the City likes to remain consistent. He further stated that the City had no objection to the Commission making a ruling one way or the other, subject to the Petitioner resolving the utility services with the City of Madison. Commissioner Steere inquired regarding the City's certificated area and the rules regarding having a private sewage treatment. Zoning Administrator Sellers stated that his understanding is that if the area is in the City's certificated area, the City can either provide utilities or not. If the City does not release the site from the certificated area, however, then Petitioner cannot go to the Health Department and request a private sewage treatment for the site.

Commissioner Amadio stated that his only concern was that Petitioner didn't work out the utility issues with the City before filing the petition. Based on this reasoning, upon Motion by Commissioner Amadio to deny the petition of the Mississippi Muslim Association because they did not work out the utility issues with the City of Madison, seconded by Commissioner Spiro, with all voting "aye," the Motion to deny the petition passed.

There next came on for consideration the approval of the attorney's fees. Upon Motion by Commissioner Brown, seconded by Commissioner Steere, with all voting "aye", the Motion to approve the attorney's fees passed.

There next came on for consideration the setting of the date of the May, 2009 meeting. Upon Motion by Commissioner Spiro to set the date for the May meeting on May 21, 2009, seconded by Commissioner Brown, with all voting "aye", the Motion to set the date passed.

With there being no further business, the meeting adjourned at 10:05 a.m.

5/21/09  
Date

  
(Chairman)