

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 13th DAY OF JULY, 2023 AT 9:00 A.M. AT THE  
MADISON COUNTY COMPLEX 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 Thursday, the 13th day of July, 2023, at 9:00 a.m. in the Madison County Complex Building.

Present: Bill Billingsley  
Dr. Keith Rouser  
Rev. Henry Brown  
Jean McCarty  
Scott Weeks, Planning and Zoning Administrator  
Honorable Mike Espy, Esq.

The meeting was opened with prayer by Chairman Rouser, and all present participated in pledging allegiance to our flag, led by Chairman Rouser.

There first came on for consideration the minutes of the June 8, 2023, meeting of the Commission. Upon motion by Commissioner Billingsley, seconded by Commissioner McCarty with all voting “aye,” motion to approve the June 8, 2023, minutes passed.

There next came on for consideration, the need to open the meeting for public hearing of certain matters. Upon motion by Commissioner Billingsley to open the meeting for public hearing of certain matters, seconded by Commissioner McCarty, with all voting “aye,” the public hearing was so opened.

There next came on for consideration the Application of St. Mark Church for a Conditional Use for Public/Quasi Public Facility (addition to a church) with site plan. The property subject to the application is at Highway 43 and Dean Road, is zoned A-1 Agricultural District, and is in Supervisor District 5. Donald Lawrence appeared on behalf of the Applicant. Mr. Lawrence advised that the church is seeking a 1,620 sf addition to the church. Upon motion by Commissioner Billingsley to approve the Application of St. Mark Church for a Conditional Use for Public/Quasi Public Facility (addition to a church) with site plan, seconded by Commissioner Brown, with all voting “aye,” the motion to approve the Application of St. Mark Church for a Conditional Use for Public/Quasi Public Facility (addition to a church) with site plan, was approved.

There next came on for consideration the Application of Daniel Wooldridge to Re-Zone certain property from A-1 Agricultural District to C-2 Highway Commercial District. The property subject to the application is located on Highway 22, is zoned A-1 Agricultural District, and is in Supervisor District 4. Daniel Wooldridge, architect for the project, appeared on behalf of the Applicant. Mr. Wooldridge advised that the subject property once had a residence on it, but has since been torn down, and is currently vacant. Mr. Wooldridge advised that the owners of the property wish to sell it, and desire to have it zoned as C-2 prior to sale. Mr. Wooldridge advised

that the property is currently overgrown, is being used as a dump site for garbage and deer carcasses, and the owners would like to have the property re-zoned for sale, and a more appropriate use.

Commissioner Billingsley inquired, and clarified that the owners were desirous of rezoning to C-2 in order to sell the property as such, instead of its current A-1 designation. Mr. Wooldridge agreed, and advised that there are no current, specific plans for development, but that the owner simply wished to have it re-zoned prior to sale. Mr. Wooldridge further advised that the property is surrounded by A-1 with a conservation easement behind it.

Attorney Espy advised the Applicant of the burden of proof in demonstrating a change in the character of the neighborhood such as to justify rezoning, and necessity to make that a part of the record. Mr. Wooldridge advised that, to the East, the Madison County Megasite has developed, and to the West, the Town of Livingston has developed, and produced an increase in traffic on Highway 22 to allow for, and create need for more commercial opportunity in the area. Chairman Rouser echoed Attorney Espy's statement of a need for record proof of public need for the commercial zoning, and Commissioner Billingsley advised of necessary record proof of change in character of the neighborhood to justify rezoning. Mr. Wooldridge advised that although he did not have any type of specific study to produce, there is ample evidence that the Megasite has grown, and of other parcels on both sides of Highway 22 between Canton and the subject property have been zoned, and developed as commercial. Mr. Wooldridge also advised that some properties in the area have developed as residential, and that the residential development will support the commercial developments between Canton and Livingston, including the subject property.

Based on questions posed by Chairman Rouser and Commissioner Billingsley, Mr. Espy advised that an independent "study" was not necessarily required, but that more was required; perhaps in the form of public documents or reports showing the change in character of the neighborhood, and public need to support the re-zoning.

Danny Spivey appeared on behalf of the Creekmore family, and others in opposition. Mr. Spivey argued that the Applicant had not demonstrated any public need for commercial development. Mr. Spivey also argued that the Applicant cannot demonstrate any change in character of the neighborhood. Mr. Spivey further reminded the Commission that the Applicant had previously been before the Commission on this property and sought to have it re-zoned to I-2 Heavy Industrial District, and the Commission denied that application unanimously. Mr. Spivey also advised that the Applicant's argument that they desire to re-zone in order to sell the property is not a public need, but rather a private need in order to make money. As such, Mr. Spivey argued that the Applicant cannot demonstrate a public need. Mr. Spivey presented the Commission with a document showing the property owned by the Creekmore family, consisting of approximately 500 acres of residential and agricultural property which runs from Panther Creek to Catlett Road. Mr. Spivey also provided the Commission with a letter from Heath Jenkins, owner of Turkey Creek, expressing opposition to the Application, and noting that a large portion of his property is zoned I-2, with the remainder being in a conservation easement, such that it can never be used for I-2. As such, Mr. Spivey argued that the Applicant cannot, and will not be able to show a change in character of the neighborhood to support re-zoning. Mr. Spivey also provided the Commission with a letter from Trey Pace, owner of property just to the East of the subject property, expressing

his opposition to the Application. Mr. Spivey further provided the Commission with a color map showing all of the surrounding property and their zoning designations to show that there has been no change in character of the neighborhood. Mr. Spivey further advised the Commission that the subject property lies in a curve and a dip in the highway, and that there could be no middle or turn lane to protect patrons entering or exiting the purported development. Mr. Spivey objected to any request to table the Application based on the fact that the Applicant had been before the Commission previously, did not present any evidence of change in character of the neighborhood, or public need, and have not done so on this application.

Mr. Wooldridge argued that there is a curve in the road, but that the subject property is in a straight away with adequate distance for ingress and egress, and that even if there was a house, residence, farm, or other use of the property, the curve and any associated issues would remain.

Christi Greenlee appeared on behalf of the owners of the property subject to the Application. Ms. Greenlee disputed the contention regarding the danger of the curve in the road as there was once a residence there, and no reported accidents with ingress/egress. Ms. Greenlee advised that she has a demographic census provided by Chris Watson that would demonstrate growth in the area, and which would show the need for the re-zoning, and that she would provide that to Administrator Weeks.

Angela White, an adjacent property owner, appeared in opposition. Ms. White argued that the proposed re-zoning to C-2 would increase traffic volume, and increase risk of danger to vehicular traffic in the area. Ms. White also argued that C-2 is simply out of character with the current agricultural and limited residential. Ms. White argued that C-2 designation would increase traffic, security issues, and that there was no infrastructure in place to support the re-zoning.

Upon motion by Commissioner Billingsley to table the Application of Daniel Wooldridge to Re-Zone certain property from A-1 Agricultural District to C-2 Highway Commercial District in order to allow the Applicant to provide requisite proof in support of their Application as verbally communicated by Ms. Greenlee, seconded by Commissioner Brown, further discussion ensued. The motion was opposed by Attorney Spivey, and others in opposition, stating that the Applicant had previously been advised of the required proof necessary to support re-zoning, and that the Applicant had not submitted any such proof. In response to questions from the audience, Administrator Weeks advised that if a re-zoning application is denied, the applicant cannot seek the same re-zoning designation for one (1) year following denial. Attorney Espy further explained the necessity of fairness to both parties in making a complete record for the Board of Supervisors, or a court to review in the instance of appeal. Ms. White requested that the demographic study from Ms. Greenlee be shared with the opposition. Kayce Saik appeared in opposition and argued that she had previously submitted evidence of numerous accidents on Highway 22 in the area around the subject property, and commercial property would only exacerbate the danger. Ms. Saik also expressed the concerns of elderly residents in the area that were not able to attend. Mike McGuffy appeared and expressed concern over the fact that the intended use of the subject property was unknown. Mr. Wooldridge advised that the demographic census report that is forthcoming is broad as to Madison County as a whole, but is also broken down into specific areas including the Highway 22 corridor.

Commissioner Billingsley withdrew his motion to table in order to allow Attorney Spivey to submit his documents as exhibits to the minutes. Upon motion by Commissioner Billingsley to admit certain documents provided to the Commission as exhibits to these minutes, seconded by Commissioner Brown, with all voting “aye,” the motion to admit certain documents provided to the Commission as exhibits to these minutes, was approved. Administrator Weeks and Chairman Rouser also noted that other documents and emails were submitted in opposition to the Application. All such documents are attached to these minutes as **Collective Exhibit “A.”**

Terry Sowell appeared in opposition and expressed concern over the traffic and safety concerns that would come with a C-2 designation, and that he had seen numerous wrecks in this area.

John Pace appeared in opposition and expressed concern that this re-zoning would open the door for others to re-zone other property in the area as commercial, and further exacerbate the traffic safety concerns.

Upon motion by Commissioner Billingsley to table the Application of Daniel Wooldridge to Re-Zone certain property from A-1 Agricultural District to C-2 Highway Commercial District in order to allow the Applicant to provide requisite proof in support of their Application as verbally communicated by Ms. Greenlee, seconded by Commissioner Brown, with all voting “aye,” the motion to table the Application of Daniel Wooldridge to Re-Zone certain property from A-1 Agricultural District to C-2 Highway Commercial District in order to allow the Applicant to provide requisite proof in support of their Application as verbally communicated by Ms. Greenlee, was approved.

There next came on for consideration, the Application of Ragsdale Solar Park, LLC for a Conditional Use for a Public/Quasi Public Facility Utility (Solar Park) with site plan. The subject property is at Highway 43 and Endris Road, is zoned A-1 Agricultural District, and is in Supervisor District 5. Jeffrey Jacobson with EDP Renewables appeared on behalf of the Applicant and advised that he was seeking a conditional use for a 100-Megawatt solar park. Mr. Jacobson advised that they are preparing for commercial operation by the end of 2024. Mr. Jacobson advised that they have a mix of approximately 1200 acres of lease and purchase options on property, and approximately 850 acres will have infrastructure on them. Mr. Jacobson advised that all of the property surrounding the subject property is zoned A-1. Mr. Jacobson advised that they have agreements in place to interconnect the solar park with Entergy, and other energy service providers. Upon motion by Commissioner Billingsley to approve the Application of Ragsdale Solar Park, LLC for a Conditional Use for a Public/Quasi Public Facility Utility (Solar Park) with site plan, seconded by Commissioner McCarty, with all voting “aye,” the Application of Ragsdale Solar Park, LLC for a Conditional Use for a Public/Quasi Public Facility Utility (Solar Park) with site plan, was approved.

There next came on for consideration, the need to close the public hearing. Upon motion by Commissioner Brown to close the public hearing, seconded by Commissioner McCarty, with all voting “aye,” the public hearing was so closed.

There next came on for discussion, the setting of the August, 2023 meeting. August 10th, 2023, was suggested. Upon motion by Commissioner Brown, seconded by Commissioner Billingsley, with all voting “aye,” the motion to set the August, 2023 meeting for August 10, 2023, was approved.

With there being no further business, the July 13, 2023, meeting of the Madison County Planning and Zoning Commission was adjourned.

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Date

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Dr. Keith Rouser, Chairman