

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 9<sup>th</sup> DAY OF JANUARY 2014 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 9<sup>th</sup> day of January, 2014 at 9:00 a.m. in the Madison County Complex Building.

Present:       Dr. Keith Rouser  
                  Larry Miller  
                  Rev. Henry Brown  
                  William Amadio  
                  Will Sligh

Brad Sellers, Planning and Zoning Administrator.

There first came on for consideration the minutes of the December 12, 2013 meeting of the Commission. Upon motion by Commissioner Amadio, seconded by Commissioner Rouser, with all voting "aye," the motion to approve the November 14, 2013 minutes passed.

There next came on for consideration the Petition of Matt Gilmer to rezone A-1 Agricultural District to C-2 Commercial District. This property is located on the N/E corner of Catlett Road and Stribling Road Extension and consists of a 7.9 acre tract of land. The proposed first development on this property is a convenient store. The utilities will be provided by Bear Creek Water Association. As an aside, this development was previously approved for a church that was not built. The site plan was provided prior to the meeting. Nolan Palmer appeared on behalf of the Petitioner as the developer of the proposed area. In response to a question from Commissioner Sligh, he explained they had worked with the county to make sure this property wouldn't affect future roadway development.

Next several people from the area spoke in opposition to the proposed Petition. David Hanes explained that he had been living in the area since the 1970's and that there was another store a few miles away and this store was therefore not needed. He also explained their concerns with noise and increased traffic in the area due to a store of this nature. He also expressed concern as to what would be placed on the other acres after this convenient store was built. He presented a signed petition with over 30 signatures of those living nearby who opposed the Petition to rezone. Zoning Administration Sellers explained that the criteria to be met in circumstances for rezoning where a change in the character of the neighborhood and a need for the proposed request. Tim McAlroy also spoke in opposition and further explained the bad traffic conditions in the area and expressed concerns for this rezoning and how it would negatively affect things even more. He presented a signed Petition of over 70 signatures and pictures of traffic issues in the area. All of the Petitions and photographs presented in opposition are attached as cumulative Exhibit "A." Sherrel Williams also spoke in opposition and stated she had lived in the area for over 50 years and expressed concern for what this

type store might do to the area, including safety concerns as well as the traffic concerns expressed by others. She explained that this was a residential area and this would not be in character with the area. Upon motion by Commissioner Sligh to approve the Petition, seconded by Commissioner Amadio, with all voting "aye" except Commissioners Rouser and Miller, the motion to approve the Petition passed.

There next came on for consideration the Petition of CMI/Verizon Wireless for a Special Exception for a cellular phone tower. This tower will be located on Virilia Road. They propose to construct and operate a 300 foot communication tower on this site. David McGee with CMI appeared on behalf of the Petitioner. Dr. Bill Howard, the owner of the property also appeared. Mr. McGee explained that this tower was needed to fill a coverage gap in the area that currently exists. He said that a tree line was present to help buffer the area and they would meet all requirements imposed by the county, state and the FAA for lighting the tower, etc. Dr. Howard explained that he was in favor of the tower on his property. Commissioner Sligh inquired regarding whether they would allow local authorities to use the tower as needed and Mr. McGee explained that they would. Upon motion by Commissioner Rouser to approve the Special Exception, seconded by Commissioner Miller, with all voting "aye," the motion to approve the Special Exception passed.

There next came on for consideration the Petition of David Mars for a variance to the side setback in the A-1 Agricultural District located off Highway 49 North. Mr. Mars constructed a lean-to shed on the south side of his airplane hanger without a building permit, which encroaches into the required side setback in the A-1 District. This addition appears to be on the property line, and a letter is provided by the affected property owner. Mr. Mars appeared on behalf of Petitioner and said that he had received permission from the couple next door to construct the shed. Since the Complaint was filed, he has since applied for the variance up for discussion today. Commissioner Rouser inquired whether he intended to purchase the property if necessary. Mr. Mars explained that the land had not been surveyed to determine if it was indeed on the line. Commissioner Amadio explained that they couldn't vote on the Petition until a determination was made on how far, if any, the shed encroached on the neighboring property. It was decided that this matter would be tabled until the area could be surveyed and a determination made as to whether the property was over the line of the neighboring property owner. Upon Motion by Commissioner Rouser to table this Petition until the next meeting, seconded by Commissioner Sligh, with all voting "aye," the motion to table this Petition to the next meeting passed.

There next came on for consideration the site plan of Fuel Time #10 for a proposed convenient store on Gluckstadt Road. Alton Clingin and Rav Beda appeared on behalf of the site plan. Commissioner Sligh inquired regarding the height of the sign. Petitioners explained that they did not have plans drawn up yet so they couldn't be sure. Commissioner Sligh explained that the other newer construction in the area were limiting theirs to 8 feet and asked if they would agree to the same. There was also a discussion regarding potential issues with drainage. Upon Motion by Commissioner Sligh to approve the site plan pursuant to 1) a letter from the engineer regarding drainage and 2) that the sign be limited to 8 feet, seconded by Commissioner Amadio, with all voting "aye," the motion to approve the site plan pursuant to the provisions as stated passed.

There next came on for consideration the site plan of Cottrell Gym for a gymnasium/sports

facility proposed for Industrial Drive South off Gluckstadt Road. The owner proposed a new facility to be used as a gymnasium/sports facility. Greg Ainsworth appeared and explained there were no drainage issues and that the building would be brick facad with metal siding. Upon Motion by Commissioner Amadio to approve the site plan, seconded by Commissioner Miller, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the site plan of Shane Orman for a proposed medical clinic on Gluckstadt Road. Shane Orman, acting on behalf of Dr. Parvesh Goel explained that they had met all the requirements and a flood plan was included. Zoning Administrator Sellers explained that the county engineer had to approve all plans. Upon Motion by Commissioner Sligh to approve the site plan, seconded by Commissioner Rouser, with all voting "aye," the motion to approve the site plan passed.

There next came on for consideration the site plan of Joe Welch for a new commercial building on Aulenbrock Drive off Yandell Road. The site plan was submitted. Upon Motion by Commissioner Amadio to approve the site plan, seconded by Commissioner Sligh, with all voting "aye," the motion to approve the site plan passed.

There next came on for discussion the issue of attorney fees. Upon motion by Commissioner Amadio, seconded by Commissioner Rouser, with all voting "aye," motion to approve attorney fees passed.

There next came on for discussion, the setting of the February, 2014 meeting. February 13, 2014 was suggested. Upon motion by Commissioner Sligh seconded by Commissioner Miller, with all voting "aye," motion to set the February, 2014 meeting for February 13, 2014, passed.

With there being no further business, the January 9, 2014 meeting was adjourned.

2/13/14  
Date

Walter D. Amadio  
vice-(Chairman)