

**MINUTES OF THE MADISON COUNTY PLANNING AND ZONING
COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 8TH DAY OF
APRIL, 2010 AT 9:00 A.M. AT THE MADISON COUNTY
COMPLEX BUILDING.**

BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 8th day of April, 2010 at 9:00 a.m. in the Madison County Complex Building.

Present: Brad Sellers, Zoning Administrator
Ken Steere
William Amadio
Reverend Henry Brown
Reverend Bennie Lockett, Chairman

There first came on for consideration the minutes of the March 11, 2010 meeting of the Madison County Planning and Zoning Commission. Upon Motion by Commissioner Steere, seconded by Commissioner Amadio, with all voting "aye", Motion to Approve the Minutes of the March 11, 2010 meeting of the Madison County Planning and Zoning Commission passed.

There next came on for consideration the Petition of CellularSouth for a Special Exception for a Public-Quasi/Public Facility. This Petition was on the agenda of the March 11, 2010 meeting, at which time it was tabled. Chad R. Mullen and Jerry Skipper appeared on behalf of the Petitioner. The Petitioner re-presented the Petition to the Commission, at which time the Petitioners reiterated that the AT&T tower in this vicinity is too far away to maximize the coverage goals that have been established and discussed with the Madison County Board of Supervisors. The Petitioners informed the Commission that the site is 651 feet from the driveway of John B. Brown, who previously appeared in opposition to this Petition. Petitioners also stated that it is ½ mile from Mr. Brown's house and that it has been established that cell towers do not affect property values. CellularSouth stated that from a cost standpoint, the AT&T tower would be more desirable but that it simply would not provide the same coverage. Jerry Skipper, also on behalf of CellularSouth, stated that the Camden area is critical for CellularSouth and the coverage expectations. They reiterated that appraisals have been done in the past and towers do not affect property values. Mr. Skipper told the Commission that residential developers even go so far as to call CellularSouth to gauge coverage when considering potential residential developments. Mr. Skipper provided photos of areas from Madison County subdivisions, which depict water and cell towers in the same vicinity as the development. These photographs are attached hereto and incorporated herein by reference as Exhibit "A".

Commissioner Brown advised the Commission of his site inspection and reported that the proposed site does have a lot of greenery and trees. Chad Mullen added that the site consists of

a lot of screening and densely wooded areas. Commissioner Steere inquired as to the height of the trees to which the Petitioner stated that the pine trees in the area are approximately 75-90 feet and contain thick undergrowth around the site.

John B. Brown appeared in opposition. Attached hereto as Exhibit "B" is a letter from John B. Brown to the Commission dated April 8, 2010, which expressed his primary concerns. Mr. Brown read the letter to the Commission. He stated that Chad Mullen had approached him approximately 1 year ago and gave him a proposed layout, at which time he advised Mr. Brown that his property was a desirable location. Mr. Brown stated that Camden would likely be developed in the future and that the Commission should take that into consideration when deciding whether to recommend approval of this Petition. Mr. Brown pointed the Commission's attention to the Mansel house, which is directly across the street from the proposed site. Mr. Brown commented as to the age and historical nature of the home and his opinion that it may possibly be on the historical register. Mr. Brown also commented that there are too many other locations in the Camden area that would be more suitable than the proposed location, which, in his opinion is, too close to Loring Road. He commented that Loring Road is a beautiful stretch of roadway and that a cell tower should not be in its vicinity.

Commissioner Steere inquired of the Petitioner as to why the original proposed location with Mr. Brown was not used. Mr. Mullen stated that the location was a preliminary site, and, at that time, the only objective they had was for coverage to the local high school area. Since that time, Mr. Mullen stated that coverage objectives have changed and balloon tests have been conducted. In all, CellularSouth looked at 5 different locations, and the other locations simply will not meet the coverage objectives, which include, among other areas, the Camden Library, Fire Department, School and other sites. Commissioner Brown inquired as to the setback requirements to which the Petitioner stated there is a 40 foot requirement. He said the proposed compound will be 40 feet from the right-of-way and the tower will be approximately 90 feet from the right-of-way.

Commissioner Brown made a motion to recommend approval to the Board of Supervisors with Mr. Brown's objections specifically noted for the Board of Supervisor's consideration. There being no second to Commissioner Brown's motion, the motion failed. Upon motion by Commissioner Steere, seconded by Commissioner Amadio, with Commissioner Steere and Amadio voting "aye" in favor and Commissioner Brown voting "nay", the motion to recommend denial of the Petition based upon its close proximity to Loring Road passed.

There next came on for consideration the Petition of Madison County/South Madison County Fire Protection District for a Special Exception for a Public-Quasi/Public Facility for a Fire Station in an R-2/A-1 District along Stribling Road in Madison County, Mississippi. Zoning Administrator Sellers introduced the Petition. Mac Pigg, Madison County Fire Coordinator, appeared on behalf of the Petitioner. He stated that the proposed fire station is

being suggested to improve fire protection for the Lake Caroline area. The Petitioner acknowledged the Gluckstat Fire Station but commented that it is simply too far away from the Lake Caroline area developments. He also advised the Commission that the placement of a fire station in this location will improve homeowner insurance ratings if constructed and provide ample fire protection to these areas. Upon Motion by Commissioner Amadio, 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 Minnie J. Bozeman Family, LP to rezone SU-1 District to C-1 Commercial District. Zoning Administrator Sellers introduced the Petition and advised the Commission that the requested rezoning is being sought for potential development of commercial lots and that utilities will be furnished by Bear Creek Water Association. Richard Skinner appeared on behalf of the Petitioner and advised the Commission that the property is listed on the land use plan as C-1. He stated that a majority of the property is in a flood plain and the best use for the property is commercial. Skinner advised that he developed the residential development across the street from this property, Belle Terre and the subject property would consist of landscape burms and, depending on the right-of-way, the development will consist of approximately 8 to 9 acres.

Commissioner Amadio inquired as to whether there were any calls in opposition. Zoning Administrator Sellers stated he did receive some calls from Belle Terre residents and other interested individuals. Commissioner Amadio inquired of the Petitioner as to the intent of the development, and the Petitioner stated that this has not yet been determined but that any possible uses allowed under C-1 zoning in Madison County could evolve in the future development. Zoning Administrator Sellers advised that C-1 does contain general retail so long as there is no outside storage but there are also some conditional uses allowed under C-1. However, the conditional uses would have to be approved by the Board of Supervisors. Commissioner Steere inquired of Zoning Administrator Sellers as to whether the land use plan listed this property as C-1 or C-1A to which Zoning Administrator Sellers confirmed that it was listed as C-1. Commissioner Steere next inquired as to the requirement for a site plan to which Zoning Administrator Sellers advised the Commission that there is no requirement at this time for a full site plan due to the fact that there is no specific proposed development involved in this Petition, only proposed rezoning. Zoning Administrator Sellers inquired of the Petitioner as to confirmation of the basis for the rezoning to which the Petitioner stated that the request was being made for potential sale of the property as opposed to current development. Zoning Administrator Sellers advised the Commission that if and when the property is developed, a specific site plan will then have to be presented to the Planning Commission and the Board of Supervisors.

Minnie Spire appeared in opposition. She noted objections to the Petition on the grounds that the rezoning may open the door for future development under the conditional uses allowed

under C-1, such as fast food businesses and gas stations. She did not have any objection, however, to the property being rezoned to C-1A, which specifically prohibits these conditional uses. She also expressed concerns with the notice and specifically the sign that was erected on the property advising of the public hearing. Her concerns were that there was no information on the sign indicating when the public hearing would be or what the public hearing was about. Zoning Administrator Sellers commented that the zoning ordinance provides that other uses can be permitted by the Board of Supervisors under C-1, but any developer of these conditional uses would need to Petition the Planning Commission and Board of Supervisors for approval prior to any development. In addition, Zoning Administrator Sellers advised that the sign was not blank, as it gave contact information and notice. He also advised Ms. Spire that there was a legal notice published in the newspaper as required by law.

Commissioner Amadio advised that he received a number of emails from area residents and that these emails and comments have been received by the recipient and duly considered. He also commented that this property went through the public hearing process and was approved through the public hearing process as C-1 on the land use plan.

Nell Wade next appeared in apposition. She commented that the Zoning Ordinance, Section 2606.02, provided that a site plan is required. Zoning Administrator Sellers advised the Commission that the site plan presented by the Petitioner has all required information due to the fact that he is not developing the property. Commissioner Steere commented on the proposed road layout presented by the Petitioner and inquired as to whether the road layout, as proposed, would have to be followed if this request was ultimately approved. Zoning Administrator Sellers advised the Commission that if approved under the proposed road layout presented, it would have to be followed. However, if the road layout were changed, it would have to be done through a future Petition seeking approval from the Planning and Zoning Commission and Board of Supervisors of the proposed changes.

Commissioner Steere expressed concerns with the proposed road layout and the entrance locations off Bozeman Road. He inquired of the Petitioner as to whether the Petitioner would agree to change one entrance to match the Belle Terre entrance. The Petitioner commented that these entrances supported emergency access, which he felt was important. Commissioner Steere inquired as to whether the Petitioner would be amenable to removing the Northern Bozeman Road entrance to which the Petitioner commented that it may hurt the marketability of future development. Commissioner Steere then inquired as to whether the Petitioner would be amenable to removing the proposed road layout altogether from the Petition to which the Petitioner agreed. Upon Motion by Commissioner Steere, seconded by Commissioner Amadio, with all voting "aye", Motion to recommend approval to the Board of Supervisors with the omission of any proposed road layout, which the Petitioner consented and agreed to withdraw, passed.

There next came on for consideration the Petition of Towers of Mississippi II for a Special Exception for a Public-Quasi/Public Facility in an A-1 Agricultural District. Zoning Administrator Sellers introduced the Petition. Taylor Robinson appeared on behalf of the Petitioner and advised that the Petitioner is a State of Mississippi contractor working on Mississippi wireless networks. He advised the Commission that the work began on the coast and has moved north throughout Mississippi. The Petitioner is now working on the Mississippi wireless network in the Madison County area, and seeks the Special Exception to place a 400 foot guide tower on the proposed property. He advised that the network will provide wireless frequency use by all state agencies, including Madison County law enforcement.

Commissioner Steere inquired as to the size of the tower to which the Petitioner stated that it was a large tower due to sending and receiving components and the manner in which the signal is transmitted (microwaves). The Petitioner stated that the tower and components are designed to the latest engineering standards. Microwaves, as opposed to fiber, are highly survivable in emergency situations. The Petitioner cited the Hurricane Katrina disaster as an example of problems incurred with communications due to the previous communication system, which used fiber. He stated that the coverage of this tower will cover central to northern Madison County and that a second tower will be proposed in the future at the Lake Cavalier area.

Commissioner Amadio inquired as to whether there were any calls in opposition to which Zoning Administrator Sellers stated that he did have 2 calls but that no opposition was communicated. Commissioner Amadio inquired as to the lighting to which the Petitioner stated that it would consist of soft white lights at night and during the day the lighting would increase. Commissioner Brown inquired as to where the proposed site was located on Hwy. 43 to which the Petitioner advised that it was north of Sharon, Mississippi.

Upon Motion by Commissioner Steere, seconded by Commissioner Amadio, with all voting "aye", Motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Fred Bennett to rezone SU-1 Special Use District to A-1 Agricultural District and to request a conditional use to conduct surface mining operations. Zoning Administrator Sellers advised the Commission that the property was rezoned SU-1 in 1983 to facilitate for a horse-riding facility. He advised that the owner wants to build a house and conduct surface mining on the property and is not able to do either under the current zoning. The Petitioner was not present. Upon Motion by Commissioner Amadio, seconded by Commissioner Brown, with all voting "aye", Motion to table the Petition until the May, 2010 meeting of the Madison County Planning and Zoning Commission passed.

There next came on for consideration the date for the May, 2010 meeting. May 20, 2010 was proposed by Zoning Administrator Sellers, and he advised that the meeting would have to be set on a date other than the date for the Canton Flea Market. Upon Motion by Commissioner

Steere, seconded by Commissioner Brown, with all voting "aye", Motion to set the May, 2010 meeting of the Madison County Planning and Zoning Commission for May 20,2010 passed.

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

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

MAY 20, 2010
Date

Bennie Lusk
(Chairman)