

**MINUTES OF THE MADISON COUNTY PLANNING AND ZONING  
COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 13<sup>TH</sup> DAY OF  
JANUARY, 2011 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 13<sup>th</sup> day of January, 2011 at 9:00 a.m. in the Madison County Complex Building.

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

Absent: None

There first came on for consideration the minutes of the November 18, 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 passed.

There next came on for consideration the Petition of Livingston Township Rezoning Application. Zoning Administrator Sellers introduced the petition and provided a history of prior petitions in addition to known court proceeding in connection with the Livingston Development The Petitioner, represented by Don Williams, explained to the Commission that the petition was a request for down grading with respect to the current plan as it concerns the subject development.

Kevin Clark, architect, in presentation of the preliminary development plan to the Commission, explained to the Commission that the PUD will consist of an approximate 50/50 split with respect to commercial and residential development. The phases, as proposed in the development plan submitted, consisted of Residential 1a and 1b in addition to Commercial 1a and 1b zoning classifications. The open space requirements mandated under the ordinance will exceed the minimum requirements. It is expected that the open space in each sub-zone will exceed 15%. Commissioner Steere inquired as to the changes as to the overall preliminary plan that was initially submitted. Mr. Williams advised the Commission that the amended plan is very close to that which was initially submitted. Mr. Williams and Mr. Clark next provided exhibits to the Commission demonstrating the proposed changes as presented.

Commissioner Steere inquired as to when the petitioner expected to begin construction and it was advised that construction was anticipated to begin in the Spring of 2011. Zoning Administrator Sellers advised the Commission that any plans insofar as the actual development will have to be submitted for approval with respect to each phase and that the Petitioner will be required to provide required information in submissions before the Planning Commission and the Board of Supervisors prior to any development work on the subject project of any significance.

John Robinson, who appeared in opposition, stated that he has opposed all prior applications to rezone and is currently involved in the prosecution of an appeal to the Mississippi Court of Appeals regarding this development. He advised the Commission that he opposes the petition for the reasons briefed in his appeal. However, he specifically advised the Commission that he has no objection to the down-zoning request which has been presented by the Petitioners. Exhibit "A" to these minutes, which is incorporated herein, contains the recommendations with respect to this petition from MLHPD. Upon motion by Commissioner Steere, seconded by Commissioner Amadio, with all voting "Aye", Petition to rezone Planned Unit Development District with R-1b and C-2 underlying districts to C-1 Commercial and R-1b Residential underlying districts, contingent upon all recommendations from MLHPD as set forth in Exhibit "A" to these minutes, passed.

There next came on for consideration the Petition of WRTM FM/ for special exception for communication tower on the west side of Highway 51 South, Section 33, T8N-R1E. Zoning Administrator Sellers introduced the petition to the Commission, wherein he advised that the tower would consist of a 350 foot guyed tower for primarily radio use. He also advised the Commission that the property subject of the petition is vacant. The Petitioner, Matthew Wesolowski, appeared and advised that although WRTM is his opposition, he is in favor of the petition and the petition is being waged due to recent FCC rule changes, which has allowed the Petitioner, previously and currently located in Warren County, to move their location to the Gluckstadt area. The tower will consist of FM antennae in addition to broadcasting equipment. No other intended purposes is expected, but the Petitioner did state that the County could have access to the tower for communication purposes at no fee. There are two other towers in the area, but there is no additional room on either tower for their services, which has prompted this petition. The Petitioner advised the Commission that there exists 700feet of wooded buffer between the site and the closest major thoroughfare.

Commissioner Amadio stated that he received several complaints, which are embodied in Exhibit "B" hereto. Although based on the proposition this is not contained on the Land Use Plan, Sellers advised all that the Petition consists only of a request for a special exception and that special exceptions are not and cannot be contained on a land use plan. Upon Motion by Commissioner Amadio, seconded by Commissioner Steere, with Commissioner Brown voting "Nay" and all others voting "Aye", motion to recommend

denial of the Petition passed.

There next came on for consideration the Petition of Pass Go, LLC for permission to rezone C-1 to C-2 Commercial District. Zoning Administrator Sellers introduced the petition to the Commission. The Petitioner, Kelly Dabbs, advised that the request is being waged in that C-2 will allow him to build two buildings as opposed to one. It is anticipated that the buildings will consist of an office complex similar to those Petitioner has experienced in Destin and Nashville. Commissioner Sligh inquired as to the property to the west, to which the Petitioner stated that it was currently vacant and consisted of approximately 25 acres. Commissioner Steere inquired of Sellers as to the designation on the Land Use Plan, to which he advised that it was designated Commercial, and that if accepted, and development plans will require further submissions. Upon Motion by Commissioner Steere, seconded by Commissioner Sligh, with all voting "aye", motion to approve the Petition passed.

There next came on for consideration the petition of Martin Meadowlands for a special exception for surface mining. Zoning Administrator Sellers introduced the petition. It was advised that the County would be the primary client of the petitioner and user of the mining operation by-products. It was also advised that the DEQ required application process has been complied with by petitioner. There was discussion as to the haul route, and it was explained that the haul route would primarily cover private land and privately created roadways leading to Calhoun Station subdivision. Typical time periods associated with this category of special exception as being one year with the option, under acceptable circumstances, being granted for additional periods. Upon Motion by Commissioner Sligh, seconded by Commissioner Sligh, with all voting "aye", motion to recommend approval for a period of one year with option for renewal, passed.

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

There next came on for consideration setting the date and time for the February, 2011 meeting of the Madison County Planning and Zoning Commission. February 10, 2011 was suggested. Upon Motion by Commissioner Sligh, seconded by Commissioner Brown, with all voting "aye", Motion to Set the February, 2011 meeting of the Madison County Planning and Zoning Commission for February 10, 2011, passed.

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

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Date

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(Chairman)

