

**MINUTES OF THE MADISON COUNTY PLANNING AND
ZONING COMMISSION HELD AND CONDUCTED ON
WEDNESDAY, THE 11th DAY OF JUNE, 2009 AT 9:00 A.M.
AT THE MADISON COUNTY CHANCERY BUILDING**

BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 11th day of June, 2009, at 9 a.m. in the Madison County Chancery Building.

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

Absent: William Amadio

There first came on for consideration the Minutes of the May 21, 2009 meeting. Upon motion by Commissioner Steere, seconded by Commissioner Spiro, with all voting "aye", the motion to approve the Minutes passed.

There next came on for consideration the petition of Livingston Township, LLC to rezone R-1 Residential District and C-2 Commercial District to a Planned Unit Development District imposed over a R-1B Residential District. This property is located on Highway 22 and Highway 463, Section 8, T8N-R1E. This matter was tabled at last month's Commission meeting. The Petitioner proposes rezoning this property to develop primarily a commercial area, with limited residential facilities. 31.94 acres are reserved for commercial use, and 15.26 acres are reserved for residential use. The green space exceeds the 15% minimum required. The utilities will be provided by Bear Creek Water Association. A new development plan was furnished on June 8, 2009.

David Landrum appeared on behalf of the Petitioner. He explained that this is already zoned commercial, and they are requesting to put a PUD in to allow people to live in the town. He explained the changes they made to the plan since last month's meeting, including removing the parking along 463 to comply with the 80 foot buffer of green space, they removed the town homes because the zoning did not allow for them, they reduced the number of houses from 75 to 67 and increased the average square footing to 2,500. He reiterated the quality of the homes and explained they would be like Charleston cottages with picket fences, courtyards, wood floors, etc.

Zoning Administrator Sellers inquired regarding some specific issues that still need to be addressed in the plan. For instance, the ordinance requires that there be a setback of 50 feet between residential and commercial and the plan doesn't provide for this. Tracy Ward spoke on behalf of petitioner and stated that the purpose is to integrate the two, not segregate the two. The purpose is to accomplish a mixed use of the two. David Landrum

stated that there is flexibility and that they would abide by whatever rules to get the town built.

Questions were solicited from the attendees. Sherry Devans addressed the Commission. She is a real estate broker and represents Chestnut Hill which adjoins this property. She stated that the idea of the proposed area is to keep it as close to the original town of Livingston as possible. She said not allowing the petitioner to integrate the residential and commercial properties is not consistent with the original town of Livingston.

Rita McGuffie next addressed the Commission. She spoke at last month's meeting and is the chairperson of the Mannsdale-Livingston Heritage Preservation District. She stated that they had not received the new proposal to make sure it complies with all requirements. She requested to see the proposal. Mr. Ward addressed her questions regarding square footage of the homes and explained there would be some 1,800 to 2,000 all the way up to 3,000 to 3,500. The minimum price would be around \$400,000.

Nell Wade addressed the Commission and stated that she understands the description; however, she believes it will not be the village portrayed because of the large commercial spaces and other things. She thinks it will change the overall characteristic of the neighborhood and overload the roads in this area. She further thinks that additional planning is needed because of the complex nature of this project.

Commissioner Steere inquired when the revised petition was submitted. Mr. Sellers stated that the only thing provided was the revised acreage calculations and changes referenced in the meeting today by Mr. Landrum. Mr. Ward stated that they had revised the site plan per the requests from last month. Commissioner Steere inquired regarding the calculations. Mr. Landrum stated that they got the letter from Rita McGuffie in support and moved forward. They weren't aware they needed to go back through and change anything further. They thought they had addressed all of the concerns from the previous meeting and made the appropriate changes. He again reiterated his points from last month about there not being anywhere nearby to buy things and that they wanted to restore the county seat by rebuilding the town of Livingston. He stated that they had met with Governor Barbour about the development and he was excited. This will be a very high quality and historic development and he feels it will be good for the county. He stated that they are ready to move forward and they will do whatever they need to do to be in compliance with all the requirements.

Commissioner Steere inquired regarding the Union Park area of the plan. Mr. Landrum stated that it will be free and open to the public. They plan to irrigate it and there will likely be a grid system underneath to help keep it clean. He explained there is only a 5% slope right now and they will level it out. He further inquired regarding covenants for the common area. Mr. Landrum explained that all of the buildings will be owned by the LLC and they will not be selling the lots to different individuals with different builders to ensure quality control. Mr. Sellers further explained that to do any changes in the future, they would have to come back to the Commission with a site plan for approval. Commissioner Steere inquired regarding the discussions with Mannsdale. Mr. Landrum said that they met with them originally for several hours and another meeting later, plus numerous telephone conferences. He said that he started this plan about two years ago and

thought they had everyone's approval. They are going through the process and trying to comply with the regulations.

Kim Primos addressed the Commission. He's also a Member of the Mannsdale-Livingston Heritage Preservation District. He stated this is a very complex project and while he's in favor of it, he just wants to make sure it is done right. The District is required to make sure that everything is correct and they are not trying to be difficult. They simply want to make sure the rules are followed.

A Motion was made by Commissioner Steere to deny the Petition because Petitioner has not worked with the Preservation District and given them enough time to comply with the requests and ordinances. He's also not comfortable with the fact that the changes aren't actually documented. Commissioner Spiro seconded the Motion, and he and Commissioner Steere voted "aye" and Commissioner Brown and Chairman Luckett did not vote in favor of the Motion. Another Motion was made by Commissioner Brown to approve the Petition, seconded by Chairman Luckett, with Commissioner Brown, Chairman Luckett, and Commissioner Spiro voting "aye" and Commissioner Steere not voting in favor of the Motion. The Motion to approve the Petition passed.


There next came on for consideration the site plan of M&M Operators to convert two buildings into one. Mr. Sellers explained that because of the size, they had to get approval. Brad met with the Fire Department and everything checked out. The same type of materials will be used as from the previous building. Mark Marlic is the owner and Robert Graves helped with the site plan. Upon Motion by Commissioner Spiro to accept the site plan, seconded by Commissioner Brown, with all voting "aye", the Motion to accept the site plan passed.

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

The next meeting will be held on July 9, 2009. Upon Motion by Commissioner Spiro, seconded by Commissioner Steere, with all voting "aye", the Motion to set the date passed.

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

7/9/09
Date


(Chairman)