

error
May

**MINUTES OF THE MADISON COUNTY PLANNING AND
ZONING COMMISSION HELD AND CONDUCTED ON
WEDNESDAY, THE 15th DAY OF APRIL, 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 21st day of May, 2009, at 9 a.m. in the Madison County Chancery Building.

Present: Chairman Bennie Lockett
Brad Sellers, Zoning Administrator
Sidney Spiro
Ken Steere
William Amadio

Absent: Rev. Henry Brown

There first came on for consideration the Minutes of the April 15, 2009 meeting. Upon motion by Commissioner Spiro, seconded by Commissioner Steere, 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. 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.

David Landrum appeared on behalf of the Petitioner. He explained that this site is the original town of Livingston and they wish to rebuild it similar to the original town of Livingston. It was the original county seat and they want to rebuild the area similar to that of the original town, centered around the old town square. The square will consist of the courthouse, a chapel, farmer's marker with general store, and other commercial properties. He stated that there is not a grocery store anywhere near this area and that this will be a benefit to the surrounding area in providing a place for them to shop and dine without having to drive a long distance. He stated that they have been working on the plans for about nine (9) months. The plan is to build the town with a historic look and Charleston-style cottages with picket fences. He further stated that it would be a high quality development with low density.

Tracey Ward is the architect for the Petitioner and he next addressed the Commission. He presented a blown up, color version of the site to the Commission. He explained the placement of the various sites, including the courthouse, chapel, general store, and farmer's market. He said that there would be porches on the establishments and

the plan was to keep the historic feel of the original town of Livingston. He explained there would be three (3) residential components, with a total of seventy-five (75) homes. Each residential area will have its own park. There will be three (3) other parks in the development as well. The setback will consist of a forty (40) foot landscaped buffer and then there will be another forty (40) foot building setback.

Questions were then solicited from the attendees. Nell Wade addressed the Commission. She is a homeowner from this area and she posed several questions to the Petitioner. Her questions including concerns regarding whether enough research had been done regarding this complex project; the density of the proposed residences; how this would affect the adjoining Chestnut Hill project; and the current zoning of the property. She was further concerned that more time was needed to discuss this project with other adjoining landowners.

Clyde Mason next addressed the Commission. He is a homeowner who lives in close proximity to this project. He is concerned about the size and density of the houses. He stated that most of the homeowners in that area moved out there to get away from areas like that being proposed.

Commissioner Steere inquired regarding the density and how it would be calculated with the PUD mixed use. Zoning Administrator Sellers stated that the ordinances don't address this issue and that this is an issue of first impression to be reviewed. He explained that for a mixed use of both residential and commercial as proposed by the Petitioner, the PUD is the only avenue for the mixed use. The underlying zoning governs the density calculations. Commissioner Amadio inquired regarding the extent of the approval and whether the Commission was approving both the rezoning and the site plan at the same time. Mr. Sellers explained that both were being approved today; however, the Commission could likely separate the approval if they wanted to proceed in that manner.

Kim Primos next addressed the Commission and inquired regarding the zoning. Mr. Sellers explained that this is the first time a proposed PUD consists of more commercial than residential property. Mr. Primos also inquired regarding the future expansion of Highway 463 and how it would affect this area.

Rita McGuffy addressed the Commission. She inquired regarding the eighty (80) foot buffer required of green space. Petitioner's proposed site includes a forty (40) foot buffer of green space but the other forty (40) foot buffer appears to be parking.

Petitioner was given the opportunity to address the concerns posed by the attendees. Mr. Ward stated that a roundabout was being considered for the area dealing with the Highway 463 expansion issue. He stated that they have a six (6) to ten (10) year plan but they are willing to work with the county on a more long term plan. He stated that the buffer would have some parking but everything would be brick or concrete and there would be no asphalt. The landscaped buffer would be very nice and the area would be lit with gas lanterns and the parking area would have landscaping incorporated into it. Mr. Landrum next addressed the Commission and attendees. He stated that the Chestnut Hill project was limited to 100 residences. For the proposed Livingston site, eighteen (18) % of the land is green space. The whole area was zoned commercial when he purchased the land. He

explained that had he known it was going to be changed, he would not have bought the land in the first place. He stated that they want to be good neighbors; however, the future homeowners are not favoring large houses. Instead, smaller, higher quality homes are being favored and their proposed sites are compatible with what future homeowners want.

Commissioner Steere inquired regarding the existing church site and how this would affect them. Mr. Landrum stated that they are working with the church and providing them with a nice road and entrance gate.

Commissioner Steere stated that he would like to table the Petition for further review so that the outstanding issues could be addressed. His specific concerns were the density calculations, the townhouses proposed that are not part of the current zoning, an agreement with Mansfield needs to be reached, and they still need a certificate of appropriateness for approval. A letter has been received but no certificate because of the issue with the buffer area. Based on these reasons, upon Motion by Commissioner Steere to table the Petition for further review, seconded by Commissioner Amadio, with all voting "aye", the Motion to table the Petition passed.

There next came on for consideration the Petition of William H. Galloway for a Special Exception to conduct surface mining in the A-1 District. This area is located on Cotton Blossom Road, Section 17, T8N-R3E. Petitioner wishes to mine 4 or less acres under an exempt permit from the MDEQ. Galloway Farms has been permitted this request in two previous locations, and this is the third location. A reclamation plan and hours of operation are provided. Bill Galloway appeared on behalf of the Petitioner. He explained that he is trying to move land from row crops to pasture and grazing land for his cattle. Mr. Sellers explained that they have had no complaints and that Mr. Galloway had always complied with regulations on previous operations. He further stated that it was an improvement of the land. Upon Motion by Commissioner Amadio, seconded by Commissioner Spiro, with all voting "aye", the Motion to approve the Special Exception passed.

There next came on for consideration the Petition of Mount Olive M. B. Church for a variance to the front and rear setbacks in the A-1 and R-1 Districts. It is located on Mount Olive Church Road, Section 32, T8N-R1E. Petitioner is requesting the variance to remodel an existing church. A site plan has been provided. Glen Robinson, the pastor, appeared on behalf of the Petitioner. Commissioner Amadio inquired regarding the distance of the church from the road, which is approximately fourteen (14) feet. Upon Motion by Commissioner Steer to approve the variance, seconded by Commissioner Spiro, with all voting "aye", the Motion to approve the variance passed.

There next came on for consideration the Petition of Miller Banks Lands, LLC for a Special Exception to construct a billboard for highway advertising. The site is located on Nissan Parkway, adjacent to I-55, Section 9, T8N-R2E. The property is zoned C-2 Highway Commercial. A site plan has been provided. Stan Hall appeared on behalf of the Petitioner. He owns the company that is doing the sign. There is currently a billboard across the Interstate from this site that was approved previously by the Commission. It will be forty (40) feet in height. The access road to service the sign will be from Nissan Parkway. Mr. Sellers stated that he had gotten one phone call inquiring about the billboard but no complaints. The sign will be two-sided. Upon Motion by Commissioner Amadio to approve

the Special Exception, seconded by Commissioner Steere, with all voting "aye" (except for Chairman Luckett who abstained from voting due to a conflict), the Motion to approve the Special Exception passed.

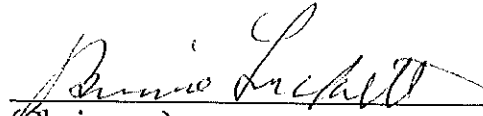
There next came on for consideration the site plan of the General Assembly of Church of God. This area is located at 240 John Day Road. The site plan proposes the construction of a 6,000 square foot church building. Charles Anderson appeared on behalf of the proposed site plan. He explained that there is an existing building there that they plan to expand. They plan to use the existing driveway. This building has been used for religious purposes for a number of years. They will be putting in a new water system. Upon Motion by Commissioner Amadio to accept the site plan, seconded by Commissioner Spiro, 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 Amadio, seconded by Commissioner Steere, with all voting "aye", the Motion to approve the attorney's fees passed.

The next meeting will be held on June 11, 2009.

With there being no further business, the meeting adjourned at 10:30 a.m.

6/11/09
Date


(Chairman)