

**MINUTES OF THE SPECIAL MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 18<sup>TH</sup> DAY OF NOVEMBER, 2011 AT 9:00 A.M. AT THE  
MADISON COUNTY COMPLEX BUILDING**

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**BE IT REMEMBERED** that a special meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Friday, the 18<sup>th</sup> day of November, 2011 at 9:00 a.m. in the Madison County Complex Building.

Present:        Ken Steere  
                   Reverend Henry Brown  
                   Reverend Bennie Lockett, Chairman  
                   Will Sligh  
                   Scott Weeks, Office of the Madison County Zoning Administrator  
                   Brad Sellers, Zoning Administrator

Absent:         William Amadio

There first came on for discussion the purpose and underlying basis for holding said special meeting, which was explained to the Commission and the public by Zoning Administrator Sellers. Specifically, the special meeting was held and conducted in order to remedy a procedural connected with the mistake of the Clarion Ledger/Madison County Herald in its failure to publish the required legal notice associated with the Livingston Township, LLC's Application for Variance brought forth on January 13, 2011 for public hearing. Commission Attorney O'Cain announced for the record that the sole basis for conducting the hearing in the form of the special meeting on the date recorded herein was to correct the procedural issue lacking, that being the legal notice required by State law.

Zoning Administrator Sellers next introduced the petition and the issues contained therein for the Commission and those in attendance. Sellers presented Composite Exhibit "A", which is incorporated herein by reference, comprised of the Application for Variance at issue, the minutes of the January 13, 2011 meeting of the Planning and Zoning Commission of Madison County wherein the petition was discussed and approved with a 5-0 vote in favor of approval contingent upon all recommendations from MLHPD set forth as Exhibit "A" to those minutes, the minutes of the Madison County Board of Supervisors dated February 7, 2011 wherein the recommendation of the Planning and Zoning Commission was adopted, along with the January 12, 2011 recommendations of MLHPD and the Plan Details of Livingston Township Rezoning Application, attached as Exhibit "A" to Livingston's Application.


Upon motion by Commissioner Steere, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval of the request to rezone C-2 to C-1 contingent on the recommendations of MLHPD, passed.

There was discussion regarding public comments to the petition, as John Robinson and Nell Wade appeared in opposition. Although the public hearing was closed by virtue of the motion, Commissioner Brown's second of the motion and the subsequent vote carrying, John Robinson was allowed an opportunity to address the Commission. He opined that the only issue addressed in January, 2011 was the C-2 zone being down-graded to C-1 and that no discussion was brought forth about the January application. He stated that it was his opinion that large portions of property were not addressed and the PUD plan must address all aspects of the development. He also set forth that no site plan has ever been submitted. He objected to the petition and the overall development setting forth that the developer has utilized a "piece-meal" process and has not followed the required steps in presenting and obtaining approval of a planned unit development, in that a PUD is supposed to be final. He stated that Livingston's process thus far defeats the underlying purpose of the PUD, as it deprives the public of the knowledge of the planned use of the subject real property. In support of their position and objections thereto, Nell Wade presented various documents in electronic and printed format, said documents being attached hereto and incorporated herein by reference as Composite Exhibit "B".

Upon motion by Commissioner Steere, seconded by Commissioner Sligh, with all voting "aye", motion to close the public hearing and set forth the matter for another vote in order to take into consideration the comments of those appearing in opposition to the petition, passed. Upon motion by Commissioner Steere, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval of the petition/application to the Board of Supervisors, passed.

With there being no further business, the meeting was adjourned at 9:45 a.m.

12-8-2011  
Date

  
(Chairman)