

**MINUTES OF THE MEETING MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED
ON THURSDAY, THE 8th DAY OF SEPTEMBER, 2011 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 September, 2011 at 9:00 a.m. in the Madison County Complex Building.

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

Absent: None

There first came on for consideration the Minutes of the August 11, 2011 meeting. Upon motion by Commissioner Sligh, seconded by Commissioner Brown, with all voting "aye", motion to approve the minutes passed.

There next came on for consideration the petition of Keri and Ellis Chatham for permission to rezone C-1 Commercial District to C-2 Commercial District. The Petition was introduced by Scott Weeks. It was announced to the Commission that the zoning ordinance would require that automobiles be stored at the rear of the building and properly screened with a fence, said requirements to be included on a site plan. The Petitioner was represented by Keri and Ellis Chatham. They advised the Commission that the business establishment would be run and maintained in a clean and professional manner and that there is a need within the area for this business classification due to the fact that there are very few automobile body shops in Madison County north of the Ridgeland, MS area. The Petitioners advised that Commission that they are currently leasing but have plans of purchasing the property. Commissioner Sligh discussed the storage requirement issues with the Petitioners to which the Petitioners advised the Commission that the building is a large building that also contains an abundant amount of inside storage space sufficient enough to store numerous automobiles thereby making it highly probably that any outside storage would not be required until sometimes in the distant future. Zoning Administrator Sellers advised the Commission that the Petitioners are seeking a conditional use with the Petition to use the existing building as an automobile body and collision repair shop in order to stress that if the Petitioners do not follow the requirements set forth in the zoning ordinance and/or those set and required by the Planning and Zoning Commission and/or Board of Supervisors, the County does

have the authority to revoke the conditional use, if approved and Petitioners acknowledged. Commissioner Steere inquired as to the issue of waste with respect to the operation of the business to which the Petitioners advised the Commission that there are companies available that will be under contract with the business to pick up and properly dispose of any and all waste stemming from the business operations and, further, that these companies are highly regulated. Upon motion by Commissioner Steere, seconded by Commissioner Amadio, with all voting "aye", motion for recommendation of approval for to the Board of Supervisors to rezone C-1 Commercial District to C-2 Commercial District with a conditional use to use the existing building as a automobile body and collision repair shop and further recommending approval of the Site Plan, passed.

There next came on for consideration the petition Caphis Lindsey for permission for a conditional use for a private family cemetery located on Body Road, Madison County, Mississippi. Caphis Lindsey appeared on behalf of the Petitioner, and the details of the petition were introduced to the Planning and Zoning Commission by Scott Weeks. Commissioner Steere discussed on the record with Zoning Administrator Sellers the general requirements of a private cemetery, such as the location, zoning, and other issues related thereto. Zoning Administrator Sellers generally advised the Commission of the zoning requirements in connection with petitions for conditional uses relevant to a private family cemetery. Zoning Administrator Sellers discussed with the Petitioner plans with regard to the maintenance of the cemetery, to which the Petitioner stated that they fully intend to provide full and proper maintenance of the cemetery, if approved. Zoning Administrator Sellers also inquired as to whether, if approved, a deed would be filed with the land records of the Madison County Chancery Clerk, whereby public notice would be provided that the subject property is being used and maintained as a cemetery. The Petitioner responded in the affirmative. Chairman Luckett discussed with the Petitioner the proposed completion date, to which the Petitioner stated that, if approved, the cemetery would be completed by the end of October at the latest. Upon motion by Commissioner Brown, seconded by Commissioner Sligh, with all voting "aye", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the petition of Arandas, LLC/Keith Keeton for special exception for communication tower at 1996 Highway 51 in Madison County, Mississippi. Scott Weeks introduced the petition to the Planning Commission and advised that the property is currently zoned R-1. Keith Keeton appeared on behalf of the Petitioner and advised the Commission that he is a member of Arandas, LLC and has owned the property for approximately 11 years. Zoning Administrator Sellers asked the Petitioner as to the distance of Highway 51 to the location of the communication tower to which the Petitioner advised that it is approximately 900 to 1,000 feet from Highway 51. However, due to recent flooding, the Petitioner stated that they are looking for an alternative location on the property that will provide for a location with higher elevation. Commissioner Amadio inquired as to the use of the communication tower in addition to the intentions regarding the lighting of the tower. Zoning Administrator Sellers advised the Commission that the FCC/FAA do require lighting, and the Petitioner stated that they will comply with all lighting requirements in connection with the petition. Commission Steere inquired as to the proposed site plan for the tower to which Zoning Administrator Sellers informed all present that the Petitioner will need to obtain a building

permit and a notarized certificate prior to any development and that this will have to be submitted to the Commission for its review. Upon motion by Commissioner Amadio, seconded by Commissioner Steere, with all voting "aye", the Motion to recommended approval to the Board of Supervisors with the condition that the Petitioner utilize dual lighting or its equivalent, passed.

There next came on for consideration the petition of Magnolia Business Solutions for conditional use to own and operate a Bed and Breakfast located on 197 Robinson Road in Madison County, MS. Andre Smith and Bessie Green appeared on behalf of the Petitioner. Commissioner Sligh inquired as to if there have been any objections communicated from adjacent property owners or others to which the Petitioner stated there have been none. The Petitioner also advised the Commission that they maintained a good relationship with their neighbors. Zoning Administrator Sellers stated that a neighbor did call for informational purposes only and expressed no objection. Zoning Administrator Sellers also communicated to the Commission that the Petitioner recently discovered that he needed Board approval to operated the Bed and Breakfast as a conditional use and immediately contacted the Madison County Planning and Zoning office despite the fact the Bed and Breakfast has been open for operation. The Petitioner then submitted the proper documentation in order to move forward with the request for a conditional use. Commissioner Amadio asked as to the number of rooms at the Bed and Breakfast. The Petitioner stated that the business operates with 4 rooms in addition to an outside area for recreational activities. Brochures were circulated to the Commission, which depicted photographs of the facility and informational materials on the operation of the Bed and Breakfast. Upon motion by Commissioner Brown, seconded by Commissioner Sligh, with all voting "aye", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the petition of Stillhouse Creek, LLC to rezone A-1 Agricultural to R-2 Residential with a Planned Unit Development Overlay. Blake Cress appeared on behalf of the Petitioner. He stated that Stillhouse Creek, LLC is currently one-half to two-thirds through with the development of the existing master plan and due to the success of the development, Petitioner desires to rezone the subject property in order to expand the development towards the south. Zoning Administrator Sellers advised the Commission procedurally that the petition would be broken down into two actions: 1) make a recommendation on the amended master plan and, 2) make a recommendation on the request for rezoning. Commissioner Steere discussed with the Petitioner the status of current development to which the Petitioner stated that they are currently in phase six.

John Fletcher and Catherine Fletcher appeared in opposition of the petition. The Fletchers reside at 886 Gluckstadt Road on approximately 20 acres due south of the proposed development. They advised the Commission that they currently operate an agricultural business on the property and they have environmental concerns with runoff, water, sewage and utilities. They also expressed concern with trespassing, maintenance of the development and the common boundary, in addition to the security of their livestock. In response, the Petitioner stated that

there would be no ingress or egress off Gluckstadt Road; the utilities provided to the proposed expansion off existing services, additional utilities, if any, will be placed underground. Additionally, the Petitioner stated that a fence is already in existence along Catlett Road and the developer will extend this "good-neighbor" fence to the proposed development. Petitioner also provided information that a water retention pond will be designated and included on the proposed development in order to avoid runoff to adjacent property. Commissioner Sligh inquired as to the control and maintenance of the development through a Home Owner's Association, or otherwise. The Petitioner advised that the covenants do provide for the inclusion of a Home Owner's Association and that the control of the subdivision will shift to the Home Owner's Association consistent with the covenants. Catherine Fletcher voiced concerns with the additional number of children in the area school system by virtue of the additional proposed development of Stillhouse, and she also voiced concerns with the proposed development for the reasons set forth by her husband, John Fletcher. Upon motion by Commissioner Steere, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval to the Board of Supervisors of the petition to rezone A-1 Agricultural to R-2 Residential with a Planned Unit Development Overlay, passed. Upon motion by Commissioner Steere, seconded by Commissioner Sligh, with all voting "aye", motion to recommend approval of the master plan to the Board of Supervisors passed.

There next came on for consideration the petition of Livingston Township for a variance to the required setbacks in C-1 Commercial District, off-street parking requirements, and off-street loading and unloading requirements. Scott Weeks introduced all aspects of the petition to the Commission. David Landrum appeared on behalf of the Petitioner. Zoning Administrator Sellers provided the Commission with a packet containing a succinct history of prior actions of the Commission and the Board of Supervisors with respect to the Livingston Township, including minutes from the January, 2011 meeting of the Madison County Board of Supervisors wherein the Board of Supervisors approved Petitioner's request to rezone to C-1 and R-1b. This information is attached hereto and incorporated herein by reference as Exhibit "A" to the minutes. Attached hereto and incorporated herein by reference as Exhibit "B" to the minutes includes a letter from Kevin P. Clark to Brad Sellers, Madison County Zoning Administrator, wherein Mr. Clark, who is also present on behalf of the Petitioner, set forth a response of Livingston Township to the Mannsdale Livingston Heritage Preservation District (hereinafter "MLHPD") comments regarding the development's recent site plan submittal. Mr. Clark advised the Commission that the Petitioners are working very closely with the citizens of Madison County in order to obtain and address feedback and/or concerns with the development. Mr. Clark also advised the Commission of the operation of the Farmer's Market every Thursday from 4:00pm to 8:00pm at the subject property, an event that regularly draws approximately 1,000 participants. The Petitioner also stated that they are working closely with the cities of Canton and Flora to maintain the area in line with the overall spirit of the development. For clarification purposes, Zoning Administrator Sellers informed the Commission that the issues currently before the Commission for recommendation include variance requests only, and that the master development plan is not subject to September, 2011 public hearing. It was at that time that Kevin Clark discussed the variance issues, including off-street parking, off-street

loading and unloading requirements, buffer variance requests and thoroughfares. He advised the Commission that no loading areas are contained within the buffer and that each building is contained within the outline of the original "9 square grid", which has not been subject to any modifications since the original December, 2010 submittal. Petitioner Clark subsequently stated that the variance requests outlined in the petition are being sought in order to assist with the overall pedestrian-friendly environment of the development. For example, Clark advised the Commission that the sidewalks abutt the streets and are wider than minimum sidewalk requirements in order to compliment the pedestrian friendly environment. In addition, the restaurant parking spots are identical to those used in many areas of the City of Ridgeland, which utilizes a 1 space per 75 square foot model.

The concerns of the MLHPD were submitted by Rita McGuffie. The concerns based upon the MLHPD's preliminary review of Livingston's August 1, 2011 submittal are attached hereto and incorporated herein by reference as Exhibit "C" to these minutes. Mr. Clark stated that these concerns are part of the detailed process and will be addressed at the time Livingston obtains its building permit at that stage of the Development. Mr. Clark also informed the Commission that Livingston has taken into consideration these concerns and modified the site plan as of August 18, 2011 in order to protect the buffer zone from parking and to clarify the 50 foot buffer. Commissioner Steere inquired of Zoning Administrator Sellers as to whether he is comfortable that the current site plan fully incorporates everything that has been revised and/or approved with regard to this development. Zoning Administrator Sellers stated that he has observed Livingston working diligently with the MLHPD in addition to citizens with concerns in order to address the comments made and based upon the review of the site plan. Zoning Administrator Sellers stated that if these requested variances are not approved, the site plan will have to be revised and resubmitted due to the fact the property has previously been rezoned to its current zoning.

Nell Wade appeared in opposition to the petition. She stated that it was her opinion that Livingston has proceeded through the zoning and development stages piecemeal submissions. She stated that no development plan exists on this 47 acres in an official capacity and that the PUD was approved based upon unapproved minutes. She also expressed concerns with the variances and that the requested variances concerning parking and loading zones are ambiguous and that the site plan does not clearly depict what the exact intent is with the installation of parking. Exhibit "D", which is attached hereto and incorporated herein by reference, consists of a disk containing documents and materials being made a part of the record by Nell Wade. The Petitioner opined that the prior submissions concerning this development, which have been approved and/or adopted in full by the Madison County Board of Supervisors does constitute an official complete development plan.

The Petitioner, in response, stated that he has diligently worked with the County to ensure the variances are adequate and the only changes with respect to the plan were based on feedback from citizens and other concerned parties and are in line with nationally recognized standards. Upon motion by Commissioner Steere, seconded by Commissioner Brown, with Commissioners Amadio, Steere, Brown and Sligh voting "aye" in favor and Chairman Lockett voting "aye"

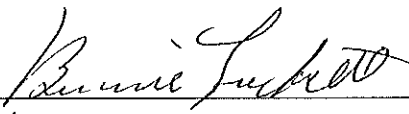
against, the motion to recommended approval to the Madison County Board of Supervisors with the full incorporation and adoption of the September 7, 2011 recommendations of the MLHPD, attached hereto as Exhibit "C", passed.

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

There next came on for consideration the date for the October, 2011 meeting of the Madison County Planning and Zoning Commission. October 6th was proposed. Upon motion by Commissioner Steere, seconded by Commissioner Sligh, with all voting "aye" motion to set the October meeting of the Madison County Planning and Zoning Commission for the October 6th, 2011, at 9 o'clock a.m., passed.

There next came on for discussion organizational issues of the Planning and Zoning Commission. Commissioner Steere recommended that a fully executed copy of the approved minutes, including the exhibits thereto, if any, should be retained by counsel for the Madison County Planning and Zoning Commission once executed. It was also recommended by Commissioner Steere that a true and correct executed copy of the minutes, once approved, be uploaded on the Madison County, Mississippi website on a monthly basis. Upon Motion by Commissioner Steere, seconded by Commissioner Amadio, with all voting "aye", the Planning and Zoning Commission accepted said recommendations.

With there being no further business, the meeting adjourned at 10:45 a.m.

 10-6-2011
Date (Chairman)

