

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 17th DAY OF OCTOBER, 2024 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 17th day of October 2024, at 9:00 a.m. in the Madison County Complex Building.

Present: Dr. Keith Rouser
 Amanda Myers
 Jean McCarty
 Mandy Sumerall

Not Present: Rev. Henry Brown
 Scott Weeks, Planning and Zoning Administrator

The meeting was opened with prayer by Chairman Rouser Brown, and all present participated in pledging allegiance to our flag, led by Chairman Rouser.

There first came on for consideration the minutes of the September 12, 2024, meeting of the Commission. Upon motion by Commissioner Sumerall, seconded by Commissioner McCarty, with all voting "aye," the September 12, 2024, minutes of the Planning and Zoning Commission were approved.

There next came on the need to open the meeting for public hearing of certain matters. Upon motion by Commissioner Sumerall to open the meeting for public hearing, seconded by Commissioner Myers, with all voting "aye," the public hearing was so opened.

There next came on for consideration the Application of I C Ventures, LLC to Re-Zone certain property from (A-1) Agricultural District to (C-2) Highway Commercial District. The subject property consists of +/-5.01 acres, is on Old Jackson Road and is Madison County Tax Parcel No.: 82B-10-025/01.01.

Charles Carson appeared on behalf of the Applicant to present the request. Prior to any discussion, Attorney Clark reminded the Commission of the standard for rezoning in that the Applicant must demonstrate that there has been a change in character of the neighborhood to justify the rezoning, there that there had to be a public need, and that the rezoning must be in compliance with the Madison County Comprehensive Plan—including the Future Land Use Plan. Attorney Clark further advised the Commission that the Future Land Use Plan does show this property as being planned for (C-2) Highway Commercial District.

In response to question from Commissioner Sumerall, Mr. Carson advised that the Applicant did not have any specific use planned for the property, but that any use would be in compliance with the zoning regulations.

Felicia Harley appeared and advised that she lives on the property adjacent to the property subject to the application. Ms. Harley inquired as to what the Applicant would be doing with the subject property, whether her property taxes would be raised, and if the applicant's use would make her property a better place for her and her family.

Attorney Clark explained that a re-zoning request is the first step in a multi-step process with regard to any piece of property wherein an applicant seeks to have a piece of property changed from one zoning designation to another. Attorney Clark advised that the second step would be the submission of a site plan for whatever use the applicant may be seeking, but that the particular use and site plan would be subject to the zoning ordinance. Attorney Clark advised that the re-zoning and taxing on one piece of property would not affect the zoning or taxing on another as those matters are handled as to individual parcels. In response to further question from Ms. Harley, Attorney Clark advised that any potential or future increase in her property taxes would be a question for the Madison County Tax Assessor and/or Tax Collector, and not for this Commission. Attorney Clark further advised that the subject re-zoning had no effect on what she could potentially do with her property, or its zoning designation.

Bernice Caldwell appeared on behalf of her aunt, Juanita Daughtery. In response to question from Ms. Caldwell, Attorney Clark advised that the re-zoning application is only applicable to the subject property being Madison County Tax Parcel No.: 82B-10-025/01.01, being 5.01 acres, and does not pertain to any other property.

Attorney Clark made clear that he was not advocating one way or the other as to the subject application, but was simply trying to respond to questions in order that those in attendance would understand the process.

Chairman Rouser made clear that the Applicant was simply seeking a re-zoning, but if and when the Applicant had plans to do anything further, the Applicant would have to submit plans to the Commission, and that those in attendance would be welcome to come back and speak to any proposed plans. Attorney Clark clarified that if and when the Applicant submits any proposed plans, there would not be a letter sent to nearby property owners in the same manner as with the subject re-zoning because that is not required for a site plan. However, Attorney Clark advised that there is publication of meeting agendas on the County website, and that this Commission meets on the second Thursday of every month. Attorney Clark clarified that any vote on the matter would not be a public vote such as to vote for a candidate for office, but that anyone would have an opportunity to be heard as to any questions, or any reasons they may be in support of, or against any proposed plans on the property. However, any vote to approve or deny would be up to the Commission, and ultimately to the Board of Supervisors. Attorney Clark further clarified that if anyone did not agree with the decision of the Commission, they have a right to appeal to the Board of Supervisors. Likewise, anyone that does not agree with the decision of the Board of Supervisors has the right to appeal to the Circuit Court. If anyone does not agree with the decision of the Circuit Court, they have the right to appeal to the Mississippi Supreme Court that will either keep the matter, or give it to the Mississippi Court of Appeals.

Chairman Rouser reiterated that any plans for any further development of the property would still have to be within the guidelines of the zoning ordinance, and still be approved by the Commission, and/or the Board of Supervisors.

Ms. Harley reappeared and inquired as to whether she would receive notice if and when the Applicant wished to move forward with plans for future development, and if she would have an opportunity to oppose same. Commissioner Sumerall advised that Ms. Harley would have the opportunity to come back in the same manner as she came today with any opposition that she may have to any proposed plans.

Ms. Caldwell reappeared and inquired as to what types of businesses and buildings can go into a property designated as C-2. Attorney Clark responded that there are a variety of businesses and buildings that are permitted in C-2 designations as permitted or conditional uses, but that all are subject to site plan review and approval.

Upon motion by Commissioner McCarty to approve the Application of I C Ventures, LLC to Re-Zone certain property from (A-1) Agricultural District to (C-2) Highway Commercial District with the condition that either an 8' fence be established between the subject property and the residential property just to the north of the subject property, or the wider buffer zone with an 8' evergreen landscape between the subject property and the residential property just to the north of the subject property, seconded by Commissioner Myers, with all voting "aye," the Application of I C Ventures, LLC to Re-Zone certain property from (A-1) Agricultural District to (C-2) Highway Commercial District with the condition that either an 8' fence be established between the subject property and the residential property just to the north of the subject property, or the wider buffer zone with an 8' evergreen landscape between the subject property and the residential property just to the north of the subject property, was approved.

There next came on for consideration, the need to close the public hearing. Upon motion by Commissioner McCarty to close the public hearing, seconded by Commissioner Myers, with all voting "aye," the public hearing was so closed.

There next came on for consideration the Site Plan for Addition of Plato Feliz Bar and Grill. The subject property is located at 115 Livingston Church Road, and is in Supervisor District 4.

Will Lamkin of Wildstone Construction appeared on behalf of the Applicant and advised that the subject property is the Mexican restaurant in the Town of Livingston. Mr. Lamkin advised that there is currently an unsightly deck on the rear of the building, and that the Applicant wished to remove that, and build back on the exact same footprint to match the existing building. Mr. Lamkin advised that there will be windows around the exterior to allow the Applicant to open those seasonally. Mr. Lamkin advised that the Applicant wished to perform these renovations in order to improve their building and their business.

Upon question from Commissioner McCarty, Mr. Lamkin reiterated that the Applicant would demolish the existing deck, connect to the existing foundation, and build to match the existing building.

Attorney Clark advised that the subject property is within the jurisdiction of the Mannsdale-Livingston Historic Preservation District (“MLHPD”), and read the approval of the MLHPD Commission into the minutes. A copy of said approval is attached hereto as **Exhibit “A.”**

Upon motion by Commissioner Sumerall to approve the Site Plan for Addition of Plato Feliz Bar and Grill, seconded by Commissioner Myers, with all voting “aye,” the Site Plan for Addition of Plato Feliz Bar and Grill, was approved.

There next came on for consideration the Site Plan of Magnolia Islamic Center for a gymnasium. The subject property is located at 1465 Highway 51 and is in Supervisor District 2.

Mr. Ali with MCI Construction appeared on behalf of Magnolia Islamic Center and advised that this site plan for a new gym to be adjacent to the current structure on the property had previously been approved by this Commission. However, the Applicant had decided that they wanted to move the new gym to a different location on the property in order to avoid disruption of the services held there, and to save on the cost of the foundation. Mr. Ali advised that he had spoken with Madison County Fire Coordinator, Minor Norman, and submitted revised plans for approval of the new location. building will function as an indoor basketball court and soccer field. Mr. Ali advised that the front of the building will be brick and stucco, and will match the existing building on the property.

Upon question by Commissioner Myers, Mr. Ali confirmed that the proposed building is the exact same as was approved previously.

Upon motion by Commissioner Sumerall to approve the Site Plan of Magnolia Islamic Center, seconded by Commissioner Myers, with all voting “aye,” the Site Plan of Magnolia Islamic Center was approved.

There next came on for discussion, the setting of the November, 2024 meeting. November 14, 2024, was suggested. Upon motion by Commissioner Sumerall, seconded by Chairman Rouser, with all voting “aye,” the motion to set the November, 2024 meeting for November 14, 2024, was approved.

With there being no further business, the October 17, 2024, meeting of the Madison County Planning and Zoning Commission was adjourned.

Date

Dr. Keith Rouser, Chairman

October 15, 2024

To: Scott Weeks, Planning and Zoning Administrator

From: William Buhner, Chairman MLHPD

Dear Mr. Weeks:

The Mannsdale-Livingston Heritage Preservation District (MLHPD) Commission met on October 14th, 2024, at 6:00 PM at the Chapel of the Cross in Madison, Mississippi. We reviewed the renovation request for El Plato Patio restaurant in the Town of Livingstone.

Findings:

The renovation request was presented by Mr. Brandon J. Rut, P.E. The owners of the restaurant were also in attendance but were not part of the presentation.

The MLHPD Board, a quorum in attendance, noted no issues that would prohibit the renovation request.

Recommendation:

MLHPD Commissioners voted unanimously to recommend the permitting of the El Plato Patio restaurant renovation request.

If you have any questions, please feel free to call me.

Sincerely,



William Buhner, Chairman MLHPD

