

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 9th DAY OF MARCH, 2023 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 9th day of March, 2023, at 9:00 a.m. in the Madison County Complex Building.

Present: Larry Miller
 Bill Billingsley
 Walter McKay
 Dr. Keith Rouser
 Rev. Henry Brown
 Scott Weeks, Planning and Zoning Administrator

The meeting was opened with prayer by Commissioner 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 February 16, 2023, meeting of the Commission. Upon motion by Commissioner McKay, seconded by Commissioner Billingsley with all voting “aye,” motion to approve the February 16, 2023, minutes passed.

There next came on for consideration, the need to open the meeting for public hearing of certain matters. Upon motion by Commissioner Billingsley to open the meeting for public hearing of certain matters, seconded by Commissioner Brown, with all voting “aye,” the public hearing was so opened.

There next came on for consideration the Application of Lloyd G. Spivey for a Conditional Use for a Mining Operation. The property subject to the application is on Highway 43 North, north of Sharon, is zoned as A-1 Agricultural District, and is in Supervisor District 5. Scott Lyon appeared on behalf of the Applicant. Upon motion by Commissioner Billingsley to approve the Application of Lloyd G. Spivey for a Conditional Use for a Mining Operation, seconded by Commissioner Brown, with all voting “aye,” the motion to approve the Application of Lloyd G. Spivey for a Conditional Use for a Mining Operation, was approved.

There next came on for consideration the Application of Livingston Springs for a Master Development Plan Amendment. The property subject to the application is located on the Southeast corner of Highway 463 and Highway 22, is currently zoned as a PUD, and is in Supervisor District 2.

Prior to any presentation or discussion, Administrator Weeks informed the Commission that the Mannsdale-Livingston Historic Preservation District had met on March 6, 2023, to consider the proposed Master Development Plan Amendment and asked that their recommendation & findings be attached to these minutes as **Exhibit “A.”**

Houston Primos appeared on behalf of the Applicant and stated that the original PUD had been approved back in the early 1980's, and that they were before the Commission to propose some changes to the original conceptual plan. First, he stated that the original plan had +/-164 acres designated as "single family," but did not designate any particular underlying zoning. Mr. Primos stated that they proposed to reduce that down to +/-67 acres, and 150 lots. Additionally, they propose 32 Estate lots ranging from +/-2 to +/-8 acres each. Mr. Primos further stated that the original plan showed +/-28 acres of "multi-family." Mr. Primos stated that they desire to remove that from the plan, and proposed +/-9.3 acres to be designated for 29 condominiums. Mr. Primos stated that the original plan showed +/-47 acres for "neighborhood retail, light industrial, and other retail" and that they proposed to reduce that to +/-22.5 acres of commercial designation. Mr. Primos stated that the new proposal would have +/-33.4 acres of green space, and +/-27 acres of lakes. Mr. Primos stated that they were removing the +/-23 acre "sewage lagoon" designation from the old plan which adjoined Stonebridge Subdivision. Mr. Primos stated that he believed this to be a much nicer, more modern plan for the property. He further stated that although R-2 designation allows for 1800 sf minimum homes, this project would have a 2200 sf minimum on homes while reducing the footprint of the total number of allowable lots. There was a question from the audience as to the square footage of the proposed residential lots. Mr. Primos stated that the proposed +/-67 acres of 150 residential lots would range from +/-10,000-12,000 sf.

Cherry Deddens appeared and stated that she was in real estate and has lived in the area of Persimmon Creek for +26 years, and knew what Persimmon Creek does, and that this project scares her. She stated that a few years back, there was a 10" rain caused Eden Lake to spill over to the creek. This rain caused water to back up to her daughter's house. She expressed concern whether the creek could accommodate the water, and that there has not been an expert to opine as to whether the retaining ponds will accommodate the water flow from the development of the property. She recommended that the County or the Developer retain Jill Butler to conduct a study of the adequacy of the water flow from the development. She requested that the Commission postpone a decision pending a study to be performed by Ms. Butler on the water flow analysis. Commissioner Billingsley inquired as to how many people live on Persimmon Creek, and Ms. Deddens opined that it was approximately 50.

Mr. Primos acknowledged Ms. Deddens' concerns and stated that he also owns other property on Persimmon Creek. Mr. Primos also stated that he has retained experts to analyze the water flow for a final development plan, but that he was not here to present a final plan. Chairman Rouser inquired as to the design of the adequacy of the existing lakes, and Mr. Primos stated that they were, and that those factors would be taken into consideration upon presentation of a final development plan.

Don McGraw, attorney for the Applicant, appeared and clarified that the Applicant was not seeking final approval of an engineered plat, and that Applicant was only seeking an amendment to their existing Master Development Plan.

Jerry Thomas appeared, and stated that he lived on Highway 22, and questioned as to whether the engineers engaged by the Applicant were drainage engineers. Mr. Primos stated that they were simply not at the point of specific engineering, but that they would do so at the

appropriate time. Mr. Thomas expressed concern that the area was already low, and wet, and whether the additional housing, and additional water would impact the drainage and existing wetlands.

Cherry Deddens appeared again and cited Sections 2702 and 2703 of the Madison County Ordinance as requiring a re-zoning for use of condominiums and commercial use. Commissioner Billingsley pointed out that there is no request for a zoning change, but only an amendment to the Master Development Plan, and that if the Applicant wanted a zoning change, then they would have to come back on a different application. Chairman Rouser and Commissioner Billingsley reiterated the fact that the Applicant, or any developer would have to come back again with a plat/site plan before any construction or development was commenced on the property. Ms. Deddens next questioned Mr. Primos as to the amount of property in the green spaces on the plan, and Mr. Primos showed her on the plan as to what would be done to protect the adjacent properties.

Attorney Clark interrupted the discussion between Ms. Deddens and Mr. Primos as a private discussion and brought the matter back to order, and clarified that the audience had raised some important, but premature questions. Attorney Clark reiterated that the only matter before the Commission today is a proposed amendment to the Master Development Plan. Attorney Clark stated that this matter was not before the Commission on any re-zoning, and that the Applicant or any developer would have to come back before the Commission with a preliminary plat to include hydrology calculations. However, consideration of such matters was simply premature at this time.

Ms. Deddens stated that she simply wanted to make sure that all owners around Persimmon Creek are protected, and that she desired an expert engineer to conduct a study on the impact.

Upon motion by Commissioner Billingsley to approve the Application of Livingston Springs for a Master Development Plan Amendment, seconded by Commissioner Brown, the motion to approve the Application of Livingston Springs for a Master Development Plan Amendment, was approved with all voting "aye."

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

There next came on for discussion, the setting of the April, 2023 meeting. April 13th, 2023, was suggested. Upon motion by Commissioner McKay, seconded by Commissioner Billingsley, with all voting "aye," the motion to set the April, 2023 meeting for April 13, 2023, passed.

With there being no further business, the March 9, 2023, meeting of the Madison County Planning and Zoning Commission was adjourned.

4-13-2023
Date


Dr. Keith Rouser, Chairman