



JOHN W. NISBETT
DIRECT LINE (601) 914-1733
JNISBETT@HEILMANLAWGROUP.COM

WWW.HEILMANLAWGROUP.COM

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VIA EMAIL AND FEDERAL EXPRESS

Mr. Scott Weeks
Madison County Zoning Administrator
125 West North Street
Canton, MS 39046
Scott.weeks@madison-co.com

Re: Appeal of Rezoning of Mipitou/160.4 Acres west of Annandale/S. of New Castle

Dear Scott:

Peter Debeukelaer is rezoning/developing 160.4 acres of the ±230 acres he owns south of New Castle Subdivision and west of Annandale. The property is currently zoned R3 (multi-family), and he is rezoning 125.4 acres to R1-A (single family) and 35 acres as R-3 (Special Use/Conditional Use) - as a new development called “**Mipitou**.”

Mr. Debeukelaer had presented his concept plans to the Lake Grey Castle HOA board two years ago, but stated that there would be no access from **Mipitou** to Dover Lane. Yet the plan that was presented to the Madison County Zoning Board by Walter Wilson on behalf of Peter Debeukelaer on 4/8/21 included Dover Lane as the only access to Phase 1 **Mipitou** (65 lots). Future development was shown to include full access to Dover Lane, Robinson Springs Road and Gus Green Road, along with another 35 single family lots and a Senior Living facility for 55 year old/older people with 4 residents per 5,000-6,000 SF building – with 35 multi-family units. Mr. Wilson stated in the meeting that Mr. Debeukelaer had done “Focus groups with existing New Castle residents” and said that they (New Castle residents) wanted access to the proposed walking trails, lake and amenities in **Mipitou**.

The only people notified about the rezoning meeting were the ones within 160 ft of the proposed rezoned property. In New Castle, this included: #422, #438, #450, and #460 Dover Lane. We are not aware that anyone else in the New Castle HOA was notified. As Annandale Properties is within 160 ft of the proposed rezoning property, Mr. Wilson met with the Annandale HOA lawyer, even though none of the traffic will have access to or impact Annandale. Herwig Debeukelaer is the New Castle HOA president, yet New Castle residents were unaware of the rezoning meetings and proposed direct access to Dover Lane/Normandy Circle.

The access for construction traffic for **Mipitou** has been limited to Gus Green Road as a condition of rezoning per the Planning Commission approval. Once the project opens, unless the Board of Supervisors denies this access to Dover Lane, all of the traffic from the first 65 lots, and

the majority of the traffic from the total 135 lots (1,300 vehicles per day/135 vehicles per hour per ITE Trip Generation, 10th Edition) will use Dover Lane. At completion, this development is anticipated to (more than) double the traffic through Dover Lane/ Normandy Circle, as Robinson Springs Road is heavily congested during peak hours at MS Hwy 463. There is a 0.25 mile section of Normandy Circle that is only 12 ft in width, which would not function safely under heavier (two-way) traffic volumes and higher speeds.

Additionally, people using Robinson Springs Road and Gus Green Road that do not live in the proposed development will likely use **Mipitou** roads and Dover Lane/Normandy Circle to access MS Hwy 463. The access at Dover Lane/MS Hwy 463 is in a horizontal and vertical curve on Hwy 463, with limited sight distance to the north and a posted speed of 55 mph. The left turning volumes from MS Hwy 463 currently are at a volume that likely meets left turn lane warrants (MDOT Roadway Design Manual), yet no left turn lane exists on MS Hwy 463 at Dover Lane. The addition of more (northbound) left turn volumes from Hwy 463 at Dover Lane is anticipated to increase delays on MS Highway 463 and increase the need for a northbound left turn lane on Highway 463.

Our contention is that there should be no connection between **Mipitou** and Dover Lane or Normandy Circle. Additionally, more residential development is anticipated along the newly repaved Gus Green Road. With a connection to Dover Lane from Gus Green Road and Robinson Springs Road and the ultimate extension of Reunion Parkway to I-55/Parkway East, Dover Lane will no longer function as a residential street, but as a cut-through route to the State Highway for Gus Green Road and Robinson Springs Road traffic. Dover lane is a narrow residential street that has no curb/gutter or sidewalks and has many residents walking daily on the neighborhood street. The neighborhood would be adversely impacted by the proposed additional traffic. There is no need to connect to Dover Lane for access. Gus Green Road and Robinson Springs Road serve as Collector Routes for new development.

The developer wants to build adjacent to Dover Lane first, rather than on the south side of the property that abuts Robinson Springs Road and has direct access. Their response to the Planning Commission was that it was cost prohibitive to cross the drainage way in the first phase. Yet when asked why they couldn't develop the lots on the south side of the drainage way (where the R3a units are) and use the access to Robinson Springs Road without the expense of crossing the drainage way, their response was, "From a marketing perspective, it just makes more sense to go up there." Their plans are to use the value of our neighborhood to sell more houses, and pump more traffic into a residential street, rather than use the existing Collector roadways to get access.

Our Appeal is to change the conditions on the rezoning to not allow access to Dover Lane or Normandy Circle – both during construction and after development is complete. The proposed **Mipitou** development has sufficient access to Robinson Springs Road and Gus Green Road, and no additional access is required through our residential street system. Our neighborhood would like the opportunity to discuss this matter with the Board of Supervisors in a public hearing, as Mr. Debeukelaer has been secretive and deceptive with his plans of full access to Dover Lane.

Enclosed is a check in the amount of \$177.52 to cover the cost of said appeal which includes \$100.00 rezoning fee and \$77.52 publication fee.

Sincerely,

HEILMAN LAW GROUP, P. A.



John W. Nisbett

JWN/ren

Enclosure