

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 14th DAY OF MARCH, 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 14th day of March, 2024, at 9:00 a.m. in the Madison County Complex Building.

Present: Dr. Keith Rouser
Rev. Henry Brown
Jean McCarty
Amanda Myers

Scott Weeks, Planning and Zoning Administrator

Absent: Mandy Sumerall

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 8, 2024, meeting of the Commission. Upon motion by Commissioner McCarty, seconded by Commissioner Brown, with all voting “aye,” motion to approve the February 8, 2024, minutes passed.

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

There next came on for consideration, the Application of Turkey Ridge, LLC for a Conditional Use for a Mining Operation. The property subject to the Application is north of Highway 22 and East of Richton Road, is currently zoned as A-1 Agricultural District, and is in Supervisor District 4. Harry Wilson with FC&E Engineering appeared on behalf of the Applicant, and advised that Applicant is seeking an expansion of current surface mining operations. In response to question by Commissioner McCarty regarding protective measures planned for the cemetery on property, Mr. Wilson advised that there are large setbacks, and a buffer in place, and that the Applicant must abide by same with regard to any streams, drainage ditches, property lines, and the existing cemetery. In response to question by Chairman Rouser regarding hours of operation, Mr. Wilson advised that the Applicant would perform work during daylight hours on weekdays only. Administrator Weeks advised that there have been previous issues with dirt and mud on the road near the entrance, and Mr. Wilson advised that Applicant would re-construct the entrance to the property as needed, and had purchased a sweeper to address such concerns. Upon motion by Commissioner McCarty to approve the Application of Turkey Ridge, LLC for a

Conditional Use for a Mining Operation, seconded by Commissioner Myers, with all voting “aye,” the Application of Turkey Ridge, LLC for a Conditional Use for a Mining Operation, was approved.

There next came on for consideration the Application of Dave Thind to Re-Zone certain property from its current designation of A-1 Agricultural District to C-2 Highway Commercial District. The property subject to the Application is on Old Jackson Road and Nissan Drive, is currently zoned as A-1 Agricultural District, and is in Supervisor District 2. Don McGraw appeared on behalf of the Applicant and advised that the subject property is +/-8.27 acres in Section 10, Township 08N, Range 02E, and that the Applicant is seeking a Re-Zoning to a C-2 Highway Commercial District for a convenience store, and other buildings for lease. In response to question from Chairman Rouser as to proximity to the Nissan plant, Mr. McGraw advised that the property was approximately two (2) miles away.

Kirby Boyd of 138 Cloverleaf Drive, Bernice Caldwell of 150 Cloverleaf Drive, and James Bennett of 130 Cloverleaf Drive appeared in opposition. Mr. Boyd advised that his property runs East and West parallel to the subject property, and expressed concern over what types of uses are permitted under C-2 Highway Commercial District designation, and the effect such designation may have on his property value. Mr. McGraw responded that the major structure on the property would be a convenience store, and that he would suggest to his client that there should be a buffer area between the convenience store, and the residences on Cloverleaf Drive. Mr. Bennett inquired as to the other buildings proposed, and Mr. McGraw advised that possibilities could include a wine & spirits store, as well as fast food, and the general proposed layout of the convenience store.

Administrator Weeks advised, and Chairman Rouser confirmed, that the Commission could place conditions on the Re-Zoning to address certain concerns of the residents, and that such conditions would apply to the property. Commissioner McCarty further advised that there would have to be an approved site plan to address any conditions, such as a buffer, and other conditions of any approval.

Mr. Boyd advised that he was strictly in opposition to any wine & spirits shop being placed on the subject property.

Commissioner McCarty inquired as to whether the owner had any plans to subdivide the subject property, and the Applicant advised that there were no plans to do so.

Rochelle Thompson appeared and advised that she lives in the area of the subject property on Hawkins-Thompson Lane. She expressed concern over a proposed wine & spirits shop on that location as it is a high traffic area, due to relatively-close proximity to Nissan, Germantown high school, and apartment complexes.

In response to question from Commissioner McCarty as to whether certain conditions would not come in to play upon site plan review, Administrator Weeks advised that any such conditions would need to be put in place upon Re-Zoning, and prior to site plan review.

In further response to question from Commissioner McCarty as to regulations when a C-2 District abuts A-1 or residential districts, Administrator Weeks clarified that there is typically a

“buffer” of a C-1 or C-1A District when abutting residential. Mr. Weeks further advised that the Land Use Plan depicts this property as I-2 Heavy Industrial. He advised that a Re-Zoning to C-2 could be conditional Re-Zoning, or have certain restrictions on certain types of businesses. Commissioner McCarty then questioned as to what the C-2 regulation would be with regard to a buffer on adjacent properties. Administrator Weeks responded that it would be a fifty foot (50”) open land scaped, or twenty feet (20’) with a fence, and that the Commission could require additional buffer, and/or heavier landscaping upon site plan review.

Upon motion by Commissioner McCarty to table the Application of Dave Thind to Re-Zone certain property from its current designation of A-1 Agricultural District to C-2 Highway Commercial District for further discussion, seconded by Commissioner Myers, with all voting “aye,” the motion by Commissioner McCarty to table the Application of Dave Thind to Re-Zone certain property from its current designation of A-1 Agricultural District to C-2 Highway Commercial District for further discussion, was approved.

There next came on for consideration the Application of Eutaw Construction to Re-Zone certain property from its current designation of A-1 Agricultural District to C-2 Highway Commercial District. The property subject to the Application is located between I-55 and Old Jackson Road, is currently zoned as A-1 Agricultural District, and is in Supervisor District 4. Eutaw Construction representatives appeared and advised they are seeking to Re-Zone +/-60 acres of a +/-90 acre parcel from A-1 Agricultural District to C-2 Highway Commercial District, and requested that their application be tabled in order to give them an opportunity to discuss their application, preliminary site plan, and layout with adjoining property owners.

Perillia Thompson-Taylor appeared in opposition and advised that her property is adjacent to the property subject to the Application. Rochelle Thompson also appeared representing 323-A, and 323 Hawkins-Thompson Lane in opposition to the Application. Ms. Thompson requested that certain e-mails previously submitted be attached to the minutes. Such e-mails are attached hereto as **Exhibit “A.”**

Ms. Thompson advised that they (others in attendance) were united in opposition, as they had enjoyed their property for decades by having family functions, growing their own fruits and vegetables, raising livestock, and living on the land. Ms. Thompson argued that their enjoyment is being encroached upon by those seeing the land as a business opportunity.

Ms. Thompson inquired as to whether the Army Corps of Engineers had conducted a survey of the +/-60 acres with regard to water flow, flood zones, and the like, as it is partially in a Flood Zone. Attorney Clark responded that all of those questions are to be addressed on a site plan if and when the property is Re-Zoned. Attorney Clark advised that step one is Re-Zoning. Step two would be a site plan for the building and would include drainage, and any mitigation measures to be taken, but that such inquiry was premature at the Re-Zoning stage.

Montel Thompson appeared and expressed concerns about surface water on his property, and any effect a new building on the subject property may have on water flow and drainage. Chairman Rouse reiterated that all drainage concerns would be addressed in another phase of approval (site plan), but that the initial step would be Re-Zoning—whether, or not, such Re-Zoning

would be approved. Chairman Rouser further advised that he was not in favor of the proposed Re-Zoning due to the proposed entrance to the property.

Ms. Thompson reiterated concerns as set forth in the e-mails attached hereto as **Exhibit "A."** Ms. Thompson-Taylor reiterated concerns as to electrical overload, water, sewage, access, maintenance of any road, lighting, and other issues of the proposed business, as well as issues with existing businesses and their impact on roads.

Upon motion by Chairman Rouser to deny the Application of Eutaw Construction to Re-Zone certain property from its current designation of A-1 Agricultural District to C-2 Highway Commercial District, seconded by Commissioner Brown, Commissioner McCarty questioned as to whether the Application could come back up if denied, and Attorney Clark advised that if denied, the Applicant would have to wait for one (1) year before resubmitting an application. Gregory Thompson appeared and advised that not all persons present received notification of the proposed Re-Zoning. Administrator Weeks clarified that notification was published in the Madison County Journal, signs were placed on the property, and certified mail sent to landowners within 160' of the property. Ms. Thompson and Ms. Thompson-Taylor further argued that nearby property had been previously Re-Zoned and is now being used as a dump for storm debris. Eutaw Construction interjected that they should not be punished for the acts of others over which they have no control, and would like an opportunity to speak with those in opposition.

Commissioner McCarty offered a substitute motion to table the Application of Eutaw Construction to Re-Zone certain property from its current designation of A-1 Agricultural District to C-2 Highway Commercial District to allow the Applicant to meet with those in opposition, and address the concerns raised, and for Eutaw to respond to the concerns in writing, with the vote on the matter as follows:

Chairman Rouser	"nay"
Commissioner Brown	"aye"
Commissioner McCarty	"aye"
Commissioner Myers	"aye"

As such, the motion to table the Application of Eutaw Construction to Re-Zone certain property from its current designation of A-1 Agricultural District to C-2 Highway Commercial District to allow the Applicant to meet with those in opposition, and address the concerns raised, and for Eutaw to respond to the concerns in writing, passed 3-1.

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

There next came on for consideration the Site Plan of Nissan North America for expansion of their current facility. Cleet McHenry with Yates Construction appeared on behalf of the Applicant, and advised that the expansion would be inside the current campus. Upon motion by Commissioner Myers to approve the Site Plan for Nissan North America for expansion of their

current facility, seconded by Commissioner McCarty, with all voting “aye,” the motion to approve the Site Plan of Nissan North America for expansion of their current facility, was approved.

There next came on for consideration, the Site Plan for C-Store for a new business. The property subject to the Application is on the corner of Highway 16 East and Old Highway 16, is currently zoned as C-2 Highway Commercial District, and is in Supervisor District 5. Emily Nelson appeared on behalf of C-Store and advised that they were previously approved, nothing had changed, and that they wanted to begin construction soon. Administrator Weeks advised that C-Store had been approved in the past, but that there had been some issues with squatters on the property

Upon motion by Commissioner McCarty to approve the Site Plan for C-Store for a new business, seconded by Commissioner Brown, with all voting “aye,” the motion to approve the Site Plan for C-Store for a new business was approved.

There next came on for discussion, the setting of the April 2024 meeting. April 11, 2024, was suggested. Upon motion by Commissioner Brown, seconded by Commissioner Myers, with all voting “aye,” the motion to set the April, 2024 meeting for April 11, 2024, was approved.

With there being no further business, the March 14, 2024, meeting of the Madison County Planning and Zoning Commission was adjourned.

Date

Dr. Keith Rouser, Chairman

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Objection to the rezoning (C-2) in Madison County

jthompson1099@aol.com
To: Scott Weeks
Cc: Karl Banks

Sun 3/10/2024 10:12 AM

CAUTION! External Content. Please use caution when opening attachments and links. Do not provide your username and password if requested.

Mr. Weeks

My name is Mr. Jimmie Thompson and I am part owner (1/9th) in a parcel of land (W/S I-55 N 1/2 NE 1/4 Section 3 Township 8 North Range 2 East) in Madison County, Ms. The remaining portion is owned by by siblings and extended family. Our land has been in our family for decades. We've had the pleasure of enjoying many family functions, growing our own fruits and vegetables, raising live stock and living in on the land. But now this way of life is being encroached upon by those who only see the area as a business opportunity.

The proposal being petitioned by Eutaw Construction to potentially develop a 60 acre parcel of land adjacent to our property is very concerning. The proposal calls for a rezoning of the of the land from Agricultural (A-1) to Commercial (C-2). This proposal will negatively impact the area to include our land. I strongly disagree with this proposal and cite the following reasons:

- Causing road issues- Thompson/Hawkins Road can not accommodate heavy duty vehicle and extensive traffic. The road is too narrow and the surface cannot sustain this kind of use. There would need to be a widening of the road and layers of asphalt to support such use.
• Sewage/water- With commercial properties there will be water and sewer issues. Where will this new piping be connecting? Will there be a water/sewage plant constructed nearby which could cause air quality issues? Will there be run offs? There is a creek that runs through the 60 acre parcel. Will this creek be impacted by the construction (sewage, chemicals, flooding onto our property). This impact could render our property useless. What measures will be taken to mitigate these potential problems.
• Debris from Construction- Where will the debris from any new commercial build be disposed? Will it end up on the road way, on our property or in the creek (which could cause flooding) ? What measures will be taken to ensure this won't happen?
• Environmental issues/Nature impacted- With any large scale construction the environment will change and nature will be displaced. The soil could be potentially be contaminated by chemicals. The air quality could be impacted depending upon what is being constructed.
• Noise buffer- The area is very quite, tranquil and peaceful. However with a large scale construction and potential commercial buildings that will be lost. If this proposal goes through, will there be a noise buffer constructed (concrete walls, trees, man made barriers) to mitigate the noise infringing on our peaceful way of life?
• Has or will the Army Corp of Engineers conducted an extensive survey of the 60 acre parcel (creeks, water ways) that is proposed for commercial use? Will we have access to the findings? Will these findings be taken into consideration?
• Will Eutaw Construction present the developmental plans for the 60 acre plot of land? It's extremely important to see what is proposed and being constructed. Will and can these plans change? Will this area be least to another company or corporation? What agreements will be put in to place to ensure that unwanted tenants don't infringe on our way of life, i.e. power plant, meat processing plant, chicken plant, industrial chemical plant.

There has to be cooperation and measures put in place to ensure our land, investments and ownership is not impacted.

Thank you in advance for your assistance
V/R Mr. Jimmie Thompson

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Zoning Administrator A-1 to C-2

CL Cynthia Lloyd <cynthiasasha321@icloud.com>
To: Scott Weeks; Janice Jones <wajajz@yahoo.com>

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Sun 3/10/2024 6:51 PM

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Good afternoon,

This is a written opposition petition to the Rezoning happening in Madison county. First, I would like to introduce myself, my name is Cynthia Thompson Lloyd, I am a United States citizen, I am a voter, I am a daughter, sister, niece , aunt, a respiratory therapist, a registered nurse and a Christian. I grew up in Mississippi. My father Lee A. Thompson was a farmer for many years in Mississippi. He and my mother shared the same passion for farming and raising their family on a farm for many years. The agriculture property that I'm speaking of is adjacent to the Smith's farm land that was just purchased by Amazon. I am writing to you now opposing the zoning of this commercial property. I have several concerns about the direction of the zoning.

My first concern, of course is the environment. As a healthcare provider I have seen what the environment can do to affect a person's health. Pollution to air could cause asthmatic symptoms flair up (mother had asthma and emphysema), bronchitis, lung cancer, (Cancer is a hereditary trait in my family)and COPD, water pollution could cause bacteria, viruses, parasites, and radioactive substance, soil pollution could cause cancer, heart and vascular disease because of the metals in the food we eat grown in contaminated soil. Noise pollution from the trucks and construction causes anxiety, stress, disturbed sleep and high blood pressure. This zoning has caused anxiety, stress and sleep disturbances in me, my immediate family, my Aunt, Uncle and cousins that live near the site.

The next concern would be possible flooding in the area without proper drainage. This would require the engineers to route the water through a drainage system so it doesn't damage any property or other structures in the vicinity and neighborhood.

The next concern would be the road Hawkins and Thompson Lane. Yes it is a public road however, the road is not equipped to handle heavy traffic such 18 wheelers, dump trucks etc. The road is very narrow and needs repairs. We are asking for you not to do any more damage and properly pave the road.

My next concern is the is the future of the site if Amazon does not stay at this location. Since the rental of the property is temporary what will happen when the lease expires?

In the end it comes down to caring about the people and land that have lived and been there for over 100 years. We say this is the land of the free and the home of the brave. We may be small in number fighting for our land and freedom to do what we believe is right to conserve our land and resources but we are a strong and proud people. This reminds me of the Bible story in Judges 7:7-8. In this story Gideon gathered 32,000 soldiers to fight the Midianites and God told him he only needed 300 soldiers. He delivered the Midianites into the hands of Gideon's soldiers. The moral of the story is this when you fight with purpose it is larger than any army that you could come up against. My family and I have purpose and are believers of the true and living God. I appreciate you taking the time to listen to my thoughts and suggestions.

Thank you,
Cynthia Thompson Lloyd

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EUTAW Construction Rezoning Petition

MW Mary Walker <mary.walker007@yahoo.com>
To: Scott Weeks
Cc: Karl Banks; ptaylor517@msn.com; Mary Walker <mary.walker007@yahoo.com>

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Sun 3/10/2024 8:02 PM

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Mr. Weeks,

My name is Mary Walker. On February 16, 2024, an Executor's Deed was filed and recorded in the Madison County, Ms Book:W-4410/708.00, acknowledging me, along with my family members, as owners of property previously owned by my deceased parents, Lee A. Thompson and Mary C. Thompson.

This acreage, willed to us by our parents , is adjacent to the 60 acres of land, of which petitioner, EUTAW Construction Company is seeking a rezoning from A-1(Agriculture) to C-2(Commercial).

This email is being submitted to the Madison County , Ms Planning and Zoning Department and the Madison County Board of Supervisors requesting that the Petitioner's request for a rezoning be denied.

After a thorough review of the Petition to rezone, I am , frankly, surprised by the submission. It appears to be an incomplete submission. It does not provide the Department, the Board, nor the public with information typically found in a rezoning request of this nature.

Rezoning an A-1 property to a C-2 property will most certainly have a profound effect on the acreage in question, the surrounding neighbors, and the community at large. EUTAW, at a minimum, should have included the following in their petition:

- 1) renderings, concept drawings/ designs, building orientations and locations.(Tract III)
Commentary on future plans and /or uses.(Tract II)
- 2) Preliminary infrastructure identification, utility mapping and/or commentary. (Tract III)
- 3) Commentary on an entry road/ drive access that identifies and acknowledges flood zone issues and potential state and federal regulatory involvement. (Tract I, II and III)
- 4) A neighborhood/ Community Impact Statement that includes
 - a plan to address environmental and nuisance issues (with examples) as they arise;
 - an implementation plan to partition (with privacy fencing, concrete wall, berms, etc.) their 60 acres from the neighbors during initial construction (temporary) and long term (permanent), in a responsible manner;
 - there are several homeowners/landowners in close proximity to the 60 acres. An implementation plan to ensure surrounding homeowners' property values are not impacted negatively:i.e. flooding, debris disposal, unattractive permanent or temporary structures placed on the property, dangerous animals, unruly or disruptive tenants, code violations, etc.

A petitioner who takes the steps to request a rezoning of a historically agricultural community to a permanent commercial district without a master plan or the ability to share their plans including neighborhood impact, perhaps, needs to rethink the acquisition and the development.

As the Planning and Zoning is aware, all rezoning is not good rezoning!

I recognize that there is a need for growth in various areas of Madison County. However, I believe project development should only be accepted with the anticipation that the highest standards will be applied, in all cases, and in accordance with the County's Comprehensive Plan and development guidelines!

Therefore, I again request of the Planning and Zoning Department to reject this petition.

Thank you
Mary Walker(landowner)

Sent from my iPhone

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March 14, 2024

Madison County Planning and Zoning Commission
Madison County Board of Supervisors
125 West North Street
P.O. Box 608
Canton, MS 39046

Subject: **Opposition to Rezoning from A-1 to C-2 for Eutaw Construction Company, Inc.**
60 Acre Tract of Land in Section 34, Township North,
Range 02 East/West, Madison County, Mississippi

Dear Sir or Madam:

Synopsis of Thompson Family Heir Ownership:

I am the second born child of my deceased parents, Lee A. (who transitioned 2007) and Mary C. Thompson (who transitioned in December 2022). My parents owned approximately 6 acres of the property adjoining the proposed rezoning land (with approximately 4 acres or more deeded to Montel Thompson). My deceased parents also owned approximately 6 additional acres in close proximity to the proposed rezoning land.

As of February 2024, the remaining land from the Estate of Lee A and Mary Thompson has been deeded to the remaining children and designated grandchildren.

Collectively, the Thompson Family/Heirs (Aunts, Uncles, Cousins) descendants of Frank and Curley Thompson currently own and pay taxes on approximately 70 acres adjoining the Smith property and have for nearly 100 years or more.

REASONS FOR OPPOSITION

This letter is provided in **OPPOSITION** to above noted **land rezoning** in the above Subject from **A-1 to C-2** for a number of reasons, as follows:

Current and Future Development

The proposed rezoning to Commercial property will definitely impact the current and future landscape of the current residents and landowners. There are no guarantees that Eutaw Construction will consider or address any negative or unsightly conditions that may develop as a result of the changes to commercial property. Eutaw Construction specializes in working with Heavy Equipment. Once zoned commercial, trailers could be placed on the property as offices, warehouses used for storage, dumping ground for miscellaneous items, and heavy equipment parked and stored on the property, just to list a few possibilities.

There are a number of unknowns in regards to the proposed rezoning, such as a possible electrical overload for the area that will affect current residents; how will the management of water and sewage be handled and how it will tie into the current systems; and who will be responsible for building and maintaining the roads that their heavy equipment trucks will be travelling to the proposed rezoned commercial area. Additionally, will their security be managed well enough to protect their property and not inviting thieves to the area.



Use of Hawkins/Thompson Lane as Alternative Road

There is a fence at the end of Hawkins/Thompson Lane that runs from the Montel Thompson property to the current Smith property. The unknown is does Eutaw intend to use Hawkins/Thompson Lane as an alternative road for conducting business, eight-teen wheeler/truck travel, and for transporting their heavy equipment. Another unknown is will the Hawkins/Thompson Lane be viewed as a commercial road and who will then be responsible for maintenance and how often would it be done.

Over the past few years there have been a number of complaints made in regards to another commercial property located on Hawkins/Thompson Lane, which was approved by the Planning Board. The complaints pertained to heavy equipment trucks repeatedly tearing up the road (leaving large holes and mud piles), the workers leaving debris and trash on the property and road, plus the occupants using the property as a dumping ground. The property is unsightly, and even though the matters have been discussed with the appropriate authorities, no permanent changes have occurred.

Hawkins/Thompson Lane is currently difficult to navigate in a car due to the uneven pavement or lack of pavement, however, for a truck it is probably manageable. Also, there is not sufficient lighting from the beginning to the end of Hawkins/Thompson Lane.

No Barrier Separating the 2 Properties, specifically Commercial/Construction/Heavy Industrial

My Brother, Montel Thompson has invested a lot of blood, sweat and tears into making a home for himself and his family. A rezoning will affect the peaceful, tranquility of country life for his family, his wife's family, all of his siblings and their children.

There is currently only a wire fence (for keeping cows contained) separating the 2 properties, with a gate located in close proximity to a home owned by Montel Thompson.

If the Petitioner is successful in rezoning the property to C-2, an immediate and number one condition should be that a concrete (not dirt or grass), sound barrier/buffer wall, of appropriate height be constructed, from the location of the adjoining gate to the end of the Thompson property line.

Portions of Property Located in Flood Zone

Portions of Smith and Lee A. and Mary Thompson properties are located in a Flood Zone. There is also a creek that runs through the properties. There are so many unknowns in regards to properties, possible buildings, water issues, and land when located in a flood zone. It would appear that a report from the Army Corps of Engineers or an Environmental Impact Statement would be required as a condition of approval.

Access and/or Commercial Road Not Identified

And finally, the proposed Access Road and/or Commercial Road have not been identified that would provide access to and from the proposed Eutaw Construction office space and surrounding properties. This unknown factor is major for our family as property owners.

Thank you for allowing me the opportunity to present these Statements and Rationales in regards to **OPPOSITION** for the above noted rezoning Petition from Eutaw Construction Company. If you need to contact me for further information, I can be contacted at (601) 832-4986.

Sincerely, 
Perelia Thompson Taylor