

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 8th DAY OF AUGUST, 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 8th day of August 2024, at 9:00 a.m. in the Madison County Complex Building.

Present: Dr. Keith Rouser
 Jean McCarty¹
 Mandy Sumerall
 Rev. Henry Brown
 Amanda Myers

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 July 12, 2024, meeting of the Commission. Upon motion by Commissioner Brown, seconded by Commissioner Myers, with all voting “aye,” the July 12, 2024, minutes of the Planning and Zoning Commission were approved.

There next came on for consideration the Site Plan for 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 is a site plan for a new gym to be adjacent to the current structure on the property. Mr. Ali advised that 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 from Commissioner Sumerall, Mr. Ali advised that three sides of the building will have a metal façade, and that the side that faces Highway 51 will be half brick and half stucco to match the existing building.

Upon question from Chairman Rouser, Mr. Ali advised that the existing building is brick all the way around with various stucco columns and inserts. Mr. Ali clarified that the proposed site plan shows brick and stucco façade on the front that faces Highway 51, and metal sides on the other three sides with color to match the existing stucco. Chairman Rouser suggested that all sides should match. Mr. Ali proposed that the other three sides be half brick and half stucco as well. Chairman Rouser acknowledged that request.

¹ See fn. 7.

Upon motion by Commissioner Myers to approve the Site Plan for Magnolia Islamic Center for a gymnasium with the condition that all four sides of the building be half brick and half stucco to match the existing building on the property, seconded by Commissioner Sumerall, with all voting “aye,” the motion to approve the Site Plan for Magnolia Islamic Center for a gymnasium with the condition that all four sides of the building be half brick and half stucco to match the existing building on the property was approved.²

There next came on the need to open the meeting for public hearing of certain matters. Upon motion by Commissioner Brown to open the meeting for public hearing, seconded by Commissioner Myers, with all voting “aye,” the public hearing was so opened.³

There next came on for consideration the Application of James Clay to Re-Zone certain property from (C-2) Highway Commercial District to (A-1) Agricultural District. The subject property consists of +/-3.26 acres, is at the corner of Highway 43 and Sharon Road, and is in Supervisor District 5.

When called on the agenda, Applicant did not appear to present his application. Upon motion by Commissioner Sumerall to table the Application of James Clay to rezone certain property from (C-2) Highway Commercial District to (A-1) Agricultural District, seconded by Commissioner Brown, with all voting “aye,” the Application of James Clay to rezone certain property from (C-2) Highway Commercial District to (A-1) Agricultural District was so tabled.⁴

There next came on for consideration the Application of Jenkins Chipping and Mulching for a Conditional Use for Chipping/Mulching Operation. The property subject to the Application is located on Hawkins-Thompson Lane, is currently zoned as (A-1) Agricultural District, and is in Supervisor District 4.⁵

When called on the agenda, Applicant did not appear to present his application. Upon motion by Chairman Rouser to deny the Application of Jenkins Chipping and Mulching for a Conditional Use for Chipping/Mulching Operation, seconded by Commissioner Sumerall, with all voting “aye,” the Application of Jenkins Chipping and Mulching for a Conditional Use for Chipping/Mulching Operation was denied.⁶

There next came on for consideration the Application of Clarkdell Farms, LLC and Stillhouse Creek, LLC to Re-Zone certain property from (R-1) Residential Estate District to (R-2) Medium Density Residential District with a Planned Unit Residential District (PURD) overlay. Agricultural District. The subject property consists of +/-363 acres, is on Clarkdell Road, and is in Supervisor District 5.

Don McGraw appeared on behalf of the Applicants and advised that the Applicants had filed their Petition, and sent notification to the surrounding landowners. Mr. McGraw advised that

² Commissioner McCarty not present and not voting.

³ *Id.*

⁴ *Id.*

⁵ This matter was tabled at the July 11, 2024, meeting of the Madison County Planning & Zoning Commission.

⁶ Commissioner McCarty not present and not voting.

the subject property is +/-363 acres, is on the east side of Clarkdell Road, and approximately one (1) mile south of Yandell Road. Mr. McGraw advised that the current owners of the subject property are Beverly Yandell Milam, Kathryn Ellen Yandell Laurent, Phyllis Anne Yandell Mashburn, and Melinda Yandell Perry, and that all join in the Petition. Mr. McGraw advised that the property is currently zoned R-1 and that Petitioner is seeking to have the subject property rezoned to R-2 with a PURD overlay. Mr. McGraw referenced the Master Plan attached to his Petition and advised that the proposed subdivision will be developed over several years, and that it will be approximately 2-3 years before construction of any homes begins. Mr. McGraw advised that the lifespan of the entire development will be approximately 10-12 years.

Mr. McGraw recognized that the road situation around the property was of concern but reiterated that Madison County had committed \$92M to road improvements in the area near the subject property. Yandell Road will be widened to five (5) lanes from Highway 51 to North Old Canton Road. Signal lights will be placed at intersections. There will be access from Highway 51 to Parkway East from Geen's Crossing with an overpass to Bozeman Road. Weisenberger Road will be four (4) lanes in the next 2-3 years, and all of those improvements will be completed before the subject property is fully developed.

Mr. McGraw addressed the public need and the fact that there is a known shortage of available houses. Mr. McGraw advised there were +/-900 building permits issued in 2023, and that as of August 1, 2024, there had been +/-510 building permits issued.

Mr. McGraw advised that the houses in Tract 1 of the proposed development will be +/- 1850—2500 sf, with an 1800 sf minimum, and very similar to those in Grayhawk and Glenwild Subdivisions. The proposed subdivision (both tracts) will be subject to strict covenants which provides for a homeowners association, and architectural review committee. The subdivision will have several common areas that include lakes, ponds, and walking trails that would encompass 19% of the subject property. There will be a 50' buffer zone along the entire southern property line.

Mr. McGraw advised that another reason that this property is ripe for re-zoning to R-2 is that sewer is now readily available to accommodate such zoning, and Bear Creek had issued a letter that they will provide sewer service to the property.

Mr. McGraw further argued that under R-2 zoning on Tract 1, a total of 1,040 lots are permitted, but Petitioner is only seeking approval for a total of 536 lots. Mr. McGraw argued that on Tract 2, a total of 449 lots are permitted, but Petitioner is only seeking approval for a total of 297 lots. As such, Petitioner is seeking approval of 504 less lots on Tract 1, and 152 less lots on Tract 2 than what is permitted.

Mr. McGraw further argued that Petitioners had received a letter from the Superintendent of Madison County Schools that the School District is aware of future growth around the Yandell Road and Clarkdell Road, and has a demographer which has and will continue to add the new developments within their planning for the future trends and needs of the School District. The School District also has a capital project program ongoing to maintain buildings across the district and to add capacity as needed.

Mr. McGraw further directed the Commission to a traffic study from Kiser Traffic & Engineering, LLC attached to the Petition.

Mr. McGraw next addressed the changes in the area to support the Petition. Mr. McGraw advised that all of the property from the subject property to Yandell Road was previously owned by the Yandell family. However, the Yandell family has now sold all of the property (+/-640 acres) north of the subject property, which has all been re-zoned to R-2. As such, Mr. McGraw argued that the Petition is simply an extension of what has already been done.

Mr. McGraw directed the Commission to a pictorial map of the Madison County Future Land Use Plan depicting the subject property being surrounded by Moderate Density Residential, and including neighborhoods such as Glenwild, Glendale Farms, Oakdale, Oakwood, and Hampton Hills, which are zoned as R-2 neighborhoods. Mr. McGraw argued that this fact, in and of itself, demonstrates that the subject property should likewise be zoned as R-2.

Mr. McGraw advised that each phase of the proposed subdivisions would be 60-65 lots per phase, so the overall build-out time would be 10-12 years.

Mr. McGraw further advised that there would be an architecturally designed and landscaped gated entrance to the subject property on Clarkdell Road.⁷

Mr. McGraw introduced Jonathan Kiser with Kiser Traff & Engineering, LLC, and asked him to share the findings of his traffic study. Mr. Kiser advised that his study was prepared by looking at current and future traffic volumes. Mr. Kiser advised that current traffic volumes are problematic, especially at the intersection of Clarkdell Road Extension and Yandell Road. Mr. Kiser advised that he has worked with Madison County to identify improvements to be made at that intersection, and that the County has allocated funding for improvements to Yandell Road and Weisenberger Road, including signaling Clarkdell Road Extension at Yandell Road with additional auxiliary turn lanes, and widening Yandell Road to five (5) lanes. Mr. Kiser advised that will provide more than enough capacity to accommodate the Petitioners' proposed development. Such improvements will raise the current functional service level from an "F" to a functional service level of "A" or "B." Mr. Kiser advised that a detailed traffic study had been conducted and submitted to the county with traffic counts and traffic forecasts for this area.

Petitioners' representative, Blake Cress appeared and advised that he has been a Madison County resident and in real estate development for 31 years. Mr. Cress argued that due to his experience in the development business, he is very much aware of the need for residential development. Mr. Cress directed the Commission to the Petition, and the reference therein to the Amazon facilities, Clark Beverage, and the other new businesses that are coming to Madison County within a reasonable distance from the proposed development. Mr. Cress argued that there is a continual need for residential housing in the vicinity of the proposed development. Mr. Cress argued that he has been developing properties in the area of Yandell Road and Clarkdell Road for the past +/-8 years, and usually puts on 60-65 lots per year, depending on marketability. Mr. Cress advised that the development of the subject property will simply be a continuation of that plan,

⁷ At this point in the meeting, Commissioner McCarty entered and was present for the remainder of the meeting.

and won't increase the current development volume. Rather, it will simply increase the longevity of the current volume of development.

Mr. Cress argued that the need for residential housing has been, is, and continues to be present, and directed the Commission to the MLS market data provided in the Petition to support his argument.

Mr. Cress then spoke to the changes in the character of the neighborhood to support the re-zoning. Mr. Cress argued that the change is obvious, and has changed so much that Madison County noted the same and designated this property as Medium Density Residential in its Comprehensive Plan in 2019. Mr. Cress argued that the change was obvious at the time of the adoption of the Comprehensive Plan, and the change had been more rapid in recent years with the addition of Glenwild, Glendale Farms, and Oakfield neighborhoods. Mr. Cress argued that Petitioners are simply trying to be consistent with the County's designation of the property and how it should be used. Mr. Cress reiterated that this project is a long-term project, and will likely be 2-3 years before any real impact is seen.

Upon question from Chairman Rouser, Mr. Cress advised that drainage and engineering would be addressed at the time of submission of the plats, but that the Petitioners do have an engineer retained to address those concerns.

Upon question from Commissioner Sumerall, Mr. Cress advised that the proposed development has two different subdivisions proposed, and that the lots will be anywhere from 70-90' wide by 135-150' deep. Mr. Cress reiterated that R-2 designation provides for a lot of flexibility in the number of lots, but that both proposed subdivisions have less lots than are permitted. Mr. Cress also reiterated that the size of the homes in one section would be as Mr. McGraw previously stated as similar to Glenwild and Grayhawk, and that another section of the subdivision would have homes that are approximately 1700—1900 square feet, which are \$350-\$400k homes.

Upon question from Commissioner McCarty, Mr. Cress advised that he has a group of five or six builders that will be building houses in his portion of the subject property, and that Mr. Noble has a similar sized group of builders that he uses. Mr. Cress further advised that his plans for lot values are \$65-\$75k, and the last three sales of homes in his development were \$195-\$197k/sf. Mr. Cress further advised that his cost of development is \$53k/lot. Mr. Cress further confirmed that the data in MLS is accurate as to the number of lots/homes that wind up in MLS, as opposed to private sales. Commissioner McCarty noted that, according to the data provided, there are only 17 houses under construction listed, and Mr. Cress reiterated that demonstrates the need for additional housing.

Petitioners' representative, Arthur Noble appeared and directed the Commission to the provided Land Use Map, Zoning Map, and Master Plan. Mr. Noble advised that Tract 1 is +/-253 acres of gently rolling topography and well-drained soils with a number of trees. Mr. Noble advised that the property has 40' of fall from the southwest corner to the northeast corner. Mr. Noble noted that the surrounding properties had all sold, and been re-zoned as R-2, and that the subject property is the last remaining large tract in the area.

Mr. Noble advised that when a developer looks at a property, they look at the availability of utilities—particularly, water and sewer because that will determine permissible density. Mr. Noble advised that in an area that does not have sewer, the minimum size of the lots is 2 acres, and is typically zoned as R-1. However, if you have sewer available, that allows for greater density.

Mr. Noble reiterated that the subject property is zoned as R-1, but that the Future Land Use Plan depicts the subject property as Moderate Density Residential, that the properties surrounding the subject property are currently zoned as R-2, and the re-zoning request in the Petition is consistent with the Future Land Use Plan. Mr. Noble advised that all of the necessary utilities are at the site, and that Petitioners have a letter from Bear Creek advising they will service the area. Mr. Noble argued that the availability of sewer is the key factor to a property being permitted to be zoned as R-2. Mr. Noble pointed to R-2 subdivisions in the vicinity of the subject property such as Glenwild, Glendale Farms, Oakfield, Bear Creek Crossing, Bradshaw Ridge, Hanover, Coventry, Kemper Creek, and Hampton Hills. Mr. Noble argued that the R-2 designations of these developments supports the Petition to have the subject property designated as R-2. Mr. Noble noted that R-1 subdivisions in the area include Sagefield, Clarkdell, and Oak Hollow, and other houses built on individually owned land. As such, Mr. Noble argued that the highest and best use of the subject property is R-2.

Mr. Noble further reiterated that the supplied MLS data and building permit data showing 924 residential permits being issued in 2023, and 511 residential permits being issued thus far in 2024 support the public need for additional housing. Mr. Noble noted that Amazon will be bringing on +/-1000 jobs, and that this will only increase the already strong demand for housing. Mr. Noble further noted there is a national shortage of housing, and a shortage in Madison County due to the shortage of available land to develop in the Madison County School District. As such, Mr. Noble argued that Madison County loses many buyers to Rankin County.

Mr. Noble argued that on Tract 1, he proposes 536 lots, but that R-2 zoning permits a maximum of 1040 lots, while R-1B permits a maximum of 735 lots. As such, Mr. Noble pointed out that the current proposal is well under the maximum number of permitted lots. Mr. Noble reiterated that the property will be developed in phases with a build-out time of approximately 10 years. Mr. Noble advised that Tract 1 will have approximately 2.14 lots/acre, a 50' buffer on the south end of the property, 19% common area with walking trails, heavily landscaped entrance, and a common facility owned and paid for by the homeowners association. Mr. Noble advised that the development will be controlled by strict covenants and architectural review guidelines. Mr. Noble advised the development will be modeled after Glenwild and Grayhawk, which he had developed, and Thornberry where he is currently building. Mr. Noble advised that the development will have a minimum square footage of 1800 sf, and the houses will be similar to Glenwild, where the houses are 1850-2200 sf, and Grayhawk and Thornberry where the houses are 2300-2800 sf. Houses will have 2 & 3 car garages.

Mr. Noble recognized the traffic concerns, but reiterated the traffic study which shows the planned improvements taking the traffic rating from an “F” to an “A.” Mr. Noble further reiterated that it will be 2.5-3 years before the first houses are available to be sold, as it will take approximately 12 months to design the subdivision, and another 10-12 months to build the roads

and place utilities. During such time, there will only be 3-4 cars entering the property daily, and that will be before and after peak traffic times. Mr. Noble further reiterated that the Yandell Road and Weisenberger Road improvements will be going on during this time.

Mr. Noble noted that Germantown High School just put on 45 new classrooms, and that the School Board is aware of the proposed development and can meet the demand. Mr. Noble advised that he is currently building a home for the CFO of the Madison County School Board, and that he had advised that Germantown actually needs students.

Ronny Lott of 174 Clarkdell Road appeared in opposition and clarified that he was not appearing in his capacity as Chancery Clerk, but as a concerned and protesting taxpayer. Mr. Lott thanked the Commission for their service. Mr. Lott objected to the proposed re-zoning and asked for a show of all in opposition. Mr. Lott expressed concern over the lack of transparency regarding the Petition as only those within 160' of the subject property were notified, and that he had only learned of the Petition from his neighbor. Mr. Lott advised that the sign on the property giving notice was on Clarkdell Road, which runs north and south, but that the sign was facing west. As such, Mr. Lott argued that one had to know it was there to look for it.

Mr. Lott argued that Clarkdell Road is a small, collector road with shoulders less than a foot wide, and deep, open ditches with no curb and gutter. Mr. Lott argued that Clarkdell Road cannot withstand the increased traffic from the proposed development, especially with only one proposed entrance onto Clarkdell Road. Mr. Lott argued that the proposed development would increase traffic by 60%, and that he cannot get out of his driveway some mornings for 30-60 seconds due to traffic. Mr. Lott further argued that his wife cannot walk their dog because cars are coming through at dangerous speeds.

Mr. Lott argued that the weight capacity on the new bridge is 27 tons, but that a dump truck can weigh as much as 40 tons. He further argued that the proposed entrance to the proposed neighborhood barely meets the minimum sight distance requirements. Mr. Lott argued that the traffic study is counting on the widening of Yandell Road, but that will likely not be addressed for 8-10 years.

Mr. Lott further argued that Oakfield has already added 400 lots and will be putting their traffic onto Clarkdell Road. Mr. Lott further referenced shootings, murders, and drug busts in Oakfield in the past year alone, and that the proposed subdivision would only bring more of the same type housing.

Mr. Lott further reiterated that Clarkdell Road cannot withstand additional traffic, and that the taxpayers would be paying for the improvements and maintenance due to the additional traffic. Mr. Lott further argued that the taxpayers would be paying for a required new fire station, ambulances and schools to accommodate the growth.

Mr. Lott argued that we are turning away from the core values that made Madison County the premier county in Mississippi. Mr. Lott argued that these are the same values that attracted Amazon, Clark Beverage, and AWS to Madison County.

Mr. Lott argued that +/-700 D.R. Horton homes are currently being built four miles from the proposed subdivision, and that the Board of Supervisors just approved 69 new lots almost directly across from the subject property. He asked where all of those people are going to go.

Mr. Lott argued that all in opposition had moved to the area to enjoy the quality of life, live in an area that was safe from crime, and that would retain its property values. Mr. Lott argued that the proposed development will completely change the character of the neighborhoods, and that there is not an established need for the development. Mr. Lott argued that the proposed development is not in line with the Madison County Strategic Plan.

Mr. Lott argued that Madison County allowed those in opposition to invest their money with the guarantee of higher property values, and that they had moved to Madison County to escape living in a subdivision. Mr. Lott advised that those in opposition did not oppose R-1 development as those homes will retain their values over the next 20 years, but R-2 housing would not. Mr. Lott argued that those in opposition had moved to the area to enjoy country living, that Madison County is overbuilding, and that the infrastructure capacity is being surpassed by development. As such, Mr. Lott asked the Commission to deny the re-zoning request.

Christy Walker appeared in opposition. She advised that she was not speaking on behalf of Madison County Schools, but as a resident of 215 Clarkdell Road, which is directly across from the proposed subdivision. Ms. Walker advised she had moved from Canton approximately 10 years ago and purchased 5 acres. Ms. Walker advised she has two children in Germantown schools and that she has been a teacher at Germantown since 2011, and that the school did not need any more students.

Ms. Walker advised she is in her 25th year of teaching and her 19th year in Madison County Schools. Ms. Walker advised that in 2011, Germantown had +/-400 students. She knew that the student numbers were going to grow, but did not know how rapidly it would grow. Ms. Walker argued that this caused the need for trailers to be moved in to accommodate the students. Ms. Walker advised that the trailers did not accommodate the growth, and approximately 10 teachers did not have classrooms last year. As such, teachers had to float, and kick other teachers out of their classrooms. Ms. Walker argued that this makes teachers feel overwhelmed, unprepared, and stressed—especially with the current teacher shortage at Germantown. Ms. Walker advised that there are currently 24 new classrooms at Germantown, but that some teachers still did not have classrooms and are having to share with others. Ms. Walker further advised that the number of students assigned to a classroom is growing from +/-25 to +/-30. Ms. Walker argued that research shows that the smaller the size of the classroom, the better, as larger classrooms decreases the amount of one-on-one time that a teacher has with students.

Ms. Walker argued that the School District leaders were able to invest in a \$44M project without the need for a tax increase or bond issue. Ms. Walker argued that the number of students has exponentially increased due to the addition of more subdivisions, and that national studies show that overcrowding decreases a student's ability to pay attention to teachers, and contributes to a student's behavior issues. Ms. Walker further argued that overcrowding contributes to the rate of student and teacher absenteeism, and affects student's testing scores.

Ms. Walker questioned why Madison County's leadership continues to go against everything that research shows, and continues to re-zone subdivisions without any consideration on how such expansion affects schools, and that the people making those decisions do not have to deal with the consequences and problems they are creating.

Ms. Walker quoted the preamble to the Madison County Zoning Ordinance as reading "zoning regulations shall be made in accordance with a comprehensive plan...to facilitate the adequate provision of...schools...." Ms. Walker questioned whether there has been adequate provision for the schools.

Matt Walker of 215 Clarkdell Road appeared in opposition and advised that he is also an educator in his 21st year. Mr. Walker advised that he had raised his family at 708 Cathy Circle—an R-2 subdivision but would not allow his children on Clarkdell Road or Yandell Road right now. Mr. Walker complained about the traffic on Clarkdell Road in the mornings. Mr. Walker also expressed concern about the lack of transparency as to the notification about the Petition, and the dangerous conditions that exist in nearby neighborhoods. Mr. Walker expressed concern about the ongoing development on Yandell Road, and additional traffic that will come with more development. Mr. Walker argued that R-2 subdivisions, such as the one he raised his family in, have their time and place, but that the proposed R-2 subdivision is not the time, or the place to be approved.

Sam Martin, Esq. appeared on behalf of concerned citizens and urged the Commission to consider the legal standard for re-zoning. Mr. Martin argued that in conforming with well-settled law, and Section 806.03 of the Madison County Zoning Ordinance, in order for re-zoning to occur, the developer must prove by clear and convincing evidence that the character of the neighborhood has changed to such an extent as to justify re-zoning, and that there is a public need for the re-zoning. Mr. Martin argued that neither of these factors can be met. Mr. Martin argued that the neighbors to the west, south, and east live in residential estate district with a minimum of two acre lots, and that the neighborhood to the north will be adjacent to the proposed development with through streets. Mr. Martin argued that many in attendance live in that neighborhood and are opposed to the development. Mr. Martin argued that the neighbors to the west, south, and east bought their properties and built in conformance with residential estate zoning. Mr. Martin argued that the Mississippi Supreme Court has stated that the courts presume that the original zoning is well-planned, and designed to be permanent. Mr. Martin argued that these landowners relied on the County's designation and believed it to be well-settled and permanent. As such, Mr. Martin argued that the area is not conducive to an R-2 PURD designation. Mr. Martin argued that there is no public need as there are many new homes nearby that are for sale, prices have been reduced, and they are still empty. Mr. Martin argued that the Amazon facility cited to by Petitioners is more than 10 miles away, on the other side of the interstate, and not in the same growth path. As such, Mr. Martin argued that any public need created by Amazon will be served by the neighborhoods on Stribling and Catlett Road.

Mr. Martin argued that the Supreme Court has considered many similar cases and has stated that "when we have before us an appeal from an action by a governing board rezoning property, unless the record contains specific findings by such board that these two criteria have been met,

and addition thereto sufficient evidence to support such finding, we will inevitably conclude that the governing board acted arbitrarily and unreasonably.” Mr. Martin argued that it is up to the developer to provide clear and convincing evidence, and not up to the public.

Robin Merrill of 198 Clarkdell Road appeared in opposition, and advised that her property is adjacent to the subject property on the south. Ms. Merrill advised that she does title work for a living. Ms. Merrill advised that she and her husband purchased their property out of foreclosure and moved in in July of 2023. Ms. Merrill advised that she does not see the need for this development as there are 4-5 other subdivisions in close proximity. Ms. Merrill urged the Commission to deny the Petition.

Mike Ward, Esq. appeared in opposition and advised that he has lived in Madison County since 1987, and now lives on Cherry Rose Lane near the proposed subdivision. Mr. Ward advised that Cherry Rose Lane is a small road, and that all of the residents in the area had moved out to the area to enjoy the lifestyle. Mr. Ward reminded the Commission of the preamble to the Madison County Zoning Ordinance that sets forth the purpose of the zoning regulations to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air, and to prevent the overcrowding of land; and to avoid undue concentration of population. Mr. Ward argued that there is an overcrowding of land with an infrastructure that can't support it occurring in Madison County. Mr. Ward further argued that the traffic engineer had not taken into consideration the subdivision that has already started to the south of Deerfield with an estimated 400-500 cars on the road, and more students being placed in the schools. Mr. Ward argued that the developer had not met its burden of proof as to the criteria for re-zoning.

Steve Grantham, Jr. of 728 North Old Canton Road appeared in opposition. Mr. Grantham advised that he and his wife moved to Madison County in 1998 to have property and a simpler way of life, and not to be surrounded by zero lot line homes and traffic jams. Mr. Grantham argued that the area had experienced significant growth without infrastructure to support it. As such, Mr. Grantham argued that the area is experiencing significant traffic problems in the mornings and evenings, and additional development will only compound the problem.

Jamie Rottman of 190 Clarkdell Road appeared in opposition. Mr. Rottman advised that he is a certified safety professional, and expressed concern about the safety of traffic and cited to several incidents on Clarkdell Road. Mr. Rottman advised that the current farmers using the property have made the decision that it is no longer economically feasible to maintain their equipment due to vandalism, and if you put more houses in the area, the vandalism will increase. Mr. Rottman further argued that there are a lot of uncertainties as to how long the improvements to the roads will take, and the Petitioners could not articulate any certainty as to when that may occur.

Henri Fuselier of 290 Quail Hollow appeared in opposition. Mr. Fuselier advised that he has lived in Madison County for nearly 40 years, and moved to the area to avoid developments. Mr. Fuselier argued that the Petitioners have a right to do what they want with their property, however, he moved into his home due to the R-1 designation and urged the Commission to keep the property with that designation. Mr. Fuselier argued that there has been no communication as

to any improvements to Clarkdell Road. Mr. Fuselier disagreed with Petitioners' timeline as to development and pointed to the rapid development near Deefield and the traffic issues associated with that development. Mr. Fuselier further argued that the schools have not addressed the overcrowding, and could not handle the growth that will come with the new development.

Cody Harris appeared in opposition, advised she lives off Country Lane, and that the proposed development will be at the end of her street. Ms. Harris advised she inherited her home from her grandfather, and that they enjoy a quiet place to enjoy their fruit trees and bushes. Ms. Harris advised she has two children, and that one has developmental delay. Ms. Harris argued that she cannot walk up and down her street with her children for fear of traffic. Ms. Harris argued that Mississippi has over 80 endangered species that depend on uninterrupted acreage for their life. Ms. Harris argued that the proposed development will be the largest in the area, and does not fit the character of the neighborhood. As such, Ms. Harris urged the Commission to vote against the Petition.

David Ross of 145 Sagefield Square appeared in opposition. Mr. Ross advised that he has lived in Madison County for 69 years and expressed concern over the traffic. Mr. Ross advised that he moved to the area to enjoy the country living, but knew the area would change. Mr. Ross argued that at the current time, he takes his life into his own hands when pulling out the subdivision. Mr. Ross argued that the previous 3-way stop had been removed, and that has increased the speed of traffic on the roads. Mr. Ross argued that additional development will only increase the traffic concerns. Mr. Ross also expressed concern over the crime in adjacent neighborhoods, and asked the Commission to deny the Petition.

Keith Stewart of 550 Twin Cedars appeared in opposition. Mr. Stewart expressed concern over the sports complex being built nearby, and that it will place 800-1000 cars on the road and the traffic concerns it will cause. Mr. Stewart expressed concern that the sports complex and the proposed development will only increase traffic onto Clarkdell Road. Mr. Stewart further expressed concern over the voting precincts, and that additional development will cause further issue with people being able to get in to vote.

Jeff Zhu of 148 Sagefield Square appeared in opposition. Mr. Zhu advised that he and his wife have moved to Madison County in 1996 and raised thier family here. Mr. Zhu advised that his daughter had recently been home and training for a marathon. Mr. Zhu advised that he had not allowed her to run on Clarkdell due to the traffic, and that he had recently had an encounter with a semi-truck where he had to stop with no shoulder to allow the truck to safely pass. As such, Mr. Zhu asked the Commission to deny the Petition.

Mike Cox of 224 Quail Hollow appeared in opposition. Mr. Cox advised he is a retired police officer from Jackson, and has watched the crime increase in Madison County. Mr. Cox argued that Madison County law enforcement will have increased problems with traffic and crime if development is allowed to continue. Mr. Cox asked the Commission to deny the Petition.

Toby Butler of 209 Green Oak Lane appeared in opposition. Mr. Butler advised that he had recently purchased and is improving a house, but if the development proceeds, he will likely be looking to relocate. Mr. Butler expressed concern over traffic on Green Oak as being

unmanageable and that Madison County is continuing to add to that with additional development. Mr. Butler argued that more planning and infrastructure improvement should be had before further development is approved.

Norman Chapel of 112 Sagefield Square appeared in opposition. Mr. Chapel expressed concern over the impact this development will have on property values. Specifically, Mr. Chapel argued that the proposed development will negatively impact the property values in the neighborhoods with larger lots.

John Arthur Eaves, Esq. of 753 North Old Canton Road appeared in opposition. Mr. Eaves argued that his parents built the house in 2001, and believed that this would be there forever family home. Mr. Eaves directed the Commission to a map that showed the proposed development and its proximity to his house. Mr. Eaves further directed the Commission to the depicted Denbury well which produces CO₂ for the Southeast, and is the largest reserve of medical grade CO₂ in the United States. Mr. Eaves advised that, at night, he and his wife can hear the pumping station. Mr. Eaves argued that he does not think anyone will want to live near that, and hear the pumping station, and that he had intentionally left some woods between his house and the pumping station to mitigate that noise. Mr. Eaves advised the Commission that his law practice is that of disaster. He expressed concern with the CO₂ pipeline, and how residents would get out of the proposed neighborhood in the event of breach of the pipeline, and concentrated CO₂ and H₂S being released into the air. Mr. Eaves argued that he had not heard any plan to deal with such a disaster. Mr. Eaves further expressed concerns over realtors that may be listing any lots in the proposed subdivision, and a duty to disclose the location of the pipeline, and the adjacent property owners being apprised of such risk.

William Fitts of 115 Cherry Rose Trail appeared in opposition. Mr. Fitts argued that he takes Hoy Road to work every morning, and that the traffic on Hoy Road will only worsen if this proposed development is approved. Mr. Fitts further expressed concern over the wildlife in the area of the subject property, and that the proposed development would have a negative impact on wildlife. Mr. Fitts expressed concern that there would be five parcels adjacent to his property line, and that those lots would sit below his property such that he would be looking into their back porches. Mr. Fitts also expressed concern over drainage that might effect his property. Mr. Fitts further expressed concern over others coming on to his property from the proposed development, and his liability in the event those persons were injured.

In response to question from Commissioner McCarty as to whether anyone knew of plans for any schools or educational buildings to accommodate growth, Christy Walker responded that she had heard the School Board may have to create a new school zone, but that she understood there was no 16th Section land in the area for a new school. Ms. Walker further stated that she understood that Germantown Middle School was in need of additional classrooms, but she did not know of any plans for additional schools.

In response to question from Commissioner McCarty as to whether anyone had asked Madison County to perform a traffic count, traffic lights, or speed bumps, Jonathan Kiser responded that there were traffic counts on the north and south ends of Clarkdell Road on April 4,

2024, and that there has been a traffic signal recommended on the north end of the Clarkdell Road at the intersection with Yandell. Mr. Kiser further advised that the County Engineer was working to accelerate the traffic signal at that location.

Joe Ray at 125 Bear Creek Circle and inquired as to when the traffic signal at Clarkdell Road and Yandell Road would be installed. Mr. Kiser responded that it was his understanding that Madison County had appropriated funds for the design of the intersection at Clarkdell Road and Yandell Road for the traffic signal. Mr. Ray advised that there was a brand-new subdivision on Yandell that would be putting traffic on Yandell Road at peak traffic times. Mr. Ray asked the Commission to deny the Petition and not let the developers put in smaller homes.

Blake Cress reappeared and advised he had been on the phone with the County Engineer, and gave the following report: The three lanes on Yandell Road from Highway 51 to Madison Crossing will be open in 2025. In 2027, Yandell Road would be open with five lanes. Highway 51 to Parkway East at Green Oak Lane will be open in the next six months with the overpass to Bozeman Road open within 18 months. Weisenberger Road expansion will not be completed until 2028 because the County is waiting on federal funds. Traffic signal and turn lane at North Old Canton and Yandell Road would be completed in 2027. Mr. Cress acknowledged that the current state of traffic is of concern, but that the County has recognized this and has appropriated money for the improvement of the traffic concerns. Mr. Cress reiterated that the proposed development had been carefully considered and planned, and is consistent with the County's Comprehensive Plan.

Upon motion from Commissioner Sumerall to deny the Petition based on the reasoning that it is not in the best interest of the community, that the infrastructure cannot withstand an increase in traffic of up to 60%, that the roads are already an issue and can't pinpoint when the County will have the road projects complete, and that the State Board of Education recommends one teacher to 24 students, and any increase of student to teacher ratio in the schools would be penalizing to the students, seconded by Commissioner Myers, with the vote on the matter being as follows:

Commissioner Brown	Abstain
Chairman Rounser	Aye
Commissioner Myers	Aye
Commissioner McCarty	Abstain
Commissioner Sumerall	Aye

As such, the motion to deny the Petition based on the reasoning that it is not in the best interest of the community, that the infrastructure cannot withstand an increase in traffic of up to 60%, that the roads are already an issue and can't pinpoint when the County will have the road projects complete, and that the State Board of Education recommends one teacher to 24 students, and any increase of student to teacher ratio in the schools would be penalizing to the students was approved by majority vote.

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

There next came on for discussion, the setting of the September, 2024 meeting. September 12, 2024, was suggested. Upon motion by Commissioner Myers, seconded by Chairman Rouser, with all voting “aye,” the motion to set the September, 2024 meeting for September 12, 2024, was approved.

With there being no further business, the August 11, 2024, meeting of the Madison County Planning and Zoning Commission was adjourned.

Date

Dr. Keith Rouser, Chairman