

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 15<sup>th</sup> DAY OF MAY, 2025 AT 9:00 A.M. AT THE  
MADISON COUNTY COMPLEX BUILDING**

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**BE IT REMEMBERED** that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 15th day of May, 2025, at 9:00 a.m. in the Madison County Complex Building.

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

Scott Weeks, Planning and Zoning Administrator

Absent:         Jean McCarty

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 March 13, 2025, meeting of the Commission. Upon motion by Commissioner Sumerall, seconded by Commissioner Brown, with all voting “aye,” the March 13, 2025, 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 Myers to open the meeting for public hearing, seconded by Commissioner Brown, with all voting “aye,” the public hearing was so opened.

There next came on for consideration the Application of Mary Jane and Walter Boutwell to Re-Zone certain property from its current designation of (A-1) Agricultural District to (I-2) Heavy Industrial District. The subject property is located at 367 Virililia Road, and is in Supervisor District 4.

Mary Jane and Walter Boutwell appeared and requested that their property be re-zoned from its current designation of (A-1) Agricultural District to (I-2) Heavy Industrial District. Mr. Boutwell advised that they are tired of the noise and construction on three (3) sides of their property from the development of the nearby Mega Site, and that they desire the re-zoning so that they may place their property on the market for sale. Ms. Boutwell advised that the Mega Site is on their west and south property lines, and that ongoing construction and development of that property is impacting their current use of the property.

Upon motion by Commissioner Myers to approve the Application of Mary Jane and Walter Boutwell to Re-Zone certain property at 367 Virililia Road from its current designation of (A-1)

Agricultural District to (I-2) Heavy Industrial District, seconded by Commissioner Brown, with all voting “aye,” the Application of Mary Jane and Walter Boutwell to Re-Zone certain property at 367 Virllilia Road from its current designation of (A-1) Agricultural District to (I-2) Heavy Industrial District was approved.

There next came on for consideration the Application of Boutwell Limited Family Partnership, LP to Re-Zone certain property from its current designation of (A-1) Agricultural District to (I-2) Heavy Industrial District. The subject property is located at 333 Virllilia Road, and is in Supervisor District 4.

Starr Boutwell appeared and advised that the subject property is adjacent to and a part of the property at 367 Virllilia Road, and requested that their property be re-zoned from its current designation of (A-1) Agricultural District to (I-2) Heavy Industrial District. Mr. Boutwell advised that they desire the re-zoning so that they may place their property on the market for sale.

Upon motion by Commissioner Myers to approve the Application of Mary Jane and Walter Boutwell to Re-Zone certain property at 333 Virllilia Road from its current designation of (A-1) Agricultural District to (I-2) Heavy Industrial District, seconded by Commissioner Sumerall, with all voting “aye,” the Application of Boutwell Limited Family Partnership, LP Re-Zone certain property at 333 Virllilia Road from its current designation of (A-1) Agricultural District to (I-2) Heavy Industrial District was approved.

There next came on for consideration the Application of Guru Nanak Foundation of Madison for a Conditional Use for a Religious Institution. The subject property is located at 420 Old Jackson Road, and is in Supervisor District 2.

Daniel Wooldridge, architect for the project, appeared on behalf of the Applicant. Mr. Wooldridge advised that the subject property is just to the north of Gluckstadt on Old Jackson Road near Sowell Road. Mr. Wooldridge advised that the purpose of the Conditional Use is for religious purposes, and that the Applicant would be constructing a temple. Mr. Wooldridge presented a conceptual site plan to the Commission. Such conceptual site plan is attached to these minutes as **Exhibit “A.”** Mr. Wooldridge advised there would be two (2) buildings on the rear of the site with one being a temple, and the other being a dining hall/family life center, along with outdoor recreational area.

Upon motion by Commissioner Sumerall, to approve the Application of Guru Nanak Foundation of Madison for a Conditional Use for a Religious Institution, seconded by Commissioner Myers, with all voting “aye,” the Application of Guru Nanak Foundation of Madison for a Conditional Use for a Religious Institution was approved.

There next came on for consideration, the Application of John Cowan Harreld, Sr. to Re-Zone certain property from its current designation of (A-1) Agricultural District to (C-2) Highway Commercial District with a Conditional Use for an RV park. The subject property is located on Virllilia Road, and is in Supervisor District 4.

Don McGraw, Esq. appeared on behalf of the Applicant and advised that Applicant owns +/-220 acres on Virllilia Road near and around Movie Town. Mr. McGraw advised that Applicant

is seeking to re-zone +/-13.35 acres of that property to C-2 Highway Commercial District with a Conditional Use for an RV park and likely storage units similar to Movie Town. Mr. McGraw noted recent rezonings in the immediate vicinity of the subject property, that the property to the west of the subject property is I-2 Heavy Industrial District, that the property to the east of the subject property is C-2 Highway Commercial District, and that properties across the road are either I-2 Heavy Industrial or C-2 Highway Commercial Districts.

Upon motion by Commissioner Myers to approve the Application of John Cowan Harreld, Sr. to Re-Zone certain property from its current designation of (A-1) Agricultural District to (C-2) Highway Commercial District, seconded by Commissioner Brown, with all voting “aye,” the motion to approve the Application of John Cowan Harreld, Sr. to Re-Zone certain property from its current designation of (A-1) Agricultural District to (C-2) Highway Commercial District passed.

Upon motion by Commissioner Sumerall to approve the Application of John Cowan Harreld, Sr. for a Conditional Use for an RV park, seconded by Commissioner Brown, with all voting “aye,” the motion to approve the Application of John Cowan Harreld, Sr. for a Conditional Use for an RV park passed.

There next came on for consideration, the Application of McMillon Road, LLC, to Re-Zone certain property from its current designation of (R-1) Residential Estate District to (R-1B) Moderate Density Residential District. The subject property is located on McMillon Road, and is in Supervisor District 2.

Neill Bryant, Esq. appeared on behalf of the Applicant and advised that Applicant is seeking to rezone +/-60.68 acres of undeveloped land on the west side of McMillon Road and immediately north of Hatheway Lake Subdivision from its current designation of (R-1) Residential Estate District to (R-1B) Moderate Density Residential District. Mr. Bryant advised that the lot sizes will be a minimum of 15,000 sf. with strict covenants that will require a HOA, architectural review, an architecturally designed and landscaped entrance. Mr. Bryant distributed a Preliminary Master Plan to the Commission. Such Preliminary Master Plan is attached to these minutes as **Exhibit “B.”**

Mr. Bryant advised that the subject property has available water and sanitary sewer from Bear Creek Water Association, and presented the Commission with a “will serve” letter from Bear Creek. Such letter is attached to these minutes as **Exhibit “C.”**

Mr. Bryant next addressed the standards for re-zoning—need and change in the character of the neighborhood. Mr. Bryant advised that there is a housing shortage nationwide that has been going on for years. Mr. Bryant pointed to March MLS data that shows that Madison County has a 25% absorption rate that is four (4) months of inventory. Mr. Bryant advised that this is the highest it has been in years, and that it has increased in the last several years due to increased interest rates. Mr. Bryant advised that when interest rates come down, Madison County is going to be in a bind because it does not have inventory to meet the demand, and that, ideally, Madison County would have six (6) months of inventory in order to have a stabilized market. Mr. Bryant argued that this is important for the future because of population growth. Mr. Bryant advised that

in 2022, the population in Madison County was 111,113 which demonstrates a 16.3% increase from 2010 (95,546) and that during that time, the United States population only grew 7.7%, and Mississippi's population decreased by 1%. Mr. Bryant argued that this demonstrates that Madison County is clearly ahead of the rest of the state.

Mr. Bryant next directed the Commission to page 34 of the Madison County Comprehensive Plan which states:

Using a projected persons per household ratio of 2.62 and applying it to the projected increase in the County's population of 54,130 by 2040, Madison County will need an additional 20,660 dwelling units by 2040.

Mr. Bryant advised that in the first quarter of 2025, Madison County issued 95 permits, and if that rate holds for the remainder of the year, then Madison County will have issued 380 permits. Mr. Bryant argued that Madison County must issue over 1,000 permits per year in order to meet the goals set forth in the Comprehensive Plan, but if the County continues with the current rate of development, then the County will be less than half of the needed new homes by 2040.

Mr. Bryant pointed out that Madison County is experiencing growth because it is a leader in economic development and job growth in Mississippi, pointing to Amazon's addition of 1,000 new jobs with a \$10 Billion investment in the AWS project, and that it will bring complimentary employers just like Nissan did in the past. Mr. Bryant noted that Clark Beverage was adding 325 new jobs. Mr. Bryant also noted the jobs being created by small businesses, which the Small Business Administration estimates accounts for 46% of all private sector jobs. Mr. Bryant reminded the Commission that the subject property is currently zoned R-1, and that there is little to no demand for development of two (2) acre lots because the vast majority of people cannot afford such a home due to rising housing costs, and noting that median home prices have nearly doubled since 2011.

Mr. Bryant directed the Commission to the April report from the Central Mississippi Realtors. Such report is attached to these minutes as **Exhibit "D."** Mr. Bryant argued that the data shows that Madison County cannot keep up with the current demand for housing, or that which is coming.

Mr. Bryant argued that people cannot afford two (2) acre lots in a planned unit subdivision because costs are simply too high. And, he further argued that those that can afford it do not want to be in a planned unit development with covenants, and want acreage instead.

Mr. Bryant directed the Commission to a map depicting the general area surrounding the subject property showing nearby developments. Such map is attached to these minutes as **Exhibit "E."** Mr. Bryant argued that this map depicts the neighborhood and the subject property, and that all of the developments shown are either R-2 or R-2 with a PURD overlay, and that none of the shown developments around the subject property are R-1. Mr. Bryant argued that the benefit of rezoning the subject property to R-1B is that it provides a transitional area between surrounding R-2 developments and other R-1 or A-1 zoned properties.

Mr. Bryant asked the Commission to recommend that the Board of Supervisors approve the Application to Re-Zone and enter an order that amends the Comprehensive Plan's Land Use Map to Moderate or Medium Density, and amend the Zoning Map to reclassify the property from R-1 to R-1B.

In response to question by Commissioner Myers, as to whether there are any R-1 developments to the north of the subject property, Mr. Bryant stated that there are homes to the north of the subject property that are zoned R-1, but not developments. Mr. Bryant further stated that when the current version of the Zoning Ordinance and Zoning Map was adopted in 2019, Madison County did so in response to legislation that prohibited counties from taking certain action with regard to agriculturally zoned properties. He argued that Madison County looked at certain agriculturally zoned properties in growth paths and comprehensively zoned those properties as R-1. Mr. Bryant argued that such R-1 was not meant to be permanent, but only to maintain certain control of such properties.

In response to question from Commissioner Sumerall, Attorney Clark advised that the Commission could impose a minimum square footage on the houses to be located in the development on the subject property as a condition to rezoning. Attorney Clark further clarified that under R-1 zoning, minimum lot sizes are two (2) acres; that under R-1B zoning, minimum lot sizes are 15,000 sf; and that under R-2 zoning, minimum lot sizes are 10,500 sf. Attorney Clark further clarified that if you overlay any of those districts with a PURD, there is no minimum lot size, and your total number of lots is determined by a formula to include minimum green spaces and required set backs and that's what determines the actual lot size.

Blake Cress appeared as the Applicant. He explained that his request is for 2,000 minimum sf. homes, and that the lot prices would likely be +\$80,000.00. Mr. Cress further explained that his intent is to build homes that would be in the 2,200-2,400 sf. range, with a home cost of \$425,000-\$475,000.

Tim Anzenberger of 128 Brisco Street appeared in opposition and explained that his property abuts the subject property. Mr. Anzenberger and his wife, Laura Katherine, prepared a formal protest, along with joinders from over 20% of lot owners that surround the subject property. Such protest and joinders are attached to these minutes as **Exhibit "F."**

Mr. Anzenberger advised that he purchased his property because it is located adjacent to R-1 Residential Estate land that is undeveloped, rural, and if it were to be developed, it would be a two (2) acre farm or large lot. Mr. Anzenberger argued that others along Brisco Street purchased their property for the same reason. Mr. Anzenberger further argued that the proposed development would place homes directly behind the existing homes on Brisco Street, and the residents would be looking down into the new homes regardless of their size and regardless of the fact that the proposed lots would be larger than the lots on Brisco Street.

Mr. Anzenberger argued that the Mississippi Supreme Court has made clear that current zoning is meant to be permanent and is presumed to be reasonable and for the public good as is, and that is why the Petitioner must show by clear and convincing evidence that there is a substantial

change to the area, and public need. Mr. Anzenberger argued that the Applicant had not demonstrated the required standard for rezoning.

Mr. Anzenberger argued that the area to be rezoned (north of Brisco Street and west of McMillon Road) has been and is R-1 Residential Estate and abuts Agricultural property, which is consistent with the County's plan that it be a buffer between development south of Hatheway Lake. Mr. Anzenberger argued that the development south and east of Hatheway Lake because those properties are already zoned for moderate or high density residential, but that the immediate area around the subject property has not changed.

Mr. Anzenberger argued that there is no public need for the rezoning. Mr. Anzenberger directed the Commission to Chapter 3 of the Land Use Plan objectives which states

Objective: To maintain large minimum lot sizes in agricultural areas, and to utilize the Residential Estate Classification as a buffer between agricultural lands and higher density, suburban development.

Mr. Anzenberger argued that the plan emphasizes that Madison County includes many rural areas such as the subject property, and that there is "a need to protect the rural nature of these areas from encroachment of higher density or more intensive uses that are normally associated with a more urbanized area," and expressly provides that R-1 tracts should

remain Residential Estates due to their proximity to existing large lot subdivisions. The preservation of these neighborhoods for large lot development is important in order to protect the property values of people living in existing Residential Estate subdivisions or other large lot developments.

Mr. Anzenberger argued that these portions of the Plan described the subject property exactly in that it's an R-1 tract, a buffer between development south of it and the agricultural land to the north of it, and protects the property values of homeowners in opposition.

Mr. Anzenberger argued that the Plan has a "Guiding Principle" to protect the community's unique natural assets, and that Madison County's unique natural asset is that there are plenty of tracts of beautiful, undeveloped R-1 Residential Estate land and that's why those in opposition chose to live where they do. Mr. Anzenberger argued that if we continue developing, encroaching, and rezoning R-1 Residential and deleting agricultural land, we are taking away that unique asset and character of Madison County.

Mr. Anzenberger argued that the map presented by Applicant shows more and more tracts of "cookie cutter homes" and that rezoning of the subject property would continue that trend. Mr. Anzenberger argued that according to MLS data he reviewed, there are already 780 homes for sale in Madison County, and that it is a buyer's market. He argued that there is an oversupply of homes, that homes are sitting on the market for more than 60 days, which is up from last year, and that there are currently subdivisions going up along Bozeman Road and Gluckstadt. Mr. Anzenberger argued that last year, the Applicant rezoned two (2) large tracts off Clarkdell Road from R-1 to R-2 to build 800 new homes. Mr. Anzenberger further argued that if you look at the County map, the

County has already designated large tracts of undeveloped land to the east and west as suitable for moderate or high density neighborhoods.

Mr. Anzenberger further argued that the traffic on Stribling, Bozeman, and 463 are of concern in trying to get kids to school and to get to work. Mr. Anzenberger noted that the current plans for widening Stribling Road, but that it is not planned to be bid in 2027, and construction takes longer than anticipated.

Mr. Anzenberger further argued that additional homes would burden the Madison County School system.

On behalf of himself, and those that joined the Protest to McMillan Road, LLC's Petition to Rezone and Reclassify Real Property, Mr. Anzenberger asked that the Commission recommend denial of the Application, adding that if there is a need for residential land in Madison County, there are other areas already zoned or planned for such development.

Leah Katherine Anzenberger appeared in opposition and asked that the Commission deny the Application due to failure to meet established legal standards. Ms. Anzenberger argued that rezoning is a drastic measure justifiable only under limited and specific circumstances. Ms. Anzenberger argued that case law provides that zoning measures are invalid when public interest is slight, and the private party will suffer great injury. She further argued that one who plans and uses their property in accordance with existing zoning regulations is entitled to assume that those regulations will not be altered to their detriment, and that the effect of a regulation on land values is a proper element to consider in looking at the standard.

Ms. Anzenberger argued that for herself and many of those in opposition, the existing zoning of the subject property played a crucial role in their decision to purchase their home. Ms. Anzenberger argued that in their search for a home, they only viewed properties that did not back up to a neighbor, and that they specifically inquired about the subject property prior to making an offer and were informed that it was a R-1 property and that assurance was a significant factor in their investment. Ms. Anzenberger argued that rezoning of the subject property would be harmful to both the aesthetic and tangible value of their property. Ms. Anzenberger argued that the undisturbed nature of the subject property is integral to the quality of life sought when purchasing their home, and that the value of their home is intrinsically linked to the uninhabited space behind their homes. Ms. Anzenberger directed the Commission to data obtained from realtor.com which shows that the surrounding area of Hatheway Lake shows more than 200 homes currently for sale, and that such directly undermines the argument for any public need for additional housing. Such data from realtor.com is attached to these minutes as **Exhibit "G."**

Ms. Anzenberger argued that the Applicant had failed to meet the burden of demonstrating either a mistake in the original zoning, or a substantial change compelling rezoning. Ms. Anzenberger argued that the proposed rezoning would negatively impact the character of their neighborhood, depreciate their property values, exacerbate existing traffic, and is not supported by any demonstrable public need or interest.

Shay Landry of 122 Brisco Street appeared in opposition, and argued that he had a unique reason in purchasing his home that abuts the subject property as he did so because he has a special needs daughter that is a cancer survivor that needs time outside without overstimulation of having another house directly behind theirs, and to enjoy the wildlife that inhabits the subject property.

Ricky Blythe of 130 Brisco Street appeared in opposition, and argued that he and his wife have lived at that location for 11 years, and echoed the sentiment of his neighbors as to why they purchased their home. Mr. Blythe further argued that after a number of years in ministry in Madison County and other parts of the state, he was offered a job with the Mississippi Baptist Convention and moved back to Hatheway Lake due to its beauty. However, he argued that there is a saturation problem in Madison County, and that it takes him 45 minutes to travel 21 miles to his office. Mr. Blythe further argued that if the subject property is rezoned, and another +100 lots, each house is going to have two (2) or more cars adding to the already-congested traffic situation on nearby roads. Mr. Blythe asked that the Commission deny the Application and leave the subject property as it is.

Ted Lewis of 104 Brisco Street appeared in opposition, and advised that he and his wife retired in 2018, and selected their home because no one would be behind their property, and was zoned like it is now. Mr. Lewis argued that the size of the lots, and the size and value of the homes is a moot point because regardless of those factors, he would be looking directly into the rear of a neighboring homes—negating the very reason they purchased their home. Mr. Lewis advised that if the subject property is rezoned, his wife is going to want to move, and he does not want to do that.

Mr. Bryant reappeared and agreed that, generally, zoning is intended to be permanent, but that it is abundantly clear from the prior minutes of the Board of Supervisors that the actual purpose of the 2019 rezoning of the subject property, and other properties from A-1 to R-1, was clearly not meant to be permanent. Mr. Bryant directed the Commission to the prior minutes where Administrator Weeks confirmed that the intent was not to be permanent, but was because R-1 is the least restrictive residential classification, and that if property owners desire a higher density classification, they could come back and request that, which is what the Applicant is seeking.

Mr. Bryant further addressed the Comprehensive Plan, and opposition's argument that the Application is not in compliance with the Future Land Use Map. Mr. Bryant explained that the Applicant is seeking amendment of the Future Land Use Map in order to be in compliance with the statute that requires the two to be the same. Mr. Bryant further argued that the Comprehensive Plan itself states that it should be revisited and updated every 5-7 years, and that we are now in year 6 of the current version. Mr. Bryant argued that the Comprehensive Plan contemplates situations such as the current Application, in that neighborhoods change as developments happen over time.

Mr. Bryant further expressed sympathy with those that argue they purchased their property in reliance on information that the subject property would remain undeveloped, but that such does reliance is not reasonable, and does not exist in law, as there is no legal visual easement over another person's property.



In response to question from Commissioner Myers as to whether the property is going to be developed, Attorney Clark advised that any developer could proceed as is with an R-1 development. Mr. Bryant agreed with Commissioner Myers in that the Application is an attempt to create a buffer between R-1 and/or A-1 properties by seeking a R-1B designation. Mr. Bryant and Mr. Cress advised that R-1 lots would typically sell for +\$200,000.00, and that there is simply not a market for such lots.

In further response to question from Commissioner Myers regarding a buffer, Mr. Cress advised that there is a proposal for a 25' buffer immediately adjacent to the Brisco Street properties on the south border of the subject property conditioned on Hatheway Lake accepting and maintaining that buffer property, but that the discussion had not been had with Hatheway Lake. Mr. Cress advised that this would cause him to lose a few lots, but that he was willing to do so as a concession to the opposition, reducing his proposed number of lots from 105 to 103. A map depicting the buffer in question is attached to these minutes as **Exhibit "H."**

Shay Landry reappeared and advised that with regard to the proposed buffer, there were a number of dead trees from the drought a few years ago that have died and been cut down such that the idea of the buffer is a moot point.

Mr. Anzenberger added that his concern is that if the rezoning is approved, then the offers with regard to the buffer is not binding, and has no real effect on the rezoning.

In response to question from Commissioner Myers, Mr. Cress responded that the proposed lots would be overall +/-150' deep, and with rear setbacks of 40', so with the buffer, if approved, would actually result in a setback of 65', and coupled with the setbacks on the houses on Brisco Street, there would be approximately 100' in between the houses on Brisco Street, and the houses in the proposed development on the subject property.

Trey Sebrell appeared and argued that the idea of the buffers is a red herring, and that the Applicant will say anything the Commission wants in order to obtain the approval. In response to question from Chairman Rouser, Mr. Sebrell advised that he has a four (4) bedroom house with 2,344 square feet, and Attorney Clark advised that he had reviewed the plat for the homes on Brisco Street, and that the lot sizes were in the range of +/-11,500 sf. Mr. Cress added that the proposed lots on the subject property are actually 25% larger than the lots on Brisco Street, and that if he told the Commission he was going to do something, he would do it, and did not appreciate the comment from Mr. Sebrell.

Upon motion by Commissioner Sumerall to table the Application of McMillon Road, LLC, to Re-Zone certain property from its current designation of (R-1) Residential Estate District to (R-1B) Moderate Density Residential District, seconded by Commissioner Myers, with all voting "aye," the motion to table the Application of McMillon Road, LLC, to Re-Zone certain property from its current designation of (R-1) Residential Estate District to (R-1B) Moderate Density Residential District passed.

There next came on for consideration, the need to close the public hearing. Upon motion by Commissioner Sumerall 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 June 2025 meeting. June 12, 2025, was suggested. Upon motion by Commissioner Brown, seconded by Chairman Rouser, with all voting “aye,” the motion to set the June 2025 meeting for June 12, 2025, was approved.

With there being no further business, the May 15, 2025, meeting of the Madison County Planning and Zoning Commission was adjourned.

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Date

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Dr. Keith Rouser, Chairman