

**MINUTES OF THE MEETING OF THE MADISON COUNTY  
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON  
THURSDAY, THE 8<sup>th</sup> DAY OF JANUARY, 2026 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 8th day of January, 2026, at 9:00 a.m. in the Madison County Complex Building.

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

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 December 11, 2025, meeting of the Commission. Upon motion by Commissioner Sumerall, seconded by Commissioner Brown, with all voting “aye,” the December 11, 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 Sumerall, seconded by Commissioner Brown, with all voting “aye,” the public hearing was so opened.

There next came on for consideration the Amended Application of MCEDA to re-zone certain property from its current designation of (A-1) Agricultural District to (I-2) Heavy Industrial District and for Variance to Maximum Building Height in (I-2) Heavy Industrial District. The subject property is located on Calhoun Station and Old Jackson Road, and is in Supervisor District 4.

Skip Jernigan appeared on behalf of the Applicant, and advised that MCEDA is seeking to re-zone +/-350 acres on Nissan Parkway and Highway 22 to an (I-2) Heavy Industrial District as set forth in their application, and as presented at the December 2025 meeting. Mr. Jernigan stated that at the last meeting, the Commission determined it wise that the Applicant meet with those in opposition to determine address their objections, and to seek possible resolution. Mr. Jernigan advised that the purpose of the re-zoning of the property is due to MCEDA’s need for additional land for future economic development in the area. Mr. Jernigan advised that MCEDA had met with those in opposition, and unfortunately, no resolution or agreement was reached. Mr. Jernigan argued that MCEDA had met all of the legal requirements for re-zoning of the property, and presented evidence of same at the December 2025 meeting. Mr. Jernigan argued that those in

opposition used to live in a quiet, rural area of Madison County, but that the area had changed significantly and is continuing to change daily. Mr. Jernigan pointed to the development of Calhoun Station Parkway that adjoins the Subject Property, Nissan Parkway, and all of the industrial development directly across Highway 22 from the Subject Property. Mr. Jernigan argued that the Subject Property is a perfect piece of property for industrial development for the benefit of all citizens of Madison County, and the recent industrial development in the immediate area of the Subject Property, and revenue generated due to MCEDA's efforts will prevent any tax increase for the citizens of Madison County for years to come.

Mr. Jernigan asked the Commission for a favorable vote on the application as MCEDA has met all of the legal requirements for re-zoning, and that the landowner is entitled to use the Subject Property for its highest and best use, and is entitled to have the Subject Property re-zoned.

Upon question from Chairman Rouser, Mr. Jernigan responded that the proposed buffer between the Subject Property and the residential area to the south and east of the Subject Property would be 75 yards, and that MCEDA had proposed not only a vegetative buffer, but also an earthen berm between the Subject Property and the residential area to the south and east of the Subject Property. However, those in opposition had not agreed to either.

Deverio Manning of 115 Hill Road appeared on behalf of those in opposition and advised that their purpose is very simple, and that is to oppose the Amended Application. Mr. Manning advised that their objective clear, and that is to inform the Commission about the potential for detriment to their community if the Amended Application is recommended for approval. Mr. Manning gave the Commission a cumulative document to support the positions of those in opposition. Such document is attached to these minutes as **Exhibit "A."**

Nancy Pate of 122 Brown Drive appeared in opposition and reminded the Commission of the criteria for rezoning. Ms. Pate argued that there was no mistake in the original zoning, and that the area had been agricultural for as long as she could remember. Ms. Pate argued that the character of the neighborhood had not changed to the extent of being heavy industry. Ms. Pate acknowledged the commercial uses of the nearby hospital, nursing home, and convenience store, but argued that none of those uses are adjacent to the properties of those in opposition. Ms. Pate further argued that there is no public need for heavy industrial in the area, and that there are areas to the north of the Subject Property that are already zoned heavy industrial, and are available for purchase.

Ms. Pate further argued against MCEDA's application for variance. Ms. Pate argued that if a building is built at maximum height, then it will affect her property. Ms. Pate further argued that MCEDA does not even know what type of industry may be coming, and that those in opposition cannot play the "wait and see game." Ms. Pate reminded the Commission of the criteria for a variance, and argued that there is no demonstrable hardship because the Subject Property is flat. Ms. Pate further argued that those in opposition did not know what type of fumes may be generated from industry. Ms. Pate argued that there was no negotiations in the meeting with MCEDA and nothing was in writing. Ms. Pate argued against the building height being based on site plan. Ms. Pate further argued that there would not be any vegetation for the buffer once the land is cleared. Ms. Pate further argued that economic hardship cannot be a factor.

In response to question from Chairman Rouser, Ms. Pate stated that MCEDA was discussing a vegetative buffer, but that the property is currently cleared except for some 50-60' pine trees with wild grass growing underneath. Ms. Pate further advised that MCEDA had offered to install a berm to alleviate any concerns over noise, but that there was nothing in writing. Ms. Pate further argued that the traffic in the area is already terrible, and that Calhoun Station Parkway only brings undue traffic to the City of Madison. Ms. Pate argued that Calhoun Station Parkway is not a thoroughfare, but it only links one city to another.

In response to question from Commissioner Myers as to what would make those in opposition comfortable with approval, several voices from the crowd said, "Nothing," and Ms. Pate said that there is not much that could make them comfortable with approval because it is in such close proximity to a residential neighborhood, and that she did not believe there was anything MCEDA could do to make those in opposition comfortable with approval, and that the consideration to be made would be that MCEDA purchase available property to the north of Amazon that has been approved for heavy industrial.

Reverend Manning reappeared and stated that those in opposition are not opposed to growth and economic gain in Madison County, but that they are against their way of life not being taken into consideration. Reverend Manning recognized the Commission's obligation to balance making certain to protect the rights of citizens while also driving change and moving the County forward.

Reverend Manning argued against the assertion that there is no more land available for Amazon, and that the Amazon property is not in question. Reverend Manning also argued that there is property available all along Virillia Road that is already zoned as heavy industrial.

Reverend Manning further argued that there is no guarantee as to how long plants and trees on any type of buffer would take to have any effect on noise.

Reverend Manning further argued that the restrictive covenants only pertain to those that aren't close to residential. Reverend Manning further cited to an article about particulates and airborne matters from cookie and sweets manufacturers that may pose a risk to those on adjacent properties. Reverend Manning asked the Commission to deny the request.

Ms. Pate reappeared and argued that the City of Canton is overburdened and that the infrastructure has not been updated. Ms. Pate cited to a recent rate increase by Canton Municipal Utilities and that there had to be improvements and you could smell sewage. Ms. Pate further cited to water usage and additional rates. Ms. Pate argued that you can't pile on to existing problems, and questioned where all the garbage is going to go. Ms. Pate further argued against environmental injustice due to continued clearing of land.

Jeanette Whisenton of 1064 Old Jackson Road appeared in opposition and advised that she had lived in this area all of her life. Ms. Whisenton argued against loss of local tax revenue. Ms. Whisenton argued that most of the residents of the area are now renting, and therefore do not pay taxes. Ms. Whisenton argued that commuters do not pay property taxes. Ms. Whisenton argued that the last census shows that Canton has a population of 10,777 and the average income range

was \$34,812.00. Ms. Whisenton argued that people rent houses based on their income and that their monthly salaries are sometimes not enough to purchase a home. Ms. Whisenton stated that the Canton Police Department was constructed in 1908, and the Sheriff's Department was constructed in 1991, with the annex built in 2002. Ms. Whisenton argued that there are four (4) fire departments being built in 1973, 1961, 1985, and 2003. Ms. Whisenton argued that there are only 47 fire department employees to serve the citizens of Canton, and that when she went to the fire station, it was closed.

Ms. Whisenton inquired of the Commission as to whether they had viewed the property. The Commissioners advised that they were familiar with the property.

Natilyn Morris appeared and stated that she grew up on A.L. Caldwell Road, and that she did not believe the Commission cared about the people that live in the area and that everything was about money. The Commissioners all stated that they fully understood the issues and were very familiar with the area and the request. Ms. Morris argued that she is a real estate broker and that property values would go down if the application was approved. Chairman Rouser retorted that the Commission has certain guidelines that it goes by, and that it has to protect the citizens as well as the developers of property, and that the only thing currently before the Commission is a re-zoning.

Rochelle Thompson of 323 Hawkins-Thompson Lane appeared in opposition and questioned the previous opposition from Panther Creek. Reverend Manning took the podium, and explained his understanding of the reason as to why Panther Creek was not present. Ms. Thompson addressed berms and that it will not reduce noise or other problems as an industry recently built near her house, and their lights shine into her house.

Mr. Jernigan responded that those in opposition, through their arguments, have actually created a list of changes in the area. Mr. Jernigan advised that all of the concerns raised by those in opposition will have to be addressed at the site plan phase of any development or construction on the Subject Property. Mr. Jernigan reiterated that MCEDA had met all of the legal criteria for re-zoning, and that emotional arguments are not the basis for objections to rezoning to be sustained. Mr. Jernigan asked the Commission to approve the application.

Mr. Manning reappeared and argued that while the Commission must make economic decisions, it cannot take out the component of people, and that if the application is approved, it leaves those in opposition with no recourse but to accept whatever happens because the proposed covenants leave those in opposition with no recourse. .

In response to comment and question from Commissioner Myers, Attorney Clark advised that, in considering the application, the Commission could approve or deny it outright, or approve with conditions, for example, increased setbacks, a vegetative berm, certain covenants and restrictions, etc, and that if the re-zoning is approved with those conditions, then those conditions become a part of the zoning and are applicable and enforceable. As to covenants, Attorney Clark advised that, in general, the County does not enforce covenants because those are private contracts between landowners and users of the property. However, Attorney Clark explained that he had reviewed the proposed covenants, and they do specifically give the County the right to enforce

them, and that the County does enforce covenants to the extent that they become a part of the zoning. Attorney Clark further noted that he had reviewed the proposed covenants and they did run with the land, and state that they shall not be changed, amended, or terminated without the consent of no less than 60% of fee owners of real property located within 1000 feet of the Subject Property in all directions—which would encompass those owners in opposition. Attorney Clark further reiterated that the covenants would be enforceable by the County and/or the owners of at least 1/3 of real property located within 1000 feet of the Subject Property in all directions.

Joey Deason, Executive Director of MCEDA appeared and confirmed that the proposed covenants are a part of the application, and that he had met with those in opposition, and there was nothing further that was agreed on. Mr. Deason further reminded the Commission, and those in opposition, that +/-180-200 acres immediately adjacent to the properties of those in opposition was just re-zoned to Heavy Industrial (I-2) with no restrictions, whatsoever. Mr. Deason further argued that with the restrictions in the application, MCEDA had essentially restricted the proposed zoning down to a Technical Industrial Park (TIP) in that every manufacturer will be self-enclosed and that all state, federal, and local laws will be followed.

In response to question from Commissioner Sumerall, Attorney Clark confirmed that the December 2019 Zoning Ordinance is the ordinance that the application was submitted under, and governs the application.

In response to question from Commissioner McCarty, Attorney Clark clarified that MCEDA originally sought to re-zone +/-650 acres on both sides of Calhoun Station Parkway, has a contract to purchase +/-359 acres on the east side of Calhoun Station Parkway (Subject Property), and an option to purchase the remaining portion on the west side of Calhoun Station Parkway. MCEDA removed the portion of property on the west side of Calhoun Station Parkway from its original application because the current owner of the Subject Property would not allow MCEDA to place restrictions such as the proposed covenants and buffer on the portion of the property that it is not currently purchasing.

Mr. Deason addressed the allegations that he has stated that there is no more available I-2 property in the area, and the fact that there is currently available I-2 property for sale to the north of the Megasite and stated that the further north you go, the less infrastructure there is to support development of those properties. Mr. Deason stated that the Subject Property is bound by a four lane road, a three lane road, and water, sewer and electricity with a traffic signal already exists.

Joe Hardy appeared and advised that he and his family own properties on the corner of Virillia Road and Old Yazoo City Road near the Canton School of Arts and Sciences, and that they are currently placing infrastructure near his property. As such, Mr. Hardy opined that there are plenty of available properties to the north of the Subject Property. Mr. Deason responded that those properties have wetland issues and are not readily available to develop, and that there are numerous reasons MCEDA had chosen the Subject Property due to speed to market and cost efficiency.

Upon motion by Commissioner Sumerall to deny the Amended Application of MCEDA to re-zone certain property from its current designation of (A-1) Agricultural District to (I-2) Heavy

Industrial District and for Variance to Maximum Building Height in (I-2) Heavy Industrial District, seconded by Commissioner Brown, with all voting “aye,” the motion to deny the Amended Application of MCEDA to re-zone certain property from its current designation of (A-1) Agricultural District to (I-2) Heavy Industrial District and for Variance to Maximum Building Height in (I-2) Heavy Industrial District was denied.

There next came on for consideration, the Application of Woodgate for a variance to side setbacks from ten (10) feet to seven (7) feet. The Subject Property is Woodgate 1A, Lots 36-42, 77-79, and Woodgate 1B, Lots 1-35, and is in Supervisor District 5.

Phil Lafferty, City Manager for D.R. Horton in the Jackson metro area appeared on behalf of the Applicant. Mr. Lafferty advised that they are seeking a variance to side setbacks on the listed lots in order to add some house plans that have been selling in the area to include courtyard entry and wider plans to increase square footage without encroaching on rear set backs. Mr. Lafferty explained that this is an opportunity to increase house size while still keeping an affordable price, and separate them from competing homebuilders that are building +/-2000 sf. homes, whereas D.R. Horton is having more success in the +/-2400-2800 sf range.

In response to question from Commissioner McCarty, Mr. Lafferty explained that the current lots are 75’ wide with a 10’ side setback, so the builder is limited to a house that is 55’ wide. Mr. Lafferty explained that he has +/-5 house plans that he would like to incorporate into their houses that are 60’ wide. With the requested variance, he could increase the size of the houses he is building, and add in some courtyard entry plans that are very popular in the area. Mr. Lafferty further advised that he currently has three (3) closed sales of 2000, 2300, and 2800 sf, and three (3) that are sold, but are under construction, and two (2) of those are 2800 sf, and one (1) is 2400 sf. Mr. Lafferty explained that he is currently making the houses work with three (3) car, front entry garages, but wants some flexibility to add additional plans.

In response to question from Commissioner McCarty, Mr. Weeks opined that this is generally seen in the instance of a Planned Unit Residential Development (PURD) where you don’t have setbacks, and only density calculations. Commissioner McCarty pointed out that three (3) of the subject lots are corner lots, and that the front of those lots is determined by where the front door is located, and the side setback must be 2/3 of the front setback—which would be 20’. Commissioner McCarty further opined that once you grant a variance to a rule, you set precedent and effectively destroy the rule.

Upon motion by Commissioner Myers to approve the Application of Woodgate for a variance to side setbacks from ten (10) feet to seven (7) feet on Woodgate 1A, Lots 36-42, 77-79, and Woodgate 1B, Lots 1-35, except for the street side of Lots 36, 77 and 82, which are corner lots and shall be at least 20’, seconded by Commissioner Sumerall, the motion to approve the Application of Woodgate for a variance to side setbacks from ten (10) feet to seven (7) feet on Woodgate 1A, Lots 36-42, 77-79, and Woodgate 1B, Lots 1-35, except for the street side of Lots 36, 77 and 82, which are corner lots and shall be at least 20’ was approved with the vote on the matter as follows:

Chairman Rouser	“Aye,”
Commissioner Brown	“Aye,”
Commissioner McCarty	“Nay,”
Commissioner Myers	“Aye,”
Commissioner Sumerall	“Aye.”

There next came on for consideration, a Zoning Ordinance Amendment from the Zoning Administrator as to Article XXV: Heavy Industrial District (I-2); Section 2503.01. Administrator Weeks advised that the current language of Section 2503.01 of the Ordinance reads: “Maximum Building Height: No structure shall exceed forty (40) feet or three stories in height.” Mr. Weeks proposed that Section 2503.01 should be amended to read: “Maximum Building Height: To be determined by site plan.”

In response to question from Commissioner Sumerall, Attorney Clark advised that he and Mr. Weeks have been considering and discussing this proposed change for approximately a year, and propose that the maximum building height in any Heavy Industrial District (I-2) should be determined on a case by case analysis and according to site plan. Mr. Clark advised that if there is any maximum height set, and an applicant wished to exceed that height, a variance would still be required.

Upon motion by Commissioner Sumerall that Section 2503.01 be amended to reflect a Maximum Building Height of eighty (80) feet in a Heavy Industrial District (I-2), seconded by Commissioner Myers, with all voting “aye,” the motion to amend Section 2503.01 to reflect a Maximum Building Height of eighty (80) feet in a Heavy Industrial District (I-2), was approved.

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 Myers, with all voting “aye,” the public hearing was so closed.

There next came on for consideration, the site plan of MMC Materials for a training center. The subject property is on Nissan Drive and is in Supervisor District 2. Jason Buckley of JBHM Architects appeared on behalf of the Applicant and advised they were seeking to build a new +/- 9000 sf. training facility with +/-50 seats and a pull through garage for a training simulator for concrete truck drivers. Mr. Buckley advised that they were disturbing +/-4 acres of property and would have +/- 41 parking spaces.

Upon motion by Commissioner Sumerall to approve the site plan of MMC Materials for a training center, seconded by Commissioner Brown, with all voting “aye,” the site plan for MMC Materials for a training center was approved.

There next came on for discussion, the setting of the February 2026 meeting. February 12, 2026, was suggested. Upon motion by Commissioner Sumerall, seconded by Commissioner Myers, with all voting “aye,” the motion to set the February 2026 meeting for February 12, 2026, was approved.

With there being no further business, the January 8, 2026, meeting of the Madison County Planning and Zoning Commission was adjourned.

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Date

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Dr. Keith Rouser, Chairman

Before the Madison County Planning and Zoning Commission

In the Matter of Rezoning, Certain Lands Situated in:

Section 33, Township 9 North, Range 2 East Madison County Mississippi and  
Section 4 Township 8 North Range 2 East Madison, County, Mississippi,  
Madison County Tax Parcels Numbers:

082B-04-008/01.00; That portions of the parcel number: 082B-04-008/02.00 lying east of Calhoun  
Station Parkway and North of Hill Road; 092H-33-003/01.00; that portion of parcel number; 092H-33-  
003/02.00 lying east of Calhoun Station Parkway and South of Highway 22; 092H-33D0001/00.00

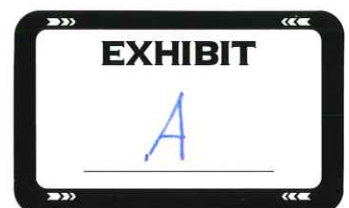
Petitioner: Madison County Economic Development Authority

Respondent: Aggrieved Parties in Opposition to the Petition to Rezone, Reclassify and Variance  
of Certain Lands

We, the aggrieved parties, are in opposition to the proposed rezoning, reclassification and  
variance petition submitted by the Madison County Economic Development Authority requests  
the Rezoning, Reclassification from Agricultural (A-I) to a Heavy Industrial District (I-2) and  
Variance. We understand that there was no mistake in the original zoning. However, we also  
know that there has been NO substantial change in the land use character of the surrounding area  
that justifies rezoning the property and that there is no public need for additional property in that  
area. Furthermore, we assert that rezoning would be inconsistent with the character of  
surrounding area.

We assert that the Madison County Economic Development Authority's Petition for Rezoning  
and Reclassification is not in compliance with Section 806, Amendments to the Zoning  
Ordinance Text or the Official Zoning Map (Rezoning) of the Madison County Zoning  
Ordinance (December 2019), Sub-Section 806.03, Criteria for Rezoning. Additionally, it is our  
assertion that the Madison County Economic Development Authority's Petition for Variance is  
not in compliance with Section 804, Dimensional Variances, of the Madison County Zoning  
Ordinance (December 2019), Subsection: 804.01, Requirements for Granting Variances.

We the aggrieved parties ask that you take appropriate action on the Madison County Economic  
Development Authority's application for dimensional variance, and zoning amendments  
(rezoning) in accordance with Section 804 through 806 of the Madison County Zoning  
Ordinance (December 2019). We ask that you take appropriate action on all site plans in  
accordance with Section 807-810 of the Madison County Zoning Ordinance (December 2019).  
Finally, "Zoning laws are designed to segregate conflicting land uses, such as industrial facilities  
and residential neighborhoods and introducing an incompatible use can disrupt the community's  
character and lead to a genuine hardship, a Heavy Industry District being adjacent to populated  
Residential Districts. A key distinction must be made between MCEDA's financial inconvenience  
and the genuine health and welfare of the aggrieved residents who will be adversely affected if  
these petitions are approved.



January 04, 2026

115 Hill Road  
Canton, MS 39046  
601-941-8109

Madison County Planning and Zoning  
Madison County Board of Supervisors  
Madison County Administrative Office Building  
125 W. North Street  
Canton, MS 39046

## EXAMINATION OF MADISON COUNTY ECONOMIC DEVELOPMENT AUTHORITY'S APPLICATION FOR REZONING, RECLASSIFICATION, AND FOR VARIANCE

Madison County Planning and Zoning Commission,

Madison County Economic Development Authority (MCEDA, Petitioner) has submitted an Application for Rezoning (dated October 01, 2025), an Application for Variance (dated October 01, 2025), and an Amended Application for Re-Zoning and Variance (dated November 14, 2025). to re-zone and reclassify certain parcels and tracts of land situated in Section 9, Township 9 North, Range 2 East, and Section 4, Township 8 North, Range 2 East, Madison County, Mississippi, being Madison County Tax Parcels No.: 082B-04-008/01.00; That portions of the parcel number: 082B-04-008/02.00 lying east of Calhoun Station Parkway and North of Hill Road; 092H-33-003/01.00; that portion of parcel number; 092H-33-003/02.00 lying east of Calhoun Station Parkway and South of Highway 22; 092H-33D0001/00.00, by written permission of Jubilee Co., Inc., its current owner, from their current designation of (A-I) Agricultural District to (I-2) Heavy Industrial District.

Note: According to MCEDA's Amended Application for Rezoning and Variance, MCEDA has a contract on the above-mentioned property. This contract is contingent on Madison County approving MCEDA's request to Re-Zone the subject property from its current designation (A-I) Agricultural District to (I-2) Heavy Industrial District.

## NON-RECIPROCAL PUBLIC NEED: ECONOMIC DEVELOPMENT AND SUSTAINABLE DEVELOPMENT

"Economic Development and Sustainable Development are both aimed at progress, but their paths and endpoints differ. Economic Development prioritizes the growth of income and the economy, often seen through GDP increases or job creation. In contrast, Sustainable Development goes beyond mere economic indicators to include environmental and social well-being." Sustainable Development is about longevity and balance. Consequently, public and

private lands must be managed in a manner that protects the quality of historical, ecological, environmental, air and atmospheric, and water resources; and, where appropriate, will preserve and protect certain public and private lands in their natural condition; Thereby, providing and habitat for fish, wildlife, and domestic animals; providing for outdoor recreation and human occupancy and use; and, encouraging collaboration and public participation throughout the planning process.

Over several decades, Madison County's demographics and economic trends have drastically changed, and portions of Madison County have experienced tremendous economic growth. However, the ability to achieve economic growth without corresponding increases in resource consumption, or environmental degradation is not sustainable development. Therefore, to ensure and promote systemic growth and development that recognizes the natural characteristics of the land, its suitability for use, the availability of existing and proposed public and/or private services and facilities, the relationship between Economic Development and Sustainable Development must be the overall and all-encompassing objective.

Development and sustainable land use have a mutual relationship. Communities must realize the unified nature of existing and future land uses to achieve the goals of both areas. Infrastructure must be able to accommodate the future land uses that are desired within the community, as well as protect the public's health, safety and welfare, foster economic well-being, preserve and enhance environmental quality, and ultimately reinforce the distinction between industry and residential areas. The future building capacity questions then become, (1) "How much development would occur in a community if it were to build on every available acre of land allowed by certain constraints, including zoning regulations and environmental factors?" (2) Is there a "public need" for such development? and (3) And is this development consistent with the "character of the area?"

Overdevelopment and overburdened infrastructure happen when developers seek exceptions, variances and changes to zoning and planning rules without planning for sustainability of land use. Rapid economic development strains traditional land use frameworks, leading to excessive demand for housing, transportation, and other systems and services essential to enabling, sustaining, or enhancing societal living conditions and maintaining the surrounding environment. Consequently, to provide optimum utilization of land and services, numerous factors must be examined. These include, but are not limited to:

- Water Usage

Water infrastructure is complex and should be evaluated along the entire value chain: production, storage, transmission, distribution, wastewater collection, and wastewater treatment. "Water sourced from lakes or rivers requires extensive treatment to meet safety standards. Groundwater, while sometimes cheaper, can require specialized treatment. More complex treatment processes increase the overall cost, which impacts the price per gallon for consumers. Subsequently, "as the demand for clean water increases, putting additional pressure on existing

infrastructure, sustainable water infrastructure is crucial for managing water resources effectively.”

In 2025, Canton Municipal Utilities implemented a significant rate increase due to system updates to improve the water system and to meet the true costs of providing service to its existing customers. “The cost of maintaining and upgrading water infrastructure continues to rise, and these costs are being passed down to ratepayers,”

- Wastewater and Sewer Infrastructure

Important to mention is Canton Municipal Utilities’ two separate volumetric rates associated with the cost of wastewater treatment and the extreme increase in monthly charges. Sewer is arguably one of the most important aspects of development as careful consideration is needed to avoid contamination and health impacts. Accordingly, sewer charges represent a significant portion of monthly bills, highlighting the growing costs associated with wastewater treatment and regulatory compliance. Sewer lines are placed underground and ideally designed to use gravity to move liquid and solids toward a wastewater treatment plant. Once the sewage reaches the wastewater treatment plant it is treated in accordance with state and federal requirements. If a wastewater treatment plant does not create reusable water, it must discharge the water either onto land or into a receiving water body.

"Canton Municipal Utility sewer customers, including all those outside the City of Canton and many located inside the City, have their wastewater transported by CMU for treatment by a regional wastewater authority known as Madison County Wastewater Authority, or MCWA. As part of CMU’s 2025 Public Service Commission-approved rate change, all customers whose wastewater is treated by the MCWA system are charged two separate volumetric rates: one that covers CMU’s cost of providing wastewater service to the customer, and one called a “MCWA Pass-Through” to cover CMU’s required payments to MCWA. (See Exhibit 2) It is important to note that this is true of customers of all utilities which utilize the MCWA system.

At the MCWA board meeting on Tuesday, October 28, 2025, a resolution was passed to amend and correct the language of both October and November 2024 minutes. The correction states the \$1.05 administrative fee was meant to be charged per customer, per month – not per thousand gallons, as previously stated. Hence, all future CMU invoices that include the MCWA Pass-Through will be adjusted to charge \$3.72 per thousand gallons (\$2.78 per CCF) and \$1.05 per customer, per month.

With the significant rate increases in utilities, underlying questions are prompted: “Is Canton Municipal Utilities water and sewer infrastructure adequate to meet the long-term demand of the drastic increase in economic development?” “Is their

infrastructure sustainable?” and (3) “Will the increase in usage continue to be passed down to residential customers?”

- Waste Production

The City of Canton, Canton, Mississippi, municipal solid waste landfill is located within the city limits of Canton, Mississippi. It is owned and operated by Canton, Mississippi, serving Canton for over 20 years as a Class I Rubbish Facility and Subtitle D Landfill. The landfill accepts waste from Madison, Hinds, Holmes, Simpson, Warren, Copiah, Rankin, and Yazoo counties.

The demand for landfills is driven by waste production, the process and resulting volume of materials discarded after their intended use within human society. This material output is an unavoidable systemic byproduct of modern life, industrial processes, and complex supply chains. Municipal Solid Waste (MSW) is the most recognized category, encompassing materials discarded from residential homes, commercial establishments, and institutional facilities. Industrial waste forms a specialized category, originating from processes like manufacturing, power generation, and petroleum refining. This material is specific to the industry that produced it and includes non-hazardous process waste, sludge, and other specialized byproducts. Combined, municipal solid waste and industrial waste increase the concentration and speed of municipal waste generated. This volume of discarded materials represents not only an environmental and public health challenge, but it also presents an economic challenge. Additionally, the high cost to municipalities tasked with cleaning up and maintaining overburdened landfill infrastructure can strain municipal budgets and divert funds from other essential services.

- Environmental Justice

Beyond environmental degradation, industrialization creates direct threats to human health through chronic exposure to pollutants and the risk of catastrophic industrial accidents.

The expansion of industry places immense pressure on natural resources and frequently results in the destruction of natural habitats: air pollution and atmospheric contamination, water pollution, soil contamination, habitat destruction, public health impacts of industrial pollution, and other negative environmental effects.

Because of the proximity of the adjacent residential communities to the proposed rezoning, reclassification, and variance properties, the public health impacts of industrial pollution will be ever present.

Direct threats to human health include but or not limited to:

- Respiratory diseases: Air pollution from industrial sources contributes to asthma, chronic obstructive pulmonary disease (COPD), and lung cancer. Children, the elderly, and those with pre-existing conditions are particularly vulnerable.
- Cardiovascular effects: Fine particulate matter and other air pollutants can trigger heart attacks, strokes, and other cardiovascular problems through inflammation and oxidative stress mechanisms.
- Neurological impacts: Heavy metals like lead and mercury from industrial processes can cause developmental delays in children and neurological disorders in adults.
- Reproductive health issues: Certain industrial chemicals, particularly endocrine disruptors, have been linked to reduced fertility, birth defects, and hormonal imbalances.
- Cancer clusters: Communities near certain industrial facilities have reported elevated cancer rates, though establishing causal relationships requires rigorous epidemiological studies. (Socio. Health. Ecology, Environment, and Urban Development. 16 June 2024).

“Environmental justice concerns often arise because industrial facilities and their associated pollution disproportionately affect low-income communities and communities of color. These populations frequently have less political power to oppose polluting industries and fewer resources to relocate away from contaminated areas.” Additionally, prioritizing economic gain through production over safety and disguising it as “public need” can manifest devastating consequences for human communities (Socio. Health. Ecology, Environment, and Urban Development. 16 June 2024).

“Sustainable long-term development” aims to balance environmental protection with economic growth, promoting responsible land use that conserves resources for future generations. As communities pursue economic growth, the need for environmentally responsible practices must be adhered to. A balance between economic growth, environmental integrity, and social equity must be maintained.

Unfortunately, a reciprocal relationship between Economic Development and Economic Sustainability in the City of Canton, Madison County, Mississippi, does not exist. Overburdened and crumbling infrastructure and a lack of adequate public services and resources are major barriers to sustainability. Bridging the gap between economic development and economic sustainability demand policy, innovation, and systemic changes that make sustainability economically viable and prioritize it over short-term gain.

Finally, there is “NO PUBLIC NEED” for rezoning, reclassification or for variance for certain parcels and tracts of land situated in Section 9, Township 9 North, Range 2 East, and Section 4, Township 8 North, Range 2 East, Madison County, Mississippi, being Madison County Tax Parcels No.: 082B-04-008/01.00; That portions of the parcel number: 082B-04-008/02.00 lying

east of Calhoun Station Parkway and North of Hill Road; 092H-33-003/01.00; that portion of parcel number; 092H-33-003/02.00 lying east of Calhoun Station Parkway and South of Highway 22; 092H-33D0001/00.00.

Madison County Economic Development Authority  
Application to Rezone and Reclassify for Variance

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Public Hearing before Madison County Board of Supervisors ..... November 03, 025  
Public Hearing before the Madison County Planning and Zoning Commission ,, December 11, 2025  
Public Hearing before Madison County Board of Supervisors (scheduled).....January 05, 2026??  
Public Hearing before the Madison County Planning and Zoning Commission  
(scheduled).....January 08, 2026??

Madison County Economic Development Authority's Application to Rezone and Reclassify and for Variance and an Amended Application has been submitted (See Exhibit 1, Attachment with Exhibits) for certain parcels and tracts of land situated in Section 9, Township 9 North, Range 2 East, and Section 4, Township 8 North, Range 2 East, Madison County, Mississippi, being Madison County Tax Parcels No.: 082B-04-008/01.00; That portions of the parcel number: 082B-04-008/02.00 lying east of Calhoun Station Parkway and North of Hill Road; 092H-33-003/01.00; that portion of parcel number; 092H-33-003/02.00 lying east of Calhoun Station Parkway and South of Highway 22; 092H-33D0001/00.00, by written permission of Jubilee Co. Inc., its current owner, from their current designation of (A-I) Agricultural District to (I-2) Heavy Industrial District. In their petition MCEDA has outlined a number of issues associated with their petitions. As the parties aggrieved, we ask that you examine the following opposition to MCEDA's petition.

**Promised Vegetative Buffer:**

MCEDA asserts that as a means to alleviate any concerns regarding noise or other aesthetic issues from adjacent property owners, it will provide a 225' vegetative buffer along the southern boundary of the portion of parcel numbered 082B-04-008/02.00 lying east of Calhoun Station Parkway and North of Hill Road, along the southern boundary of parcen no. 092H-33-003/01.00; and the eastern boundary of parcel no. 092H-33D-001/00.00 as depicted on the map attached hereto as Exhibit 3: "E-1" and will place restrictive covenants on the subject property as shown on Exhibit 4: "E-2."

Question: According to the Pollution-Sustainability Directory, dense plants offer modest reductions as a buffer to noise. The effectiveness of a buffer is

influenced by the concentration of buffering agents. Additionally, it is a known fact that established evergreens in the proposed areas are not concentrated and are non-existent. MCEDA promises that it will provide a 225' vegetative buffer. So the question then becomes, "How does MCEDA plan to establish a buffer wide and tall enough to absorb and/or alleviate concerns regarding noise and aesthetics?"

Question: MCEDA promises to provide and implement vegetative (noise and pollution) barriers. How effective are "absorptive noise barriers" as opposed to a "reflective" noise barrier?"

Question: When will these proposed barriers be installed? How effective will these noise barriers be before, during and after the construction process?

#### Promised Restrictive Covenants:

Industrial Sites Restrictive Covenants, Madison County, Mississippi; Recitals, Paragraph (D) of the Application for Rezoning and Variance, reads, "The Declarant sought and has received the input and feedback from the owners of the property located near the Property and declares that the rezoning and reclassification be contingent and conditioned upon the placing of restrictive and protective restrictions, covenants and conditions set forth..."

Section 1.2 Duration of Covenants reads, "These restrictive covenants shall run with the land and shall be binding on all parties and persons claiming under them or subject thereto unless and until they are changed, altered, amended or terminated, in whole or in part, by the then fee owner of the Property or a portion thereof..."

Question: Industrial Sites Restrictive Covenants, Madison County, Mississippi; Recitals, Paragraph (D) of the Application for Rezoning and Variance language is misleading and somewhat controversial. Are you aware that during the scheduled November 03, 2025 meeting of the Board of Supervisors a petition objecting to the Rezoning and Reclassification of Property was entered into the minutes and this objection had no mention of restrictive covenants?

Question: MCEDA promises it will place restrictive covenants on the subject property. Restrictive covenant is a legal clause in a property's deed or contract that limits or prohibits certain actions regarding the use of the property. Are these restrictions iron-clad or can they be revised and/or amended at some point in time?

Question: Are violations of the restrictive covenants promised by MCEDA enforceable? Are penalties for violating restrictive covenants in Madison County so severe that they will deter present and future violations?

#### Public Need:

Note: An applicant seeking rezoning must prove by clear and convincing evidence either that (1) there was a mistake to the original rezoning, or (2) the character of the neighborhood has changed to such an extent to justify rezoning and that a public need exists to rezone.” (Bridge vs Mayor & Board of Alderman of Oxford, 995 So. 2d 81 (Miss 2008)).

MCEDA asserts that there is a “Public need” for rezoning of the Subject property, as such “rezoning will allow MCEDA to use the Subject property in such a way as to continue to attract business and industry, create jobs, and have a positive economic impact on Madison County and surrounding municipalities.”

Contrary to MCEDA’s stance, an overburdened infrastructure and strained resources can lead to social and economic challenges. Economic and social challenges that include but are not limited to:

- Loss of Local Tax Revenue

Local taxes are meant to fund services for local residents. In practice, however, residents of neighboring localities may also be able to use some of these services without providing any funding. This is known as the “spillover effect,”

Commuters are one group that can benefit from this spillover effect. When a commuter works in a city, she falls under the protection of that city’s police and fire services, works in buildings inspected for code compliance, eats in establishments inspected by health inspectors, and drives on roads maintained by the locality. Unfortunately, imposing income taxes on commuters is not practiced in many municipalities.

Local sales tax bases are determined by factors including businesses, residential populations, and nonresidential visitors. Consequently, the loss of local tax revenue due to commuters is a significant concern for municipalities. Residents pay property taxes on real estate, which is among the most stable sources of revenue, and possibly personal property taxes on other big-ticket items.

Unfortunately, commuters don’t pay property taxes and revenue is lost and this loss accounts for a large percentage of local tax revenue.

Commuters who work in a city, but do not reside there, can impose costs on the city through public services such as police, fire, and sanitation. This can lead to a loss of revenue for the city, as it may not receive the same tax revenue from residents who live in the city. Subsequently, workers who commute translate into a shrinking local revenue base and contribute to long-term fiscal challenges for local governments.

- Overburdened Economic Growth and Housing Problems

“The housing problem is a multifaceted issue that has far reaching consequences on individuals, families, and communities. It is driven by a complex interplay of

economic, social, and policy factors, including urbanization, stagnant wages, rising living cost, speculative real estate practices, gentrification, and zoning regulations. The crisis has led to increased homelessness, housing instability, and socio-economic disparities. It also hampers economic growth by forcing individuals to allocate more of their income to housing, leaving less for spending on goods and services. Additionally, a lack of affordable housing... can hinder workforce mobility and talent attraction, further stalling economic development.” (Harvard University. Joint Center for Housing Studies. State of the Nation’s Housing 2024 Report. 20 June 2024).

Mississippi struggles significantly with high rent and low wages. “For a two-bedroom rental home in Mississippi, the fair market rate is \$1400 per month. That equates to a wage of \$20.03 an hour...Mississippians earning \$50,000 to \$60,000 annually, with house payments of \$1600 to \$1900, including principal, insurance and interest, are approaching the industry’s recommendation of 30 percent of yearly income ...The situation is worse for low-income renters who must pay more than 30 percent of their income on housing (<https://www.gwcommonwealth.com>) (2025).”

- Public Safety: Police, Fire, and Emergency Management

Note: The 2024 United States Census estimated the City of Canton population to be 10, 777 residents with a median household income of \$34, 812 (United States Census, July 2024).

Quick industrialization has outpaced infrastructure development leading to informal, underfunded and highly vulnerable systems. Consequently, law enforcement, fire suppression, and emergency medical services are vulnerable to an overburdened economic infrastructure void of operational efficiency and emergency response capabilities.

The Canton Police Department is situated in Madison County, Mississippi, and headquarters at 200 Bridge Park Circle, Canton, Mississippi, 39046. The facility was erected in 1908. The Canton City Jail is a Type 1 holding facility for the Canton Police Department. The Canton Police Department City Jail has 6 primary cells, accommodating 15 inmates, and another two short-term sobering cells for up to 13 inmates. Plus, the Juvenile arrestees have a separate detention and booking area. In collaboration, the Madison County Sheriff’s Office (Detention Center) located on U.S. Highway 51 operates a 250-bed jail that opened on April 1, 1991, and a new 144 bed addition to the current jail was added in 2001-2002 to hold the Canton Police Department’s detainees.

The City of Canton has four (4) Fire Departments situated in Madison County, Mississippi:

- Canton Fire Station #1 (1973)  
3393 North Liberty Street, Canton, MS
- Canton Fire Station #2 (1961)  
745 East Peace Street, Canton, MS
- Canton Fire Station #3 (1985)  
728 West Peace Street, Canton, MS
- Canton Fire Station #4 (2003)  
188 Watford Parkway Drive, Canton, MS

The departments combined have a total of forty-seven (47) employees: four (4) administrative personnel and forty-three (43) firefighters.

While public officials in cities and counties are investing in new facilities to enhance emergency response capabilities, improve operational efficiency, and support growing communities, not all cities and counties collect enough revenue to modernize overburdened infrastructures. As a result, chronic underfunding for local police and fire departments, and other emergency management entities often results in aging infrastructure, equipment and vehicles, staffing shortages, and a need for funding alternatives.

- Traffic Management

Traffic congestion is a consequence of the distribution and intensity of land use. And, while traffic congestion and the economic growth have an intertwined and often complex relationship, studies have shown that “congestion is detrimental not only to firms, but also to household income (Jin and Rafferty 2017), and that reducing traffic congestion will provide economic benefits in terms of increasing employment and income growth.”

Over the past few decades Madison County has continued to experience a significant increase in traffic flow and congestion. Sadly, the number of vehicles trying to use specific road links reaches or exceeds the capacity for which the traffic network was designed, i.e. infrastructure has not kept pace. Consequently, the need for advanced traffic control solutions is needed to manage increasing traffic volumes, enhance road safety, and reduce congestion.

The implementation of smart traffic management systems reduces congestion and enhances mobility. Traffic operational improvements and major road projects, such as widening thoroughfares, and construction of new roads are needed to provide better traffic flow. Additionally, they are needed to reduce traffic congestion and accidents, and to improve vehicular accessibility and circulation for long-term sustainable economic development.

Traffic control devices are physical and visual tools designed to regulate, warn, and guide motorists and pedestrians. These devices include traffic signs, signals,

barriers, road markings, and delineators that help enforce road safety rules. Their primary purposes include:

- Reducing traffic congestion
- Preventing accidents
- Enhancing pedestrian safety
- Improving roadway efficiency

### LAND USE AND AVAILABILITY

“Land use availability describes how land is utilized for different purposes including agricultural, residential, industrial, and recreational activities. It reflects the economic and cultural activities practiced in a specific area. Understanding land use is crucial for effective urban planning, environmental management, and resource allocation.” Crucial to “land use availability” is zoning regulations, environmental factors, and planning policies.

Land use changes occur constantly and at many scales and can have specific and cumulative effects on air and water quality, watershed function, generation of waste, extent and quality of wildlife habitat, climate, and human health. According to the U.S. Environmental Protection Agency, in a report entitled “Agriculture and Air Quality” (2022), Agricultural land may result in loss of native habitats or increased wind erosion and dust, exposing humans to particulate matter and various chemicals. Additionally, the U.S. Environmental Protection Agency (2021) notes that land development creates impervious surfaces through construction of roads, parking lots, and other structures. Impervious surfaces:

- Contribute to nonpoint source water pollution by limiting the capacity of soils to filter runoff.
- Affect peak flow and water volume, which heighten erosion potential and affect habitat and water quality.
- Increase storm water runoff, which can deliver more pollutants to water bodies that residents may rely on for drinking and recreation.<sup>1</sup> Storm runoff from urban and suburban areas contains dirt, oils from road surfaces, nutrients from fertilizers, and various toxic compounds.
- Affect ground water aquifer recharge.
- Point source discharges from industrial and municipal wastewater treatment facilities can contribute toxic compounds and heated water.
- Some land development patterns, in particular dispersed growth such as “suburbanization,” can contribute to a variety of environmental concerns. For example:

- Increased air pollution due to vehicle use results in higher concentrations of certain air pollutants in developed areas that may exacerbate human health problems such as asthma. (Laumbach, R.J., and H.M. Kipen. 2012. Respiratory health effects of air pollution: Update on biomass smoke and traffic pollution. The Journal of Allergy and Clinical Immunology. 129 (1), (p. 3-13)
- Land development can lead to the formation of “heat islands,” domes of warmer air over urban and suburban areas that are caused by the loss of trees and shrubs and the absorption of more heat by pavement, buildings, and other sources. Heat islands can affect local, regional, and global climate, as well as air quality.

Land use refers to the various ways in which land is utilized. Currently the Madison County Economic Development Authority (MCEDA, Petitioner) is requesting that property zoned Agricultural (A-I) be rezoned and reclassified Heavy Industry (I-2). Additionally, MCEDA is requesting a variance to the height restrictions seeking Maximum Building Heights on the property, as set forth in Article XXV, Section 2503.01 to allow any such building height on the property to be determined by the site plan. In unison, land availability pertains to the extent of land that can be used for certain purposes. According to Arthur Jernigan, Board Attorney for the Madison County Economic Development Authority (November 03, 2025), there is a significant economic need for the proposed available land (359+ acres, under contract), vital to the economic growth of Madison County. The proposed site is needed because “We are out of shovel-ready dirt for any future industrial development in that area, which is what is attractive to all businesses that would be looking at this site,” he said. “[This] is a very attractive site for future development, due to the fact that it is directly across the road from what we all know has been a very successful project.” (Note: Mega-Site, 1000+/- acres). Contrary to Mr. Jernigan’s statement there is more available land available for purchase and/or rezoning, or that has been purchased North of the Mega Site and is currently rezoned for Industrial use. Properties include:

- Tyner Ray Harold Family Trust, Parcel Number 091D-18-003/01.00, 2051 Virililia Rd, Canton, MS 39046, 160 ACC E ½ of N ½
- Tyner Ray Harold Family Trust, Parcel Number 091C-07-001/01.00, 2060 Virililia Rd, Canton, MS 39046, 134 AC SW ¼ and PT in W ½ SE ¼
- Graham Rita H Rev-Trust, Parcel Number 092E-15-002/00.00, 252 Virililia Rd. Canton, MS 39046, 68.37 AC in W ½ SW ¼
- Hardy Joe B Jr and Minnie -Rev Trust, Parcel Number 092E-21-007/01.00, 252 Virililia Rd, Canton, MS 39046 123.0 AC in N1/2NE ¼ and SE ¼ NE ¼
- Mary Jane and Walter Boutwell, Parcel Number 092E-21-005/00.00, 367 Virililia Road, Canton, MS 39046, 3.9 AC in W ½ SE ¼ S of RD: Rezoned Heavy Industry (I-2) May 15, 2025 (Attachment #9)
- Sowell Place, Parcel Number 051F-13-002/01.00, 636 Mt Leopard Rd. Canton, MS 39046, 162 AC ACD NW ¼ Less 24.8 AC IN, 1/2 & LESS S1/2 SE1/4, N1/2, SW1/4 NE1/4, & S1/2 NW1/4 NE1/4 (Attachment #6)

- Sowell Place, LLC Parcel Number: 092E-22-004/00.00, 109 Movietown Place Canton, MS 39046, 136 AC PTLY IN W ½ SE ¼ N&E of C, & V RD & PTLY E1/2 SW1/4 N & E OF C& (85 +/- AC: Rezoned Heavy Industry (I-2) 12/11/ 2025 (Attachment #7)
- LLB Farms, LLC, 092E-21- 002.01.00 25 ACC IN SW1/4 NE1/4 S/S OF CREEK and 092E-21-002/04.00 35AC IN W1/2 N OF RD; 166 Ashbrooke Trail, Madison, MS 39110; Rezoned A-1 to I-2 (Attachment #8)

Additionally, in response to Trey Baxter, District two Supervisor's question referencing the "change in character," of the area, Mr. Jernigan stated that "there has been no change in the zoning of the proposed property. The land has been zoned Agricultural for more than sixty (60) years. He further stated that the change in the character has changed due to the development of the MegaSite. Contrary to Mr. Jernigan's statement, the MegaSite is located West of Highway 22, NOT adjacent to any Single-Family Residential District (R-1A). He also mentioned other Industrial areas NOT adjacent to, or in close proximity to, the areas zoned Single Family Residential District (R-1A) (West of I-55) that he believes have contributed to the "change in character." These include:

- Nissan North America, 300 Nissan Drive, Canton, MS 39046, located East of I-55
- Capstone Logistics, 554 Nissan Parkway, Canton, MS 39046, located East of I-55
- MMC Material, Inc., 133 New Ragsdale Road, Madison, Mississippi 39110, located East of I-55 and South of Nissan North America
- Alcohol. Beverage and Control Liquor Distribution Warehouse, Wadford Parkway Dr., Canton, MS 39046, West of I-55

Again, these areas are not adjacent or in close proximity to the Single Family Residential Districts (R-1A) that will be detrimentally affected by the proposed rezoning, reclassification and variance petition.

Joey Deason, Executive Director with the Madison County Economic Development Authority also noted that there are business areas that contribute to the "change in character" of the area. "There's a brand-new convenience store on the corner. There's a retirement home. There's an upgraded hospital," Deason said. These include:

- Parkway Truck Stop (Convenience Store), 1038 Old Jackson Rd., and Nissan Parkway, Canton, MS 39046, East of the area zoned Single Family Residential District (R-1A).
- UMMC Madison, 161 River Oaks Drive, Canton, MS 39046, located East of the area zoned Single Family Residential District (R-1A).
- Parkway Health and Rehabilitation, 230 River Oaks Drive, Canton, MS 39046, located East of the area zoned Single Family Residential District (R-1A).

To the contrary, these properties and others adjacent to them are in close proximity to the Single-Family Residential Districts (R-1A) but are not zoned Heavy Industry (I-2). They have

minimally affected the quality of life for residents and the residential property owners adjacent to the proposed land. Furthermore, when asked by Supervisor Karl Bank, "What kind of industrial site was planned for the area? Joey Deason replied, "It would be easier to tell him what wasn't going to be there." "There's going to be covenant codes and restrictions just like there are at the Megasite... Anything that's noisy, smelly, explosives... all of that's prohibited," he said. "What we're looking for is advanced manufacturing technical park with professional offices as well."

**Variance Application:**

"Zoning laws are designed to segregate conflicting land uses, such as industrial facilities and residential neighborhoods. Introducing an incompatible use can disrupt the community's character and lead to nuisances like noise and pollution." As aggrieved residents/property owners who will be adversely affected by MCEDA's petition seeking a variance to Maximum Building Heights on the property, as set forth in Article XXV, Section 2503.01 to allow any such building height on the property to be determined by the site plan provides too much latitude for new construction and gives way to future chaos and misuse. It is our assertion that a key distinction must be made between financial inconvenience and genuine hardship. Additionally, the applicant has not demonstrated that adhering to dimensional standards creates a "practical difficulty or hardship" and does not justify a variance.

- Question: When and should a variance be granted simply because a more profitable use is desired?
- Question: Is it safe to say that variances should only be granted when truly necessary, preserving the integrity of zoning regulations?
- Question: Zoning ordinances are in place to ensure that land use is managed and regulated for the benefit of the entire community, The potential negative impact of a variance on neighboring properties and the surrounding community is inevitable. Has the Commission considered that granting a variance could result in changes in property values, privacy issues, loss of light or air circulation, and increased noise levels to the adjacent residential districts?
- Question: Can MCEDA achieve their desired benefit by some method other than a variance (example a different design or placement) that would not require relief from the zoning law?
- Question: Is the requested variance substantial, or is it relatively minor in scope compared to what is required by the zoning code?
- Question: Would the variance, if granted, have an adverse effect or impact on the physical or environmental conditions in the neighborhood (such as drainage, traffic, noise etc.)?
- Question: Was the difficulty or hardship leading to the request self-created by the applicant (such as knowingly buying an area that doesn't conform)?

## CHANGE IN CHARACTER

Note: An applicant seeking rezoning must prove by clear and convincing evidence either that (1) there was a mistake to the original rezoning, or (2) the character of the neighborhood has changed to such an extent to justify rezoning and that a public need exists to rezone.” (Bridge vs Mayor & Board of Alderman of Oxford, 995 So. 2d 81, 83 (Miss 2008))

Land use planning must protect well-defined areas from development due to cultural, historical, or similar reasons that would negatively change the character of the proposed and/or adjacent area. Identifying projects that harm the character of a community, or its quality of life prevents the loss of social structure, activities, and values of the affected property owners and residents.

When MCEDA addressed the “change in character” it failed to mention the legacy and well-established historical nature of the adjacent residential neighborhoods and how its request for rezoning and reclassification and for variance would violate the right of home/property owners to live unencumbered by noise, pollution, traffic thereby allowing real property owners to enjoy their established way of life (See Exhibit 5).

As aggrieved residents/property owners, we contend the MCEDA’s petition to rezone and reclassify said real properties is inconsistent with the character of the area and that the adjacent residential properties will be negatively impacted if MCEDA is allowed to rezone and reclassify the subject property from its current designation (A-1) Agricultural District to Heavy Industrial District (I-2).

Currently there are an estimated one hundred twenty-seven (127) properties potentially affected by MCEDA’s petition to rezone and reclassify; approximately sixty (68) of these property owners reside in the affected areas; an estimated thirteen (13) are owned by companies; and roughly forty-seven (47) are located within 160 ft. of the Subject Project (See Exhibit 5) Many of these residents and their descendants have farmed, cultivated, and lived on these properties for more than six (6) decades. These properties include, but are not limited to, the Orsby and Barbara Jackson Estate, the Willie Lee Goldman Estate, the Milton Ransburg Estate, the Henry Beale Estate, the Nathaniel Brown Estate, the Arthur Lee Caldwell Life Estate, the Hosea and Winnie Mae Bridgeman Estate, Leody and Fannie Hughes and others.

Question: We do not exist in a bubble. So! How can our “single-family in character” neighborhood not be changed by the proposed adjacent heavy industry?

Question: How will increased traffic, noise and other disturbances potentially change our “single-family in character” neighborhood and our quality of life?

Question: How can our “single-family in character” neighborhood and properties not be adversely affected by the Maximum Building Height variance request to be determined by future site plans?

In conclusion, “rezoning decisions in Mississippi must align with the municipality or county’s comprehensive plan, as required by Mississippi Code 17-1-11. Courts have ruled that rezoning cannot be granted arbitrarily; applicants must demonstrate that conditions have materially changed since the existing zoning classification was established. This principle was reinforced in *Old Canton Hills Homeowners Association v. Mayor and City Council of Jackson*, where the Mississippi Supreme Court ruled that rezoning must be based on clear evidence of changed circumstances or a mistake in the original zoning. Other considerations include economic impact and public welfare. Factors such as property values, tax revenues, infrastructure demands, and potential land use conflicts influence rezoning determinations.

“Unlike rezoning, which changes a property’s classification, zoning variances provide exceptions to existing zoning rules without altering the underlying designation. Variances are granted when strict enforcement of zoning regulations would cause undue hardship due to unique property characteristics. Mississippi Code 17-1-7 authorizes municipalities and counties to establish boards of adjustment to approve variances based on specific criteria.”

“To qualify, an applicant must prove that the hardship is not self-imposed and that granting the variance will not negatively impact surrounding properties. Mississippi courts have ruled that economic hardship alone is insufficient grounds for approval, as seen in *Farrish Gravel Co. v. Mississippi State Highway Commission*, where the court denied a variance request based solely on financial considerations. Instead, applicants must show that strict compliance with zoning laws would create an unnecessary burden due to site-specific constraints.

While the ultimate responsibility regarding land use plan decisions rests with the Madison County Planning and Zoning Commission and the Madison County Board of Supervisors, it is recognized that individuals, communities, and governments working together toward commonly understood objectives yields a significant improvement in the stewardship of land use. MCEDA ensures that industrial facilities will not adversely affect the health, safety, or welfare of our communities. However, this rezoning, reclassification and variance petition fails to ensure that industrial facilities do not adversely affect the health, safety, or welfare of the community. In fact, as outlined above, it directly jeopardizes these and should not be allowed. **HEAVY INDUSTRY IS NOT A GOOD NEIGHBOR!!!**

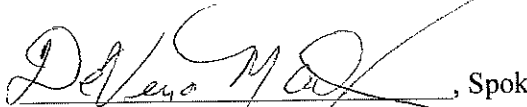
We, the aggrieved parties who will be adversely affected by the proposed rezoning, reclassification, and variance of said properties, believe that heavy industry in this location is a major risk to public health and the environment and that air pollution and traffic emissions associated with heavy industry are inappropriate for this location.

We assert that any decision, in whole or in part, by the Madison County Planning and Zoning Commission to move forward with MCEDA’s Application to Rezone and Reclassify and for

Variance is unreasonable and NOT based on the careful consideration of public interest, public need, character of the area, land use, or the potential for detriment to the adjacent residential properties and its homeowners.

As the spokesperson for the Rezoning and Reclassification, and Variance Opposition Campaign, you may contact me, DeVerio Manning, at 115 Hill Road, Canton, MS 39046, 601-941-8109.

Respectfully,

, Spokesperson

Opposition to MCEDA's Rezoning and Reclassification Application and Variance Petition

#### EXHIBITS:

Exhibit 1: Madison County Economic Development Authority's Application to Rezone and Reclassify and for Variance and an Amended Application

Exhibit 2: Canton Municipal Utilities Public Statement

Exhibit 3: ("E-1") Vegetative Buffer

Exhibit 4: ("E-A.") Restrictive Covenants

Exhibit 5 and Exhibit F (MCEDA): Property Owners: Old Jackson Rd., High Subdivision, Hill Rd., Beal Rd., and Idlebriar Subdivision

#### ATTACHMENTS:

- # 1 Madison County Planning and Zoning and Madison County Board of Supervisors, November 03, 2025, Letter, "Petition in Opposition to Proposed Rezoning" (Submitted to the Board of Supervisor November 03, 2025).
- #2 Madison County Planning and Zoning, December 03, 2025, Letter, "Rezoning and Reclassification: Opposition Campaign, Examining the Zoning Ordinance, Madison County, Mississippi"

- #3 Madison County Planning and Zoning, December 05, 2025, Letter, "Request to Reschedule the Scheduled Madison County Planning and Zoning December 11, 2025, Public Meeting"
- #4 Madison County Planning and Zoning, December 07, 2025, Letter, "The Downside of Heavy Industrial Districts"
- #5 Madison County Board of Supervisors, December 18, 2025, Failure to Follow Due-Process'
- #6 Sowell Place, Parcel Number 051F-13-002/01.00, 636 Mt Leopard Rd. Canton, MS 39046, 162 AC ACD NW ¼ Less 24.8 AC IN, 1/2 & LESS S1/2 SE1/4, N1/2, SW1/4 NE1/4, & S1/2 NW1/4 NE1/4
- # 7 Sowell Place, LLC, Parcel Number: 092E-22-004/00.00, 109 Movietown Place Canton, MS 39046, 136 AC PTLY IN W ½ SE ¼ N&E of C, & V RD & PTLY E1/2 SW1/4 N & E OF C& (85 +/- AC: Rezoned Heavy Industry (I-2) 12/11/ 2025
- #8 LLB Farms, LLC, Parcel Number 092E-21- 002.01.00 25 ACC IN SW1/4 NE1/4 S/S OF CREEK and 092E-21-002/04.00 35AC IN W1/2 N OF RD; 166 Ashbrooke Trail, Madison, MS 39110; Rezoned A-1 to I-2
- #9 PZ Minutes, Mary Jane and Walter Boutwell, Parcel Number 092E-21-005/00.00, 367 Virililia Road, Canton, MS 39046, 3.9 AC in W ½ SE ¼ S of RD: Rezoned Heavy Industry (I-2)

## STATE AND LOCAL GOVERNMENT ZONING REGULATIONS

The Statutes of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the Madison County, Mississippi, to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

Section 17-1-9 of the Mississippi Code of 1972, annotated, as amended, states that "zoning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements"; and

Section 17-1-1 of the Mississippi Code of 1972, annotated, as amended, defines the term "comprehensive plan" as "a statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long-range (twenty to twenty-five years) development of the county or municipality---; (2) a land use plan---; (3) a transportation plan---; and (4) a community facilities plan---"; and

The Board of Supervisors on November 19, 2019 adopted by resolution a Comprehensive Plan for the Madison County following public hearings relative to same; and WHEREAS, based upon the adopted Comprehensive Plan, and amendments thereto, the Board of Supervisors have divided the County into districts and adopted regulations pertaining to such districts, and have given reasonable consideration among other things, to the character of the districts and their particular suitability for particular uses, with a view to conserving the value of property and encouraging the most appropriate use of land throughout the County; and

The Board of Supervisors have given due public notice of a hearing relating to said zoning ordinance and map and have held a public hearing in accordance with the requirements of Section 17-1-15 of the Mississippi Code of 1972, annotated, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE MADISON COUNTY, MISSISSIPPI, THAT THIS ORDINANCE SHALL GOVERN THE USE OF ALL LAND IN UNINCORPORATED MADISON COUNTY, MISSISSIPPI.

### ARTICLE I TITLE AND PURPOSE

SECTION 100 - TITLE The Ordinance shall be known as the "Zoning Ordinance of the Madison County, Mississippi," and may be so cited, and further reference elsewhere as "Zoning Ordinance," and herein as "the Ordinance" or "this Ordinance" shall imply the same wording and meaning as the full title.

**SECTION 101 - PURPOSE** The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the inhabitants of the Madison County and of the public generally through the regulation of: the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential and other purposes.

Mississippi Annotated Code (1972): Title 17 Chapter 1, Section 9 (2024), titled Local Government; Provisions Common to Counties and Municipalities, Chapter 1 - Zoning, Planning and Subdivision Regulation, the governing authority, Madison County Board of Supervisors has been entrusted to establish and enforce zoning regulations according to an established "comprehensive plan." Thereby governing the use of all land in unincorporated Madison County, Mississippi.

PROPERTY OWNERS: OLD JACKSON RD., HIGH SUBDIVISION, HILL RD., BEAL RD.,  
AND IDLEBRIAR SUBDIVISION

Parcel number	Owner's name	Legal description	More
092H-28-001/01.00	HAWKINS MINNIE GLORIA	2.87AC IN SE1/4 E/S HWY #22	<a href="#">More</a>
092H-28-001/02.00	MCDANIELS ALEXANDRIA	LOT 1 IDLEBRIAR C@34 -BEING 1.0AC-	<a href="#">More</a>
092H-28-001/03.00	COTTON GLEN E & JACQUELINE	LOT 2 IDLEBRIAR SUBDIVISION -BEING	<a href="#">More</a>
092H-28-001/04.00	DIXON JONATHAN L & KELLIE D	LOT 3 IDLEBRIAR -BEING 1.0AC-	<a href="#">More</a>
092H-28-001/05.00	JOHNSON CHURYKEY M & SHIRLEY J	LOT 4 IDLEBRIAR SUBDIVISION -BEING	<a href="#">More</a>
092H-28-001/06.00	HARRIS RAY E	PT LOT 5 IDLEBRIAR SUBDIVISION (65	<a href="#">More</a>
092H-28-001/08.00	JOHNSON STELLA	LOT 7 IDLEBRIAR SUBDIVISION -BEING	<a href="#">More</a>
092H-28-001/09.00	COLLIER SIMON & CHERYL R	LOT 8 IDLEBRIAR SUBDIVISION -BEING	<a href="#">More</a>
092H-28-001/15.00	ALLEN CYNTHIA D	LOT 6 IDLEBRIAR C@34 -.82AC-	<a href="#">More</a>
Parcel number	Owner's name	Legal description	More
092H-33D-034/00.00	ADAMS LEON ETAL	LOT 9 HIGH SUBD A	<a href="#">More</a>
092H-33D-035/00.00	SPENCER CURTIS	LOT 10 HIGH SUBD A	<a href="#">More</a>
092H-33D-036/00.00	SPENCER CURTIS	LOT 11 HIGH SUBD A	<a href="#">More</a>
092H-33D-037/00.00	SPENCER CURTIS	LOT 12 HIGH SUBD A	<a href="#">More</a>
092H-33D-038/00.00	SPENCER CURTIS	LOT 13 HIGH SUBD A	<a href="#">More</a>
092H-33D-039/00.00	SPENCER CURTIS	LOT 14 HIGH SUBD A	<a href="#">More</a>
092H-33D-040/00.00	SPENCER CURTIS	LOT 15 HIGH SUBD A	<a href="#">More</a>

092H-33D-041/00.00	LEE JENNIFER -ETAL-	LOT 16 & LOTS 1-6 BLK A	<a href="#">More</a>
092H-33D-048/00.00	JACKSON ORSBY & BARBARA *ESTATE*	LOTS 7 & 8 LESS 50 FT OFF W/S LOT	<a href="#">More</a>
092H-33D-049/00.00	PATE NANCY COOK	LOT 80X180 FT OFF W/S LOT 8	<a href="#">More</a>
Parcel number	Owner's name	Legal description	<a href="#">More</a>
092H-33D-023/00.00	PHAT CUSTOM CONVERSIONS	LOT 1 HIGH SUBD B	<a href="#">More</a>
092H-33D-024/00.00	CASTELLANOS SYLVIA	LOT 2 HIGH SUBD B	<a href="#">More</a>
092H-33D-025/00.00	GARNER HETTIE MAY & RICHARD	LOT 3 HIGH SUBD B	<a href="#">More</a>
092H-33D-026/00.00	GOLDMAN WILLIE LEE	LOT 4 HIGH SUBD B	<a href="#">More</a>
092H-33D-027/00.00	GOLDMAN WILLIE LEE (ESTATE)	LOT 5 HIGH SUBD B	<a href="#">More</a>
092H-33D-028/00.00	GOLDMAN WILLIE LEE	LOT 6 HIGH SUBD B	<a href="#">More</a>
092H-33D-029/00.00	MCELROY THOMAS EARL -ETAL-	LOT 7 HIGH SUBD B	<a href="#">More</a>
092H-33D-030/00.00	MCELROY THOMAS EARL -ETAL-	LOT 8 HIGH SUBD B	<a href="#">More</a>
092H-33D-031/00.00	CANTON M PROPERTY LLC	LOT 9 & 10 OF HIGH SUBD'N	<a href="#">More</a>
092H-33D-033/00.00	MCELROY THOMAS EARL -ETAL-	LOT 11 HIGH SUBD B	<a href="#">More</a>
Parcel number	Owner's name	Legal description	<a href="#">More</a>
092H-33D-050/00.00	EVANS SARAH	LOT 99.5X194.5X100X205 FT OUT SW	<a href="#">More</a>

092H-33D-051/00.00	BENNETT TONY EARL	LOT 99.5X201 FT W/S LOT 4 HIGH SUBD	<a href="#">More</a>
092H-33D-052/00.00	JACKSON VINA	LOT 100X204 FT OUT NW COR LOT 4	<a href="#">More</a>
092H-33D-053/00.00	SMITH MURRAY LEE	LOT 87.9X215 FT OUT NE COR LOT 4	<a href="#">More</a>
092H-33D-054/01.00	BENNETT TONY	1.5A OUT LOT 4 BLK C HIGH ADDN	<a href="#">More</a>
092H-33D-054/02.00	JACKSON VINA	LOT 70X150 FT OUT LOT 4 BLK C HIGH	<a href="#">More</a>
092H-33D-054/03.00	BENNETT R C -LIFE ESTATE-	LOT 50X150 FT OUT LOT 4 BLK C HIGH	<a href="#">More</a>
092H-33D-055/00.00	BRADLEY JOYCE -LIFE ESTATE-	LOT 50X150 FT OUT S/E LOT 4	<a href="#">More</a>
092H-33D-056/00.00	JACKSON ANDREW	LOT 70X150 FT OUT LOT 4	<a href="#">More</a>
092H-33D-057/00.00	LEE JENNIFER -ETAL-	LOTS 12 & 13 HIGH SUBD'N	<a href="#">More</a>
092H-33D-059/00.00	BROWN NATHANIEL-EST-&CHRISTINE	LOT 05 HIGH SUBD BL C (4 AC)	<a href="#">More</a>
092H-33D-060/00.00	BRENT DELORIS	LOT 3 HIGH SUBD BLK C	<a href="#">More</a>
092H-33D-061/00.00	DAVIS VELMA M ET AL	N 1/3 LOT 6	<a href="#">More</a>
092H-33D-062/00.00	MOORE LAWRENCE B SR	67 FT EVENLY OFF N/E LOT 6	<a href="#">More</a>
092H-33D-063/00.00	WILLIAMS CHRISTINE *ESTATE*	1A OUT LOT 6 HIGH SUBD BLK C	<a href="#">More</a>
092H-33D-064/00.00	CARPENTER JAMES -LIFE EST-	LOT 300X50 FT OUT SW COR LOT 11	<a href="#">More</a>
092H-33D-065/00.00	WALKER ANNIE RUTH	0.11AC STRIP OFF N/E W1/2 LOT 11 BL	<a href="#">More</a>

092H-33D-066/00.00	JONES NATHAN & ANNA CARRIE	LOT 50X300 FT OUT SW COR LOT 11	<a href="#">More</a>
092H-33D-067/00.00	REBUILDING JACKSON LLC	LOT 50X150 FT OUT LOT 11	<a href="#">More</a>
092H-33D-068/00.00	LIPSEY LEVORN -LIFE ESTATE-	LOT 50X150 FT OUT LOT 11	<a href="#">More</a>
092H-33D-069/00.00	MCLAURIN EDWARD *ESTATE*	LOT 50X300 FT OUT S/E LOT 11	<a href="#">More</a>
092H-33D-070/01.00	MELTON JOHNNIE LEE TRUSTEE	LOT 11 BLK C HIGH ADDN LESS AND EXC	<a href="#">More</a>
092H-33D-070/02.00	LANCASTER LOUISE	44' X 150' LOT IN SE CORNER OF LOT	<a href="#">More</a>
092H-33D-071/00.00	WILLIAMS GARRY L	LOT 50X150 FT OUT LOT 11	<a href="#">More</a>
092H-33D-072/00.00	WALKER TILLMAN	1 LOT -50X150 FT- IN THE N/E LOT	<a href="#">More</a>
092H-33D-073/00.00	MCLAURIN EDWARD & BETTY	LOT FRONTING 100 FT ON N/S SCHOOL R	<a href="#">More</a>
092H-33D-074/00.00	BROWN ALIDIA	LOT 50X150 FT OUT S/E NE1/4 SE1/4	<a href="#">More</a>
092H-33D-075/00.00	SINGLETON BERTHA LEE	LOT 100X150 FT OUT NE 1/4 SE 1/4	<a href="#">More</a>
092H-33D-076/00.00	KITCHENS CASSANDRA	LOT 100X150 FT OUT N 1/2 LOT 10	<a href="#">More</a>
092H-33D-077/00.00	MCLAURIN WILLIE III	LOT FRONTING 78.3 FT ON W/S OLD CTN	<a href="#">More</a>
092H-33D-078/00.00	WHITE GEORGE & LUCY	LOT FRONTING 93 FT ON W/S RD BEING	<a href="#">More</a>
092H-33D-080/00.00	WHITE GEORGE & LUCY LEE (ESTATE)	LOT 7 LESS 167 FT OFF N/E	<a href="#">More</a>
092H-33D-082/00.00	SMITH CHARLIE	S 1/2 LOT 9 & 50X416 FT OFF N/E LO	<a href="#">More</a>

092H-33D-083/00.00	CALDWELL EMMA PEARL & JACQUENLIN	LOT 90X200 FT OUT NE COR N 1/2 LOT	<a href="#">More</a>
092H-33D-084/00.00	KITCHENS CASSANDRA	N1/2 LOT 9 LESS LOT IN NE COR	<a href="#">More</a>
092H-33D-085/00.00	THOMPSON LINDA YVETTE	LOT 8 HIGH SUBD BL C	<a href="#">More</a>
092H-33D-086/00.00	CALDWELL BERNICE	167 FT OFF N/E LOT 7	<a href="#">More</a>
092H-33D-087/00.00	CALDWELL JACQUELINE -ETAL-	LOT 02 HIGH SUBD BL C	<a href="#">More</a>
092H-33D-088/01.00	CALDWELL ARTHUR LEE -ESTATE-	1.25 IN N1/2 E1/2 NE1/4 SE1/4	<a href="#">More</a>
092H-33D-088/02.00	WESLEY OTIS ETUX	.5A IN NE CORNER NE1/4 SE1/4-	<a href="#">More</a>
092H-33D-088/03.00	CALDWELL OLLIE MAE CARTER	0.25A IN THE NE COR NE1/4 SE1/4	<a href="#">More</a>
103 HILL RD	082B-04-003/02.00	1.0 AC IN NE COR S1/2 SE1/4	<a href="#">More</a>
115 HILL RD	082B-04-014/00.00	LOT 4 BRADFORD SUBD'N BEING 2.06AC	<a href="#">More</a>
151 HILL RD	082B-04-016/00.00	LOT 6 BRADFORD BEING 2.08AC	<a href="#">More</a>
169 HILL RD	082B-04-017/00.00	LOT 7 BRADFORD SUBD'N	<a href="#">More</a>
175 HILL RD	082B-04-006/00.00	LOT 100X70 FT OUT SW 1/4 SE 1/4	<a href="#">More</a>
179 HILL RD	082B-04-018/00.00	LOT 8 BRADFORD BEING 2.08AC	<a href="#">More</a>
195 HILL RD	082B-04-019/00.00	LOT 9 BRADFORD BEING 2.12AC	<a href="#">More</a>
239 HILL RD	082B-04-007/00.00	6.8 AC OFF S/E N1/2 SW 1/4	<a href="#">More</a>
BOULDIN ROBERT	082B-04-010/00.00	41.5A PTLY IN NE1/4 NE1/4 & PTLY IN	<a href="#">More</a>

Street name

Parcel number Legal description

[More](#)

158 BEAL RD	092H-33D-004/00.00	LOT 208X312 FT IN SE 1/4 SE 1/4	<a href="#">More</a>
163 BEAL RD	092H-33D-002/00.00	3.1A IN SE COR S1/2 SW1/4 SE1/4	<a href="#">More</a>
Street name	Parcel number	Legal description	More
0 OLD JACKSON RD	082B-10-026/00.00	3.6 AC TRACT E/S COUNTY RD IN W 1/2	<a href="#">More</a>
0 OLD JACKSON RD	092H-33D-076/00.00	LOT 100X150 FT OUT N 1/2 LOT 10	<a href="#">More</a>
1007 OLD JACKSON RD	092H-33D-088/02.00	.5A IN NE CORNER NE1/4 SE1/4-	<a href="#">More</a>
1038 OLD JACKSON RD	092H-34-002/01.01	39.59 ACC IN SEC S OF HWY	<a href="#">More</a>
1064 OLD JACKSON RD	092H-34-003/00.00	1.7 ACS IN SW COR NW1/4 NW1/4	<a href="#">More</a>
RANSBURG CARL E & CASSANDRA D	092H-33D-003/01.12	.42 AC IN N1/2 SE1/4 SE1/4 W/S OF O	<a href="#">More</a>
RANSBURG CARL E & CASSANDRA D	092H-33D-003/01.08	0.5 AC IN SE1/4 SE1/4	<a href="#">More</a>
RANSBURG HOSIE - HEIRS AT LAW OF	092H-33D-003/01.04	3.02 AC IN S1/2 SE1/4 SE1/4 TRACT N	<a href="#">More</a>
RANSBURG LEROY & ALMA J	092H-33D-003/02.00	.5A W/S COMM RD IN SE1/4 SE1/4	<a href="#">More</a>
RANSBURG MILTON - ESTATE-	092H-33D-003/01.01	17.08 AC IN N1/2 SE1/4 SE1/4 W/S OF	<a href="#">More</a>
RANSBURG MILTON JR*EST* & ANNIE MAE	092H-33D-006/00.00	.5A IN NE COR SE 1/4 SE 1/4	<a href="#">More</a>
RANSBURG ROOSEVELT & ANNETTE	092H-33D-005/00.00	LOT 105X210 FT IN SE 1/4 SE 1/4	<a href="#">More</a>
HUGHES WILLIE B & BERTHA L BAILEY	092H-33D-010/00.00	LOT 50X150 FT OUT NE 1/4 SE 1/4	<a href="#">More</a>

# AMENDED APPLICATION FOR REZONING

<b>Name and Address of Applicant:</b> Madison County Economic Development Authority 135 Mississippi Parkway Canton, MS 39046	<b>Street Address of Property (if different address):</b> Calhoun Station Parkway/Nissan Parkway Highway 22
---	---

APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
October 1, 2025; amended and supplemented on November 14, 2025	A-1	See Exhibit A Digital Format will be submitted	082B-04-008/01.00; That portion of 082B-04-008/02.00 lying east of Calhoun Station Parkway and North of Hill Road; 092H-33-003/01.00 That portion of 092H-33-003/02.00 lying east of Calhoun Station Parkway and south of Highway 22; 092H-33D-001/00.00	N/A	See Exhibit B

**Other Comments:** As per Article VIII, Section 804 of the Madison County Zoning Ordinance.

MCEDA has a contract on the above-referenced property (see attached **Exhibit C**). This contract is contingent on Madison County approving MCEDA's request to Re-Zone the subject property from its current designation (A-1) Agricultural District to (I-2) Heavy Industrial District.

Comments:

Respectfully Submitted

Joseph P. Deason, Executive Director

Petition submitted to Madison County Planning and Development Commission on

Recommendation of Madison County Planning and Development Commission on Petition

Public Hearing date as established by the Madison County Board of Supervisors

Final disposition of Petition

Exhibit #1

## APPLICATION FOR VARIANCE

40 foot Maximum Building Height-(I-2) Heavy Industrial District  
Article XXV, Section 2503.01

<b>Name and Address of Applicant:</b> Madison County Economic Development Authority 135 Mississippi Parkway Canton, MS 39046	<b>Street Address of Property (if different address):</b> Calhoun Station Parkway/Nissan Parkway Highway 22
---	---

APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
October 1, 2025; amended and supplemented on November 14, 2025	A-1	See Exhibit A Digital Format will be submitted	082B-04-008/01.00; That portion of 082B- 04-008/02.00 lying east of Calhoun Station Parkway and North of Hill Road; 092H-33-003/01.00 That portion of 092H- 33-003/02.00 lying east of Calhoun Station Parkway and south of Highway 22; 092H-33D-001/00.00	N/A	See Exhibit B

**Other Comments:** As per Article VIII, Section 804 of the Madison County Zoning Ordinance.

MCEDA has a contract on the above-referenced property (see attached **Exhibit C**) and has submitted its Petition to Rezone and Reclassify the property from (A-1) Agricultural District to (I-2) Heavy Industrial District. Under the current version of the Ordinance, the maximum building height in an (I-2) Heavy Industrial District is 40 feet. MCEDA has previously obtained a variance to maximum building height on its Madison County Megasite for maximum building height to be determined by site plan. Special conditions and circumstances exist which are peculiar to proposed structures and buildings on the subject property which are not compatible to other structures and buildings in the I-2 District. Literal interpretation of the maximum building height would deprive MCEDA of rights commonly enjoyed by other properties in the I-2 District, such as the Madison County Megasite. Such variance will not confer on MCEDA any special privilege that is denied other structures or buildings in the I-2 District.

Comments:

Respectfully Submitted

Joseph P. Deason, Executive Director

Petition submitted to Madison County Planning and Development  
Commission on

Recommendation of Madison County Planning and Development  
Commission on Petition

Public Hearing date as established by the Madison County Board of  
Supervisors

Final disposition of Petition

104 10 2025

**BEFORE THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI  
IN THE MATTER OF REZONING CERTAIN LAND SITUATED IN:**

**SECTION 33, TOWNSHIP 9 NORTH, RANGE 2 EAST MADISON COUNTY, MISSISSIPPI  
AND**

**SECTION 4, TOWNSHIP 8 NORTH RANGE 2 EAST MADISON COUNTY, MISSISSIPPI  
MADISON COUNTY TAX PARCEL NOS:**

**082B-04-008/01.00; That portion of parcel no.: 082B-04-008/02.00 lying east of Calhoun Station  
Parkway and North of Hill Road; 092H-33-003/01.00; That portion of parcel no.: 092H-33-003/02.00  
lying east of Calhoun Station Parkway and south of Highway 22; 092H-33D-001/00.00**

**PETITIONER: MADISON COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

**PETITION TO REZONE AND RECLASSIFY  
REAL PROPERTY AND FOR VARIANCE**

**COMES NOW**, Madison County Economic Development Authority ("MCEDA" or "Petitioner"), by written permission of Jubilee Co., Inc. ("Jubilee"), current owner of the hereinafter described property, and files this Petition with the Board of Supervisors of Madison County, Mississippi to rezone and reclassify certain tracts or parcels of land situated in Section 33, Township 9 North, Range 2 East, and Section 4, Township 8 North, Range 2 East, Madison County, Mississippi, being Madison County Tax Parcel Nos. **082B-04-008/01.00; That portion of parcel no.: 082B-04-008/02.00 lying east of Calhoun Station Parkway and North of Hill Road; 092H-33-003/01.00; That portion of parcel no.: 092H-33-003/02.00 lying east of Calhoun Station Parkway and south of Highway 22; 092H-33D-001/00.00** , from their present Zoning District Classification of Agricultural District (A-1) to Heavy Industrial District (I-2), and for a variance to Maximum Building Height set forth in Article XXV, Section 2503.01 would show as follows:

1. Please see the following Exhibits:

**Exhibit "A" – Legal Description of the Subject Property**

**Exhibit "B" – Map depicting the location of the Subject Property**

**Exhibit “C” – Contract of Purchase and Sale by and between Petitioner and Jubilee**

**Exhibit “D” – Current Deeds vesting title in Jubilee**

**Exhibit “E” – Map depicting Future Land Use for the Subject Property**

**Exhibit “E-1” – Vegetative Buffer**

**Exhibit “E-2”—Restrictive Covenants**

**Exhibit “F” – List of landowners within 160 feet of the Subject Property**

**Exhibit “G” – Notice of Hearing**

**Exhibit “H” – Notification letters to the cities of Canton and Gluckstadt**

2. Petitioner has written permission to file this Petition from SRC pursuant to that certain Contract of Purchase and Sale agreement (“Agreement”), as rezoning of the Subject Property is a condition to closing the Agreement. See **Exhibit “C,”** attached hereto.
3. Petitioner requests that the Subject Property be rezoned from its present Zoning District Classification of Agricultural District (A-1) to Heavy Industrial District (I-2).
4. Character of the neighborhood:
  - a. The Subject Property lies on both sides of Calhoun Station Parkway, a major north-south thoroughfare, with Highway 22 just to the north, Nissan Parkway just to the north and east, and I-55 just to the east.
  - b. Madison County has experienced record economic and industrial growth in recent years—particularly in the immediate area of the Subject Property which lies in the most heavily industrialized area in the County.
    - (1) Madison County Megasite is zoned (I-2) Heavy Industrial District, is directly across Highway 22 to the north, and is now home to Amazon, AWS, Clark Beverage, and other Heavy Industrial uses.
    - (2) Nissan North America is zoned (I-2) Heavy Industrial District and is less than

a mile to the east of the Subject Property.

(3) MMC Materials, Inc. is zoned (I-2) Heavy Industrial District and is less than a mile to the south and east of the Subject Property.

(4) In February 2025, Petitioner re-zoned two parcels (082E-15-021/00.00 and 082B-10-003/00.00) totaling +/-90 acres to (I-2) Heavy Industrial District which are approximately one and a half miles to the south of the Subject Property.

(5) The minutes of the Board of Supervisors reflect numerous other properties in the area that have recently been re-zoned to (I-2) Heavy Industrial District (Joe B. Hardy and Minnie Evans Hardy Revocable Trust-August 5, 2024; Rita Graham-August 5, 2024; LLB Farms, LLC-October 7, 2024; Mary Jane and Walter Boutwell-June 2, 2025; Boutwell LTD Family Partnership, LP-June 2, 2025).

5. Public need:

- a. As the leader of economic development for Madison County, MCEDA's mission is to encourage the growth of the county's existing business and industry, attract new investment and higher-paying jobs, and to increase Madison County's competitiveness leading to a diverse, vibrant economy benefiting all of the county's citizens.
- b. A key component to the success of Madison County, and one that enables MCEDA to carry out its mission is the availability of appropriately zoned property to allow existing, and new businesses to capitalize on speed to market.
- c. The recent and rapid economic growth of Madison County has put MCEDA in the position that it needs such available property in order to carry out its mission most effectively.
- d. There is a public need for rezoning of the Subject Property, as such rezoning will allow

MCEDA to use the Subject Property in such a way as to continue to attract business

and industry, create jobs, and have a positive economic impact on Madison County and surrounding municipalities.

8. The Land Use and Transportation Plan of Madison County, Mississippi depicts the Subject Property as follows:

082B-04-008/01.00-Moderate Density Residential

082B-04-008/02.00-Residential Estate

092H-33-003/01.00-General/Indoor Commercial

092H-33-003/02.00-General/Indoor Commercial

092H-33D-001/00.00- Moderate Density Residential

See maps attached hereto as **Exhibit "E."** As such, Petitioner's request is not in compliance with the Land Use and Transportation Plan of Madison County, Mississippi, but is the highest and best use of the Subject Property.

9. As a means alleviate any concerns regarding noise or other aesthetic issues from adjacent property owners, Petitioner will provide a 225' vegetative buffer along the southern boundary of that portion of parcel no.: 082B-04-008/02.00 lying east of Calhoun Station Parkway and north of Hill Road; along the southern boundary of parcel no. 092H-33-003/01.00; and the eastern boundary of parcel no. 092H-33D-001/00.00 as depicted on the map attached hereto as **Exhibit "E-1"** and will place restrictive covenants on the subject property as shown on **Exhibit "E-2"**.

10. Petitioner is seeking a variance to Maximum Building Height on the property, as set forth in Article XXV, Section 2503.01 to allow for any such building height on the property to be determined by site

plan.

11. Petitioner is notifying the surrounding landowners owning property within 160 feet of the property described herein (excluding streets and highways), of the hearing date for this Petition by certified mail, return receipt requested. A list of the landowners and their addresses is attached hereto as **Exhibit "F"**.

11. A *Notice of Hearing* sent to the surrounding landowners is attached hereto as **Exhibit "G."**

12. Notification letters to the City of Canton and the City of Gluckstadt are attached hereto as **Exhibit "H."**

**WHEREFORE, PREMISES CONSIDERED,** Petitioner respectfully requests that this Petition be received, and after due consideration, the Board of Supervisors of Madison County, Mississippi will rezone and reclassify this property from its present designation of Agricultural District (A-1) to Heavy Industrial District (I-2), and grant a variance to Maximum Building Height set forth in Article XXV, Section 2503.01 would show as follows: .

**RESPECTFULLY SUBMITTED,** this the 14<sup>th</sup> day of November, 2025.

Madison County Economic  
Development Authority

/s/ Joseph P. Deason  
Joseph P. Deason, Executive Director

**LEGAL DESCRIPTION FOR JUBILEE PROPERTIES**

**MADISON COUNTY TAX PARCEL NOS:**

**082B-04-008/01.00**

**That portion of parcel no.: 082B-04-008/02.00 lying east of Calhoun Station Parkway and  
North of Hill Road**

**092H-33-003/01.00**

**That portion of parcel no.: 092H-33-003/02.00 lying east of Calhoun Station Parkway and  
south of Highway 22**

**092H-33D-001/00.00**





## Madison County, MS

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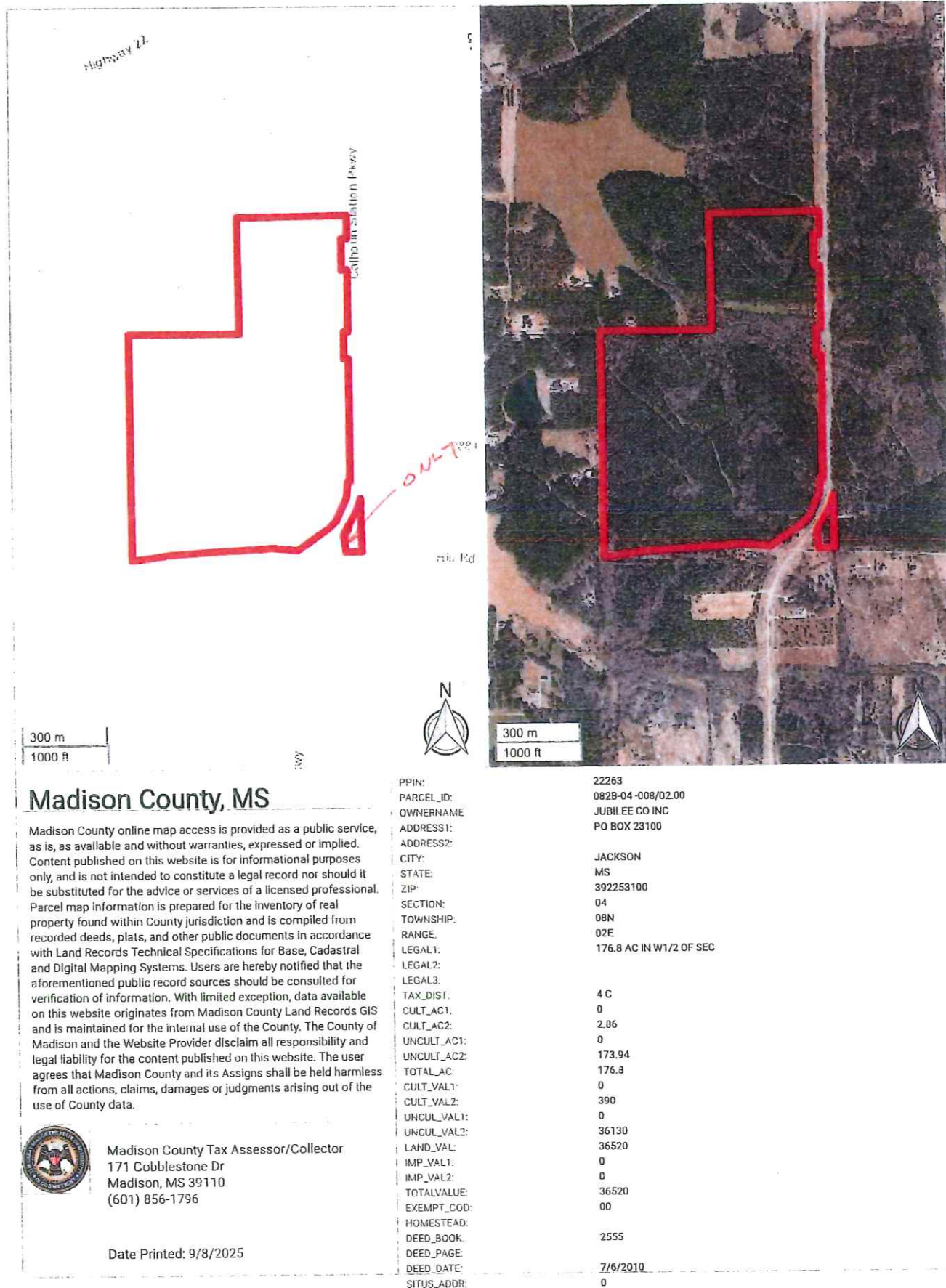


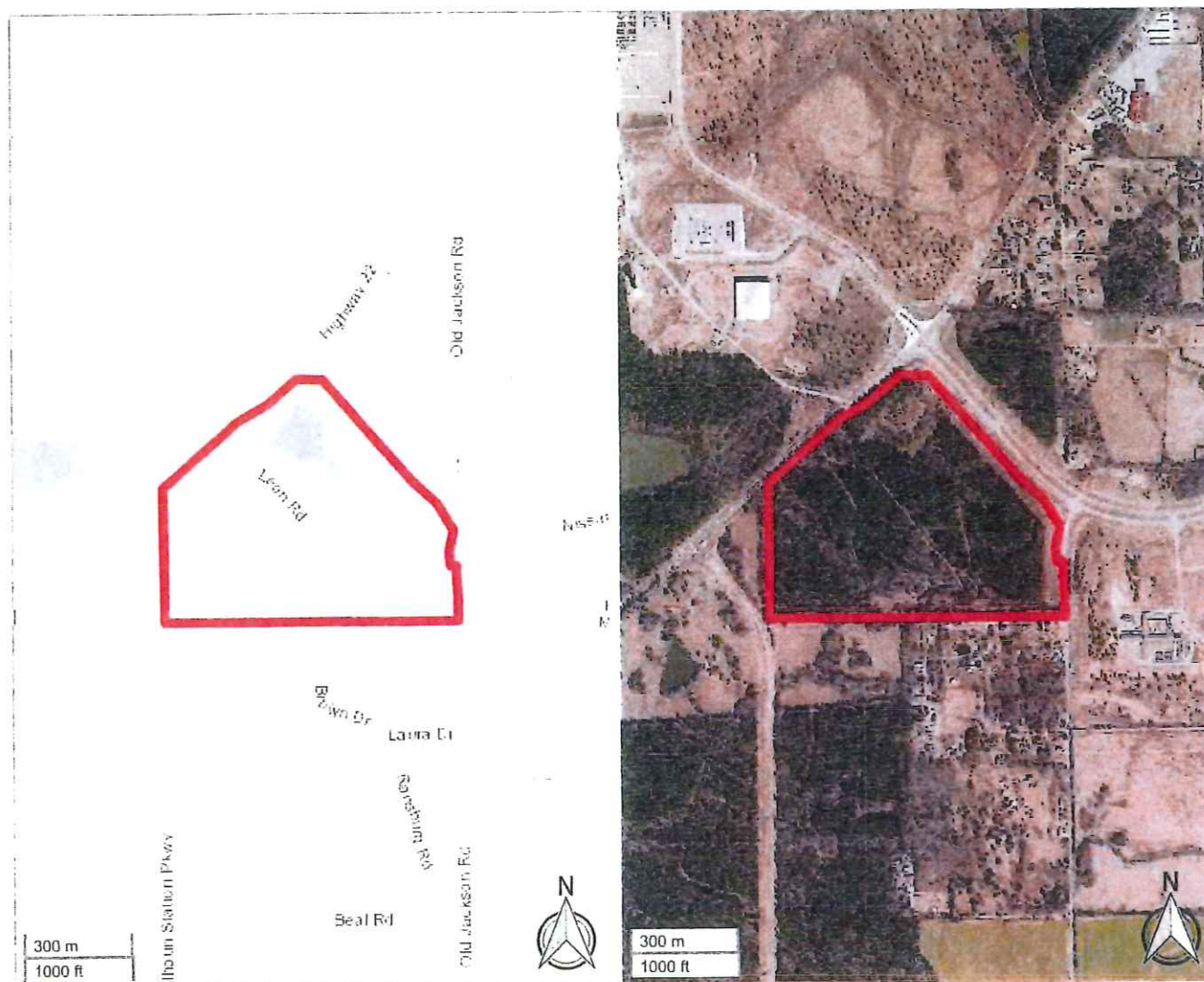
Madison County Tax Assessor/Collector  
171 Cobblestone Dr  
Madison, MS 39110  
(601) 856-1796

Date Printed: 9/8/2025

PPIN:	22262
PARCEL_ID:	082B-04-008/01.00
OWNERNAME:	JUBILEE CO INC
ADDRESS1:	PO BOX 23100
ADDRESS2:	
CITY:	JACKSON
STATE:	MS
ZIP:	392253100
SECTION:	04
TOWNSHIP:	08N
RANGE:	02E
LEGAL1:	184.2AC IN E1/2 OF SEC
LEGAL2:	
LEGAL3:	
TAX_DIST:	4 C
CULT_AC1:	0
CULT_AC2:	6.75
UNCULT_AC1:	0
UNCULT_AC2:	177.45
TOTAL_AC:	184.2
CULT_VAL1:	0
CULT_VAL2:	1410
UNCUL_VAL1:	0
UNCUL_VAL2:	35800
LAND_VAL:	37210
IMP_VAL1:	0
IMP_VAL2:	0
TOTALVALUE:	37210
EXEMPT_COD:	00
HOMESTEAD:	
DEED_BOOK:	2555
DEED_PAGE:	
DEED_DATE:	7/6/2010
SITUS_ADDR:	0







## Madison County, MS

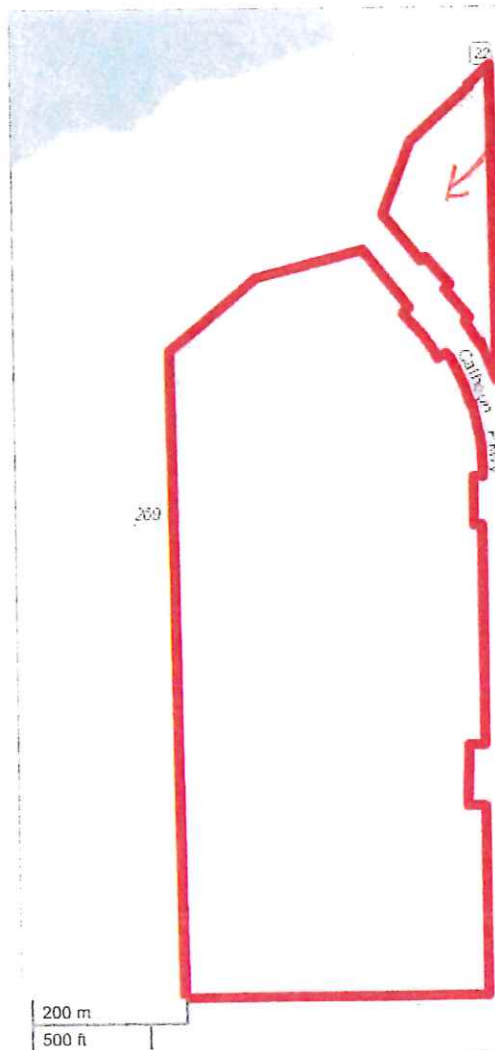
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Madison County Tax Assessor/Collector  
171 Cobblestone Dr  
Madison, MS 39110  
(601) 856-1796

Date Printed: 9/8/2025

PPIN:	27989
PARCEL_ID:	092H-33 -003/01.00
OWNERNAME:	JUBILEE CO INC
ADDRESS1:	PO BOX 23100
ADDRESS2:	
CITY:	JACKSON
STATE:	MS
ZIP:	392253100
SECTION:	33
TOWNSHIP:	09N
RANGE:	02E
LEGAL1:	103.1AC IN NE1/4 S & E OF LIV RD
LEGAL2:	
LEGAL3:	
TAX_DIST:	4 C
CULT_AC1:	0
CULT_AC2:	4.2
UNCULT_AC1:	0
UNCULT_AC2:	98.9
TOTAL_AC:	103.1
CULT_VAL1:	0
CULT_VAL2:	720
UNCUL_VAL1:	0
UNCUL_VAL2:	19490
LAND_VAL:	20210
IMP_VAL1:	0
IMP_VAL2:	0
TOTALVALUE:	20210
EXEMPT_COD:	00
HOMESTEAD:	
DEED_BOOK:	515
DEED_PAGE:	
DEED_DATE:	7/22/2002
SITUS_ADDR:	0



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Madison County Tax Assessor/Collector  
171 Cobblestone Dr  
Madison, MS 39110  
(601) 856-1796

Date Printed: 9/8/2025

PPIN:	27990
PARCEL_ID:	092H-33 -003/02.00
OWNERNAME:	JUBILEE CO INC
ADDRESS1:	PO BOX 23100
ADDRESS2:	
CITY:	JACKSON
STATE:	MS
ZIP:	392253100
SECTION:	33
TOWNSHIP:	09N
RANGE:	02E
LEGAL1:	89A IN E1/2 OF SW1/4 & NW1/4 LYIN G
LEGAL2:	S/S HWY #22
LEGAL3:	
TAX_DIST:	4 C
CULT_AC1:	0
CULT_AC2:	31.91
UNCULT_AC1:	0
UNCULT_AC2:	57.09
TOTAL_AC:	89
CULT_VAL1:	0
CULT_VAL2:	5310
UNCUL_VAL1:	0
UNCUL_VAL2:	11600
LAND_VAL:	16910
IMP_VAL1:	0
IMP_VAL2:	0
TOTALVALUE:	16910
EXEMPT_COD:	00
HOMESTEAD:	
DEED_BOOK:	2555
DEED_PAGE:	
DEED_DATE:	7/6/2010
SITUS_ADDR:	0



## Madison County, MS

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Madison County Tax Assessor/Collector  
171 Cobblestone Dr  
Madison, MS 39110  
(601) 856-1796

Date Printed: 9/8/2025

PPIN:	27991
PARCEL_ID:	092H-33D-001/00.00
OWNERNAME:	JUBILEE CO INC
ADDRESS1:	PO BOX 23100
ADDRESS2:	
CITY:	JACKSON
STATE:	MS
ZIP:	392253100
SECTION:	33
TOWNSHIP:	09N
RANGE:	02E
LEGAL1:	71.3 AC IN W1/2 SE1/4
LEGAL2:	
LEGAL3:	
TAX_DIST:	4 C
CULT_AC1:	0
CULT_AC2:	14.69
UNCULT_AC1:	0
UNCULT_AC2:	56.61
TOTAL_AC:	71.3
CULT_VAL1:	0
CULT_VAL2:	2680
UNCUL_VAL1:	0
UNCUL_VAL2:	11360
LAND_VAL:	14040
IMP_VAL1:	0
IMP_VAL2:	0
TOTALVALUE:	14040
EXEMPT_COD:	00
HOMESTEAD:	
DEED_BOOK:	2555
DEED_PAGE:	
DEED_DATE:	7/6/2010
SITUS_ADDR:	0



PO Box 114  
127 West Peace Street  
Canton, MS 39046

CANTON MUNICIPAL UTILITIES

*"Where Utilities Power Possibilities"*



S82694-26A\*000583



October 31, 2025

## CMU Public Statement

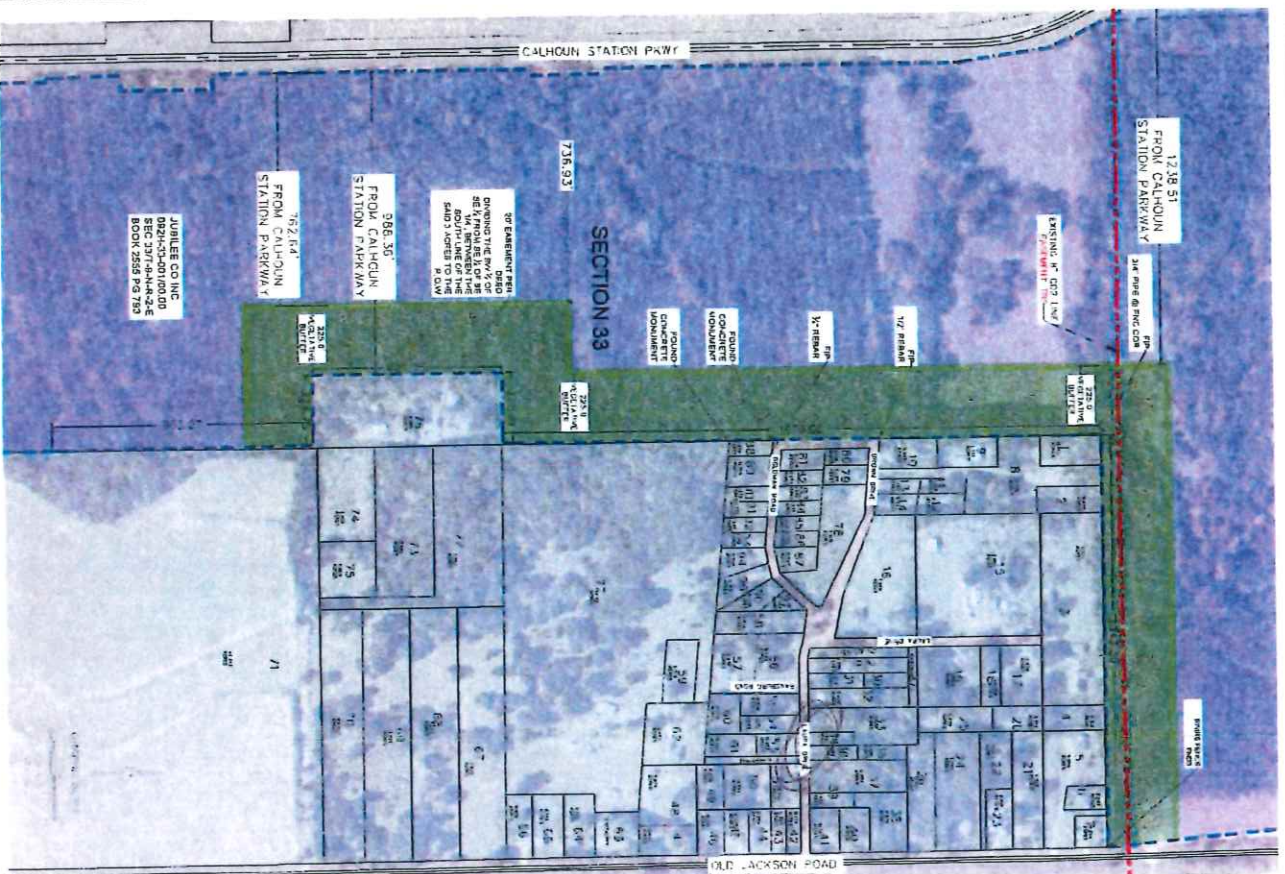
Many CMU sewer customers, including all those outside the City of Canton and many located inside the City, have their wastewater transported by CMU for treatment by a regional wastewater authority known as Madison County Wastewater Authority, or MCWA. As part of CMU's 2025 Public Service Commission-approved rate change, all customers whose wastewater is treated by the MCWA system are charged two separate volumetric rates: one that covers CMU's cost of providing wastewater service to the customer, and one called a "MCWA Pass-Through" to cover CMU's required payments to MCWA. It is important to note that this is true of customers of all utilities which utilize the MCWA system.

As of earlier this year, CMU is a member of MCWA with a seat on its Board. However, when MCWA passed its current sewer rates in October and November of 2024, CMU was not yet a member. In setting the MCWA Pass-Through rate, CMU relied on the rate reflected in MCWA's October and November 2024 minutes: an operating rate of \$3.72 per thousand gallons (or \$2.78 per CCF, the unit by which CMU bills its customers) and an administrative fee of \$1.05 per thousand gallons (\$0.79 per CCF), for a total of \$4.77 per thousand gallons (\$3.57 per CCF). Again, this rate was reflected in both the October 2024 and November 2024 MCWA minutes. Since CMU began charging its new rates, the MCWA Pass-Through has therefore been set at \$4.77 per thousand gallons (\$3.57 per CCF).

At the MCWA board meeting on 10/28/2025, a resolution was passed to amend and correct the language of both the October and November 2024 minutes. The correction states the \$1.05 administrative fee was meant to be charged per customer, per month – not per thousand gallons, as previously stated. Accordingly, all future CMU invoices that include the MCWA Pass-Through will be adjusted to charge \$3.72 per thousand gallons (\$2.78 per CCF) and \$1.05 per customer, per month.

While CMU reasonably based its original MCWA Pass-Through rate on the clear language of MCWA's minutes approving the rate, we understand this adjustment may create some confusion. Our customers may rest assured that as part of the Public Service Commission's order approving CMU's rate change, the Mississippi Public Utilities Staff "will perform an annual true-up report of the sewer treatment pass-through charges" to ensure CMU has not charged its customers more than CMU has been charged by MCWA. MCWA also performs its own annual true-up report for each of its customers and members, including CMU.

CMU is committed to transparency and, in conjunction with MCWA and the Public Utilities Staff, will continue to ensure that the MCWA Pass-Through charge is collected only for the purpose of paying MCWA's sewer rates and does not exceed those rates.



NO.	VEGETATIVE BUFFER	VEGETATIVE BUFFER
1	1.00	1.00
2	1.00	1.00
3	1.00	1.00
4	1.00	1.00
5	1.00	1.00
6	1.00	1.00
7	1.00	1.00
8	1.00	1.00
9	1.00	1.00
10	1.00	1.00
11	1.00	1.00
12	1.00	1.00
13	1.00	1.00
14	1.00	1.00
15	1.00	1.00
16	1.00	1.00
17	1.00	1.00
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92	1.00	1.00
93	1.00	1.00
94	1.00	1.00
95	1.00	1.00
96	1.00	1.00
97	1.00	1.00
98	1.00	1.00
99	1.00	1.00
100	1.00	1.00

# \* VEGETATIVE BUFFER

- WHY ARE THEY IMPORTANT?
1. VEGETATIVE BUFFER: VEGETATIVE BUFFER, SUCH AS BURNING AND STORMY, FINE STORM WATER.
  2. AIR QUALITY: THE VEGETATIVE BUFFER, SUCH AS BURNING AND STORMY, FINE STORM WATER.
  3. EROSION CONTROL: THE VEGETATIVE BUFFER, SUCH AS BURNING AND STORMY, FINE STORM WATER.
  4. FLOODING: THE VEGETATIVE BUFFER, SUCH AS BURNING AND STORMY, FINE STORM WATER.
  5. THE EROSION, AND CAN BE USED TO REDUCE AND IMPROVE SCOUR, AND THE VEGETATIVE BUFFER.
- DO THEY REDUCE NOISE, COMFORT?
- THE VEGETATIVE BUFFER, SUCH AS BURNING AND STORMY, FINE STORM WATER.

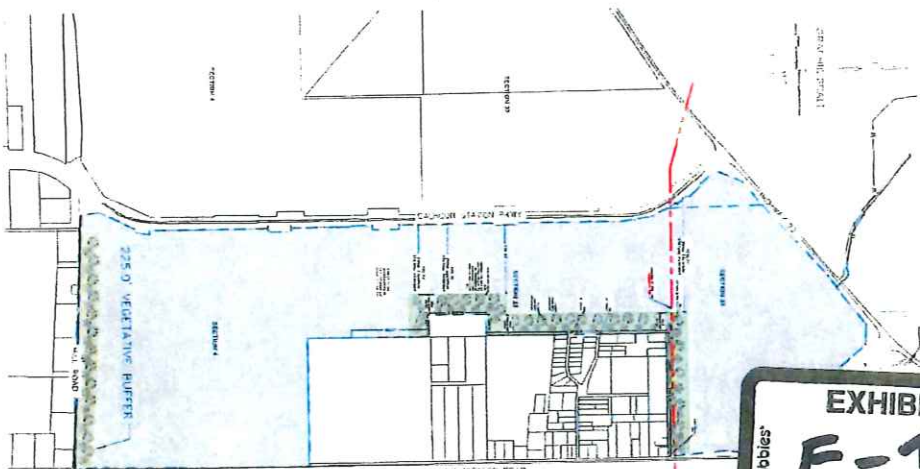


EXHIBIT  
E-1  
Mc EDA

Exhibit #3



**INDUSTRIAL SITE RESTRICTIVE COVENANTS  
MADISON COUNTY, MISSISSIPPI**

THIS DECLARATION OF RESTRICTIVE COVENANTS is made to be effective as of \_\_\_\_, 2025 by the MADISON COUNTY ECONOMIC DEVELOPMENT AUTHORITY, a Mississippi body politic authorized and created pursuant to Chapter 947, Local and Private Laws of 1979, as amended (the "Declarant").

**RECITALS**

A. WHEREAS, the Declarant owns or has a definite contractual right to purchase and own certain lands situated in Madison County, Mississippi (the "County"), as legally described on Exhibit A attached hereto (the "Property");

B. WHEREAS, the Declarant has submitted an Application for Rezoning to the Madison County Department of Permit and Zoning seeking to rezone and to amend the Madison County official zoning map to reflect such rezoning of the Property from its present Use District Classification of Agricultural District (A-1) to Heavy Industrial District (I-2);

C. WHEREAS, the Declarant seeks to maximize the Property by proper utilization of the Property for its highest and best use and, inasmuch, desires that the Property be developed for industrial purposes to attract and locate new industry, including assembly, manufacturing, processing and related operations, which are likely to result in significant capital investment in the community, the creation of new jobs for its residents and additional tax revenues to the County and local school district, and in order to accomplish said purposes and to safeguard the Property, deems it advisable to grant, declare and establish certain restrictive and protective conditional use restrictions upon any future purchasers, owners, tenants, occupants and grantees of the Property;

D. WHEREAS, the Declarant has sought and has received input and feedback from the owners of property located near the Property and desires that the reclassification and rezoning of the Property to Heavy Industrial District (I-2) by the County be contingent and conditioned upon the placing by the Declarant of the restrictive and protective restrictions, covenants, and conditions set forth below (collectively, the "Restrictive Covenants") on the Property by recording the same in the land records of the County;

NOW THEREFORE, the Declarant, acting by and through its Executive Director, hereby declares that any individual, partnership, corporation, limited liability company, trust, or other association or entity now or hereinafter holding any right, title or interest to the Property or any portion thereof and any and all successors shall use said Property only in accordance with the following Restrictive Covenants:

**ARTICLE 1  
GENERAL PROVISIONS**

**Section 1.1**     **Purpose of Rezoning Conditions.** Upon rezoning and reclassifying the Property from its present Use District Classification of Agricultural District (A-1) to Heavy Industrial District (I-2) and recordation of this Declaration of Restrictive Covenants, the Property shall be subject to the Restrictive Covenants hereby imposed for the following purposes:

(a)     To establish the Property as an area within the community where it is deemed desirable to locate new industry, including but limited to assembly, manufacturing, processing, and

**Exhibit #4**

- (d) In general, to provide for a high quality of development of said Property.

**Section 1.2**      **Duration of Covenants.** These Restrictive Covenants shall run with the land and shall be binding on all parties and persons claiming under them or subject thereto unless and until they are changed, altered, amended or terminated, in whole or in part, by the then fee owner of the Property or a portion thereof, provided that any such change, alteration or termination shall require the consent of no less than sixty-percent (60%) of the fee owners of real property located within 1,000 feet of the Property in all directions, excluding the width of roads, streets or highways. Notwithstanding the preceding sentence, following the acquisition of the Property by the Declarant and thereafter for so long as the Declarant is the owner of the Property, the Declarant shall have the right to petition the County to reclassify and rezone the Property from Heavy Industrial District (I-2) to Agricultural District (A-1), and upon the effectiveness of any such reclassification and rezoning of the Property from Heavy Industrial District (I-2) to Agricultural District (A-1), these Restrictive Covenants shall terminate and shall be deemed null and void.

**Section 1.3**    **Invalidation.** Invalidation of any provision of these Restrictive Covenants by a court of competent jurisdiction shall in no way affect any of the other provisions, which shall remain in full force and effect.

**Section 1.4 Enforcement.** These Restrictive Covenants may be enforced by any or all of the following: the County and/or at least one-third (1/3) of the owners of real property located within 1,000 feet of the Property in all directions, excluding the width of roads, streets or highways. Any such enforcement of these Restrictive Covenants may be either by injunction or by any other permissible action at law for damages.

**ARTICLE 2**  
**PERMITTED AND PROHIBITED USES**

**Section 2.1 Permitted Uses.** Subject to all of the prohibitions prescribed by Section 2.2 below and the other terms, conditions and restrictions imposed by these Restrictive Covenants, any of the following shall be permitted:

- (a) Any use by the Declarant permitted by the Zoning Ordinance of the County (the "Zoning Ordinance") in an Agricultural District (A-1), as such uses and district are defined and described therein;
- (b) Any use permitted by the Zoning Ordinance in a Technical Industrial District (TIP), as such uses and district are defined and described therein;

Walden

(c) Any warehousing and/or distribution center operation and/or assembly, manufacturing, fabrication and/or processing operation shall be permitted; provided that any such permitted use shall be conducted within enclosed buildings, except that storage of finished goods inventory and/or articles, materials or other items to be assembled, processed or otherwise changed may be permitted outdoors if properly screened or buffered from view from adjoining properties. Accessory structures, facilities and uses customary and incidental to such permitted uses, including any utility-related improvements, shall also be permitted to the extent not prohibited in Section 2.2 below. Examples of such permitted assembly, manufacturing, fabrication and/or processing uses include the following:

(i) Manufacturing, fabrication, assembly and/or processing of component parts and electronics associated with automobiles, trucks, trailers and other vehicles;

(ii) Manufacturing, fabrication, assembly and/or processing of component parts and electronics associated with aircraft;

(iii) Manufacturing, fabrication, assembly and/or processing of heavy equipment (including agricultural equipment), industrial machinery, other equipment and/or electronics and/or manufacturing and assembly of component parts associated therewith;

(iv) Manufacturing, assembly, processing and/or servicing of computer equipment, communications equipment, laboratory equipment, robotics, and/or related electronics and/or manufacturing and/or manufacturing, assembly and/or processing of component parts associated therewith; and

(v) Manufacturing of pharmaceuticals, medical supplies and/or medical devices.

**Section 2.2 Prohibited Uses.** No portion of the Property or building thereon shall be used or occupied which does not conform to the standards set forth herein. In addition, the following uses are specifically prohibited:

(a) Retail shopping centers, retail convenience stores and/or retail automobile service stations;

(b) Bowling alleys, skating rinks, motion picture theatres, amusement parks, race tracks or other such commercial recreational or entertainment enterprises;

(c) Mortuaries, funeral homes, mausoleums or commercial cemeteries;

(d) Yard and garden centers and horticultural nurseries;

(e) Hotels or motels;

(f) Automobile, truck and other vehicle sales, service and storage (both new and used), including heavy machinery and related implement dealer/repair;

(g) Manufacturing of manufactured homes and/or manufactured home sales;

(h) Mini-storage warehouses; provided that such prohibition is not intended to, nor shall it, prohibit a warehousing and/or distribution center operation which satisfies the conditions set forth in Section 2.1 or Section 3.1;

(i) Truck stops and trucking terminals; provided that such prohibition is not intended to, nor shall it, prohibit the transportation by truck of any items or materials to or from the Property in connection with any use permitted by Section 2.1 above;

(j) Junkyards, salvage yards or auto-wrecking yards;

(k) Rubbish, garbage, or trash dumps;

(l) Primary metal manufacturing: including blast furnaces, steel works and the rolling and finishing of ferrous metals, iron and steel foundries, and primary smelting and refining of nonferrous metals;

(m) Facilities of which the primary use is the manufacture or storage of fireworks, gunpowder or other such highly flammable or explosive materials; provided that such prohibition is not intended to, nor shall it, prohibit the storage of flammable or explosive materials for use in any manufacturing or processing operation permitted in Section 2.1 to the extent any such materials are properly stored and handled in accordance with applicable law, including, without limitation, any applicable federal, state and local regulations;

(n) Facilities of which the primary use is the manufacture or storage of hazardous chemicals or fertilizers; provided that such prohibition is not intended to, nor shall it, prohibit the storage of hazardous chemicals for use in any manufacturing or processing operation permitted in Section 2.1 to the extent any such materials are properly stored and handled in accordance with applicable laws, including, without limitation, any applicable federal, state and local regulations;

(o) Facilities of which the primary use is the treatment, storage or disposal of hazardous waste, provided that such prohibition is not intended to, nor shall it, prohibit the treatment, storage or disposal of hazardous waste from any manufacturing or processing operation permitted in Section 2.1 to the extent any such materials are properly stored and handled in accordance with all applicable laws, including, without limitation, any applicable federal, state and local regulation;

(p) Slaughterhouses or stockyards;

(q) Processing, incineration, or storage of dead animal materials, including offal reduction; curing, tanning, and storage of hides; distillation of bones; and rendering of fat;

(r) Concrete, asphalt or tar manufacture, except for any such activities conducted in association with the construction or development of any infrastructure, equipment, storage area, building, facility or operation permitted in Section 2.1 above;

(s) Quarrying, mining, or petroleum production;

(t) Drilling for, or excavation, mining or extraction of, subsurface minerals, petroleum products or similar substances, including, without limitation, oil, natural gas and carbon dioxide;

(u) In addition to those prohibited uses described in subsections (p) and (q) immediately above, any other operation or activity that creates a nuisance to adjacent property because of an attraction of insects or wildlife to the Property; and

In addition to those prohibited uses described in subsections (a) through (u) above, any other business operation or activity emitting dust particles, gases, fumes, smoke, vibrations or noise in excess of the applicable limit for any such emission under applicable local, state and federal law and the regulations of the Mississippi Department of Environmental Quality and the U.S. Environmental Protection Agency.

Notwithstanding the general prohibitions described in subsections (r) through (t) above, such prohibitions are not intended to, nor shall they, limit or restrict the performance of construction activities conducted in association with the construction, development, improvement or maintenance of any building, facility or operation permitted in Section 2.1 above, including, without limitation, clearing and grubbing work, soil excavation and other such activities customarily associated with preparation of a site for such construction, development, improvement or maintenance of a permitted building, facility or operation. Furthermore, such prohibitions are not intended to, nor shall they, limit or restrict the sale, service and storage of any goods assembled, manufactured, fabricated, or processed on the Property.

The Property and any improvements, signage and other activities shall be subject to compliance with the Zoning Ordinance and all other applicable laws, including, without limitation, any dimensional requirements, landscaping, planting screens or buffers, parking and site plan procedures set forth in the Zoning Ordinance, subject to any conditional uses or variances granted in connection therewith by the County or any department or agency thereof; provided that no such conditional uses or variances may violate the Restrictive Covenants set forth herein.

### **ARTICLE 3 OTHER RESTRICTIONS**

**Section 3.1 Buffer Areas.** No building or any portion thereof shall be constructed or otherwise located within two hundred twenty-five (225) feet (*i.e.*, 75 yards) of the eastern or southern boundaries of the Property (excluding the width of roads, streets or highways), and along such boundaries, the owner, tenant or occupant conducting any permitted use thereon shall also construct or install or cause to be constructed or installed either (a) a planting screen having a height of at least ten (10) feet for noise reduction purposes and to obscure and limit visibility of the Property from the east, west or south, provided, that any such plantings shall be allowed adequate time to reach full maturity and height, (b) an earthen berm having a height of at least ten (10) feet for noise reduction purposes and to obscure and limit visibility of the Property from the east or south, or (c) a privacy fence having a height of at least eight (8) feet; provided, however, that the requirements imposed by this Section 3.1 shall not apply to any boundary of the Property adjoining Highway 22 or Nissan Parkway or the rights-of-way thereof. For purposes of this Section 3.1, the term "privacy fence" means a fence installed to inhibit public view, provide seclusion, and, when viewed at right angles in its vertical plane, has an open face of less than thirty percent (30%).

**Section 3.1 Compliance with Applicable Laws.** The Property and any improvements, signage and other activities shall be subject to compliance with the Zoning Ordinance and all other applicable laws, including, without limitation, any dimensional requirements, landscaping, planting screens or buffers, parking and site plan procedures set forth in the Zoning Ordinance, subject to any conditional

uses or variances granted in connection therewith by Hinds County or any department or agency thereof; provided that no such conditional uses or variances may violate the Restrictive Covenants set forth herein.

**Section 3.2**     **Fire and Explosion Hazard**. Without limiting any portion of Section 2.2 above, all activities on the Property shall be conducted only in structures which conform to the National Board of Fire Underwriters standards concerning plant operation and the storage of explosive raw materials, fuels, liquids, and finished products.

**Section 3.3**     **Liquid or Solid Wastes**. The discharge of untreated industrial wastes into any stream or open or closed drain is expressly prohibited. All methods of industrial sewage and solid waste treatment and disposal shall, to the extent required by applicable law, be approved by the appropriate municipal, county, state and federal agencies. More specifically, all sanitary waste must be discharged only into the sanitary sewer system. The volume, quality and strength of all sewage or waste shall be discharged in strict accordance with applicable law.

(SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF the Declarant has caused this Declaration of Restrictive Covenants to be executed effective as of \_\_\_\_\_, 2025 though actually executed on the date set forth in the acknowledgment below.

MADISON COUNTY ECONOMIC DEVELOPMENT  
AUTHORITY

By: \_\_\_\_\_  
Name: Joseph Deason  
Title: Executive Director

STATE OF MISSISSIPPI  
COUNTY OF \_\_\_\_\_

Personally appeared before me, the undersigned authority in and for the said county and state, on this \_\_\_\_ day of \_\_\_\_\_, 2025, within my jurisdiction, the within named Joseph Deason, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that he executed the same in his representative capacity, and that by his signature on the instrument, and as the act and deed of the Madison County Economic Development Authority upon behalf of which he acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires:  
\_\_\_\_\_

EXHIBIT "A" **MCEDA**

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO  
INDUSTRIAL SITE RESTRICTIVE COVENANTS

**Owners of property located within 160 feet of the Subject Property  
(excluding rights of way for streets and highways)**

Robert Bouldin  
297 Church Road  
Madison, MS 39110

M E Ragsdale Trusts  
Trustmark National Bank, Trustee  
248 E. Capitol Street  
Jackson, MS 39201

Thomas B Harden  
748 Old Jackson Road  
Canton, MS 39046

Karen J Beal  
103 Hill Road  
Canton, MS 39046

Deverio & Tangerla Manning  
115 Hill Road  
Canton, MS 39046

Judy L & Arthur E Williams  
P.O. Box 540728  
Grand Prairie, TX 75054

George & Ora Mae Singleton  
151 Hill Road  
Canton, MS 39046

Fred & Helen R Hawkins  
169 Hill Road  
Canton, MS 39046

Lloyd W Douglas, Jr.  
179 Hill Road  
Canton, MS 39046

Mary S Nickerson  
P.O. Box 307  
Canton, MS 39046

Latonic Luckett and Robert L Jackson, III  
195 Hill Road  
Canton, MS 39046



Exhibit #5

Gloria Smith  
1386 Smith Road  
Louisville, MS 39339

Sireesha Vasireddy, et al  
221 Sycamore Lane  
Madison, MS 39110

Valencia Hampton  
P.O. Box 881802  
Los Angeles, CA 90009

Turkey Lake, LLC  
P.O. Box 4157  
Brandon, MS 39047

Amazon Data Services, Inc.  
C/O Amazon.com Inc  
Attn. Real Estate Manager (AWS)  
P.O. Box 80416  
Seattle, WA 98108-0416

Andra S & Rene Johnson  
1921 W Peace Street  
Canton, MS 39046

Cardell & Jeanette S Whisenton  
1064 Old Jackson Road  
Canton, MS 39046

Partridge-Madison, Inc.  
242 Market Street  
Flowood, MS 39232

North Parkway Properties LLC  
639 Zetus Road  
Brookhaven, MS 39601

Madison/Lakeland Diversified Investment Properties, LLC  
242 Market Street  
Flowood, MS 39232

Otis Wesley, et ux  
Dianne Caldwell  
1007 Old Jackson Road  
Canton, MS 39046

ALCIDA

ALCIDA

Arthur Lee Caldwell Estate  
Ollie Mae Carter Caldwell  
108 A L Caldwell Road  
Canton, MS 39046

Jacqueline Caldwell, et al  
115 A L Caldwell Road  
Canton, MS 39046

Deloris Brent  
158 Laura Drive  
Canton, MS 39046

Murray Lee Smith  
1064 Old Jackson Road  
Canton, MS 39046

R C Bennett  
134 Brown Drive  
Canton, MS 39046

Michael Bennett  
810 Lawrence Road  
Jackson, MS 39206

Alma J Ransburg  
141 Ransburg Road  
Canton, MS 39046

Tony E. Bennett  
134 Brown Drive  
Canton, MS 39046

Vina Jackson  
142 Brown Road  
Canton, MS 39046

Sarah Evans  
124 Brown Drive  
Canton, MS 39046

Andrew Jackson  
117 Brown Road  
Canton, MS 39046

Joyce Bradley  
121 Brown Road  
Canton, MS 39046

Barbara Bradley Sims  
204 Sherwood Drive  
Canton, MS 39046

Jennifer Bradley, et al  
121 Brown Road  
Canton, MS 39046

Nancy Cook Pate  
122 Brown Road  
Canton, MS 39046

Orsby & Barbara Jackson  
120 Brown Drive  
Canton, MS 39046

Jennifer Lee, et al  
689 Rankin Road  
Canton, MS 39046

Leon Adams, et al  
1064 Old Jackson Road  
Canton, MS 39046

Curtis Spencer  
322 East Cherokee  
Brookhaven, MS 39601

Canton M Property, LLC  
P.O. Box 1313  
Canton, MS 39046

Thomas Earl McElroy, et al  
c/o Sandra Pryer  
1635 Dorgan Street  
Jackson, MS 39204

Milton Ransburg  
133 Ransburg Road  
Canton, MS 39046

Henry Beal Estate  
163 Beal Road  
Canton, MS 39046

Dennis Beal  
202 Cole Ridge Court  
Canton, MS 39046

Andrew Johnson, Jr.  
1233 243<sup>rd</sup> Street  
Harbor City, CA 90710

## PETITION IN OPPOSITION TO PROPOSED REZONING

To:

Madison County Planning & Zoning Commission  
and  
Madison County Board of Supervisors  
146 West Center Street  
Canton, Mississippi 39046

From:

The undersigned residents, property owners, and taxpayers of Madison County, Mississippi.

### Subject:

Objection to Petition to Rezone Property from Agricultural (A-1) to Heavy Industrial (I-2)  
Parcel Numbers: 082B-04-008/01.00; 082B-04-008/02.00; 092H-33-003/01.00; 092H-33-003/02.00;  
092H-33D-001/00.00  
Hearing Date: November 3, 2025 at 9:00 a.m.

### Statement of Objection

We, the undersigned, hereby submit this petition to formally object to the proposed rezoning of the above-referenced property from Agricultural (A-1) to Heavy Industrial (I-2) zoning classification. Approval of this rezoning would be inconsistent with the established land use patterns, contrary to the Madison County Comprehensive Plan, and harmful to the public health, safety, and welfare of nearby residents. Our specific objections include, but are not limited to, the following concerns:

1. Incompatibility with Surrounding Uses – The surrounding area is predominantly agricultural and residential. Heavy industrial zoning is incompatible with the character and use of the nearby properties and would create lasting negative impacts on the community.
2. Traffic and Safety Impacts – Industrial uses generate significant heavy truck traffic, which would overburden local rural roads such as [insert local roads/highways]. These roads were not designed for industrial volumes, increasing risks to residents, school buses, and emergency vehicles.
3. Environmental Concerns – Industrial operations pose risks to air and water quality, including potential contamination of wells, runoff into nearby creeks, and other environmental hazards inconsistent with agricultural land use.
4. Noise, Light, and Pollution – Heavy industrial activity brings excessive noise, vibration, and light pollution that would severely diminish the rural quality of life Madison County residents currently enjoy.
5. Property Value Impacts – Nearby agricultural and residential property values would likely decline if the area were rezoned for heavy industry.
6. Conflict with Madison County's Comprehensive Plan – The County's Comprehensive Plan emphasizes the preservation of agricultural land and the protection of residential areas from incompatible development. This rezoning would directly contradict those planning goals.

### Petition Request

We respectfully urge the Madison County Planning & Zoning Commission and the Madison County Board of Supervisors to DENY the request to rezone the above property from Agricultural (A-1) to

Attachment #1

December 03, 2025

Rev. DeVerio Manning  
115 Hill Road  
Canton, Mississippi 39046  
deveriom@yahoo.com  
601-941-8109

Madison County Planning and Zoning  
P.O. Box 608  
Canton, MS 39046

Madison County Planning and Zoning,

REZONING AND RECLASSIFICATION OPPOSITION CAMPAIGN; EXAMINING THE  
ZONING ORDINANCE, MADISON COUNTY, MISSISSIPPI

In the Matter of Rezoning, Certain Lands Situated in: Section 33, Township 9 North, Range 2 East Madison County Mississippi and Section 4 Township 8 North Range 2 East Madison, County, Mississippi, let us say that we, the aggrieved parties, are in opposition to the proposed rezoning and reclassification. We believe that the language to the proposed rezoning application, the developers plans, and any potential impact to the community have been and are ambiguous, vague, overly broad, and contrary to public interest.

The rezoning and reclassification of Madison County Tax Parcels Numbers:

082B-04-008/01.00; That portions of the parcel number: 082B-04-008/02.00 lying east of Calhoun Station Parkway and North of Hill Road; 092H-33-003/01.00; that portion of parcel number; 092H-33-003/02.00 lying east of Calhoun Station Parkway and South of Highway 22; 092H-33D0001/00.00

from Agricultural (A-I) to a Heavy Industrial District (I-2) is inconsistent with surrounding residential uses. And while MCEDA can see the benefits in rezoning to allow a commercial/industrial entity to set up shop in our backyard and further assert that the proposed rezoning properties can support the same type of development as the Industrial Park @ Hwy 22, we, the property owners, assert that our land value and use will be adversely affected and the enjoyment of our property and the surrounding green space will be significantly diminished.

Additionally, seeking a variance to Maximum Building Heights on the property, as set forth in Article XXV, Section 2503.01 to allow any such building height on the property to be determined by the site plan provides too much latitude for new construction and gives way to future chaos and misuse. It is our assertion that the applicant has not demonstrated that adhering to dimensional standards creates a "practical difficulty or hardship" due to unique physical characteristics of the property and does not justify a variance.

Attachment # 2

On behalf of the aggrieved parties who will be adversely affected by the proposed rezoning and reclassification of said properties, our stance is that the Madison County Planning and Zoning Commission decision to move forward with MCEDA's request for rezoning and reclassification is unreasonable and not based on the careful consideration of public interest, and the potential for detriment to the adjacent residential properties and its homeowners.

We, the aggrieved parties, respectfully request that you consider the voices of those who will be most impacted by this decision. Please consider the potential harm to our quality of life and the broader implications for the neighborhood. We would appreciate the opportunity to discuss this matter further and we are available to meet at a scheduled public meeting.

Please know we do not claim to have any legal expertise. Any information provided is for general informational purposes only and should not be relied upon as a substitute for professional legal counsel. We expressly reserve all rights, remedies, and defenses available under applicable law.

As the spokesperson for the Rezoning and Reclassification Opposition Campaign, you may contact me at 601-941-8109.

Respectfully,

 Spokesperson

Opposition to MCEDA Rezoning and Reclassification Request

December 05, 2025

Rev. DeVerio Manning  
115 Hill Road  
Canton, Mississippi 39046  
deveriom@yahoo.com  
601-941-8109

Madison County Planning and Zoning  
P.O. Box 608  
Canton, MS 39046

REQUEST TO RESCHEDULE THE SCHEDULED MADISON COUNTY PLANNING AND  
ZONING DECEMBER 11, 2025, PUBLIC MEETING

Planning and Zoning Commission,

On November 03, 2025, the Board of Supervisor, Madison County, Mississippi called to order the scheduled meeting, in the Matter of Rezoning, Certain Lands Situated in: Section 33, Township 9 North, Range 2 East Madison County Mississippi and Section 4 Township 8 North Range 2 East Madison, County, Mississippi. Petitioner: Madison County Economic Development Authority (MCEDA). And

The meeting was called to order. by Gerald Steen, Board President and on his recommendation, the motion of District 4 Supervisor, Karl Banks, and seconded by District 5 Supervisor Paul Griffin, the complex development meeting proceeded into the public hearing. The purpose of the meeting was the rezoning and reclassification of +/-359 for a variance to Maximum Building Height set forth in Article XXV, Section 2503.01 on property currently owned by Jubilee Company, Inc. situated in Madison County, Mississippi and being Madison County Tax Parcel Numbers: 082B-04-008/01.00; That portions of the parcel number: 082B-04-008/02.00 lying east of Calhoun Station Parkway and North of Hill Road; 092H-33-003/01.00; that portion of parcel number; 092H-33-003/02.00 lying east of Calhoun Station Parkway and South of Highway 22; 092H-33D0001/00.00.

**...SEE MINUTES FROM NOVEMBER 03, 2025, MEETING/PUBLIC HEARING...**

After much back and forth, it was motioned and seconded that there were too many unanswered questions. Subsequently, Gerald Steen, Board President recommended that the matter go to the Planning and Zoning Commission for public hearing. Gerald Steen motioned and the motion was seconded by Paul Griffin.

Note: Public hearings are legal formalized opportunities for public comment, designed to all concerned citizens and others to investigate, examine, and reexamine if necessary general plan adoption, zoning ordinances, development permits and variances. As outlined by Section 804.04

**Attachment #3**

of the Madison County Zoning Ordinance (2019); entitled, Public Hearing Required and reads, "A public hearing shall be held in accordance with Section 811 of this Ordinance for all proposed dimensional variances." Simultaneously, Mississippi Annotated Code 1972, Section 17-1-15 (2024) reads "... no such plan, ordinance (including zoning boundaries), regulations or program shall become effective until after a public hearing, in relation thereto, at which parties in interest, and citizens, shall have an opportunity to be heard."

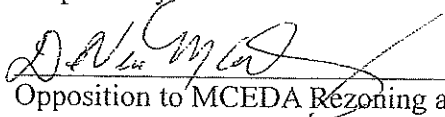
Because of the complexity of the information and the number of potential developments, we respectfully ask that we be allowed ample time to review and examine the proposed rezoning and reclassification matter stated above and investigate the potential negative impacts on our community.

Additionally, we respectfully request that you consider the voices of those who will be most impacted by this decision. Please consider the potential harm to our quality of life and the broader implications for the neighborhood. We would appreciate the opportunity to discuss this matter further. We would like to reschedule the next public meeting for the first available date in February 2026. If this date is not acceptable, please advise us on a future date.

Please know we do not claim to have any legal expertise. Any information provided is for general informational purposes only and should not be relied upon as a substitute for professional legal counsel. We expressly reserve all rights, remedies, and defenses available under applicable law.

As the spokesperson for the Rezoning and Reclassification Opposition Campaign, you may contact me at 601-941-8109.

Respectfully,

, Spokesperson  
Opposition to MCEDA Rezoning and Reclassification Request

December 07, 2025

Rev. DeVerio Manning  
115 Hill Road  
Canton, Mississippi 39046  
deveriom@yahoo.com  
601-941-8109

Madison County Planning and Zoning  
P.O. Box 608  
Canton, MS 39046

Madison County Planning and Zoning Commission,

#### THE DOWNSIDE OF HEAVY INDUSTRIAL DISTRICTS

Somewhere we heard it said that “Man ought to always watch and pray.” And we’ve enjoyed watching you guys finagle around the matter of a heavy industry district (rezoning) and variance (reclassification). And as we’ve watched, we’ve prayed.

The job of the Madison County Planning Zoning Department is to “ensure that the policies, rules and standards of the Comprehensive Plan and current residential and commercial building codes are fairly and efficiently met by all seeking assistance with altering land use, building permits, and other planning or building endeavors.”

Additionally, it is the job and the expectation that the Madison County Planning and Zoning Commission will work diligently to ensure a balance between private interests and those of the community at large. The Commission must be “committed to creating a regulatory framework that ensures that land use policies, restrictions, and fees do not violate private property rights, excessively impact private property values, or create unnecessarily technical limitations upon the use of property which will constitute an unconstitutional taking of private property rights.”

SECTION 2500 of the MADISON COUNTY ZONING ORDINANCE (2019) entitled HEAVY INDUSTRIAL DISTRICT : PURPOSE OF THIS DISTRICT states that “The purpose of this district is to provide areas for the exclusive development of industrial uses that generally have extensive space requirements and/or in which all or part of the activities (other than temporary storage) associated with the use are conducted outdoors (outside of buildings). These activities often generate noise, odors, smoke or vibrations detectable to human senses off the premises on which the use is located.”

Other sources characterize heavy industry

“by the production of large and heavy products, requiring substantial capital investment and extensive facilities. It typically involves complex processes and high energy consumption. Unlike

Attachment #4

light industry, which focuses on consumer goods, heavy industry produces goods that are used as inputs for other industries, such as construction, manufacturing, and energy production.”

Heavy industry spans a wide array of activities and while essential for economic growth, heavy industry comes with numerous drawbacks. First, the negative byproduct of industrialization is environmental pollution that harms human health. Due to the nature of its products and production processes, heavy industry exerts a significant environmental impact. It accounts for about 22% of global greenhouse gas emissions and features other problems such as chemical leakage, oil spills, and expansive water usage. The building of massive facilities required in heavy industry can also result in the displacement of various animal species and even people.

Second is a higher disparity of income and wealth. The rich get richer and the poor get poor. Poorer in wealth! Poorer in health! Poorer in spirit!

Third is the social cost which includes:

- Poor living conditions
- Exposure to hazardous materials
- Unexpected pollution
- Noise Control
- Air pollution, contributing to climate change and creating smog and acid rain. It releases gases like CO<sub>2</sub> (carbon dioxide, major greenhouse gas that traps heat in the atmosphere, contributing to global warming and climate change), SO<sub>2</sub> (Sulfur Dioxide, a toxic respiratory irritant), and NO<sub>x</sub> (Nitrogen Oxide, inhaling pure is fatal, can irritate airways, aggravate asthma, and can cause coughing, wheezing, and difficulty breathing) into the atmosphere.
- Water pollution, factories and industrial processes can contaminate water sources, leading to pollution of lakes, ponds, and waterways.
- Soil contamination, industrial activities can introduce heavy metals and toxic chemicals into the soil affecting soil health and reducing agricultural activity.
- Habitat destruction, the expanse of industrial infrastructure often leads to habitat destruction, disrupting local ecosystems and threatening plant and animal species.
- Waste generation, the discarding of large amounts of commercial and industrial waste as a byproduct of consumption and production.
- Waste management from construction and building projects
- Economic damage and the high cost of environmental regulations/pollution cleanup.

It is a known fact that the 'economic shift of the past thirty-five years is a direct result of decisions made by corporate and government leaders to pursue economic profit rather than the good of either communities or the environment.' The United States has been one of the world's greatest industrial powers for well over a century, but it also has a long and unfortunate history of industrial and workplace accidents. Many of these accidents have resulted in significant loss of life and have had a lasting impact on the communities in which they occurred." Deadly U.S. Industrial accidents in the past twenty years include:

#### BP TEXAS CITY REFINERY, 2005

Fifteen workers were killed and 180 injured in an explosion at a BP refinery in Texas City, Texas, on March 23, 2005. A series of explosions occurred during the restarting of a hydrocarbon isomerization unit, the U.S. Chemical Safety Board said in a report. The explosions occurred when a distillation tower flooded with hydrocarbons and was overpressurized, causing a geyser-like release from the vent stack, the report said.

#### IMPERIAL SUGAR REFINERY, 2008

An explosion caused by combustible sugar dust killed 14 people and injured 36 at the Imperial Sugar manufacturing facility in Port Wentworth, Georgia, on February 7, 2008. Eight workers died at the scene and six others died in hospital, while 36 workers were treated for serious burns and injuries, according to a U.S. Chemical Safety Board report.

#### DEEPWATER HORIZON OIL SPILL, 2010

An explosion aboard the Deepwater Horizon drilling rig 49 miles (79 km) off the coast of Louisiana killed 11 workers and unleashed the worst offshore oil spill in U.S. history, dumping 4.9 million barrels of oil into the Gulf of Mexico over 87 days. A national commission appointed by then-President Barack Obama traced complex causes of the Macondo well blowout to a series of mistakes by BP, Halliburton, and Transocean that revealed systematic failures in risk management.

#### WEST FERTILIZER COMPANY, 2013

A fire and explosion at the West Fertilizer Company in West, Texas, killed 14 people and injured hundreds more on April 17, 2013. The explosion resulted from an intense fire in a wooden warehouse building that led to the detonation of approximately 30 tons of ammonium nitrate stored in wooden bins, according to a report by the U.S. Chemical Safety Board.

#### DUPONT LA PORTE FACILITY, 2014

Four workers were killed and a fifth was injured in an accident at DuPont's facility in La Porte, Texas, on November 15, 2014, when methyl mercaptan, a toxic chemical used in the company's insecticide and fungicide manufacturing process, was released, according to a report by the U.S. Chemical Safety Board.

#### DIDION MILLING PLANT, 2017

Five people were killed and 14 injured in an explosion at the Didion Milling dry corn milling plant in Cambria, Wisconsin, on May 31, 2017. The U.S. Chemical Safety Board determined the accident was caused by the ignition of combustible corn dust inside process equipment, which led to multiple explosions.

#### R.M. PALMER CHOCOLATE FACTORY, 2023

Seven people were killed and 10 injured in an explosion at the R.M. Palmer Company candy manufacturer on March 24, 2023, in West Reading, Pennsylvania. A U.S. National Transportation Safety Board report found that natural gas that was transported through a pipeline leaked into and accumulated in the basement of the building. The gas ignited, causing the explosion.

#### FLINT WATER CRISIS, 2014-2015


A change in the source of water for the city of Flint, Michigan led to widespread contamination of the city's water supply with lead and other toxins. The crisis resulted in a significant number of illnesses and deaths, and it was caused by a failure of government officials to properly monitor and regulate the city's water supply.

Finally, we, the aggrieved parties, respectfully request that you consider the voices of those who will be most impacted by this decision. Please consider the potential harm to our quality of life and the broader implications for the neighborhood. We would appreciate the opportunity to discuss this matter further and we are available to meet at a scheduled public meeting.

As the spokesperson for the Rezoning and Reclassification Opposition Campaign, you may contact me at 601-941-8109.

Please know we do not claim to have any legal expertise. Any information provided is for general informational purposes only and should not be relied upon as a substitute for professional legal counsel. We expressly reserve all rights, remedies, and defenses available under applicable law.

Respectfully,

, Spokesperson  
Opposition to MCEDA Rezoning and Reclassification Request

December 18, 2025

115 Hill Road  
Canton, MS 39046  
601-941-8109

Madison County Board of Supervisors  
Madison County Administrative Office Building  
125 W. North Street  
Canton, MS 39046

Madison County Board of Supervisors.

The Madison County Board of Supervisors violated Citizens' due-process rights when it failed to follow the process required by the Madison County Zoning Ordinances (2019). The Application for Rezoning and Reclassification, and the Amended Application for Rezoning and Reclassification, and for Variance are currently before the Madison County Planning and Zoning Commission for hearing on January 08, 2026. The Citizens in opposition to MCEDA applications/petitions have not been allowed ample opportunity to be heard and voice our objections before the Madison County Planning and Zoning Commission.

We, the Citizens in opposition to MCEDA's applications/petitions, ask that you, the Madison County Board of Supervisors, allow us the opportunity, guaranteed to us as citizens of Madison County and the State of Mississippi by Section 804.04 of the Madison County Zoning Ordinance (2019); entitled, Public Hearing Required and it reads, "A public hearing shall be held in accordance with Section 811 of this Ordinance for all proposed dimensional variances," and Mississippi Annotated Code 1972, Section 17-1-15 (2024) that reads "... no such plan, ordinance (including zoning boundaries), regulations or program shall become effective until after a public hearing, in relation thereto, at which parties in interest, and citizens, shall have an opportunity to be heard." Additionally, we ask that you, Madison County Board of Supervisors, discontinue with the inconsistencies in your decisions and planning and the obvious violations of our rights to be heard at legally scheduled public hearings.

As the spokesperson for the Rezoning and Reclassification, and Variance Opposition Campaign, you may contact me, DeVerio Manning, at 115 Hill Road, Canton, MS 39046.  
601-941-8109.

Respectfully,

 Spokesperson

Opposition to MCEDA's Rezoning and Reclassification Application and Variance Petition with amendments

Attachment # 5

Sowell Place, Parcel Number 051F-13-002/01.00, 636 Mt Leopard Rd. Canton, MS  
39046, 162 AC ACD NW  $\frac{1}{4}$  Less 24.8 AC IN,  $\frac{1}{2}$  & LESS S $\frac{1}{2}$  SE $\frac{1}{4}$ , N $\frac{1}{2}$ , SW $\frac{1}{4}$   
NE $\frac{1}{4}$ , & S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$

**Attachment #6**

# BUTLER | SNOW

October 30, 2025

## VIA EMAIL AND HAND DELIVERY

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

Re: Sowell Place, LLC Application for Rezoning

Dear Scott,

On behalf of Sowell Place, LLC, please find enclosed eight (8) copies of Sowell Place's Application and supporting documentation requesting rezoning approval of the subject property before the Madison County Planning Commission and the Madison County Board of Supervisors. For reference, I have enclosed the following:

- Authorization Letter from Sowell Place, LLC;
- Application;
- Petition (including Exhibits A – C);
- Rezoning Form Letter.

Pursuant to Section 806 of Madison County's Zoning Ordinance, Sowell Place will notify all property owners within 160 feet of the subject property of the pending Application at least fifteen (15) days before the hearing, which is set for December 11, 2025, at 9 a.m. A list of the adjacent property owners is contained in Exhibit A to the enclosed Petition.

Should you have any questions, please do not hesitate to contact me.

Sincerely

BUTLER SNOW LLP



B. Parker Berry

Encl. (8)  
98062439.v1

Post Office Box 6010  
Ridgeland, MS 39158-6010

B. PARKER BERRY  
601.985.4402  
parker.berry@butlersnow.com

Suite 1400  
1020 Highland Colony Parkway  
Ridgeland, Mississippi 39157

T 601.948.5711 • F 601.985.4500 • [www.butlersnow.com](http://www.butlersnow.com)

BUTLER SNOW LLP

Attachment #7

Sowell Place, LLC.  
605 Crescent Blvd  
Suite 200  
Ridgeland, MS 39157

October 27, 2025

Madison County Board of Supervisors  
Madison County, Mississippi  
146 W. Center St.  
Canton, MS 39046

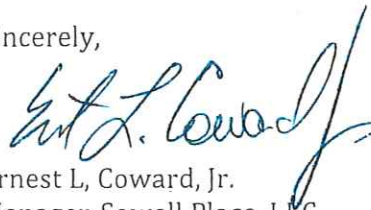
To Whom it May Concern:

I am the manager of Sowell Place, LLC, who is the owner of 85.25+/- acres of land along Virilia Road in The County of Madison in Madison County, Mississippi, on which the proposed Petition to Rezone and Reclassify Real Property is located.

This letter is to advise you that Butler Snow is authorized to represent the owners of the proposed rezoning of land before The Madison County Board of Supervisors and other agencies of The County to seek approval for the rezoning of the proposed areas, and for related purposes.

Thank you for your consideration. If you need any further information, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ernest L. Coward, Jr.", with a stylized flourish at the end.

Ernest L. Coward, Jr.  
Manager-Sowell Place, LLC.

FILED

## APPLICATION FOR REZONING

**Name and Address of Applicant:**

Sowell Place, LLC  
605 Crescent Blvd., Ste 200  
Ridgeland, MS 39157

APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
October 30, 2025	C-2	See (Exhibit B to Petition)	092E-22-004/00.00	X	See (Exhibit A to Petition)

**Other Comments:** As per Article VIII Section 806 of the Madison County Zoning Ordinance.

**Comments:**

Sowell Place, LLC requests rezoning of its parcel from C-2 to I-2 due to a change in the character of the neighborhood to justify rezoning and the public need for such rezoning. Exhibits A and B to the Petition are the survey and legal descriptions of the subject property, respectively. Exhibit C to the Petition sets forth in detail the reasons justifying such a rezoning.

Respectfully Submitted

Parker Berry, Butler Snow LLP, Counsel to Sowell Place, LLC

Petition submitted to Madison County Planning and Development  
Commission on \_\_\_\_\_

Recommendation of Madison County Planning and Development  
Commission on Petition \_\_\_\_\_

Public Hearing date as established by the Madison County Board of  
Supervisors \_\_\_\_\_

Final disposition of Petition \_\_\_\_\_

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON  
STATE OF MISSISSIPPI

IN THE MATTER OF REZONING OF  
CERTAIN LAND SITUATED IN SECTION 22  
TOWNSHIP, 9 NORTH, RANGE 2 EAST  
MADISON COUNTY, MISSISSIPPI

PETITIONER:

SOWELL PLACE, LLC

PETITION TO REZONE AND RECLASSIFY REAL PROPERTY

Comes now Sowell Place, LLC, owner of the hereinafter described land and property, and files this petition with the Board of Supervisors of Madison County, Mississippi, to rezone and reclassify a tract or parcel of land situated in Section 22, Township 9N, Range 2E, Madison County, Mississippi, more particularly described as follows, to-wit:

**SEE EXHIBITS A and B**

from its present Zoning District Classification of C-2 District to a I-2 District, in support thereof would respectfully show as follows, to-wit:

1. The subject property consists of 85.25 acres.
2. The zoning proposed is not in compliance with the adopted Land Use and Transportation Plan of Madison County, which each is six (6) years old, but is the highest and best use.
3. List of changes or conditions that support rezoning:

**SEE EXHIBIT C**

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that this petition be received, and after due consideration, the Board of Supervisors of Madison County will enter an order amending the land use plan to reflect industrial zoning, and reclassifying this property from its present C-2 District classification to a I-2 District.

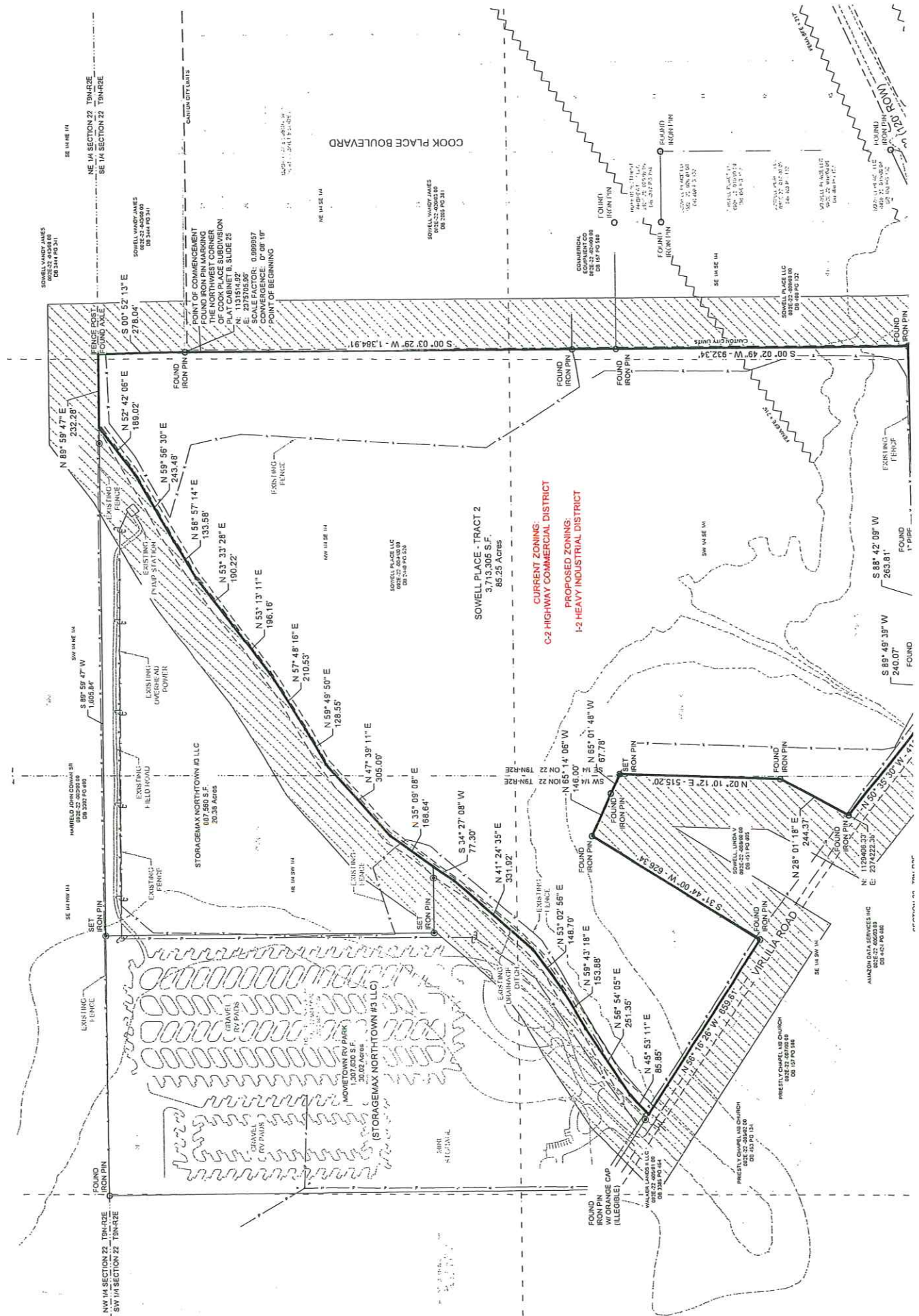
Respectfully submitted, this the 30th day of October, 2025.

A handwritten signature in blue ink, appearing to be "B. Turner", written over a horizontal line.

Butler Snow LLP, Counsel to  
Sowell Place, LLC -- Petitioner

EXHIBIT A

Attached



**EXHIBIT B**

Attached

Legal Description  
85.25 Acre Parcel of Land  
located wholly within Parcel 092E-22-004/00.00  
Madison County, Mississippi

Commence at a found iron pin marking the northwest corner of the Cook Place Subdivision according to the map or plat thereof entitled which is filed for record in the office of the Chancery Clerk of Madison County, Mississippi, at Canton, Mississippi, as filed for record in Plat Cabinet B, Slide 25 reference to which is hereby made for all purposes; said found iron pin having the coordinates N: 1131514.92', E: 2375705.96' (NAD-83 MS West Mississippi State Plane West Zone); said found iron pin also being the point of beginning of this legal description described by metes and referenced bounds as follows, to wit:

Thence run South 00° 03' 29" West for a distance of 1,384.91' to a found iron pin marking the northwest corner of Parcel 092E-22-009/00.00 as recorded in Deed Book 498 at Page 132 in the office of said Chancery Clerk; thence run South 00° 02' 49" West along the west boundary of said Parcel 092E-22-009/00.00 for a distance of 932.34' to a found iron pin marking the northeast corner of Parcel 092H-27-028/00.00 as recorded in Deed Book 2475 at Page 417 in the office of said Chancery Clerk; thence run South 88° 54' 21" West along the north boundary of said Parcel 092H-27-028/00.00 for a distance of 658.30' to a found 1" pipe marking the northwest corner of said Parcel 092H-27-028/00.00; thence run South 88° 42' 09" West for a distance of 263.81' to a found iron pin marking the northwest corner of Parcel 092H-27-025/00.00 as recorded in Deed Book 2449 at Page 530; thence run South 02° 22' 14" West along the west boundary of said Parcel 092H-27-025/00.00 for a distance of 33.44' to a set iron pin; leaving said west boundary, thence run South 89° 49' 39" West for a distance of 240.07' to a set iron pin on the north right-of-way of Virilia Road, a public street, as said street is now laid out, established and dedicated; thence run North 50° 35' 30" West along said north right-of-way of Virilia Road for a distance of 411.65' to a found iron pin; said found iron pin marking the southernmost corner of Parcel 092E-22-020/01.00 as recorded in Deed Book 451 at Page 695 in the office of said Chancery Clerk; thence run North 28° 01' 18" East along the east boundary of said Parcel 092E-22-020/01.00 for a distance of 244.37' to a found iron pin; thence run North 02° 10' 12" East for a distance of 515.20' to a set iron pin; thence run North 65° 01' 48" West for a distance of 67.78' to a found iron pin; thence run North 65° 14' 06" West for a distance of 146.00' to a found iron pin marking the northernmost corner of said Parcel 092E-22-020/01.00; thence run South 31° 44' 00" West along the west boundary of said Parcel 092E-22-020/01.00 for a distance of 626.34' to a found iron pin marking the westernmost corner of said Parcel 092D-22-020/01.00; said found iron pin being on the north right-of-way of said Virilia Road; thence run North 56° 16' 26" West along said north right-of-way of Virilia Road for a distance of 659.61' to a point in the center of an existing drainage ditch and the southernmost corner of Movietown RV Park; run thence along said existing drainage ditch as follows; thence run North 45° 53' 11" East for a distance of 85.85' to a point; thence run North 56° 54' 05" East for a distance of 251.35' to a point; thence run North 59° 43' 18" East for a distance of 153.88' to a point; thence run North 53° 02' 56" East for a distance of 148.79' to a point; thence run North 41° 24' 35" East for a distance of 331.92' to a point; thence run North 34° 27' 08" East for a distance of 77.30' to a point; thence run North 35° 09' 08" East for a distance of 168.64' to a point; thence run North 47° 39' 11" East for a distance of 305.09' to a point; thence run North 59° 49' 50" East for a distance of 128.55' to a point; thence run North 57° 48' 16" East for a distance of 210.53' to a point; thence run North 53° 13' 11" East for a distance of 196.16' to a point; thence run North 53° 33' 28" East for a distance of 190.22' to a point; thence run North 58° 57' 14" East for a distance of 133.58' to a point; thence run North 59° 56' 30" East for a distance of 243.48' to a point; thence run North 52° 42' 06" East for a distance of 189.02' to a point on the quarter section line of the Northeast 1/4 and the Southeast 1/4 of Section 22, Township 9 North, Range 2 East of Section 22 and the boundary of Parcel 092E-22-003/00.00 as recorded in Deed Book 3392 at Page 690 in the office of said Chancery Clerk; thence run North 89° 59' 47" East along said quarter section line and south boundary for a distance of 232.28' to a fence post and a found axle marking the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 22; thence run South 00° 52' 13" East for a distance of 278.04' to the point of beginning.

The above described parcel of land contains 85.25 acres, more or less, or 3,713,305 square feet, more or less, and is situated in of the Southeast 1/4 (SE 1/4) and the Southwest 1/4 (SW 1/4) of Section 22, Township 9 North, Range 2 East and the Northwest 1/4 Northeast 1/4 (NW 1/4 NE 1/4) of Section 27, Township 9 North, Range 2 East, Madison County, Mississippi. Bearings referenced by Grid North by GPS Observation (NAD83; CORS96).

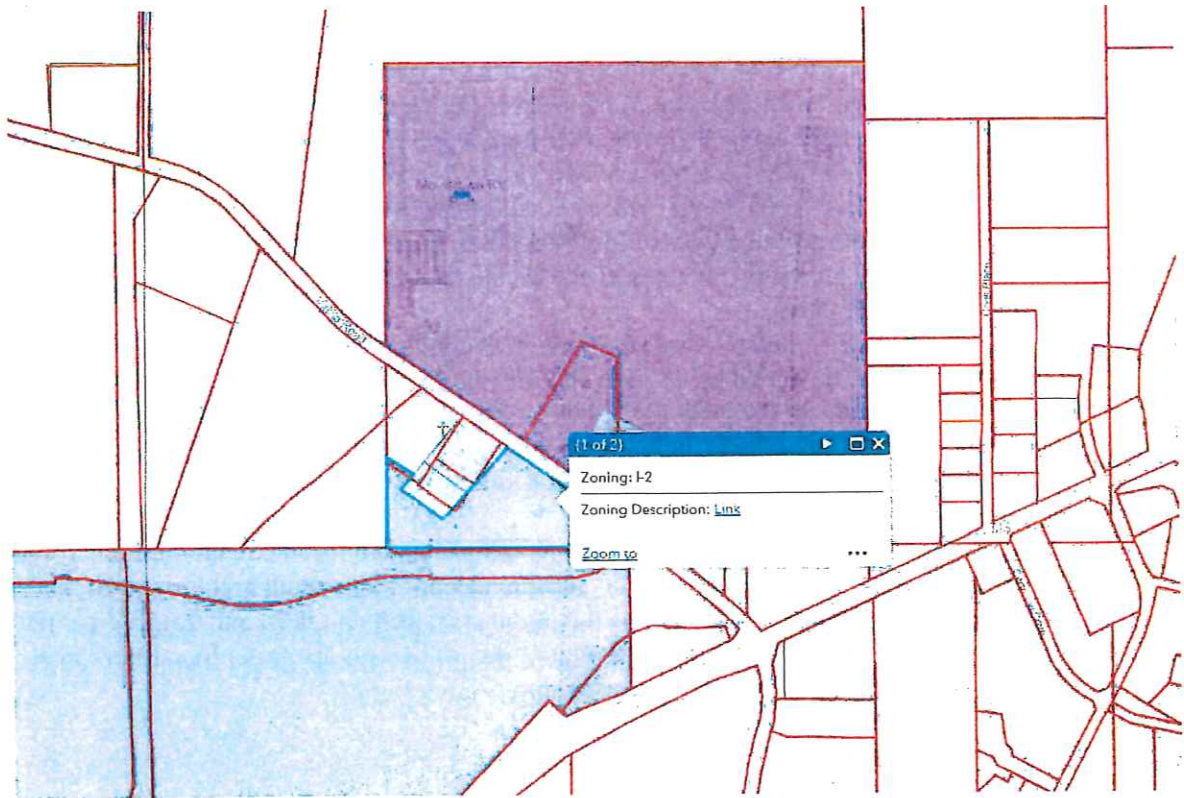
## EXHIBIT C

### SOWELL PLACE, LLC RE: PETITION FOR REZONING

Pursuant to Section 806.03 of the Madison County Zoning Ordinance, Sowell Place, LLC's ("Sowell Place") application for rezoning the subject property ("Property") meets the change in character of the neighborhood to justify reclassification, and that there is a public need for such rezoning for the following reasons:

1. The Property is currently zoned C-2 (purple in Map 1), but numerous parcels directly to the south of the property across Virillia Road are zoned I-2 (gray in Map 1). Therefore, a change in zoning of the Property from C-2 to I-2 would be consistent with an immediately adjacent zone and its related heavy industrial uses.

Map 1

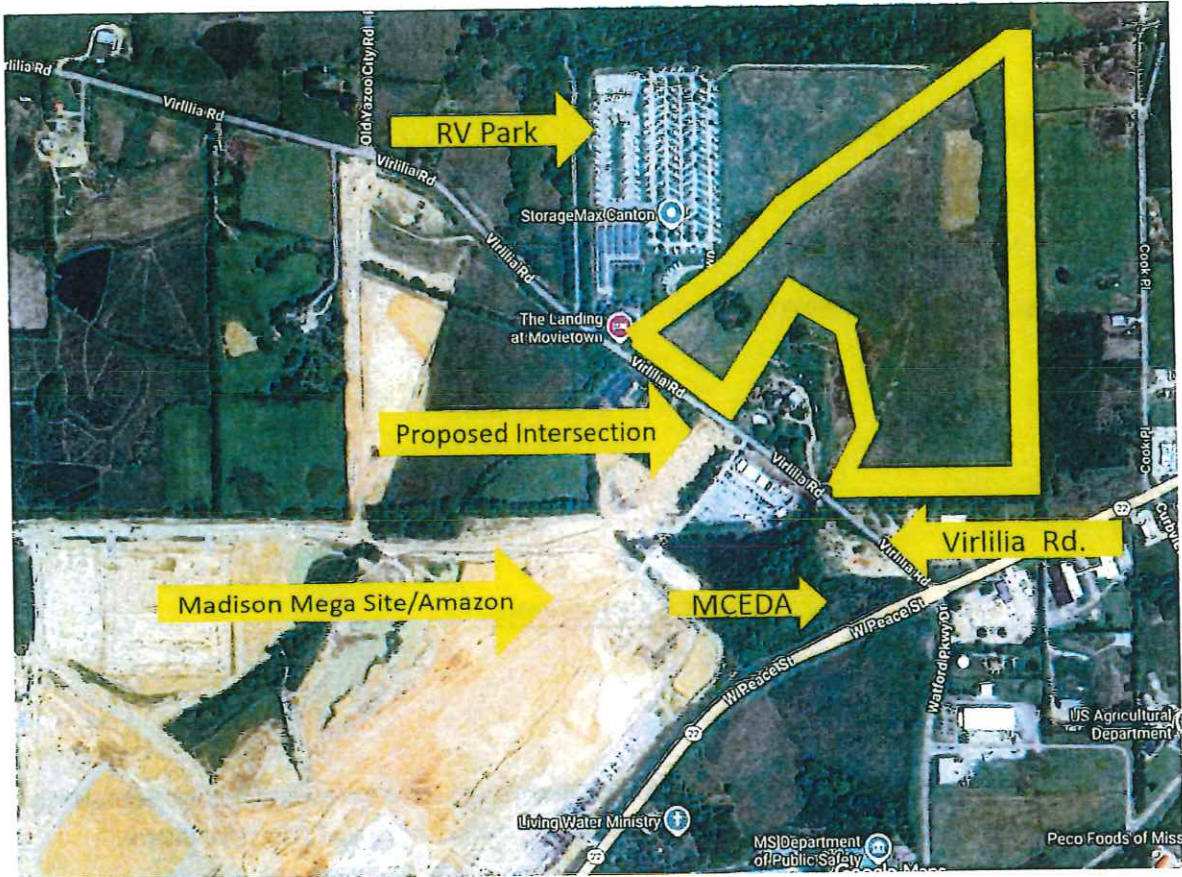


2. Madison County's (the "County") Comprehensive Plan (the "Plan") specifically lists six goals for the Plan. Plan at p.5. Goal #3 is to encourage economic development in the County. Plan at p.5. Changing the zoning of the Property from C-2 to I-2 accomplishes the desire of the Plan to further promote economic development to allow for expansion of industrial uses to the Property in an area already heavily industrialized. This satisfies the public need of promoting economic development within the County, which directly leads

to increased tax revenues for the citizens of the County, which is the highest and best use for the Property—a clear public need.

3. The Plan and the County's current Zoning Ordinance were last adopted in 2019. While the Plan also contains the future Land Use Plan for the County that indicates the future land use of the Property as commercial, much has changed around the Property since the Plan's adoption in 2019. For example:
  - a. Several of the parcels directly to the south of the Property comprise what is known as the Madison County Megasite for large, heavy industrial projects. Map 2 below depicts the location of the Megasite in relation to the Property. Since 2019, the Megasite has grown to its current size to accommodate several large industrial projects that were not in existence in 2019 when the Plan and Zoning Ordinance were adopted. One of those projects locating adjacent to the Property on these parcels (as shown in Map 2 below) and that evidences a change in the character of the neighborhood is the largest economic development project in the history of Mississippi: Amazon Data Services and the construction of at least 16 data center buildings on the Megasite. The survey attached as Exhibit A to the Petition shows the relevant industrial parcels owned by Amazon and the Madison County Economic Development Authority—which is the relevant authority tasked with recruiting and locating industrial projects to the area.
  - b. As also demonstrated in the Map 2, the parcels directly adjacent to the northeast and north of the Property belong to Storagemax Northtown #3, LLC, which operates what is known as the Movietown RV Park. As the previous owner of these parcels, Sowell Place can attest that the vast majority of the RV tenants are vendors and suppliers providing labor, materials and services to the industrial projects located and occurring on the Megasite property directly to the south of the Property.
  - c. Finally, in efforts to accommodate the industrial traffic in the area, Virillia Road is set to be expanded to three lanes along the southern border of the Property. Further, as depicted in the below Map 2, there is also proposed the construction of a new intersection in the same area on Virillia Road to accommodate ingress and egress of traffic directly to and from the Megasite.
4. All the above establishes a clear change in the character of the neighborhood around the Property and corresponding public need to accommodate industrial growth in the area to justify the Property's rezoning to Industrial (I-2) as the highest and best use for the Property, which is consistent with one of the primary goals of the Plan to promote economic development within the County.

Map 2



97529371.v1

BEFORE THE PLANNING AND ZONING COMMISSION AND THE  
BOARD OF SUPERVISORS OF  
MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE REZONING  
OF CERTAIN LAND SITUATED IN  
SECTION 22, TOWNSHIP 9 NORTH,  
RANGE 2 EAST, MADISON COUNTY,  
MISSISSIPPI

SOWELL PLACE, LLC

PETITIONER

NOTICE OF HEARING

TO: Surrounding Property Owners

PLEASE TAKE NOTICE that Sowell Place, LLC has filed a Petition to rezone and reclassify a 85.25 acre tract of land situated in Section 22, Township 9 North, Range 2 East, Madison County, Mississippi. The petition, legal description of the subject property and related documents supporting the rezoning are attached hereto and made part of this Notice.

The subject property is currently zoned C-2. The Petitioner has thus filed a Petition to rezone and reclassify the subject property from its present classification to a classification of I-2.

Please take notice that the Madison County Planning and Zoning Commission will conduct a public hearing on the said Petition in the Board of Supervisors Hearing Room in the Madison County Administrative Office Building, located at 125 West North Street, Canton, Mississippi at 9 a.m. on December 11, 2025, or on a subsequent date to which the matter may be continued.

As the owner of the property located within 160 feet of the subject property (excluding the right of ways for streets and highways), you have the right to offer any objection to or support of the Petition. However, you are not required to be present.

You are given this Notice in accordance with Section 806.05 of the Madison County Zoning Ordinance, adopted December 2019. This the \_\_\_\_ day of November, 2025.

By: Parker Berry, Butler Snow LLP, Counsel to Sowell Place, LLC

Contact Information: [parker.berry@butlersnow.com](mailto:parker.berry@butlersnow.com)  
601-985-4402

# APPLICATION FOR REZONING

A-1 to I-2

Name and Address of Applicant:

LLB Farms LLC  
116 Ashbrooke Trl  
Madison, MS 39110

APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
07/23/2024	A-1	See (Exhibit A)	092E-21-002/01.00 092E-21-002/04.00	X	See (Exhibit B)

Other Comments: As per Article VIII Section 806 of the Madison County Zoning Ordinance.

Comments

Respectfully Submitted

LLB Farms LLC

.....

Petition submitted to Madison County Planning and Development Commission on \_\_\_\_\_

Recommendation of Madison County Planning and Development Commission on Petition \_\_\_\_\_

Public Hearing date as established by the Madison County Board of Supervisors \_\_\_\_\_

Final disposition of Petition \_\_\_\_\_

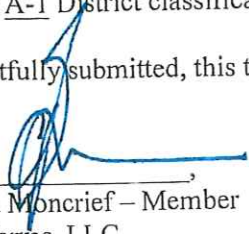
Attachment #1

At home do HA

SEE EXHIBIT B

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that this petition be received, and after due consideration, the Board of Supervisors of Madison County will enter an order amending the land use plan to reflect I-2 zoning, and reclassifying this property from its present A-1 District classification to a I-2 District.

Respectfully submitted, this the 1st day of August, 2024.

 Petitioner  
C Brad Moncrief – Member  
LLB Farms, LLC.

60.49 Acres+/-

Section 21, T-9-N, R-2-E

Madison County, MS

A tract or parcel of land containing 60.49 acres, lying and being situated in the Northwest and Northeast Quarters of Section 21 Township 9 North, Range 2 East, Madison County, Mississippi.

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83, Grid Values, U.S. Survey feet using a scale factor of 0.99995623 and a grid to geodetic azimuth angle of 0 degrees 07 minutes 45 seconds developed at the below described POINT OF BEGINNING:

Begin at a found ½ inch rebar at the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 21, Township 9 North, Range 2 East, Madison County, Mississippi;

From said point run South 00 degrees 00 minutes 04 seconds East, along an old fence and along the West line of a tract of land found at Deed Book 3084 Page 485 of the Office of Chancery Clerk of Madison County, Mississippi, for a distance of 18.13 feet to a set ½ inch rebar on the Top Bank of a Creek;

Thence run South 00 degrees 00 minutes 04 seconds East for a distance of 19.37 feet to the center of said Creek, said point also being the Northeast corner of a tract of land found at Deed Book 3639 Page 789 of the Office of Chancery Clerk of Madison County, Mississippi;

Thence run South 50 degrees 45 minutes 52 seconds West, along the center of said Creek and the North line of the above mentioned parcel, for a distance of 1,441.15 feet to a point on the North Right of Way of Virililia Road, ½ inch rebar set as a reference corner North 04 degrees 41 minutes 21 seconds West a distance of 20.84 feet at a 50" tree;

Thence run along the North Right of Way of Virililia Road for the following 3 calls:

North 89 degrees 24 minutes 31 seconds West for a distance of 993.70 feet to a point;

Run along a curve to the right a distance of 467.48 feet to a point, said curve having a radius of 1,097.49 feet, and a chord bearing North 76 degrees 30 minutes 51 seconds West having a chord length of 463.95 feet;

North 63 degrees 42 minutes 36 seconds West for a distance of 429.99 feet to a found ½ inch rebar at the intersection of said Northerly Right of Way with the center of a 200 feet wide Mississippi Power and Light Right of Way, found at Deed Book 96 Page 55;

Thence run North 44 degrees 00 minutes 11 seconds East, along the center of said Mississippi Power and Light Right of Way, for a distance of 1,305.41 feet to a found ½ inch rebar;

Thence run North 89 degrees 58 minutes 05 seconds East, along the South line of a tract of land found at Deed Book 3084 Page 485, for a distance of 2,039.69 feet, back to the POINT OF BEGINNING.

The above description is based off plat of survey by Williams, Clark, and Morrison dated December 22, 2023.

Williams, Clark, and Morrison  
Engineers and Surveyors  
213 South Main Street  
Yazoo City, MS 39194  
662-746-1863

BEFORE THE PLANNING AND ZONING COMMISSION AND THE  
BOARD OF SUPERVISORS OF  
MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE REZONING  
OF CERTAIN LAND SITUATED IN  
SECTION 21, TOWNSHIP 09 NORTH,  
RANGE 02 EAST, MADISON COUNTY,  
MISSISSIPPI

LLB Farms, LLC

PETITIONER

By: C Brad Moncrief - Member

NOTICE OF HEARING

TO: Surrounding Property Owners

PLEASE TAKE NOTICE that LLB Farms, LLC. has filed a Petition to rezone and reclassify a 60 acre tract of land situated in Section 21, Township 09 North, Range 02 East, Madison County, Mississippi. The petition and legal description of the subject property is attached hereto and made part of this Notice.

The subject property is currently zoned A-1. The Petitioner has thus filed a Petition to rezone and reclassify the subject property from its present classification to a classification of I-2.

Please take notice that the Madison County Planning and Zoning Commission will conduct a public hearing on the said Petition in the Board of Supervisors Hearing Room in the Madison County Administrative Office Building, located at 125 West North Street, Canton, Mississippi at 9:00 a.m. on Thursday, September 12, 2024.

or on a subsequent date to which the matter may be continued.

As the owner of the property located within 160 feet of the subject property (excluding the right of ways for streets and highways), you have the right to offer any objection to or support of the Petition. However, you are not required to be present.

You are given this Notice in accordance with Section 806.05 of the Madison County Zoning Ordinance, adopted December 2019. This the 1 day of August, 2024.

By: 

LLB Farms LLC. / By: C Brad Moncrief - Member

Contact Information:

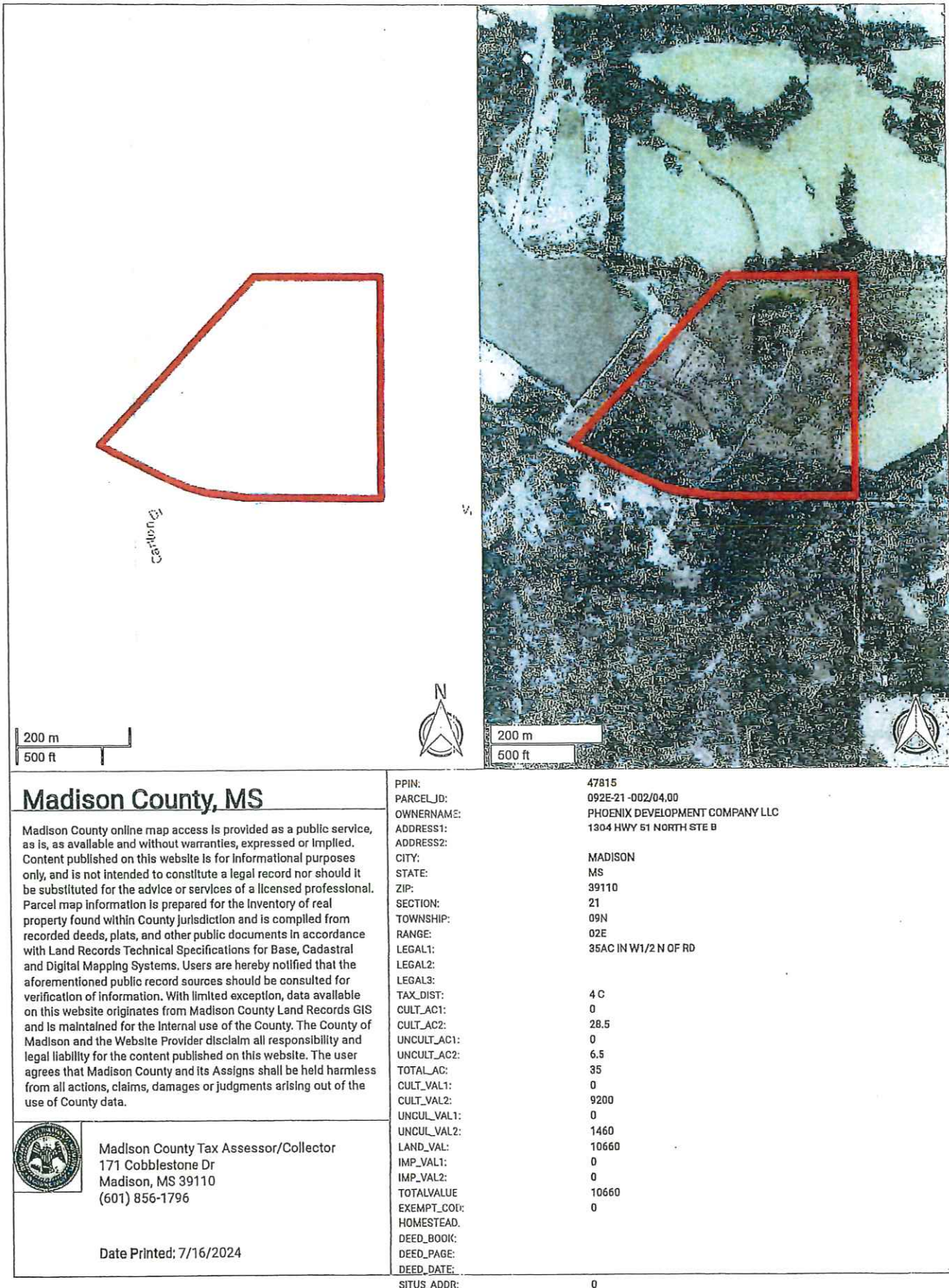
C Brad Moncrief

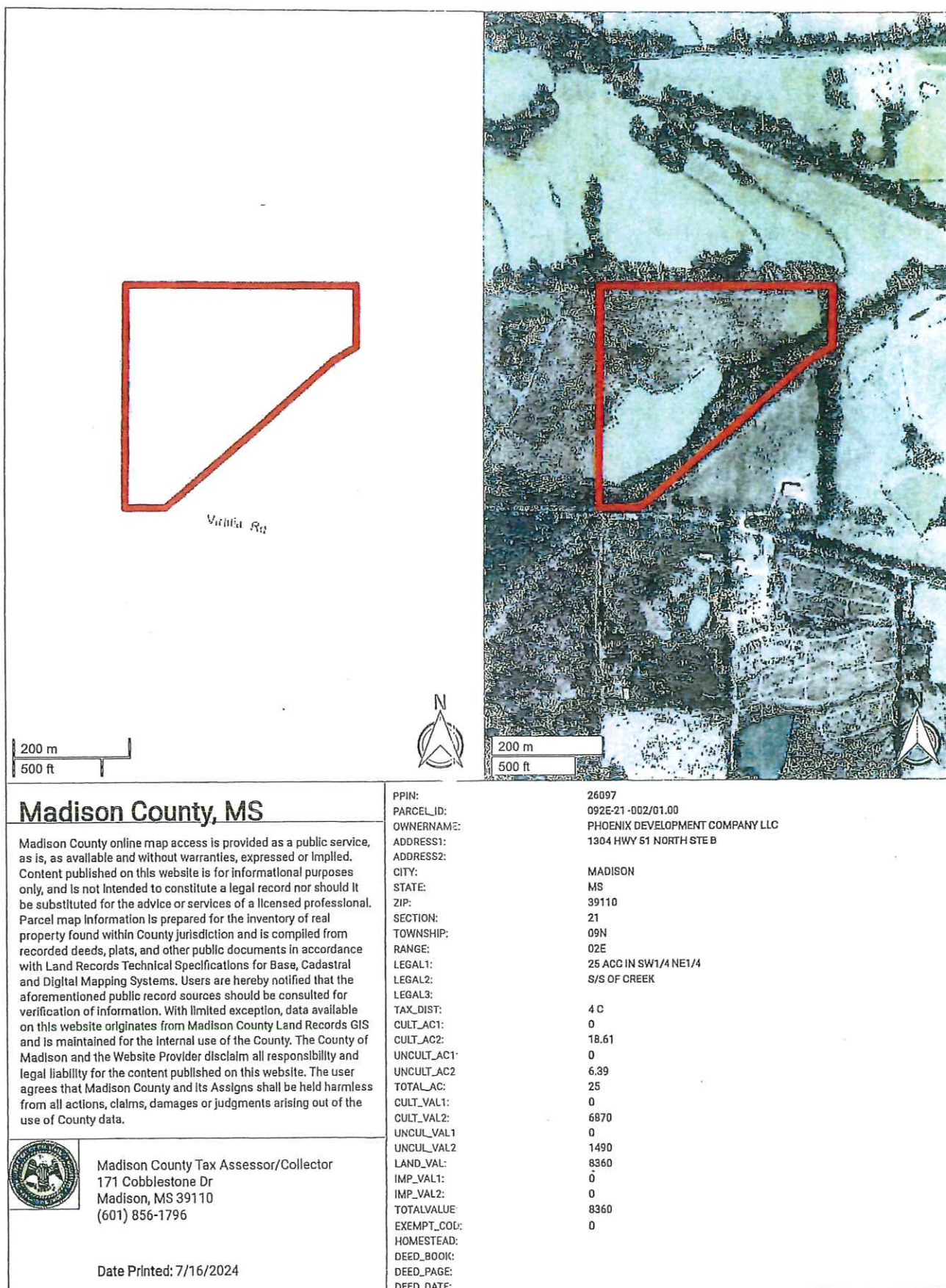
116 Ashbrooke Trl

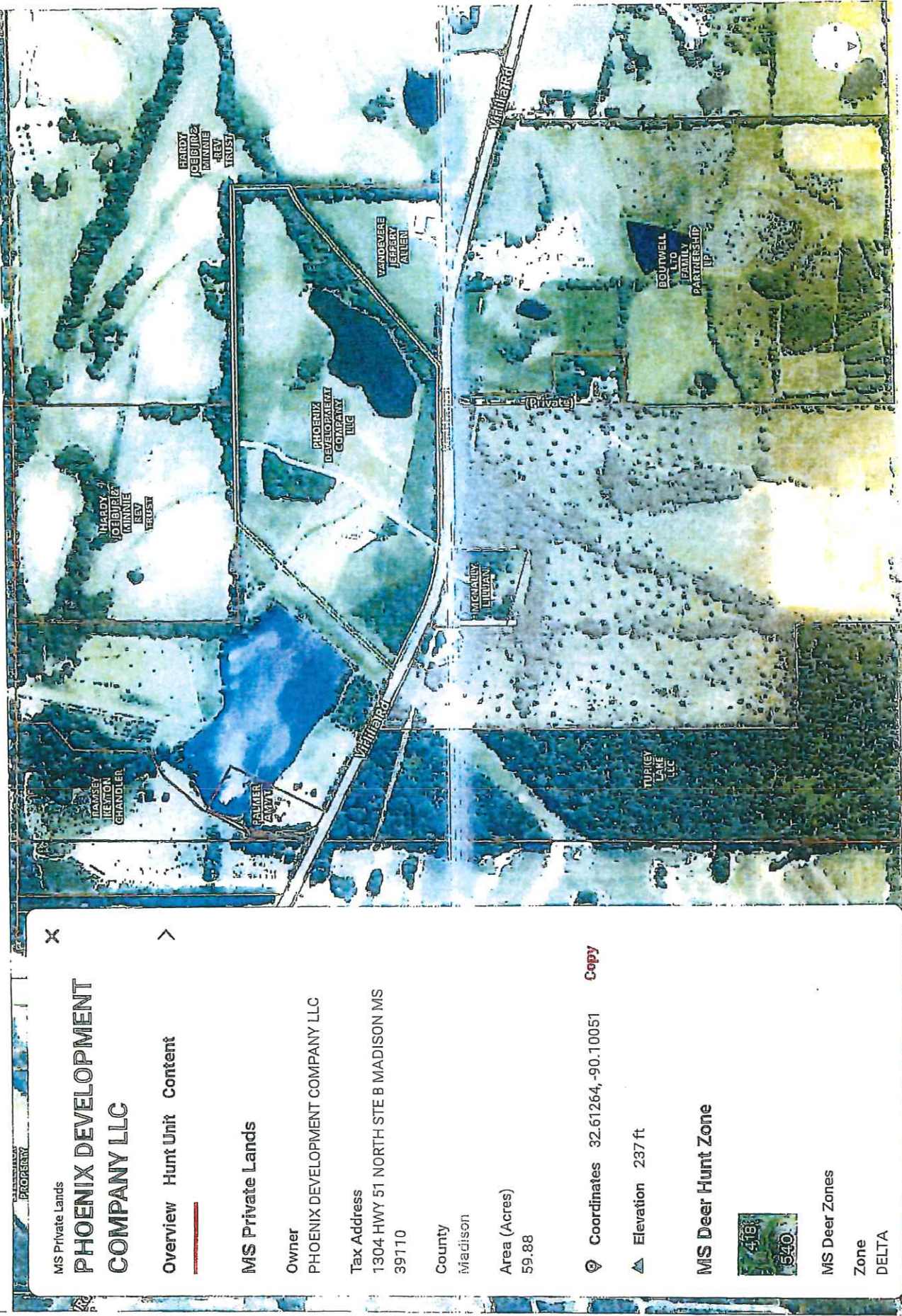
Madison, MS 39110

601-937-1767

brad@sterlingsu.com







LLB - Virililia Rd Rezoning Notification List

<u>Name</u>	<u>Address</u>
HARDY JOE B JR & MINNIE REV TRUST	117 OLD YAZOO CITY RD CANTON MS 39046
VANDEVERE JEFFERY ALLEN	1578 STOKES RD CANTON MS 39046
JENPAL LLC	PO BOX 628 RIDGELAND MS 39158
BOTTOM LAND PROPERTIES LLC	425 VIRILILIA RD CANTON MS 39046
MCMALLY LILLIAN	1908 PATTON DR STARKVILLE MS 39759
BOUTWELL MARY JANE & WALTER (L/E)	367 VIRILILIA RD CANTON MS 39046
BOUTWELL LTD FAMILY PARTNERSHIP LP	333 VIRILILIA RD CANTON MS 39046

Date of Notice  
8.1.2024

9589	0710	5270	2156	2080	47
9589	0710	5270	2156	2080	30
9589	0710	5270	2156	2080	23
9589	0710	5270	2156	2080	78
9589	0710	5270	2156	2080	85
9589	0710	5270	2156	2080	54
9589	0710	5270	2156	2080	61

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00

Postage \$ 0.00

Total Postage and Fees \$ 4.75

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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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MADISON COUNTY, MS  
I certify this instrument filed/recorded  
12/29/2023 3:47:11 PM  
Inst. 996774 Page 1 of 3  
Book: W - 4398 / 803.00  
Witness my hand and seal  
RONNY LOTT, C.C. BY: CH D.C.

**PREPARED BY AND RETURN TO:**

Don A. McGraw, Jr. - MSB# 2621  
Montgomery McGraw, PLLC  
P. O. Box 1039  
Canton, MS 39046  
601-859-3616

**INDEXING:** NW1/4 and NE1/4 of Section 21, Township 9 North, Range 2 East, Madison County, Mississippi.

**STATE OF MISSISSIPPI  
COUNTY OF MADISON**

**WARRANTY DEED**

**FOR AND IN CONSIDERATION** of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

**GRANTOR:**

**PHOENIX DEVELOPMENT COMPANY, LLC, a Mississippi Limited Liability Company**  
1304 Highway 51 North, Ste. B  
Madison, MS 39110  
Phone: 601-946-0639

does hereby sell, convey and warrant unto:

**GRANTEE:**

**LLB FARMS, LLC, a Mississippi Limited Liability Company**  
116 Ashbrooke Trail  
Madison, MS 39110  
Phone: 601-937-1767

the following described real property lying and being situated in Madison County, Mississippi, to wit:

**SEE EXHIBIT "A" ATTACHED HERETO.**

**WARRANTY OF THIS CONVEYANCE** is subject to the following exceptions, to wit:

1. Ad valorem taxes for the year 2023, which are liens, but are not yet due or payable, which shall be paid by the Grantor.

2. Zoning and Subdivision Regulations Ordinance, as amended.
3. Reservations, conveyances and/or leases of record in regard to the oil, gas and other minerals lying in, on and under the subject property.
4. Rights-of-way and easements for roads, power lines and other utilities and restrictive covenants of record.

WITNESS OUR SIGNATURE on this the 29<sup>th</sup> day of December, 2023.

PHOENIX DEVELOPMENT COMPANY, LLC  
a Mississippi Limited Liability Company

By: [Signature]  
Thomas G. Hixon, Sole Member

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 29<sup>th</sup> day of December, 2023, within my jurisdiction, the within named **Thomas G. Hixon** who acknowledged that he is the Sole Member of **Phoenix Development Company, LLC**, a **Mississippi Limited Liability Company**, and that for and on behalf of the said company, and as its act and deed, he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

MY COMMISSION EXPIRES  
1-18-2027  
(SEAL)



[Signature]  
NOTARY PUBLIC

60.49 Acres +/-

Section 21, T-9-N, R-2-E

Madison County, MS

A tract or parcel of land containing 60.49 acres, lying and being situated in the Northwest and Northeast Quarters of Section 21 Township 9 North, Range 2 East, Madison County, Mississippi.

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83, Grid Values, U.S. Survey feet, using a scale factor of 0.99995623 and a grid to geodetic azimuth angle of 0 degrees 07 minutes 45 seconds developed at the below described POINT OF BEGINNING:

Begin at a found ½ inch rebar at the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 21, Township 9 North, Range 2 East, Madison County, Mississippi;

From said point run South 00 degrees 00 minutes 04 seconds East, along an old fence and along the West line of a tract of land found at Deed Book 3084 Page 485 of the Office of Chancery Clerk of Madison County, Mississippi, for a distance of 318.13 feet to a set ½ inch rebar on the Top Bank of a Creek;

Thence run South 00 degrees 00 minutes 04 seconds East for a distance of 19.37 feet to the center of said Creek, said point also being the Northeast corner of a tract of land found at Deed Book 3639 Page 789 of the Office of Chancery Clerk of Madison County, Mississippi;

Thence run South 50 degrees 45 minutes 52 seconds West, along the center of said Creek and the North line of the above mentioned parcel, for a distance of 1,441.15 feet to a point on the North Right of Way of Virililia Road, ½ inch rebar set as a reference corner North 04 degrees 41 minutes 21 seconds West a distance of 20.84 feet at a 50" tree;

Thence run along the North Right of Way of Virililia Road for the following 3 calls;

North 89 degrees 24 minutes 31 seconds West for a distance of 993.70 feet to a point;

Run along a curve to the right a distance of 467.48 feet to a point, said curve having a radius of 1,097.49 feet, and a chord bearing North 76 degrees 30 minutes 51 seconds West having a chord length of 463.95 feet;

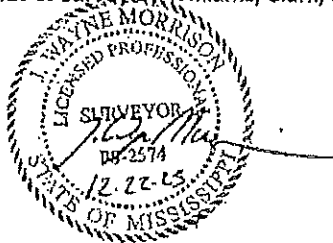
North 63 degrees 42 minutes 36 seconds West for a distance of 429.99 feet to a found ½ inch rebar at the intersection of said Northerly Right of Way with the center of a 200 feet wide Mississippi Power and Light Right of Way, found at Deed Book 96 Page 55;

Thence run North 44 degrees 00 minutes 11 seconds East, along the center of said Mississippi Power and Light Right of Way, for a distance of 1,305.41 feet to a found ½ inch rebar;

Thence run North 89 degrees 58 minutes 05 seconds East, along the South line of a tract of land found at Deed Book 3084 Page 485, for a distance of 2,039.69 feet, back to the POINT OF BEGINNING.

The above description is based off plat of survey by Williams, Clark, and Morrison dated December 22, 2023.

Williams, Clark, and Morrison  
Engineers and Surveyors  
213 South Main Street  
Yazoo City, MS 39194  
662-746-1863



MADISON COUNTY, MS RONNY LOTT  
I CERTIFY THIS INSTRUMENT WAS FILED ON 12/29/2023 3:47:11 PM AND RECORDED IN W BOOK 4398 PAGE 803

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON  
STATE OF MISSISSIPPI

IN THE MATTER OF REZONING OF  
CERTAIN LAND SITUATED IN SECTION 21  
TOWNSHIP 09 NORTH, RANGE 02 EAST/WEST  
MADISON COUNTY, MISSISSIPPI

PETITIONER:

Mary Jane & Walter Boutwell (L/E)

PETITION TO REZONE AND RECLASSIFY REAL PROPERTY

Comes now Mary Jane & Walter Boutwell (L/E) owner of the hereinafter described land and property, and files this petition with the Board of Supervisors of Madison County, Mississippi, to rezone and reclassify a tract or parcel of land situated in Section 21 Township 09 N, Range 02E Madison County, Mississippi, more particularly described as follows, to-wit:

SEE EXHIBIT A

from its present Zoning District Classification of A-1 District to a  
I-2 District, in support thereof would respectfully show as follows, to-wit:

1. The subject property consists of 3.9 acres.
2. The zoning proposed (is) is not in compliance with the adopted Land Use and Transportation Plan of Madison County, but is the highest and best use.
3. List of changes or conditions that support rezoning:

SEE EXHIBIT B

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that this petition be received, and after due consideration, the Board of Supervisors of Madison County will enter an order amending the land use plan to reflect I-2 zoning, and reclassifying this property from its present A-1 District classification to a I-2 District.

Respectfully submitted, this the

28th day of

March, 2025

Mary Jane Boutwell

PAGE 1 OF 2

Attorney General



May Jane Boutwell  
Walter v. Boutwell

Petitioner



# Property Owner Search

## Parcel Details

Parcel number	092E-21-005/00.00
PPIN	26102
Owner's name	BOUTWELL MARY JANE & WALTER (L/E)
Physical street number	367
Physical street name	VIRLILIA RD
Mailing address	BOUTWELL LTD FAMILY PARTNERSHIP R/E
Mailing city	CANTON
Mailing state	MS
Mailing zip	39046
True Values	
Land	20400
Improvement	5870
Total	26270
Assessed Values	
Total	2647
Legal description	3.9 AC IN W1/2 SE1/4 S OF RD
Legal description 2	
Legal description 3	
Township	09N
Range	02E
Section	21
Taxing District:	4 C
Taxing Exempt:	NO
Supervisor District	4
Municipality	
School District	CANTON SEPARAT
Special Assessment District	CENTRAL MADISON FIRE

equal Description:  
3.9 AC in W<sup>1/2</sup>  
SE <sup>1</sup>/<sub>4</sub> S of PD

Verlita Rd



100 m  
300 ft

## Madison County, MS

Madison County online map access is provided as a public service, as is, as available and without warranties, expressed or implied. Content published on this website is for informational purposes only, and is not intended to constitute a legal record nor should it be substituted for the advice or services of a licensed professional. Parcel map information is prepared for the Inventory of real property found within County jurisdiction and is compiled from recorded deeds, plats, and other public documents in accordance with Land Records Technical Specifications for Base, Cadastral and Digital Mapping Systems. Users are hereby notified that the aforementioned public record sources should be consulted for verification of information. With limited exception, data available on this website originates from Madison County Land Records GIS and is maintained for the internal use of the County. The County of Madison and the Website Provider disclaim all responsibility and legal liability for the content published on this website. The user agrees that Madison County and its Assigns shall be held harmless from all actions, claims, damages or judgments arising out of the use of County data.



Madison County Tax Assessor/Collector  
171 Cobblestone Dr  
Madison, MS 39110  
(601) 856-1796

Date Printed: 3/24/2025

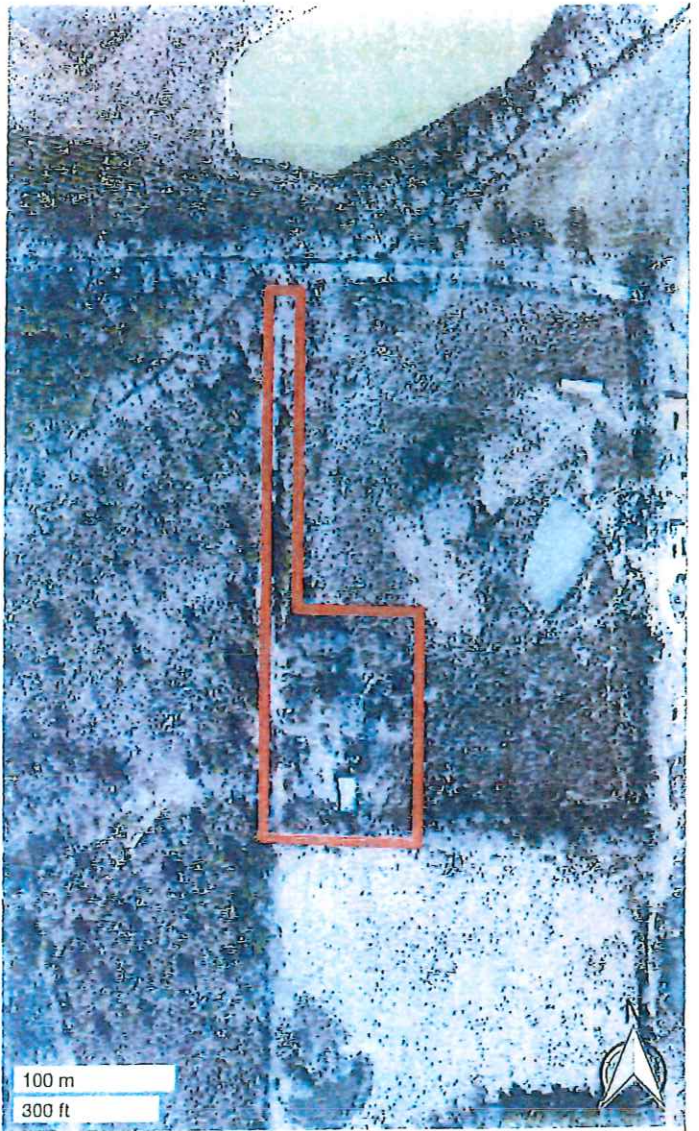


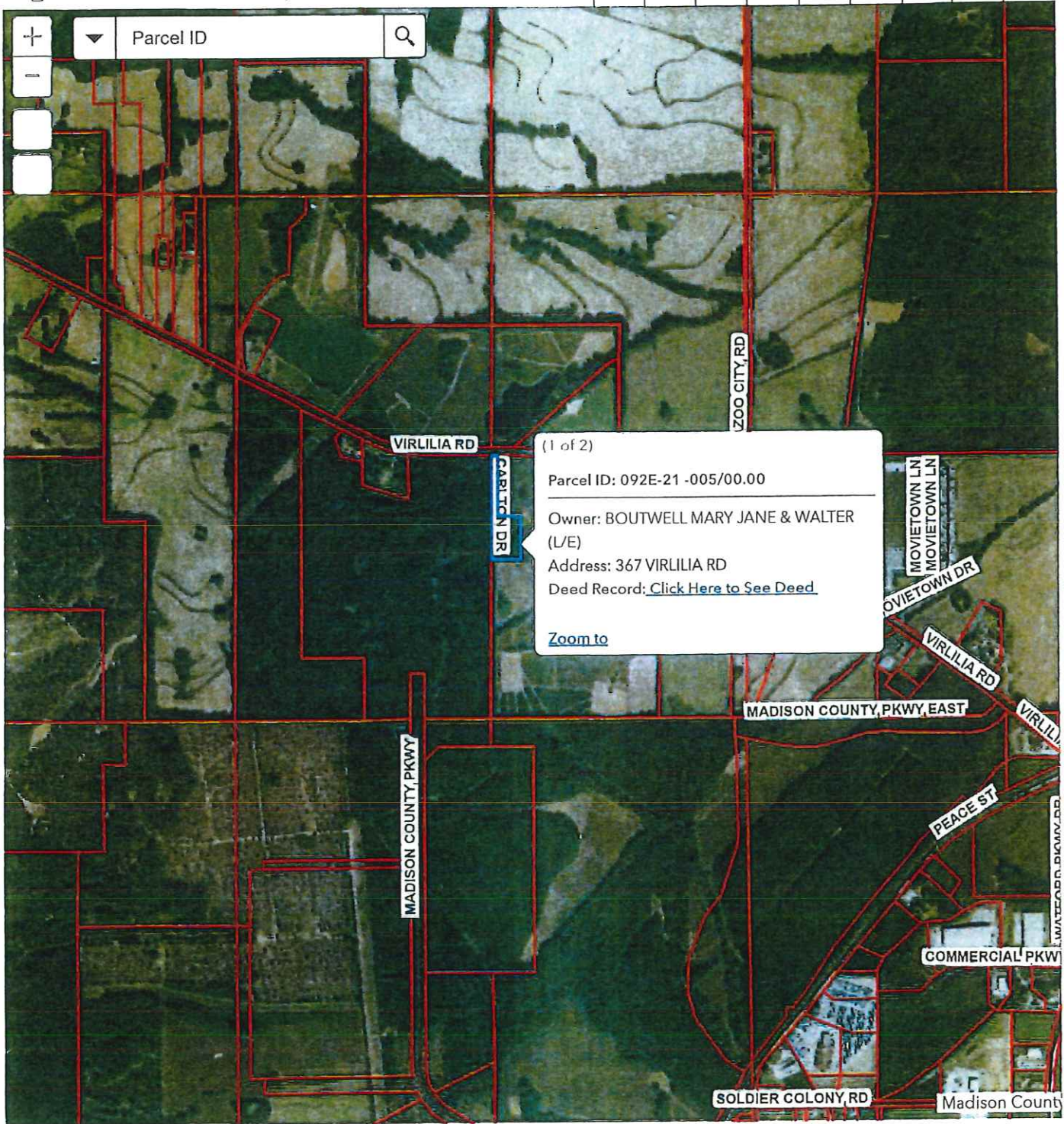
100 m  
300 ft



26102  
092E-21 - 005/00.00  
BOUTWELL MARY JANE & WALTER (L/E)  
BOUTWELL LTD FAMILY PARTNERSHIP D/E  
367 VERLITA RD  
CANTON  
MS  
39046  
21  
09N  
02E  
3.9 AC IN W1/2 SE1/4 S OF RD

4 C  
2  
1.42  
0  
0.49  
3.9  
20000  
320  
0  
80  
20400  
5370  
0  
26270  
0  
1  
3456





BOOK 3456 PAGE 26 DOC 01 TY W  
INST # 808420 MADISON COUNTY MS.  
This instrument was filed for  
record 3/16/17 at 4:18:35 PM  
RONNY LOTT, C.C. BY: ILB D.C.

**PREPARED BY:**

Don A. McGraw, Jr. - MSB# 2621  
Montgomery McGraw, PLLC  
P. O. Box 1039  
Canton, MS 39046  
601-859-3616

**RETURN TO:**

Don A. McGraw, Jr.  
Montgomery McGraw, PLLC  
P. O. Box 1039  
Canton, MS 39046  
601-859-3616

100-12<sup>2</sup>

**INDEXING:** SE1/4 of Section 21, Township 9 North, Range 2 East, Madison County, Mississippi.

STATE OF MISSISSIPPI  
COUNTY OF MADISON

**CORRECTION**  
**WARRANTY DEED**

**FOR AND IN CONSIDERATION** of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

**GRANTORS:**

MARY JANE SOWELL BOUTWELL AND HUSBAND, WALTER LEON BOUTWELL  
367 Virililia Road  
Canton, MS 39046  
Phone: 601-953-9756

do hereby sell, convey and forever warrant unto:

**GRANTEE:**

BOUTWELL LIMITED FAMILY PARTNERSHIP, LP, a Mississippi Limited Partnership  
333 Virililia Road  
Canton, MS 39046  
Phone: 662-647-4253

the following described real property lying and being situated in Madison County, Mississippi, to wit:

**SEE EXHIBIT "A" ATTACHED HERETO**

**WARRANTY OF THIS CONVEYANCE** is subject to the following exceptions, to wit:

I. County of Madison, Mississippi, ad valorem taxes for the year 2017, which are liens, but are

5

not yet due or payable.

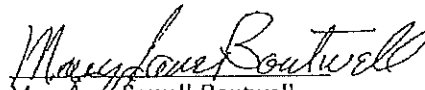
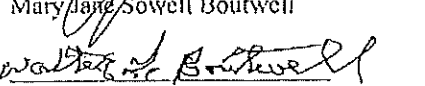
BOOK 3456 PAGE 27

2. County of Madison, Mississippi, Zoning and Subdivision Regulations Ordinance, as amended.
3. Reservations, conveyances and/or leases of record in regard to the oil, gas and other minerals lying in, on and under the subject property.
4. Rights-of-way and easements for roads, power lines and other utilities and restrictive covenants of record.
5. Grantors also convey to Grantee, all groundwater rights.

This deed is executed to correct that certain Warranty Deed dated October 13, 2014, recorded in Book 3137 at Page 157 in the records in the office of the Chancery Clerk of Madison County, Mississippi.

Grantors reserve a Life Estate for the remainder of each of their lives in and to the 3.9044 acres described in Exhibit "A" attached hereto.

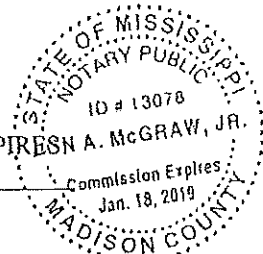
WITNESS OUR SIGNATURES this the 16<sup>th</sup> day of MARCH, 2017.

  
Mary Jane Sowell Boutwell  
  
Walter Leon Boutwell

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 16<sup>th</sup> day of MARCH, 2017, within my jurisdiction, the within named Mary Jane Sowell Boutwell and Walter Leon Boutwell who acknowledged that they executed the above and foregoing instrument.

MY COMMISSION EXPIRES 1-18-2019  
(SEAL)



  
NOTARY PUBLIC

V:\MCO\DANIP\ACTIVE CASES\FWD 2017\Boutwell, Mary & Leon to Boutwell Family Limited Partnership, L.P. WD 1-25-17.wpd  
File #2017-00038

# EXHIBIT "A"

BOOK 3456 PAGE 28

Tract I: A parcel of land lying south of what is known as the Canton and Virilia Road containing approximately ten (10) acres, more or less, situated in the SE 1/4 of Section 21, Township 9 North, Range 2 East, more particularly described as: BEGINNING at the intersection of the south line of the aforesaid Canton and Virilia Road and the west line of the SE 1/4 of said Section 21, and from said point of the beginning run easterly along the south line of the aforesaid road for a distance of 420 feet; thence southerly parallel to the west line of said SE 1/4 a distance of 1040 feet; thence westerly parallel to the south line of the aforesaid road a distance of 420 feet to the west line of said SE 1/4; thence northerly along the west line of said SE 1/4 a distance of 1040 feet to the POINT OF BEGINNING.

Tract II: A parcel of land lying south of what is known as the Canton and Virilia Road situated in the SE 1/4 of Section 21, Township 9 North, Range 2 East, more particularly described as: Beginning at the intersection of the south line of the aforesaid Canton and Virilia Road and the west line of the SE 1/4 of said Section 21, and from said point of beginning run easterly along the south line of the aforesaid road a distance of 734 feet; thence southerly parallel to the west line of said SE 1/4 a distance of 1980 feet; thence westerly parallel to the south line of the aforesaid road a distance of 734 feet to the west line of said SE 1/4; thence northerly along the west line of said SE 1/4 a distance of 1980 feet to the POINT OF BEGINNING; LESS AND EXCEPT THEREFROM that part thereof heretofore conveyed by Mary Belle Sowell Harrall to Mary Jane Sowell Boutwell and Walter Leon Boutwell as shown by deed dated December 11, 1969, recorded in Land Record Book 117, at Page 430 thereof in the Chancery Clerk's office for said county, reference to said record being here made in aid of and as a part of this description.

TRACT III: A strip of land 734 feet in width evenly off the west side of that part of SE 1/4 of Section 21, Township 9 North, Range 2 East, that lies south of what is known as the Canton and Virilia Road, LESS AND EXCEPT THEREFROM so much of the above described property as heretofore been conveyed by Mary Belle Sowell Harrall to Mary Jane Sowell Boutwell and Walter Leon Boutwell as shown by deed dated December 11, 1969, recorded in Land Record Book 117 at Page 430 thereof in the Chancery Clerk's Office for said county and as shown by deed dated October 10, 1975, recorded in Land Record Book 142 at Page 532 thereof in the Chancery Clerk's Office for said county, and reference to said records is here made in aid of and as apart of this description.

TRACT IV: A parcel of land fronting 1011.3 feet on the south side of Virilia Road, containing 55 acres, more or less, lying and being situated in the SE 1/4 of Section 21, Township 9 North, Range 2 East, Madison County, Mississippi, and more particularly described as follows:

BOOK 3456 PAGE 29

Beginning at the SE corner of the 100 acres evenly off the west side of that part of the SE 1/4 of Section 21, Township 9 North, Range 2 East, lying south of the Canton-Virilia Road conveyed by deed recorded in Deed Book 116 at Page 775 in the records of the Chancery Clerk of said county; thence North along the extension and existing fence for 2133.6 feet to a point on the south right of way line of said Virilia Road; thence northwesterly along the south right of way line of said road for 1011.3 feet to a point at a fence corner; thence S 00 degrees 10 minutes East along the existing fence and its extension for 2604 feet to a point on the south fence line of said Section 21; thence N 89 degrees 54 minutes East along the existing fence for 967.3 feet to the POINT OF BEGINNING.

Grantors reserve a Life Estate in and to the following 3.9044 acres, which is a portion of the above described property.

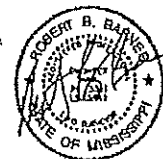
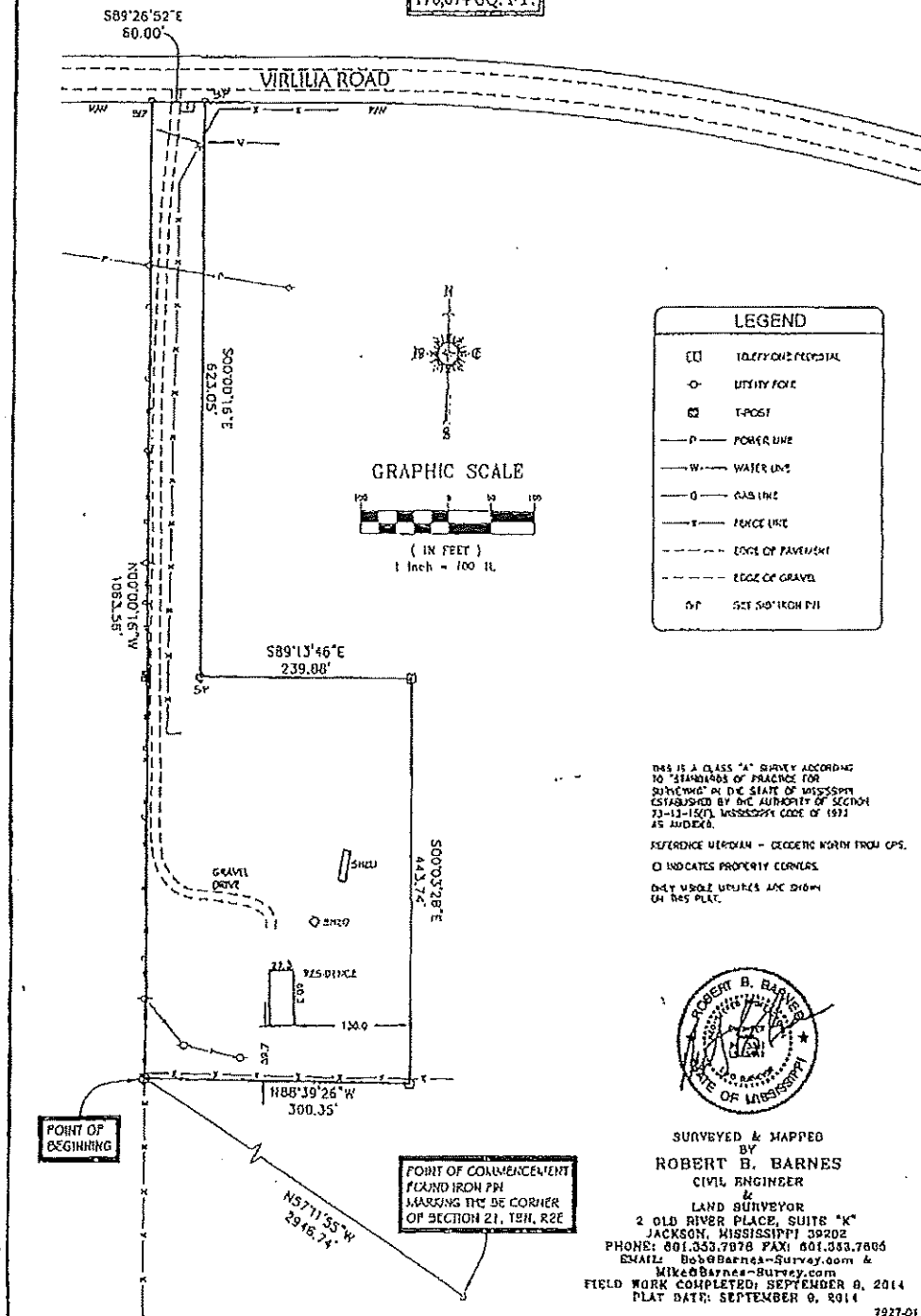
A parcel of land situated in the Southeast 1/4 of Section 21, Township 9 North, Range 2 East, Madison County, Mississippi and being more particularly described by metes and bounds as follows, to wit:

Commence at a 1/2" iron pin found which marks the southeast corner of the said Section 21 and run thence North 57° 11' 55" West for a distance of 2,946.74 feet to a metal fence post at a fence line which marks the POINT OF BEGINNING for the parcel herein described; thence North 00° 00' 16" West for a distance of 1,063.56 feet along a fence line and the extension thereof to a 5/8" iron pin set at the southern right of way line of Virilia Road; thence South 89° 26' 52" East for a distance of 60.00 feet along the said southern right of way line to a 5/8" iron pin set; thence leave said southern right of way line of Virilia Road and run South 00° 00' 16" East for a distance of 623.05 feet to a 5/8" iron pin set; thence South 89° 13' 46" East for a distance of 239.88 feet to a metal fence post; thence South 00° 03' 28" East for a distance of 443.74 feet to a metal fence post; thence North 88° 39' 26" West for a distance of 300.35 feet to the POINT OF BEGINNING, containing 3.9044 acres, more or less.

# PLAT SHOWING CERTAIN PROPERTIES

SITUATED IN THE SE 1/4 OF  
SECTION 21, T9N, R2E  
MADISON COUNTY, MISSISSIPPI

3.9044 ACRES  
170,074 SQ. FT.



SURVEYED & MAPPED  
BY  
**ROBERT B. BARNES**  
CIVIL ENGINEER  
&  
LAND SURVEYOR  
2 OLD RIVER PLACE, SUITE "K"  
JACKSON, MISSISSIPPI 39202  
PHONE: 601.353.7878 FAX: 601.353.7865  
EMAIL: Bob@Barnes-Survey.com & Mike@Barnes-Survey.com  
FIELD WORK COMPLETED: SEPTEMBER 8, 2014  
PLAT DATE: SEPTEMBER 8, 2014

**Mary Jane & Walter Boutwell**

1. Joe & Minnie Hardy  
117 Old Yazoo City Road  
Canton, MS 39046
2. Jeffrey Vandevere  
1578 Stokes Road  
Canton, MS 39046
3. LLB Farms LLC  
116 Ashbrooke Trail  
Madison, MS 39110
4. Jenpal LLC  
PO Box 628  
Ridgeland, MS 39158
5. Turkey Lake LLC  
PO Box 5989  
Brandon, MS 39047
6. Bottom Land Properties LLC  
425 Virililia Road  
Canton, MS 39046
7. Madison County Economic  
Development Authority  
135 MS Parkway  
Canton, MS 39046
8. Lillian McNally  
1908 Patton Dr.  
Starkville, MS 39759
9. Boutwell LTD Family Partnership LP  
333 Virililia Road  
Canton, MS 39046
10. Clark Beverage Group, Attn. Heath Williams  
300 Oakland Flatrock Rd  
Oakland, KY 42159
11. James & Leslie Sowell  
154 Virililia Road  
Canton, MS 39046

**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**

---

**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 Virililia 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 Virililia 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 Virililia 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 Virililia 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 Virililia 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 Virililia Road, and is in Supervisor District 4.

Don McGraw, Esq. appeared on behalf of the Applicant and advised that Applicant owns +/-220 acres on Virililia 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