

**BE IT REMEMBERED** that a Regular Zoning Meeting of the City Council of Jackson, Mississippi was convened in the Council Chambers in City Hall at 2:30 p.m. on June 18, 2018 being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Charles Tillman, President, Ward 5; Melvin Priester, Jr., Vice President, Ward 2; Ashby Foote, Ward 1; Aaron Banks, Ward 6 and Virgi Lindsay, Ward 7. Kristi Moore, City Clerk; Shanekia Mosely, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; and Dana Sims, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3 and De'Keither Stamps, Ward 4.

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The meeting was called to order by **President Charles H. Tillman**.

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**President Tillman** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4007, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

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**President Tillman** requested that the Clerk read the Order:

**ORDER APPROVING BRANCH TOWERS III A USE PERMIT TO ALLOW FOR THE COSTRUCTION OF A 150' COMMERCIAL TELECOMMUNICATION TOWER TO INCLUDE AN ENCLOSED COMPANION COMPOUND WITHIN AN I-1 (LIGHT) INDUSTRIAL DISTRICT FOR PROPERTY LOCATED AT 1710 NORTH MILL STREET (PARCEL 58-34), CASE NO. 4007.**

**WHEREAS**, Branch Towers III has filed a petition for a Use Permit to allow for the construction of a 150' commercial telecommunication monopole to include the enclosed companion compound within an I-1 (Light) Industrial District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, Jackson City Planning Board, after holding the required public hearing on May 23, 2018 has recommended approval of the said petition; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, June 18, 2018 to consider said change, based upon the record of the case as developed before the City Planning Board; and

**WHEREAS**, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Jackson Advocate on May 3, 2018 and May 17, 2018 that a hearing would be held by the Jackson City Planning Board on May 23, 2018, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of the petitioned Use Permit for property located at 1710 N Mill Street within an existing I-1 (Light) Industrial District of the City of Jackson; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that the proposed use would not detrimental to the continued use, value, or development of properties in the vicinity, adversely affect vehicular or pedestrian traffic, and can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools, and that the request for a Use Permit for property located at 1710 N Mill Street within the existing I-1 (Light) Industrial District of the City of Jackson be granted.

**NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:**

That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

**Tract 1**

A tract or parcel of land containing 0.89 acres, more or less, lying and being situated in Part of Block X of Millsaps College Addition in the City of Jackson, Hinds County, Mississippi and being more particularly described by metes and bounds as follows:

Commencing at a found ½ inch iron pin marking the Easterly right of way of Mill Street with the North right of way of Livingston Street; run thence North 12 degrees 50 minutes 43 seconds East (meas.) along said Easterly right of way of Mill Street for a distance of 96.55 feet (meas.), (North 12 degrees 38 minutes East, 100.00 feet, deed) to a found ½ inch iron pin; thence South 89 degrees 49 minutes 22 seconds East (meas.) for a distance of 182.14 feet (meas.), (South 89 degrees 46 minutes East, 186.77 feet, deed) to a found ½ inch iron pin marking the Point of Beginning of the herein described property; thence North 00 degrees 16 minutes 36 seconds East (meas.) for a distance of 121.45 feet (meas.), (North 00 degrees 21 minutes East, 122.08 feet, deed) to a found ½ inch iron pin; thence South 89 degrees 46 minutes 19 seconds West (meas.) for a distance of 35.16 feet (meas.), (North 89 degrees 46 minutes West, 35.18 feet, deed) to a found ½ inch iron pin; thence North 12 degrees 38 minutes East (meas.) for a distance of 131.08 feet (meas.), (North 12 degrees 38 minutes East, 127.22 feet, deed) to a set ½ inch iron pin marking the South right of way of McTyere Avenue; thence South 89 degrees 46 minutes East (meas.) along said South right of way of McTyere Avenue for a distance of 151.72 feet (meas.), (South 89 degrees 46 minutes East, 156.40 feet, deed) to a found 1 inch pipe marking the East line of a 30 foot alley; thence South 00 degrees 14 minutes 02 seconds East (meas.), (South 00 degrees 21 minutes West, deed) along said East line of a 30 foot alley for a distance of 249.05 feet to a set ½ inch iron pin; thence North 89 degrees 49 minutes 22 seconds West for a distance of 146.83 feet to the Point of Beginning.

**Tract 2**

A tract or parcel of land containing 0.74 acres, more or less, lying and being situated in Part of Block X of Millsaps College Addition in the City of Jackson, Hinds County, Mississippi and being more particularly described by metes and bounds as follows:

Beginning at a found ½ inch iron pin marking the Easterly right of way of Mill Street with the North right of way of Livingston Street; run thence North 12 degrees 50 minutes 43 seconds East (meas.) along said Easterly right of way of Mill Street for a distance of 96.55 feet (meas.), (North 12 degrees 38 minutes East, 100.00 feet, deed) to a found ½ inch iron pin; thence South 89 degrees 49 minutes 22 seconds East (meas.) for a distance of 182.14 feet (meas.), (South 89 degrees 46 minutes East, 186.77 feet, deed) to a found ½ inch iron pin; thence South 89 degrees 49 minutes 22 seconds East for a distance 146.83 feet to a set ½ inch iron pin marking the East line of a 30 foot alley; thence South 00 degrees 14 minutes 02 seconds East (meas.), (South 00 degrees 21 minutes West, deed) along said East line of a 30 foot alley for a distance of 94.55 feet to a found ½ inch iron pin marking said North right of way of Livingston Street; thence North 89 degrees 46 minutes West (meas.) along said North right of way of Livingston Street for a distance of 350.83 feet (meas.), (North 89 degrees 46 minutes West, 356.33 feet, deed) to the Point of Beginning.

be and is hereby modified so as to approve a Use Permit to allow for the construction of a 150' commercial telecommunication monopole to include the enclosed companion compound for property located at 1710 N Mill Street within an I-1 (Light) Industrial District, however that before a Use Permit is issued for any structure to be erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

Council Member Banks moved adoption; Council Member Lindsay seconded.

President Tillman recognized Heidi Nelson, a representative of the Applicant, who spoke in favor of a Use Permit to allow for the construction of a 150' commercial telecommunication monopole to include the enclosed companion compound within an I-1 (Light) Industrial District.

There was no opposition from the public.

Thereafter, President Tillman called for a vote on said item:

Yeas- Banks, Foote, Lindsay, Priester and Tillman.

Nays- None.

Absent- Stamps and Stokes.

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President Tillman recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Case No. 4008, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

President Tillman requested that the Clerk read the Order:

**ORDER APPROVING EMMANUEL MISSIONARY BAPTIST CHURCH A USE PERMIT TO ALLOW FOR A GYMNASIUM ADDITION AS AN ACCESSORY CHURCH USE WITHIN AN R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 1109 COOPER RD. (PARCEL 854-245), CASE NO. 4008.**

WHEREAS, has filed a petition for a Use Permit to allow for a gymnasium addition as an accessory church use for property located at 1109 Cooper Rd within an R-1 (Single-family) Residential District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, Jackson City Planning Board, after holding the required public hearing on May 23, 2018 has recommended approval of the said petition; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, June 18, 2018 to consider said change, based upon the record of the case as developed before the City Planning Board; and

WHEREAS, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Jackson Advocate on May 3, 2018 and May 17, 2018 that a hearing would be held by the Jackson City Planning Board on May 23, 2018, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of the petitioned Use Permit for property located at 1109 Cooper Rd within an R-1 (Single-family) Residential District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the proposed use would not detrimental to the continued use, value, or development of properties in the vicinity, can be accommodated by existing or proposed public services and facilities including but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools, and not being hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances. and that the request for a Use Permit for property located at 1109 Cooper Rd within an R-1 (Single-family) Residential District of the City of Jackson be granted.

**NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:**

That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

**Tract 1**

Beginning at the point where the south line of Cooper Road (as now laid out and improved) intersects the section line common to Sections 25 and 26, Township 5 North, Range 1 West and run thence South along said Section line for a distance of 726 feet, more or less, to the Southwest corner of the property conveyed to Mrs. Mae Marble Thompson by instrument recorded in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Book 622 at Page 92; run thence East for a distance of 344 feet, more or less, to the Southwest corner of the property conveyed by J. B. Thompson to Mrs. R. F. Rester by instrument recorded in said Clerk's office in book 1016 at Page 474; run thence North for a distance of 880.63 feet, more or less, along the West line of dais Rester property to the South line of said Cooper Road; run thence in a Southwesterly direction along the South line of said road for a distance of 410 feet, more or less, to the point of beginning, said property being situated in the W/2 of the SW/4, Section 25, Township 5 North, Range 1 West.

**Tract 2**

Commencing at a point on the line between Sections 25 and 26, Township 5 North, Range 1 West, Hinds County, Mississippi, said point being common to the southerly line of Cooper Road (60' wide); run thence easterly along said southerly line of Cooper Road 409.58 feet to the point of beginning; continue thence easterly along said southerly line of Cooper Road 147.5 feet to a point; turn thence right through an angle of 111 degrees 21 minutes 30 seconds and run southerly 923.68 feet to a point; turn thence right through an angle of 89 degrees 48 minutes and run westerly 140.85 feet to a point; turn thence right through an angle of 90 degrees 26 minutes 30 seconds and run northerly 870.7 feet to the point of beginning; said land herein described being in the NW ¼ of Section 25, Township 5 North, Range 1 West, Hinds County, Mississippi, and containing 3 acres, more or less.

be and is hereby modified so as to approve a Use Permit to allow for a gymnasium addition as an accessory church use for property located at 1109 Cooper Rd within an R-1 (Single-family) Residential District, however that before a Use Permit is issued for any structure to be erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

**Council Member Banks** moved adoption; **Council Member Lindsay** seconded.

Yeas- Banks, Foote, Lindsay, Priester and Tillman.

Nays- None.

Absent- Stamps and Stokes.

**Note:** There was no presentation from the Applicant and no opposition from the public.

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**Ester Ainsworth** noted for the record: **Cancelled Special Exceptions:**

- **SE 3863** – Thuy Tran Woo – 4570 Old Canton Rd. (Parcel 535-6).

No action required.

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**President Tillman** recognized **Ester Ainsworth**, Zoning Administrator, who stated that an amendment was needed in order to add said item to Special Exceptions due to receipt of payment.

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**ORDER GRANTING EXTENSION OF SPECIAL EXCEPTIONS AND USE PERMITS FOR ONE YEAR.**

Coming for consideration are requests for the approval of the following for certification of renewal for one year and after the anniversary date of approval for Use Permit or Special Exceptions as follows:

<u>CASE NO.</u>	<u>NAME</u>	<u>LOCATION</u>	<u>USE</u>	<u>GRANTED</u>
SE - 3832 Ward 1	Terry L. Smith	644 Newland St.	One Chair Beauty Salon	06/17/13
CUP - 3974 Ward 7	Trey Hester & Brez, LLC	839 S State St.	Community Recreation Center	06/19/17
SE - 3975 Ward 7	Midtown Partners, Inc.	2007 N Lamar St.	Residential Community Facility	06/19/17
SE - 2905 Ward 3	Mary Tillman	3651 Mosley Avenue	Personal Care Home	04/08/92

**IT IS HEREBY ORDERED** by the Council of the City of Jackson that the said Use Permits and /or Special Exceptions be and the same are hereby extended for another year from and after the anniversary date granting said permits.

**Council Member Banks** moved adoption; **Council Member Foote** seconded.

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**Council Member Banks** moved, seconded by **Council Member Foote** to amend said item to add Case No. SE 3863- Thuy Tran Woo-4570 Old Canton Rd. from the Cancelled Special Exceptions to the Special Exceptions. The motion prevailed by the following vote:

Yeas- Banks, Foote, Lindsay, Priester and Tillman.

Nays- None.

Absent- Stamps and Stokes.

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Thereafter, **President Tillman** called for a vote on said item as amended:

**ORDER GRANTING EXTENSION OF SPECIAL EXCEPTIONS AND USE PERMITS FOR ONE YEAR.**

Coming for consideration are requests for the approval of the following for certification of renewal for one year and after the anniversary date of approval for Use Permit or Special Exceptions as follows:

<u>CASE NO.</u>	<u>NAME</u>	<u>LOCATION</u>	<u>USE</u>	<u>GRANTED</u>
SE - 3832 Ward 1	Terry L. Smith	644 Newland St.	One Chair Beauty Salon	06/17/13
CUP - 3974 Ward 7	Trey Hester & Brez, LLC	839 S State St.	Community Recreation Center	06/19/17
SE - 3975 Ward 7	Midtown Partners, Inc.	2007 N Lamar St.	Residential Community Facility	06/19/17

REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, JUNE 18, 2018, 2:30 P.M.

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SE – 2905 Ward 3	Mary Tillman	3651 Mosley Avenue	Personal Care Home	04/08/92
SE – 3863 Ward 1	Thuy Tran Woo	4570 Old Canton Rd.	Professional Office	04/08/92

**IT IS HEREBY ORDERED** by the Council of the City of Jackson that the said Use Permits and /or Special Exceptions be and the same are hereby extended for another year from and after the anniversary date granting said permits.

Yeas- Banks, Foote, Lindsay, Priester and Tillman.  
Nays- None.  
Absent- Stamps and Stokes.

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Council Meeting to be held at 6:00 p.m. on Tuesday, June 19, 2018: at 3:01 p.m., the Council stood adjourned.

ATTEST:

APPROVED:

Kyrit Moore  
CITY CLERK

Charlene A. Lumumba <sup>1920</sup> 7/5/18  
MAYOR KL DATE

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