

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, AUGUST 17, 2015, 2:30 P.M.**

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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 August 17, 2015, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Melvin Priester, Jr.; President, Ward 2; Tyrone Hendrix, Vice-President, Ward 6; Ashby Foote, Ward 1; De'Keither Stamps, Ward 4; Charles Tillman, Ward 5 and Margaret Barrett-Simon, Ward 7. Kristi Moore, City Clerk; Gail Green, Deputy City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Biqi Zhao, Deputy Director of City Planning; Akili Kelly, Senior Planner and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3.

The meeting was called to order by **President Melvin Priester, Jr.**

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3907, 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 Priester requested that the Clerk read said Order:

ORDER GRANTING THE SALVATION ARMY A FIFTEEN (15) FEET VARIANCE TO BUILD WITHIN TEN (10) FEET OF THE TWENTY-FIVE FEET SETBACK REQUIREMENTS FOR PROPERTIES ZONED SUD (SPECIAL USE DISTRICT) FOR PROPERTY LOCATED AT 1450 RIVERSIDE DR., CASE NO. 3907.

WHEREAS, The Salvation Army has filed a petition for a fifteen (15) feet variance to build within ten (10) feet of the twenty-five feet setback requirements for properties zoned SUD (Special Use 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 July 22, 2015, has recommended approval of 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, August 17, 2015 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 Mississippi Link on July 3, 2015 and July 17, 2015 that a hearing would be held on July 22, 2015 by the Jackson City Planning Board, 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 fifteen (15) feet variance to build within ten (10) feet the twenty-five feet setback requirements for properties zoned SUD (Special Use District) of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion the granting of the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar lands, structures or buildings in the same district be granted within the existing SUD (Special Use District) of the City of Jackson; and

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

SECTION 1. That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

Starting at the Northeast corner of Murrah Drive and Riverside Drive in the City of Jackson, Hinds County, Mississippi, and run thence N 89"-47'-20" E along the North line of Riverside Drive for 1,100 feet to the true point of beginning; thence run North 00"-12'-40" West 500 feet to a stake; thence run North 89"-47'-20" East 375 feet to a point; thence run South 00"-12'-40" East for a distance of 500 feet to the North line of Riverside Drive; thence run South 89"-47'-20" West and along said North line of Riverside Drive for a distance of 375' to the true point of beginning. Said parcel of land being situated in the Northwest Quarter of Section 35, Township 6 North, Range 1 East, Hinds County, Mississippi.

be and is hereby granted a fifteen (15) feet variance to build within ten (10) feet the twenty-five feet setback requirements for properties zoned SUD (Special Use District).

President Priester recognized, **Kenneth Overby**, representative of Dean and Dean Architects, who addressed the Council and argued in favor of a fifteen (15) feet variance to build within ten (10) feet of the twenty-five feet setback requirements for properties zoned SUD (Special Use District).

There was no opposition from the public.

Council Member Barrett-Simon moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Foote, Priester and Stamps.
Nays- None.
Absent- Hendrix, Stokes and Tillman.

Council Member Hendrix arrived to the meeting.

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3909, 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 Priester requested that the Clerk read said Order:

ORDINANCE APPROVING ENTERGY MISSISSIPPI, INC. A REZONING FROM I-1 (LIGHT) INDUSTRIAL DISTRICT TO I-2 (HEAVY) INDUSTRIAL DISTRICT, TO ALLOW FOR THE ADDITION AND OPERATION OF A BLACK START GENERATOR FOR PROPERTY LOCATED AT BEASLEY RD. (PARCEL #720-1-28), CASE NO. 3909.

WHEREAS, Entergy Mississippi, Inc. has filed a petition to rezone property located at Beasley Rd. (Parcel #720-1-28), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from I-1 (Light) Industrial District to I-2 (Heavy) Industrial District, to allow for the addition and operation of a black start generator; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from I-1 (Light) Industrial District to I-2 (Heavy) Industrial District, to allow for the addition and operation of a black start generator; 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, August 17, 2015 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 Mississippi Link on July 3, 2015 and July 17, 2015 and that a hearing would be held by the Jackson City Planning Board on July 22, 2015, 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 rezoning of the above described property to I-2 (Heavy) Industrial District, to allow for the addition and operation of a black start generator; and

WHEREAS, the Council after having considered the matter, is of the opinion that such changes would be in keeping with sound land use practice and to the best interest of the City and that there has been a substantial change in the land use character of the surrounding area that justifies rezoning the property and there is a public need for additional property in that area zoned in accordance with the request in said application since any previous City Council action; and

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

That Parcel # 720-1-28, being a portion of the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particularly described as follows:

A parcel of land situated in the North one-half of Section 8, Township 6 North, Range 1 East, Hinds County, Mississippi, the said parcel being more particularly described as follows:

Commence at the Northeast corner of said Section 8, Township 6 North, Range 1 East Hinds County, Mississippi said point being located on the South right-of-way line of Beasley Road Extension, as said street exists this date; run thence North 88° 36' 33" West along the said South right-of-way line of Beasley Road Extension for a distance of 546.38 feet to a point; run thence South 88° 08' 56" West along the said South Right-of-way line of Beasley Road Extension for a Distance of 1,753.94 feet to the point of beginning of the herein described parcel; thence leaving the said South right-of-way line of Beasley Road Extension, run South 00° 00'58" West along the West line of that property now owned by Mississippi Power and Light Company as described in a deed recorded in Deed Book 3604 at Page 449 thereof in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi for a distance of 2,599.33 feet to a point; run thence South 89° 47' 53" West for a distance of 1,934.36 feet, more or less, to a point located on the East line of that property now owned by the City of Jackson, Mississippi as described in a deed recorded in Deed Book 3066 at Page 389 thereof in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, run thence North 00° 18' 34" West along the said east line of the City of Jackson property for a distance of 2,600.68 feet, more or less, to a point located on the aforesaid South right-of-way line of Beasley Road Extension; run thence North 89° 48' 07" East along the said South Right-of-way line of Beasley Road extension for a distance of 1,715.09 feet to a point on a non-tangent curve concave North and having a radius of 5769.62 feet; run thence along said curve curving to the left and along the said South right of way line of Beasley Road Extension for a distance of 151.05 feet (chord bearing South 89° 37' 51" East, chord distance: 151.05 feet), to a point on a tangent line; run thence North 89°37' 09" East along the said South right-of-way line of Beasley Road Extension for a distance of 83.00 feet, more or less, to the Point of Beginning and containing 115.92 acres, more or less.

LESS AND EXCEPT:

A strip of land 100 feet in width situated in the North one-half of Section 8, Township 6 North, Range 1 East, Hinds County, Mississippi containing 5 04 acres, more less, and attached to the Mississippi Power and Light Company's Lakeover substation property as described in Deed Book 3604, Page 449 thereof in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, and being more particularly described as follows:

Beginning at the point of intersection of the West boundary of Mississippi Power and Light Company's Lakeover Substation property as described in Deed Book 3604, Page 449 thereof in the Office of the Chancery Clerk of Hinds County at Jackson Mississippi and the centerline of the Mississippi Power & Light Fee right-of-way; said point being 2299.68 feet West of and 1596.72 feet South of the Northeast corner of said Section 8; thence run North 00 degrees 00 minutes 58 seconds East along said West boundary a distance of 50.01 feet thence run South 89 degrees 58 minutes 06 seconds West a distance of 1127.29 feet to a point on a non-tangent curve; thence follow said curve southwesterly a distance of 936.47 feet (curve radius-867.98 feet chord distance = 891.70 feet; chord bearing = South 59 degrees 05 minutes 32 seconds West) to a point on a non-tangent line; thence run South 28 degrees 10 minutes 22 seconds West a distance of 95.98 feet to a point on the East property line of the City of Jackson property, as described in Warranty Deed in Book 3066 at Page 389, in the Hinds County Chancery Clerk's office, First Judicial District; thence run South 00 degrees 18 minutes 34 seconds East along said East property line a distance of 104.75 to a point being the centerline of the MP&L Fee right-of-way; thence continue along said East property line South 00 degrees 18 minutes 34 seconds East a distance of 104.75 feet; thence run North 28 degrees 06 minutes 09 seconds East a distance of 280.85 feet to a point on a non-tangent curve, thence follow said curve curving Northeasterly a distance of 827.92 feet (curve radius = 769.98 feet; chord distance = 788.61 feet; chord bearing= North 59 degrees 08 minutes 27 seconds East) to a point on a non-tangent line; thence run North 89 degrees 58 minutes 29 seconds East a distance of 1127.26 feet to a point on the West boundary of Mississippi Power & Light Company's Lakeover Substation property; thence run North 00 degrees 00 minutes 58 seconds East along said West boundary a distance of 50.01 feet to the point of beginning.

is hereby rezoned and changed from I-1 (Light) Industrial District to I-2 (Heavy) Industrial District to allow for the addition and operation of a black start generator, however that before a permit is issued for any structure to be erected or modified on the property located at Beasley Rd. (Parcel #720-1-28), or for any use thereof, the applicant must meet the requirements established through the Site Plan Review process. The Zoning Administrator is ordered to note such change on the Official Zoning Map to the City of Jackson, Mississippi.

SECTION 2. That the cost of publication of this Ordinance shall be borne by the petitioner.

SECTION 3. That this Ordinance shall be effective thirty (30) days after its passage and after publication of same by the petitioner.

President Priester recognized **Morgan Stephens**, attorney and representative of the Applicant, who addressed the Council and argued in favor of a Rezoning from I-1 (Light) Industrial District to I-2 (Heavy) Industrial District, to allow for the addition and operation of a black start generator.

There was no opposition from the public.

Council Member Barrett-Simon moved adoption; **Council Member Foote** seconded.

Yeas- Foote, Barrett-Simon, Hendrix, Priester and Stamps.
Nays- None.
Absent- Stokes and Tillman.

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3910, 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 Priester requested that the Clerk read said Order:

ORDER GRANTING GOODWILL INDUSTRIES OF MISSISSIPPI, INC. A VARIANCE OF EIGHTY-FIVE FEET FROM A PUBLIC LIBRARY AND FIVE HUNDRED (500) FEET FROM THE RESIDENTIALLY ZONED PROPERTY TO ALLOW FOR THE OPERATION OF THE GOODWILL SELECT STORE IN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 4950 I-55 NORTH, CASE NO. 3910.

WHEREAS, Goodwill Industries of Mississippi, Inc. has filed a petition for a Variance of eighty-five feet from a public library and five hundred (500) feet from the residentially zoned property to allow for the operation of the Goodwill Select Store in a C-3 (General) Commercial 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 July 22, 2015, 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, August 17, 2015 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 Mississippi Link on July 3, 2015 and July 17, 2015 that a hearing would be held on July 22, 2015 by the Jackson City Planning Board, 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 Variance of eighty-five feet from a public library and five hundred (500) feet from the residentially zoned property to allow for the operation of the Goodwill Select Store in a C-3 (General) Commercial District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the literal interpretation of the provisions of this Ordinance depriving the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance; and

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

SECTION 1. That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

A tract of land situated in the NE V. of Section 13, T6N, R1E, City of Jackson, Hinds County First Judicial District, Mississippi, being more particularly described as follows:

Commence at the point of intersection of the East right-of-way line of the Interstate Highway No. I-55, Mississippi Highway Department Project 1-091-2(14), with the line between the North Y, and the South Y, of said Section 13, T6N, R1E, Hinds County First Judicial District, Mississippi, and run thence North 9 degrees 29 minutes 16 seconds East and parallel with the centerline of said Highway Project for a distance of 464.08 feet; run thence North 89 degrees 39 minutes 05 seconds East for a distance of 5.5 feet to an iron pin on the present right of way line of the I-55 and the POINT OF BEGINNING of the following described tract of land; thence run Northeasterly along the arc of a curve to the right in said present right of way line for a distance of 78.00 feet, said curve having a radius of 11441.155 feet and a chord of North 10 degrees 56 minutes 32 seconds East with a distance of 78.00 feet; run thence North 11 degrees 08 minutes

15 seconds East continuing along the present right of way line for a distance of 131.70 feet; run thence North 19 degrees 29 minutes 15 seconds East and along the present right of way line for a distance of 163.12 feet to an iron pin; run thence North 9 degrees 29 minutes 15 seconds East and along the present right of way for a distance of 128.77 feet to a point on the South bank of Hanging Moss Creek. Thence leaving the said Highway right of way line run South 80 degrees 41 minutes 42 seconds East along the South bank of Hanging Moss Creek for a distance of 46.04 feet to a point; run thence Southeasterly along the arc of a curve to the right and along the South bank of said creek for a distance of 50.0 feet, said curve having a degree of curve of 04 degrees 08 minutes with a radius of 1386.19 feet and a chord of South 79 degrees 28 minutes 32 seconds East with a distance of 59.00 feet to a point; run thence South 15 degrees 12 minutes 13 seconds West and for a distance of 143.74 feet to an iron pin; run thence South 74 degrees 47 minutes 47 seconds East for a distance of 220.00 feet to an iron pin; run thence North 15 degrees 12 minutes 13 seconds East for a distance of 141.97 feet to a point on the South bank of Hanging Moss Creek; run thence South 72 degrees 32 minutes 06 seconds East for a distance of 400.61 feet to a point; run thence South 0 degrees 28 minutes 24 seconds West for a distance of 283.80 feet to an iron pin; run thence South 89 degrees 39 minutes 05 seconds West along the extension of a party wall for a distance of 810.98 feet to the Point of Beginning. This parcel contains 6.208 acres, more or less.

Together with benefits in favor of the above property of that certain Drainage easement in favor of the Mississippi State Highway Commission, dated July 5, 1951, recorded in Book 718 at Page 418, and as shown on survey of Banks Engineering & Surveying, Inc., dated October 5, 1998, and as revised by survey dated 2/1/2002; and

Together with benefits in favor of the above property of that certain Drainage easement in favor of the Mississippi State Highway Commission, dated July 10, 1951, recorded in Book 720 at Page 28, and as shown on survey of Banks Engineering & Surveying, Inc., dated October 5, 1998 and as revised by survey dated 2/1/2002; and

Together with the reciprocal and non-exclusive rights, easements and privileges of use, ingress, parking and for utility and other purposes created, granted limited and defined in and by that certain Operation and Reciprocal Easement Declaration recorded in Book 3038, page 295, and as amended by First Amendment to Operation and Reciprocal Easement Declaration recorded in Book 3206 at Page 305. The acknowledgment of MidSouth Development Company is dated prior to the date of execution.

Together with the reciprocal and non-exclusive rights pertaining to that certain ten foot (10') easement, five feet (5') of which lies on the East side of subject property and five feet (5') of which abuts the East side of subject property on land owned by grantors, contained in Deed dated June 30, 1964, recorded in Book 1510 at Page 36. Being an extension of the easement created in Book 1480 at page 71, as shown on survey of Banks Engineering & Surveying, Inc., dated October 5, 1998 and as revised by survey dated 2/1/2002.

be and is hereby granted a Variance of eighty-five feet from a public library and five hundred (500) feet from the residentially zoned property to allow for the operation of the Goodwill Select Store in a C-3 (General) Commercial District.

President Priester recognized **Attorney H. Barber Boone**, **Attorney Robert Hutichson** and **Grey Withers**, representatives of the Applicant, who addressed the Council and argued in favor to approve a Variance of eighty-five feet from a public library and five hundred (500) feet from the residentially zoned property to allow for the operation of the Goodwill Select Store in a C-3 (General) Commercial District.

There was no opposition from the public.

Council Member Barrett-Simon moved adoption; **Council Member Foote** seconded.

Yeas- Foote, Barrett-Simon and Hendrix.
Nays- Priester and Stamps.
Absent- Stokes and Tillman.

Council Member Tillman arrived to the meeting.

President Priester requested the Clerk to read the following:

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 – 1828 Ward 3	Aladee Smith	4551 Meadowlane Dr. Jackson, MS 39206	Beauty Shop	08/08/79
SE – 1930 Ward 3	Cora Lee Butler	3016 Randolph Street Jackson, MS 39213	One-Chair Barber	08/06/80
SE – 3676 Ward 3	Richard Moman	4644 N. State St. Jackson, MS 39211	Tax Office	08/18/08
SE – 3715 Ward 3	Charlotte Ford	227 Stillwood Dr. Jackson, MS 39206	Catering Service	08/17/09

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 Barrett-Simon moved adoption; **Council Member Priester** seconded.

Yeas- Foote, Barrett-Simon, Hendrix, Priester and Stamps.
Nays- None.
Abstention- Tillman.
Absent- Stokes.

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, AUGUST 17, 2015, 2:30 P.M.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Meeting to be held at 4:30 p.m. on Monday, August 17, 2015: at 4:25 p.m., the Council stood adjourned.

ATTEST:

Krista Moore
CITY CLERK

APPROVED:

[Signature], 9.8.15
MAYOR DATE
