

**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 January 25, 2016, being the fourth 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 and Charles Tillman, Ward 5. Kristi Moore, City Clerk; Gail Green, Deputy City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Eric Jefferson, Director of Planning; Ramina Aghili, Associate Planner and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3 and Margaret Barrett-Simon, Ward 7.

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

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3920, 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 Priester** requested that the Clerk read said Order:

**ORDER APPROVING SANDRA BOYD A VARIANCE OF 270 FT. FROM THE REQUIRED SEPARATION OF LAND USES OF 500 FT. BETWEEN BARS SELLING ALCOHOLIC BEVERAGES AND CHURCHES, SCHOOLS, KINDERGARTENS OR FUNERAL HOMES WITHIN THE C80-C2 (LIMITED) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 1700 UNIVERSITY BLVD, SUITE 9., CASE NO. 3920.**

**WHEREAS**, Sandra Boyd has filed a petition for a Variance of 270 ft. from the required separation of land uses of 500 ft. between bars selling alcoholic beverages and for churches, schools, kindergartens or funeral homes within the C80-C2 (Limited) 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 December 16, 2015, considered a motion for approval of said petition which failed due to a tie vote and two abstentions; 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, January 25, 2016 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 November 27, 2015 and December 10, 2015 that a hearing would be and had been held by the Jackson City Planning Board, 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 has not recommended approval due to a tie vote of the petitioned Variance of 270 ft. from the required separation of land uses of 500 ft. between bars selling alcoholic beverages and for churches, schools, kindergartens or funeral homes within the C80-C2 (Limited) Commercial District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that special conditions and circumstances exist which do not result from actions of the applicant and the granting of the Variance requested not conferring upon the applicant a special privilege that is denied by the Ordinance to other similar lands, structures or buildings in the same district be granted; 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 CERTAIN PARCEL OF LAND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 9, T5N-R1E, City of Jackson, Hinds County, Mississippi, and being more particularly described as follows:

Begin at an existing  $\frac{1}{2}$ " iron pin marking the Southwest corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 9, T5N-R1E; said point also being on the North right-of-way line of Linde Air Road (as now laid out and improved); from said POINT OF BEGINNING, run thence North 89 degrees 31 minutes 18 seconds West along the line between Sections 9 and 16 and along said North right-of-way line of Linde Air Road for a distance of 236.37 feet to the Point of Curvature of a 11.6164 degree curve bearing to the right having a central angle of 44 degrees 29 minutes 01 seconds and a radius of 494.08 feet; run thence along said North right-of-way line of Linde Air Road and along the arc of said curve an arc length of 383.60 feet to a set W' iron pin marking the Point of Tangency of said curve; said curve having a chord bearing of North 69 degrees 50 minutes 26 seconds West and a chord distance of 374.03 feet; run thence North 48 degrees 23 minutes 39 seconds West along said North right-of-way of Linde Air Road for a distance of 152.02 feet to a set  $\frac{1}{2}$ " iron pin on the East right-of-way line of Terry Road- Old U.S. Highway 51 (as now laid out and improved); leaving said North right-of-way line of Linde Air Road, run thence North 41 degrees 02 minutes 04 seconds East along said East right-of-way line of Terry Road for a distance of 659.56 feet to a set  $\frac{1}{2}$ " iron pin on the South line of the Van T. Orton property as described in deed recorded in Deed Book 4980 at Page 787, on file and of record in the office of the Chancery Clerk of Hinds County at Jackson Mississippi; leaving said East right-of-way line of Terry Road, run thence South 82 degrees 42 minutes 20 seconds East along the South line of said Orton property for a distance of 360.00 feet to a set  $\frac{1}{2}$ " iron pin; leaving said South line of the Orton property, run thence South 07 degrees 24 minutes 47 seconds West along the West line of the Joseph W. Hayles property as described in deed recorded in Deed Book 5111 at Page 758, on file and of record in the aforesaid Chancery Clerk's office for a distance of 689.38 feet to the POINT OF BEGINNING, containing 9.069 acres, more or less.

be and is hereby denied a Variance of 270 ft. from the required separation of land uses of 500 ft. between bars selling alcoholic beverages and churches, schools, kindergartens or funeral homes within the C80-C2 (Limited) Commercial District.

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President Priester recognized **Sandra Boyd**, Applicant, who spoke in favor of a variance of 270 ft. from the required separation of land uses of 500 ft. between bars selling alcoholic beverages and for churches, schools, kindergartens or funeral home within the C80-C2 (Limited) Commercial District.

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President Priester recognized **Senator Sollie Norwood**, a representative of the West Central Jackson Improvement Association, who spoke in opposition of a variance of 270 ft. from the required separation of land uses of 500 ft. between bars selling alcoholic beverages and for churches, schools, kindergartens or funeral home within the C80-C2 (Limited) Commercial District.

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**President Priester** recognized **Alberta Miller** who spoke in opposition of a variance of 270 ft. from the required separation of land uses of 500 ft. between bars selling alcoholic beverages and for churches, schools, kindergartens or funeral home within the C80-C2 (Limited) Commercial District.

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

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

**The motion failed.**

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**Council Member Stamps** left the meeting.

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3922, 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 Priester** requested that the Clerk read said Order:

**ORDER GRANTING ELECTRIC GUARD DOG, LLC A TWO (2) FEET VARIANCE FROM THE MAXIMUM EIGHT (8) FT. HEIGHT REQUIREMENT FOR FENCES IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A TEN (10) FT. SECURITY FENCE IN AN I-1 (LIGHT) INDUSTRIAL DISTRICT FOR PROPERTY LOCATED AT 1820 UNIVERSITY BLVD. (PARCELS: 201-130-1, 201-87, 201-132, 201-133 & 201-34), CASE NO. 3922.**

**WHEREAS**, Electric Guard Dog, LLC has filed a petition for a two (2) feet Variance from the maximum eight (8) ft. height requirement for fences to allow for the construction a ten (10) ft. security fence which will be powered by a 12V battery independent of the power grid in 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 December 16, 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, January 25, 2016 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 November 27, 2015 and December 10, 2015 that a hearing would be and had been held by the Jackson City Planning Board, 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 two (2) feet Variance from the maximum eight (8) ft. height requirement for fences to allow for the construction of a ten (10) ft. security fence which will be powered by a 12V battery independent of the power grid within the 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 special conditions and circumstances exist that do not result from actions of the applicant within the existing I-1 (Light) Industrial District of the City of Jackson be granted; 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:

**PARCEL NUMBERS 201-87 AND 201-130-1**

COMMENCE AT THE NW CORNER OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 1 EAST, HINDS COUNTY MISSISSIPPI AND RUN SOUTH 00° 59' 50" WEST, 382.29 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREAFTER. FROM THE POINT OF BEGINNING RUN THENCE NORTH 40° 59' 50" EAST, 22.4 FEET; THENCE SOUTH 56° 56' 29" EAST, 239.12 FEET; THENCE NORTH 32° 53' 57" EAST 99.35 FEET; THENCE SOUTH 57° 00' 50" EAST 100.00 FEET; THENCE SOUTH 32° 59' 10" WEST, 437.81 FEET; THENCE NORTH 50° 45' 51" WEST, 163.40 FEET; THENCE NORTH 00° 59' 50" EAST, 148.56 FEET BACK TO THE POINT OF BEGINNING, A PARCEL SITUATED IN THE NW ¼ OF THE NW ¼ OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 1 EAST, HINDS COUNTY MISSISSIPPI AND CONTAINING 1.709 ACRES, MORE OR LESS.

**PARCEL NUMBER 201-132**

COMMENCE AT THE NW CORNER OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 1 EAST, HINDS COUNTY, MISSISSIPPI AND RUN THENCE SOUTH 00° 59' 50" WEST, 530.85 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING RUN THENCE SOUTH 57° 13' 02" EAST, 163.40 FEET; THENCE SOUTH 32° 59' 10" WEST, 180.20 FEET; THENCE NORTH 50° 45' 51" WEST, 55.29 FEET; THENCE NORTH 00° 59' 50" EAST, 204.69 FEET BACK TO THE POINT OF BEGINNING, A PARCEL SITUATED IN THE NW ¼ OF THE NW ¼ OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST, HINDS COUNTY, MISSISSIPPI AND CONTAINING 0.440 ACRES MORE OR LESS.

**PARCEL NUMBER 201-133**

COMMENCE AT THE COMMON CORNER OF SECTIONS 8, 9, 16 AND 17, TOWNSHIP 5 NORTH, RANGE 1 EAST; THENCE RUN SOUTH ALONG THE LINE BETWEEN SECTIONS 16 AND 17 FOR A DISTANCE OF 745.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH ALONG SAID LINE BETWEEN SECTIONS 16 AND 17 A DISTANCE OF 293.62 FEET; THENCE RUN THE FOLLOWING BEARINGS AND DISTANCES ALONG THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 20, SOUTH 33 DEGREES 06 MINUTES WEST, 150.93 FEET; NORTH 53 DEGREES 34 MINUTES WEST, 97.45 FEET; NORTH 33 DEGREES 29 MINUTES WEST, 140.49 FEET; NORTH 00 DEGREES 28 MINUTES EAST, 232.33 FEET; NORTH 06 DEGREES 06 MINUTES EAST, 91 FEET; THENCE RUN NORTH 41 DEGREES 26 MINUTES EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY 20 AND TERRY ROAD, 84.34 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, RUN SOUTH 50 DEGREES 17 MINUTES EAST, 222.30 FEET TO THE POINT OF BEGINNING.

**PARCEL NUMBER 201-134**

LEASEHOLD INT IN THE FOLLOWING: BEG NW COR, NW ¼ SEC 15 T5 R1E S 745.72 FT TO POB SE/LY 276.20 FT, SW/LY 81.84 FT NW/LY APP 102 FT TO W/L FRONTAGE RD SW/LY 144.66 FT N 293.62 FT TO POB PT NW ¼ NW ¼ SEC 16 T5N R1E LESS TO ST MID PT

be and is hereby granted a two (2) feet Variance from the maximum eight (8) ft. height requirement to allow for the construction of a ten (10) ft. security fence which will be powered by a 12V battery independent of the power grid in an I-1 (Light) Industrial District.

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**President Priester** recognized **Randy Moses**, a representative for Electric Guard Dog, who spoke in favor of a variance to allow for more than 50% of the required parking being located along the side yards in an UTC (Urban Town Center) Mixed-Use District.

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There was no opposition from the public.

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

Yeas- Foote, Hendrix, Priester and Tillman.

Nays- None.

Absent- Barrett-Simon, Stamps and Stokes.

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3923, 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 Priester** requested that the Clerk read said Order:

**ORDER GRANTING MOUNT NEBO BAPTIST CHURCH A USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A MULTI-PURPOSE FACILITY IN AN R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTIES LOCATED AT 1245 TUNICA ST., CASE NO. 3923.**

**WHEREAS**, Mount Nebo Baptist Church has filed a petition for a Use Permit to allow for the construction of a multi-purpose facility within an R-4 (Limited-Multi-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, December 16, 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, January 25, 2016 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 November 27, 2015 and December 10, 2015 that a hearing would be held by the Jackson City Planning Board on December 16, 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 Use Permit within the existing R-4 (Limited-Multi-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 will not be detrimental to the continued use, value, or development of properties in the vicinity; will not adversely affect vehicular or pedestrian traffic in the vicinity, be able to 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 within the existing R-4 (Limited-Multi-Family) Residential District of the City of Jackson for the construction of a multi-purpose facility be granted; 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:

**PARCEL 159-113**

Certain properties located in Lots 6, 7, 8, 9, 10, 11, 12, 13, 15, 17 and an un-numbered lot of Block 13 of the College Suburb Survey and recorded in Plat Book 1 at Page 66 of the Hinds County Chancery Clerk's Office, Hinds County, Mississippi, and being more particularly described as follows:

Beginning at the Northwestern corner of Lot 6, Block 13 of said College Suburb Survey, being represented by an 1" iron pipe and thence run North 89 degrees 57 minutes 19 seconds East for a distance of 145.00 feet to a 1" iron pipe found on the west right-of-way line of Tunica Street; thence run South 00 degrees 09 minutes 33 seconds West for a distance of 279.81 feet to a 1" iron pipe found; thence leave said right-of-way and run North 89 degrees 58 minutes 35 seconds West for a distance of 144.78 feet to a ½" iron rebar set; thence run South 00 degrees 01 minutes 46 seconds West for a distance of 284.84 feet to a ½" iron rebar set on the north right-of-way of the Railroad Property; thence run North 88 degrees 29 minutes 41 seconds West for a distance of 145.05 feet to a ½" rebar set, said point also lying on the east right-of-way line of Tupelo Street; thence run North 00 degrees 01 minutes 46 seconds East, along said right-of-way, for a distance of 491.26 feet to a ½" iron rebar found; thence run North 00 degrees 01 minutes 46 seconds East, along said right-of-way, for a distance of 69.72 feet to a ½" iron rebar set; thence leave said right-of-way and run South 89 degrees 52 minutes 33 seconds East for a distance of 145.41 feet back to the Point of Beginning containing 2.80 acres, more or less.

**PARCEL 159-133**

Certain properties located in Lots 1, 2, 5, 6, 7, 8, 9, 10, 12, 14, 16, 18 and an un-numbered lot of Block 14 of the College Suburb Survey and recorded in Plat Book 1 at Page 66 of the Hinds County Chancery Clerk's Office, Hinds County, Mississippi, and being more particularly described as follows:

Beginning at the Northwestern corner of Lot 6, Block 14 of said College Suburb Survey, being represented by an ½" iron rebar found on the west right-of-way of Tupelo Street and thence run South 00 degrees 01 minutes 46 seconds West for a distance of 560.00 feet to a ½" iron rebar set on the north right-of-way of the Railroad Property; thence run North 88 degrees 29 minutes 41 seconds West for a distance of 145.05 feet to a ½" iron rebar set; thence run North 00 degrees 01 minutes 46 seconds East for a distance of 346.28 feet to a ½" iron rebar set; thence run North 89 degrees 58 minutes 14 seconds West for a distance of 145.00 feet to a ½" iron rebar set on the east right-of-way line of Aberdeen Street; thence run North 00 degrees 01 minutes 46 seconds East, along said right-of-way, for a distance of 210.00 feet to a ½" iron rebar set; thence run North 00 degrees 01 minutes 46 seconds East, along said right-of-way, for a distance of 140.00 feet to a ½" iron rebar set on the south right-of-way line of Lynch Street; thence run 89 degrees 58 minutes 14 seconds East, along said right-of-way, for a distance of 70 feet to a ½" iron rebar set; thence run South 89 degrees 58 minutes 14 seconds East, along said right-of-way, for a distance of 75.00 feet to a ½" iron rebar set; thence leave said right-of-way and run South 00 degrees 01 minutes 46 seconds West for a distance of 140.00 feet to a ½" iron rebar set; thence run South 89 degrees 58 minutes 14 seconds East for a distance of 144.94 feet back to the Point of Beginning containing 3.02 acres, more or less.

be and is hereby modified so as to approve a Use Permit to allow for the construction of a multi-purpose facility for property located at 1245 Tunica St. within an R-4 (Limited-Multi-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.

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**President Priester** recognized **Frank Miller**, a representative for Mount Nebo Baptist Church, who spoke in favor of a Use Permit to allow construction for a multi-purpose facility within a R-4 (Limited Multi-Family) Residential District.

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There was no opposition from the public.  
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**Council Member Tillman** moved adoption; **Council Member Hendrix** seconded.

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

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

- SE 3792- Andrea Crudup – 103 Alta Woods Blvd.

No action required

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**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 – 3729 Ward 2	Shirley Cleveland	5304 Queen Christina	Daycare Center	1/19/10
SE – 3796 Ward 7	Fondren Renaissance Foundation	4145 Old Canton Rd	Professional Non-Retail Office	1/9/12
SE – 3815 Ward 1	LeFleur East Foundation	4658 Old Canton Rd	Professional Office	1/22/13
SE – 3890 Ward 2	Patricia Sampson Parker	Cynthia Rd. (Parcel 906-8)	Residential Community Center	1/26/15

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

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

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REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, JANUARY 25, 2016, 2:30 P.M.

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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 10:00 a.m. on Tuesday, January 26, 2016: at 3:51 p.m., the Council stood adjourned.

ATTEST:

Kristi Moore  
CITY CLERK

APPROVED:

[Signature], 2/3/16  
MAYOR DATE

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