

**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 September 19, 2016, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Margaret Barrett-Simon, Vice President, Ward 7; Ashby Foote, Ward 1; Melvin Priester, Jr., Ward 2 and De'Keither Stamps, Ward 4. Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Biqi Zhao, Deputy Director of Planning; Ramina Aghili, Associate Planner and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3; Charles Tillman, Ward 5 and Tyrone Hendrix, President, Ward 6.

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The meeting was called to order by **Vice President Margaret Barrett-Simon**.

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**Vice President Barrett-Simon** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3933, 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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**Vice President Barrett-Simon** requested the Clerk read said Order:

**ORDER GRANTING SINGH PETRO I, LLC A FIVE (5) FEET VARIANCE FOR THE SIDE YARD/SOUTH SIDE OF THE PROPERTY WHERE A TWENTY-FIVE (25) FEET SET BACK IS REQUIRED FOR THE STREET SIDE OF CORNERS LOTS AND A SEVEN (7) FEET VARIANCE FROM THE EAST/REAR BUILDING SETBACK WHERE A FIFTEEN FEET SETBACK FOR REAR YARDS IS REQUIRED FOR PROPERTIES WITHIN A C-2 (LIMITED) COMMERCIAL FOR PROPERTY LOCATED AT 1302 NORTH STATE ST., CASE NO. 3933.**

**WHEREAS**, Singh Petro I, LLC has filed a petition for a five (5) feet Variance from the side yard where a twenty-five (25) feet set back is required for the street side of corner lots and a seven (7) feet Variance from the east/rear building setback where a fifteen feet setback for rear yards is required for properties within a C-2 (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 August 24, 2016, 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, September 19, 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 August 4, 2016 and August 18, 2016 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 five (5) feet Variance from the side yard where a twenty-five (25) feet set back is required for the street side of corner lots and a seven (7) feet Variance from the east/rear building setback where a fifteen feet setback for rear yards is required for properties within a C-2 (Limited) Commercial District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the five (5) feet Variance requested for the south side of the property will not confer upon the applicant any special privilege that is denied by the Zoning Ordinance to other similar lands, structures or buildings in the same district be granted and the seven (7) feet Variance for the rear/east side of the property within the existing C-2 (Limited) Commercial District of the City of Jackson be granted due to the literal interpretation of the provisions of the Zoning Ordinance depriving the applicants of rights commonly enjoyed by other properties in the same district under the provisions of the Zoning Ordinance.

**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:

THE EAST 101 FEET OF THE PROPERTY ACQUIRED BY DAVID L. JONES THROUGH THE WARRANTY DEED FROM P. ZEB JONES, ADMINISTRATOR, RECORDED IN BOOK 1908 AT PAGE 531, OF THE RECORDS OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI, AND THROUGH WARRANTY DEED FROM SYLVIA ROBERTS PEARSON, CONSERVATOR, RECORDED IN BOOK 1892 AT PAGE 514 OF THE AFORESAID RECORDS, SAID PROPERTY BEING LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH STATE STREET AND POPLAR BOULEVARD FRONTING 133 FEET, MORE OR LESS, ON NORTH STATE STREET AND 101 FEET ON POPLAR BOULEVARD, AND ALSO BEING ONE AND THE SAME PROPERTY WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THE WEST 101 FEET OF THE FOLLOWING DESCRIBED TRACTS OF LAND:

TRACT I:

THE SOUTH TWO-THIRDS OF LOT 7, SQUARE "D", OF THE NORTH PARK ADDITION, A SUBDIVISION IN AND TO THE CITY OF JACKSON, MISSISSIPPI, ACCORDING TO THE MAP OR PLAT THEREOF WHICH IS ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI, IN SURVEYORS RECORD BOOK A AT PAGE 309, REFERENCE TO WHICH IS HEREBY MADE IN AID OF AND AS A PART HEREOF. THIS BEING THE SAME PROPERTY ACQUIRED BY J.L. ROBERTS BY INSTRUMENTS RECORDED IN BOOK 160 AT PAGE 44, AND IN BOOK 252 AT PAGE 555, OF THE RECORDS OF SAID COUNTY.

TRACT II:

BEGINNING EAST SIDE OF NORTH STATE STREET 66 2/3 FEET NORTH OF POPLAR BOULEVARD; NORTH 66 2/3 FEET; EAST 126 FEET; SOUTH 66 2/3 FEET; WEST 118 FEET TO THE POINT OF BEGINNING IN LOTS 6 AND 7, BLOCK "D" NORTH PARK ADDITION, IN THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, JACKSON, MISSISSIPPI, RECORDED IN PLAT BOOK A PAGE 309.

BEING THE SAME PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN DEED BOOK 4940, AT PAGE 726, OF THE LAND RECORDS OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI.

be and is granted the requested five (5) feet Variance from the side yard/ south side of the property where a twenty-five (25) feet set back is required for the street side of corner lots and a seven (7) feet Variance from the east/rear building setback where a fifteen (15) feet setback for rear yards is required for properties within a C-2 (Limited) Commercial District, however, before a 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.

Vice President Barrett-Simon recognized Attorney Farris Crisler, a representative of Singh Petro I, LLC, who spoke in favor of a seven (7) feet Variance from the east/rear building setback where a fifteen feet setback for rear yards is required and a five (5) feet Variance from the side yard variance where a twenty-five (25) feet setback is required for the street side of corner lots within a C-2 (Limited) Commercial District.

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Vice President Barrett-Simon recognized Mike Stevens, a representative of the Greater Belhaven Foundation, who spoke in opposition of a seven (7) feet Variance from the east/rear building setback where a fifteen feet setback for rear yards is required and a five (5) feet Variance from the side yard variance where a twenty-five (25) feet setback is required for the street side of corner lots within a C-2 (Limited) Commercial District.

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Vice President Barrett-Simon recognized Ernie Coward, a representative of Keifer's Restaurant, who spoke in opposition of a seven (7) feet Variance from the east/rear building setback where a fifteen feet setback for rear yards is required and a five (5) feet Variance from the side yard variance where a twenty-five (25) feet setback is required for the street side of corner lots within a C-2 (Limited) Commercial District.

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Council Member Foote moved adoption. Item dies for lack of a second.

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Thereafter, Vice President Barrett-Simon requested that the Clerk read the Order to deny:

**ORDER DENYING SINGH PETRO I, LLC A FIVE (5) FEET VARIANCE FOR THE SIDE YARD/SOUTH SIDE OF THE PROPERTY WHERE A TWENTY-FIVE (25) FEET SET BACK IS REQUIRED FOR THE STREET SIDE OF CORNERS LOTS AND A SEVEN (7) FEET VARIANCE FROM THE EAST/REAR BUILDING SETBACK WHERE A FIFTEEN FEET SETBACK FOR REAR YARDS IS REQUIRED FOR PROPERTIES WITHIN A C-2 (LIMITED) COMMERCIAL FOR PROPERTY LOCATED AT 1302 NORTH STATE ST., CASE NO. 3933.**

WHEREAS, Singh Petro I, LLC has filed a petition for a five (5) feet Variance from the side yard where a twenty-five (25) feet set back is required for the street side of corner lots and a seven (7) feet Variance from the east/rear building setback where a fifteen feet setback for rear yards is required for properties within a C-2 (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 August 24, 2016, 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, September 19, 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 August 4, 2016 and August 18, 2016 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 five (5) feet Variance from the side yard where a twenty-five (25) feet set back is required for the street side of corner lots and a seven (7) feet Variance from the east/rear building setback where a fifteen feet setback for rear yards is required for properties within a C-2 (Limited) Commercial District of the City of Jackson; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that the five (5) feet Variance requested for the south side of the property would confer upon the applicant any special privilege that is denied by the Zoning Ordinance to other similar lands, structures or buildings in the same district be denied and the seven (7) feet Variance for the rear/east side of the property within the existing C-2 (Limited) Commercial District of the City of Jackson be denied due to the literal interpretation of the provisions of the Zoning Ordinance not depriving the applicants of rights commonly enjoyed by other properties in the same district under the provisions of the Zoning Ordinance.

**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:

THE EAST 101 FEET OF THE PROPERTY ACQUIRED BY DAVID L. JONES THROUGH THE WARRANTY DEED FROM P. ZEB JONES, ADMINISTRATOR, RECORDED IN BOOK 1908 AT PAGE 531, OF THE RECORDS OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI, AND THROUGH WARRANTY DEED FROM SYLVIA ROBERTS PEARSON, CONSERVATOR, RECORDED IN BOOK 1892 AT PAGE 514 OF THE AFORESAID RECORDS, SAID PROPERTY BEING LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH STATE STREET AND POPLAR BOULEVARD FRONTING 133 FEET, MORE OR LESS, ON NORTH STATE STREET AND 101 FEET ON POPLAR BOULEVARD, AND ALSO BEING ONE AND THE SAME PROPERTY WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

THE WEST 101 FEET OF THE FOLLOWING DESCRIBED TRACTS OF LAND:

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BEING THE SAME PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN DEED BOOK 4940, AT PAGE 726, OF THE LAND RECORDS OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI.

be and is hereby denied the requested five (5) feet Variance from the side yard/ south side of the property where a twenty-five (25) feet set back is required for the street side of corner lots and a seven (7) feet Variance from the east/rear building setback where a fifteen (15) feet setback for rear yards is required for properties within a C-2 (Limited) Commercial District.

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

Yeas- Barrett-Simon, Priester and Stamps.

Nays- Foote.

Absent- Hendrix, Stokes and Tillman.

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There came on for consideration Case No. 3947:

**ORDER GRANTING MILLSAPS COLLEGE A USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A MONUMENT SIGN (BILLBOARD) WITH A DIGITAL MESSAGING CENTER (BILLBOARD) WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 2395 NORTH STATE ST., CASE NO. 3947.**

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Vice President Barrett-Simon announced that said item would be tabled until the next Zoning Council meeting to be held on October 17, 2016 at 2:30 p.m.

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Vice President Barrett-Simon 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 -3329<br>Ward 7  | North Midtown<br>Community<br>Development Co.                                                                        | 219 McTyere Ave.<br>Jackson, MS 39202             | Office                             | 09/06/00       |
| SE -3844<br>Ward 1  | Anthony R. Simon                                                                                                     | 621 E. Northside Dr.<br>Jackson, MS 39206         | Professional Non-<br>Retail Office | 09/16/13       |
| C-UP 3914<br>Ward 7 | Richard &<br>Company, LLC<br>C/O Richard<br>McKey Initially<br>issued to the<br>Fondren<br>Renaissance<br>Foundation | Patton Ave.<br>Parcel #48-97<br>Jackson, MS 39206 | Accessory<br>Parking Lot           | 09/21/15       |

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

Yeas- Barrett-Simon, Foote, Priester and Stamps.

Nays- None.

Absent- Hendrix, Stokes and Tillman.

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REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, SEPTEMBER 19, 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, September 20, 2016 at 3:10 p.m., the Council stood adjourned.

ATTEST:

Christ Moore  
CITY CLERK

APPROVED:

[Signature] 10.4.16  
MAYOR DATE

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