

**REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, NOVEMBER 16, 2020, 2:30 P.M.**

**180-6**

**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 November 16, 2020 being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Aaron Banks, Council President; Ward 6; Ashby Foote, Ward 1 (via teleconference); Charles Tillman, Vice President Ward 5 and Virgi Lindsay, Ward 7. Directors: Shanekia Mosley-Jordan, Clerk of the Council; John W. Carroll, Sr., Chief Deputy Clerk of the Council; Ester Ainsworth, Zoning Administrator; and Chandra Gayten, Deputy City Attorney.

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

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The meeting was called to order by **President Aaron Banks**.

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**President Banks** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4099, 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 Banks** requested that the Clerk read the Order:

**ORDER GRANTING TERESA J. BRYANT A SPECIAL EXCEPTION TO ALLOW FOR A RESIDENTIAL CHILD CARE CENTER WHICH ALLOWS FOR UP TO TEN (10) CHILDREN WITHIN AN R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR THE PROPERTY LOCATED AT 531 CLAIBORNE AVE. (PARCEL: 123-85) CASE NO. 4099.**

**WHEREAS**, Teresa J. Bryant has filed a petition for a Special Exception to allow for a residential child care center within an R-1 (Single-Family) Residential District for the property located at 531 Claiborne Ave. (Parcel: 123-85), in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, after holding the required public hearing on September 23, 2020, and at the request of the applicant, Teresa J Bryant, the Jackson City Planning Board tabled the Case until the October 28, 2020 Planning Board Hearing; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing on October 28, 2020 has recommended approval of a Special Exception to allow for a residential child care center which allows for up to ten (10) children within a R-1 (Single-Family) Residential District; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the Jackson City Council would be held at the City Hall at 2:30 p.m., November 16, 2020 to consider said petition, based upon the record of the case as developed before the City Planning Board; and

**WHEREAS**, it appeared to the satisfaction of the Jackson City Council that notice of said petition had been published in the Mississippi Link on October 8, 2020 and October 22, 2020 that a hearing had been held by the Jackson City Planning Board on October 28, 2020, 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 a Special Exception for the above

described property, within an existing R-1 (Single-Family) Residential Zoning District of the City of Jackson; and

**WHEREAS**, it appears to the Jackson City Council that the documents are in order, and that the recommendation of the Planning Board to approve a Special Exception to allow for a residential child care center which allows for up to ten (10) children within an R-1 (Single-Family) Residential District does support the promotion of the public health, safety, morals, the general welfare of the community and the granting of such will not adversely affect adjacent property owners.

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

That the property located in the First Judicial District of Hinds County, Jackson, Mississippi, and being more particularly described as follows:

LOT 3 BLK B WESTWOOD PT 2

be and is hereby granted a Special Exception to allow for a residential child care center which allows for up to ten (10) children within R-1 (Single-Family) Residential District for the property located at 531 Claiborne Ave. However, that before for any structure is erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

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

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**President Banks** recognized **Teresa J. Bryant**, Applicant, who spoke in favor to approve a Special Exception to allow for the operation of a residential child care center within an R-1 (Single-Family) Residential District.

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There was no opposition from the public.

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Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Lindsay and Tillman.

Nays – None.

Absent – Stamps and Stokes.

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**President Banks** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4104, 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 Banks** requested that the Clerk read the Order:

**ORDINANCE GRANTING KELVIN WILLIAMS A REZONING OF THE R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT PORTION OF 4106 MEDGAR EVERS BLVD. (PARCEL 410-293) TO C-3 (GENERAL) COMMERCIAL DISTRICT AND A USE PERMIT FOR 4106 MEDGAR EVERS BLVD. TO OPERATE A USED CAR LOT IN A C-3 GENERAL COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 4106 MEDGAR EVERS BLVD. (PARCEL 410-293), CASE NO. 4104.**

**WHEREAS**, Kelvin Williams has filed a petition to rezone the R-1 (Single-Family) Residential District portion of 4106 Medgar Evers Blvd. (Parcel 410-293) located in the City of Jackson, First Judicial District of Hinds County, Mississippi to C-3 (General) Commercial District with a Use Permit to operate a used car lot; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the R-1 (Single-Family) Residential District portion 4106 Medgar Evers Blvd. (Parcel 410-293) to C-3 (General) Commercial District and a Use Permit to allow for the operation of a used car lot in a C-3 (General) Commercial District; 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, November 16, 2020 to consider said change, based upon the record of the case as developed before the Jackson City Planning Board; and

**WHEREAS**, it appeared to the satisfaction of the Jackson City Council that notice of said petition had been published in the Mississippi Link on October 8, 2020 and October 22, 2020 that a hearing had been held by the Jackson City Planning Board on September 23, 2020, 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 has recommended the rezoning of the R-1 (Single-Family) Residential District portion of the property located at 4106 Medgar Evers Blvd. (Parcel 410-293) from to C-3 (General) Commercial District with a Use Permit to operate a used lot; and

**WHEREAS**, the Jackson City 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 said application since any previous City Council action; and

**WHEREAS**, the Jackson City 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 a Use Permit be granted to operate a used car lot in the C-3 (General) Commercial District based upon the proposed use not being detrimental to the continued use, value, or development of properties in the vicinity.

**NOW, THEREFORE, BE IT ORDAINED 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:

4106 Medgar Evers Boulevard, Jackson, Mississippi, more particularly described as:  
Beginning at the intersection of the southerly line of Stover Avenue and the northerly line of Miller Avenue, thence southerly 60 feet to the Point of Beginning; thence southerly 185 feet; thence northwesterly 123 feet, more or less; thence northeasterly 120 feet; thence northwesterly 7 feet; thence northeasterly 60 feet; thence southeasterly 130 feet to the Point of Beginning, being Lots 1 and 2, Block 14, Greenfields Subdivision, Part 4, a subdivision according to a 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 Plat Book 7 at Page 51, reference to which is hereby made in aid of and as part of this description, and Part of the SW <sup>1</sup>/<sub>4</sub> of Section 20, Township 6 N, Range 1 East and part of closed Miller Avenue.

Less and Except:

Begin at the Southeast corner of Lot 2, Block 14, Greenfields Subdivision, Part 4, subdivision according to a 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 Plat Book 7 at Page

51; thence runs southeasterly 60 feet to a point on the Northwest line of Lot 1, Block 4, Greenfields Subdivision, Part 1, thence run southwesterly along the Northwest line of said Lot 1 a distance of 125 feet to the Southwest corner of said Lot 1 and the Northern right of way of Delta Drive; thence run northerly along the right of Delta Drive a distance of 60 feet to a point; thence run northeasterly for a distance of 125 feet to the Point of Beginning. And

Less and Except a ten (10) foot easement as reserved by the City of Jackson upon vacation of Miller Avenue by the City of Jackson.

Parcel I being the same property as described in Warranty Deed recorded in Book 4118 at Page 421.

is hereby granted the rezoning of the R-1 (Single-Family) Residential District portion of the property located at 4106 Medgar Evers Blvd. (Parcel 410-293) to C-3 (General) Commercial District with a Use Permit to operate a used car lot in the C-3 (General) Commercial 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 Lindsay** moved adoption; **Council Member Tillman** seconded.

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There was no presentation from the Applicant and no opposition from the public.

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Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Lindsay and Tillman.

Nays – None.

Absent – Stamps and Stokes.

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**President Banks** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of said Agenda Item for text amendments, including all applicable ordinances, statutes.

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

**ORDINANCE APPROVING AMENDMENTS TO THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF JACKSON AS ADOPTED ON MAY 29, 1974 AND SUBSEQUENTLY AMENDED IN ORDER TO PROVIDE FOR AND ESTABLISH MORE EFFECTIVE ZONING REGULATIONS FOR THE CITY OF JACKSON LAND USES**

That Article II, Section 202 of the Zoning Ordinance of Jackson, Mississippi, is hereby amended to read as follows:

**202.56 (a) “Extended Stay Hotel”** means a building containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, and in which all guest rooms have facilities for the refrigeration and preparation of food by guests to include at a minimum a refrigerator, separate sink for food preparation, and a self-serve laundry facility is available for the guests to use. For the purposes of this Ordinance, extended stay hotels, motels and hotels are separate and distinct uses.

**202.104 (a) Monopole Tower:** A telecommunications tower of a single pole design of a single, self-supporting hollow metal tube securely anchored to a foundation.

202.104(b) Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having parking spaces adjacent to sleeping rooms (bedrooms). An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

**202.179 (C) Wireless Communication Facility (WCF):** A WCF is any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas, microwave antennas, and other types of equipment for the transmission or receipt of such signals, including telecommunications towers and similar supporting structures, equipment cabinets or buildings, parking areas, and other accessory development.

The facility shall also protect and promote the public health, safety, and welfare of the residents; preserve neighborhood character and protect aesthetic quality; and minimize adverse visual impacts through careful design, configuration, screening, and innovative camouflaging techniques.

That Article VI, Section 602.02.3 for uses permitted as Use Permits in the R-1 (Single-family) Residential District is hereby amended to read as follows:

- Note Items 1-10 will remain the same

**11. Monopole Tower to include a Wireless Communication Facility.**

That Article VI, Section 602.02.03 for Regulations in the R-1 Single-family Residential District is hereby amended to be renumbered to 602.02.04 and amended to read as follows:

- Note Items 1-10 will remain the same

11. The monopole shall be located a minimum of one hundred sixty (160) feet from any adjacent structure on all adjacent lots.

b) The WCF shall be in the rear of the lot and encompass a minimum area of two-hundred fifty (250) square feet. The setback from the rear lot line shall be a minimum of five (5) feet.

c) A Site Plan for the WCF must be submitted with the Use Permit application and mailed with the Zoning Action Notification Form and shall include:

- the legal description for the WCF site;
- the building footprint of the structures located on the lot and the structures located to the north, south, east and west of the proposed WCF site;
- the Fall zone (The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.); and
- a rendering of the enclosure to include the landscaping
  - The WCF enclosures shall be a minimum height of six (6) ft. and constructed of walls or fences of wood or plastic lumber, (finished) masonry units, (finished) concrete, or any combination of these elements. The materials used shall be compatible with those of adjacent or surrounding buildings or structures and may be used in any combination of the enclosure materials listed above. The enclosure shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side. The enclosures shall be of a material and color the same or similar to the existing principal structure

- Existing on-site vegetation shall be preserved to the maximum extent practicable and shall be supplemented as required.

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d) The WCF Permit shall be renewed annually by the recipient company.

- e) Upon the ceasing of operations, the WCF facility shall be removed within one-hundred eighty (180) days and the property restored to its prior condition or better.

That this Ordinance shall be in force and effect thirty (30) days after passage and after publication of the same by the petitioner.

Council Member Lindsay moved adoption; Council Member Tillman seconded.

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President Banks recognized Ester Ainsworth, Planning & Development Department, who gave a brief overview of said item.

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

Yeas – Foote, Lindsay and Tillman.  
Nays – Banks.  
Absent – Stamps and Stokes.

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

- SE 2704 – Mary L. Clay – 2684 Maddox Rd. (Parcel: 834-108-2)
- SE 2981 – New Evergreen M.B. Church – 401 Jennings Street (Parcel: 97-149)
- SE 3877 – Kodi D. Hobbs – 5016 Old Canton Rd. (Parcel: 507-2)

No action required.

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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 – 1636 Ward 4	Lillie Robinson	3554 Rita Drive Jackson, MS 39213	Day Care Center	11/30/1977
SE – 3788 Ward 4	Artemesia Thompson	471 Roland St. Jackson, MS 39209	Residential Child Care Center	11/14/2011
3878 Ward 4 C-UP	Denise Eley	5495 Robinson Rd. Jackson, MS 39204	Commercial Adult Day Care	11/17/2014
3916 Ward 4 C-UP	Fondren Yana Enhancement	Parcel #52-10 on Northview Dr. Jackson, MS	Accessory Off-Street Parking Lot	11/16/2015
3948 Ward 4 C-UP	Marvin Cornelius	2926 J R Lynch St. Jackson, MS 39209	Used Car Dealership/ Mechanic Shop	11/21/2016

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**180-12**

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

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**President Banks** recognized **Council Member Tillman**, who recommended an amendment changing Case No. 3916 from "Ward 4" to "Ward 7".

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**Council Member Lindsay** moved; seconded by **Council Member Tillman** to amend said order to reflect the changes as stated. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lindsay and Tillman.

Nays – None.

Absent – Stamps and Stokes.

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Thereafter, **President Banks** called for a vote on said Order 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>
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3878 Ward 4 C-UP	Denise Eley	5495 Robinson Rd. Jackson, MS 39204	Commercial Adult Day Care	11/17/2014
3916 Ward 7 C-UP	Fondren Yana Enhancement	Parcel #52-10 on Northview Dr. Jackson, MS	Accessory Off-Street Parking Lot	11/16/2015
3948 Ward 4 C-UP	Marvin Cornelius	2926 J R Lynch St. Jackson, MS 39209	Used Car Dealership/ Mechanic Shop	11/21/2016

**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 and Tillman.

Nays – None.

Absent – Stamps and Stokes.

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MONDAY, NOVEMBER 16, 2020, 2:30 P.M.

180-13

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Council Meeting to be held at 10:00 a.m. on Tuesday, November 24, 2020. At 3:28 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Masley - Brandon

CLERK OF COUNCIL

APPROVED:

Ch. [Signature], 3/31/2021  
MAYOR<sup>CS</sup> DATE

ATTEST:

Angele Harris  
CITY CLERK

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