

**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 21, 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; Charles Tillman, Vice President Ward 5; Ashby Foote, Ward 1; Melvin Priestler, Jr., Ward 2; De'Keither Stamps, Ward 4 (via teleconference) and Virgi Lindsay, Ward 7. Directors: Shanekia Mosley, 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.

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

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**President Banks** recognized **Supervisor Credell Calhoun**, who spoke in favor to *approve* a rezoning from C-3 (general) commercial district to I-2 (heavy) industrial district to allow for the operation of a towing and recovery business for the property located at 430 Stokes Robertson Rd. that's being considered for case No. 4090 for today's zoning meeting.

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**President Banks** recognized **Senator Sollie Norwood**, who spoke in favor to *deny* a rezoning from C-3 (general) commercial district to I-2 (heavy) industrial district to allow for the operation of a towing and recovery business for the property located at 430 Stokes Robertson Rd. that's being considered for case No. 4090 for today's zoning meeting.

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**President Banks** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4090, 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 DENYING CHRIS CLARK A REZONING FROM C-3 (GENERAL) COMMERCIAL DISTRICT TO I-2 (HEAVY) INDUSTRIAL DISTRICT TO ALLOW FOR THE OPERATION OF A TOWING AND RECOVERY BUSINESS FOR THE PROPERTY LOCATED AT 430 STOKES ROBERTSON RD. (PARCEL #862-90), CASE NO. 4090.**

**WHEREAS**, Chris Clark has filed a petition to rezone the property located at 430 Stokes Robertson Rd. (Parcel #862-90), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-3 (General) Commercial District to I-2 (Heavy) Industrial District to allow for the operation of a towing and recovery business; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing on June 24, 2020 had recommended the approval of a Conditional Use Permit to operate a towing and recovery business within a C-3 (General) Commercial District; and

**WHEREAS**, the City Council on July 20, 2020 remanded the Case to the Planning Board to meet the notification requirements for public hearing; and

**WHEREAS**, Chris Clark testified at the August 26, 2020 Planning Board Hearing that he could not comply with the Use Permit requirement to store all vehicles in a completely enclosed building for an automobile and truck wrecker and recovery business within a C-3 (General) Commercial District; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing on August 26, 2020, and considering the testimony of Chris Clark regarding the alternative recommendation for a Conditional Use Permit, has recommended the denial of the rezoning of the property from C-3 (General) Commercial District to I-2 (Heavy) Industrial District to allow for the operation of a towing and recovery business; 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 21, 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 City Council that notice of said petition had been published in the Mississippi Link on August 6, 2020 and August 20, 2020 that a hearing had been held by the Jackson City Planning Board on August 26, 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 had recommended the denial of the rezoning of the property from C-3 (General) Commercial District to I-2 (Heavy) Industrial District; and

**WHEREAS**, the Council after having considered the matter, is of the opinion that such changes would not be in keeping with sound land use practice and to the best interest of the City and that there has not been a substantial change in the land use character of the surrounding area that justifies rezoning the property and a public need for additional property in that area zoned in accordance with the request in said application since any previous City Council action.

**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:

A certain parcel of land being a part of Lot 8, The Meadows, a subdivision according to the map or plat thereof, on file and of record is the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, as now recorded in Plat Book 3 at Page 92, and being more particularly described as follows:

Commence at the Point of Intersection of the original West right-of-way line of Interstate Highway 55 with the North right-of-way line of Stokes Robertson Road (as both are now laid out and improved); run thence West along said North right-of-way line of Stokes Robertson Road for a distance of 155.00 feet to an existing iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, continue thence West along said North right-of-way line Stokes Robertson Road for a distance of 235.00 feet to a set iron pin; leaving said North right-of-way line of Stokes Robertson Road, turn thence right through a deflection angle of 88 degrees 31 minutes 00 seconds and run northerly or a distance of 575.00 feet to a set iron pin; turn thence right through a deflection angle of 91 degrees 29 minutes 00 seconds and run easterly for a distance of 250.18 feet to a set iron pin; turn thence right through a deflection angle of 90 degrees 00 minutes 00 seconds and run southerly for a distance of 574.81 feet to the POINT OF BEGINNING, containing 3.2 acres, more or less.

And being (the same property described in Warranty Deed recorded in Book 5495 at Page 117.

be and is hereby denied the rezoning of the property located at 430 Stokes Robertson Rd. (Parcel #862-90) from C-3 (General) Commercial District to I-2 (Heavy) Industrial.

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

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**President Banks** recognized **Chris Clark**, Applicant, who spoke in support of rezoning from C-3 (general) commercial district to I-2 (heavy) industrial district to allow for the operation of a towing and recovery business.  
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**President Banks** recognized **Claude McCants**, representative for ASJAN, who spoke in favor of the denial of rezoning from C-3 (general) commercial district to I-2 (heavy) industrial district to allow for the operation of a towing and recovery business.

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**President Banks** recognized **John Sledge**, who spoke in favor of the denial of rezoning from C-3 (general) commercial district to I-2 (heavy) industrial district to allow for the operation of a towing and recovery business.

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After a thorough discussion, **President Banks** recognized, **Council Members Lindsay and Priester**, who withdrew their motion and second.

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**Note: Council Member Stamps** left the meeting.

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

**ORDINANCE GRANTING CHRIS CLARK A REZONING FROM C-3 (GENERAL) COMMERCIAL DISTRICT TO I-2 (HEAVY) INDUSTRIAL DISTRICT TO ALLOW FOR THE OPERATION OF A TOWING AND RECOVERY BUSINESS FOR THE PROPERTY LOCATED AT 430 STOKES ROBERTSON RD. (PARCEL #862-90) CASE NO. 4090.**

**WHEREAS**, Chris Clark has filed a petition to rezone the property located at 430 Stokes Robertson Rd. (Parcel #862-90), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-3 (General) Commercial District to I-2 (Heavy) Industrial District to allow for the operation of a towing and recovery business; and

**WHEREAS**, after holding the required public hearing on June 24, 2020, the Jackson City Planning Board recommended the approval of a Conditional Use Permit to operate a towing and recovery business within a C-3 (General) Commercial District; and

**WHEREAS**, on July 20, 2020, upon receiving information that notice had not been perfected on all interested persons, the City Council remanded the case to the Jackson City Planning Board to meet the notification requirements for the public hearing; and

**WHEREAS**, at the August 26, 2020 Planning Board Meeting, Chris Clark presented testimony that he could not comply with the Use Permit requirement to store all vehicles in a completely enclosed building for an automobile and truck wrecker and recovery business within a C-3 (General) Commercial District; and

**WHEREAS**, after holding the required public hearing on August 26, 2020, and taking into consideration the testimony of Chris Clark regarding the alternative recommendation for a Conditional Use Permit, the Jackson City Planning Board recommended the denial of the rezoning of the property from C-3 (General) Commercial District to I-2 (Heavy) Industrial District to allow for the operation of a towing and recovery business; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the City Council would be held at the City Hall at 2:30 p.m., Monday, September 21, 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 City Council that notice of said petition had been published in the Mississippi Link on August 6, 2020 and August 20, 2020 that a hearing had been held by the Jackson City Planning Board on August 26, 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 had recommended the denial of the rezoning of the property from C-3 (General) Commercial District to I-2 (Heavy) Industrial District; and

**WHEREAS**, the 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 the request in said application since any previous City Council action.

**NOW, THEREFORE, BE IT ORDAINED 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 being a part of Lot 8, The Meadows, a subdivision according to the map or plat thereof, on file and of record is the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, as now recorded in Plat Book 3 at Page 92, and being more particularly described as follows:

Commence at the Point of Intersection of the original West right-of-way line of Interstate Highway 55 with the North right-of-way line of Stokes Robertson Road (as both are now laid out and improved); run thence West along said North right-of-way line of Stokes Robertson Road for a distance of 155.00 feet to an existing iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, continue thence West along said North right-of-way line Stokes Robertson Road for a distance of 235.00 feet to a set iron pin; leaving said North right-of-way line of Stokes Robertson Road, turn thence right through a deflection angle of 88 degrees 31 minutes 00 seconds and run northerly or a distance of 575.00 feet to a set iron pin; turn thence right through a deflection angle of 91 degrees 29 minutes 00 seconds and run easterly for a distance of 250.18 feet to a set iron pin; turn thence right through a deflection angle of 90 degrees 00 minutes 00 seconds and run southerly for a distance of 574.81 feet to the POINT OF BEGINNING, containing 3.2 acres, more or less.

And being (the same property described in Warranty Deed recorded in Book 5495 at Page 117.

is hereby modified so as to approve the rezoning of the property located at 430 Stokes Robertson Rd. (Parcel #862-90) from C-3 (General) Commercial District to I-2 (Heavy) Industrial to allow for the operation of a towing and recovery business. However, that before any structure is erected or use thereof on the said property, 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.

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

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**President Banks** recognized **Council Member Lindsay**, who stated an amendment was needed to change "Rezoning from C-3 (General) commercial district to I-2 (Heavy) Industrial District to allow for the operation of a towing and recovery business for the property located at 430 Stokes Robertson Rd" to "Conditional use permit to operate a towing and recovery business within a C-3 (general) commercial district for the property located at 430 Stokes Robertson Rd."; seconded by **President Banks**.

The motion prevailed by the following vote:

Yeas – Banks, Foote, Lindsay and Tillman.

Nays – None.

Absent – Priester, Stamps and Stokes.

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Note: Council Member Priester left during discussion.

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Thereafter, President Banks called for a vote on said Order, as amended:

**ORDER GRANTING CHRIS CLARK A CONDITIONAL USE PERMIT TO OPERATE A TOWING AND RECOVERY BUSINESS WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 430 STOKES ROBERTSON RD. (PARCEL #862-90), CASE NO. 4090.**

**WHEREAS**, Chris Clark has filed a petition to rezone the property located at 430 Stokes Robertson Rd. (Parcel #862-90), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-3 (General) Commercial District to I-2 (Heavy) Industrial District to allow for a towing and recovery business; and

**WHEREAS**, after holding the required public hearing on June 24, 2020, the Jackson City Planning Board recommended the approval of a Conditional Use Permit to operate a towing and recovery business within a C-3 (General) Commercial District; and

**WHEREAS**, on July 20, 2020, upon receiving information that notice had not been perfected on all interested persons, the City Council remanded the case to the Jackson City Planning Board to meet the notification requirements for the public hearing; and

**WHEREAS**, at the August 26, 2020 Planning Board Meeting, Chris Clark presented testimony that he could not comply with the Use Permit requirement to store all vehicles in a completely enclosed building for an automobile and truck wrecker and recovery business within a C-3 (General) Commercial District; and

**WHEREAS**, after holding the required public hearing on August 26, 2020, and taking into consideration the testimony of Chris Clark that he could not comply with the alternative recommendation for a Conditional Use Permit, the Jackson City Planning Board recommended the denial of the rezoning of the property from C-3 (General) Commercial District to I-2 (Heavy) Industrial District to allow for the operation of a towing and recovery business; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the City Council would be held at the City Hall at 2:30 p.m., Monday, September 21, 2020 to consider said change, based upon the record of the case as developed before the Jackson City Planning Board; and

**WHEREAS**, the City Council after having considered the matter, is of the opinion that such changes would not be in keeping with sound land use practice and to the best interest of the City and that there has not been a substantial change in the land use character of the surrounding area that justifies rezoning the property and 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

**WHEREAS**, the Council, after having considered the matter and the testimony of Chris Clark that he would work in conjunction with the City to comply with the requirements of the recommended Conditional Use Permit, is of the opinion that the proposed towing and recovery business is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking and other uses, and that a Conditional Use Permit be granted to operate a towing and recovery business for property located at 430 Stokes Robertson Rd. within the existing C-3 (General) Commercial District of the City of Jackson.

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

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

A certain parcel of land being a part of Lot 8, The Meadows, a subdivision according to the map or plat thereof, on file and of record is the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, as now recorded in Plat Book 3 at Page 92, and being more particularly described as follows:

Commence at the Point of Intersection of the original West right-of-way line of Interstate Highway 55 with the North right-of-way line of Stokes Robertson Road (as both are now laid out and improved); run thence West along said North right-of-way line of Stokes Robertson Road for a distance of 155.00 feet to an existing iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, continue thence West along said North right-of-way line Stokes Robertson Road for a distance of 235.00 feet to a set iron pin; leaving said North right-of-way line of Stokes Robertson Road, turn thence right through a deflection angle of 88 degrees 31 minutes 00 seconds and run northerly or a distance of 575.00 feet to a set iron pin; turn thence right through a deflection angle of 91 degrees 29 minutes 00 seconds and run easterly for a distance of 250.18 feet to a set iron pin; turn thence right through a deflection angle of 90 degrees 00 minutes 00 seconds and run southerly for a distance of 574.81 feet to the POINT OF BEGINNING, containing 3.2 acres, more or less.

And being (he same property described in Warranty Deed recorded in Book 5495 at Page 117.

be and is hereby modified so as to approve a Conditional Use Permit to operate a towing and recovery business for property located at 430 Stokes Robertson Rd. within a C-3 (General) Commercial District. The conditions of the Use Permit shall be that it is granted on an annual basis and that the Use Permit be granted to Chris Clark, the owner/operator of the towing service. 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.

Yeas – Banks, Foote, Lindsay and Tillman.

Nays – None.

Absent – Priestler, Stamps and Stokes.

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**Note: Council Members Priestler returned the meeting.**

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**President Banks** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4096, 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 DENYING CHRISTOPHER KALU A REZONING FROM C2 (LIMITED) COMMERCIAL DISTRICT TO C3 (GENERAL) COMMERCIAL DISTRICT FOR THE PORTION OF THE PROPERTY LOCATED AT 6262 HANGING MOSS RD ON PARCEL 712-3-30 AND A USE PERMIT FOR 6262 HANGING MOSS RD TO OPERATE A LIQUOR STORE IN A C3 (GENERAL) COMMERCIAL DISTRICT. CASE NO. 4096.**

**WHEREAS**, Christopher Kalu has filed a petition to rezone the portion of the property located at 6262 Hanging Moss Rd on Parcel 712-3-30 from C2 (Limited) Commercial District to C3 (General) Commercial District and a Use Permit for 6262 Hanging Moss Rd to operate a liquor store in a C3 (General) Commercial District in the City of Jackson, First Judicial District of Hinds County, Mississippi and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended the denial of the rezoning of the portion of the property located at 6262 Hanging Moss Rd on Parcel 712-3-30 from C2 (Limited) Commercial District to C3 (General) Commercial

District and a Use Permit for 6262 Hanging Moss Rd to operate a liquor store in a C3 (General) Commercial District; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the City Council would be held at the City Hall at 2:30 p.m., Monday, September 21, 2020 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 6, 2020 and August 20, 2020 that a hearing had been held by the Jackson City Planning Board on August 26, 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 had not recommended the rezoning of the above described property to C3 (General) Commercial District; and

**WHEREAS**, the City Council after having considered the matter, is of the opinion that such changes would not be in keeping with sound land use practice and to the best interest of the City and that there has not been a substantial change in the land use character of the surrounding area that justifies rezoning the property and there is not a public need for additional property in that area zoned in accordance with the recommendation of the City Planning Board since any previous City Council action and that a Use Permit be denied based upon based upon the proposed use 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:

That certain parcel of land, together with the buildings and improvements thereon standing, situated in the Frist Judicial District, County of Hinds, State of Mississippi, and being more particularly described as follows:

**TRACT ONE:**

Beginning at a found iron marking the northeast corner of that certain Gulf Oil Corporation tract as recorded in Deed Book 2564 at Page 646-647, as recorded in the office of Chancery Clerk of Hinds County, Mississippi; from said point of beginning, run thence South 88 degrees 45 minutes 30 seconds East, 80.00' to a set iron; thence run along a line of 80.0 ft. east of and parallel with the east line of said Gulf Oil tract, South 01 degree 17 minutes 21 seconds West, a distance of 165.00' to a set iron pin; thence run North 88 degrees 45 minutes 30 seconds West, a distance of 80.00 ft. to a found iron pin at the southeast corner of said Gulf Oil tract; thence along the east line of said tract, North 01 degree 17 minutes 21 seconds East, a distance of 165.00'; which is the point of beginning, having an area of 13,200.7 square feet, 0.30 acres.

Together with a 60 ft. non-exclusive, perpetual ingress/egress easement over and across a portion of the grantors' property lying immediately south of and adjacent to the above described property and running westerly, along the Fleet Morris Petroleum Inc. Property, 255 ft., more or less, to the east right of way of Hanging Moss Road, as presently laid out and constructed. (The "Easement")

**TRACT TWO:**

A certain parcel of land being situated in the NE 1/4 of Section 3, Township 6 North, Range 1 East, Hinds County, Mississippi, and being more particularly described as follows:

Begin at a point in the East right of way line of Hanging Moss Road, which point is 673.3 feet measured Northerly along the East line of Hanging Moss Road from the Northwest corner of Lot 1, Block "R", Woodhaven Subdivision, Part 5, according to a map or plat on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 21 at Page 47, and from said Point of Beginning continue Northerly along the East right of way line of Hanging Moss Road for a distance of 165 feet; turn thence to the right through an angle of 90 degrees and run Easterly 175 feet; turn thence to the right through an angle of 90 degrees and run Southerly and parallel with the East line of Hanging Moss Road for a

distance of 165 feet; turn thence to the right through an angle of 90 degrees and run Westerly 175 feet to the Point of Beginning, containing 0.663 acres more or less.

Together with a right of way and easement to construct, lay maintain, operate, alter, repair, remove and replace pipelines and appurtenances thereto for the transportation of sewerage or any liquids or substances which can be transported through pipes, in, on, under and across the following described property:

Being situated in the NE 1/4 of Section 3, Township 6 North, Range 1 East, Jackson, Hinds County, Mississippi and being more particularly described as follows: Commence at the Northwest corner of Lot 8, Block R, Woodhaven Subdivision, Part 8 as recorded in Plat Book 23 at Page 11 of the Chancery Records of Hinds County, Mississippi and run Easterly along the North boundary of said Lot 8, 130.0 feet to the Point of Beginning for the herein described easement; turn thence to the left through a deflection angle of 90 degrees 36 minutes and run Northerly, 61.0 feet, more or less, to the South boundary of that certain property now or formerly owned by Reproco, Inc., as recorded in Deed Book 1864 at Page 389 of the aforesaid Chancery Records; turn thence to the right through a deflection angle of 90 degrees 00 minutes and run Easterly, along the South boundary of said Reproco property, 10.0 feet; turn thence to the right through a deflection angle of 90 degrees 00 minutes and run Southerly, 61 feet, more or less, to the Northeast corner of aforesaid Lot 8, Block R, Woodhaven Subdivision, Part 8; turn thence to the right through a deflection angle of 90 degrees 36 minutes and run Westerly, along the North boundary of said Lot 8, 10.0 feet to the Point of Beginning.

is hereby denied the rezoning of the property located at 6262 Hanging Moss Rd on Parcel 712-3-30 from C2 (Limited) Commercial District to C3 (General) Commercial District and a Use Permit for 6262 Hanging Moss Rd to operate a liquor store in a C3 (General) Commercial District.

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

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**President Banks** recognized **Darryl Wilson**, representative of Applicant, who spoke in favor to approve a Rezoning C2 (Limited) Commercial District to C3 (General) Commercial District to operate a liquor store.

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There was no one to speak in opposition.

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

- Yeas – Banks, Foote, Priester, 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. 4097, 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 LAKEITA F. ROX-LOVE DBA ROX LOVE REALTY, PLLC A SPECIAL EXCEPTION TO ALLOW FOR A PROFESSIONAL (REAL ESTATE) OFFICE WITHIN AN R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR THE PROPERTY LOCATED AT 5375 RED FOX RD. (PARCEL: 551-168) CASE NO. 4097.**

**WHEREAS**, Lakeita F. Rox-Love dba Rox Love Realty, PLLC has filed a petition for a Special Exception to allow for a professional (real estate) office within a R-1A (Single-Family)



Residential District for the property located at 5375 Red Fox Rd. (Parcel: 551-168), in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing has recommended approval of a Special Exception to allow for a professional (real estate) office within a R-1A (Single-Family) Residential District; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the City Council would be held at the City Hall at 2:30 p.m., September 21, 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 City Council that notice of said petition had been published in the Mississippi Link on August 6, 2020 and August 20, 2020 that a hearing had been held by the Jackson City Planning Board on August 26, 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-1A (Single-Family) Residential Zoning District of the City of Jackson; and

**WHEREAS**, it appears to the 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 professional (real estate) office within an R-1A (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 EIGHTY-FOUR (84), HEATHERWOOD SUBDIVISION, PART TWO (2), 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 21 at Page 37, reference to which is hereby made in aid of and as a part of this description.

be and is hereby granted a Special Exception to allow for a professional (real estate) office within R-1A (Single-Family) Residential District for the property located at 5375 Red Fox Rd. 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.

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

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**President Banks** recognized **Council Member Foote**, who moved to suspend the rules to allow Rodney Love to speak representing the Applicant; seconded by **President Banks**.

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

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**President Banks** recognized **Rodney Love**, representative for Applicant, who spoke in favor to approve a Special Exception to allow for a Professional (Real Estate) Office Within an R-1a (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, Priester, 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 brief procedural history of said Agenda item for text amendments, including all applicable ordinances and statues.

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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.**

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

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

**202.41 Correctional Facility: A facility in which persons are housed primarily for the purpose of punishment, correction, or rehabilitation following conviction of a criminal offense. This does not include pre-release, work-release or probationary programs.**

**202.137 (a): Recreational Vehicle Park: Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short-term accommodation for a period of no more than sixty (60) days during any one hundred twenty (120) day period for the placement of two or more recreational vehicles and shall include all buildings used or maintained for use of the occupants in the recreational vehicle park.**

**202.158 (a) Small wireless facility(ies): A facility, whether singular or plural, including antenna and accessory equipment that meets the design standards established by the City of Jackson ordinances. A small wireless facility may be attached to an existing or new support structure where permitted.**

**That Article VI, Section 601.01 for uses permitted in all residential districts is hereby amended to read as follows with no changes to land uses 1-9:**

- 10. Small cell wireless facilities shall be allowed on private property pursuant to review for compliance with Sections 35-66 Design Guidelines, 35-67 Design Standards, and 35-71 Required Submittal Information as detailed in Chapter 35 Article IV for Small Wireless Facilities in the City of Jackson Code of Ordinances. These facilities require site plan review approval and require a building permit.**

**That Article VII, Section 701 for uses permitted in all commercial districts is hereby amended to read as follows with no changes to land uses 1-9:**

- 10. Small cell wireless facilities shall be allowed on private property pursuant to review for compliance with Sections 35-66 Design Guidelines, 35-67 Design Standards, and 35-71 Required Submittal Information as detailed in Chapter 35 Article IV for Small Wireless Facilities in the City of Jackson Code of Ordinances. These facilities require site plan review approval and require a building permit. That Article VII-A, Section 701-A for uses permitted in all mixed-use districts is hereby amended to read as follows:**

**Section 701-A.01**

**Small cell wireless facilities shall be allowed on private property pursuant to review for compliance with Sections 35-66 Design Guidelines, 35-67 Design Standards, and 35-71 Required Submittal Information as detailed in Chapter 35 Article IV for Small Wireless Facilities of the City of Jackson Code of Ordinances. These facilities require site plan review approval and require a building permit.**

**That Article VIII-A, Section 801 for uses permitted in all industrial districts is hereby amended to read as follows:**

**Section 801.01**

**Small cell wireless facilities shall be allowed on private property pursuant to review for compliance with Sections 35-66 Design Guidelines, 35-67 Design Standards, and 35-71 Required Submittal Information as detailed in Chapter 35 Article IV for Small Wireless Facilities of the City of Jackson Code of Ordinances. These facilities require site plan review approval and require a building permit.**

**That Article VII, Section 702.04.1(a) for Uses Permitted in the C-2 (Limited) Commercial District as a Use Permit is hereby amended to read as follows:**

1. Any and all Use Permits provided in the C-1 and C-1A Restricted Commercial Districts.
2. Restaurant, Drive Thru
  - a) When the restaurant adjoins residentially zoned property, all exterior lighting shall be directed away from adjacent residential properties;
  - b) The location for the point of taking food orders shall be buffered from and so located so as to minimize the intrusion upon adjacent properties.
3. Veterinarian clinic when no storage pens or runs are located outdoors.
4. **Multi-family dwellings of up to twenty (20) units**
5. Automotive service and repair establishments, but excluding major repair work such as motor overhaul, body and fender repairs, spray painting, tire retreading, or other activities which may generate excessive noise or odors which may be incompatible with the character of the district when:
  - a) Conducted within a completely enclosed building; and
  - b) There is no outdoor storage of automobiles, discarded parts, tires or similar materials.
6. **Re-cycling collection point when:**
  - a) The collection point occupies no more than five hundred (500) square feet;
  - b) Has no processing equipment;
  - c) Recycling containers are made of durable material and are covered and secured from unauthorized entry; **and**
  - d) Located two-hundred fifty (250) feet from any residentially zoned property.
7. Nightclubs and bars.
8. Service stations.
9. Car wash.
10. Restaurant, General.
11. Liquor Stores, where part of a neighborhood shopping center.
12. Community Recreational Center, where part of a neighborhood shopping center
13. Tobacco Paraphernalia Retail Business
14. Hospitals
15. Vendor Park

**That Article VII, Section 702.05.1 for Uses Permitted in the C-3 (General) Commercial District is hereby amended to read as follows:**

1. All uses permitted in the C-2 Limited Commercial District
2. Apartments, new construction and when located in renovated, non-residential structures, which exceed 5,000 square feet, in accordance with 701 (9.) of the Zoning Ordinance.
3. Automotive service and repair establishments
4. Automotive and Truck Rental Business
5. Automobile Sales
6. Bowling centers

7. Car Wash
8. Health Club/Fitness Center
9. Hotels, Inns and Motels
10. Ice and roller skating rinks
11. Mini-warehouses
12. Brewpubs
13. Nightclubs and Bars
14. Nurseries/Yard and Garden Centers
15. Parking Garages
16. Produce Stand
17. Restaurants, drive-in and fast food
18. Restaurants, General
19. Retail Stand
20. Second Hand Stores
21. Service Stations
22. Transient Vendors, when located completely indoors, as in shopping centers, hotels, or motels. Outdoor display of merchandise is prohibited.
23. Veterinarian Clinics and Kennels
24. Wholesale Outlet Stores
25. Vendor Park

**That Article VII, Section 707.05.1(a) for Uses Permitted in the C-3 (General) Commercial District as Use Permits is hereby amended to read as follows:**

1. Any and all Use Permits provided in the C-2 (Limited) Commercial District.
2. Amusement Arcades
3. Amusement parks
4. Amusement Rides
5. Automobile and truck wrecker and recovery businesses, when all vehicles are stored in a completely enclosed building.
6. Bail Bonding Business
7. Billboards
8. Bingo Parlors
9. Body Piercing Business
10. Boarding Houses
11. Check Cashing Business
12. Commercial Communication Towers
13. Community Recreational Center
14. Emergency Shelter/Mission
15. Golf Driving Ranges and Pitch-n-putt
16. Gun Shops
17. Liquor Stores
18. Mobile/Manufactured Home Sales
19. Pawn Shops
- 20. Recreational Vehicle Park**
21. Recycling Center
22. Recycling Collection Points
23. Single-room occupancy hotels (SRO)
24. Tattoo Parlor
25. Title Pledge Office - Any such uses lawfully operating prior to March 11, 1998, shall be treated as non-conforming uses under this Ordinance, and shall be subject to the requirements of Article XIII-A of this Ordinance, entitled "Non-conforming Use of Lands and/or Structures."
26. Tobacco Paraphernalia Retail Business
27. Automobile Sales - Used
  - The minimum lot size is twenty-two thousand (22,000) square feet
  - All service doors, buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be screened by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.

- Inoperable vehicles, outdoor storage and automobile repair activities shall be located to the rear or side yard and shall not be visible from any public right-of-way.

That Article VII, Section 702.05.2 for Regulations in the C-3 (General) Commercial District is hereby amended to read as follows with no changes to regulations 1-19:

20. Use Permits for a recreational vehicle park shall be issued to the owner of the vendor park and renewed annually. The Use Permit will not run with the land and the subsequent owners of a vendor park at the location must apply for and receive a new Use Permit.
21. Every RV in the RV park must maintain the ability to be pulled or moved at all times.
22. Recreational vehicle parks shall have:
  - a. **Minimum Spacing.** A recreational vehicle (RV) park shall provide spaces to accommodate various types of RVs. The minimum buffer area to be provided around each RV space shall be ten (10) feet from side to side, eight (8) feet from side to rear, and six (6) feet from rear to rear or front to rear. A minimum of five (5) feet shall be provided between RV patios and any adjacent RV space. A minimum of six (6) feet shall be provided between the appurtenant structures attached to an RV and any adjacent RV space. No restroom shall be closer than twenty-five (25) feet to, nor further than four hundred (400) feet from, an RV space. Other permanent buildings shall be set back at least ten (10) feet from any RV space.
  - b. **Landscaping/Visual Screening.** All RV developments shall provide a minimum twenty-one (21) foot wide planter area, measured from the face of curb, along each street frontage (public sidewalks may be permitted in this planter area) to minimize views of the development from the public right-of-way. All areas not specifically used for driveways, walkways, patios, or similar purposes shall be landscaped in accordance with the City of Jackson Landscaping Ordinance. Landscaping materials shall meet with city standards and shall be planted to provide maximum visual relief and shade. The landscaped areas shall be protected from wheeled traffic by berms, curbing, fencing, posts, or other means where feasible.
  - c. **Recreation Facilities.** Recreational facilities include indoor rooms with table games as well as pools, clubhouses, common barbecue/picnic areas, and ball fields and playgrounds with swings, slides, sandboxes, and similar recreational equipment. A variety of recreational facilities shall be provided at a minimum of one hundred (100) square feet per RV space. Perimeter landscaping and landscaping between RV spaces shall not be counted as a recreational amenity.
  - d. **Sound Attenuation Devices.** Sound attenuation devices shall be of sufficient height and density to reduce exterior noise levels on the RV park to commercial standards. Sound attenuation devices shall also be required if noise from the RV park may intrude onto an adjacent property. All such sound attenuation devices shall be landscaped and constructed with aesthetically attractive materials. Landscaping berms at least two (2) feet in height shall be provided where sound attenuation devices are visible from the public right-of-way.

That Article VIII, Section 802.01.1 for Uses Permitted in the I-1 (Light) Industrial District is hereby amended to read as follows:

1. Light manufacturing industries
2. Uses as permitted in Commercial "C" Districts, including trade and driving schools but excluding public, private, and parochial, elementary, and secondary schools, hospitals, convalescent homes and all residential uses and retail stands which are listed separately in the relevant commercial zoning districts.
3. Truck terminals, warehouses, and storage buildings
4. Wholesale and supply houses, including building material suppliers requiring outdoor storage

5. Bulk storage and wholesale dispensing of products and materials with the exception of those products and materials that by their nature are considered explosive or otherwise hazardous to other industrial uses as determined by the Zoning Administrator
6. Recycling centers
7. Correctional facilities
8. Adult arcades, adult bookstores, adult cabarets, adult entertainment establishments, adult motels, and adult motion picture theaters
9. Amusement parks
10. Bingo parlors
11. Body Piercing Business
- 12. Check Cashing Business**
13. Emergency shelter/mission
14. Golf driving ranges and pitch-n-putt
15. Liquor Stores
16. Pawn shops
17. Retail Stand
- 18. Small Cell Wireless Facility(ies)**
19. Single-room occupancy hotels (SRO)
20. Title Pledge Office - Any such uses lawfully operating prior to March 11, 1998, shall be treated as non-conforming uses under this Ordinance, and shall be subject to the requirements of Article XIII-A of this Ordinance, entitled "Non-conforming Use of Lands and/or Structures."
21. Tobacco Paraphernalia Retail Business
22. Automobile Sales--Used
23. Used tire sales
24. Billboards
25. Bail Bonding business
26. Mobile/Manufactured Home Sales
27. Tattoo Parlors
28. Transient Vendors – Sales from vehicles will be allowed only in the absence of a permanent building. Outdoor display of goods is permitted.
- 29. Recreational Vehicle Park**

**That Article XII-A, Section 1108-A for Off-street Parking is hereby amended to read as follows with no changes to regulations 1-41:**

- 42. Recreational Vehicle Park- one (1) guest parking space for every ten (10) RV spaces. One (1) parking space shall be provided for each shift employee and shall be conspicuously labeled as such. One (1) covered parking space shall be provided for a caretaker's residence, where applicable.**
43. Residential School – one and one half (1.5) per student living on campus and for persons living in faculty or personnel housing
44. Restaurant, nightclub, bar, adult entertainment establishment – one (1) for each seventy-five (75) square feet of gross floor area.
45. Retail store – one (1) for each two hundred fifty (250) square feet of gross floor area.
46. Single-family or two-family dwelling – two (2) per dwelling unit.
  - a. For dwelling units containing less than six hundred (600) square feet in a project without any accessory building or use such as, but not limited to, a party house, tennis court, or swimming pool – one and one-half (1 ½) per dwelling unit.
47. Skating rink - one (1) for each one hundred (100) square feet of gross floor area.
48. Swimming pool – one (1) for each fifty (50) square feet of water surface; plus, one for each thirty (30) square feet of gross floor area used for spectator seating purposes.
49. Swimming pool, indoor – one (1) for each one hundred (100) square feet of water surface; plus, one (1) for each thirty (30) square feet of gross floor area used for spectator seating purposes.
50. Tennis or racquetball facility – two (2) per court.
51. Townhouse and zero lot line – two (2) per dwelling unit.
52. Warehousing, truck terminal and supply house – one (1) per motor vehicle used in the business and based, for operational purposes, upon the premises; plus
  - a. For the first twenty thousand (20,000) square feet of gross floor area, one (1) for each thousand (1,000) square feet of gross floor area; plus

- b. For any amount over twenty thousand (20,000) feet of gross floor area but less than one hundred twenty thousand (120,000) square feet, one (1) per each additional five thousand (5,000) square feet of gross floor area; plus,
- c. for any amount over one hundred twenty thousand (120,000) square feet of gross floor area, one ((1) for each additional ten thousand (10,000) square feet of gross floor area.

**That Article XII-A, Section 1203-A for Site Plan Required is hereby amended to read as follows with no changes to land uses 1-20:**

- 21. Recreational Vendor Park**
- 22. Residential subdivisions or re-subdivisions of property
- 23. Restaurants
- 24. Commercial Communications Towers
- 25. Small Craft Brewery
- 26. Service Stations
- 27. Retail Stand
- 28. Structures in excess of forty-five (45) feet in height
- 29. Substantial remodeling or additions that:
  - affect existing off-street parking;
  - change the land use of the building(s) involved; or
  - increase the square footage of existing non-residential structures fifteen (15) percent or more
- 30. Any “action” as defined under 706.11-B within the Corridor 80 (C80) District.
- 31. Vendor Park

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

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

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

Nays – None.

Absent – Stamps and Stokes.

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

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

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

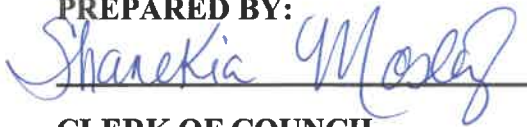
Nays – None.

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 Special Council Meeting to be held at 10:00 a.m. on Tuesday, September 29, 2020. At 4:14 p.m., the Council stood adjourned.

**PREPARED BY:**



**CLERK OF COUNCIL**

**APPROVED:**

 10/27/2020

**MAYOR**

**DATE**

**ATTEST:**



**CITY CLERK**

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