

**REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, DECEMBER 16, 2013, 2:30 P.M.**

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**BE IT REMEMBERED** that a Regular Zoning Meeting of the City Council of Jackson, Mississippi was convened in the Council Chambers in City Hall at 2:30 p.m. on December 16, 2013, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: President, Charles Tillman; Vice-President, Melvin Priester, Jr.; Quentin Whitwell, Ward 1; De'Keither Stamps, Ward 4; Tony T. Yarber, Ward 6; and Margaret Barrett-Simon, Ward 7. Brenda Pree, City Clerk; Ester Ainsworth, Zoning Administrator; Carl Allen, Deputy Director of City Planning; Joseph Warnsley, Senior City Planner and Azande Williams, Deputy City Attorney.

Absent: LaRita Cooper-Stokes, Ward 3

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The meeting was called to order by **President Charles Tillman**.

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**President Tillman** recognized Senior Planner **Joseph Warnsley** who provided the Council with a procedural history of Case No. 3851, 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 and transcript of planning board meeting. Thereafter, **President Tillman** requested that the Clerk read said Order:

**ORDER APPROVING CELLUAR SOUTH REAL ESTATE, INC A USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A WIRELESS COMMUNICATION TOWER AND A 100 FT. VARIANCE FROM THE 150 FT. MAXIMUM HEIGHT FOR STRUCTURES IN THE C-3 (GENERAL) COMMERCIAL DISTRICT TO ACCOMMODATE A 250 FT. TOWER IN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 1925 W. COUNTY LINE RD. (PARCEL #2589-924), CASE NO. 3851.**

**WHEREAS**, Cellular South Real Estate, Inc. has filed a petition for a Use Permit to allow for the construction of a wireless communication tower and a 100 ft. variance from the 150 ft. maximum height for structures in the C-3 (General) Commercial District to accommodate a 250 ft. tower in a C-3 (General) Commercial District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, Jackson City Planning Board, after holding the required public hearing on October 23, 2013, considered a motion for approval of said petition which failed due to a tie vote; 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, December 16, 2013 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 Clarion Ledger on October 3, 2013 and October 17, 2013 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 on said petition for Use Permit for the construction of a wireless communication tower and a 100 ft. variance from the 150 ft. maximum height for structures within the existing C-3 (General) Commercial District of the City of Jackson; and

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**WHEREAS**, the Council, after having considered the matter, is of the opinion that the proposed use would not adversely affect vehicular traffic in the vicinity and would not be 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 for a commercial communications cell tower within the existing C-3 (General) Commercial District of the City of Jackson be granted; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that there would not be special privileges conferred upon the applicant that is denied by this Ordinance to other similar lands, structures or buildings in the same district and that the request for a 100 ft. variance from the 150 ft. maximum height for structures within the existing C-3 (General) Commercial 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:

A parcel of land containing 2.019 Acres (87,815 square feet), more or less, and being situated in North Half (NI/2) of Section 2, Township 6 North, Range 1 West, Hinds County, Mississippi and being more particularly described as follows;

Commencing at a found iron rod being a point in the Line between Lots 5 and 6 of Exchange Club Subdivision as recorded in Plot Book 3 at Page 11, which point is 40 feet South of the centerline of West County Line Road and thence run South 89 degrees 56 minutes 03 seconds West along the South right of way line of West County Line Road, as now laid out and in use, for a distance of 599.12 feet to a point; thence leaving the aforesaid South right of way line run South for a distance of 195.63 feet to a set 5/8" iron rod and being the Point Of Beginning of the herein described Lease Area;

thence run North 87 degrees 33 minutes 15 seconds East for a distance of 450.33 feet to a set 5/8" iron rod;

thence run South 27 degrees 33 minutes 15 seconds West for a distance of 450.33 feet to a set 5/8" iron rod;

thence run North 32 degrees 26 minutes 45 seconds West for a distance of 4503 feet to the Point Of Beginning.

**100'x100' COMPOUND LEASE AREA**

A parcel of land containing 0.230 Acres (10,000 square feet), more or less, and being situated in North Half (N I/2) of Section 2, Township 6 North, Range 1 West, Hinds County, Mississippi and being more particularly described as follows;

Commencing at a found iron rod being a point in the Line between Lots 5 and 6 of Exchange Club Subdivision as recorded in Plat Book 3 of Page 11, which point is 40 feet South of the centerline of West County Line Road and thence run South 89 degrees 56 minutes 03 seconds West along the South right of way line of West County Line Road, as now laid out and in use, for a distance of 599.12 feet to a point; thence leaving the aforesaid South right of way line run South 10 degrees 35 minutes 02 seconds East for a distance of 62.55 feet to a set 5/8" iron rod: thence run South 30 degrees 41 minutes 03 seconds East for a distance of 25.78 feet to a set 5/8" iron rod: on a point of a curve to the left; thence run Southeasterly and counter clockwise along the aforesaid curve to the left for a distance of 265.92 feet, said curve having a radius of 387.54 feet and a chord bearing and distance of South 60 degrees 00 minutes 25 seconds East-260.73 feet; thence run South 79 degrees 18 minutes 09 seconds East for a distance of 207.-46 feet to a set 5/8" Iron rod; thence run South 63 degrees 56 minutes .32 seconds East for a distance of 117.29 feet to a set 5/8" iron rod and the Point Of Beginning for the herein described Lease Area;

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thence run North 02 degrees 26 minutes 45 seconds West for a distance of 36.00 feet to a set 5/8" Iron rod;

thence run North 87 degrees 33 minutes 15 seconds East for a distance of 100.00 feet to a set 5/8" Iron rod;

thence run South 02 degrees 26 minutes 45 seconds East for a distance of 100.00 feet to a set 5/8" Iron rod;

thence run South 87 degrees 33 minutes 15 seconds West for a distance of 100.00 feet to a set 5/8" Iron rod;

thence run North 02 degrees 26 minutes 45 seconds West for a distance of 64.00 feet to the Point Of Beginning.

be and is hereby granted a Use Permit for a commercial communications cell tower and a 100 ft. variance from the 150 ft. maximum height for structures in the C-3 (General) Commercial District. However, 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.

**President Tillman** recognized **John Burge, III, Property Owner** who addressed the Council and argued in favor of the approval of a Use Permit for the construction of a wireless communication tower and a 100 ft. Variance from 150 ft. maximum height on property located at 1925 W. County Line Rd.

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**President Tillman** recognized **Attorney John Wade for C-Spire**, who addressed the Council and argued in favor of the approval of a Use Permit and a Variance for the construction of a wireless communication tower located at 1925 W. County Line Rd.

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There was no opposition from the public.

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

Yeas-Barrett-Simon, Priester, Stamps, Tillman, Whitwell and Yarber.  
Nays-None.  
Absent-Cooper-Stokes.

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**President Tillman** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3853, 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. Thereafter, **President Tillman** requested that the Clerk read said Order:

**ORDER APPROVING ELECTRIC GUARD DOG, LLC A TWO (2) FEET VARIANCE FROM THE MAXIMUM EIGHT (8) FT. HEIGHT FOR FENCES IN ORDER TO CONSTRUCT A TEN (10) FT. SECURITY FENCE IN AN I-1 (LIGHT) INDUSTRIAL DISTRICT FOR PROPERTY LOCATED AT 912 SOUTH STATE STREET (PARCELS #196-14 & 196-14-1), CASE NO. 3853.**

**WHEREAS**, Electric Guard Dog, LLC has filed a petition for a two (2) feet variance from the maximum eight (8) ft. height for fences in order to construct a ten (10) ft. security fence 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 November 20, 2013, has recommended approval of the said petition; and

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**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, December 16, 2013 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 Clarion Ledger on October 31, 2013 and November 14, 2013 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 for fences in order to construct a ten (10) ft. security 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 and that the request for a 2 ft. variance 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 196-14**

**Parcel 1**

A certain parcel of land being situated in 5 Acre Lot 51 South, according to H. C. Daniel's Map of the City of Jackson and in Jackson, Hinds County, Mississippi, and being more particularly described by metes and bounds as follows: Being at the intersection of the east line of South State Street with the centerline of McNutt Street as said street is now laid out and improved, said centerline being equi-distant between the concrete curb along McNutt Street, from said point of beginning run thence southerly along the east line of South State Street for a distance of 319.1 feet to an iron stake which point is the point of beginning of the land herein described; run thence northerly along the east line of South State Street 150 feet to an iron stake which is 169.1 feet southerly along the east line of South State Street from the centerline of McNutt Street; thence easterly in a straight line for a distance of 305.5 feet to an iron stake, which is 170.5 feet measured southerly along a line which is parallel with the east line of South State Street from the aforesaid centerline of McNutt Street, and said stake being in the Western Right-of-way of the NOGN Railroad; thence in a southwesterly direction along the Western Right-of-way of said Railroad for a distance of 150.8 feet to an iron stake; thence westerly in a straight line for a distance of 289.85 feet to the point of beginning.

**Parcel 2**

A certain lot or parcel of land being in 5 Acre Lot 51 South in the City of Jackson, Hinds County, Mississippi, and more particularly described by metes and bounds as follows, to-wit:

Beginning at an iron stake on the East line of State Street 290 feet measured Southerly along the East line of State Street from the intersection of the East line of State Street with the South line of McNutt Street; run thence Southerly along the East line of State Street 140 feet to an iron stake; thence Easterly and parallel with the South line of McNutt Street and parallel with the South line of Silas Brown Street for a distance of 275.1 feet more or less to an iron stake on the West line of the G. M. & O. Railroad right-of-way; thence Northerly along the West line of said right-of-way 140.46 feet to an iron stake; thence Westerly in a straight line 289.8 feet to the point of beginning.

**Parcel 196-14-1**

A parcel of land situated in 5 Acre Lot 51, H. C. Daniels Map and being more particularly described as follows:

Commence at the intersection of the East right-of-way line of South State Street with the South right-of-way line of McNutt Street as both streets are now laid out and in use; thence run Southerly along said East right-of-way line of South State Street 44.55 feet to the point of beginning; thence turn left 86°17' parallel with and 25 feet southerly from said centerline of track a chord distance of 97.05 feet; thence turn right 6°05' and run Southeasterly a chord distance of 97.37 feet; thence turn right 5°57' and continue Southeasterly a chord distance of 98.14 feet; thence turn right 2°34' and continue Southeasterly a chord distance of 34.63 feet to a point on the West right-of-way line of Commerce Street; thence turn right 72°10' and run Southerly along said West right-of-way line 36.25 feet; thence leaving said West right-of-way line turn right 89°57' and run Westerly 319.6 feet to a point of aforementioned East right-of-way line of South State Street; thence turn right 89°38' and run Northerly along said east right-of-way line 95.45 feet to the point of beginning containing 0.542 acres.

be and is hereby modified so as to approve a two (2) feet variance from the maximum eight (8) ft. height for fences in order to construct a ten (10) ft. security fence in an I-1(Light) Industrial District, and the applicant must meet the requirements established through the Site Plan Review process.

**President Tillman** recognized **Michael Pate, Electric Guard Dog**, who addressed the Council and argued in favor of the approval and allow a two (2) ft. variance from the maximum height of eight (8) ft. for fences to construct a 10' security fence in an I-1 (Light) Industrial District at 912 South State St.

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There was no opposition from the public.  
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**Council Member Barrett-Simon** moved adoption; **Council Member Yarber** seconded.

Yeas-Barrett-Simon, Priester, Stamps, Tillman, Whitwell and Yarber.

Nays-None.

Absent-Cooper-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> |
|---------------------|------------------------------|---|-------------------------------|----------------|
| UP – 1111<br>Ward 4 | Elbert Willis                | 3384 Elraine Blvd.<br>Jackson, MS 39213 | Beauty Shop                   | 12/16/71       |
| SE – 2331<br>Ward 3 | New Testament<br>M.B. Church | 2702 Holmes Ave.<br>Jackson, MS 39213   | Church on less<br>than 1 acre | 12/5/84        |
| SE – 2340<br>Ward 5 | Barbara Moaton               | 422 Eastview St.<br>Jackson, MS 39209   | One-Chair Beauty<br>Salon     | 12/5/84        |

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| SE - 2640 | Edna Cynthia | 1731 Robinson St. | Day Care Center | 12/9/87 |
| Ward 5    | Poe          | Jackson, MS 39209 |                 |         |

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

Yeas-Barrett-Simon, Priester, Stamps, Tillman, Whitwell and Yarber.

Nays-None.

Absent-Cooper-Stokes.

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the Regular Meeting to be held at 6:00 p.m. on Tuesday, December 17, 2013; and at 3:13 p.m., and the Council stood adjourned.

ATTEST:

  
CITY CLERK

APPROVED:

  
MAYOR 12-10-13  
DATE

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