STAFF REPORT

CASE # 20-019

Subject Matter: Conditional Use Application – Public or Quasi-Public Utilities and Related Facilities

Subject Property: 15.61 acres, Parcel # J7-62-87

Planning Commission: August 24, 2020

Public Hearing: September 21, 2020

Zoning District: RR (Rural Neighborhood Residential)

Ward: 2- Vinson

Overview:

Consideration of an application for Conditional Use Permit request for Southern Pine Electric Cooperative.

The applicant is requesting approval to construct an electric substation on the subject property.

Section 9.7 Conditional Uses

Please see below for the responses pertaining to the requirements for the granting of a conditional use permit. Please see the applicants written statement and exhibits in the application for additional information concerning the request (attached).

9.7.2 Requirements for granting a conditional use or conditional use permit:

The Mayor and Board of Aldermen shall not grant a conditional use unless satisfactory provision and arrangement has been made concerning all of the following:

a. Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Response: Ingress and egress to the subject property is over an existing road identified on the submitted drawings/plat/survey. Southern Pine will improve this road to accommodate its use which will enhance the road for all. Additional culverts will be installed. Slag will be placed on the roadbed and as the roadbed hardens asphalt will later be used.
b. Off-street parking and loading areas.
   Response: The subject property is 15 acres. The substation itself will require approximately 5 acres. So, there will be approximately 10 acres available for parking and loading use, if needed. Southern Pine's use of the property will not be a hindrance to the public.

c. Refuse and service areas.
   Response: The subject property is 15 acres. The substation itself will require approximately 5 acres. So, there will be approximately 10 acres available for refuse and service areas, if needed.

d. Utilities, with reference to locations, availability, and compatibility.
   Response: Southern Pine's use of this property will not require utility service from the City.

e. Screening and buffering with reference to type, dimensions, and character.
   Response: The subject property is a 15 acres parcel. The substation will only require 5 acres, so there is additional acreage that will allow Southern Pine to ensure a buffer around the perimeter with vegetation and trees. The substation should not be visible to adjoining property owners.

f. Required yards and other open space.
   Response: The subject property is a 15 acres parcel. The substation will only require 5 acres, so there is additional acreage that will allow Southern Pine to ensure a buffer around the perimeter with vegetation and trees. The substation should not be visible to adjoining property owners.

g. General compatibility with adjacent properties and other property in the district.
   Response: Adjacent properties are primarily residential. An electric substation is not aesthetically or structurally akin to traditional residential property. With Southern Pine's plan, these residentially properties will not have sight of the substation due to the buffer zone that Southern Pine will create and maintain.

h. Any other provisions deemed applicable by the Mayor and Board of Aldermen.

**Planning Commission Recommendation:**

Case Number 20-019: Consideration of a conditional use application request from Southern Pine Electric Cooperative (15.61 Acres, Parcel # J7-62-87). Ronnie Adcock recused himself. Jim Broocks made a motion to recommend approval of the conditional use request pursuant to the staff report. The motion was seconded by Suzanne Ross and carried by a vote of 3/0.

**Staff Recommendation:**

1. Install landscaping / screening in front of fence / gated entrance to screen view into facility. Entry fence and gate will be black.
2. Additional landscaping and/or trees will be installed around perimeter as necessary to screen views from adjacent property.
3. New poles will be concrete, steel, aluminum or approved material. No wooden poles will be installed as a part of this project. Staff is recommending black metal poles.
4. Covenant will be placed on the 10-acre portion of vegetated property not being used for the substation facility. The covenant will declare this area to be preserved as natural area to serve as a buffer and screen from the adjacent properties. The covenant will remain in place for the duration of the substation use.
5. The wooden poles along the northwestern side of Lake Hannah Road will be removed. Service to the existing homes will be fed from the new poles and lines being installed as a part of this project.

### Adjoining Property Owners Notified:

<table>
<thead>
<tr>
<th>PPIN</th>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>54090</td>
<td>Michael &amp; Frances Newell</td>
<td>205 Lake Hannah Road</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>62556</td>
<td>Alan Barker</td>
<td>212 Lake Hannah Road</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>54301</td>
<td>James &amp; Nancy Paris</td>
<td>207 Lake Hannah Road</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>39374</td>
<td>James &amp; Sarah Parkerson</td>
<td>117 Meadow Pointe Cove</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>72038</td>
<td>Toby &amp; Charlonna Campbell</td>
<td>127 Meadow Pointe Cove</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>72037</td>
<td>Charles &amp; Sheri Blankenship</td>
<td>128 Meadow Pointe Cove</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>72036</td>
<td>Bruce &amp; Angelina Fountain</td>
<td>126 Meadow Pointe Cove</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>39381</td>
<td>Kathy Peoples</td>
<td>3194 Louis Wilson Dr</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>39388</td>
<td>Donald Parker Jr</td>
<td>3180 Louis Wilson Dr</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>82762</td>
<td>Irasema Villalon</td>
<td>101 Meadow Pointe Cove</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>39386</td>
<td>Hulon &amp; Eva Williams</td>
<td>3150 Louis Wilson Dr</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>75367</td>
<td>Phillip Gardner</td>
<td>134 Lanoah Ln</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>39361</td>
<td>Charles &amp; Tammie Parker</td>
<td>212 Lanoah Ln</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>82916</td>
<td>Michael Green</td>
<td>122 Lanoah Ln</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
</tbody>
</table>

### Exhibits:

A) Location and Zoning Map  
B) Adjacent Owners Map  
C) Conditional Use Application  
D) Planning Commission Minutes – August 24, 2020  
E) Proof of Publication

### Notice Filed in Paper: September 2, 2020

### Report Prepared By: Matthew Dodd, Community Development Director
Adjacent Owners Map

Author: Rankin County, MS.
Date: 8/21/2020

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

(C) CMPDD
COMMUNITY DEVELOPMENT
Conditional Use Permit
Application

<table>
<thead>
<tr>
<th>Lake Hannah Road</th>
<th>R-R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address</td>
<td>Current Zoning Classification</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Undeveloped</th>
<th>Electric Substation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current or Previous Use of the Property</td>
<td>Proposed Use of the Property</td>
</tr>
</tbody>
</table>

Provide a Description of the Proposed Use, including Hours of Operation, Number of Employees, Number of Daily Customers, etc. Electric Substation. For more detail, please see Written Statement.

<table>
<thead>
<tr>
<th>Southern Pine Electric Cooperative</th>
<th>Jim Jordan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Contact Name</td>
</tr>
<tr>
<td>13491 HWY 28</td>
<td>601-785-6511</td>
</tr>
<tr>
<td>Street Address</td>
<td>Primary Telephone</td>
</tr>
<tr>
<td>Taylorsville</td>
<td><a href="mailto:ijordan@southernpine.coop">ijordan@southernpine.coop</a></td>
</tr>
<tr>
<td>City</td>
<td>Email</td>
</tr>
<tr>
<td>MS</td>
<td>39168</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>R C Properties, LLC</th>
<th>Ronnie Adcock</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner(s), if different from applicant</td>
<td>Contact Name</td>
</tr>
<tr>
<td>116 Circle Drive</td>
<td>601-942-0547</td>
</tr>
<tr>
<td>Street Address</td>
<td>Primary Telephone</td>
</tr>
<tr>
<td>Brandon</td>
<td>Email</td>
</tr>
<tr>
<td>MS</td>
<td>39042</td>
</tr>
</tbody>
</table>

The following items are required for consideration of a conditional use:

- [ ] Completed Application and Non-Refundable $275 Fee
- [ ] Ownership Verification Letter
  - If the applicant is not the owner, a letter signed and dated by the owner certifying their ownership of the property and authorizing the applicant to represent the person, organization, or business that owns the property.
- [ ] Legal Written Description of the Property
  - If not platted, a metes and bounds legal description of the property.
- [ ] Written Statement
  - A written statement documenting the reason for the conditional use, including evidence that the request complies with the requirements of a conditional use.
- [ ] Site Plan
  - All conditional use permit applications must be accompanied by a fully dimensioned site plan locating all easements and restricted use areas, north arrow, all structure-to-property line setback dimensions, location of all property lines, names of all adjacent streets, parking plan, grade elevations at property line corners, proposed and existing utility meters, public sewer connections, private sewage disposal systems and fire hydrant locations.

*Note that additional items may be required depending on the proposed use. Contact the Community Development Department at 601-824-4580.

Applicant's Signature: [Signature]

Date: 7/20/20

zoning@brandonms.org
INDEXING INSTRUCTIONS
SE¼ of NW¼ and
NE¼ of SW¼
Section 26, T5N-R3E

STATE OF MISSISSIPPI
COUNTY OF RANKIN

EXECUTRIX'S DEED

FOR AND IN CONSIDERATION of the sum of Ten and No/100 ($10.00) Dollars, cash in hand
paid and other good and valuable considerations, the receipt and sufficiency of all of which is hereby
acknowledged, the undersigned,

JANICE LYNN VARNER,
Individually and as Executrix of
The Estate of Ray Anthony Varner
612 Treeline Drive
Brandon, MS 39042
(601) 826-9999

does hereby convey and warrant to

RC PROPERTIES, LLC,
a Mississippi Limited Liability Company
116 Circle Drive
Brandon, MS 39042
(601) 942-0547

Prepared by:
HARRELL & RESTER
Attorneys at Law
Post Office Box 1825
Brandon, MS 39043
601-825-7236

Return to: Grantee
the following described real property situated and located in Rankin County, State of Mississippi, more particularly described as follows:

PLEASE REFER TO EXHIBIT “A” ATTACHED HERETO

This deed is executed pursuant to the authority granted under that certain Order Granting Authority to Sell Real Property as entered in the Chancery Court of Rankin County, Mississippi, Cause No. 15-527. A true copy of said Order is attached hereto as Exhibit “B”.

This conveyance is subject to all roadways, zoning ordinances and oil, gas and other mineral reservations, exceptions, conveyances and leases of record and all facts, circumstances and conditions as shown upon the survey and plat of Charles D. Torrey, Professional Land Surveyor, dated September 23, 2016 and attached hereto as Exhibit “A”.

WITNESS THE SIGNATURE OF GRANTOR on this the 21st day of October, 2016.

Janice Lynn Varner
INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF
Ray Anthony Varner, deceased

STATE OF MISSISSIPPI
COUNTY OF RANKIN

PERSONALLY APPEARED BEFORE ME, the undersigned authority of law in and for the above styled jurisdiction, the within named, JANICE LYNN VARNER, who acknowledged to me that she is the Executrix of the Estate of Ray Anthony Varner, deceased, that for and on behalf of said estate, and in her capacity as Executrix for the Estate of Ray Anthony Varner, deceased, she executed and delivered the above and foregoing Executrix’s Deed after first having been duly authorized to do so on the day and year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE on this the 21st day of October, 2016.

Kay W. Hart
NOTARY PUBLIC

My Commission Expires:
May 17, 2020
DESCRIPTION

22.23 acres, +/-

A parcel of land situated in the SE¼ of the NW¼ & the NE¼ of the SW¼ of Section 26 Township 5 North, Range 3 East, Rankin County, Mississippi and being more particularly described as follows:

Beginning at a found ½” rebar marking the NE corner of the SE¼ of the NE¼ of the NW¼ of Section 26, Township 5 North, Range 3 East, Rankin County, Mississippi and run thence South for a distance of 570.51 feet to a set ½” iron pin;

Run thence S60°00’00”W for a distance of 405.69 feet to a found ½” iron pin;

Run thence South for a distance of 553.47 feet to a found ½” iron pin in a gravel drive;

Run thence S47°48’46”E with said gravel drive for a distance of 379.78 feet to a found ½” iron pin on the northerly right-of-way line of Highway 18 as now laid out & in use;

Run thence S81°30’59”W along said right-of-way line for a distance of 983.20 feet to a set ½” iron pin;

Run thence N38°53’31”E departing said right-of-way line for a distance of 728.19 feet to a found ½” iron pin;

Run thence N39°34’04”E for a distance of 58.60 feet to a set ½” iron pin;

Run thence N47°58’22”W for a distance of 499.71 feet to a 12” Cherry tree at an existing fence corner;

Run thence N21°20’00”E departing said fence for a distance of 846.10 feet to a found ½” iron pin

Run thence S89°17’24”E for a distance of 611.15 feet to the Point of Beginning,

Containing 22.23 acres, more or less.

Prepared by:
Charles D. Torrey
Professional Land Surveyor
881 Owen Boone Road
Brandon, MS 39042
(601) 421-6375
Job No. C16CSHAMBURGER

EXHIBIT "A" 2 PAGES
PLAT OF SURVEY
FOR
CHRIS SHAMBURGER
SITUATED IN THE SE1/4
OF THE NW1/4 & THE
NE1/4 OF THE SW1/4
OF SECTION 26, T5N-R3E,
RANKIN COUNTY, MISSISSIPPI.

SCALE: 1" = 200'

NOTES:
1. THIS PARCEL OF LAND WAS ESTABLISHED BY A
CURRENT FIELD SURVEY OF EXISTING MONUMENTATION,
RECORDED DEEDS & VARIOUS PLATS OF SURVEY
BY VARIOUS REGISTERED SURVEYORS.
2. NORTH DERIVED FROM SOLAR OBSERVATION.
3. SURVEY CLASSIFICATION "B".
4. S.I.P. = SET 1/2" IRON PIN.
R. C. PROPERTIES, LLC
116 CIRCLE DRIVE
BRANDON, MISSISSIPPI 39042

July 10, 2020

City of Brandon
Mayor and Board of Aldermen
Brandon, Mississippi 39042

Dear Mayor and Board of Aldermen:

I do hereby certify that R. C. Properties, LLC is the owner of the real property described in the attached exhibit situated in Section 26, Township 5 North, Range 3 East, Rankin County, Mississippi.

Southern Pine Electric Cooperative is authorized to represent R. C. Properties, LLC in its application for a Conditional Use Permit related to the real property described herein.

Sincerely yours,

[Signature]

Ronnie Adcock, Member
R. C. Properties, LLC
LEGAL DESCRIPTION - 15.61 ACRE PARCEL

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF THE NW 1/4 AND THE NE 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 3 EAST, RANKIN COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN AT THE NE CORNER OF THE SE 1/4 OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 26, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN S00°15'49"E FOR 570.45' ALONG THE EAST LINE OF THE SAID SE 1/4 OF THE SE 1/4 OF THE NW 1/4 TO AN FOUND IRON PIN; THENCE RUN S60°04'16"W FOR 403.95'; THENCE RUN S00°03'00"E FOR 526.37' TO THE NORTHEAST BOUNDARY OF AN EXISTING INGRESS/EGRESS EASEMENT; THENCE RUN N48°29'44"W FOR 261.44' ALONG THE NORTH BOUNDARY OF SAID EASEMENT TO A FOUND IRON PIN AT THE END OF SAID EASEMENT; THENCE, LEAVING SAID EASEMENT, RUN N48°29'44"W FOR 497.46'; THENCE RUN N20°58'35"E FOR 795.27'; THENCE RUN S89°28'45"E FOR 498.00'; THENCE RUN N00°31'15"E FOR 50.00' TO A FOUND IRON PIN ON THE NORTH LINE OF THE SAID SE 1/4 OF THE SE 1/4 OF THE NW 1/4; THENCE RUN N86°47'24"E FOR 132.42' ALONG THE NORTH LINE OF THE SAID SE 1/4 OF THE SE 1/4 OF THE NW 1/4 BACK TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 15.61 ACRES, MORE OR LESS.

ALL BEARINGS INCLUDED IN THE LEGAL DESCRIPTION ARE REFERENCED TO THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM - WEST ZONE.
CONDITIONAL USE PERMIT APPLICATION

OF SOUTHERN PINE ELECTRIC COOPERATIVE

Written Statement:

Southern Pine Electric Cooperative is a rural electric cooperative established in 1938 and headquartered in Taylorsville, Smith County, Mississippi. With over 65,000 members, Southern Pine’s mission is to provide reliable electric service to our members at the lowest cost. To accomplish our mission, we must maintain a strong, modern infrastructure.

As the areas south of Brandon continues to grow and expand, so does its need for electric service. Southern Pine’s present infrastructure soon may be overwhelmed by the areas increased demand for electric power. To address this concern, we need a new, modern substation which will safely meet Brandon’s electric needs well into the future.

Southern Pine has located a 15-acre site for the construction of this substation in the south Brandon area. The substation will be built on approximately 5 acres with additional acreage used to create and maintain a buffer around the substation and the adjoining property owners. We are aware that this is predominately a residential area and this buffer zone of vegetation and trees will conceal the substation to minimize any distraction from the present aesthetics of the neighborhood.

Like all electric substations, this proposed substation is unmanned. On a monthly basis Southern Pine will visit the site for inspection and maintenance, so there will not be increased traffic or activity in the area due to the construction of the substation.

This proposed substation will provide service to areas along Louis Wilson Road and Highway 18.

Required Conditional Use Provisions to Satisfy:

Ingress and egress to property and proposed structures thereon with reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Ingress and egress to the subject property is over an existing road identified on the submitted drawings/plat/survey. Southern Pine will improve this road to accommodate its use which will enhance the road for all. Additional culverts will be installed. Slag will be placed on the roadbed and as the roadbed hardens asphalt will later be used.

Southern Pine’s trucks and vehicles will access the property monthly for service, maintenance, and inspection of the property.

Off-street parking and loading areas

The subject property is 15 acres. The substation itself will require approximately 5 acres. So, there will be approximately 10 acres available for parking and loading use, if needed.

Southern Pine’s use of the property will not be a hindrance to the public.
Refuse and service areas

The subject property is 15 acres. The substation itself will require approximately 5 acres. So, there will be approximately 10 acres available for refuse and service areas, if needed.

Southern Pine’s use of the property will not be a hindrance to the public.

Utilities with reference to locations, availability, and compatibility

Southern Pine’s use of this property will not require utility service from the City.

Screening and buffering with reference to type, dimensions, and character

The subject property is a 15 acres parcel. The substation will only require 5 acres, so there is additional acreage that will allow Southern Pine to ensure a buffer around the perimeter with vegetation and trees. The substation should not be visible to adjoining property owners.

Required yards and other open spaces

The subject property is a 15 acres parcel. The substation will only require 5 acres, so there is additional acreage that will allow Southern Pine to ensure a buffer around the perimeter with vegetation and trees. The substation should not be visible to adjoining property owners.

General compatibility with adjacent properties and other property in the district

Adjacent properties are primarily residential. An electric substation is not aesthetically or structural akin to traditional residential property. With Southern Pine’s plan, these residential properties will not have sight of the substation due to the buffer zone that Southern Pine will create and maintain.

Southern Pine is pleased to address any other issues that you may have in considering this Application.
NEW POWER LINE TO TIE INTO EXISTING POWER LINE, 40 FT ROW CLEARING

BUFFER ZONE AROUND PERIMETER OF PROPERTY TO CONCEAL SUBSTATION

SUBSTATION FENCE

BUFFER ZONE AROUND PERIMETER OF PROPERTY TO CONCEAL SUBSTATION

SUBSTATION ENTRANCE GATE & FENCE (BLACK VINYL-COATED CHAIN LINK)