

REGULAR ZONING MEETING OF THE CITY COUNCIL

MONDAY, JUNE 16, 2014

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 June 16, 2014, 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, Ward 5; Melvin Priester, Jr.; Vice-President, Ward 2; LaRita Cooper-Stokes, Ward 3; De'Keither Stamps, Ward 4. Brenda Pree, City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Carl Allen, Director of City Planning; Akili Kelly, Senior Planner and Azande Williams, Deputy City Attorney.

Absent: Quentin Whitwell, Ward 1 and Margaret Barrett-Simon, Ward 7.

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

President Tillman recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3863, 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 THUY TRAN WOO D/B/A WOO COUTURE A SPECIAL EXCEPTION TO OPERATE A PROFESSIONAL OFFICE FOR A FASHION DESIGN & ART STUDIO IN AN R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 4570 OLD CANTON RD, CASE NO. 3863.

WHEREAS, Thuy Tran Woo d/b/a Woo Couture, filed a petition for a Special Exception to operate a professional office for a fashion design & art studio on property zoned R-1A (Single-family) Residential District, located at 4570 Old Canton Rd., 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 the said petition; 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., June 16, 2014 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 May 1, 2014 and May 15, 2014, and that a hearing had been held by the Jackson City Planning Board on May 28, 2014, 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 Special Exception of the above described property, within the existing zoning of the City of Jackson; and

WHEREAS, it appears to the Council that the documents are in order, and that the recommendation of the Planning Board to approve the petitioned Special Exception to allow for the operation a professional office for a fashion design & art studio within an area zoned 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; and

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WHEREAS, it appears to the Council that the petition for the Special Exception be approved based on the findings that the granting of the Special Exception does promote the public health, safety, morals, or the general welfare of the community and the granting of such will not adversely affect surrounding properties.

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

SECTION 1. That the property located in the First Judicial District of Hinds County, Jackson, Mississippi, and being more particularly described as follows:

LOT 3, KIMWOOD SUBDIVISION, PART 1.

be and is hereby granted a Special Exception to allow for the operation of a professional office for a fashion design & art studio on property zoned R-1A (Single-Family) Residential District. However, that before a Special Exception is issued for any development of said property, or for any use thereof, the project must be approved by the Department of Planning and Development.

SECTION 2. That this Order shall be effective 30 days after its passage.

President Tillman recognized Thuy Tran Woo, who addressed the Council and argued in favor of the property located at 4570 Old Canton Rd. to approve a Special Exception to operate a professional office for a fashion design & art studio in an R-1A (Single-family) Residential District.

There was no opposition from the public.

Council Member Tillman moved adoption; Council Member Priester seconded.

Yeas- Cooper-Stokes, Priester, Stamps and Tillman.

Nays- None.

Absent- Barrett-Simon and Whitwell.

President Tillman recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Case No. 3864, 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 DENYING DARLENE HARPER D/B/A KIDS FIRST ACADEMY A SPECIAL EXCEPTION TO OPERATE A RESIDENTIAL CHILD CARE CENTER IN AN R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 3211 JAYNE AVENUE, CASE NO. 3864.

WHEREAS, Darlene Harper d/b/a Kids First Academy, filed a petition for a Special Exception to operate a residential child care center on property zoned R-1A (Single-family) Residential District, located at 3211 Jayne Ave., 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

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has recommended denial of the said petition; 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., June 16, 2014 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 May 1, 2014 and May 15, 2014, and that a hearing had been held by the Jackson City Planning Board on May 28, 2014, 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 denial of the petitioned Special Exception for the above described property, within the existing zoning of the City of Jackson; and

WHEREAS, it appears to the Council that the documents are in order, and that the recommendation of the Planning Board to deny the petitioned Special Exception to allow for the operation a residential child care center within an area zoned 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 adversely affect adjacent property owners; and

WHEREAS, it appears to the Council that the petition for the Special Exception be denied based on the findings that the granting of the Special Exception does not promote the public health, safety, morals, or the general welfare of the community and the granting of such adversely affecting surrounding properties.

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

SECTION 1. That the property located in the First Judicial District of Hinds County, Jackson, Mississippi, and being more particularly described as follows:

LOT 2, BLOCK 7, WEST PARK ADDITION.

be and is hereby denied a Special Exception to operate a residential child care center on property zoned R-1A (Single-family) Residential District.

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

Yeas- Cooper-Stokes, Priester, Stamps and Tillman.

Nays- None.

Absent- Barrett-Simon and Whitwell.

ORDINANCE APPROVING GENEVA CARTER A REZONING FROM R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT AND A CONDITONAL USE PERMIT TO OPERATE A COMMERCIAL DAYCARE CENTER FOR PROPERTY LOCATED AT 3211 JAYNE AVENUE, CASE 3864.

WHEREAS, Darlene Harper d/b/a Kids First Academy, filed a petition for a Special Exception to operate a residential child care center on property zoned R-1A (Single-family) Residential District, located at 3211 Jayne Ave., 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 recommended denial of the said petition with an alternate recommendation to rezone the

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property from R-1A (Single-family) Residential District to R-4 (Limited Multi-family) Residential District with a Conditional Use Permit to operate a commercial day care center within the R-4 Zoning 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., June 16, 2014 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 May 1, 2014 and May 15, 2014, and that a hearing had been held by the Jackson City Planning Board on May 28, 2014, 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 denial of the petitioned Special Exception for the above described property with an alternate recommendation to rezone the property from R-1A (Single-family) Residential District to R-4 (Limited Multi-family) Residential District with a Conditional Use Permit to operate a commercial day care center; and

WHEREAS, the Council after having considered the matter 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 since any previous City Council action; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the proposed use is compatible with the character of development in the vicinity relative to density, bulk, intensity of structures, parking and other uses, would not be detrimental to the continued use, value, or development of properties in the vicinity, would not adversely affect vehicular traffic, and would be in harmony with the Comprehensive Plan, and the Use Permit within the R-4 (Limited Multi-family) Residential District of the City of Jackson be granted on an annual basis, be granted to the current operator of the child care center and any subsequent operator of a child center at the location shall apply for and receive a new Use Permit; and

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:

LOT 2, BLOCK 7, WEST PARK ADDITION.

is hereby rezoned and changed from R-1 A (Single-family) Residential District to R-4 (Limited Multi-family) Residential District with a conditional Use Permit to operate a commercial day care center within the R-4 Zoning District, however that before a permit is issued for any structure to be erected or modified on the said property, or for any use thereof, 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.

There was no opposition from the public.

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

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

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

- SE-2173- Alma Pope – 701 Erie St.
- SE-3536- Patricia Dillon – 2572 Shepwood Dr.

No action required.

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- 3737 Ward 1	Gary/ Marion Sibler	4580 Old Canton Rd.	Photography Studio	6/21/10
SE – 3832 Ward 1	Terry L. Smith	644 Newland St.	One Chair Beauty Salon	6/17/13
SE- 3833 Ward 5	Sharika Fleming/ Roy Dixon Jr.	1751 Cheswood Dr.	One Chair Beauty Salon	6/17/13

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

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

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Meeting to held at 6:00 p.m. on Tuesday, June 17, 2014; and at 3:05 p.m., the Council stood adjourned.

ATTEST:

Krista Moore
CITY CLERK

APPROVED:

[Signature]
MAYOR, 6/27/14
DATE
