

**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 21, 2015, being the third Monday of said month when and where the following things were had and done to wit:

- Present: Council Members: Melvin Priester, Jr.; President, Ward 2; Tyrone Hendrix, Vice-President, Ward 6; Ashby Foote, Ward 1 and De'Keither Stamps, Ward 4. Kristi Moore, City Clerk; Gail Green, Deputy City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Biqi Zhao, Deputy Director of City Planning; Ramina Aghili, Associate Planner and Azande Williams, Deputy City Attorney.
- Absent: Kenneth I. Stokes, Ward 3; Charles Tillman, Ward 5 and Margaret Barrett-Simon, Ward 7.

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The meeting was called to order by **President Melvin Priester, Jr.**

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3919, 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 Priester** requested that the Clerk read said Order:

**ORDER GRANTING CHASTITY CHAPMAN A CONDITIONAL USE PERMIT TO OPERATE A PERSONAL CARE FACILITY IN AN R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT HOUSING BETWEEN SEVEN (7) TO TWELVE (12) RESIDENTS, EXCLUDING STAFF FOR THE PROPERTY LOCATED AT 4114 NORTH STATE ST., CASE NO. 3919.**

**WHEREAS**, Chastity Chapman has filed a petition for a Use Permit to operate a personal care facility in an R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff for property located at 4114 North State St. 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 18, 2015, 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 Council would be held at the City Hall at 2:30 p.m., Monday, December 21, 2015 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 October 29, 2015 and November 12, 2015 that a hearing would be held by the Jackson City Planning Board on November 18, 2015 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 approval of a Conditional Use Permit within the existing R-1 (Single-family) Residential District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the proposed use would not be detrimental to the continued use, value, or development of properties in the vicinity; would not adversely affect vehicular or pedestrian traffic in the vicinity and that a Use Permit be granted within the existing R-1 (Single-family) Residential District of the City of Jackson and with the conditions that the Use Permit be granted on an annual basis; be granted to the operators of the personal care facility; and that subsequent owners or operators of a personal care facility at this location must apply for and receive a new Use Permit.

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:

LOTS 17, BLOCK D, CHEROKEE HEIGHTS SUBDIVISION, A SUBDIVISION, ACCORDING TO A MAP OR PLAT THEREOF WHICH IS ON FILE IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI, IN PLAT BOOK 3 AT PAGE 48, REFERENCE TO WHICH IS HEREBY MADE IN AID OF AS A PART OF THIS DESCRIPTION

be and is hereby modified so as to approve a Conditional Use Permit for the property located at 4114 North State St. to operate a personal care facility in an R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff, 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.

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**President Priester** recognized **Robert Lewis**, who spoke in opposition of a Use Permit to operate a personal care facility in an R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff.

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**President Priester** recognized **Gloria Mwase**, who spoke in support of a Use Permit to operate a personal care facility in an R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff.

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**President Priester** stated that after hearing the presentation, it is sufficient that the Zoning ordinance by right would allow for six (6) people to reside in a personal care facility. **President Priester** stated that having twelve (12) people in said facility, is not compatible with the character of development in the vicinity relative to density, bulk and intensity of use. **President Priester** stated that the proposed use will be detrimental to the continued use, value or development of properties in the vicinity. **President Priester** stated that the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity and questions whether the proposed use would be in harmony with the Comprehensive Plan. **President Priester** stated that in his opinion, said application does not comply with Section 1703.02.1-A of the Zoning Ordinance, in that the notification form letter did not provide accurate information for the residents within the neighborhood.

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Said item failed for a lack of a motion and second.  
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Thereafter, **President Priester** requested that the Clerk read the order to deny:

**ORDER DENYING CHASTITY CHAPMAN A CONDITIONAL USE PERMIT TO OPERATE A PERSONAL CARE FACILITY IN AN R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT HOUSING BETWEEN SEVEN (7) TO TWELVE (12) RESIDENTS, EXCLUDING STAFF FOR THE PROPERTY LOCATED AT 4114 NORTH STATE ST., CASE NO. 3919.**

**WHEREAS**, Chastity Chapman has filed a petition for a Use Permit to operate a personal care facility in an R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff for property located at 4114 North State St. 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 18, 2015, 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 Council would be held at the City Hall at 2:30 p.m., Monday, December 21, 2015 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 October 29, 2015 and November 12, 2015 that a hearing would be held by the Jackson City Planning Board on November 18, 2015 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 approval of a Conditional Use Permit within the existing R-1 (Single-family) Residential District of the City of Jackson; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that the proposed use would be detrimental to the continued use, value, or development of properties in the vicinity; would adversely affect vehicular or pedestrian traffic in the vicinity and that the petitioned request for a Use Permit be denied.

**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:

LOTS 17, BLOCK D, CHEROKEE HEIGHTS SUBDIVISION, A SUBDIVISION, ACCORDING TO A MAP OR PLAT THEREOF WHICH IS ON FILE IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI, IN PLAT BOOK 3 AT PAGE 48, REFERENCE TO WHICH IS HEREBY MADE IN AID OF AS A PART OF THIS DESCRIPTION

be and is denied a Use Permit for the property located at 4114 North State St. to operate a personal care facility in an R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff.

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

Yeas- Foote, Priester and Stamps.

Nays- Hendrix.

Absent- Barrett-Simon, Stokes and Tillman.

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**REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, DECEMBER 21, 2015, 2:30 P.M.**

**President Priester** requested the Clerk to read the following:

**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 Ward4	Elbert Willis	3384 Elraine Blvd. Jackson, MS 39213	Beauty Shop	12/16/1971
SE - 2331 Ward 3	New Testament M.B. Church	2702 Holmes Ave. Jackson, MS 39213	Church on less Than 1 acre	12/05/1984
SE - 2340 Ward 5	Barbara Moaton	422 Eastview St. Jackson, MS 39209	One-Chair Beauty Salon	12/05/1984
UP - 2704 Ward 4	Mary L. Clay	2684 Maddox Rd. Jackson, MS 39209	One-Chair Beauty Shop	11/09/1988
SE - 2844 Ward 5	John R. Jones/ Dr. Samuel Jones, Jr.	232 Moss Avenue Jackson, MS 39209	Personal Care Home	11/07/1990
SE - 3695 Ward1	Dr. Elijah Arrington, III	4562 N. State St. Jackson, MS 39209	Professional Office	11/17/2008

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

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

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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 3:30 p.m. on Monday, December 21, 2015: at 3:23 p.m., the Council stood adjourned.

**ATTEST:**

*Krista Moate*  
CITY CLERK

**APPROVED:**

*[Signature]*, 1.5.15  
MAYOR DATE

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