

APPLICATION MUST BE FILED ON OR BEFORE 12:00PM ON THE DEADLINE DATE to be included on the next month's Planning Board Meeting Agenda. Planning Board Meetings are held on the fourth (4th) Wednesday of the month at 1:30pm in the Andrew Jackson Conference Room, Warren A. Hood Building located at 200 S. President Street. November and December Planning Board Meetings will be held the third (3rd) Wednesday due to the holidays. Please review the enclosed schedule to confirm exact dates before sending out notification letters.

DECLARATION:

By signing this application, it is understood and agreed that permission is hereby given the duly authorized representative of the City of Jackson to make an investigation of the need for the Zoning Action Request, place signs on the subject property and verify authenticity of the applicant(s) and property owner(s). It is further understood that the Zoning Administrator and staff may inspect the subject property, make photographs and obtain any verifications and data necessary for preparation of its report to the Planning Board and City Council.

The above information is true, and complete to the best of my knowledge.

William Drinkwater
Applicant's Signature

Richard Pecny
Property Owner's Signature

WITNESS THE SIGNATURE(S) of the owner(s) of the subject property located at

1220 E. Northside Dr. Jackson, Mississippi

On this the 15th - 17th day of November, 2016.

**STATE OF MISSISSIPPI
COUNTY OF HINDS**

Personally came and appeared before me, the within named:

William Drinkwater

Richard Pecny

who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledged to me that they are the owner(s) of the subject property as described in this Zoning Action Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 15th day of November, 2016.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES:

PHILIP S. BRODY
Notary Public, State of New York
No. 02BR5013796
Qualified in New York County
Commission Expires July 15, 2019

November 17, 2016



Pamela J. Anderson

Variance Requested

Maywood Mart TEI Equities, LLC (“Maywood Mart”), the owner of the Maywood Mart Shopping Center (“Shopping Center”), requests that it be granted a variance from the City of Jackson’s off-street parking requirements contained in Sections 1108-A and 1108.03 of the City’s Zoning Ordinance, which would require more parking spaces than Maywood Mart can physically provide given its established footprint. As explained below, Maywood Mart has made a number of recent improvements to the Shopping Center, all of which will appreciably enhance the experiences of shoppers and make Maywood Mart a nicer place. However, these improvements also trigger a requirement under the City’s Zoning Ordinance to come into compliance with current off-street parking standards that did not exist when the Shopping Center was originally developed in the 1950s and 1960s. Because the Shopping Center has an established footprint, it is constrained to both undertake improvements and remain vibrant and also come into compliance with the relatively more onerous off-street parking requirements that exist today. Thus, Maywood Mart is requesting that it be granted a variance from these requirements so that it may continue to undertake beneficial improvements and necessary renovations and retain the ability to change its tenant mix without having to continually reapply for variances.

Maywood Mart Shopping Center

The Maywood Mart Shopping Center, located at 1220 E. Northside Drive, Jackson, Mississippi, 39211, was constructed in the 1950s and 1960s and has an established footprint dating back decades. Below is a visual depiction of the Shopping Center recently taken from Google Earth, though prior to recent improvements that have been made and which were approved by the City:



As the photograph above illustrates, the size of the Shopping Center, as well as its parking lot, is constrained by the Frontage Road, Northside Drive, Old Canton Road, and the single-family residential neighborhood to its North and East. The parking lot is additionally size-constrained by the four existing structures that currently comprise the Shopping Center.

Structural Issues, Petco and Moe's Additions, and Renovations

The Shopping Center was constructed atop highly expansive Yazoo Clay. It is no secret that the expansion and contraction of Yazoo Clay has long posed serious problems to the structural integrity of buildings throughout central Mississippi. The Maywood Mart Shopping Center is no different. Since 2010, Maywood Mart's structural engineer has been studying the foundation movement in the Shopping Center caused by the Yazoo Clay. In that capacity, the engineer observed extreme heaving in the north wing of the Shopping Center, and this problem has only grown worse with time.

As a result of the structural issues caused by the Yazoo Clay, Maywood Mart recently demolished what were previously its four northernmost units occupied by The Islander, AT&T, Interior Spaces, and Jackson Jewelers. Maywood Mart also recently entered into long term leases with two new tenants, Moe's and Petco, whose arrivals are expected to considerably improve the shopping experiences of customers and add value to the Shopping Center and surrounding area. As parts of its lease agreements with Moe's and Petco, Maywood Mart constructed entirely new, updated units for their occupancy. A photo of the new Petco and the soon-to-be-occupied Moe's is shown below:



Under Jackson's Zoning Ordinance, "[a]t the time of the erection, enlargement, or expansion of any principal building or structure, or when a new use

is initiated, or an existing use is expanded in any zoning district, except the C-4 Central Business District, there shall be provided minimum off-street parking” in accordance with the Ordinance’s off-street parking requirements. (Zoning Ordinance, § 1108-A: Off-Street Parking, p. 189). Thus, as a result of Maywood Mart’s demolition of the four units damaged by Yazoo Clay and the construction of the new Moe’s and Petco, Maywood Mart became obligated to comply with the City’s current parking requirements, absent a variance.

Applying the current Zoning Ordinance’s parking requirements to the current mix of retail and residential uses at the Shopping Center would mandate 496 parking spaces. (**Exhibit 5, Approved Site Plan**). Unfortunately, however, given the existing footprint of the Shopping Center, the constraints already discussed, and various other site plan approval requirements (i.e., landscaping, ADA accessibility, bike carts, etc.), it is physically impossible for the Shopping Center to comply with the current off-street parking requirements. The maximum number of parking spaces Maywood Mart can provide under these circumstances is 447 spaces.

Maywood Mart and the Site Plan Review Committee discussed these issues over the course of multiple meetings during the Petco and Moe’s site plan review process. From that process, the Site Plan Review Committee agreed that it would issue a site plan approval contingent on Maywood Mart applying for a variance from the Zoning Ordinance’s off-street parking requirements within 30 days of issuances of certificates of occupancy to Moe’s and Petco. (**Exhibit 6, September 22, 2016 Letter from W. Drinkwater to Eric Jefferson**). On September 28, 2016, the Site Plan Review Committee approved Maywood Mart’s site plan. (**Exhibit 7, Site Plan Clearance**). Moe’s received a certificate of occupancy on October 7, 2016. (**Exhibit 8, Moe’s Certificate of Occupancy**).¹ Petco received a certificate of occupancy on October 20, 2016. (**Exhibit 9, Petco Certificate of Occupancy**). Now, pursuant to Maywood Mart’s commitment, it submits this application for a variance from the City’s off-street parking requirements. Maywood Mart is requesting that, given its unique circumstances, it be permitted to own and operate the Shopping Center with its current parking configuration, and additionally, that it be permitted to change its tenant mix in the ordinary course of business going forward without having to resubmit variance requests each time its tenant mix changes. Permitting Maywood Mart to do so will be permitting it to operate the Shopping Center exactly the same as it has been operated for decades.

Maywood Mart Satisfies the Requirements for a Variance

Pursuant to Article XVII of the City of Jackson’s Zoning Ordinance, an applicant for a variance should demonstrate the following:

¹ Maywood Mart TEI Equities, LLC is a wholly owned subsidiary of Time Equities, Inc.

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
2. That literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of the Ordinance.
3. That the special conditions and circumstances do not result from actions of the applicant. That granting the variance requested will not confer upon the applicant any special privilege that is denied by the Ordinance to other similar lands, structures or buildings in the same district.

Maywood Mart satisfies each of these requirements. As already discussed, the Shopping Center was constructed in the 1950s and 1960s prior to the adoption of the City of Jackson's current off-street parking requirements, and given the Shopping Center's established footprint, Maywood Mart is constrained to add any new parking spaces. Specifically, the Shopping Center is bounded by the Frontage Road, Northside Drive, Old Canton Road, and a single-family residential neighborhood to its North and East. As the aerial photograph included above showed, the Shopping Center can only accommodate so much parking given these limitations. These are special conditions and circumstances that adversely impact Maywood Mart as a development constructed decades ago that do not similarly impact other developments constructed under current off-street parking requirements and that are not similarly geographically constrained.

Additionally, absent a variance, Maywood Mart would be deprived of rights commonly enjoyed by other commercial property owners within the City. Specifically, under Jackson's Zoning Ordinance, owners of properties zoned C-3 can allow as of right numerous uses, including neighborhood shopping centers, retail stores, and restaurants. Under a strict interpretation of Jackson's Zoning Ordinance and without a variance, Maywood Mart will be deprived of the same right to choose its tenants going forward. For example, Maywood Mart would not be able to lease a unit previously occupied by a retail tenant to a restaurant tenant without coming into conflict with the City's off-street parking standards. In essence, Maywood Mart would be required to come to the City for approval before entering into any new tenant leases, which would be unnecessarily and overly burdensome both to Maywood Mart and the City. This is not a limitation imposed on other owners of C-3 properties in the City.

Finally, Maywood Mart's circumstances today are not the result of its own actions. The Shopping Center was conforming when it was built many decades ago, and the recent renovations and improvements made to it are necessary to keep it a safe, attractive, and well-maintained shopping destination for residents of Jackson

and neighboring communities. Maywood Mart is only requesting that it be permitted to continue to own and operate the Shopping Center as would any prudent owner.

In sum, Maywood Mart is requesting that it be permitted to own and operate the Shopping Center with 447 parking spaces, and additionally, that it not be required to reapply for variances in the event that its tenant mix changes in the future (i.e, if a unit in the Shopping Center changes from retail to restaurant). Relatedly, in the event that current or future City standards necessitate a reduction in the parking spaces at the Shopping Center (for example, if new landscaping requirements would require Maywood Mart to eliminate available parking spaces), Maywood Mart requests that it not be required to reapply for a new variance.



CITY OF JACKSON, MS
Application for Zoning Action
 Application Must Be Signed By Owner of Property

FOR OFFICE USE ONLY
RECEIVED
 NOV 29 2016
 City of Jackson
 City Planning Administration
CASE NO.: 3960
Ward #: 3

I. Please choose one or more of the following Zoning Action Requests:

 Rezoning From To || Use Permit || Special Exception || Variance(s)

II. Subject Property Address: 1805 Bailey Avenue

(Street number and name or description of location if property is a vacant lot)

Current Zoning for property: C2

Tax Parcel Number: 146 - 97 - 13

III. Size of Property:

Lot Frontage 68 feet
 Lot Depth 160 feet
 Square footage/Acres 10,880
 Improved or Unimproved? Improved
 If improved, number of existing buildings?
Use of buildings: Residential Commercial Industrial

IV. Purpose for requested Zoning Action: *(Brief Description)*

July 26, 2016 Mr. Addison, tenant, was notified that he had a violation regarding operating his restaurant/bar lounge in a C2 District

V. Are there any City Code Violations on this property? C2 nightclub/Restaurant
 If yes, please give details and dates of violations:

VI. Are there any Restrictive Covenants? NO If yes, please attach copies of Covenants.

VII. Has there been any Zoning Action filed on this property in the past? NO
 If yes, please attach copies of agency findings and decisions.

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The above information is true, and complete to the best of my knowledge.

James Addison
Applicant's Signature

Angela Carill Campbell
Property Owner's Signature

WITNESS THE SIGNATURE(S) of the owner(s) of the subject property located at

1805 Bailey Ave Jackson, Mississippi

On this the 20 day of October, 2016.

**STATE OF MISSISSIPPI
COUNTY OF HINDS**

Personally came and appeared before me, the within named:

James Addison

Angela Campbell

who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledged to me that they are the owner(s) of the subject property as described in this Zoning Action Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 20 **day of**
October, 2016.

MY COMMISSION EXPIRES:

Carmen Beard
NOTARY PUBLIC



STATEMENT OF INTENT

Mr. James Addison of The Magic Spot located at 1805 Bailey Ave Jackson, MS 39202 intends to file a rezoning request for his lot in order to keep his restaurant, The Magic Spot, open.

The Magic Spot is a neighborhood friendly restaurant that provides a healthy alternative in a neighborhood that is saturated by fast food establishments and that is ninety-five percent carry out. Neighborhood children frequent the establishment after school and Mr. Addison generally gives to the youth and the elderly in the surrounding areas. The Magic Spot is a mainstay of the neighborhood and has added value to the people who live in the area since its inception. If the Magic Spot were to close it would be a loss to the people to the neighborhood and the City of Jackson.



CITY OF JACKSON, MS
Application for Zoning Action
 Application Must Be Signed By Owner of Property

FOR OFFICE USE ONLY
RECEIVED
 DEC 01 2016
 City of Jackson
 City Planning Administration
CASE NO.: 3961
Ward #: 7

I. Please choose one or more of the following Zoning Action Requests:

Rezoning From ___ To ___ || Use Permit || Special Exception || Variance(s)

II. Subject Property Address: 153/155 Wesley Avenue,
Jackson MS 39202

(Street number and name or description of location if property is a vacant lot)

Current Zoning for property: I-1

Tax Parcel Number: _____ - 58 - 126

III. Size of Property:

Lot Frontage 50 feet
 Lot Depth 155 feet
 Square footage/Acres 7750

Improved or Unimproved? _____
 If improved, number of existing buildings? 1
Use of buildings: Residential Commercial Industrial

IV. Purpose for requested Zoning Action: (Brief Description)

Variance seeks to eliminate requirement for
off-street parking.

V. Are there any City Code Violations on this property? n/a

If yes, please give details and dates of violations:

VI. Are there any Restrictive Covenants? n/a *If yes, please attach copies of Covenants.*

VII. Has there been any Zoning Action filed on this property in the past? n/a

If yes, please attach copies of agency findings and decisions.

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The above information is true, and complete to the best of my knowledge.

[Signature]
Applicant's Signature

[Signature]
Property Owner's Signature

WITNESS THE SIGNATURE(S) of the owner(s) of the subject property located at

153 / 155 Wesley Avenue Jackson, Mississippi

On this the 1st day of December, 2016.

**STATE OF MISSISSIPPI
COUNTY OF HINDS**

Personally came and appeared before me, the within named:

Jina Daniels

Jann Kenney

who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledged to me that they are the owner(s) of the subject property as described in this Zoning Action Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 1st day of

December, 2016.

MY COMMISSION EXPIRES:

1/21/18



[Signature]
NOTARY PUBLIC

Jax-Zen, LLC

812 Arlington St.
Jackson, MS 39202
769-233-8746
contact@jax-zenfloat.com

December 1, 2016

City of Jackson, MS
Zoning Administration
200 South President St.
Jackson, MS 39201

Re: Variance Application

To Whom it May Concern:

Jax-Zen, LLC is seeking modification of parking requirements for a small business in Jackson's Midtown Arts District. The current requirements make it impossible for us to enjoy the same rights as other properties in the district and creates an undo hardship. Please see attached application package for details.

Sincerely yours,



Jason & Jina Daniels



CITY OF JACKSON, MS
Application for Zoning Action
 Application Must Be Signed By Owner of Property

FOR OFFICE USE ONLY
RECEIVED
 DEC 01 2016
 City of Jackson
 City Planning Administration
CASE NO.: 3962
Ward #: 7

I. Please choose one or more of the following Zoning Action Requests:

 Rezoning From To || Use Permit || Special Exception || Variance(s)

II. Subject Property Address: 142 E BELL ST

(Street number and name or description of location if property is a vacant lot)

Current Zoning for property: R-4

Tax Parcel Number: 65 - 71 -

III. Size of Property:

Lot Frontage 30 feet
 Lot Depth 95 feet
 Square footage/Acres 2614 sq. ft
 Improved or Unimproved?
 If improved, number of existing buildings?
Use of buildings: Residential Commercial Industrial

IV. Purpose for requested Zoning Action: (Brief Description)

MINISTRY FOR GENERAL WELFARE OF COMMUNITY

V. Are there any City Code Violations on this property? NONE

If yes, please give details and dates of violations:

VI. Are there any Restrictive Covenants? NO If yes, please attach copies of Covenants.

VII. Has there been any Zoning Action filed on this property in the past? NO

If yes, please attach copies of agency findings and decisions.

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The above information is true, and complete to the best of my knowledge.

By: William C. Allen Church Administrator (same as applicant)
Applicant's Signature for Morrison Heights Baptist Church Property Owner's Signature

WITNESS THE SIGNATURE(S) of the owner(s) of the subject property located at

142 E Bell St Jackson, Mississippi

On this the 18th day of November, 20 16.

**STATE OF MISSISSIPPI
COUNTY OF HINDS**

Personally came and appeared before me, the within named:

William C. Allen

who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledged to me that they are the owner(s) of the subject property as described in this Zoning Action Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 18th day of November, 20 16.

MY COMMISSION EXPIRES:

10-25-19



Marilyn Brantley
NOTARY PUBLIC

Statement of Intent

Dear City of Jackson,

Soul City Church desires to use the building located at 142 E Bell St as a ministry house. It will be non-retail in nature and promote the general welfare of the community. We will host Bible studies, classes, and other small group events. In Addition, we plan on using the facility as a place for teenagers to enjoy fellowship and activities. We are applying for a special exception for a residential community facility in order to be able to use this building in this way.

Thank you for your time and consideration.

Sincerely,


Dr. Scott Fortenberry



CITY OF JACKSON, MS
Application for Zoning Action
 Application Must Be Signed By Owner of Property

FOR OFFICE USE ONLY
RECEIVED
 DEC 02 2016
 City of Jackson
 City Planning Administration
CASE NO.: 3963
Ward #: 7

I. Please choose one or more of the following Zoning Action Requests:

Rezoning From ___ To ___ || Use Permit || Special Exception || Variance(s)

II. Subject Property Address: 150 and 170 Angle Drive

located in the SE quarter of the NE quarter of Section 17

(Street number and name or description of location if property is a vacant lot)

| |
|--|
| Current Zoning for property: <u>C-3</u> |
| Tax Parcel Number: <u>206</u> - <u>167</u> - <u>4</u> |

III. Size of Property:

Lot Frontage 594 feet
 Lot Depth 325.67 feet
 Square footage/Acres 2.4+/- acres
 Improved or Unimproved? unimproved
 If improved, number of existing buildings? N/A
Use of buildings: Residential Commercial Industrial

IV. Purpose for requested Zoning Action: (Brief Description)

Requesting use permit to construct an elderly housing development.

V. Are there any City Code Violations on this property? No

If yes, please give details and dates of violations:

VI. Are there any Restrictive Covenants? N/A *If yes, please attach copies of Covenants.*

VII. Has there been any Zoning Action filed on this property in the past? N/A

If yes, please attach copies of agency findings and decisions.

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The above information is true, and complete to the best of my knowledge.

Applicant's Signature

Property Owner's Signature

WITNESS THE SIGNATURE(S) of the owner(s) of the subject property located at

150 and 170 Angle Drive **Jackson, Mississippi**

On this the 2nd day of December, 2016.

**STATE OF MISSISSIPPI
COUNTY OF HINDS**

Personally came and appeared before me, the within named:

Dr. Hickman M. Johnson

Dr. Hickman M. Johnson

who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledged to me that they are the owner(s) of the subject property as described in this Zoning Action Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 2nd day of December, 2016.

MY COMMISSION EXPIRES:

NOTARY PUBLIC



Statement of Intent
Mississippi Regional Housing Authority VI
Zoning Application

December 2, 2016

The subject property to be located at 150 and 170 Angle Drive, Jackson, MS is the proposed site of an eighty (80) unit Elderly housing development. The site is located directly adjacent to Mississippi Regional Housing Authority VI, which is a party to the ownership structure of this property.

The site is approximately 2.4 +/- acres. The site formerly housed an old hotel which has been demolished. Much of the acreage is green space with some beautiful mature trees; there is a portion of the previous foundation remaining which will have to be completely removed prior to construction.

The proposed development will consist of 64 one bedroom units and 16 two bedroom units. The community will be exclusively for seniors age 62 or older. The property will provide an array of convenient amenities for the senior population. There will also be various supportive services in place to help assist the residents age in place. The ownership will partner with Central Mississippi Planning & Development District, Department of Mental Health, and the Office of Medicaid for provision of these various services.