

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, MARCH 21, 2016, 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 March 21, 2016, 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; Kenneth I. Stokes, Ward 3; De'Keither Stamps, Ward 4 and Margaret Barrett-Simon, Ward 7. Gail Green, Deputy City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Eric Jefferson, Director of Planning; Ramina Aghili, Associate Planner and James Anderson, Special Assistant to the City Attorney.

Absent: Charles Tillman, Ward 5.

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

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3924, 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.

President Priester requested that the Clerk read said Order:

ORDER DENYING MAJOR SINGH A USE PERMIT TO OPERATE A LIQUOR STORE WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 2570 N. SIWELL RD., CASE NO. 3924.

WHEREAS, Major Singh has filed a petition for a Use Permit to operate a liquor store within a C-2 (Limited) 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, January 27, 2016, 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 Council would be held at the City Hall at 2:30 p.m., Monday, March 21, 2016 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 January 21, 2016 and January 28, 2016 that a hearing would be held by the Jackson City Planning Board on January 27, 2016 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 denial of the petitioned Use Permit within the existing C-2 (Limited) Commercial District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity, and that the request for a Use Permit within the existing C-2 (Limited) Commercial District of the City of Jackson to operate a liquor store 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:

Parcel 1: Beginning at the Southwest corner of Lot 56 of Oak Creek Subdivision, Part 1, as said subdivision is platted and recorded in the office of Chancery Clerk of Hinds County at Jackson, MS (in Plat Book 27, Page 7), reference to this subdivision is made in aid of and as a part of this description; run thence North 75 degrees 05 minutes East and along South line of said Oak Creek Subdivision for a distance of 150.0 feet to an iron pin; run thence, leaving the South Line of Oak Creek Subdivision, South 14 degrees 55 minutes East for a distance of 99.0 feet to an iron pin; run thence South 75 degrees 05 minutes West for a distance of 150.0 feet to an iron pin on a line 30.0 feet East of and parallel to the centerline of North Siwell Road as said road is now laid out and established (March 16,1979); run thence North 14 degrees 55 minutes west and along said 30.0 feet East of and parallel to the centerline of said North Siwell Road for a distance of 99.0 feet to the point of beginning.

The above described parcel of property is located in Southwest Quarter (SW 1/4) of Section 21, Township 5 North Range 1 West, Hinds County, Mississippi, and contains 0.27 acres, more or less.

Parcel 2: Commencing at the Southwest corner of Lot 56 of Oak Creek Subdivision Part 1, as said subdivision is platted and recorded in the office of the Chancery Clerk of Hinds County at Jackson MS (in Plat Book 27 at Page 7), reference to this subdivision is made in aid of and as a part of this description; run thence South 14 degrees 55 minutes East along a line 30.0 feet East and parallel to. the centerline of North Siwell Road as said road is now laid out and established (March 16,1979) for a distance of 99.0 feet to the point of the beginning; run thence North 75 degrees 05 minutes East for distance of 119.0 feet to an iron pin; run thence South 75 degrees 05 minutes West for a distance of 119.0 feet to an iron pin on said line 30.0 feet East of and parallel to the centerline of North Siwell Road, run thence North 14 degrees 55 minutes West along said line 30.0 feet East of and parallel to the centerline of North Siwell Road for distance of 87.0 feet to the point of the beginning.

The above described parcel of property is located in Southwest Quarter (SW 1/4) of Section 21, Township 5 North Range 1 West, Hinds County, Mississippi, and contains 0.24 acres, more or less.

AND;

Commencing at the Southwest corner of Lot 56 of Oak Creek Subdivision, Part 1, as said subdivision is platted and recorded in the office of the Chancery Clerk of Hinds County Jackson MS, in Plat book 27, Page 7, reference to this subdivision is hereby made in aid of and as part of this description; run thence S 14 degrees 55 minutes East along a line 30.0 feet East of and parallel to the centerline of North Siwell Road as said road is now laid out and established (July 31,1980) for a distance of 184.0 feet to a point; run thence North 75 degrees 05 minutes East, 107.0 feet to the point of the beginning; thence North 14 degrees 55 minutes West 48.0 feet; thence North 75 degrees 05 minutes East 46.0 feet; thence South 14 degrees 55 minutes East 48.0 feet; thence South 75 degrees 05 minutes West 46.0 feet to the point of beginning. Said property being situated in the SW 1/4 of Section 21, T5N, R1 W, Hinds County, MS and containing 0.05 acres, more or less.

Subject to the following easement, to-wit:

Beginning at the SW corner of Lot 56, Oak Creek Subdivision, Part 1, as said subdivision is platted and recorded in the office of the Chancery Clerk of Hinds County Mississippi in Plat Book 27, Page 7, run thence South 14 degrees 55 minutes East for a distance of 30.0 feet to a point; run thence North 14 degrees 55 minutes West a distance of 183.0 feet to a point; run thence South 75 degrees 05 minutes East a distance of 183.0 feet to the point of beginning. The above described property is located in the SW 1/4 if Section 21, T5N, R1 W, Hinds County, MS, and contains 0.13 acres, more or less.

be and is hereby denied the petitioned Use Permit to operate a liquor store for property located at 2570 N. Siwell Rd. within an C-2 (Limited) Commercial District.

President Priester recognized **Rosalyn Sylvester**, resident of Willowood subdivision, who spoke in favor to deny a Use Permit to operate a liquor store within a C-2 (Limited) Commercial District.

President Priester recognized **Genny Seeley**, former President of the Associations of South Jackson Neighborhoods, who spoke in favor to deny a Use Permit to operate a liquor store within a C-2 (Limited) Commercial District.

President Priester recognized **Claude McCants**, President of the Associations of South Jackson Neighborhoods, who spoke in favor to deny a Use Permit to operate a liquor store within a C-2 (Limited) Commercial District.

President Priester recognized **Attorney Sorie Tarawally**, a representative for the Applicant, who spoke in opposition to deny a Use Permit to operate a liquor store within a C-2 (Limited) Commercial District.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3927, 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.

President Priester requested that the Clerk read said Order:

ORDER DENYING WEST LEASING, LP A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO C-3 (GENERAL) COMMERCIAL DISTRICT WITH A USE PERMIT FOR A FAST FOOD RESTAURANT FOR PROPERTY LOCATED AT RAYMOND ROAD, PARCEL #836-130, CASE NO. 3927.

WHEREAS, West Leasing, LP has filed a petition to rezone property located at Raymond Road (Parcel #836-130), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-Family) Residential District to C-3 (General) Commercial District, to construct a Quick Service Restaurant (dining place); and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended a denial to rezone the property from R-1 (Single-Family) Residential District to C-3 (General) Commercial District; 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, March 21, 2016 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 February 4, 2016 and February 18, 2016 that a hearing would be held by the Jackson City Planning Board on February 24, 2016, 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 denial of the petitioned rezoning of the above described property to C-3 (General) Commercial District; and

WHEREAS, the Council after having considered the matter, is of the opinion that such changes would not be in keeping with sound land use practice and to the best interest of the City and that there has not been a substantial change in the land use character of the surrounding area that justifies rezoning the property and there is not a public need for additional property in that area zoned in accordance with the request in said application since any previous City Council action.

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

That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

Being situated in the SE ¼ of Section 14, T5N-R1W, Jackson, Hinds County, Mississippi, and being particularly described as follows:

Commence at an iron bar marking the NW corner of Lot 1, Crestleigh, as recorded in platbook 23 at page 38 of the Chancery Records of Hinds County, Mississippi, and run N65°46'32"W, along the southern R.O.W. line of McDowell Road, 205.00 feet to the NW corner of that certain property conveyed to John F. Gussio, Jr., as recorded in Deed book 2912 at page 777 of the aforesaid Chancery records and the point of beginning for the property herein described; continue thence N65°46'32"W, along the aforesaid southern R.O.W. line of McDowell Road, 490.59 feet to the present eastern R.O.W. line of Raymond Road as recorded in Deedbook 3078 at page 293 of the aforesaid Chancery records; run thence S80°32'02"W, along the present southern R.O.W. line of Raymond Road, 35.86 feet; run thence S43°21'55"W, along said present R.O.W. line, 114.39 feet; run thence S65°46'32"E, 615.12 feet to the SW corner of the aforesaid Gussio property, run thence N0°08'31"E along the west boundary of the aforesaid Gussio property, 140.15 feet to the point of beginning.

is hereby denied the petitioned request to rezone the property located at Raymond Road (Parcel #836-130) from R-1 (Single-Family) Residential District to C-3 (General) Commercial District. There was no opposition from the public.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

Thereafter, **President Priester** requested that the Clerk read the Order to approve:

ORDINANCE APPROVING WEST LEASING, LP A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO C-2 (LIMITED) COMMERCIAL DISTRICT WITH A USE PERMIT FOR A FAST FOOD RESTAURANT FOR PROPERTY LOCATED AT RAYMOND ROAD, PARCEL #836-130, CASE NO. 3927.

WHEREAS, West Leasing, LP has filed a petition to rezone property located at Raymond Road (Parcel #836-130), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-family) Residential District to C-2 (Limited) Commercial District with a Use Permit to allow for a fast food restaurant; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from R-1 (Single-Family) Residential District to C-2 (Limited) Commercial District with a Use Permit; 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, March 21, 2016 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 February 4, 2016 and February 18, 2016 that a hearing would be held by the Jackson City Planning Board on February 24, 2016, 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 the recommended rezoning of the above described property to C-2 (Limited) Commercial District; and

WHEREAS, the Council after having considered the matter, is of the opinion that such changes would be in keeping with sound land use practice and to the best interest of the City and 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 in said application since any previous City Council action; and

WHEREAS, the Council after having considered the matter, is also of the opinion that the that the recommended Use Permit for a fast food restaurant within the C-2 (Limited) Commercial District would be compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses; and would not adversely affect vehicular or pedestrian traffic in the vicinity.

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:

Being situated in the SE ¼ of Section 14, T5N-R1W, Jackson, Hinds County, Mississippi, and being particularly described as follows:

Commence at an iron bar marking the NW corner of Lot 1, Crestleigh, as recorded in platbook 23 at page 38 of the Chancery Records of Hinds County, Mississippi, and run N65°46'32"W, along the southern R.O.W. line of McDowell Road, 205.00 feet to the NW corner of that certain property conveyed to John F. Gussio, Jr., as recorded in Deed book 2912 at page 777 of the aforesaid Chancery records and the point of beginning for the property herein described; continue thence N65°46'32"W, along the aforesaid southern R.O.W. line of McDowell Road, 490.59 feet to the present eastern R.O.W. line of Raymond Road as recorded in Deedbook 3078 at page 293 of the aforesaid Chancery records; run thence S80°32'02"W, along the present southern R.O.W. line of Raymond Road, 35.86 feet; run thence S43°21'55"W, along said present R.O.W. line, 114.39 feet; run thence S65°46'32"E, 615.12 feet to the SW corner of the aforesaid Gussio property, run thence N0°08'31"E along the west boundary of the aforesaid Gussio property, 140.15 feet to the point of beginning.

is hereby modified so as to approve the rezoning of the property on Raymond Road, Parcel #836-130 from R-1 (Single-Family) Residential District to C-2 (Limited) Commercial District with a Use Permit to allow for a fast food restaurant within a C-2 (Limited) Commercial District 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. 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.

President Priester recognized **Randy Hayes**, Applicant, who spoke in favor to approve the Rezoning from R-1 (Single-Family) Residential District to C-2 (General) Commercial District with a Use Permit to construct a Quick Service Restaurant (dining place).

There was no opposition from the public.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

Council Member Foote arrived to the meeting at 3:48 p.m.

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3928, 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.

President Priester requested that the Clerk read said Order:

ORDER GRANTING FONDREN HOTEL GROUP, LLC A USE PERMIT TO ALLOW FOR ACCESS AND PARKING FOR THE ADJACENT HOTEL IN AN R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTIES LOCATED AT 541 HARTFIELD ST., CASE NO. 3928.

WHEREAS, Fondren Hotel Group, LLC has filed a petition for a Use Permit to allow for access and parking for the adjacent hotel and within an R-4 (Limited-Multi-Family) Residential 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, February 24, 2016, 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, March 21, 2016 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 February 4, 2016 and February 18, 2016 that a hearing would be held by the Jackson City Planning Board on February 24, 2016 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 the petitioned Use Permit within the existing R-4 (Limited-Multi-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 will not be detrimental to the continued use, value, or development of properties in the vicinity; will not adversely affect vehicular or pedestrian traffic in the vicinity, will be able to be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools; and not being 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 within the existing R-4 (Limited-Multi-Family) Residential District of the City of Jackson for accessory parking and access to the adjacent Fondren Hotel be granted.

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

That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

Lot 5 and two (2) feet off the west side of Lot 4, Highland Addition, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 2, Page 57, reference to which is hereby made in aid of and as a part of this description.

LESS AND EXCEPT:

10' off the North end of subject property conveyed to the City of Jackson by Deed recorded in Book 246 at Page 326.

MORE COMMONLY KNOWN AS: 541 Hartfield St., Jackson, MS 39216

be and is hereby modified so as to approve a Use Permit to allow for access to adjacent hotel and parking for property located at 541 Hartfield St. within an R-4 (Limited-Multi-Family) Residential District 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.

President Priester recognized **Attorney Robert Hutchison**, a representative for the Fondren Hotel Group, LLC, who spoke in favor of a Use Permit to allow for access to adjacent hotel and parking within a R-4 (Limited Multi-Family) Residential District.

There was no opposition from the public.

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

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Stokes.
Nays- None.
Absent- Tillman.

Council Member Stokes left the meeting at 3:54 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>
SE -2734 Ward 2	Dorothy Taylor	5753 Angle St.	Day Care Center	03/08/89
SE -3290 Ward 2	Southern Consultants	5740 County Cork Rd.	Engineering Office	03/01/90
SE -3857 Ward 2	LaKisha Archie	6459 Abraham Lincoln Dr.	Residential Day Care Center	03/17/14
SE -3286 Ward 1	Linda Maley	1500 Sherman Ave.	Swimming Instructions	02/01/00

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.

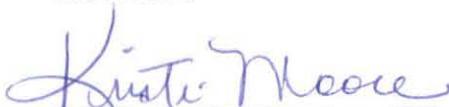
Council Member Barrett-Simon moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Stamps.
Nays- None.
Absent- Stokes and Tillman.

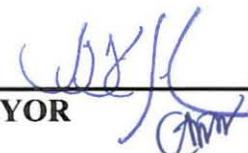
There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Council Meeting to be held at 10:00 a.m. on Tuesday, March 22, 2016: at 3:58 p.m., the Council stood adjourned.

ATTEST:

APPROVED:



CITY CLERK


_____, 4/20/16
MAYOR DATE
