

**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 April 18, 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; De'Keither Stamps, Ward 4; Charles Tillman, Ward 5 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 Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3.

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The meeting was called to order by **Vice President Tyrone Hendrix**.

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**Vice President Hendrix** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3925, 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.

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**Vice President Hendrix** requested that the Clerk read said Order:

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**ORDINANCE GRANTING COLONIAL JACKSON, LLC A REZONING FROM SUD SPECIAL USE DISTRICT TO TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT, TO DEVELOP A TRADITIONAL NEIGHBORHOOD DEVELOPMENT, TO BE KNOWN AS COLONIAL HIGHLANDS FOR PROPERTY LOCATED AT 5635 OLD CANTON ROAD, CASE NO. 3925.**

**WHEREAS**, Colonial Jackson, LLC has filed a petition to rezone property located at 5635 Old Canton Road, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from SUD Special Use District to TND Traditional Neighborhood Development, to develop a Traditional Neighborhood Development, to be known as Colonial Highlands; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from SUD Special Use District to TND Traditional Neighborhood Development; 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, April 18, 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 rezoning of the above described property to TND Traditional Neighborhood Development; 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.

**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:

That certain tract or parcel of land lying and being situated within the inner bounds of Colonial Circle and Club View Drive as shown by the maps and plats of Club Park Subdivision, Parts 1, 2, and 3, on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 6, at Pages 15, 16, and 17, respectively, and in the Northeast Quarter (NE 1/4) of Section 7, in the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 7, and in the Northwest Quarter (NW 1/4) of Section 8, Township 6 North, Range 2 East, City of Jackson, First Judicial District of Hinds County, Mississippi, being more particularly described as the Colonial Country Club Golf Course, and all other land not considered a part of said Golf Course, which lies within the inner bounds of the aforesaid streets and constitutes all of the remaining land and property within the bounds of said streets in addition to the aforesaid Golf Course, together with all improvements thereon, and being more particularly described by metes and bounds as follows:

Commence at the southeast corner of Lot 2, Block "F", Club Park Subdivision, Part 1, and run south 89 degrees 52 minutes east at a right angle to the east line of said Lot 2 for a distance of 60.0 feet to a point in the east line of Colonial Circle, which point is the POINT OF BEGINNING of the property herein described; run thence North 00 degrees 08 minutes east along the east line of Colonial Circle, 60 feet east of and parallel with the east line of Lots 2 and 1 of Block "F" and the east line of Block "E", Club Park Subdivision, Part 1, for a distance of 960.8 feet to the beginning of a curve to the right; run thence along said curve to the right having a radius of 100.0 feet, for a distance of 156.6 feet, and having a chord bearing of north 44 degrees 59 minutes east for a distance of 141.1 feet to the end thereof, which is the south line of Colonial Circle; run thence north 89 degrees 50 minutes east along the south line of Colonial Circle, 60 feet south of and parallel with the south line of Block "A", Club Park Subdivision, Part 1, for a distance of 2,021.1 feet to the intersection of the line between the aforesaid Sections 7 and 8 with the south line of said Colonial Circle; run thence south 89 degrees 53 minutes east and continue along the south line of Colonial Circle for a distance of 648.02 feet to the beginning of a 23 degree 38 minute curve to the right; run thence around said curve to the right, having a radius of 241.6 feet, and having a chord bearing of south 54 degrees 35 minutes east, a distance of 278.78 feet to the end thereof; run thence south 19 degrees 20 minutes east along the western line of Colonial Circle, 60 feet west of and parallel with the west line of Block "G", Club Park Subdivision, Part 2, for a distance of 386.8 feet to the beginning of a 14 degree 14 minute 45 second curve to the left; run thence around said curve to the left, having a radius of 386.3 feet for a distance of 278.1 feet, and having a chord bearing of south 39 degrees 58 minutes east for a distance of 272.08 feet to a point on a reverse curve bearing to the right having a radius of 100.0 feet; run thence around said curve for a distance of 165.5 feet, and having a chord bearing of south 17 degrees 23 minutes east for a distance of 147.25 feet to the end thereof and in the west line of Club View Drive as shown on the plat of Club Park Subdivision, Part 2; run thence south 30 degrees 00 minutes west along the west line of Club View Drive, 60 feet west of and parallel with the west line of Club View Subdivision, Part 2, for a distance of 168.0 feet to the beginning of a 1 degree 00 minute 27 second curve to the right; run thence around said curve to the right having a radius of 5,687.7 feet, for a distance of 340.0 feet, and having a chord bearing of south 31 degrees 43 minutes west for a distance of 339.94 feet to the end thereof; run thence south 33 degrees 26 minutes west along the west line of Club View Drive, 60 feet west of and parallel with the west line of Block "H", Club Park Subdivision, Part 2, for a distance of 842.92 feet to the beginning of a 22 degree 01 minute 42 second curve to the right; run thence around said curve, having a radius of 260.1 feet for a distance of 275.4 feet, and having a chord bearing of south 63 degrees 46 minutes west for a distance of 262.73 feet to the end thereof; run thence north 85 degrees 54 minutes west on the tangent of the last mentioned curve and along the north line of Club View Drive for a distance

of 210.89 feet to the beginning of a 6 degree 06 minute 11 second curve to the left; run thence around said curve, having a radius of 938.8 feet along the northern line of Club View Drive, 60 feet from and parallel with the northern line of Block "L", Club Park Subdivision, Part 3, for a distance of 412.63 feet, and having a chord bearing of south 81 degrees 30 minutes west for a distance of 409.45 feet to the beginning of a 9 degree 08 minute 33 second curve to the left; run thence around said curve, having a radius of 626.7 feet, and along the northwestern line of Club View Drive, 60 feet from and parallel with the northwestern line of Blocks "L" and "M" of Club Park Subdivision, Part 3, for a distance of 451.02 feet, and having a chord bearing of south 48 degrees 17 minutes west for a distance of 441.51 feet to the end of said curve; run thence south 27 degrees 39 minutes west along the western line of Club View Drive, 60 feet west of and parallel with the west line of said Block "M", Club Park Subdivision, Part 3, for a distance of 121.51 feet to the beginning of a curve to the right; run thence around said curve, having a radius of 33.8 feet, for a distance of 67.5 feet, and having a chord bearing of south 84 degrees 51 minutes west for a distance of 56.87 feet to a point in the northern line of Colonial Circle; run thence northwesterly along the northern line of Colonial Circle and around a curve to the left having a radius of 810.1 feet, 60 feet from and parallel with the northern line of Block "P", Club Park Subdivision, Part 3, for a distance of 173.7 feet, and having a chord bearing of north 44 degrees 07 minutes west for a distance of 173.33 feet to the beginning of a 1 degree 37 minute curve to the right; run thence around said curve, having a radius of 3,546.0 feet, 60 feet from and parallel with the northern line of Block "P", Club Park Subdivision, Part 3, for a distance of 589.5 feet, and having a chord bearing of north 45 degrees 29 minutes west for a distance of 589.34 feet to the beginning of a 6 degree 43 minute 15 second curve to the left; run thence around said curve, having a radius of 852.5 feet, 60 feet from and parallel with the north line of Block "P", Club Park Subdivision, Part 3, for a distance of 661.6 feet, and having a chord bearing of north 62 degrees 57 minutes west for a distance of 645.11 feet to the beginning of a curve to the right; run thence around said curve to the right, having a radius of 99.4 feet, for a distance of 114.8 feet, and having a chord bearing of north 52 degrees 05 minutes west for a distance of 108.56 feet to a point in the east line of Colonial Circle; run thence north 18 degrees 55 minutes west along the east line of Colonial Circle, 60 feet east of and parallel with the east line of Block "F", Club Park Subdivision, Part 1, for a distance of 123.77 feet to the beginning of a 3 degree 44 minute curve to the right; run thence around said curve, having a radius of 1,534.8 feet, 60 feet from and parallel with the east line of Block "F", Club Park Subdivision, Part 1, for a distance of 511.2 feet, and having a chord bearing of north 09 degrees 25 minutes west for a distance of 508.71 feet to the POINT OF BEGINNING, containing 145.7 acres, more or less.

And also;

All of Block "L" of Club Park Subdivision, Part 3, according to the 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 6, at Page 15 thereof, reference to which map or plat is hereby made in aid of and as a part of this description, containing 7.72 acres, more or less.

All of the above-described property being the same property as that conveyed by Trustmark National Bank, a national banking association, to Colonial Jackson, LLC, a Louisiana limited liability company, by a Special Warranty Deed dated August 27, 2014, and recorded in Book 7166, at Page 1722, on the land records in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi.

is hereby modified so as to approve the rezoning of the property at 5635 Old Canton from SUD to TND, however, before a 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 and Subdivision Ordinance 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.

**Vice President Hendrix** recognized **Attorney James Peden**, a representative of Colonial Jackson, LLC, who spoke in favor to approve a Rezoning from SUD Special Use District to TND Traditional District, to develop a Traditional Neighborhood Development, to be known as Colonial Highlands.

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**Vice President Hendrix** recognized **Bob Gilechrist** who spoke in opposition to approve a Rezoning from SUD Special Use District to TND Traditional District, to develop a Traditional Neighborhood Development, to be known as Colonial Highlands.

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**Vice President Hendrix** recognized **Joe Pennington** who spoke in opposition to approve a Rezoning from SUD Special Use District to TND Traditional District, to develop a Traditional Neighborhood Development, to be known as Colonial Highlands.

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

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**Vice President Hendrix** recognized **David Ford**, a resident on Colonial Circle, spoke in favor of the proposed Traditional Neighborhood Development.

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**Vice President Hendrix** recognized **Rosemary Porter**, a resident on Parkway Drive, spoke in favor of the proposed Traditional Neighborhood Development with the exception of the commercial development on Parkway Drive that would potentially diminish their residential nature.

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**Vice President Hendrix** recognized **Lisa Williams**, a resident of Clubview Drive, spoke in favor of viable development within her community and expressed concerns regarding the possibility of her cul-de-sac being bridged over for the development of the proposed project.

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Thereafter, **Vice President Hendrix** called for a vote on said item:

Yeas- Barrett-Simon, Foote, Hendrix and Stamps.

Nays- None.

Absent- Priester, Stokes and Tillman.

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**Vice President Hendrix** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3926, 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.

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**Vice President Hendrix** recognized **Attorney James Peden**, a representative for Jackson Memorial Funeral Services, LLC, who spoke in favor to approve a Rezoning from R-1 (Single-Family) Residential District and C-3 (General) Commercial District to SUD Special Use District, to develop a cemetery

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**Vice President Hendrix** recognized **Damien Murriel**, Applicant, who spoke in favor to approve a Rezoning from R-1 (Single-Family) Residential District and C-3 (General) Commercial District to SUD Special Use District.

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**Vice President Hendrix** recognized **Brenda Tipton**, a resident on Rosehaven Road, who in favor of developing a revenue generating development and opposed a cemetery due to increased traffic.

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**Vice President Hendrix** recognized **Cynthia Ayers-Elliott**, a resident on South Drive, who requested that the Council support the recommendation from the Planning Board to deny the requested rezoning.

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**Vice President Hendrix** recognized **Helen Seamore**, a resident of Dixon Acres, who expressed concerns for the possibility of increased traffic and the accessibility of emergency vehicles.

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**Vice President Hendrix** recognized **Jacqueline Amos**, a resident on Kilkenny Blvd., who expressed concerns regarding the increased traffic associated with funerals and request that the Planning Board decision be upheld.

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**Vice President Hendrix** recognized **Jimmie Edwards**, Pastor of Rosemont Church, who spoke in opposition of a cemetery being development in their area.

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Thereafter, **Vice President Hendrix** stated that said item [Order denying Jackson Memorial Funeral Services, LLC a rezoning from R-1 (Single-Family) Residential District and C-3 (General) Commerical] would be tabled until the next Regular Zoning Council meeting to be held on May 16, 2016 at 2:30 p.m.

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**Council Members Priester and Tillman** arrived to the meeting at 4:09 p.m.

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**Vice President Hendrix** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3930, 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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**Vice President Hendrix** requested that the Clerk read said Order:

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**ORDER DENYING ARMANDO SALAZAR A USE PERMIT AND A TWO THOUSAND SEVEN HUNDRED (2,700) SQ. FEET VARIANCE FROM THE MINIMUM REQUIREMENT OF MORE THAN TEN THOUSAND (10,000) SQ. FT. TO ALLOW FOR A CHURCH ON LESS THAN ONE ACRE WITHIN AN R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 120 FREDRICA AVE., CASE NO. 3930.**

**WHEREAS**, Armando Salazar has filed a petition for a Use Permit and a two thousand seven hundred (2,700) sq. feet Variance from the minimum requirement of more than ten thousand (10,000) sq. ft. to allow for a church on less than one acre within an R-1 (Single-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, March 23, 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, April 18, 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 March 3, 2016 and March 17, 2016 that a hearing would be held by the Jackson City Planning Board on March 23, 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 and Variance 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 and the Variance conferring upon the applicant a special privilege that is denied by the Zoning Ordinance to other similar lands, structures or buildings in the same district and that the request for a Use Permit and Variance from the area requirements within the existing R-1 (Single-Family) Residential District of the City of Jackson to allow for a church on a site that is less than one acre but greater than ten thousand square feet 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:

FIFTY-TWO (52) FEET OF THE NORTH SIDE OF LOT 6, OF THE A.C.JONES SUBDIVISION, OF LOTS 4 AND 5 OG YHR J.J.CLAY SUBDIVISION, according to the map or plat of said A.C. JONES SUBDIVISION of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 1 at Page 8 thereof.

ALSO:

Ten feet off East side of Fredrica Street, and strip of land being West of and adjoining the West property line of a Lot 52 feet wide, fronting on Fredrica Avenue, off the North side of LOT 6 of the A.C. JONES SUBDIVISION, from the South line of Lot 3, of said subdivision, 52 feet Southward to the Southern Boundary line of the above described property.

be and is hereby denied the petitioned Use Permit and a two thousand seven hundred (2,700) sq. feet Variance from the minimum requirement of more than ten thousand (10,000) sq. ft. to allow for a church for property located at 120 Fredrica Avenue within an R-1 (Single-family) Residential District.

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**Vice President Hendrix** recognized Armando Salazar, Applicant, who spoke in favor to approve the Use Permit and a two thousand seven hundred (2,700) sq. feet Variance from the minimum requirement of ten thousand (10,000) sq. ft. to allow for a church on less than one acre within an R-1 (Single-Family) Residential District.

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There was no opposition from the public.

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

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

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3931, 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:  
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**ORDER GRANTING ROBERT J. ROBBINS A VARIANCE OF THIRTEEN (13) FEET TO BUILD WITHIN TWELVE (12) FEET OF THE REQUIRED 25 FEET SETBACK FOR FRONT YARDS WITHIN A R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT LONDON AVE. PARCEL #583-74-2, CASE NO. 3931.**

**WHEREAS**, Robert J. Robbins has filed a petition for a Variance of thirteen (13) feet to build within twelve (12) feet of the required twenty-five (25) feet setback for front yards within a R-1 (Single-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 March 23, 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, April 18, 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 March 3, 2016 and March 17, 2016 that a hearing would be held on March 23, 2016 by the Jackson City Planning Board, 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 Variance of thirteen (13) feet to build within twelve (12) feet of the required twenty-five (25) feet setback for front yards 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 Variance requested would not confer upon the applicant any special privilege that is denied by the Zoning Ordinance to other similar lands, structures or buildings in the same district and should thereby be granted within the existing R-1 (Single-Family) Residential District of the City of Jackson.

**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 2, NETHERLANDS POINTE, A SUBDIVISION ACCORDING TO A MAP OR PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI IN PLAT BOOK 39, PAGE 31, REFERENCE TO WHICH IS MAP AND PLAT IS HERE MADE IN AID OF AND AS A PART OF THIS DESCRIPTION.

be and is hereby granted a Variance of thirteen (13) feet to build within twelve (12) feet of the required twenty-five (25) feet setback for front yards within a R-1 (Single-Family) Residential District.

**President Priester** recognized **Robert Bridges**, Builder for Applicant, who spoke in favor to grant a Variance of thirteen feet to build within twelve feet of the required 25 feet setback for front yards within a R-1 (Single-Family) Residential District.

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There was no opposition from the public.

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

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.

Nays- None.

Absent- Stokes.

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3932, 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:

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**ORDINANCE GRANTING VERNON SMITH A REZONING FROM SUD (SPECIAL USE) DISTRICT TO NMU-1 (NEIGHBORHOOD) MIXED-USE DISTRICT FOR A MIXED USE DEVELOPMENT FOR PROPERTY LOCATED AT 5055 MANHATTAN ROAD, CASE NO. 3932.**

**WHEREAS**, Vernon Smith has filed a petition to rezone property located at 5055 Manhattan Road, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from SUD (Special Use) District to NMU-1 (Neighborhood) Mixed-Use District for a mixed use development; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from SUD (Special Use) District to NMU-1 (Neighborhood) Mixed-Use 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, April 18, 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 March 3, 2016 and March 17, 2016 that a hearing would be held by the Jackson City Planning Board on March 23, 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 rezoning of the above described property to NMU-1 (Neighborhood) Mixed-Use District for a mixed use development; 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.

**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:

**Tract I**

Parcel No. 1-A certain parcel of land being situated in the NE  $\frac{1}{4}$  OF Section 14, Township 6 North, Range 1 East, Hinds County, Mississippi, and being more particularly described by metes and bounds as follows:

Beginning at a point on the line between Sections 13 and 14, Township 6 North, Range 1 East, which point is 3690 feet North of the corner common to Sections 13, 14, 23, and 24, Township 6 North, Range 1 East, and run thence West at a right angle a distance of 420 feet; thence North and parallel with line between Sections 13 and 14 for a distance of 600 feet; thence East at a right angle a distance of 420 feet to a point on the line between Sections 13 and 14; thence South along said section line a distance of 600 feet to the Point of Beginning. Subject to a 15 foot easement on the West side and less that part that lies within the right of way lines of Manhattan Road as now laid out and improved.

Parcel No. 2- A certain parcel of land being situated in the NE  $\frac{1}{4}$  of Section 14, Township 6 North, Range 1 East, Hinds County, Mississippi, and being more particularly described by metes and bounds as follows:

Beginning at a point in the east line of Section 14, Township 6 North, Range 1 East, where said line is intersected by the Easterly projection of the North line of North Broadmoor, Part 5, run thence Northerly along the East line of Section 14 for a distance of 135 feet, more or less, to the Southeast corner of the above described Parcel #1; run thence Westerly along the South line of said Parcel #1 for a distance of 420 feet to the Southwest corner thereof; run thence Southerly and along the projection of the West line of Parcel #1 for a distance of 127.0 feet to a point in the North line of North Broad moor, Part 5, run thence Easterly along the North line of North Broadmoor, Part 5, and said line extended, for a distance of 420 feet to the Point of Beginning, Less and Except that part lying with the right of way lines of Manhattan Road as now laid out and improved.

**Tract II**

Parcel No.1- Beginning at a point common to Sections 13, 14, 23, and 24, Township 6 North, Range 1 East, run thence West on the line between Sections 14, and 23, Township 6 North, Range 1 East, a distance of 435 feet; run thence North and parallel to the line common to Sections 13 and 14 a distance of 3690 feet to the Point of Beginning, which point is also fixed as the Northeast boundary of the 16 acre tract of land heretofore sold by Tim E. Cooper and Mrs. Gay Buckley Cooper to Wirt A. Yerger; run, then North a distance of 600 feet along the line parallel to the line common to Sections 13 and 14, Township 6 North, Range 1 East, aforesaid; run thence West a distance of 405 feet to a point; run thence South 600 feet to the Northwest corner of the tract of land heretofore sold by Tim E. cooper and Mrs. Gay Buckley Cooper to Wirt A. Yerger; run thence East along the North line of the Wirt A. Yerger property 405 feet to the Point of Beginning.

Parcel No. 2- Part of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 14, in T-6-N, R-1-E, in Hinds County, Mississippi, described as follows: Beginning at the SE corner of Lot 21 in North Broadmoor Part 6, as recorded in Plat Book 12 at Page 7, which point is also on the North line of North Broadmoor Part 5, thence East along the North line of North Broadmoor, Part 5 for a distance of 420 feet; thence North parallel with the East line of said Lot 21 for a distance of 128.6 feet; thence West 420 feet to the East line of said Lot 21; thence South along said line 121.2 feet to the Point of Beginning.

**TRACT III**

Parcel No. 1- Lots 18, 19, 20, and 21, North Broadmoor, Part 6, 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 12 at Page 7, reference to which is hereby made in aid of and as a part of this description.

Parcel No. 2 - Lots 13 and 14, North Broadmoor, Part 5, 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 11 at Page 35, reference to which is hereby made in aid of and as a part of this description.

**TRACT IV**

A parcel of land situated in the Northeast ¼ of the Northeast ¼ of Sections 14, T6N, R1E, Hinds County, Mississippi, and being more particularly described as follows:

Commence at an iron pin at the intersection of the North right of way line of Bounds Street and the East right of way line of Manhattan Road as both are now laid out and in use, said iron pin being the Southwest corner of lot 30, block 4, North Meadows, Part 4; thence run North 87 degrees, 21minutes West-60.07 feet to a point on the West right of way line of aforementioned Manhattan Road; thence run the following bearings and distances along said West right of way line; South .02 degrees, 41 minutes East-702.26 feet to the point of curvature of a curve bearing to the left having a delta angle of 51degrees, 56 minutes and a radius of 160.0 feet; thence run South 25 degrees 41minutes East a chord distance of 124.23 feet to the Point of Beginning; thence continue along said West right of way line of Manhattan Road; South 51degrees 41minutes East a chord distance of 16.37 feet to the point of tangency of said curve; South 54 degrees, 37 minutes East-253.34 feet; South 33 degrees, 38 minutes East-33.34 feet; thence leaving said West right of way line run North 89 degrees, 23 minutes West along the North line of the Council School Manhattan Property and an extension thereof for a distance of 485.5 feet; thence run North 58 degrees 40 minutes West-99.54 feet to the center line of an open ditch; thence run North 02 degrees, 34 minutes West along said center line 226.87 feet to a point on the centerline of a 15 foot sanitary sewer easement having a 30 inch sanitary sewer main running along said center line; thence run the following bearings and distances along said 30 inch sanitary sewer main; South 64 degrees, 49 minutes East-233.00 feet; North, 89 degrees, 57 minutes East-131.96 feet to the Point of Beginning; containing 2.1 acres.

is hereby modified so as to approve the rezoning of the property at 5055 Manhattan Road from SUD (Special Use) District to NMU-1 (Neighborhood) Mixed-Use District, however, before a 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 and Subdivision Ordinance 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.

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**President Priester** recognized **Vernon Smith**, Applicant, who spoke in favor to approve a Rezoning from SUD (Special Use District) to NMU-1 (Neighborhood) Mixed-Use District for a mixed use development.

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There was no opposition from the public.  
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**Council Member Priester** moved adoption; **Council Member Stamps** seconded.

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

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

- **SE 2746 - Diane Robinson – 710 Primos Ave.**
- **SE 3048 - Deborah Harper – 405 Queen Margaret Ln.**

No action required.

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**President Priester** recognized **Ester Ainsworth**, Zoning Administrator, who requested that SE 3048 – Deborah Harper – 405 Queen Margaret Ln. be removed from Cancelled Special Exceptions and added to Special Exception Renewals for April 2016.

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**Council Member Stamps** moved and **Council Member Hendrix** seconded to move Case SE-3048 from Cancelled Special Exceptions and add to Approved Special Exception Renewals for April 2016. The motion prevailed by the following vote:

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

\*\*\*\*\*

**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 -2905 Ward 3	Mary Tillman	3651 Mosley Avenue	Personal Care Home	4/08/92
SE -3886 Ward 2 UP	Etheridge Jamison	128 Richardson Dr.	Operation of a Wrecker Service	4/20/15
SE -3894 Ward 2 UP	Meena Sabharwal	1625 E. County Line Rd. – Suite 320	Operation of a Wrecker Service	4/20/15
SE -3895 Ward 1 UP	Quarquerite Lowe	532 W. Northside Dr.	Operation of a Commercial Child Care Center	4/20/15

**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 Stamps** seconded.

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**Council Member Stamps** moved, seconded by **Council Member Tillman** to add Case SE-3048 to the Special Exception Renewals for April 2016. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.

Nays- None.

Absent- Stokes.

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Thereafter, **President Priester** called on a vote on said item as amended:

**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>
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SE -3894 Ward 2 UP	Meena Sabharwal	1625 E. County Line Rd. - Suite 320	Operation of a Wrecker Service	4/20/15
SE -3895 Ward 1 UP	Quarquerite Lowe	532 W. Northside Dr.	Operation of a Commercial Child Care Center	4/20/15
SE 3048 Ward 2	Deborah Harper	405 Queen Margaret Ln.	One-chair Beauty Salon	4/5/1995

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.

Nays- None.

Absent- Stokes.

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REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, APRIL 18, 2016, 2:30 P.M.

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, April 19, 2016: at 4:50 p.m., the Council stood adjourned.

ATTEST:

APPROVED:

Kristi Moore  
CITY CLERK

[Signature], 5-5-16  
MAYOR DATE

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