

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, MAY 16, 2016, 2:30 P.M.

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 May 16, 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; 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 Planning and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3; Charles Tillman, Ward 5 and Margaret Barrett-Simon, Ward 7.

The meeting was called to order by **Vice-President Hendrix** with a quorum present. **Vice-President Hendrix** announced that due to a scheduling conflict the meeting would be recessed until 3:30 p.m. to regain a quorum.

President Priester called the meeting back to order at 3:30 p.m.

Present: Council Members: Melvin Priester, Jr.; President, Ward 2; Tyrone Hendrix, Vice-President, Ward 6; Ashby Foote, Ward 1; De'Keither Stamps, Ward 4 and Charles Tillman, Ward 5. Kristi Moore, City Clerk; Gail Green, Deputy City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Biqi Zhao, Deputy Director of Planning and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3 and Margaret Barrett-Simon, Ward 7.

There came on for consideration Agenda Item No. 1:

ORDER DENYING JACKSON MEMORIAL FUNERAL SERVICES, LLC A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT AND C-3 (GENERAL) COMMERCIAL DISTRICT TO SUD SPECIAL USE DISTRICT, TO DEVELOP A CEMETERY FOR PROPERTY LOCATED AT SOUTH DRIVE ON PARCEL #638-35-1, CASE NO. 3926.

President Priester recognized **Ester Ainsworth**, Zoning Administrator, who announced that the applicant through their attorney, **James Peden** requested a continuance.

President Priester announced that said item will be held until next zoning meeting to be held on June 20, 2016 at 2:30 p.m.

There came on for consideration Agenda Item No. 2:

ORDER GRANTING SINGH PETRO I, LLC A FOURTEEN (14) FEET VARIANCE FROM THE EAST/REAR BUILDING SETBACK WHERE A FIFTEEN FEET BUILDING SETBACK FOR REAR YARDS IS REQUIRED WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 1302 NORTH STATE ST., CASE NO. 3933.

President Priester recognized **Ester Ainsworth**, Zoning Administrator, who announced that the Planning Board action was appealed by the applicant and therefore this item would appear on the Council's June Zoning agenda.

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3934, 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:

ORDINANCE GRANTING JENNIFER WELCH DBA TANDEM INVESTMENTS, LLC A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT & C-3 (GENERAL) COMMERCIAL DISTRICT TO NMU-1 - (NEIGHBORHOOD) MIXED-USE DISTRICT FOR PROPERTY LOCATED AT 1032 SPENGLER AVE. (PARCEL #1025-43 & PARCEL 1025-48), CASE NO. 3934.

WHEREAS, Jennifer Welch DBA Tandem Investments, LLC has filed a petition to rezone property located at 1032 Spengler Ave., Parcel #1025-43 & Parcel 1025-48, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-Family) Residential District & C-3 (General) Commercial District to NMU-1 (Neighborhood) Mixed-Use District; 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 & C-3 (General) Commercial 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, May 16, 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 April 7, 2016 and April 21, 2016 that a hearing would be held by the Jackson City Planning Board on April 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 approval of the petitioned rezoning of the above described property to NMU-1 (Neighborhood) Mixed-Use 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.

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

A parcel of land located in the Southeast corner of Lot 19, Spengler Subdivision, Section 2, Township 5 North, Range 1 East, Hinds County, Mississippi, being further described as follows: Point of beginning being an iron pin marking the Southeast corner of said Lot 19, run thence Northerly along East side of said Lot 19 a distance of 70 feet, run thence Westerly and parallel to South property line of said Lot 19 a distance of 41 feet, run thence Southerly 70 feet to a point on the South property line of said Lot 19 a distance of 43 feet to point of beginning.

Also, one-half of a 15 foot alley along the East side of said Lot 19 and North of Madison Street being further described as follows: Beginning at an iron pin marking the Southeast corner of said Lot 19, run thence Northerly along East side of said Lot 19 a distance of 14 feet, to point of beginning, run thence Northeast along the North line of Madison Street a distance of 11.9 feet to a point in center of alley, run thence Northerly parallel to East side of said Lot 19 and along center line of alley a distance of 46.8 feet to a point. Run thence Westerly and parallel to South side of said Lot 19 a distance of 7.5 feet to a point, run thence Southerly along East side of said Lot 19, a distance of 56.0 feet to point of beginning. Alley was closed by City of Jackson, January 24, 1967, and recorded in Minute Book TT, Page 502.

All above property located inside City of Jackson, Section 2, Township 5 North, Range 1 East, Hinds County, Mississippi.

Tract II

Lots 22, 23, and 24 in Spengler Subdivision of five acre Lots 13 and 14 according to plat thereof on file and of record in the office of the Chancery Clerk of Hinds County in Plat Book 1 at page 33, LESS AND EXCEPT that portion of Lot 24 taken by the City of Jackson (1939) for street purposes and being more particularly described as that part lying Southeasterly of and adjacent to a line that extends Northeasterly from a point on the Westerly property line of said Lot 24, 10 feet, more or less, Northerly from the Southwest corner thereof to the Northeast corner thereof.

Situated in the West Half of Section 2, Township 5 North, Range 1 East of the Choctaw Meridian in Jackson, Hinds County, Mississippi.

is hereby modified so as to approve the rezoning of the property on 1032 Spengler Ave. (Parcel #1025-43) & Parcel 1025-48 from R-1 & C-3 to NMU-1, however that 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 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 **Jennifer Welch**, Applicant, who spoke in favor to approve a Rezoning from R-1 (Single-Family) Residential District to C-3 (General) Commercial District to NMU – 1 (Neighborhood) Mixed-Use District.

There was no opposition from the public.

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

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

Council Member Tillman left the meeting.

President Priester recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Case No. 3935, 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 ALONZO ROBERTS A USE PERMIT TO ALLOW FOR AN ADULT DAY CARE CENTER AS AN ACCESSORY USE WITHIN AN I-1 (LIGHT) INDUSTRIAL DISTRICT FOR PROPERTY LOCATED AT 741 HARRIS ST. SUITE B, CASE NO. 3935.

WHEREAS, Alonzo Roberts has filed a petition for a Use Permit to allow for an adult day care center as an accessory use within an I-1 (Light) Industrial 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, April 27, 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, May 16, 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 April 7, 2016 and April 21, 2016 that a hearing would be held by the Jackson City Planning Board on April 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 approval of the petitioned Use Permit within the existing I-1 (Light) Industrial 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 and that the request for a Use Permit for an adult day care center as an accessory use within the existing I-1 (Light) Industrial District of the City of Jackson be granted with the conditions that the Use Permit be granted on an annual basis; be granted to the current owner of the adult day care center; and any subsequent owner(s) of an adult day care center 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:

Being situated in the South ½ of the Northwest ¼ of Section 2, Township 5 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi and being more particularly described by metes and bounds as follows, to-wit:

Commence at the intersection of the West right of way line of Monroe Street with the South right of way line of Vine Street Extended Westerly and run thence North 08° 26' 13" East for a distance of 433.21 feet along the said West right of way line of Monroe Street; thence North 44° 27' 56" East for a distance of 339.37 feet along the Northwest right of way line of Harris Street to the POINT OF BEGINNING for a distance of 374.90 feet along the said Northwest right of way line of Harris Street; thence leave said Northwest right of way line and run North 44° 54' 22" West for a distance of 105.405 feet; thence Southeast of and parallel to the center line of the most Easterly of three railroad tracks; thence South 45° 32' 09" East for a distance of 105.405

feet to the POINT OF BEGINNING, containing 0.9085 acres more or less.

be and is hereby modified so as to approve a Use Permit to allow for an adult day care center as an accessory use for property located at 741 Harris St. Suite B within an I-1 (Light) Industrial 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 **Mary Coffey**, a representative for **Alonzo Roberts**, who spoke in favor of a Use Permit to allow for an adult day care center as an accessory use within an I-1 (Light) Industrial District.

There was no opposition from the public.

President Priester moved adoption; **Council Member Hendrix** seconded.

President Priester recognized **Ester Ainsworth**, Zoning Administrator, who stated that the Planning Board included conditions within the body of said order.

President Priester moved, seconded by **Council Member Hendrix** to amend said order to reflect conditions prescribed by the Planning Board. The motion prevailed by the following vote:

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

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

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

Note: **Council Member Tillman** returned to the meeting during the vote.

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3936, 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 MATT SAUNDERS\RGT MANAGEMENT A USE PERMIT TO ALLOW FOR A FAST FOOD RESTAURANT WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 2804 SUNCREST Drive, CASE NO. 3936.

WHEREAS, Matt Saunders\RGT Management has filed a petition for a Use Permit to allow for a fast food restaurant 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, April 27, 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, May 16, 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 April 7, 2016 and April 21, 2016 that a hearing would be held by the Jackson City Planning Board on April 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 approval 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 be compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses; will not being detrimental to the continued use, value, or development of properties in the vicinity; and is in harmony with the Comprehensive Plan; that the a Use Permit to allow for a fast food restaurant and be granted within the existing C-2 (Limited) Commercial 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:

A parcel of land containing 7.11 acres located in the NW ¼ of the NW ¼ of Section 24 and the SW ¼ of the SW ¼ of Section 13, Township 5 North, Range 1 West, City of Jackson, First Judicial District, Hinds County, Mississippi, more fully described as follows:

Begin at the Northwest corner of Lot 1, Block 16, Woodville Heights, Part 7-B, a subdivision of the record Plat of which is filed In Plat Book 2 at Page 6 of the land records for the First Judicial District of Hinds County, and proceed thence:

Easterly along the North line of Lot 1, Block 16, Woodville Heights, Part 7-B and the North line of Lots 24, 25, 26, 27, 28, 29 and 30 of Oak Forest Subdivision Part 16 for 820.0 feet to the West side of the right-of-way for the Caney Creek Channel; thence, Northwesterly through a 115 degree 37' angle to the left along the west line of the right-of-way for the Caney Creek Channel for 95.44 feet; thence, Northwesterly through a 14 degree 54' angle to the right along the West line of the right-of-way for the Caney Creek Channel for 308.96 feet to a point on the South line of the 75 foot wide right-of-way for McDowell Road, thence, Westerly through a 69 degree 18' angle to the left along the South line of the right-of-way for McDowell Road for 433.8 feet to the Northeast corner of the property conveyed to Humble Oil and Refining Company by the Warranty Deed recorded in Deed Book 1918 at Page 485 of the land records for the First Judicial District of Hinds County and subsequently conveyed to Thomas Jerry Summerford and Julianne H. Summerford by the Warranty Deed recorded in Deed Book 3038 at Page 559 of the land records for the First Judicial District of Hinds County, Mississippi, thence; Southerly through a 81 degree 17' angle to the left along the East line of the above described Summerford property for 150.0 feet to the Southeast corner of the Summerford property; thence, Westerly through a 81 degree 17' angle to the right along the South line of the above described Summerford property for 9.75 feet; thence, Westerly through a 04 degree 02' angle to the right along the South line of the above described Summerford property for 140.25 feet to a point on the East line of the 60-foot wide right-of-way for Suncrest Drive; thence, Southerly through a 94 degree 41' angle to the left along the East line of the right-of-way for Suncrest Drive for 266.25 feet to an angle point; thence, Southerly through a 09 degree 23' angle to the left along the East line of the right-of-way for Suncrest Drive for 94.08 feet to an angle point; thence, Southerly through a 10 degree 21' 40" angle to the left along the East line of the right-of-way for Suncrest Drive for 13.42 feet to the Point of Beginning.

The above described property is the same as that conveyed to SouthWood Realty Company by the Warranty Deed recorded in Deed Book 1782 at Page 314 LESS AND EXCEPT the property conveyed to Humble Oil and Refining Company by the Deed recorded in Deed Book 1918 at Page 485 of the land records for the First Judicial District of Hinds County, Mississippi which property was subsequently conveyed to Thomas Jerry Summerford and wife, Julianne H. Summerford by the Warranty Deed recorded in Deed Book 3038 at Page 559 of the Land Records for the First Judicial District of Hinds County, Mississippi

be and is hereby modified so as to approve a Use Permit to allow for a fast food restaurant for property located at 2804 Suncrest Drive within an 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.

President Priester recognized **Wayne Morrison**, a representative for RGT Management, who spoke in favor of a Use Permit to allow for a fast food restaurant within a C-2 (Limited) Commercial District.

There was no opposition from the public.

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

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

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3937, 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 the Clerk to read the following:

ORDER DENYING GINA RODEZ A REZONING FROM C80-C3 (GENERAL) COMMERCIAL DISTRICT TO C-3 (GENERAL) COMMERCIAL DISTRICT TO OPERATE A USED CAR DEALERSHIP FOR PROPERTY LOCATED AT 4966 HIGHWAY 80 WEST, CASE NO. 3937.

WHEREAS, Gina Rodez has filed a petition to rezone property located at 4966 Highway 80 West, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C80-C3 (General) Commercial District to C-3 (General) Commercial District with a Use Permit, to operate a used car dealership; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the property from C80-C3 (General) Commercial District to C-3 (General) Commercial District with a Use Permit, to operate a used car dealership; 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, May 16, 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 April 7, 2016 and April 21, 2016 that a hearing would be held by the Jackson City Planning Board on April 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 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:

Lot 3 Block E, Westhaven Heights, a subdivision 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, and recorded in Plat Book 6, at page 26 reference to which is hereby made in aid of and as a part of this description.

is hereby denied the petitioned request to rezone the property located at 4966 Highway 80 West from C80-C3 (General) Commercial District to C-3 (General) Commercial District.

There was no one present to speak for or against this item.

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

Yeas- Foote, Priester, Stamps and Tillman.

Nays- None.

Abstention- Hendrix.

Absent- Barrett-Simon and Stokes.

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 – 2805 Ward 3	Gloria J. Perkins Cabrera	4119 Oaklawn Dr. Jackson, MS 39206	Two-chair Salon	Beauty 05/09/90
SE – 3862 Ward 7	Millsaps College	1702 N. State St. Jackson, MS 39206	Office/Meeting Spaces & Administrative Units	05/19/14

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.

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, MAY 16, 2016, 2:30 P.M.

Council Member Priester moved adoption; Council Member Tillman seconded.

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

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, May 17, 2016: at 4:10 p.m., the Council stood adjourned.

ATTEST:

APPROVED:

Kristi Moore
CITY CLERK

[Signature], 5.31.16
MAYOR DATE
