

REGULAR ZONING MEETING OF THE CITY COUNCIL

MONDAY, FEBRUARY 24, 2014 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 February 24, 2014, being the fourth Monday of said month when and where the following things were had and done to wit:

Present: Council Members: President, Charles Tillman; Vice-President, Melvin Priestler, Jr.; Quentin Whitwell, Ward 1; De'Keither Stamps, Ward 4; Tony T. Yarber, Ward 6 Margaret Barrett-Simon, Ward 7. Brenda Pree, City Clerk; Ester Ainsworth, Zoning Administrator; Carl Allen, Deputy Director of City Planning; Akili Kelly, Senior Planner and Azande Williams, Deputy City Attorney.

Absent: LaRita Cooper-Stokes, Ward 3.

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The meeting was called to order by **President Charles Tillman**.

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**President Tillman** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3854, 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 Tillman** recognized **James Peden**, Attorney for Positive Living, Inc. and **Patricia Magee**, Applicant, who addressed the Council and argued in favor of the property located at 1811 Raymond Rd. to approve the rezoning and use permit request for Positive Living, Inc. to operate a group home for the handicapped.

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After a thorough discussion was held by Council Members on the matter, **Council Member Stamps** made a motion to deny the request for rezoning from C-2 (Limited) Commercial District to R-4 (Limited Multi-Family) Residential District stating that there had not been a substantial change in the character of the neighborhood nor a public need for the requested rezoning.

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**President Tillman** requested that the Clerk read said Order:

**ORDER DENYING POSITIVE LIVING, INC D/B/A TREASURE HOUSE A REZONING FROM C-2 (LIMITED) COMMERCIAL DISTRICT TO R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 1811 RAYMOND RD, CASE NO. 3854.**

**WHEREAS**, Positive Living, Inc. d/b/a Treasure House has filed a petition to rezone property located at 1811 Raymond Rd. in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-2 (Limited) Commercial District to R-4 Limited (Multi-family) Residential District with a Use Permit to operate a group home for the handicapped; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the properties from C-2 (Limited) Commercial District to R-4 Limited (Multi-family) Residential District with a Use Permit to operate a group home for the handicapped; and

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**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, February 24, 2014 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 Clarion Ledger on November 28, 2013 and December 12, 2013 and that a hearing would be held by the Jackson City Planning Board on December 18, 2013 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 R-4 Limited (Multi-family) Residential District with a conditional Use Permit to operate a group home for the handicapped; 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 was not a mistake in the original zoning 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.

**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 lying and being in the First Judicial District of Hinds County, Mississippi, being in the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) and the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 14, Township 5 North, Range 1 West, comprising ten acres, more or less, and fronting on the south side of Raymond-Jackson public road more particularly described as follows, to-wit:

Beginning at a point on the southern boundary line of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 14, Township 5 North, Range 1 West, which point is 230 feet west of the southeast corner of said Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), run thence North and parallel with the Eastern boundary line of said Section 14 a distance of 2130 feet, more or less, to the Southeastern boundary line of Raymond-Jackson public road, run, thence Southwesterly along the boundary of said road a distance of 240 feet, more or less; run thence South and parallel with the said Eastern boundary of the said Section 14 a distance of 2,010 feet, more or less, to said Southern line of the Northeast Quarter of the Southeast Quarter (NE<sup>1</sup>/<sub>4</sub> of SE1/4) of Section 14; run thence East along said boundary line a distance of 210 feet to the Point of Beginning; said property is a part of the land described in the Deed of Trust from W.B. Williams to the Citizen's Savings Bank and Trust Company recorded in the office of the Clerk of the Chancery Court of Hinds County, Mississippi in record book 182 at page 136

LESS AND EXCEPT: The south eight (8) acres thereof.

is hereby denied the petitioned rezoning from C-2 (Limited) Commercial District to R-4 (Limited Multi-family) Residential District.

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**Note:** The Council did not address the applicant's request for a Use Permit due to the denial of the rezoning request having rendered the request for a Use permit moot.

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**Council Member Stamps** moved adoption; **Council Member Barrett-Simon** seconded. The motion prevailed by the following vote:

- Yeas- Barrett-Simon, Stamps and Whitwell.
- Nays- Priester and Yarber.
- Abstain- Tillman.
- Absent- Cooper-Stokes.

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There came on for consideration Agenda Item No. II Case No. 3857:

**ORDER DENYING LAKISHA ARCHIE & ALLISON THORNTON A REZONING FROM R-1(SINGLE-FAMILY) RESIDENTIAL DISTRICT TO R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT AND A USE PERMIT TO OPERATE A COMMERCIAL DAYCARE FOR PROPERTY LOCATED AT 6459 ABRAHAM LINCOLN DRIVE, CASE NO. 3857.**

After a thorough discussion was held by Council Members, **Council Member Priester** moved; and **Council Member Stamps** seconded, that said item be held until the next Zoning Meeting on March 17, 2014.

- Yeas- Barrett-Simon, Priester, Stamps, Tillman, Whitwell and Yarber.
- Nays- None.
- Absent- Cooper-Stokes.

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**President Tillman** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3858, 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.

**ORDINANCE APPROVING CAPITOL & WEST, LLC A REZONING FROM SUD SPECIAL USE DISTRICT TO C-4 CENTRAL BUSINESS DISTRICT TO ALLOW FOR THE REHABILITATION OF THE OLD FEDERAL COURTHOUSE AND POST OFFICE TO A NEW MIXED USE BUILDING TO INCLUDE RESIDENTIAL & COMMERCIAL COMPONENTS FOR PROPERTY LOCATED AT 245 E. CAPITOL STREET.**

**WHEREAS**, Capitol & West, LLC has filed a petition to rezone property located at 245 E. Capitol Street, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from SUD Special Use District to C-4 Central Business District to allow for the rehabilitation of the old federal courthouse and post office to a new mixed use building to include residential & commercial components; 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 C-4 Central Business District to allow for the rehabilitation of the old federal courthouse and post office to a new mixed use building to include residential & commercial components; 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, February 24, 2014 to consider said change, based upon the record of the case as developed before the City Planning Board; and

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**WHEREAS**, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Clarion Ledger on January 2, 2014 and January 16, 2014 that a hearing would be held by the Jackson City Planning Board on January 22, 2014, 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 C-4 Central Business District to allow for the rehabilitation of the old federal courthouse and post office to a new mixed use building to include residential & commercial components; 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 since any previous City Council action; and

**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:

A certain parcel of land being part of 9.45 Acre Lot 1 South according to H.C. Daniel's Map of the City of Jackson, Mississippi (1875) being situated in the Southeast 1/4 of the Southwest 1/4 of Section 3, T5N-R1E in the City of Jackson, Hinds County, Mississippi, and being more particularly described as follows:

Begin at a set cotton picker spindle at the back of an existing sidewalk marking the Point of Intersection of the South right- of-way line of Capitol Street and the West-right-of-way line of West Street; said point also being the Northeast corner of the aforesaid 9.45 Acre Lot 1 South; from said POINT OF BEGINNING, run thence South 09 degrees 20 minutes 00 seconds West along said West right-of-way line of West Street for a distance of 312.00 feet to an existing iron pin at the back of an existing curb marking the Point of Intersection of said West right-of-way line of West Street and the North right-of- way line of Pearl Street; leaving said West right-of-way line of West Street, run thence North 80 degrees 47 minutes 31 seconds West along said North right-of-way line of Pearl Street for a distance of 225.00 feet to an "x" marked on concrete pavement; leaving said North right-of-way line of Pearl Street, run thence North 09 degrees 21 minutes 58 seconds East for a distance of 122.00 feet to a set iron pin on the exterior side of an existing concrete retaining wall; run thence South 81 degrees 47 minutes 40 seconds East along the exterior face of said retaining wall for a distance of 25.00 feet to a set pk nail; leaving said exterior face of an existing retaining wall, run thence North 09 degrees 18 minutes 49 seconds East for a distance of 190.00 feet to a set cotton picker spindle at the back of an existing sidewalk on the aforesaid South right-of-way line of Capitol Street; run thence South 80 degrees 40 minutes 00 seconds East along said. South right-of-way line of Capitol Street for a distance of 200.00 feet to the POINT OF BEGINNING, containing 65,488.63 square feet or 1.50 acres, more or less.

The above described parcel of land lies within the property lines of the parcels of land described in Deed Book 13 at Page 24 and Deed Book 249 at Page 488, on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi.

is hereby rezoned and changed from SUD Special Use District to C-4 Central Business District to allow for the rehabilitation of the old federal courthouse and post office to a new mixed use building to include residential & commercial component provided, however that before a permit is issued for any structure to be erected or modified on the said property, or for any use thereof, 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 of 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 Tillman** recognized **Robert Hutchinson**, Esq., of Forman Perry Watkins Krutz & Tardy, LLP and **Jason Goree** of Capitol & West, LLC, who addressed the Council and argued in favor of the property located at 245 E. Capitol Street to allow for the rehabilitation of the old federal courthouse and post office to a new mixed use building to include residential and commercial components.

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

Yeas- Barrett-Simon, Priester, Stamps, Tillman, Whitwell and Yarber.  
Nays- None.  
Absent- Cooper-Stokes.

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**Council Member Whitwell** left the meeting.

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There came on for consideration Agenda Item No. IV:

**TEXT AMENDMENTS TO THE OFFICIAL CITY OF JACKSON ZONING ORDINANCE TO PROVIDE FOR AND ESTABLISH MORE EFFECTIVE ZONING REGULATIONS FOR THE CITY OF JACKSON LAND USES.**

**President Tillman** recognized **Council Member Stamps** who moved and **Council Member Priester** seconded, that said item be held until the next Zoning Meeting on March 17, 2014. The motion prevailed by the following votes:

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Yarber.  
Nays- None.  
Absent- Cooper-Stokes and Whitwell.

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

- SE-2729- Christia Hudson- 1302 Booker Street.
- SE-2732- Theo and Mary King- 1439 W. Capitol St.

No action required.

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**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:

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<u>CASE NO.</u>	<u>NAME</u>	<u>LOCATION</u>	<u>USE</u>	<u>GRANTED</u>
SE- 1990 Ward 1	Broadmeadow UMC	4419 Broadmeadow Drive Jackson, MS 39209		
SE-2949 Ward 3	Operation Shoestring	1709/1711 Bailey Ave. Jackson, MS 39283	Family Life Center	02/02/81
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 Yarber** moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Yarber.

Nays- None.

Absent- Cooper-Stokes and Whitwell.

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Meeting to be held at 6:00 p.m. on Tuesday, February 25, 2014; and at 4:06 p.m., the Council stood adjourned.

**ATTEST:**

**APPROVED:**

  
CITY CLERK

  
MAYOR      DATE 2/11/14

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