

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 18, 2019 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; Virgi Lindsay, Vice President; Ward 7; Ashby Foote, Ward 1; Charles Tillman, Ward 5 and Aaron Banks Ward 6. Michelle Battee-Day, Assistant City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Jordan Hillman, Deputy Director of City Planning and Shanda Lewis, Senior Deputy Attorney.

Absent: Kenneth I. Stokes, Ward 3 and De'Keither Stamps, Ward 4.

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

President Priester recognized **Shanda Lewis**, Deputy City Attorney, who stated that the Applicant for Case No. 4043 has filed a Bill of Exceptions and requested that said item be removed from the agenda. Thereafter, Case 4043 was removed from the agenda.

President Priester recognized **Ester Ainsworth**, Zoning Administrator who provided the Council with a procedural history of Case No. 4045, 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 the Order:

ORDINANCE GRANTING VIERA & GWENDOLYN F. ROSEBURGH A REZONING FROM C-2 (LIMITED) COMMERCIAL DISTRICT TO CMU-1 COMMUNITY MIXED USE DISTRICT, PEDESTRIAN ORIENTED WITH A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF COMMUNITY RECREATIONAL CENTER\event VENUE FOR PROPERTY LOCATED AT 420 MEADOWBROOK RD. (PARCEL #430-26), CASE NO. 4045.

WHEREAS, Viera & Gwendolyn F. Roseburgh has filed a petition to rezone property located at 420 Meadowbrook Rd., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-2 (Limited) Commercial District to C-3 (General) Commercial District to allow for the operation of community recreational center\event venue; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the rezoning of the property from C-2 (Limited) Commercial District to CMU-1 Community Mixed Use District, Pedestrian Oriented with a Conditional Use Permit to allow for the operation of community recreational center\event venue; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at City Hall at 2:30 p.m. on Monday, March 18, 2019 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 Jackson Advocate on February 7, 2019 and February 21, 2019 that a hearing had been held by the Jackson City Planning Board on February 27, 2019, 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 of the rezoning of the above described property to CMU-1 Community Mixed Use District, Pedestrian Oriented with a Conditional Use Permit; 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 that a Conditional Use Permit be granted based upon the proposed use being in harmony with the Comprehensive Plan.

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 Lot 4, Block "L", NORTH VIEW ADDITION, a subdivision according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, as now recorded in Plat Book B at Page 116, and also being situated in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 23, T6N-R1E, Jackson, Hinds County, Mississippi, and being more particularly described as follows:

Begin at a point on the North right-of-way line of Meadowbrook Road (as now laid out and improved); said point being measured 759.23 feet easterly along said line from the Point of Intersection with the centerline of US Hwy 51 (as now laid out and improved); run thence North 00 degrees 04 minutes West and along said North right-of-way line of Meadowbrook Road for a distance of 6.20 feet to the POINT OF BEGINNING of the parcel of land herein described; from said point of beginning, run thence North 00 degrees 04 minutes 00 seconds West and along the East Boundary of the South Central Bell Telephone Company property for a distance of 170.70 feet to an iron pin; run thence South 89 degrees 53 minutes 31 seconds East for a distance of 156.54 feet to a point; run thence South 02 degrees 42 minutes 47 seconds West for a distance of 170.12 feet to an iron pin on the aforesaid North right of way line of Meadowbrook Road for a distance of 148.29 feet to the Point of Beginning, containing 25,958.18 square feet or 0.596 acres, more or less.

It is hereby modified so as to approve the rezoning of the property located at 420 Meadowbrook Rd. from C-2 (Limited) Commercial District to CMU-1 Community Mixed Use District, Pedestrian Oriented with a Conditional Use Permit to allow for the operation of community recreational center\event venue. The conditions of the Use Permit are that it shall be granted on an annual basis; be granted to Viera & Gwendolyn F. Roseburgh as the owners/operators of the event venue; that any subsequent owners or operators of a community recreational center\event venue at the location must apply for and receive a new Use Permit and that the hours of operation for the event venue activities will cease by 11 p.m. However, that before any structure is 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.

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

President Priester recognized **Viera and Gwendolyn F. Roseburgh**, Applicant, who spoke in favor to approve a Rezoning from C-2 (Limited) Commercial District to CMU-1 Community Mixed District, Pedestrian Oriented with a Conditional Use Permit to allow for the operation of community recreational center/event venue.

President Priester recognized **Bill Cook**, Owner, who provided information regarding the proposed sale of said building.

President Priester recognized **Jim Wilkerson**, who stated that his concerns had been addressed.

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

Yeas- Banks, Foote, Lindsay, Priester and Tillman.

Nays- None.

Absent- Stamps and Stokes.

President Priester recognized **Ester Ainsworth**, Zoning Administrator who provided the Council with a procedural history of Case No.4046, 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 the Order:

ORDER GRANTING DORSEY DEVELOPMENT, LLC A USE PERMIT TO ALLOW FOR A FAST FOOD RESTAURANT WITHIN THE C80-C2 (LIMITED) COMMERCIAL SUBDISTRICT FOR PROPERTY LOCATED AT 1415 ELLIS AVE. (PARCEL #220-8-16), CASE NO. 4046.

WHEREAS, Dorsey Development, LLC has filed a petition for a Use Permit to allow for a fast food restaurant within the C80-C2 (Limited) Commercial Subdistrict in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, Jackson City Planning Board, after holding the required public hearing, has recommended approval of a Use Permit to allow for a fast food restaurant within the C80-C2 (Limited) Commercial Subdistrict; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at City Hall at 2:30 p.m. on Monday, March 18, 2019 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 Jackson Advocate on February 7, 2019 and February 21, 2019 that a hearing had been held by the Jackson City Planning Board on February 27, 2019, 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 C80-C2 (Limited) Commercial Subdistrict 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 relative to density, bulk and intensity of structures, parking, and other uses and to the continued use, value, or development of properties in the vicinity.

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:

Part of Lots Two (2) and Three (3) of Harvey Place Subdivision, according to the map or plat thereof on file and of record in the Chancery Clerk's Office in said city, in Plat Book "8" at Page 89 thereof and being situated in Sections 7 and 8, Township 5 North, Range 1 East, Hinds County, Mississippi, more particularly described as follows:

Commencing at a 2" 1 Pipe in concrete marking the intersection of the Northern right-of-way line of U.S. Highway No. 80 with the Western right-of-way line of Ellis Avenue, run thence North 00 degrees 17 minutes East along the Western right-of-way line of Ellis Avenue for a distance of 200.0 feet to the Point of Beginning of the following described parcel of land; continue thence:

North 00 degrees 17 minutes East and along said Western right-of-way line for a distance of 453.31 feet; run thence

North 88 degrees 51 minutes West and through a party wall for a distance of 438.70 feet; run thence

South 00 degrees 55 minutes 11 seconds West for a distance of 409.39 feet to a point on the Northern right-of-way line of U.S. Highway No.80; run thence

South 60 degrees 14 minutes East and along said Northern right-of-way line for a distance of 259.13 feet; run thence

North 00 degrees 17 minutes East for a distance of 79.96 feet; run thence

South 89 degrees 43 minutes East for a distance of 217.62 feet back to the point of beginning of the above described parcel of land containing 4.69 areas, more or less and being situated in the Northeast ¼ of Section 7, Township 5 North, Range 1 East, City of Jackson, Hinds County, Mississippi.

Being the same real property described in that certain warranty deed recorded in Book 3968 Page 408.

Less and Except the following:

Being situated in the Northeast ¼ of Section 7, Township 5 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi, more particularly described as follows:

Commence at the intersection of the Northern line of U.S. Highway No. 80 and the Western line of Ellis Avenue and run thence 00 degrees 17 minutes East for a distance of 200.00 feet along the said Western line of Ellis Avenue to the Point of Beginning for the parcel herein described: thence continue North 00 degrees 17 minutes East for a distance of 175.00 feet along the said Western line of Ellis Avenue; thence leave said Western line of Ellis Avenue and run North 89 degrees 43 minutes West for a distance of 197.70 feet; thence South 00 degrees 17 minutes West for a distance of 175.0 feet; thence South 89 degrees 43 minutes East for a distance of 197 feet back to the Point of Beginning.

Less and except the following:

That certain property in the First Judicial District of Hinds County, Mississippi more particularly described as follows:

A certain parcel of land being a part of Lot 3, Harvey Place, a subdivision according to the map or plat thereof, on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, as now recorded in Plat Book 8 at Page 89 being situated in the Northeast 1/4 of Section 7, T5N-R1E in the City of Jackson, Hinds County, Mississippi, and being more particularity described as follows:

Commence at an existing 2” pipe in concrete marking the Point of Intersection of the North right-of-way line of U.S. Highway 80 with the West right-of-way line of Ellis Avenue (as both are now laid out and improved); said point being North 60 degrees 14 minutes 00 seconds West 529.48 feet and South 00 degrees 53 minutes 00 seconds West 1,074.40 feet from the Northeast corner of Lot 2 of the aforesaid Harvey Place; leaving said North right-of-way line of U.S. Highway 80, run thence North 00 degrees 17 minutes 00 seconds East along said West right-of-way line of Ellis Avenue for a distance of 375.00 feet to a set pk nail; leaving said West right-of-way line of Ellis Avenue, run thence North 89 degrees 43 minutes 00 seconds West for a distance of 197.00 feet to an “X” marked on concrete; run thence South 00 degrees 17 minutes 00 seconds West for a distance of 25.46 feet to an “X” marked on concrete marking the Point of Beginning of the parcel of land herein described; from said Point of Beginning, run thence 89 degrees 10 minutes 07 seconds West for a distance of 76.37 feet to a set pk nail; run thence South 01 degrees 12 minutes 57 seconds West for a distance of 131.32 feet to a set pk nail; run thence South 71 degrees 34 minutes 16 seconds East for a distance of 60.92 feet to an existing ½” iron pin; run thence North 00 degrees 17 minutes 00 seconds East for a distance of 149.54 feet to the Point of Beginning, containing 11,080.37 square feet or 0.25 acres, more or less.

Be and it is hereby modified so as to approve a Use Permit to allow for a fast food restaurant for property located at 1415 Ellis Ave. (Parcel #220-8-16) within a C80-C2 (Limited) Commercial Subdistrict. 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 and the C80 Suitability Certification Process.

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

There was no opposition from the public.

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

Yeas- Banks, Foote, Lindsay, Priester and Tillman.

Nays- None.

Absent- Stamps 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 – 2734 Ward 3	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
C-UP 3952 Ward 7	Hugh J. Thomas	2906 North State St.	Tattoo Parlor	03/20/17

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.

Vice President Lindsay moved adoption; Council Member Banks seconded.

Yeas- Banks, Foote, Lindsay, Priester and Tillman.

Nays- None.

Absent- Stamps 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 6:00 p.m. on Tuesday, March 5, 2019 at 3:12 p.m., the Council stood adjourned.

ATTEST:

APPROVED:

Britt Moore
CITY CLERK

Chris Foote *4/4/19*
MAYOR *SH* DATE
