

**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 December 17, 2018 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; Kenneth I. Stokes, Ward 3; De'Keither Stamps, Ward 4 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; Ramina Aghili, Associate Planner and Shanda Lewis, Deputy City Attorney.

Absent: Charles Tillman, Ward 5.

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

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4016, 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 the Clerk read the Order:

**ORDINANCE GRANTING VLP, LLC A REZONING FROM I-2 (HEAVY) INDUSTRIAL DISTRICT TO CMU-1 (COMMUNITY) MIXED-USE DISTRICT, PEDESTRIAN ORIENTED FOR PROPERTY LOCATED AT 2605 LIVINGSTON RD., CASE NO. 4016.**

**WHEREAS**, VLP, LLC has filed a petition to rezone property located at 2605 Livingston Rd., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from I-2 (Heavy) Industrial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented to allow for the redevelopment of the property for mixed uses; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from I-2 (Heavy) Industrial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented to allow for the redevelopment of the property for mixed uses; 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., Monday, December 17, 2018 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 August 2, 2018 and August 16, 2018 that a hearing would be held by the Jackson City Planning Board on October 24, 2018, 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 recommended approval of the petitioned rezoning of the above described property to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented; 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:

A certain tract of land lying in and being situated in the E ½ of the NW ¼ and the W ½ of the NE ¼ of Section 28, Township 6 North, Range 1 East, First Judicial District of Hinds County, City of Jackson, Mississippi, and more particularly described as being part of that tract of land heretofore conveyed by Gammill Investment Company to Mississippi Products, Inc. on the 8<sup>th</sup> day of June 1945 by deed recorded in Deed Book 399 at Page 286 in the Office of the Hinds County Chancery Clerk of Jackson, Mississippi, and said tract of land herein conveyed being more particularly described by metes and bounds as follows, to-wit: For a place of beginning, start at a point on the West line of the E ½ of the NW ¼ of said Section 28, at the North line of Shady Oaks Subdivision, run thence North 1,660.0 feet to a concrete monument which marks the NE corner of Lot 2 of Block G of Shady Oaks Subdivision, Part 2, according to the record map or plat thereof on file in Plat Book 5 at Page 47 in the Office of the Hinds County Chancery Clerk of Jackson, Mississippi, reference to which is made in aid hereto, which concrete monument is also the South line of Ridgeway Street, which South line is parallel with a distance of 25 feet measured Southerly from and at right angles to the centerline thereof as established by the office of the Jackson, Mississippi City Engineer, City Plat #F-163 (M) dated September 21, 1960; run thence North 89 degrees 45 minutes East parallel with and 25 feet Southerly from the aforesaid centerline of Ridgeway Street for a distance of 1,129.50 feet to a point, run thence Easterly and Southerly along the Southern line of Ridgeway Street and the Western line of Livingston Road as follows: North 89 degrees 45 minutes East 159.74 feet to the point of a curve to the right, having a radius of 280.91 feet; thence to the right and along the arc of curve for a distance of 188.10 feet; thence South 51 degrees 53 minutes East 2.64 feet to the point of a curve to the left, having a radius of 661.62 feet; thence to the left and along the arc of the curve for a distance of 427.64 feet; thence South 88 degrees 55 minutes East 246.54 feet to a point which is 25 feet Southerly from as measured at right angles to the centerline of Ridgeway Street as established by the City aforesaid, which point is the point of a curve for a distance of 427.64 feet; thence South 88 degrees 55 minutes East 246.54 feet to a point which is 25 feet Southerly from as measured at right angles to the centerline of Ridgeway Street as established by the City aforesaid, which point is the point of a curve to the right, having a radius of 212.32 feet; run thence to the right and along the arc of the curve for a distance of 179.97 feet to a point, which point is a distance of 35 feet measured Southwesterly from and at right angles to the centerline of Ridgeway Street as established by the City aforesaid; run thence South 40 degrees 21 minutes East for a distance of 343.62 feet to the point of a curve to the right and having a radius of 452.65 feet; thence along the arc of the curve to the right for a chord distance and bearing of South 26 degrees 53 minutes East 210.92 feet to the point of beginning; thence continue along last mentioned curve a chord distance and bearing of South 07 degrees 30 minutes East 93.24 feet; run thence South 1 degree 35 minutes East for a distance of 1,301.70 feet to a point, which point is a distance of 35 feet measured Westerly from and at right angles to the centerline of Livingston Road, as established by the City aforesaid, which right along the arc of the curve for a distance of 94.25 feet to a point on the West line of Livingston Road, which point is a distance of 397.23 feet North of the South line of the herein aforesaid tract conveyed by Gammill Investments Company to Mississippi Products, Inc.; run thence South 89 degrees 34 minutes West for a distance of 855.52 feet along the North line of THE JACKSON HOUSING AUTHORITY property as described in Deed Book 4050/455; run thence South 00 degrees 45 minutes 02 seconds West along the West line of said HOUSING AUTHORITY a distance of 388.91 feet; thence South 89 degrees 04 minutes West along the South line of the herein aforesaid tract conveyed by Gammill Investments Company to Mississippi Products, Inc. a distance of 342.07 feet; thence North 27 degrees 06 minutes West 547.30 feet; run thence North 13 degrees 06 minutes West 110.00 feet; run thence North 4 degrees 54 minutes East 390.00 feet; run thence North 4 degrees 09 minutes East for 540.00 feet; run thence North 10 degrees 06 minutes West 269.7 feet; run thence North 85 degrees 47 minutes East 1,404.88 feet to the place of beginning.

It is hereby modified so as to approve the rezoning of the property located at 2605 Livingston Rd. from I-2 (Heavy) Industrial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented to allow for the redevelopment of the property for mixed uses. 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; **Vice President Lindsay** seconded.

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**President Priester** recognized **Jason Brookins**, a representative of the Applicant, who spoke in favor to approve a Rezoning from I-2 (Heavy) Industrial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented.

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**President Priester** recognized **Greta Bully**, who spoke in favor to approve a Rezoning from I-2 (Heavy) Industrial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented.

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**President Priester** recognized **James Warren, Jr.**, a representative of the Applicant, who spoke in favor to approve a Rezoning from I-2 (Heavy) Industrial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented.

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**President Priester** recognized **Pastor James Washington**, who spoke in opposition to approve a Rezoning from I-2 (Heavy) Industrial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented.

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**President Priester** recognized **David Archie**, who spoke in opposition to approve a Rezoning from I-2 (Heavy) Industrial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented.

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

Yeas- Banks, Foote, Lindsay and Priester.  
Nays- Stamps and Stokes.  
Absent- Tillman.

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**Council Member Stokes** left the meeting.

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4021, 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 the Order:

**ORDER GRANTING A CONDITIONAL USE PERMIT TO OPERATE A BAR & GRILL ESTABLISHMENT WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 3165 TERRY RD., CASE NO. 4021.**

**WHEREAS**, Bob Smith has filed a petition to rezone property located at 3165 Terry 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 a bar & grill establishment; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of a Conditional Use Permit to operate a bar & grill establishment within a C-2 (Limited) Commercial District; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at City Hall at 2:30 p.m., Monday, December 17, 2018 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 September 6, 2018 and September 20, 2018 that a hearing would be held by the Jackson City Planning Board on October 24, 2018, 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 recommended approval of a Conditional 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 bar & grill establishment is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking and other uses and will not be detrimental to the continued use, value, or development of properties in the vicinity; and with the condition that the Use Permit to operate a bar & grill establishment for property located at 3165 Terry Rd. within the existing C-2 (Limited) Commercial District of the City of Jackson be granted on an annual basis.

**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 part of lots 14 and 15, Block "E", Alameda First Addition, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Hinds County Chancery Clerk of Jackson, Mississippi, in Plat Book 7 Page 42, reference to which is hereby made in aid of and as a part of this description and being more particularly described as follows: Commence at the Northwest corner of lot 14, Block "E" of said Alameda First Addition and run thence South along the West line of Lots 14, 15, and 16 of said Block "E", Alameda First Addition a distance of 93.93 feet to the point of beginning, continue thence South along said West line of Lots 14, 15, and 16 a distance of 133.9 feet to a point ; thence East parallel to the South line of Lot 14 a distance of 154.43 feet to the West line of Terry Road; thence North 18 degrees 16 minutes East along said West line of Terry Road 63.88 feet; thence North 71 degrees 17 minutes W 16.8 feet; thence North 13 degrees 32 minutes East 10.8 feet; thence N 70 degrees 26 minutes W 170.09 feet to the point of beginning.

It is hereby modified so as to approve a Conditional Use Permit to operate a bar & grill establishment for property located at 3165 Terry Rd. within a C-2 (Limited) Commercial District. The condition of the Use Permit shall be that it is granted on an annual basis. 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.

**Council Member Banks** moved adoption; **Vice President Lindsay** seconded.

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**President Priester** recognized **Artie Armstrong**, a representative of the Applicant, who spoke in favor to approve a Conditional Use Permit in the C-2 (Limited) Commercial District to allow for the operation of a bar & grill establishment.  
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**President Priester** recognized **Claude McCants**, who spoke in opposition to approve a Conditional Use Permit in the C-2 (Limited) Commercial District to allow for the operation of a bar & grill establishment.

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

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

Nays- None.

Absent- Stokes and Tillman.

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4030, 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 the Order:

**ORDINANCE GRANTING NAND K. KAURA A REZONING FROM R-2 (SINGLE & TWO-FAMILY) RESIDENTIAL DISTRICT & C-3 (GENERAL) COMMERCIAL DISTRICT TO NMU-1 (NEIGHBORHOOD) MIXED-USE DISTRICT, PEDESTRIAN ORIENTED TO PROVIDE CONTINUITY IN THE ZONING FOR THE PROPERTY LOCATED AT PARCEL 698-450 ON MCLEAN ST., CASE NO. 4030.**

**WHEREAS**, Nand K. Kaura has filed a petition to rezone property located at Parcel 698-450, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-2 (Single & Two-Family) Residential District and C-3 (General) Commercial District to NMU-1 (Neighborhood) Mixed Use District, Pedestrian Oriented to provide continuity in zoning; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property from R-2 (Single & Two-Family) Residential District and C-3 (General) Commercial District to NMU-1 (Neighborhood) Mixed Use District, Pedestrian Oriented to provide continuity in zoning; 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., Monday, December 17, 2018 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 November 8, 2018 and November 22, 2018 that a hearing would be held by the Jackson City Planning Board on November 28, 2018, 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 recommended the rezoning of the above described property to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented; 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:

Part of Lots 13 and 14, Jackson College Community Farms according to a plat on file in the Office of the Hinds County Chancery Clerk of Jackson, Mississippi, in Plat Book B at Page 95 and being more particularly described by metes and bounds, to-wit:

Beginning at the intersection of the South line of Maple Street (40 foot right of way) and the East line of Mclean Street (40 foot right of way) said point being 580.5 feet from the Northwest corner of Lot 5, Block 3 Lynch Street Subdivision Plat 3; thence Easterly along the South line of Maple Street a distance of 174.7 feet to a point on the West line of the formerly Dixon Inc. property as described in Deed Book 4000 at Page 663 in the Office of the Hinds County Chancery Clerk of Jackson, Hinds County, Mississippi, thence left through an interior angle of 90 degrees 16 minutes 10 seconds and run Southerly along the West line of said property a distance of 347.66 feet to a point in the North line of Lynch Street (70 foot right of way) thence left through an interior angle of 129 degrees 07 minutes 38 seconds and run along the chord of a curve bearing to the left, marking the North line of Lynch Street, a chord distance of 160.9 feet, thence left through an interior angle of 140 degrees 36 minutes 07 seconds and run Westerly along the North line of Lynch Street a distance of 49.7 feet to its intersection with the aforesaid East line of Mclean Street, thence left through an interior angle of 90 degrees 16 minutes 10 seconds and run Northerly along the East line of Mclean Street a distance of 449.6 feet to the Point of Beginning, containing 1.65 acres, more or less.

It is hereby modified so as to approve the rezoning of the property located at Parcel 698-450 on McLean St. from R-2 (Single & Two-family) Residential District and C-3 (General) Commercial District to NMU-1 (Neighborhood) Mixed Use District, Pedestrian Oriented to provide continuity in the zoning. However, that before for 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; **Vice President Lindsay** seconded.

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There was no representation from the Applicant.

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**President Priester** recognized **Rickey Jones** who spoke in opposition of the rezoning from R-2 (Single-Family & Two-Family) Residential District to C-3 (General) Commercial District but was supportive of the recommended NUM-1 zoning for the property.

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

- Yeas- Banks, Foote, Lindsay, Priester and Stamps.
- Nays- None.
- Absent- Stokes and Tillman.

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4031, 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 THE ROBERTS GROUP, PSC A USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A BANK WITH A DETACHED DRIVE THRU FACILITY WITHIN A C-4 CENTRAL BUSINESS DISTRICT FOR PROPERTIES LOCATED AT 205 N. LAMAR ST. (PARCEL 84-13-2), 219 N. LAMAR ST. (PARCEL 84-13) AND PARCEL 84-14, CASE NO. 4031.**

**WHEREAS**, The Roberts Group, PSC has filed a petition for a Use Permit to allow for the construction of a bank with a detached drive-thru for property located at 205 N. Lamar St. (Parcel 84-13-2), 219 N. Lamar St. (Parcel 84-13) and Parcel 84-14 within a C-4 Central Business 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, recommended approval of a Use Permit to allow for the construction of a bank with a detached drive-thru facility within a C-4 (CBD) Central Business 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 City Hall at 2:30 p.m., Monday, December 17, 2018 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 November 8, 2018 and November 22, 2018 that a hearing would be held by the Jackson City Planning Board on November 28, 2018, 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 recommended approval of the petitioned Use Permit within the existing C-4 Central Business District of the City of Jackson; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that the proposed construction of a bank with a detached drive-thru facility is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses and is in harmony with the Comprehensive Plan and that a Use Permit be granted.

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

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

A certain tract of land containing 1.008 acres (43918 sq. ft.), more or less, situated in the Southwest Quarter of Section 3, Township 5 North, Range 1 East, City of Jackson, Hinds County, Mississippi, and being the same tract of land referenced by the Hinds County Mississippi Tax Assessor as Parcels 84-13, 84-13-2, and 84-14, and being more particularly described as follows, to wit:

Commencing at the chiseled "X" in concrete marking the Northeast corner of Lot 20, McQuaid Fitzgerald Partition; run thence, South 80°54'35" East for 50.00 feet to a chiseled "X" set in concrete at the Northwest corner of that tract of land referenced by the Hinds County Tax Assessor as Parcel 84-13 and the POINT OF BEGINNING; run thence, along the north line of said parcel, South 80°54'35" East for 193.46 feet to a chiseled "X" in concrete at the Northeast corner of said parcel; run thence, along the East line of said parcel and the West line of Lamar Street, South 14°52'25" West for 99.62 feet to a chiseled "X" in concrete at the Southeast corner of said parcel; run thence, along the East line of Hinds County Mississippi Tax Parcel 84-13-2 and the West line of Lamar Street, South 14°52'25" West for 112.62 feet to an iron rod found in concrete at the Southeast corner of said parcel; run thence, along the East line of Hinds County Mississippi Tax Parcel 84-14 and the West line of Lamar Street, South 14°52'25" West for 1.56 feet to a 112 Inch

re-bar; run thence, along the East line of said parcel and the West line of Lamar Street, South 14°52'25" West for 17.60 feet to a 1/2 inch re-bar; run thence, along the South line of said parcel and the North line of Amite Street, South 64°41'59" West for 34.50 feet to a 112 inch re-bar; run thence, along the South line of said parcel and the North line of Amite Street, North 72°30'26" West for 147.70 feet to a chiseled "X" in concrete; run thence, along the West line of said parcel, North 10°12'25" East for 16.00 feet to a PK nail in asphalt; run thence, along the West line of said parcel. North 10°12'25" East for 1.55 feet to a PK nail in asphalt; run thence, along the West line of Hinds County Mississippi Tax Parcel 84-13-2, North 10°12'25" East for 112.62 feet to a 112-inch re-bar at the Northwest corner of said parcel; run thence, along the West line of Hinds County Mississippi Tax Parcel 84-13, North 10°12'25" East for 98.00 feet back to the chiseled "X" marking the POINT OF BEGINNING.

It is hereby modified so as to approve a Use Permit to construct a bank with a detached drive-thru for property located at 205 N. Lamar St. (Parcel 84-13-2), 219 N. Lamar St. (Parcel 84-13) and Parcel 84-14 within a C-4 (CBD) Central Business 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 and Historic Preservation processes.

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

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**President Priester** recognized **Neill Bryant** who spoke in favor to approve a Use Permit to allow for the construction of a bank with a detached drive thru within a C-4 (CBD) Central Business District.

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There was no opposition from the public.

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

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

Nays- None.

Absent- Stokes and Tillman.

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4032, 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 the Order:

**ORDINANCE GRANTING TRINITY ECONOMIC DEVELOPMENT, INC. A REZONING FROM I-1 (LIGHT) INDUSTRIAL DISTRICT TO NMU-1, NEIGHBORHOOD MIXED USE DISTRICT, PEDESTRIAN ORIENTED TO PROVIDE FOR CONTINUITY IN THE ZONING AND TO ALLOW FOR A DAYCARE IN THE EXISTING CHURCH FOR THE PROPERTY LOCATED AT 220 DIXON RD. (PARCELS 638-37 & 638-38), CASE NO. 4032.**

**WHEREAS**, Trinity Economic Development, Inc. has filed a petition to rezone property located at 220 Dixon Rd. (Parcels 638-37 & 638-38), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from I-1 (Light) Industrial District to C-2 (Limited) Commercial District to provide for continuity in the zoning and to allow for a daycare in the existing church; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, recommended the approval of the rezoning of the property from I-1 (Light) Industrial District to NMU-1, Neighborhood Mixed Use District, Pedestrian Oriented to provide for continuity in the zoning and to allow for a daycare in the existing church; 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., Monday, December 17, 2018 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 November 8, 2018 and November 22, 2018 that a hearing would be held by the Jackson City Planning Board on November 28, 2018, 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 recommended the rezoning of the above described property to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented; 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 recommendation of the City Planning Board 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 parcel of land, together with the buildings and improvements thereon standing, situated in the Frist Judicial District, County of Hinds, State of Mississippi, and being more particularly described as follows:

Beginning at the intersection of the South right-of-way line of the Illinois Central Railroad (formerly A. & V. railroad) and the center-line of the Dixon Rd. as now laid out and improved, run thence South along the center line of said Dixon Rd.570.3 feet: run thence South 82 degrees 14 minutes East 152.4 feet; run thence South 88 degrees 8 minutes East 659.8 feet run thence North 89 degrees 33 minutes East 154.8 fee; run thence 84 degrees 51 minutes East 98.4 feet; run thence north 645.6 feet to South right-of-way line of the aforementioned Illinois Central Railroad; run thence South 88 degrees 38 minutes West along the south right-of-way line of said Illinois Central Railroad; 1063.6 feet to the point of beginning. The above described land is located in the Northeast Quarter of Section 36, Township 6 North, Range 1 West, Hinds County, Mississippi, and contains 15.0 acres.

Being the same property that was conveyed to Alabama Metal Industries Corporation by that certain Special Warranty Deed of record dated January 15, 1988 and recorded January 21, 1988 in book 3444, Page 565.

It is hereby modified so as to approve the rezoning of the property located at 220 Dixon Rd. (Parcels 638-37 & 638-38) from I-1 (Light) Industrial District to NMU-1, Neighborhood Mixed Use District, Pedestrian Oriented to provide for continuity in the zoning and to allow for a daycare in the existing church. However, that before for 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; **Vice President Lindsay** seconded.

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**President Priester** recognized **Bishop Stanley Cavett, Sr.**, representative of the Applicant, who spoke in favor to a Rezoning from I-1 (Light) Industrial District to C-2 (Limited) Commercial District to provide for continuity in the zoning and to allow for a daycare in the existing church.

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There was no opposition from the public.

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

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

Nays- None.

Absent- Stokes and Tillman.

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**Council Member Stamps** left the meeting.

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4033, 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 the Order:

**ORDER GRANTING MICHAEL BOERNER A CONDITIONAL USE PERMIT TO OPERATE A COMMUNITY RECREATIONAL CENTER THAT IS A PART OF A NEIGHBORHOOD SHOPPING CENTER WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 2807 OLD CANTON RD. (PARCEL #47-6), CASE NO. 4033.**

**WHEREAS**, Michael Boerner has filed a petition for a Use Permit to operate a community recreational center that is a part of a neighborhood shopping center 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, recommended approval of a Conditional Use Permit to operate a community recreational center that is a part of a neighborhood shopping center within a C-2 (Limited) Commercial District; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at City Hall at 2:30 p.m., Monday, December 17, 2018 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 November 8, 2018 and November 22, 2018 that a hearing would be held by the Jackson City Planning Board on November 28, 2018, 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 recommended approval of a Conditional 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 community recreational center that is a part of a neighborhood shopping center is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking and other uses and that a Conditional Use Permit be granted to operate a community recreational center that is a part of a neighborhood shopping center for property located at 2807 Old Canton Rd. (Parcel #47-6) 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:

**TRACT I**

A certain parcel of land being a part of Isham Cade Survey a subdivision according to the map or plat thereof, on file and of record in the Office of the Hinds County Chancery Clerk of Jackson, Mississippi, as now recorded in Plat Book B, Page 7, situated in the West 1/2 of Section 26, T6N-R1E, City of Jackson, Hinds County, Mississippi, and being more particularly described as follows:

Commence at a chiseled hole in a concrete walk marking the Point of Intersection of the West right-of-way line of Old Canton Road and the South right-of-way line of Fondren Place, as described in the deeds recoded in book 1272 at Page 572 and Deed Book 3160 at page 158, on file and of record in the aforesaid Chancery Clerk's office; run thence South 19 degrees 42 minutes 00 seconds West along said West right-of-way line of Old Canton Road for a distance of 79.89 feet to an existing pk nail marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, continue thence South 19 degrees 42 minutes 00 seconds West along said West right-of-way line of Old Canton Road for a distance of 72.00 feet to an existing pk nail; leaving said West right-of-way line of Old Canton Road, run thence North 70 degrees 54 minutes 00 seconds West along the easterly extension of the South face of an existing building and along the South face of an existing building for a distance of 289.39 feet to the Southwest corner thereof; run thence along the West face of an existing building the following bearings and distance: North 19 degrees 06 minutes 00 seconds East for a distance of 21.30 feet, South 70 degrees 54 minutes 00 seconds East for a distance of 6.00 feet; North 19 degrees 06 minutes 00 seconds East for a distance of 12.70 feet; South 70 degrees 54 minutes 06 minutes 00 seconds East for a distance of 6.70 feet; North 19 degrees 06 minutes 00 seconds East for a distance of 38.00 feet to the Northwest corner of said existing building; run thence South 70 degrees 54 minutes 00 seconds East along the North face of said existing building and its easterly extension thereof for a distance of 277.44 feet to the POINT OF BEGINNING, containing 20,304 square feet or 0.466 acres, more or less.

**TRACT II**

A certain parcel of land being a part of Isham Cade Survey, a subdivision according to the map or plat thereof, on file and of record in the Office of the Hinds County Chancery Clerk of Jackson, Mississippi, as now recorded in Plat Book B Page 7, situated in the West 1/2 of Section 26, T6N-R1E, City of Jackson, Hinds County, Mississippi, and being more particularly described as follows:

Commence at a chiseled hole in a concrete walk marking the Point of Intersection of the West right-of-way line of Old Canton Road and the South right-of-way line of Fondren Place, as described in deeds recorded in Deed Book 1272 at Page 572 and Deed Book 3160 at Page 158, and on file and of record in the aforesaid Chancery Clerk's office; run thence South 19 degrees 42 minutes 00 seconds West along said West right-of-way line of Old Canton Road for a distance of 79.89 feet to an existing pk nail; leaving said West right-of-way line of Old Canton Road, run thence North 70 degrees 54 minutes 00 seconds West along the easterly extension of the North face of an existing building and along the North face of said existing building for a distance of 277.44 feet to the Northwest corner thereof being the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING and leaving said North face of an existing building, run thence along the West face of said existing building the following bearings and distances: South 19 degrees 06 minutes 00 seconds West for a distance of 38.00 feet; North 70 degrees 54 minutes 00 seconds West for a distance of 6.70 feet; South 19 degrees 06 minutes 00 seconds West for a distance of 21.30 feet to the Southwest corner of said existing building; leaving said West line of an existing building, run thence North 70 degrees 54 minutes 00 seconds West for a distance of 16.36 feet to an existing iron pin; run thence South 70 degrees 54 minutes 00 seconds East for a distance of 27.82 feet to the POINT OF BEGINNING, containing 1,692 square feet or 0.039 acres, more or less.

It is hereby modified so as to approve a Conditional Use Permit to operate a community recreational center that is a part of a neighborhood shopping center for property located at 2807 Old Canton Rd. (Parcel #47-6) within a C-2 (Limited) Commercial District. The conditions of the Use Permit shall be that it is granted on an annual basis; granted to the owner/operator of the community recreational center; and that subsequent owners or operators of a community recreational center at the location must apply for and receive a new Use Permit. 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.

**Council Member Foote** moved adoption; **Vice President Lindsay** seconded.

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There was no opposition from the public.

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

Yeas- Banks, Foote, Lindsay and Priester.  
Nays- None.  
Absent- Stamps, Stokes and Tillman.

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

- **SE 2331-** New Testament M.B. Church – 2702 Holmes Ave. Ward 3

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:

<u>CASE NO.</u>	<u>NAME</u>	<u>LOCATION</u>	<u>USE</u>	<u>GRANTED</u>
<b>UP- 1111 Ward 4</b>	Elbert Willis	3384 Elraine Blvd. Jackson, MS 39213	Beauty Shop	12/16/71
<b>SE - 2340 Ward 5</b>	Barbara Moaton	422 Eastview St. Jackson, MS 39209	One-Chair Beauty Shop	12/5/84
<b>SE - 3997 Ward 6</b>	Kimberly Course	451 McDowell Park Cir. Jackson, MS 39204	Residential Daycare Center	12/18/17
<b>2 C-Ups 3998 Ward 3</b>	Curtis Williams	210-12 W. Ash St. Jackson, MS 39203	Rooming Houses	12/18/17
<b>SE - 2183 Ward 3</b>	Cade Chapel M.B. Church	3135 Lampton Ave. Jackson, MS 39213	Day Care Center	7/6/83
<b>C-Up 3878 Ward 4</b>	Denise Eley	5495 Robinson Rd. Jackson, MS 39204	Commercial Adult Day Care	11/17/2014



**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 Banks** moved adoption; **President Priester** seconded.

Yeas- Banks, Foote, Lindsay and Priester.  
Nays- None.  
Absent- Stamps, Stokes and Tillman.

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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 Council Meeting to be held at 6:00 p.m. on Tuesday, December 18, 2018; at 4:37 p.m. the Council stood adjourned.

**ATTEST:**

**APPROVED:**

Kyita Moore  
CITY CLERK

Chadler Carter Lomax <sup>sen</sup> 1/11/19  
MAYOR SPH DATE

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