

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 26, 2018 being the fourth Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Charles Tillman, President, Ward 5; Melvin Priester, Jr., Vice President, Ward 2; Ashby Foote, Ward 1; De'Keither Stamps, Ward 4; Aaron Banks, Ward 6 and Virgi Lindsay, Ward 7. Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Ramina Aghili, Associate Planner and Dana Sims, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3.

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

President Tillman recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4002, 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 Tillman requested that the Clerk read the Order:

ORDER DENYING LESLIE ROSELLA A REZONING FROM NMU-1 (NEIGHBORHOOD) MIXED-USE, PEDESTRIAN - ORIENTED DISTRICT TO C3 (GENERAL) COMMERCIAL DISTRICT TO ALLOW FOR A DAYCARE FOR DOGS FOR PROPERTY LOCATED AT 1005 GREYMONT ST., CASE NO. 4002.

WHEREAS, Leslie Rosella has filed a petition to rezone property located at 1005 Greymont St., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from NMU-1 (Neighborhood) Mixed-Use District, Pedestrian-Oriented to C3 (General) Commercial District to allow for a daycare for dogs; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the property from NMU-1 (Neighborhood) Mixed-Use District, Pedestrian-Oriented to C3 (General) Commercial District to allow for a daycare for dogs; 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 26, 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 Mississippi Link on January 4, 2018 and January 18, 2018 that a hearing had been held by the Jackson City Planning Board on January 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 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:

Lots 24 and 26, Block 74, Belhaven Heights, Part 1, a subdivision according to the map or plat on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 1 at Page 41 thereof, reference to which is hereby made in aid of and as a part of this description.

is hereby denied the petitioned rezoning of the property located at 1005 Greymont St. from NMU-1 (Neighborhood) Mixed-Use District, Pedestrian-Oriented to C3 (General) Commercial District to allow for a daycare for dogs.

President Tillman recognized **Leslie Rosella**, Applicant, who spoke in favor to allow a Rezoning from NMU-1 (Neighborhood) Mixed-Use District, Pedestrian -Oriented to C3 (General) Commercial District to allow for a daycare for dogs.

There was no opposition from the public.

Council Member Foote moved adoption.

Note: Said item died for lack of a second.

Thereafter, **President Tillman** requested that the Clerk read the Order to approve:

ORDINANCE GRANTING LESLIE ROSELLA A REZONING FROM NMU-1 (NEIGHBORHOOD) MIXED-USE, PEDESTRIAN - ORIENTED DISTRICT TO C3 (GENERAL) COMMERCIAL DISTRICT TO ALLOW FOR A DAYCARE FOR DOGS FOR PROPERTY LOCATED AT 1005 GREYMONT ST., CASE NO. 4002.

WHEREAS, Leslie Rosella has filed a petition to rezone property located at 1005 Greymont St., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from NMU-1 (Neighborhood) Mixed-Use District, Pedestrian-Oriented to C-3 (General) Commercial District to allow for a daycare for dogs; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the property from NMU-1 (Neighborhood) Mixed-Use District, Pedestrian-Oriented to C-3 (General) Commercial District to allow for a daycare for dogs; 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 26, 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 Mississippi Link on January 4, 2018 and January 18, 2018 that a hearing had been held by the Jackson City Planning Board on January 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 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 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:

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

Lots 24 and 26, Block 74, Belhaven Heights, Part 1, a subdivision according to the map or plat on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 1 at Page 41 thereof, reference to which is hereby made in aid of and as a part of this description.

is hereby granted the petitioned rezoning of the property located at 1005 Greymont St. from NMU-1 (Neighborhood) Mixed-Use District, Pedestrian-Oriented to C-3 (General) Commercial District to allow for a daycare for dogs. 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; **Council Member Lindsay** seconded.

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

Nays- None.

Absent- Stokes.

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President Tillman recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4003, 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 Tillman requested that the Clerk read the Order:

ORDINANCE GRANTING SHANTA GALLOWAY A REZONING FROM R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO C-1A (RESTRICTED) COMMERCIAL DISTRICT WITH A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A COMMERCIAL CHILD CARE CENTER FOR PROPERTY LOCATED AT 4426 HANGING MOSS RD., CASE NO. 4003.

WHEREAS, Shanta Galloway has filed a petition to rezone property located at 4426 Hanging Moss Rd., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1A (Single-Family) Residential to C-1A (Restricted) Commercial District with a Use Permit to allow for a commercial child care center; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has offered no recommendation to rezone the property from R-1A (Single-Family) Residential to C-1A (Restricted) Commercial District with a Use Permit to allow for a commercial child care center; 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 26, 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 Mississippi Link on January 4, 2018 and January 18, 2018 that a hearing had been held by the Jackson City Planning Board on January 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 has offered no recommendation of the petitioned rezoning of the above described property to C-1A (Restricted) Commercial District with a 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 the proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses.

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:

LOT 2, HARRELL SURVEY, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 11 Page 16, reference to which is hereby made in aid of and as a part of this description.

is hereby modified so as to approve the rezoning of the property located at 4426 Hanging Moss Rd. from R-1A (Single-Family) Residential District to C-1A (Restricted) Commercial District with a Conditional Use Permit to allow for the operation of a commercial child care center. The conditions of the Use Permit shall be granted on an annual basis; be granted to Shanta Galloway as the owner/operator of the child care center, and that any subsequent owner or operator of a commercial child care center at the location must apply for and receive a new Use Permit. 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.

President Tillman recognized **Shanta Galloway**, Applicant, who spoke in favor to approve a Rezoning from R-1A (Single-Family) Residential to C-1A (Restricted) Commercial District with a Use Permit to allow for a commercial child care center.

There was no opposition from the public.

Vice President Priester moved adoption; Council Member Stamps seconded.

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

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

- SE 3286- Linda Maley – 1500 Sherman Ave.

No action required.

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 - 2949 Ward 3	Operation Shoestring	1709/1711 Bailey Ave. Jackson, MS 39203	Office/Youth Center	02/03/93
3893 Ward 7 C-UP	Richard Miles	2771 Old Canton Rd.	Outdoor Venue for Consumption of beers/cigars	02/23/15
3960 Ward 3 C-UP	James Addison	1805 Bailey Ave.	Night Club/General Restaurant	02/27/17

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.

President Tillman moved adoption; Council Member Lindsay seconded.

Yeas- Banks, Foote, Lindsay, Priester, Stamps and Tillman.
Nays- None.
Absent- 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, February 27, 2018: at 3:29 p.m., the Council stood adjourned.

ATTEST:

Kristi Moore
CITY CLERK

APPROVED:

Chokwe A. Lumumba ¹⁵²⁰ 3/21/18
MAYOR KB DATE
