

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 January 23, 2017, being the fourth Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Tyrone Hendrix, President, Ward 6; Margaret Barrett-Simon, Vice President, Ward 7; Ashby Foote, Ward 1; Melvin Priester, Jr., Ward 2 and De'Keither Stamps, Ward 4. Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Traci Malone, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Biqi Zhao, Deputy Director of Planning and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3 and Charles Tillman, Ward 5.

The meeting was called to order by **President Tyrone Hendrix**.

President Hendrix recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3957, 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 Hendrix requested that the Clerk read the Order:

ORDINANCE GRANTING EMILY TSCHIFFELY & BENJAMIN KY JOHNSON A REZONING FROM C-3 (GENERAL) COMMERCIAL DISTRICT TO NMU-1 (NEIGHBORHOOD) MIXED-USE DISTRICT, PEDESTRIAN ORIENTED TO ALLOW FOR A DWELLING UNIT IN A MIXED USE BUILDING FOR PROPERTY LOCATED AT 835 N. PRESIDENT ST., CASE NO. 3957.

WHEREAS, Emily Tschiffely & Benjamin Ky Johnson has filed a petition to rezone property located at 835 N. President St., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C3 (General) Commercial District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented to allow for a dwelling unit in a mixed use building; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from C3 (General) Commercial District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented to allow for a dwelling unit in a mixed use building; 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, January 23, 2017 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 November 30, 2016 and December 14, 2016 and that a hearing would be held by the Jackson City Planning Board on December 21, 2016, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of the petitioned rezoning of the above described property to NMU-1 (Neighborhood) Mixed-Use District, 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:

Parcel 1 & 2: S ½ of 10 acre lot 8 North, H.C. Daniels map of 1875, said property being more particularly described as follows, to-wit:

Parcel One:

That certain lot or parcel of land having a frontage of fifty (50) feet on the west line of North President Street, running back the distance of one hundred and sixty (160) feet, and having rear width on its west line of forty-nine (49) feet, being the same land as that recorded in Book 322, page 370 of the Land Deed Records of the First District of Hinds County, at Jackson, Mississippi.

Parcel Two:

That certain parcel or strip of land adjoining the above lot and immediately to the north thereof and having a frontage of two and one-half (2) feet on North President Street and a depth of one hundred and fourteen (114) feet, being the same land as that recorded in Book 329, page 52 of the Land Deed Records of the First District of Hinds County, at Jackson, Mississippi.

is hereby modified so as to approve the rezoning of the property on 835 N. President St. from C3 (General) Commercial District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented, however that before a permit is issued for any structure to be erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process. The Zoning Administrator is ordered to note such change on the Official Zoning Map to the City of Jackson, Mississippi.

SECTION 2. That the cost of publication of this Ordinance shall be borne by the petitioner.

SECTION 3. That this Ordinance shall be effective thirty (30) days after its passage and after publication of same by the petitioner.

There was no opposition from the public.

Council Member Barrett-Simon moved adoption; **President Hendrix** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priestler and Stamps.

Nays- None.

Absent- Stokes and Tillman.

President Hendrix recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3958, 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 Hendrix requested that the Clerk read said Order:

ORDER GRANTING WANDA LATHAM A 2.06 ACRE VARIANCE FROM THE MINIMUM THREE (3) ACRE REQUIREMENT FOR PERSONAL CARE FACILITIES THAT EXCEED THIRTEEN (13) RESIDENTS IN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 855 SOUTH PLAZA , CASE NO. 3958.

WHEREAS, Wanda Latham has filed a petition for a 2.06 acre Variance from the minimum three (3) acre requirement for personal care facilities that exceed thirteen (13) residents in an C-3 (General) Commercial District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, Jackson City Planning Board, after holding the required public hearing on December 21, 2016, has recommended approval of the said petition; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, January 23, 2017 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 November 30, 2016 and December 14, 2016 that a hearing would be and had been held by the Jackson City Planning Board, 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 2.06 acre Variance from the minimum three (3) acre requirement for personal care facilities that exceed thirteen (13) residents within the existing C-3 (General) Commercial District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that a Variance be granted due to special conditions and circumstances existing that do not result from actions of the applicant within the existing C-3 (General) Commercial District of the City of Jackson and granting the Variance requested will not confer upon the applicant any special privilege which is denied by the Zoning Ordinance to other similar lands, structures or buildings in the same district.

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

SECTION 1. That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

Parcel A: Start at a point on the West line of Waltham Subdivision on the South side of Raymond Road as now laid out and improved; said point being the Northwest corner of Lot 4, Oakwood Terrace Subdivision, a plat of which is of record in Plat Book 4, Page 86, of the records of plat in the office of the Chancery Clerk, First Judicial District, Hinds County, Mississippi, thence East along the South boundary of Raymond Road a distance of 420.4 feet To an iron pin in the Southwest corner of South Plaza Drive and Raymond Road; thence turn To the right through an angle of 90 degrees and run Southerly a distance of 150 feet to the Point of beginning of the property herein conveyed; thence turn to the right through an angle of 90 degrees and run Westerly a distance of 117.5 feet; turn thence to the left through an angle Of 90 degrees and run Southerly a distance of 50 feet; turn thence through an angle of 90 degrees And run Easterly a distance of 117.5 feet to the West boundary of South Plaza; turn thence through An angle Of 90 degrees and run Northerly along the West boundary of South Plaza a distance of, 50 Feet to the point of beginning. Said property

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being a part of Lots 6, 7 and 8, Oakwood Terrace Subdivision, according to Plat Book 4, Page 86, in the office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi.

Parcel B: A part of Block D, South Central Commercial Park, a plat of which is on record in the office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi, in Plat Book 19, page 22, described as follows, to-wit: Begin at a point on the West side of South Plaza a distance of 200 feet South from the Southwest Corner of South Plaza and Raymond Road; thence West along the South boundary of property previously conveyed to Arthur J. Godfrey, Robert R. Bassett, and Leslie P. Pitts, a distance of 117 feet, More or less, to a service drive, thence South along the East boundary of the service drive a distance of 5 feet; turn left through an angle of 90 degrees and run Easterly a distance of 117 feet, more or less to the West boundary of South Plaza; turn thence to the left through an angle of 90 degrees and run Northerly along the West boundary of South Plaza a distance of 5 feet to the point of beginning.

Parcel C: A part of Block D, South Central Commercial Park, a plat of which is on records in the office Of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi, in Plat Book 19, Page 22, Described as follows, to-wit: Begin at a point on the West line of South Plaza, said point being 305 feet South of the Southwest of the Intersection of the South line of Raymond Road with the West line of South Plaza; thence run Westwardly parallel to the Raymond Road and along the North boundary of property conveyed to Southern Pacific Lumber Company the distance of 117.75 feet to the East line of the service drive; run thence Northwardly along the East line of the service drive a distance of 100 feet to the south boundary of the property previously conveyed to the Grantors herein; run thence Eastwardly along the South line of the property previously conveyed to the Grantors herein a distance of 117 feet, more or less, to the West boundary of South Plaza; run thence South along the West boundary of South Plaza a distance of 100 feet to the point of beginning.

AND

A parcel of land within a plat of land shown as Block "D" South Central Commercial Park, as recorded in Plat Book 19 at Page 22 in the Office of the Chancery Clerk of Hinds County, Mississippi, all situated in the Northwest Quarter of the Northeast Quarter of Section 17, Township 5 North, Range 1 East, Hinds County, Mississippi.

EXHIBIT "B"

Commence at an iron pin marking the intersection of the West line of South Plaza and the South line of Raymond Road, as platted; run thence Southerly along the West line of South Plaza 305.0 feet to an iron Pin, said pin being the Point of Beginning; thence turn right through an angle of 90 degrees and run 117.5 feet to an iron pin; thence turn left through an angle of 90 degrees and run 75.0 feet to an iron pin; thence turn left through an angle of 90 degrees and run 117.5 feet to an iron pin; thence turn left through an angle of 90 degrees and run 75.0 feet to the point of Beginning.

AND

A parcel of land lying and being situated in Block "D" of South Central Commercial Park, 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 19 at Page 22, reference to which is hereby made in Aid of and as a part of this description, more particularly described as follows, to-wit: Beginning at a point 380 feet South of the Northeast corner of said Block "D", from said Point of Beginning run thence West for a distance of 117.5 feet to a point in the West line of said Block "D", run Thence South along the West line of said Block "D" to the Southwest corner thereof; run thence East Along the North line of Green Place for a distance of 117.99 feet to the Southeast corner of said Block.

be and is hereby granted a 2.06 acre Variance from the minimum three (3) acre requirement for personal care facilities that exceed thirteen (13) residents in an C-3 (General) Commercial District, however, before a permit is issued for any structure to be erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

President Hendrix recognized **Claude McCants**, President of Association of South Jackson Neighborhoods, spoke in favor to approve the 2.06 acre Variance from the minimum three (3) acre requirement for personal care facilities and group homes for the handicapped which exceed thirteen (13) residents within a C-3 (General) Commercial District.

There was no opposition from the public.

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

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Stokes and Tillman.

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 – 3729 Ward 2	Shirley Cleveland	5304 Queen Christina	Day Care Center	1/19/10
SE – 3792 Ward 5	Andrea Crudup	103 Alta Woods Blvd.	One-chair Beauty Shop	1/9/12
SE – 3796 Ward 7	Fondren Renaissance Foundation	4145 Old Canton Rd.	Professional Non-Retail Office	1/9/12
SE – 3815	LeFleur East Foundation	4658 Old Canton Rd.	Professional Office	1/22/13
SE – 3890 Ward 5	Patricia Sampson Parker	Cynthia Rd. (Parcel 906-8)	Residential Community Center	1/26/15
SE – 3695 Ward 1	Dr. Elijah Arrington, III	4562 N. State St. Jackson, MS 39209	Professional Office	11/17/2008

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 Barrett-Simon moved adoption; **President Hendrix** seconded.

President Hendrix recognized **Ester Ainsworth**, Zoning Administrator, who stated that some residents had submitted letters of opposition to the renewal of Case 3815 and letters in favor of the renewal of Case 3815.

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JANUARY 23, 2017, 2:30 P.M.**

President Hendrix recognized **Council Member Foote** who read a letter in support of Case No. 3815 for the renewal of a Special Exception.

President Hendrix recognized **R. Baxter Brown, Jr.** who spoke in opposition of Case No. 3815 or the renewal of a Special Exception.

President Hendrix recognized **Doyle Moorhead**, who requested that his letter of opposition for Case No. 3815 be read for the renewal of a Special Exception.

President Hendrix moved and **Council Member Priester** seconded to amend the Special Exceptions to remove Case No. 3815 from the Agenda and move to the next Zoning agenda for the next Zoning meeting to be held on February 27, 2017 at 2:30 p.m. and for said case not to expire until February 28, 2017. The motion prevailed by the following vote:

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

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

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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.

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

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REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JANUARY 23, 2017, 2:30 P.M.

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, January 24, 2017: at 3:40 p.m., the Council stood adjourned.

ATTEST:

Christi Moore
CITY CLERK

APPROVED:

[Signature], *2/15/17*
MAYOR DATE
