

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 16, 2019 being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Virgi Lindsay, Council President; Ward 7; De'Keither Stamps, Vice President, Ward 4; Ashby Foote, Ward 1; Melvin Priester, Jr., Ward 2; and Aaron Banks Ward 6. Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Jordan Hillman, Director of Planning and Development; and Nakesha Watkins, Deputy City Attorney.

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

The meeting was called to order by **President Virgi Lindsay**.

President Lindsay recognized Zoning Administrator **Ester Ainsworth** who stated that the **Attorney Fariss Crisler**, representative of the Applicant for Case No. 4071 requested that said item be continued due to the absence of the Applicant.

President Lindsay recognized **Attorney Fariss Crisler**, representative of the Applicant, who requested a continuance until the next Zoning Council meeting due to his client being out of town and unable to attend the meeting.

Thereafter, **President Lindsay** stated that Agenda Item No. I, Case No. 4071 would be tabled until the January 27, 2020 Regular Zoning Council Meeting:

ORDER DENYING SINGH PETRO II, LLC A USE PERMIT TO ALLOW FOR THE OPERATION OF A LIQUOR STORE WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 1157 E NORTHSIDE DR (PARCEL #535-530) & (PARCEL #535-554), CASE NO. 4071.

President Lindsay recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4074, 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 Lindsay requested that the Clerk read the Order:

ORDINANCE GRANTING FLOYD MARSHALL JR. A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT & R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT TO C-2 (LIMITED) COMMERCIAL DISTRICT TO ELIMINATE ANY NONCONFORMING USES AND CREATE A MORE SUSTAINABLE AND VIABLE COMMERCIAL NODE ALONG THE MEDGAR EVERS CORRIDOR FOR THE PROPERTY LOCATED AT 3703 MEDGAR EVERS BLVD (PARCEL 408-409) & (PARCEL 408-486), CASE NO. 4074.

WHEREAS, Floyd Marshall Jr. has filed a petition to rezone property located at 3703 Medgar Evers Blvd (Parcel 408-409) & (Parcels 408-403, 408-405, 408-406, 408-407, 408-408 and 408-486), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-Family) Residential District & R-4 (Limited Multi-family) Residential District to C-2 (Limited) Commercial District to eliminate any nonconforming uses and create a more sustainable and viable commercial node along the Medgar Evers corridor; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property at 3703 Medgar Evers Blvd (Parcel 408-409) & Parcel 408-486 from R-1 (Single-Family) Residential District & R-4 (Limited Multi-family) Residential District to C-2 (Limited) Commercial District to eliminate any nonconforming uses and create a more sustainable and viable commercial node along the Medgar Evers corridor; 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, December 16, 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 October 31, 2019 and November 14, 2019 that a hearing had been held by the Jackson City Planning Board on November 20, 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 the rezoning of the property located at 3703 Medgar Evers Blvd (Parcel 408-409) & Parcel 408-486 from R-1 (Single-Family) Residential District & R-4 (Limited Multi-family) Residential District to C-2 (Limited) 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 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 #408-409

South ½ of LOT THIRTEEN (13) AND LOT FOURTEEN (14) BLOCK 22, ELRAINE RESURVEY, PART TWO (2), a subdivision 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 4, at Page 71, reference to which is hereby made in aid and as a part of this description.

LESS AND EXCEPT: .02 acres, more or less, conveyed by John Turner and Aline Turner to State Highway Commission of Mississippi, by Deed dated July 31, 1956, recorded in Book 986 at Page 381.

Parcel #408-486

LOT SIXTEEN (16), BLOCK 30, ELRAINE RESURVEY, PART 2, 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 4, at Page 71 thereof, reference to which map or plat is here made in aid and as a part of this description.

LESS AND EXCEPT: .01 acres, more or less, conveyed by Mrs. Mary V. Courtney to the State Highway Commission of Mississippi, by deed dated May 19, 1956, recorded in Book 976 at Page 316 of the aforesaid records.

It is hereby modified so as to approve the rezoning of the property located at 3703 Medgar Evers Blvd (Parcel 408-409) & Parcel 408-486 from R-1 (Single-Family) Residential District & R-4 (Limited Multi-family) Residential District to C-2 (Limited) Commercial District to eliminate any nonconforming uses and create a more sustainable and viable commercial node along the Medgar Evers corridor. 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 Priester** seconded.

President Lindsay recognized **Floyd Marshall Jr.**, Applicant, who spoke in favor to approve a Rezoning from R-1 (Single-Family) Residential District & R-4 (Limited Multi-Family) Residential District to C-2 (Limited) Commercial District to eliminate any nonconforming uses and create a more sustainable and viable commercial node along the Medgar Evers corridor.

There was no opposition from the public.

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

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

President Lindsay recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4075, 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 Lindsay requested that the Clerk read the Order:

ORDINANCE GRANTING ROBERT A. MALOUF A REZONING FROM SUD – SPECIAL USE DISTRICT TO R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT AND A HEIGHT VARIANCE NOT TO EXCEED 75’ FROM THE MAXIMUM BUILDING HEIGHT OF 45’ FOR MULTI-FAMILY BUILDINGS IN THE R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF MULTI-STORY LUXURY CONDOMINIUM BUILDING FOR THE PROPERTY LOCATED AT A PORTION OF PARCEL 751-7 ON ST. ANDREWS DR., CASE NO. 4075.

WHEREAS, Robert A. Malouf has filed a petition to rezone property located at a portion of Parcel 751-7 on St. Andrews Dr., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from SUD – Special Use District to R-4 (Limited Multi-family) Residential District and a height Variance not to exceed 115’ to allow for the construction of multi-story luxury condominium building; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property from SUD – Special Use District to R-4 (Limited Multi-family) Residential District and a height Variance not to exceed 75’ from the maximum height of 45’ for multi-family buildings in the R-4 (Limited Multi-family) Residential District to allow for the construction of multi-story luxury condominium 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, December 16, 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 October 31, 2019 and November 14, 2019 that a hearing had been held by the Jackson City Planning Board on November 20, 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 the rezoning of the above described property to R-4 (Limited Multi-family) Residential 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 said application since any previous City Council action and the granting of the Variance would not confer upon the applicant any special privilege that is denied by the Zoning Ordinance to other similar lands structures or buildings in the same district.

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 tract of land being a part of Lot 122, The Country Club of Jackson, a subdivision according to a map or plat on file in Plat Book 20, at Page 24, in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, and also being a part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), Section 4, Township 6 North, Range 2 East, City of Jackson, First Judicial District of Hinds County, Mississippi, and being more particularly described as follows:

Commence at the southernmost corner of said Lot 122 and run east along a projection of the south line of Lot 121 of said subdivision a distance of 80.1 feet to a set rebar marking the POINT OF BEGINNING; thence continue east along the last mentioned call a distance of 378 feet to a set rebar; run thence north a distance of 182.5 feet to a set rebar; run thence west a distance of 316.12 feet to the right-of-way of St. Andrews Drive, as shown on Charleton Place, a subdivision according to a plat on file in Plat Book 39, at Page 7, in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi; run thence along the arc of a curve bearing to the left, having a radius of 40 feet, marking the north line of the said Lot 122 and the said right-of-way, and having a chord of south 77 degrees 29 minutes 08 seconds west, a distance of 70.68 feet to a set rebar; thence leaving said right-of-way run south 02 degrees 28 minutes east a distance of 167.39 feet to the POINT OF BEGINNING, containing 68,084 square feet and/or 1.563 acres, more or less.

It is hereby modified so as to approve the rezoning of the property located on a portion of Parcel 751-7 on St. Andrews Dr. from SUD – Special Use District to R-4 (Limited Multi-family) Residential District and a height Variance not to exceed 75’ from the maximum height of 45’ for multi-family buildings in the R-4 (Limited Multi-family) Residential District to allow for the construction of multi-story luxury condominium building. 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; **President Lindsay** seconded.

President Lindsay recognized Attorney James Peden, representative of the Applicant, who spoke in favor to approve a Rezoning from R-1 (Single-Family) Residential District & R-4 (Limited Multi-Family) Residential District to C-2 (Limited) Commercial.

President Lindsay recognized Robert Malouf, Applicant, who provided information regarding his request for a Rezoning from R-1 (Single-Family) Residential District & R-4 (Limited Multi-Family) Residential District to C-2 (Limited) Commercial.

President Lindsay recognized Richard McNeely, Architect, who provided information regarding parking spaces and amenities for the proposed project.

There was no opposition from the public.

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

Nays- None.

Absent- Stokes and Tillman.

President Lindsay recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Case No. 4076, 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 Lindsay requested that the Clerk read the Order:

ORDINANCE GRANTING FRONTAGE ROAD DEVELOPMENT COMPANY, LLC A REZONING FROM C2 (LIMITED) COMMERCIAL DISTRICT TO C3 (GENERAL) COMMERCIAL DISTRICT TO ALLOW FOR DEMOLITION OF CURRENT DILAPIDATED BUILDING AND CONSTRUCTION OF A HEATING/ COOLING INDOOR STORAGE BUILDING AND TO CREATE A SINGLE ZONING CLASSIFICATION FOR THE PROPERTY LOCATED AT 4795 I-55 NORTH FRONTAGE RD. (PARCEL: 511-620), CASE NO. 4076.

WHEREAS, Frontage Road Development Company, LLC has filed a petition to rezone property located at 4795 I-55 North Frontage Rd. (Parcel: 511-620), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C2 (Limited) Commercial District to C3 (General) Commercial District to allow for demolition of current dilapidated building and construction of a heating/ cooling indoor storage building and to create a single Zoning classification; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property from C2 (Limited) Commercial District to C3 (General) Commercial District to allow for demolition of current dilapidated building and construction of a heating/ cooling indoor storage building and to create a single Zoning classification; 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, December 16, 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 October 31, 2019 and November 14, 2019 that a hearing had been held by the Jackson City Planning Board on November 20, 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 the rezoning of the above described property to C3 (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 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:

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:

A certain parcel of land being situated in the E ½ of the SW ¼ of Section 13, T6N-R IE Hinds County, Mississippi, and being more particularly described by metes and bounds as follows:

Beginning at the intersection of the western line of the E ½ of the SW¼ of Section 13, T6N-RIE with the north line of Northside Drive and run easterly along the north side of Northside Drive for a distance of 400 feet to a point; turn thence to the left through an angle of 89 degrees 52' and run northerly and parallel with the west line of the E ½ of the SW ¼ of Section 13 for a distance of 1954.7 feet to a point on the south line of McWillie Road (sometimes called Chastain Drive), which point is the point of beginning of the land herein described; turn thence to the right through an angle of 89 degrees 53' and run easterly along the south line of McWillie Road for a distance of 533.5 feet to a point in the western right-of-way line of Interstate Highway 55, which said point is 150 feet measured westerly from and at right angles with the centerline of said Highway; turn thence to the right through an angle of 99 degrees 30' and run southwesterly along the western right-of-way line of said Highway, parallel with and 150 feet from the centerline thereof, for a distance of 115 feet; turn thence to the right through an angle of 80 degrees 30' and run westerly in a straight line parallel with the south line of McWillie Road 200.00 feet; turn thence to the left through an angle of 86 degrees 42' and run southerly a distance of 182.76 feet to the south boundary of property of Homer Lee Howie, Trustee; turn thence to the right through an angle of 85 degrees 42' and run westerly along the southern boundary of property of Homer Lee Howie, Trustee a distance of 304 feet to the western boundary of property of Homer Lee Howie, Trustee; turn thence to the right through an angle of 90 degrees 07' and run northerly along the western line of property of Homer Lee Howie, Trustee 296.08 feet to the point of beginning.

It is hereby modified so as to approve the rezoning of the property located at 4795 I-55 North Frontage Rd. (Parcel: 511-620) from C2 (Limited) Commercial District to C3 (General) Commercial District to allow for demolition of current dilapidated building and construction of a heating/ cooling indoor storage building and to create a single Zoning classification. 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; **President Lindsay** seconded.

President Lindsay recognized **Bridgforth Rutledge** and **Sean Doran**, representatives of the Applicant, who spoke in favor to approve a Rezoning from C-2 (Limited) Commercial District to C-3 (General) Commercial District to allow for demolition of current dilapidated building and construction of a heating/cooling indoor storage building and to create a single Zoning classification.

There was no opposition from the public.

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

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

Nays- None.

Absent- Stokes and Tillman.

President Lindsay recognized **Zoning Administrator Ester Ainsworth**, who stated that **Mr. Bob Smith** requested to cancel the Conditional Use Permit for Case No. 4021 and action is required.

President Lindsay requested that the Clerk read the Order:

ORDER TO CANCEL THE CONDITIONAL USE PERMIT GRANTED TO ALLOW FOR THE OPERATION OF A BAR & GRILL WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 3165 TERRY RD., CASE # 4021.

WHEREAS, a Conditional Use Permit to operate a Bar and Grill within a C-2 (Limited) Commercial District for the property located at 3165 Terry Rd in the City of Jackson, First Judicial District of Hinds County, Mississippi, and

WHEREAS, the grantee of the Conditional Use Permit, Bob Smith, has sold the property and has requested the Use Permit be cancelled; and

WHEREAS, the property was rezoned to C-3 (General) Commercial District, on June 17, 2019 which eliminates the need for the Conditional Use Permit.

IT IS HEREBY ORDERED by the Council of the City of Jackson that the Conditional Use Permit to operate a Bar and Grill for the property located at 3165 Terry Rd be cancelled.

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

Yeas- Banks, Foote, Lindsay, 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>
UP -1111 Ward 4	Elbert Willis	3384 Elraine Blvd. Jackson, MS 39213	Beauty Shop	12/16/1971
SE - 2340 Ward 5	Barbara Moaton	422 Eastview St. Jackson, MS 39209	One-Chair Beauty Shop	12/5/1984

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, DECEMBER 16, 2019, 2:30 P.M.**

SE – 3997 Ward 6	Kimberly Course	451 McDowell Park Cir. Jackson, MS 39213	Residential Daycare Center	12/18/2017
C-UPs 3998 Ward 3	Curtis Williams	210-12 W. Ash St. Jackson, MS 39203	Rooming Houses	12/18/2017
C-UP 4033 Ward 7	Michael Boerner	2807 Old Canton Rd. Ste. 200 Jackson, MS 39216	Community recreational center part of a neighborhood shopping center	11/14/2011
SE-3877 Ward 1	Kodi D. Hobbs	5016 Old Canton Rd. Jackson, MS 39211	Professional Insurance Office	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; **Council Member Priester** seconded.

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

Nays- None.

Absent- Stokes and Tillman.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Council Meeting to be held at 4:00 p.m. on Thursday, December 19, 2019 at 3:15 p.m. the Council stood adjourned.

ATTEST:

APPROVED:

Keith Moore
CITY CLERK

Keith Moore, 1/6/2020
MAYOR *(Renew)* DATE
