

**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 August 15, 2016, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Tyrone Hendrix, President, Ward 6; Ashby Foote, Ward 1; Melvin Priester, Jr., Ward 2; De'Keither Stamps, Ward 4 and Charles Tillman, Ward 5. Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Biqi Zhao, Deputy Director of Planning; Ramina Aghili, Associate Planner and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3 and Margaret Barrett-Simon, Vice President, Ward 7.

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

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**President Hendrix** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3942, 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 and transcript of planning board meeting.

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**President Hendrix** requested the Clerk read said Order:

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**ORDER DENYING DEBORAH H. GANT A REZONING FROM C-3 (GENERAL) COMMERCIAL DISTRICT TO SUD SPECIAL USE DISTRICT TO HAVE A LOW POWER FM RADIO STATION FOR PROPERTY LOCATED AT 824 MEDICAL PLAZA, CASE NO. 3942.**

**WHEREAS**, Deborah H. Gant has filed a petition to rezone property located at 824 Medical Plaza, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-3 (General) Commercial District to SUD Special Use District to have a low power FM radio station; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the property from C-3 (General) Commercial District to SUD Special Use District to have a low power FM radio station; 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, August 15, 2016 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 June 2, 2016 and June 16, 2016 that a hearing would be held by the Jackson City Planning Board on June 22, 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 denial of the petitioned rezoning of the above described property to SUD Special Use 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:

Starting at the Northwest Corner of Lot 4, Oakwood Terrace Subdivision, a plat of which is on record in the office of the Chancery Clerk, First Judicial District, Hinds County Jackson, Mississippi; thence East along the North boundary of Lots 4 and 5, Oakwood Terrace Subdivision, and the South boundary of Raymond Road (Mississippi State Highway 18) a distance of 170.4 feet to the East boundary of Medical Plaza; thence South and parallel to the West lot line of Lot 4 aforesaid and along the East boundary of Medical Plaza, according to Baxter F. Wade Engineers' Plat of South Central Commercial Park, dated August 10, 1960, recorded in Book 1232, Page 502, in the office of the Chancery Clerk, First Judicial District, Hinds County, Jackson, Mississippi, a distance of 176 feet to the Point of Beginning; thence East and parallel with the North boundary of Lots 5 and 6, Oakwood Terrace Subdivision and parallel to the South boundary of Raymond Road (Mississippi State Highway 18) a distance of 117.5 feet to the West boundary of a 15 foot service drive; thence South and parallel to the West line of Lot 4, Oakwood Terrace Subdivision, and along the West boundary of the service drive a distance of 50 feet; thence West and parallel to the North line of Lots 5 and 6 and parallel to the South boundary of Raymond Road (Mississippi State Highway 18) a distance of 117.5 feet to the East boundary of Medical Plaza; thence North along the East boundary of Medical Plaza and parallel to the West lot line of Lot 4 a distance of 50 feet to the Point of Beginning.

is hereby denied the petitioned request to rezone the property located at 824 Medical Plaza from C-3 (General) Commercial District to SUD Special Use District.

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**President Hendrix** recognized **Deborah H. Gant**, Applicant, who spoke in favor of a Rezoning from C-3 (General) Commercial District to SUD Special Use District to have a low power FM radio station.

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**President Hendrix** recognized **Claude McCants**, President of South Jackson Neighborhood Association, who spoke in favor of a Rezoning from C-3 (General) Commercial District to SUD Special Use District to have a low power FM radio station.

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There was no opposition from the public.

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

Yeas- Priester and Tillman.  
Nays- Foote, Hendrix and Stamps.  
Absent- Barrett-Simon and Stokes.

Thereafter, **President Hendrix** requested that the Clerk read the order to approve:

**ORDINANCE GRANTING DEBORAH H. GANT A REZONING FROM C-3 (GENERAL) COMMERCIAL DISTRICT TO SUD SPECIAL USE DISTRICT TO HAVE A LOW POWER FM RADIO STATION FOR PROPERTY LOCATED AT 824 MEDICAL PLAZA, CASE NO. 3942.**

**WHEREAS**, Deborah H. Gant has filed a petition to rezone property located at 824 Medical Plaza, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-3 (General) Commercial District to SUD Special Use District to have a low power FM radio station; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the property from C-3 (General) Commercial District to SUD Special Use District to have a low power FM radio station; 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, August 15, 2016 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 June 2, 2016 and June 16, 2016 that a hearing would be held by the Jackson City Planning Board on June 22, 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 denial of the petitioned rezoning of the above described property to SUD Special Use 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:

Starting at the Northwest Corner of Lot 4, Oakwood Terrace Subdivision, a plat of which is on record in the office of the Chancery Clerk, First Judicial District, Hinds County Jackson, Mississippi; thence East along the North boundary of Lots 4 and 5, Oakwood Terrace Subdivision, and the South boundary of Raymond Road (Mississippi State Highway 18) a distance of 170.4 feet to the East boundary of Medical Plaza; thence South and parallel to the West lot line of Lot 4 aforesaid and along the East boundary of Medical Plaza, according to Baxter F. Wade Engineers' Plat of South Central Commercial Park, dated August 10, 1960, recorded in Book 1232, Page 502, in the office of the Chancery Clerk, First Judicial District, Hinds County, Jackson, Mississippi, a distance of 176 feet to the Point of Beginning; thence East and parallel with the North boundary of Lots 5 and 6, Oakwood Terrace Subdivision and parallel to the South boundary of Raymond Road (Mississippi State Highway 18) a distance of 117.5 feet to the West boundary of a 15 foot service drive; thence South and parallel to the West line of Lot 4, Oakwood Terrace Subdivision, and along the West boundary of the service drive a distance of 50 feet; thence West and parallel to the North line of Lots 5 and 6 and parallel to the South boundary of Raymond Road (Mississippi State Highway 18) a distance of 117.5 feet to the East boundary of Medical Plaza; thence North along the East boundary of Medical Plaza and parallel to the West lot line of Lot 4 a distance of 50 feet to the Point of Beginning.

is hereby modified so as to approve the rezoning of the property on 824 Medical Plaza from C-3 (General) Commercial District to SUD Special Use District to have a low power FM radio station, 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.

**President Hendrix** moved adoption; **Council Member Foote** seconded.

Yeas- Foote, Hendrix and Stamps.

Nays- Priester and Tillman.

Absent- Barrett-Simon and Stokes.

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**President Hendrix** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3943, 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 Hendrix** requested the Clerk read said Order:

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**ORDER GRANTING JENNIFER GREEN A CONDITIONAL USE PERMIT TO OPERATE A PERSONAL CARE FACILITY IN A R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT HOUSING BETWEEN SEVEN (7) TO TWELVE (12) RESIDENTS, EXCLUDING STAFF FOR PROPERTY LOCATED AT 2307 MCFADDEN RD., CASE NO. 3943.**

**WHEREAS**, Jennifer Green has filed a petition for a Use Permit to operate a personal care facility in a R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff 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, June 22, 2016, has recommended approval of a Conditional Use Permit; 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, July 18, 2016, and that notice had been given that the said petition would be tabled and heard by the Council on Monday, August 15, 2016 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 June 2, 2016 and June 16, 2016 that a hearing would be held by the Jackson City Planning Board on June 22, 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 a Conditional Use Permit within the existing R-1 (Single-family) Residential District of the City of Jackson; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that the proposed use will not be detrimental to the continued use, value, or development of properties in the vicinity; would not adversely affect vehicular or pedestrian traffic in the vicinity be granted a Use Permit to allow for the operation of a personal care facility housing between seven (7) to twelve (12) residents, excluding staff within an existing R-1 (Single-family) Residential District of the City of Jackson that is subject to an annual review; the conditional Use Permit is to be granted to the applicant/operators of the personal care facility; and any subsequent owners or operators of the personal care facility at the location must apply for and receive a new Use Permit.

**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 certain parcel of land lying and being situated in the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section I8, Township 5 North, Range 1 East, Jackson, Hinds County, Mississippi, and being more particularly described by metes and bounds, to-wit:

Commencing at the Southeast corner of Lot 25 of Garden Park Terrace, Part 8 a subdivision the map or plat of which is recorded in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 25 at Page 46 and run North 00 degrees 01 minute 26 seconds East for a distance of 202.45 feet along the West line of said Garden Park Terrace, Part 8; thence South 89 degrees 56 minutes 59 seconds East 136.84 feet to an iron pin marking the Point of Beginning of the property herein described; thence North 05 degrees 08 minutes 29 seconds East along the southerly line of Parcel B as described in Deed Book 4282 at Page 187 a distance of 290.00 feet; thence North 89 degrees 48 minutes 49 seconds East along the southerly line of said parcel B 435.00 feet to an iron pin in the west line of McFadden Road (Shady Lane); thence South 03 degrees 23 minutes 35 seconds East Along the said West line 119.60 feet; thence South 13 degrees 11 minutes 35 seconds East and continue along said West Line 342.70 feet; thence leaving said West Line of McFadden Road run south 78 degrees 33 minutes 25 seconds West along the South line of that property described in Deed Book 2230 at page 573 a distance of 262.22 feet; thence South 83 degrees 35 minutes 50 seconds West along the North line of that property described in Deed Book 2278 at page 676 a distance of 270.70 feet; thence north 04 degrees 35 minutes 45 seconds West along the East Line of Parcel A as described in aforesaid Deed Book 4282 at Page 187 a distance of 245.20 feet to the point of beginning and containing 5.6 acres, more or less.

be and is hereby modified so as to approve a Conditional Use Permit to allow for the operation of a personal care facility housing between seven (7) to twelve (12) residents, excluding staff for property located at 2307 McFadden Rd. within an R-1 (Single-family) Residential 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 process.

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**President Hendrix** recognized **Alberta Collins Brown**, Executive Director of Donald's Home and **Linda Smith**, a resident of Donald's Home, who spoke in favor of a Use Permit to operate a personal care home in a R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff.

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**President Hendrix** recognized **Claude McCants**, President of Associations of South Jackson Neighborhoods, who spoke in opposition of a Use Permit to operate a personal care home in a R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff.

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

Yeas- Priester, Stamps and Tillman.

Nays- Foote and Hendrix.

Absent- Barrett-Simon and Stokes.

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**Council Member Tillman** left the meeting.

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**President Hendrix** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3945, 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 Hendrix** requested that the Clerk read said Order:

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**ORDER GRANTING EPIPHANY LUTHERAN CHURCH A USE PERMIT FOR A FAMILY LIFE CENTER AS AN ACCESSORY USE AND A TEN FEET VARIANCE TO BUILD WITHIN FIVE FEET OF THE SIDE YARD SETBACKS WHERE FIFTEEN FEET ARE REQUIRED FOR ACCESSORY STRUCTURES WITHIN THE R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT PARCELS 147-47, 147-48 & 1230 ISAAH MONTGOMERY ST (147-50), CASE NO. 3945.**

**WHEREAS**, Epiphany Lutheran Church has filed a petition for a Use Permit for a Family Life Center and a ten feet Variance to build within five feet of the side yard setbacks where fifteen feet are required for accessory structures within the R-4 (Limited Multi-Family) Residential 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, July 27, 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, August 15, 2016 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 July 14, 2016 and July 21, 2016 that a hearing would be held by the Jackson City Planning Board on July 27, 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 Use Permit and Variance within the existing R-4 (Limited Multi-Family) Residential District of the City of Jackson; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that the proposed use will not be detrimental to the continued use, value, or development of properties in the vicinity; will not adversely affect vehicular or pedestrian traffic in the vicinity; can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools; not being hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances and that a Use Permit for a Family Life Center as an accessory use and a ten feet Variance to build within five feet of the side yard setbacks where fifteen feet are required for accessory structures be granted within the existing R-4 (Limited Multi-Family) Residential 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:

Lots 27, 28, 29, 30, 31 and 32, Douglas Square, a subdivision according to the map or plat thereof, on file and of record in the office of the Chancery Clerk of the First Judicial District of Hinds County at Jackson, Mississippi, as now recorded in Plat Book 3 at page 86

be and is hereby modified so as to approve a Use Permit for a Family Life Center as an accessory use and a ten feet Variance to build within five feet of the side yard setbacks where fifteen feet are required for accessory structures for property located at Parcels 147-47, 147-48 & 1230 Isaiah Montgomery St. (Parcel 147-50) within a R-4 (Limited Multi-Family) Residential 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 process.

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**President Hendrix** recognized **Victor Glenn Cavett**, a representative of the Applicant, who spoke in favor of a Use Permit for a Family Life Center as an accessory use and a ten feet Variance to build within 5 feet within a R-4 (Limited Multi-Family Residential District).

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There was no opposition from the public.

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**Council Member Tillman** returned to the meeting.

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**President Hendrix** recognized **Azande Williams**, Deputy City Attorney, who advised that due to a typographical error parcel 147-49 was left out of the order and an amendment was needed to include parcel 147-49 within the order.

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**President Hendrix** moved and **Council Member Foote** seconded to include parcel 147-49 within said order. The motion prevailed by the following vote:

Yeas- Foote, Hendrix, Priester, Stamps and Tillman.

Nays- None.

Absent- Barrett-Simon and Stokes.

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**ORDER GRANTING EPIPHANY LUTHERAN CHURCH A USE PERMIT FOR A FAMILY LIFE CENTER AS AN ACCESSORY USE AND A TEN FEET VARIANCE TO BUILD WITHIN FIVE FEET OF THE SIDE YARD SETBACKS WHERE FIFTEEN FEET ARE REQUIRED FOR ACCESSORY STRUCTURES WITHIN THE R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT PARCELS 147-47, 147-48, 147-49 & 1230 ISAAH MONTGOMERY ST (147-50), CASE NO. 3945.**

**WHEREAS**, Epiphany Lutheran Church has filed a petition for a Use Permit for a Family Life Center and a ten feet Variance to build within five feet of the side yard setbacks where fifteen feet are required for accessory structures within the R-4 (Limited Multi-Family) Residential 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, July 27, 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, August 15, 2016 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 July 14, 2016 and July 21, 2016 that a hearing would be held by the Jackson City Planning Board on July 27, 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 Use Permit and Variance within the existing R-4 (Limited Multi-Family) Residential District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the proposed use will not be detrimental to the continued use, value, or development of properties in the vicinity; will not adversely affect vehicular or pedestrian traffic in the vicinity; can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools; not being hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances and that a Use Permit for a Family Life Center as an accessory use and a ten feet Variance to build within five feet of the side yard setbacks where fifteen feet are required for accessory structures be granted within the existing R-4 (Limited Multi-Family) Residential 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:

Lots 27, 28, 29, 30, 31 and 32, Douglas Square, a subdivision according to the map or plat thereof, on file and of record in the office of the Chancery Clerk of the First Judicial District of Hinds County at Jackson, Mississippi, as now recorded in Plat Book 3 at page 86.

be and is hereby modified so as to approve a Use Permit for a Family Life Center as an accessory use and a ten feet Variance to build within five feet of the side yard setbacks where fifteen feet are required for accessory structures for property located at Parcels 147-47,147-48, 147-49 & 1230 Isaiah Montgomery St. (Parcel 147-50) within a R-4 (Limited Multi-Family) Residential 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 process.

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

Yeas- Foote, Hendrix, Priester, Stamps and Tillman.

Nays- None.

Absent- Barrett-Simon and Stokes.

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**President Hendrix** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3946, 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 Hendrix** requested that the Clerk read said Order:

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**ORDER GRANTING THE CATHOLIC DIOCESE OF JACKSON A  
CONDITIONAL USE PERMIT TO OPERATE AN EMERGENCY  
SHELTER/MISSION IN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR  
PROPERTY LOCATED AT 921 N. PRESIDENT ST., CASE NO. 3946.**

**WHEREAS**, the Catholic Diocese of Jackson has filed a petition for a Use Permit to operate an emergency shelter/mission in a 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, July 27, 2016, has recommended approval of a Conditional Use Permit; 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, August 15, 2016 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 July 14, 2016 and July 21, 2016 that a hearing would be held by the Jackson City Planning Board on July 27, 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 a Conditional Use Permit 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 the proposed use will not be detrimental to the continued use, value, or development of properties in the vicinity; would not adversely affect vehicular or pedestrian traffic in the vicinity be granted a Use Permit to allow for the operation of an emergency shelter/mission within an existing C-3 (General) Commercial District of the City of Jackson that is subject to an annual review; be granted to the applicant/operators of the emergency shelter/mission ; and any subsequent owners or operators of an emergency shelter/mission at the location must apply for and receive a new Use Permit.

**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 lot or parcel of land situated in the City of Jackson and known address of 912 North Congress Street, also situated in that certain 10 acre lot 8 N. according to H. C. Daniel Map of Jackson, said lot being in the N½ the NE ¼ of Section 3, T5N, R1E, Hinds County, Mississippi, and more fully described as follows:

Commencing at a point on the north line of Barksdale Street and the East line of North Congress Street as both are now laid out and in use; run thence N 9°17'E along the East line of said North Congress Street 568.9 feet to an iron pin marking the Point of Beginning at the Southwest corner of the property herein described; thence from the Point of Beginning continue along the East line of North Congress Street N 9°17'E for 70.0 feet to an iron pin set; thence S 82° 25'40" E for 160.19 feet to an iron pin found at northeast corner of said lot; thence S 9°50'30" W for 72.98 feet to a 2" steel post at fence intersection; thence N 81°22' W E for 159.42 feet to the point of beginning.

ALSO:

A lot or parcel of land situated in the City of Jackson and known address of 921 North President Street, also situated in that certain 10 acre lot 8N according to H. C. Daniel Map of Jackson, said lot being in the N½ of the NE ¼ of Section 3, T5N, R1E, Hinds County, Mississippi, and more fully described as follows:

Commencing at a point marked by an iron pin on the north line of Barksdale Street and the west line of North President Street as both are now laid out and in use; run thence N 8° 50' E along the west line of said North President Street 566.5 feet to an iron pin marking the point of beginning at the southeast corner of the property herein described; thence from the point of beginning continue along the west line of North President Street 8° 50' E for 70.0 feet to an iron pin found; thence N 79°02'W for 162.92 feet to an iron pin found at northwest corner of said lot; thence S 9°50' 30" W for 72.98 feet to a 3" steel post at fence intersection; thence S 80°05' 30" E for 164.12 feet to the point of beginning.

AND ALSO:

A perpetual, non-exclusive easement for drainage purposes over and across the following land and property situated in the First Judicial District of Hinds County, State of Mississippi, more particularly described as follows, to-wit:

Being situated in that certain 10 acre Lot 8 N., according to the H. C. Daniel Map of Jackson, said lot being situated in the North ½ of the Northeast ¼ of Section 3, Township 5 North, Range 1 East, City of Jackson, Hinds County, Mississippi and being more particularly described by metes and bounds as follows, to-wit:

AND ALSO:

A perpetual, non-exclusive easement for drainage purposes over and across the following land and property situated in the First Judicial District of Hinds County, State of Mississippi, more particularly described as follows, to-wit:

Being situated in that certain 10 acre Lot 8 N., according to the H. C. Daniel Map of Jackson, said lot being situated in the North ½ of the Northeast ¼ of Section 3, Township 5 North, Range 1 East, City of Jackson, Hinds County, Mississippi and being more particularly described by metes and bounds as follows, to-wit:

Commence at the intersection of the northern right of way line of Barksdale Street with the western right of way line of North President Street and run thence North 08 degrees 57' 11" East for a distance of 636.50 feet along the said western right of way line of North President Street to the Point of Beginning for the easement herein described; thence leave said western right of way line and run North 78 degrees, 54' 49" West for a distance of 162.92 feet along the northern property line of the Grantee; thence leave said northern property line of the Grantee and run North 09 degrees 57' 41" East for a distance of 3.31 feet; thence South 80 degrees 03'30" East for a distance of 162.77 feet along a line which is 6.0 feet north of and parallel to the northern edge of a brick building and the extension thereof to the said western right of way line of North President Street; thence 08 degrees 57' 11" West for a distance of 6.57 feet along the said western right of way line to the Point of Beginning, and being the same Easement described in that certain Instrument No. 708642, dated July 23, 2001, recorded in Book 5424, at Page 244 of the Chancery Clerk's records for the First Judicial District of Hinds County, Mississippi.

be and is hereby modified so as to approve a Conditional Use Permit to allow for the operation of an emergency shelter/mission for property located at 921 N. President St. within a C-3 (General) Commercial 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 process.

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**President Hendrix** recognized **Reverend Elvin Sunds**, a representative of the Applicant, who spoke in favor of a Use Permit to operate an emergency shelter/mission in a C-3 (General) Commercial District.

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There was no opposition from the public.

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Council Member Tillman moved adoption; Council Member Foote seconded.

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

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Ester Ainsworth noted for the record: Cancelled Special Exceptions:

- SE 1930- Cora Lee Butler – 3016 Randolph St.

No action required.

\*\*\*\*\*

President requested the Clerk to read the following:

**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 -3676 Ward 3	Richard Moman	4644 N. State St. Jackson, MS 39206	Tax Office	08/18/08
SE -3715 Ward 3	Charlotte Ford	227 Stillwood Dr. Jackson, MS 39206	Catering Service	08/17/09
SE -3864 Ward 5	Darlene Harper	3211 Jayne Ave.	Commercial Day Care Center	06/16/14

Council Member Stamps moved adoption; Council Member Tillman seconded.

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

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Confirmation Hearing to be held at 3:30 p.m. on Monday, August 22, 2016 at 4:40 p.m., the Council stood adjourned.

ATTEST:

*Kristi Moore*  
CITY CLERK

APPROVED:

*[Signature]*, 8-30-16  
MAYOR DATE

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