

**REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, FEBRUARY 23, 2015, 2:30 P.M.**

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**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 23, 2015, being the fourth Monday of said month when and where the following things were had and done to wit:

Present: Council Members: De'Keither Stamps; President, Ward 4; Melvin Priester, Jr.; Vice-President, Ward 2; Ashby Foote, Ward 1; Tyrone Hendrix, Ward 6. Angela Harris, Deputy City Clerk; Allice Lattimore; Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Eric Jefferson, Director of Planning; Akili Kelly, Senior Planner and Azande Williams, Deputy City Attorney.

Absent: Kenneth Stokes, Ward 3; Charles Tillman, Ward 5 and Margaret Barrett-Simon, Ward 7. .

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The meeting was called to order by **President De'Keither Stamps**.

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3886, 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 Stamps** requested that said Order be tabled until the next Zoning meeting to allow time to communicate with the applicant regarding the property located at 128 Richardson Dr.

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3891, 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 Stamps** requested that the Clerk read said Order:

**ORDINANCE APPROVING MAGNOLIA FEDERAL CREDIT UNION A REZONING R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO C-2 (LIMITED) COMMERCIAL DISTRICT TO CONSTRUCT AN OPERATION CENTER FOR MAGNOLIA CREDIT UNION FOR PROPERTY LOCATED AT PARCELS 723-88 & 723-89 (FERNWOOD SUBDIVISION), CASE NO. 3891.**

**WHEREAS**, Magnolia Federal Credit Union has filed a petition to rezone property located on Parcels 723-88 & 723-89 (Fernwood Subdivision), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1A (Single-family) Residential District to C-2 (Limited) Commercial District to construct an operation center for Magnolia Credit Union; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from R-1A (Single-family) Residential District to C-2 (Limited) Commercial District to construct an operation center for Magnolia Credit Union; 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 23, 2015 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 2, 2015 and January 15, 2015 that a hearing would be held by the Jackson City Planning Board on January 28, 2015, 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 C-2 (Limited) Commercial District to construct an operation center for Magnolia Credit Union; 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

**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 54 and 55, BLOCK B, FERNWOOD SUBDIVISION, 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 76, reference to which is hereby made in aid of and as a part of this description.

ALSO:

Lot 53, BLOCK B FERNWOOD SUBDIVISION, 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 76, reference to which is hereby made in aid of and as a part of this description, **LESS & EXCEPT** the following described part of said Lot 53:

A parcel of land described as being in Lots 51, 52 and 53 of Block B of Fernwood Subdivision, according to a plat or map thereof on file and of record in the office of the Chancery Clerk of Hinds County, Mississippi, and recorded in Plat Book 4 at Page 76, reference to which is hereby made in aid of and as a part of this description, and being more particularly described as follows:

Begin at a found iron pin marking the northeast corner of Lot 51 of Block B of said Fernwood Subdivision, and run thence North 89° 00' 00" West along the South right-of-way line of Fernwood Drive for a distance of 284.04 feet to a point; run thence South 00° 09' 19" West for a distance of 435.99 feet to a point on the South line of Lot 53 of Block B, of Fernwood Subdivision; run thence South 89° 00' 48" East along the South line of Lot 53 of Block B for a distance of 84.38 feet to southern most corner common to Lots 52 and 53 of Block B; run thence North 00° 06' 35" East along the common to said Lots 52 and 53 of Block B for a distance of 130.05 feet to a point; run thence South 89° 00' 48" East for a distance of 200.42 feet to a point on the West right-of-way line of County Cork Road; run thence North 00° 01' 50" East along said West right-of-way of County Cork Road for a distance of 305.89 feet to the POINT OF BEGINNING, containing 2.25 acres, more or less.

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is hereby rezoned and changed from R-1A (Single-family) Residential District to C-2 (Limited) Commercial District to construct an operation center for Magnolia Credit Union provided, however that before a permit is issued for any structure to be erected or modified on the property located at Parcels 723-88 & 723-89 (Fernwood Subdivision), or for any use thereof, 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.

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**President Stamps** recognized **John Birch**, a representative of Magnolia Federal Credit Union, who addressed the Council and argued in favor of the property located at parcels 723-88 & 723-89 to allow rezoning R-1A (Single-family) Residential District to C-2 (Limited) Commercial District to construct a new operations center for the Magnolia Credit Union on the subject property which is contiguous to its existing facility.

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There was no opposition from the public.

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

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3893, 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 Stamps** requested that the Clerk read said Order:

**ORDER DENYING RICHARD MILES A REZONING FROM C-2 (LIMITED) COMMERCIAL DISTRICT TO C-3 (GENERAL) COMMERCIAL DISTRICT, TO ALLOW FOR THE ONSITE CONSUMPTION OF CRAFT BEERS AND SEPCUALITY CIGARS., CASE NO. 3893.**

**WHEREAS**, Richard Miles has filed a petition to rezone property located on 2771 Old Canton Rd., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from I C-2 (Limited) Commercial District to C-3 (General) Commercial District to allow for the onsite consumption of craft beer and specialty cigars; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the property from C-2 (Limited) Commercial District to C-3 (General) Commercial District to allow for the onsite consumption of craft beers and specialty cigars; and

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**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 23, 2015 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 2, 2015 and January 15, 2015 that a hearing would be held by the Jackson City Planning Board on January 28, 2015, 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 to build an outdoor venue for cigar bar and entertainment; 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; and

**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:

A part of Lots 11 "C" and "G" of Isham Cade Survey in the City of Jackson, First Judicial District of Hinds County, Mississippi, and being more particularly described my metes and bounds as follows, to wit:

Commence at the intersection of the South line of Fondren Place and the West line of Canton Ave (Old Canton Road) as both are now laid out and in use; run thence South 19° 42' West and along the Western line of Canton Avenue a distance of 216.75 feet to an iron pin, said pin being the Point of beginning; thence run North 70° 54' West a distance of 306.18 feet-to-a-point; thence run South 20° 05' West a distance of 61.52 feet to a concrete monument; thence run 74° 58' East a distance of 99.7 feet to a concrete monument; thence run 19° 46' East a distance of 5.96 feet to a point; thence run South 70° 54' East a distance of 91.58 feet to a point; thence run North 19° 04' East a distance of 0.56 feet to a point; thence run South 74° 58' East a distance of 116.0 feet to an old axle in place; thence run North 19° 42' East a distance of 39.71 feet to a Point of Beginning.

AND BEING THE SAME PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 7104 AT PAGE 8932.

is hereby denied the requested rezoning of the property located at 2771 Old Canton Rd. from C-2 (Limited) Commercial District to C-3 (General) Commercial District.

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

Yeas- Hendrix, Priester and Stamps.

Nays- Foote.

Absent- Barrett-Simon, Stokes and Tillman.

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President Stamps requested the Clerk to read the Order to approve:

**ORDER GRANTING RICHARD MILES A CONDITIONAL USE PERMIT THAT WOULD ALLOW FOR A BAR AT THE EXISTING RETAIL ESTABLISHMENT IN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 2771 OLD CANTON RD., CASE NO. 3893.**

**WHEREAS**, Richard Miles has filed a petition to rezone property located on 2771 Old Canton Rd., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-2 (Limited) Commercial District to C-3 (General) Commercial District to allow for a bar; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing on, January 28, 2015, recommended denial of the said petition with an alternate recommendation for a Conditional Use Permit that would allow for a bar at the existing retail establishment in the C-2 (Limited) Commercial District; and

**WHEREAS**, the Jackson City Planning Board, recommended that the Use Permit be granted on an annual basis; to the current operator of the current retail establishment; and that any subsequent operator of a bar in the current retail establishment at this location must apply for and receive a new Use Permit.

**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 23, 2015 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 2, 2015 and January 15, 2015 that a hearing would be held by the Jackson City Planning Board on January 28, 2015, 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 for the above described property with an alternate recommendation for a Conditional Use Permit that would allow for a bar at the existing retail establishment in the C-2 (Limited) Commercial District of the City of Jackson; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that the proposed 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, and will not be 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 the Conditional Use Permit for a bar within the existing C-2 (Limited) Commercial District of the City of Jackson be granted; and

**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:

A part of Lots 11 "C" and "G" of Isham Cade Survey in the City of Jackson, First Judicial District of Hinds County, Mississippi, and being more particularly described my metes and bounds as follows, to wit:

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Commence at the intersection of the South line of Fondren Place and the West line of Canton Ave (Old Canton Road) as both are now laid out and in use; run thence South 19° 42' West and along the Western line of Canton Avenue a distance of 216.75 feet to an iron pin, said pin being the Point of beginning; thence run North 70° 54' West a distance of 306.18 feet-to-a-point; thence run South 20° 05' West a distance of 61.52 feet to a concrete monument; thence run 74° 58' East a distance of 99.7 feet to a concrete monument; thence run 19° 46' East a distance of 5.96 feet to a point; thence run South 70° 54' East a distance of 91.58 feet to a point; thence run North 19° 04' East a distance of 0.56 feet to a point; thence run South 74° 58' East a distance of 116.0 feet to an old axle in place; thence run North 19° 42' East a distance of 39.71 feet to a Point of Beginning.

AND BEING THE SAME PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 7104 AT PAGE 8932.

be and is hereby modified so as to approve a Conditional Use Permit that would allow for a bar in the existing retail establishment for property located at 2771 Old Canton Rd. within an C-2 (Limited) 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 Stamps** recognized **Dr. Richard Miles**, who spoke in favor of the requested conditional use permit.

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There was no opposition from the public.

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

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

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3560. **Ms. Ainsworth** explained this was an amended order to correct an error in the zoning classification listed in the previously approved order for parcel 806-64.

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**President Stamps** requested that the Clerk read said Order:

**AMENDED ORDER GRANTING ETHERIDGE JAMISON A USE PERMIT TO ALLOW A WRECKER SERVICE WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT AND AN I-1 (LIGHT) INDUSTRIAL DISTRICT, PROPERTY LOCATED AT 131 AND 133 RICHARDSON DRIVE, CASE NO. 3560.**

**WHEREAS**, Etheridge Jamison had filed a petition with the City of Jackson for a Use Permit to allow a wrecker service within an I-1 (Light) Industrial District, property located at 131 and 133 Richardson Drive, in the city of Jackson, First Judicial District of Hinds County, Mississippi, more particularly described as follows:

**TRACTONE:**

Commencing at an iron pipe located on the Northwest corner of Parcel 9 of FAE Subdivision, Section 24, T6N-R1W, Hinds County, Mississippi, as recorded in the office of the Chancery Clerk of Hinds County, Mississippi, said pipe being on the South line of Northside Drive, as now laid out and occupied; run thence East and along said South line of Northside Drive for a distance of 679 feet to an iron pipe; turn thence through a deflection angle of 90 degrees 50 minutes to the right and run South 00 degrees 05 minutes West for a distance of 604.4 feet to a point, said point being the POINT OF BEGINNING for a description of a parcel of property described as follows:

Continue thence South 00 degrees 05 minutes West for a distance of 140 feet to a point, and point being on the North line of proposed Rich Drive; thence turn through a deflection angle of 90 degrees 47 minutes to the right and run North 89 degrees 08 minutes West along the North line of proposed Rich Drive for a distance of 120 feet to a point; turn thence through a deflection angle of 89 degrees 13 minutes to the right and run North 00 degrees 05 minutes East for a distance of 140 feet to a point; turn thence through a deflection angle of 90 degrees 47 minutes to the right and run south 89 degrees 08 minutes East for a distance of 120 feet to the POINT OF BEGINNING.

**TRACT TWO:**

Commence at an iron pipe marking the northwest corner of Parcel 9 of FAE Subdivision, according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County in Plat Book A at Page 37, reference to which is hereby made in aid of and as a part of this description; run thence South 89 degrees 17 minutes East and along the North line of said Parcel 9, FAE Subdivision, for a distance of 210.0 feet to the point of intersection of said North line of said Parcel 9 of FAE Subdivision and the East right-of-way line of Rich Drive Extended as said drive is now (September, 1978) laid out and established; run thence south 00 degrees 42 minutes West and along said East right-of-way line of Rich Drive Extended for a distance of 525.7 feet to the point of curvature of a curve to the left in said East right-of-way line of Rich Drive having a central angle of 89 degrees 55 minutes and a radius of 219.11 feet; run thence along said right-of-way line in said curve to the left for an arc distance of 343.9 feet (chord bearing and distance South 44 degrees 16 minutes East, 309.6 feet) to the point of tangency of said curve to the left in said right-of-way line of Rich Drive; run thence South 89 degrees 13 minutes East and along said right-of-way line of Rich Drive for a distance of 50.9 feet to the point of beginning of a parcel of property described as follows: continue thence South 89 degrees 13 minutes East along said right-of-way line of Rich Drive for a distance of 90.0 feet to a point; run thence North 00 degrees 02 minutes East for a distance of 140.0 feet to a point; run thence North 89 degrees 13 minutes West for a distance of 88.2 feet to a distance of 140.0 feet to the point of beginning.

**WHEREAS**, by Council Order dated November 2, 2005 and found at Minute Book 5N, Page 413 the Council, after having considered the matter, and being of the opinion that a change in the regulations so as to permit the use of said property for said purpose would not adversely affect the surrounding properties, nor otherwise be detrimental to the public welfare granted the petitioned Use Permit; and

**WHEREAS**, the Zoning Division Staff upon inspection and review of the Case file determined that the Zoning Classification for the property located at 131 Richardson Drive (Parcel 806-64) was mistakenly listed in said Order as I-1 (Light) Industrial District rather than C-3 (General) Commercial District; and

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**IT IS, THEREFORE, HEREBY ORDERED** by the Council of the City of Jackson, Mississippi, that the Order granting a Use Permit to Etheridge Jamison to use the above properties for a wrecker service adopted on November 2, 2005 and found at Minute Book 5N, Page 413 be amended to reflect the correct Zoning Classification of C-3 (General) Commercial District for the property located at 131 Richardson Dr.

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

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

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

- **SE 1990 – 4419 Broadmeadow Dr.**

No action required.

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**President Stamps** 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-2949 Ward 3	Operation Shoestring	1709/1711 Bailey Ave. Jackson, MS 39283	Office/Youth Center	02/03/93
SE – 3286 Ward 1	Linda Maley	1500 Sherman Ave.	Swimming Instructions	02/01/00
SE – 2331 Ward 3	New Testament M.B. Church	2702 Holmes Ave. Jackson, MS 39213	Church on less than 1 acre	12/5/84

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

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Meeting to be held at 6:00 p.m. on Tuesday, February 24, 2015; at 3:11 p.m., the Council stood adjourned.

ATTEST:

Quita Moore  
CITY CLERK

APPROVED:

WJH, 3/18/15  
MAYOR DATE

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