

**REGULAR ZONING MEETING OF THE CITY COUNCIL  
TUESDAY, JANUARY 21, 2014 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 January 21, 2014, being the third Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: President, Charles Tillman; Vice-President, Melvin Priester, Jr.; Quentin Whitwell, Ward 1; De'Keither Stamps, Ward 4; and Margaret Barrett-Simon, Ward 7. Brenda Pree, City Clerk; Ester Ainsworth, Zoning Administrator; Carl Allen, Deputy Director of City Planning; Akili Kelly, Senior Planner and Azande Williams, Deputy City Attorney.

Absent: LaRita Cooper-Stokes, Ward 3 and Tony T. Yarber, Ward 6.

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

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**President Tillman** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3854, 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.

**ORDINANCE APPROVING POSITIVE LIVING, INC. D/B/A TREASURE HOUSE A REZONING FROM C-2 (LIMITED) COMMERCIAL DISTRICT TO R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT AND A CONDITIONAL USE PERMIT TO OPERATE A GROUP HOME FOR THE HANDICAPPED FOR PROPERTY LOCATED AT 1811 RAYMOND RD, CASE NO. 3854.**

**President Tillman** recognized James Peden, Attorney for Positive Living, Inc. and Mrs. Patricia Magee, Applicant, who addressed the Council and argued in favor of the property located at 1811 Raymond Rd. to approve the rezoning and use permit request for Positive Living, Inc. to operate a group home for the handicapped.

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**President Tillman** recognized Claude McCants, Resident, who addressed the Council and argued in opposition of the property located at 1811 Raymond Rd. to approve the rezoning and use permit request for Positive Living, Inc..

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After a thorough discussion was held on the matter, the Council determined and the president announced that said item would be held until the next Zoning Meeting on February 24, 2014 at 2:30 p.m.

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**President Tillman** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3855, 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. Thereafter, **President Tillman** requested that the Clerk read said Order:

**ORDER APPROVING DIANE LEBESGUE A SPECIAL EXCEPTION TO ALLOW FOR A PRIVATE STABLE IN AN R-3 (TOWN-HOUSE & ZERO LOT LINE) RESIDENTIAL DISTRICT, CASE NO. 3855.**

**WHEREAS**, the Diane Lebesgue, filed a petition for a Special Exception to allow for a private stable on property zoned R-3 (Townhouse & Zero Lot Line) Residential District, located at 624 McCluer Rd., in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing 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 City Council would be held at the City Hall at 2:30 p.m., Tuesday, January 21, 2014 to consider said petition, 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 Clarion Ledger on November 28, 2013 and December 12, 2013 that a hearing 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 Special Exception for the above described property, within the existing R-3 (Townhouse & Zero Lot Line) Residential Zoning District of the City of Jackson; and

**WHEREAS**, it appears to the Council that the documents are in order, and that the recommendation of the Planning Board to approve the petitioned Special Exception to allow for a private stable within an area zoned R-3 (Town-house & Zero Lot Line) Residential District be granted; and

**WHEREAS**, the Council after having considered the matter, is of the opinion that the petition for the Special Exception be granted based on the findings that the Special Exception does promote the public health, safety, morals, or the general welfare of the community and the granting of such will not adversely affect surrounding properties.

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

**SECTION 1.** That the property located in the First Judicial District of Hinds County, Jackson, Mississippi, and being more particularly described as follows:

A parcel of land located SW ¼ of SE¼, Section 25, T5N, R1W, City of Jackson, County of Hinds, Mississippi and more particularly described as: Beginning at a point 600 feet easterly along the north lie of McClure Road from the line between the E ½ and the W ½ of Section 25, T5N, R1W; Thence S 89 degrees 52 min 54 sec, East 340.30 feet, to C/L of road easement; thence N01 degrees 28min 58 sec, East 635.88 feet, along C/L of road easement; thence N89 degrees 50 min 55 sec, West 345.085 feet; thence S 01 degrees 03 min 05 sec, West 635.98 feet to the point of beginning, containing 5.0 acres more or less. Subject to a 30 foot road and/or utility easement across the East side and subject to all other easement and reservation, both public and private, either recorded or non-recorded. All Oil, Gas and mineral rights are conveyed as to the extent owned by seller.

be and is hereby granted a Special Exception to allow for a private stable on property zoned R-3 (Townhouse & Zero Lot Line ) Residential District. However, before a Special Exception is issued for the use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

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SECTION 2. That this Order shall be effective thirty (30) days after its passage.

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**President Tillman** recognized **Diane Lebesgue**, Applicant, who addressed the Council and argued in favor of the property located at 624 McCluer Rd. be allowed a special exception to allow for a private stable in a R3 (Town-house and Zero Lot Line) Residential District.

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There was no opposition from the public.

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

Yeas- Barrett-Simon, Priester, Stamps and Tillman.

Nays- None.

Absent- Cooper-Stokes, Yarber and Whitwell.

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**President Tillman** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3856, 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. Thereafter, **President Tillman** requested that the Clerk read said Order:

**ORDINANCE APPROVING DAVID HOARD (JSU FOUNDATION) A REZONING FROM R-1 SINGLE-FAMILY) RESIDENTIAL AND R-5 (MULTI-FAMILY) RESIDENTIAL DISTRICT TO CMU-1 (COMMUNITY) MIXED-USE DISTRICT TO CONSTRUCT A JACKSON STATE UNIVERSITY RESEARCH & DEVELOPMENT CENTER TO SUPPORT ACTIVITIES AT THE MS E-CENTER & THE DEVELOPMENT OF THE PROPERTY AS COMMUNITY MIXED USE PROJECT FOR PROPERTIES LOCATED AT 1126 RAYMOND RD., (PARCEL #635-45) 1118 RAYMOND RD. (PARCEL #635-50) & 0 RAYMOND RD (PARCEL #635-65), CASE NO. 3856.**

**WHEREAS**, David Hoard (JSU Foundation) has filed a petition to rezone property located at 1126 Raymond Rd (Parcel #635-45), 1118 Raymond Rd.(Parcel #635-50) & 0 Raymond Rd (Parcel #635-65), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-family) and R-5 (Multi-family) Residential Districts to CMU-1 (Community) Mixed-Use District to construct a Jackson State University Research & Development center to support activities at the MS e-Center & the development of the property as a community mixed use project; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the properties from R-1 (Single-family) and R-5 (Multi-family) Residential Districts to CMU-1 (Community) Mixed- Use District to construct a Jackson State University Research & Development center to support activities at the MS e-Center & the development of the property as a community mixed use project; 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 2:30p.m., Tuesday, January 21, 2014 to consider said change, based upon the record of the case as developed before the City Planning Board; and

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**WHEREAS**, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Clarion Ledger on November 28, 2013 and December 12, 2013 and that a hearing would be held by the Jackson City Planning Board on December 18, 2013, 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 CMU-1 (Community) Mixed-Use District and within the existing zoning of the City of Jackson; 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.

**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 No. 635-45**

Beginning at a point of 1870.4 feet East and 387.3 feet North of an iron stake at the Southwest corner of Section 7, Township 5 North, Range 1 East: run thence Southeasterly along the North Right-of-way line of Jackson-Raymond Concrete Highway for a distance of 119.1 feet; thence North 0 degrees 11 minutes West, 3340 feet, more or less, to an iron stake; thence North 89 degrees 45 minutes West, 103.35 feet to an iron stake; thence South 721.5 feet to an iron stake; thence South 00 degrees 07minutesWest 2616.5 feet, more or less, in the West Half of Section 7, Township 5 North, Range 1 East, Hinds County, Mississippi, LESS AND EXCEPT all property lying north of Interstate Highway No. 20.

**Parcel No. 635-50**

Beginning at a point 1870.4 feet East and 387.3 feet North of an iron stake at the Southwest corner of Section 7, Township 5 North, Range 1 East: run thence Easterly along the Northern Boundary of the Right-of-way line of Raymond-Jackson Concrete Highway, 119.1 feet, then taking this as a point of beginning: run thence Easterly along the Northern Boundary of said Right-of-way of the Raymond-Jackson Concrete Highway for a distance of 119.1 feet; thence North 00 degrees 26 minutes West, 3345 feet (see plat) to an iron stake; thence North 89 degrees 45 minutes West, 103.35 feet thence South 00 degrees 11 minutes East, 3340 feet, more or less, to the point of beginning, containing 6.51 East, Hinds County, Mississippi, as recorded in book 284, Page 607, of the land records in the office of the Chancery Clerk, First Judicial District of Hinds County, Mississippi, LESS AND EXCEPT that portion sold to Mississippi State Highway Department, recorded in book 1554, page 465, of the land records in the office of the Chancery Clerk, First Judicial District of Hinds County, Mississippi described as follows. To-wit: beginning on the property line between the property of the grantors of the East and the property of B.L. above mentioned multiple line highway project, which point of intersection is 2090.1 feet North of and 1985.4 feet east of the Southwest corner of Section 7, Township 5 North, Range 1 East from said point of beginning, run South 00 degrees 11 minutes East along said property line a distance of 194.3 feet to a line that is parallel with and 112 feet Southerly of the center line of the proposed South Highway Lane; thence run Easterly along said parallel line and along the circumference to a circle to the right, having a radius of 7527, 49 feet, a distance of 113.9 feet to the grantors East property line; thence run North 00 degrees 26 minutes West along said property line a distance of 162.6 feet; thence run North 79 degrees 07 minutes west a distance of 31.8 feet to the grantor's property line; thence run South 00 degrees 11 minutes East along said property line a distance of 187.6 feet to the point of beginning, containing 0.97 acres more or less; and all being situated in and a part of the east half of the southwest quarter of Section 7, Township 5 North,



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Range 1 East, First Judicial District of Hinds County, Mississippi together with any abutters rights of access, if any, to, over, on, and across the above described property.

**Parcel No. 635-65**

A parcel of land being a part of the Westhighland Heights Subdivision, according to the plat thereof recorded in the office of the Chancery Clerk of Hinds County at Jackson, MS, in Plat Book 6 at Page 18, and a part of the East ½ of the West ½ of Section 7, Township 5 North, Range 1 East of said County and State, and being more particularly described as follows;

Beginning at the SW corner of Lot 80 of said Westhighland Heights Subdivision, and run thence North 0 degrees 35 minutes East along the West line of said subdivision 454.08 feet; thence South 89 degrees 14 minutes East, 10.6 feet; thence North 1 degree 46 minutes East 732.27 feet to the South line of Interstate Highway No. 20; thence North 87 degrees 05 minutes East along the South line of said highway 208.4 feet; thence continue North 88 degrees 09 minutes 30 seconds East along the South line of said highway for a chord distance of 259.68 feet; thence South 0 degrees 35 minutes West, 1517.9 feet to the North line of the Raymond Road; thence North 88 degrees 33 minutes West along the North line of said Raymond Road 50 feet, thence North 0 degrees 35 minutes East, 310.3 feet; thence North 89 degrees 51 minutes West, 443.22 feet to the POB and containing 13.602 acres, more or less.

is hereby rezoned and changed from R-1 (Single-family) and R-5 (Multi-family) Residential Districts to CMU-1 (Community) Mixed- Use District to construct a Jackson State University Research & Development center to support activities at the MS e-Center & the development of the property as a community mixed use project provided, however that before a permit is issued for any structure to be erected on the said property, or for any use thereof, provision for adequate off-street parking must be made and approved by the Department of Planning Development and the Department of Public Works. 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 Tillman** recognized **Jason Brookins, Director of Jackson State University Center for University-Based Development**, who addressed the Council and argued in favor of the approval of rezoning properties located in parcels 635-45, 635-50, 635-65 from R-1 (Single-family) Residential and R-5 (Multi-family) Residential to CM U-1 (Community) Mixed-Use District to construct a Jackson State University Research and Development center.

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There was no opposition from the public.

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

Yeas- Barrett-Simon, Priester, Stamps and Tillman.

Nays- None.

Absent- Cooper-Stokes, Whitwell and Yarber.

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**Ester Ainsworth** noted for the record: **Cancelled Special Exceptions: SE-3649-Ronnie/Elaine Harris- 4602 N State St.** No action required.

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**Council Member Whitwell** arrived to the meeting at 4:25 p.m.

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**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 – 3523 Ward 4	Geraldine Thomas	5568 Dolphin Dr.	One-chair Beauty Shop	1/5/05
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 Ward 1	Lefleur East Foundation	4658 Old Canton Rd	Professional Office	1/22/13

**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.

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**President Tillman** recognized **John Dinkins**, Chairman of Lefleur East Foundation, who addressed the Council and argued in favor of the renewal for Use Permits and/or Special Exceptions.

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**President Tillman** recognized **John Shows**, Attorney for Acadia Court and **Baxter Brown**, President of Acadia Court Homeowners Association, who addressed the Council and argued in opposition of the renewal for Use Permits and/or Special Exceptions for Lefleur East Foundation

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

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Whitwell.

Nays- None.

Absent- Cooper-Stokes and Yarber.

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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, January 28, 2014; and at 4:36 p.m., the Council stood adjourned.

ATTEST:

  
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CITY CLERK

APPROVED:

  
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MAYOR      DATE

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