

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JANUARY 26, 2015, 2:30 P.M.**

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 26, 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; Charles Tillman, Ward 5; Tyrone Hendrix, Ward 6 and Margaret Barrett-Simon, Ward 7. Kristi Moore, City Clerk; 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: None.

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

President Stamps recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3885, 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 Stamps requested that the Clerk read said Order:

ORDER GRANTING MARY KING A USE PERMIT TO OPERATE A COMMERCIAL DAYCARE CENTER IN AN R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTIES LOCATED AT 1439 W. CAPITOL ST., CASE NO. 3885.

WHEREAS, Mary King has filed a petition for a Use Permit to allow for the operation of a commercial daycare center within an 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, December 17, 2014, has recommended approval of the said petition; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, January 26, 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 November 27, 2014 and December 11, 2014 that a hearing would be held by the Jackson City Planning Board on December 17, 2014 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 within the existing R-4 (Limited-Multi-Family) Residential District of the City of Jackson; and

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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, being able to 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; and 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 the request for a Use Permit within the existing R-4 (Limited-Multi-Family) Residential District of the City of Jackson for a commercial day care center 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:

Lots 5 and 6 of the F. C. Robertson's (Bell Survey), 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 A, Page 345, reference to which is hereby made in aid of and as a part of this description.

be and is hereby modified so as to approve a Use Permit to allow for the operation of a commercial day care center for property located at 1439 W. Capitol St. within an 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.

There was no opposition from the public.

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

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

President Stamps recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3889, 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 Stamps requested that the Clerk read said Order:

ORDINANCE APPROVING GREATER NEW JERUSALEM CHURCH A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO SUD - SPECIAL USE DISTRICT TO OPERATE AN ACADEMY AND/OR EDUCATIONAL FACILITY AND A DAY CARE CENTER FOR PROPERTY LOCATED AT 4450 RAYMOND RD., CASE NO. 3889.

WHEREAS, Greater New Jerusalem Church has filed a petition to rezone property located on 4450 Raymond Rd., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-family) Residential District to SUD - Special Use District to operate an academy and/or educational facility and a day care center; and

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WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from R-1 (Single-family) Residential District to SUD - Special Use District to operate an academy and/or educational facility and a day care; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, January 26, 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 November 27, 2014 and December 11, 2014 that a hearing would be held by the Jackson City Planning Board on December 17, 2014, 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 SUD - Special Use District to operate an academy and/or educational facility and a day care; 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:

Begin at the Northeast corner of the Southwest $\frac{1}{4}$, of Section 22, Township 5 North, Range 1 West, Hinds County, Mississippi, go south for 1993.7 feet to westerly right of way Highway 18, 25 feet at right angle from centerline; go South 44 degrees 00 minutes West along said right of way for 2842.5 feet to Point of Beginning; from Point of Beginning turn right a deflective angle of 90 degrees 00 minutes and go 483 feet; turn left a deflective angle of 88 degrees 09 minutes and go 450 feet; turn left a deflective angle of 91 degrees 51 minutes and go 483 feet to westerly right of way of Highway 18; turn left a deflective angle of 87 degrees 30 minutes and go 328 feet; turn left a deflective angle of 02 degrees 30 minutes and go 122 feet to Point of beginning containing 5 acres, more or less, in Northwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$, Section 27, Township 5 North, Range 1 West, First Judicial District of Hinds County, Mississippi.

To the Chancery Clerk: The real property described herein is situated in NW $\frac{1}{4}$, Of NW $\frac{1}{4}$, S27, TSN, R1 W, First Judicial District, Hinds County, Mississippi.

is hereby rezoned and changed from R-1 (Single-family) Residential District to SUD - Special Use District to operate an academy and/or educational facility and a day care center provided, however that before a permit is issued for any structure to be erected or modified on the property located at 4450 Raymond Rd., 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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There was no opposition from the public.

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

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

Nays- None.

Absent- None.

President Stamps recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3890, 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 Stamps requested that the Clerk read said Order:

ORDER DENYING PATRICIA SHEARRY-SAMPSON PARKER A SPECIAL EXCEPTION TO CONSTRUCT A RESIDENTIAL COMMUNITY CENTER IN A SUBURBAN RURAL RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT CYNTHIA RD. (PARCEL #906-8), CASE NO. 3890.

WHEREAS, Patricia Shearry-Sampson Parker filed a petition for a Special Exception to construct a residential community center in a Suburban Rural Residential District, located at Cynthia Rd. (Parcel #906-8), 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 denial 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., January 26, 2015 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 Mississippi Link on November 27, 2014 and December 11, 2014 that a hearing would be held by the Jackson City Planning Board on December 17, 2014, 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 Special Exception of the above described property, within the existing zoning 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 deny the petitioned Special Exception to construct a residential community center within an area zoned Suburban Rural Residential District does support the promotion of the public health, safety, morals, the general welfare of the community and the granting of such will adversely affect adjacent property owners; and

WHEREAS, it appears to the Council that the petition for the Special Exception be denied based on the findings that the granting of the Special Exception does not promote the public health, safety, morals, or the general welfare of the community and the granting of such will adversely affect adjacent property owners.

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 containing 37.24 acres (1,622,268.24 square feet), more or less, being situated in the North West $\frac{1}{4}$ of Section 1, Township 6 North, Range 1 West, First Judicial District, Hinds County, Mississippi, and being more particularly described by metes and bounds as follows:

Commence at a found iron pin 408.56 feet North 00 degrees 28 minutes 47 seconds East of the South West corner of the North West $\frac{1}{4}$ of Section 1, Township 6 North, Range 1 West, Hinds County, Mississippi, said pin also being the POINT OF BEGINNING for the parcel herein described; thence run North 00 degrees 01 minutes 45 seconds West for a distance of 793.00 feet to a found iron pin at a fence corner; thence run South 89 degrees 32 minutes 13 seconds East for a distance of 1316.03 feet to a found iron pipe; thence run North 00 degrees 38 minutes 29 seconds East for a distance of 122.85 feet to a found iron pin; thence East for a distance of 743.13 feet; thence South 22 degrees 04 minutes 00 seconds West for a distance of 78.01 feet; thence East for a distance of 185.09 feet to the Western Right of Way line of Cynthia Road; thence run along said right of way South 21 degrees 49 minutes 32 seconds West for a distance of 339.42 feet; thence leave said right of way and run West for a distance of 186.63 feet; thence South 22 degrees 04 minutes 00 seconds West for a distance of 89.29 feet; thence East for a distance of 187.15 feet to the Western Right of Way line of Cynthia Road; thence run along said right of way South 21 degrees 33 minutes 12 seconds West for a distance of 335.67 feet to a found iron pin; thence leave said right of way and run West for a distance of 116.20 feet; thence South for a distance of 26.31 feet; thence West for a distance of 504.65 feet; thence -South for a distance of 92.20 feet to a found iron pin; thence South 89 degrees 48 minutes 35 seconds West for a distance of 1312.48 feet to the POINT OF BEGINNING.

And also,

A parcel of land containing 0.3550 acres (15,465.63 square feet), more or less, being situated in the North West $\frac{1}{4}$ of Section 1, Township 6 North, Range 1 West, First Judicial District, Hinds County, Mississippi, and being more particularly described by metes and bounds as follows;

Commence at a found iron pin 408.56 feet North 00 degrees 28 minutes 47 seconds East of the South West corner of the North West $\frac{1}{4}$ of Section 1, Township 6 North, Range 1 West, Hinds County, Mississippi; thence run North 00 degrees 01 minutes 45 seconds West for a distance of 793.00 feet to a found iron pin at a fence corner, thence run South 89 degrees 32 minutes 13 seconds East for a distance of 1316.03 feet to a found iron pipe; thence run North 00 degrees 38 minutes 29 seconds East for distance of 122.85 feet to a found iron pin; thence East for a distance of 743.13 feet; thence South 22 degrees 04 minutes 00 seconds West for a distance of 78.01 feet; thence East for a distance of 185.09 feet to the Western Right of Way line of Cynthia Road; thence run along said right of way South 21 degrees 49 minutes 32 seconds West for a distance of 339.42 feet to the POINT OF BEGINNING for the parcel herein South 22 degrees 04 minutes 00 seconds West for a distance of 89.29 feet; thence East for a distance of 187.15 feet to the Western Right of Way line of Cynthia Rd; thence run along said right of way North 21 degrees 45 minutes 26 seconds East for a distance of 89.10 feet to the POINT OF BEGINNING.

LESS AND EXCEPT ANY PORTION OF THE FOLLOWING DESCRIBED PARCEL WHICH LIES WITHIN THE TWO TRACTS DESCRIBED HEREIN ABOVE:

Commence at the SW corner of the NW $\frac{1}{4}$ of Section 1, T6N, R1W, Hinds County, MS, and run thence S 89 degrees 50' 30" E 1724.27 feet to the Westerly line of Cynthia Road; thence N 22 degrees 04 degrees E along said Westerly line of Cynthia Road a distance of 1341.18 feet to the point of beginning; Continue thence N 22 degrees 04 seconds E 170.0 feet; thence E 265.0 feet to the point of beginning. Being situated in the NW $\frac{1}{4}$ of Section 1, T6N, R1W, containing 1.0 acres more or less

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be and is hereby denied a Special Exception to construct a residential community center located at Cynthia Rd. (Parcel #906-8) on property zoned Suburban Rural Residential District.

President Stamps recognized **Patricia Shearry-Sampson Parker**, Applicant, who addressed the Council and argued in favor of the property located at Cynthia Road (Parcel #906-8) to allow a special exception to construct a residential community center in a suburban rural residential district.

Council Member Foote moved adoption. Said item died for lack of second.

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

ORDER GRANTING PATRICIA SHEARRY-SAMPSON PARKER A SPECIAL EXCEPTION TO CONSTRUCT A RESIDENTIAL COMMUNITY CENTER IN A SUBURBAN RURAL RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT CYNTHIA RD. (PARCEL #906-8), CASE NO. 3890.

WHEREAS, Patricia Shearry-Sampson Parker filed a petition for a Special Exception to construct a residential community center in a Suburban Rural Residential District, located at Cynthia Rd. (Parcel #906-8), 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 denial 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., January 26, 2015 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 Mississippi Link on November 27, 2014 and December 11, 2014 that a hearing would be held by the Jackson City Planning Board on December 17, 2014, 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 Special Exception of the above described property, within the existing zoning 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 deny the petitioned Special Exception to construct a residential community center within an area zoned Suburban Rural Residential District does not support the promotion of the public health, safety, morals, the general welfare of the community and the granting of such will not adversely affect adjacent property owners; and

WHEREAS, it appears to the Council that the petition for the Special Exception be granted based on the findings that the granting of 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 adjacent property owners.

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 containing 37.24 acres (1,622,268.24 square feet), more or less, being situated in the North West $\frac{1}{4}$ of Section 1, Township 6 North, Range 1 West, First Judicial District, Hinds County, Mississippi, and being more particularly described by metes and bounds as follows:

Commence at a found iron pin 408.56 feet North 00 degrees 28 minutes 47 seconds East of the South West corner of the North West $\frac{1}{4}$ of Section 1, Township 6 North, Range 1 West, Hinds County, Mississippi, said pin also being the POINT OF BEGINNING for the parcel herein described; thence run North 00 degrees 01 minutes 45 seconds West for a distance of 793.00 feet to a found iron pin at a fence corner; thence run South 89 degrees 32 minutes 13 seconds East for a distance of 1316.03 feet to a found iron pipe; thence run North 00 degrees 38 minutes 29 seconds East for a distance of 122.85 feet to a found iron pin; thence East for a distance of 743.13 feet; thence South 22 degrees 04 minutes 00 seconds West for a distance of 78.01 feet; thence East for a distance of 185.09 feet to the Western Right of Way line of Cynthia Road; thence run along said right of way South 21 degrees 49 minutes 32 seconds West for a distance of 339.42 feet; thence leave said right of way and run West for a distance of 186.63 feet; thence South 22 degrees 04 minutes 00 seconds West for a distance of 89.29 feet; thence East for a distance of 187.15 feet to the Western Right of Way line of Cynthia Road; thence run along said right of way South 21 degrees 33 minutes 12 seconds West for a distance of 335.67 feet to a found iron pin; thence leave said right of way and run West for a distance of 116.20 feet; thence South for a distance of 26.31 feet; thence West for a distance of 504.65 feet; thence South for a distance of 92.20 feet to a found iron pin; thence South 89 degrees 48 minutes 35 seconds West for a distance of 1312.48 feet to the POINT OF BEGINNING.

And also,

A parcel of land containing 0.3550 acres (15,465.63 square feet), more or less, being situated in the North West $\frac{1}{4}$ of Section 1, Township 6 North, Range 1 West, First Judicial District, Hinds County, Mississippi, and being more particularly described by metes and bounds as follows;

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LESS AND EXCEPT ANY PORTION OF THE FOLLOWING DESCRIBED PARCEL WHICH LIES WITHIN THE TWO TRACTS DESCRIBED HEREIN ABOVE:

Commence at the SW corner of the NW $\frac{1}{4}$ of Section 1, T6N, R1W, Hinds County, MS, and run thence S 89 degrees 50' 30" E 1724.27 feet to the Westerly line of Cynthia Road; thence N 22 degrees 04 degrees E along said Westerly line of Cynthia Road a distance of 1341.18 feet to the point of beginning; Continue thence N 22 degrees 04 seconds E 170.0 feet; thence E 265.0 feet to the point of beginning. Being situated in the NW $\frac{1}{4}$ of Section 1, T6N, R1W, containing 1.0 acres more or less

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be and is hereby granted a Special Exception to construct a residential community center located at Cynthia Rd. (Parcel #906-8) on property zoned Suburban Rural 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.

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

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

Nays- Foote.

Absent- None.

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

- **SE 3523 – Geraldine Thomas – 5568 Dolphin Dr.**
- **SE 3796 – Fondren Renaissance Foundation- 4145 Old Canton Rd.**
- **SE 3855 – Diane Lebesgue- 624 McCluer Rd.**

No action required.

President Stamps recognized **Ester Ainsworth**, Zoning Administrator, who recommended that Council amend Cancelled Special Exceptions to remove SE-3796- Fondren Renaissance Foundation located at 4145 Old Canton Road and place it on the Approved Special Exceptions Order.

Council Member Barrett-Simon moved, seconded by **Council Member Priester** to remove Case SE-3796 from the Cancelled Special Exceptions and add to the Approved Special Exceptions. The motion prevailed by the following vote:

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

Nays- None.

Absent- None.

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>
UP – 1111 Ward 4	Elbert Willis	3384 Elraine Blvd.	Beauty Shop	12/16/71
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 – 3815 Ward 1	LeFleur East Foundation	4658 Old Canton Rd	Professional Office	1/22/13

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SE – 3796 Ward 7	Fondren Renaissance Foundation	4145 Old Canton Rd.	Professional Non-Retail Office	1/9/12
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Council Member Barrett-Simon moved adoption; **Council Member Hendrix** seconded.

Thereafter, **President Stamps** called for a vote Special Exceptions as amended:


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

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 27, 2015; at 3:27 p.m., the Council stood adjourned.

ATTEST:

APPROVED:


CITY CLERK


MAYOR, 2.20.15
DATE
