

**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 July 20, 2015, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Melvin Priester, Jr.; President, Ward 2; Tyrone Hendrix, Vice-President, Ward 6; De'Keither Stamps, Ward 4 and Margaret Barrett-Simon, Ward 7. Debra Jones, Assistant City Clerk; Gail Green, Deputy City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Akili Kelly, Senior Planner and Azande Williams, Deputy City Attorney.

Absent: Ashby Foote, Ward 1; Kenneth I. Stokes, Ward 3 and Charles Tillman, Ward 5.

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The meeting was called to order by **President Melvin Priester, Jr.**

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3899, 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 Priester** requested that the Clerk read said Order:

**ORDINANCE APPROVING GOWAN BRISBY A REZONING FROM C-2 (LIMITED) COMMERCIAL DISTRICT TO R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT IN ORDER TO CONVERT AN EXISTING COMMERCIAL BUILDING TO RESIDENTIAL UNITS FOR PROPERTY LOCATED AT 5201 CEDAR PARK DR., CASE NO. 3899.**

**WHEREAS**, Gowan Brisby has filed a petition to rezone property located at 5201 Cedar Park Dr., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-2 (Limited) Commercial District to R-4 (Limited Multi-Family) Residential District in order to convert an existing commercial building to residential units; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from C-2 (Limited) Commercial District to R-4 (Limited Multi-Family) Residential District in order to convert an existing commercial building to residential units; and

**WHEREAS**, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Mississippi Link on April 1, 2015 and April 15, 2015 that a hearing would be held by the Jackson City Planning Board on April 22, 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 R-4 (Limited Multi-Family) Residential District in order to convert an existing commercial building to residential units; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that the Case had been appealed from the April 22, 2015 Planning Board Hearing and that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, June 15, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

**WHEREAS**, on Monday, June 15, 2015, notice was duly and legally given to property owners that the said petition would be tabled and heard by the Council on July 20, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; 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:

**TRACT I:** LOTS 4 AND 5 AND 19 OFF THE SOUTH SIDE OF LOT 3 OF CEDAR PARK SUBDIVISION PART 3, A SUBDIVISION ACCORDING TO A MAP OR PLAT THEREOF AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI IN PLAT CABINET C, SLOT 229.

**TRACT II:** TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

A CERTAIN PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6 NORTH, RANGE 1 EAST IN THE CITY OF JACKSON, HINDS COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHWEST COMER OF LOT 5 CEDAR PARK SUBDIVISION PART III RECORDED IN PLAT CABINET C, SLOT 229 AND RUNNING EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR A DISTANCE OF 436.40 FEET TO THE WEST LINE OF KEELE STREET; THENCE RUNNING WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF CEDAR PARK SUBDIVISION PART III 436.40 FEET; THENCE RUNNING NORTH 32 FEET TO THE POINT OF BEGINNING.

is hereby rezoned and changed from C-2 (Limited) Commercial District to R-4 (Limited Multi-Family) Residential District in order to convert an existing commercial building to residential units provided, however that before a permit is issued for any structure to be erected or modified on the property located at 5201 Cedar Park Dr., 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 Priester** recognized, **Gowan Brisby**, Applicant, who addressed the Council and argued in favor of the property located 5201 Cedar Park Dr. to approve a rezoning from C-2 (Limited) Commercial District to R-4 (Limited Multi-Family).

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**President Priester** recognized, **Dorothy Thompson**, property owner, who addressed the Council and argued in opposition of the property located 5201 Cedar Park Dr. to approve a rezoning from C-2 (Limited) Commercial District to R-4 (Limited Multi-Family).

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Council Member Hendrix moved adoption; Council Member Stamps seconded.

Yeas- Stamps.

Nays- Barrett-Simon, Hendrix and Priester.

Absent- Foote, Stokes and Tillman.

Thereafter, **President Priester** stated that item failed for lack of a majority vote.

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3901, 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 Priester** requested that the Clerk read said Order:

**ORDER DENYING BETTIE ROBINSON & CAROLYN YARN A USE PERMIT TO OPERATE A PERSONAL CARE FACILITY IN AN R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR SEVEN (7) TO TWELVE (12) RESIDENTS, EXCLUDING STAFF FOR THE PROPERTY LOCATED AT 539 CLAIBORNE AVE., CASE NO. 3901.**

**WHEREAS**, Bettie Robinson & Carolyn Yarn has filed a petition for a Use Permit to allow for the operation of a personal care facility in an R-1 (Single-family) Residential District for 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, May 27, 2015, 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 Council would be held at the City Hall at 2:30 p.m., Monday, June 15, 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 May 7, 2015 and May 21, 2015 that a hearing would be held by the Jackson City Planning Board on May 27, 2015 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 Use Permit within the existing R-1 (Single-family) Residential District of the City of Jackson; 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, June 15, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

**WHEREAS**, on Monday, June 15, 2015, notice was duly and legally given to property owners that the said petition would be tabled and heard by the Council on July 20, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that the proposed use is not compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking and other uses, would adversely affect vehicular or pedestrian traffic in the vicinity and that the request for a Use Permit within the existing R-1 (Single-family) Residential District of the City of Jackson for a personal care facility for seven (7) to twelve (12) residents excluding staff be denied.

**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:

LOT 4, BLOCK B, WESTWOOD SUBDIVISION, PART 2, A SUBDIVISION ACCORDING TO A MAP OR PLAT THEREOF WHICH IS ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI, IN PLAT BOOK 4 AT PAGE 113, REFERENCE TO WHICH IS HEREBY MADE IN AID AND AS A PART OF THIS DESCRIPTION

be and is hereby denied the request for a Use Permit to allow for the operation of a personal care facility in an R-1 (Single-family) Residential District for seven (7) to twelve (12) residents, excluding staff in a R-1 (Single-family) Residential District for the property located at 539 Claiborne Ave.

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**President Priester** recognized **Carolyn Yarn**, owner of Open Arms Personal Care Home, who addressed the Council and argued in favor of a Use Permit to operate a personal care home in an R-1 (Single-family) Residential District for seven (7) to twelve (12) residents, excluding staff.

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**President Priester** recognized **Lawrence Funchess**, resident of Claiborne Ave., who addressed the Council and argued in opposition to a Use Permit to operate a personal care home in an R-1 (Single-family) Residential District for seven (7) to twelve (12) residents, excluding staff.

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**President Priester** recognized **Mary Welch**, resident of Claiborne, who addressed the Council and argued in opposition to a Use Permit to operate a personal care home in an R-1 (Single-family) Residential District for seven (7) to twelve (12) residents, excluding staff.

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**President Priester** recognized **Gail Green**, Deputy City Clerk, who read a memo from **Council Member Tillman** requesting that his Council colleagues support the citizens of Ward 5 in opposition to the proposed Use Permit. The memo will be placed in the City Clerk's Office for the record.

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**President Priester** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3906, 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 Priester** requested that the Clerk read said Order:

**ORDINANCE APPROVING J. D. CALHOUN, LLC A REZONING FROM C80-C2 (LIMITED) COMMERCIAL SUBDISTRICT TO C80-C3 (GENERAL) COMMERCIAL SUBDISTRICT, TO ALLOW FOR A USED CAR SALES BUSINESS FOR PROPERTY LOCATED AT 301 EAST BROWNING DR., CASE NO. 3906.**

**WHEREAS**, J. D. Calhoun, LLC has filed a petition to rezone property located at 301 East Browning Dr., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C80-C2 (Limited) Commercial Subdistrict to C80-C3 (General) Commercial Subdistrict, to allow for a used car sales business; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from C80-C2 (Limited) Commercial Subdistrict to C80-C3 (General) Commercial Subdistrict, to allow for a used car sales business; 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 20, 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 June 4, 2015 and June 18, 2015 that a hearing would be held by the Jackson City Planning Board on June 24, 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 C80-C-3 (General) Commercial Subdistrict to allow for a used car sales business; 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:

LOTS 1& 2 BLOCK "A", BROWNING ESTATES, PART 1, A SUBDIVISION ACCORDING TO A MAP OR PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI IN PLAT BOOK 19 AT PAGE 47, REFERENCE TO WHICH IS HEREBY MADE IN AID OF AND AS PART OF THIS DESCRIPTION.

is hereby rezoned and changed from C80-C2 (Limited) Commercial Subdistrict to C80-C3 (General) Commercial Subdistrict, however that before a permit is issued for any structure to be erected or modified on the property located at 301 East Browning Dr., 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 of 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 Priester** recognized **J. D. Calhoun**, Applicant, who addressed the Council and argued in favor of a Rezoning from C80-C2 (Limited) Commercial District to C80-C3 (General) Commercial District to allow for a used car sales business.

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

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President Priester 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 – 2482 Ward 3	George Wilkes, Jr.	729 Beaverbrook Dr. Jackson, MS 39206	One-Chair Barber	07/16/86
SE – 2483 Ward 7	Carl Lackey	1718 Bailey Ave. Jackson, MS 39203	Commercial Parking Lot	07/16/86
SE – 3313 Ward 3	Eva Shell	303 Wilshire Dr. Jackson, MS 39211	Day Care Center	07/14/00
SE – 3833 Ward 5	Sharika Fleming/ Roy Dixon Jr.	1751 Cheswood Dr.	One Chair Beauty Salon	06/17/13

**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.

Council Member Barrett-Simon moved adoption; Council Member Hendrix seconded.

Yeas- Barrett-Simon, Hendrix, Priester and Stamps.  
Nays- None.  
Absent- Foote, 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 10:00 a.m. on Tuesday, June 30, 2015: at 5:09 p.m., the Council stood adjourned.

ATTEST:

Kyrita Moore  
CITY CLERK

APPROVED:

[Signature], 8.18.15  
MAYOR DATE

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