

**REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, JUNE 15, 2015 2:30 P.M. 245**

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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 June 15, 2015, being the third 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; and Tyrone Hendrix, Ward 6. Kristi Moore, 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; 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** and announced to the public the following:

“Due to the lack of a quorum, the council is unable to take any official action on cases listed on today’s agenda.” The meeting would be recessed on June 18, 2015.

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**President Stamps** recognized **Charles Mosley**, Vice President of Dairy Queen who spoke regarding Case No. 3900.

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**President Stamps** recognized **Bettie Robinson** and **Carolyn Yarn**, who spoke regarding Case No. 3901 and requested that their case be heard at the next regularly scheduled Zoning meeting to be held on July 20, 2015.

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Thereafter, **President Stamps** announced that the meeting was recessed until Thursday, June 18, 2015 at 4:30 p.m.

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**BE IT REMEMBERED** that the June 15, 2015 Recessed Regular Zoning Meeting of the City Council of Jackson, Mississippi was re-convened in the Council Chambers in City Hall at 4:30 p.m. on June 18, 2015, being the third Thursday 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 and Margaret Barrett-Simon, Ward 7. Kristi Moore, City Clerk; Gail Green, Deputy City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Ramina Aghili, Intern and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3 and Charles Tillman, Ward 5.

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

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There came on for consideration Agenda Item No. I Case 3899:

**ORDINANCE APPROVING GOWAN BRISBY A REZONING FORM 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.** Said item was tabled until the next Regular Zoning Council meeting to be held on July 20, 2015 at 2:30 p.m.

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3900, 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 GRANTING CHARLES MOSLEY A USE PERMIT TO OPERATE A FAST FOOD RESTAURANT IN THE C80-C2 (LIMITED) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 2410 HIGHWAY 80 WEST, CASE NO. 3900.**

**WHEREAS**, Charles Mosley has filed a petition for a Use Permit to allow for the operation of a fast food restaurant in the C80-C2 (Limited) 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, May 27, 2015, 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, 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 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 C80-C2 (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 is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses; 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; will be 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; is in harmony with the Comprehensive Plan; 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 request for a Use Permit within the existing C80-C2 (Limited) Commercial District

**MINUTE BOOK 6H**

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of the City of Jackson for a fast food restaurant 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:

BEING SITUATED IN LOT 2 AND 3, HARVEY PLACE SUBDIVISION, JACKSON MISSISSIPPI, AS RECORDED IN SURVEYOR'S RECORD BOOK B, PAGE 89 OF THE CHANCERY RECORDS OF HINDS COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT INTERSECTION OF NORTH R.O.W LINE OF U.S. HIGHWAY 80, WITH THE WEST R.O.W. LINE OF ELLIS AVENUE AND RUN NORTHERLY ALONG THE WEST R.O.W. LINE OF ELLIS AVENUE, 200.00'; TURN THENCE THROUGH AN INTERIOR ANGLE OF 90.00' AND RUN WESTERLY, 217.62'; TURN THENCE THROUGH AN INTERIOR ANGLE OF 90.00' AND RUN SOUTHERLY, PARALLEL WITH THE WEST R.O.W. LINE OF ELLIS AVENUE, 76.96' TO THE NORTHERN R.O.W. LINE OF U.S. HIGHWAY 89; TURN THENCE THROUGH AN INTERIOR ANGLE OF 119.29' AND RUN SOUTHEASTERLY; ALONG THE NORTHERN R.O.W. LINE OF U.S. HIGHWAY 80, 260.00' TO THE POINT OF BEGINNING.

be and is hereby modified so as to approve a Use Permit for the property located at 2410 Hwy 80 W to allow for the operation of a fast food restaurant in the C80-C2 (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 **Charles Mosley**, Vice President of Operations for Dairy Queen, who addressed the Council and argued in favor of the property located 2410 Highway 80 West to approve a use permit to operate a fast food restaurant in a C80-C2 (Limited) Commercial District.

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

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There came on for consideration Agenda Item No. III Case 3901:

**ORDER DENYING BETTIE ROBINSON & CAROLYN YARN A USE PERMIT TO OPERATE A PERSONAL CARE FACILITY IN AN R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT HOUSING FOR SEVEN (7) TO TWELVE (12) RESIDENTS, EXCLUDING STAFF FOR THE PROPERTY LOCATED AT 539 CLAIBORNE AVE., CASE NO. 3901.** Said item was tabled until the next Regular Zoning Council meeting to be held on July 20, 2015 at 2:30 p.m.

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3902, 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.

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

**ORDER DENYING ERNEST & JOSIE RILEY A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO C-2 (LIMITED) COMMERCIAL DISTRICT TO ALLOW FOR A COMMERCIAL CHILD CARE CENTER FOR THE PROPERTY LOCATED AT 455 QUEEN JULIANNA LN., CASE 3902.**

**WHEREAS**, Ernest & Josie Riley filed a petition to rezone the property located on 455 Queen Julianna Ln., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-family) Residential District to C-2 (Limited) Commercial District to allow for a commercial child care center; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, recommended the denial of the rezoning of the property from R-1 (Single-family) Residential District to C-2 (Limited) Commercial District to allow for a commercial child care center; 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, 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-2 (Limited) Commercial 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; 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:

LOT 12, QUEEN LANE SUBDIVISION, UNIT NO. 8-C, a subdivision according to the map or plat thereof on file and of record is the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 19 at Page 5 thereof, reference to which map or plat is hereby made in aid of and as a part of this description.

is hereby denied the requested rezoning of the property located at 455 Queen Julianna Lane from R-1 (Single-family) Residential District to C-2 (Limited) Commercial District to allow for the operation of a commercial child care 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, Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- 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. 3904, 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 GRANTING HIGHLAND BLUFF NORTH, LLC A VARIANCE OF FORTY-SIX (46) PARKING SPACES FROM THE REQUIRED NUMBER OF PARKING SPACES FOR AN EXISTING OFFICE COMPLEX IN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 4450 OLD CANTON RD - PARCELS 535-492, 535-494 & 535-480, CASE NO. 3904.**

**WHEREAS**, Highland Bluff North, LLC filed a petition for a Variance of forty-six (46) parking spaces from the required number of parking spaces for an existing office complex in a C-2 (Limited) 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 May 27, 2015, 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, 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 approval of the petitioned Variance of forty-six (46) parking spaces from the required number of parking spaces for an existing office complex in a C-2 (Limited) Commercial District of the City of Jackson; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion the granting of the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar lands, structures or buildings in the same district be granted within the existing C-2 (Limited) Commercial District of the City of Jackson; 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:

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A certain parcel of land being situated in the North ½ of Section 24, T6N-RJE, City of Jackson, Hinds County, Mississippi, and being more particularly described as follows:

Commence at an existing concrete monument marking the Northwest corner of Lot 8, Highland Place, a subdivision according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, as now recorded in Plat Book 17 at Page 38; run thence North 42 degrees 27 minutes 28 seconds West for a distance of 409.05 feet to a concrete monument marking the westernmost corner of Lot 24, Eastparke, a subdivision according to the map or plat thereof, on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, as now recorded in Plat Book 39 at Pages 18 and 18-A being the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, continue thence North 42 degrees 27 minutes 28 seconds West for a distance of 437.08 feet to an existing iron pin on the East right-of-way line of Old Canton Road (as now laid out and improved); run thence North 47 degrees 42 minutes 39 seconds East along said East right-of-way line of Old Canton Road for a distance of 258.45 feet to a set iron pin marking the Point of Curvature of a 2.92583 degree curve bearing to the left having a central angle of 09 degrees 39 minutes 00 seconds and a radius of 1,958.36 feet; run thence along said East right-of-way line of Old Canton Road and along the arc of said curve an arc length of 329.84 feet to a concrete monument marking the Northwest corner of said Eastparke: said curve having a chord bearing of North 42 degrees 53 minutes 10 seconds East and a chord distance of 329.45 feet; leaving said East right-of-way line of Old Canton Road and the arc of said curve, run thence along the West line of said Eastparke the following bearings and distances: South 42 degrees 29 minutes 00 seconds East for a distance of 115.87 feet to a concrete monument; South 20 degrees 31 minutes 00 seconds West for a distance of 290.89 feet to a concrete monument marking the Point of Curvature of a 17.78278 degree curve bearing to the left having a central angle of 20 degrees 22 minutes 55 seconds and a radius of 322.20 feet; run thence along the arc of said curve an arc length of 114.61 feet to a concrete monument; said curve having a chord bearing of South 09 degrees 08 minutes 18 seconds West and a chord distance of 114.01 feet: leaving the arc of said curve, run thence South 47 degrees 31 minutes 00 seconds West for a distance of 24.00 feet to a concrete monument; run thence South 01 degrees 58 minutes 07 seconds East for a distance of 188.50 feet to a concrete monument; South 47 degrees 01 minutes 53 seconds West for a distance of 92.00 feet to the POINT OF BEGINNING, containing 3.613 acres, more or less.

A certain parcel of land being situated in the North ½ of Section 24, T6N-RIE, City of Jackson, Hinds County, Mississippi, and being more particularly described as follows:

Commence at an existing concrete monument marking the Northwest corner of Lot 8, Highland Place, a subdivision according to the map or plat thereof, on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, as now recorded in Plat Book 17 at Page 38, run thence North 42 degrees 27 minutes 28 seconds West along the southern line of the property as described in deed recorded in Deed Book 2886 at Page 327, on file and of record in the aforesaid Chancery Clerk's office for a distance of 449.63 feet to an existing ½" iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING and leaving said southern line of the property, run thence South 47 degrees 32 minutes 32 seconds West for a distance of 28.19 feet to an existing iron pin; run thence South 05 degrees 32 minutes 32 seconds West for a distance of 2.44 feet to a set ½" iron pin; run thence North 42 degrees 27 minutes 28 seconds West for a distance of 394.32 feet to set ½" iron pin on the East right-of-way line of Old Canton Road (as now laid out and improved); run thence North 40 degrees 18 minutes 10 seconds East along said East right-of-way line of Old Canton Road for a distance of 30.24 feet to an existing ½" iron pin marking the Southwest corner of the aforesaid property; leaving said East right-of-way line of Old Canton Road, run thence South 42 degrees 27 minutes 28 seconds East along the southern line of said property for a distance of 396.50 feet to the POINT OF BEGINNING, containing 11,839 square feet of 0.272 acres, more or less.

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be and is hereby granted a Variance of forty-six (46) parking spaces from the required number of parking spaces for an existing office complex in a C-2 (Limited) Commercial District.

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**President Stamps** recognized **Lisa Reppeto**, a representative of Highland Bluff North, LLC, who addressed the Council and argued in favor of the property located at 4450 Old Canton Rd. to approve the variance of forty-six (46) parking spaces from the required number of parking spaces for an existing office complex in a C-2 (Limited) Commercial District.

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

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

- **SE 3833- Sharika Fleming/Roy Dixon, Jr. – 1751 Cheswood 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 – 2805 Ward 3	Gloria J. Perkins Cabrera	4119 Oaklawn Dr. Jackson, MS 39206	Two-chair Beauty Salon	05/09/90
SE – 3737 Ward 1	Gary/Marion Sibling	4580 Old Canton Rd.	Photography Studio	6/21/10
SE – 3832 Ward 1	Terry L. Smith	644 Newland St.	One Chair Beauty Salon	6/17/13
SE – 3863 Ward 1	Thuy Tran Woo	4570 Old Canton Rd.	Professional Design & Art Studio Office	6/16/14

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SE – 3864	Darlene Harper	3211 Jayne Ave.	Commercial Day	6/16/14
Ward 5			Care Center	

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**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 Priester** seconded.

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

  
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CITY CLERK

**APPROVED:**

  
\_\_\_\_\_, 6.8.15  
MAYOR DATE

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