

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, MARCH 17, 2014 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 March 17, 2014, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: President, Melvin Priester, Jr.; Vice-President, De'Keither Stamps; Quentin Whitwell, Ward 1; Tony T. Yarber, Ward 6 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.

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

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3857, 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 LAKISHA ARCHIE & ALLISON THORNTON A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT AND A USE PERMIT TO OPERATE A COMMERCIAL DAYCARE FOR PROPERTY LOCATED AT 6459 ABRAHAM LINCOLN DRIVE, CASE NO. 3857.

WHEREAS, Lakisha Archie & Allison Thornton have filed a petition to rezone property located at 6459 Abraham Lincoln Drive., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-family) Residential District to R-4 Limited (Multi-family) Residential District with a request for a Use Permit to operate a commercial daycare; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the properties from R-1 (Single-family) Residential District to R-4 Limited (Multi-family) Residential District with a Use Permit to operate a commercial daycare; 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, March 17, 2014 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 Clarion Ledger on January 2, 2014 and January 16, 2014 that a hearing would be held by the Jackson City Planning Board on January 22, 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 has recommended denial of the petitioned rezoning of the above described property to R-4 Limited (Multi-family) Residential District with a Use Permit to operate a commercial daycare; 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 was not a mistake in the original zoning 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 since any previous City Council action; 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, intensity of structures, parking and other uses, would be detrimental to the continued use, value, or development of properties in the vicinity, adversely affect vehicular traffic, cannot be accommodated by existing or proposed public services and facilities, and would 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 R-4 (Limited Multi-family) Residential District of the City of Jackson be denied.

NOW, THEREFORE, BE IT ORDERED 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 741 Presidential Hills, Part 7

is hereby denied the petitioned rezoning from R-1 (Single-family) Residential District to R-4 Limited (Multi-family) Residential District and Use Permit to operate a commercial daycare.

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

Yeas- Barrett-Simon, Whitwell and Yarber.

Nays- Priester and Stamps.

Absent- Cooper-Stokes and Tillman.

ORDER APPROVING LAKISHA ARCHIE & ALLISON THORNTON A SPECIAL EXCEPTION TO OPERATE A RESIDENTIAL DAYCARE FOR PROPERTY LOCATED AT 6459 ABRAHAM LINCOLN DRIVE, CASE NO. 3857.

WHEREAS, Lakisha Archie & Allison Thornton have filed a petition to rezone property located at 6459 Abraham Lincoln Drive., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-family) Residential District to R-4 Limited (Multi-family) Residential District with a request for a Use Permit to operate a commercial daycare; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the properties from R-1 (Single-family) Residential District to R-4 Limited (Multi-family) Residential District with a Use Permit to operate a commercial daycare; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended a Special Exception to allow for the operation of a residential daycare; 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, March 17, 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 January 2, 2014 and January 16, 2014 that a hearing would be held by the Jackson City Planning Board on January 22, 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 has recommended the approval of a special exception for the above described property to operate a residential daycare within an area zoned R-1 (Single-family) Residential District; 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 the operation of a residential day care within an area zoned R-1 Limited (Single-family) 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:

That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

Lot 741 Presidential Hills, Part 7

be and is hereby granted a Special Exception to allow the operation of a residential day care within an area zoned R-1 (Single-family) Residential District.

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

There was no opposition from the public.

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

Yeas- Barrett-Simon, Priester, Stamps, Whitwell and Yarber.
Nays- None.
Absent- Cooper-Stokes and Tillman.

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3859, 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.

Council Member Whitwell recused himself due to a potential conflict of interest and left the room prior to any further discussion of said item.

President Priester requested that the Clerk read said Order:

ORDER APPROVING WHOLE FOODS MARKET GROUP, INC. A USE PERMIT TO ALLOW FOR THE OPERATION OF A WINE & SPIRIT STORE IN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 4550 I-55 NORTH – SUITE 99 A, CASE NO. 3859.

WHEREAS, Whole Foods Market Group, Inc. has filed a petition for a Use Permit to allow for a wine & spirit store in a C-3 (General) Commercial District 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 on February 26, 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, March 17, 2014 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 Clarion Ledger on February 6, 2014 and February 20, 2014 that a hearing would be held by the Jackson City Planning Board, on February 26, 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 has recommended approval of the petitioned Use Permit within the existing C-3 (General) 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, can be accommodated by existing or proposed public services and facilities, 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 C-3 (General) Commercial District of the City of Jackson to allow for a wine & spirit store 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 parcel of land situated in the Northeast ¼ of the Northwest ¼ and the Northwest ¼ of the Northeast ¼ of Section 24, Township 6 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi, and being a part of Lots 1 and 2 of the J. O. Trawick Estate Subdivision and Lots 3 and 4 of Shamrock Hill Subdivision (including a part of Spruce Street which is now closed and abandoned) and being more particularly described as follows, to wit:

Commerce at the Northeast corner of Lot 1 of the J. O. Trawick Estate Subdivision as recorded in Plat Book 5 at Page 9 of the Chancery Records of the First Judicial District of Hinds County at Jackson, Mississippi, said point being the POINT OF BEGINNING for the parcel herein described; thence South 89° 44' 38" West for a distance of 278.80 feet along the Southern line of Northside Drive to the intersection of the said Southern line of Northside Drive with the Eastern line of Interstate Highway No. 55; thence South 19° 19' 48" West for a distance of 195.04 feet along the said Eastern line of interstate Highway No. 55; thence South 19° 09' 57" West for a distance of 55.60 feet along the said Eastern line of interstate Highway No. 55; thence run 46.10 feet along the arc of a 3336.05 foot radius curve to the right in the said right of way, said arc having a

46.09 foot chord which bears South 14° 30' 12" West; thence South 14° 53' 57".

West for a distance of 249.70 feet along the said Eastern line of interstate Highway No. 55; thence run 239.33 feet along the arc of a 5703.58 foot radius curve to the left in the said right of way line, said arc having a 239.31 foot chord which bears South 13° 41' 49" West; thence South 45° 42' 10" East for a distance of 18.84 feet along the said right of way line; thence run 10.95 feet along the arc of a 5687.58 foot radius curve to the left, said arc having a 10.95 foot chord which bears South 12° 20' 23" West; thence run 38.27 feet along the arc of a 5687.58 foot radius curve to the left, said arc being a 38.27 foot chord which bears South 12° 05' 31" West; thence South 11° 53' 57" West for a distance of 20.41 feet along the said right of way line; thence South 69° 53' 37" West for a distance of 18.87 feet along the said right of way line; thence South 11° 53' 57" West for a distance of 43.55 feet along the said right of way line; thence run 143.57 feet along the arc of a 4609.66 foot radius curve to the right in the said Eastern right of way line, said arc having a 143.56 foot chord which bears South 12° 47' 29" West; thence leave said Eastern line of Interstate Highway No. 55 and run South 88° 11' 25" East for a distance of 186.84 feet; thence South 88° 40' 00" East for a distance of 24.69 feet to the center line of Spruce Street (now closed) to an iron pin; thence South 00° 35' 40" East for a distance of 22.17 feet along the said center line of Spruce Street (now closed); thence run 10.20 feet along the arc of a 113.81 foot radius curve to the left in the said center line of Spruce Street (now closed) to a drilled hole in a concrete wall, said arc having a 10.20 foot chord which bears South 03° 09' 44" East; thence South 26° 00' 14" East for a distance of 81.22 feet along the Northeastern boundary of the property conveyed from Earl W. Stanton to Bankers Trust in Deed Book 2014 at Page 231 of the Chancery Records of Hinds County, Mississippi to a drilled hole in a concrete wall which marks the intersection of the said center line of Spruce Street (now closed) with the Western line of Old Canton Road; thence North 47° 13' 09" East for a distance of 25.0 feet along the said Western line of Old Canton Road; thence North 45° 18' 19" East for a distance of 336.30 feet along the said Western line of Old Canton Road; thence North 41° 41' 09" East for a distance of 174.40 feet along the said Western line of Old Canton Road; thence North 38° 17' 39" East for a distance of 44.27 feet along the said Western line of Old Canton Road; thence run 136.62 feet along the arc of a 1879.36 foot radius curve to the left in the said Western line of Old Canton Road, said arc having a 136.59 foot chord which bears North 32° 55' 44" East; thence North 24° 38' 41" East for a distance of 35.81 feet along the said Western line; thence North 31° 51' 29" East for a distance of 29.0 feet along the said Western line; thence North 58° 08' 31" West for a distance of 15.0 feet along the said Western line; thence North 31° 51' 29" East for a distance of 15.0 feet along the said Western line; thence South 58° 08' 31" East for a distance of 15.0 feet along the said Western line; thence North 31° 51' 29" East for a distance of 21.61 feet along the said Western line; thence North 27° 59' 49" East for a distance of 86.56 feet along the said Western line; thence North 26° 48' 38" East for a distance of 86.19 feet along the said Western line; thence North 26° 37' 38" East for a distance of 389.20 feet along the said Western line of Old Canton Road; thence run 34.07 feet along the arc of a right-of-way flare having a 25.0 foot radius curve to the left, said arc having a 31.50 foot chord which bears North 55° 45' 26" West; thence South 89° 44' 38" West for a distance of 446.79 feet along the said Southern line of Northside Drive to the POINT OF BEGINNING, containing 14.9093 acres more or less.

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be and is hereby modified so as to approve a Use Permit for property located at 4550 I-55 NORTH – SUITE 99 A for the operation of a wine & spirit store in a C-3 (General) Commercial District provided, 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.

President Priester recognized **Attorney Michael Cory** of Danks, Miller & Cory, and **Marty Cribb**, Store Team Leader of Whole Foods, who addressed the Council and argued in favor of the property located at 4550 I-55 North, Suite 99 A to approve a Use Permit to allow for the operation of a wine & spirit store in a C-3 (General) Commercial District.

There was no opposition from the public.

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

Yeas- Barrett-Simon, Priester, Stamps, and Yarber.
Nays- None.
Recusal- Whitwell.
Absent- Cooper-Stokes.

There came on for consideration Agenda Item No. III:

ORDINANCE APPROVING AMENDMENTS TO THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF JACKSON TO PROVIDE FOR AND ESTABLISH MORE EFFECTIVE ZONING REGULATIONS FOR THE CITY OF JACKSON LAND USES.

President Priester recognized **Council Member Barrett-Simon** who moved and **Council Member Stamps** seconded, that said item be held until the next Zoning Meeting on April 21, 2014. Also, **President Priester** noted that a briefing on said item would be held at the March 24, 2014 City Council Work Session. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Priester, Stamps, Whitwell and Yarber.
Nays- None.
Absent- Cooper-Stokes and Tillman.

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

- SE-2796- Loretta White- 2938 Angela Cr.
- SE-2732- Diane Pope- 4417 O'Bannon Dr.
- SE-3653- Shirley Anderson- 4440 Bullard St.

No action required.

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:

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CASE NO.	NAME	LOCATION	USE	GRANTED
SE- 2734 Ward 2	Dorothy Taylor	5753 Angle St.	Day Care Center	03/08/89
SE-2798 Ward 3	Curtis & Annie Mclaurin	452 W. Northside Dr.	Day Care Center	03/07/90
SE-3290 Ward 2	Southern Consultants	5740 County Cork Rd.	Engineering Office	03/01/90
SE- 3292 Ward 5	Systems Consultants Assoc.	1225 Robinson St.	Administrative Offices for MCID	03/08/00
SE- 3294 Ward 5	MS Consortium for International Dev.	958 Alta Vista Blvd.	Occupancy for and existing dwelling by more than four (4) unrelated persons	03/08/00

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 Stamps** seconded.

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

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Meeting to held at 4:00 p.m. on Monday, March 17, 2014; and at 3:20 p.m., the Council stood adjourned.

ATTEST:

APPROVED:


CITY CLERK

 , April 2, 2014
MAYOR DATE
