

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, MAY 18, 2015, 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 May 18, 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., 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; Ester Ainsworth, Zoning Administrator; Akili Kelly, Senior Planner and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3; De'Keither Stamps; President, Ward 4; Charles Tillman, Ward 5.

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

Vice President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3897, 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.

Vice President Priester requested that the Clerk read said Order:

ORDER GRANTING SUSAN & ROY KELLUM A FIVE (5) FT. VARIANCE FROM THE REQUIRED TWENTY-FIVE FEET SETBACK FOR THE STREET SIDE OF CORNER LOTS IN AN R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 4141 SANDRIDGE DRIVE, CASE NO. 3897.

WHEREAS, Susan & Roy Kellum have filed a petition for a five (5) ft. variance from the required twenty-five feet setback for the street side of corner lots in an R-1A (Single-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 April 22, 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, May 18, 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 April 1, 2015 and April 15, 2015 that a hearing would be held by the Jackson City Planning Board on April 22, 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 five (5) ft. Variance from the required twenty-five feet setback for the street side of corner lots in an R-1A (Single-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 special conditions and circumstances exists which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district and the granting of the Variance requested would 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 R-1A (Single-family) Residential 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:

Lot 1, Eastover, Section 36, a subdivision according to the map or plat thereof of record on the office of the office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, in the Plat Book 30 at Page 45, reference to which is hereby made in aid of this description.

be and is hereby granted a five (5) ft. variance from the required twenty-five feet setback for the street side of corner lots in an R-1A (Single-family) Residential District.

Vice President Priester recognized **Tim Taylor**, architect and representative of the Applicant, who addressed the Council and argued in favor of the property located at 4141 Sandridge Drive to approve a five (5) ft. variance from the required twenty-five feet setback for the street side of corner lots in an R-1A (Single-family) Residential District.

There was no opposition from the public.

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

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

Nays- None.

Absent- Stamps, Stokes and Tillman.

Vice President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3898, 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.

Vice President Priester requested that the Clerk read said Order:

ORDINANCE APPROVING HIGGONBOTHAM AUTOMOTIVE LLC A REZONING FROM R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT TO C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 5397 I-55 NORTH, CASE NO. 3898.

WHEREAS, Tim Taylor has filed a petition to rezone property located at 5397 I-55 North, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-4 (Limited Multi-Family) Residential District to C-3 (General) Commercial District, in order to be more compatible with the adjacent and surrounding C-3 (General) Commercial land uses; 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-4 (Limited Multi-Family) Residential District to C-3 (General) Commercial District, in order to be more compatible with the adjacent and surrounding C-3 (General) Commercial land uses; 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, May 18, 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 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 from R-4 (Limited Multi-family) Residential District to C-3 (General) Commercial District to be more compatible with the adjacent and surrounding C-3 (General) Commercial land uses; 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 A OF DEED BOOK 6145 AT PAGE 224 BEING THE SAME PROPERTY AS SURVEYED AND DESCRIBED AS PARCEL 1 BELOW:

PARCEL 1

7.57 ACRES, MORE OR LESS, SITUATED IN SECTION 12, TOWNSHIP 6 NORTH, RANGE 1 EAST, CITY OF JACKSON, HINDS COUNTY, MS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF BLOCK B OF NORTH MEADOWS SUBDIVISION, PART 2 AND THENCE RUN NORTH 89°49'00" EAST ALONG THE NORTH RIGHT OF WAY LINE OF CEDARS OF LEBANON DRIVE FOR 260.00 FEET TO THE WEST LINE OF TRACT B AS DESCRIBED IN DEED BOOK 6145 AT PAGE 238; THENCE RUN NORTH 00°11'00" WEST ALONG SAID WEST LINE FOR 549.40 FEET TO THE NORTH LINE OF SAID TRACT B AND ALSO TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

FROM SAID POINT OF BEGINNING, THENCE RUN NORTH 89°49'00' EAST ALONG SAID NORTH LINE FOR 29.10 FEET; THENCE, CONTINUING ALONG SAID NORTH LINE, RUN NORTH 89°11'42" EAST FOR 221.53 FEET TO THE EAST LINE OF TRACT A AS DESCRIBED IN DEED BOOK 6145 AT PAGE 224; THENCE RUN NORTH 00°33'18" WEST ALONG SAID EAST LINE FOR 342.17 FEET TO THE SOUTH RIGHT OF WAY LINE OF CULLEY DRIVE; THENCE RUN ON AND ALONG SAID SOUTH RIGHT OF WAY LINE AND ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 448.04 FEET, AN ARC LENGTH OF 30.28 FEET, A CHORD BEARING OF NORTH 42°16'32" WEST, A CHORD LENGTH OF 30.27 FEET, AND A CENTRAL ANGLE OF 03°52'20"; THENCE, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, RUN NORTH 40°20'22" WEST FOR 197.68 FEET; THENCE, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, RUN ON AND ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING

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A RADIUS OF 102.32 FEET, AN ARC LENGTH OF 89.25 FEET, A CHORD BEARING OF NORTH 65°19'40" WEST, A CHORD LENGTH OF 86.45 FEET, AND A CENTRAL ANGLE OF 49°58'43"; THENCE, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, RUN SOUTH 89°43'44" WEST FOR 133.92 FEET; THENCE, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, RUN SOUTH 89°40'53" WEST FOR 318.21 FEET TO THE WEST LINE OF THE AFOREMENTIONED TRACT A; THENCE RUN SOUTH 31°25'59" EAST ALONG SAID WEST LINE FOR 204.81 FEET; THENCE, CONTINUING ALONG SAID WEST LINE, RUN SOUTH 89°46'35" WEST FOR 174.11 FEET; THENCE, CONTINUING ALONG SAID WEST LINE, RUN SOUTH 31°29'52" EAST FOR 457.55 FEET TO THE SOUTH LINE OF THE AFOREMENTIONED TRACT A; THENCE RUN NORTH 00°11'00" WEST ALONG SAID SOUTH LINE FOR 12.62 FEET; THENCE, CONTINUING ALONG SAID SOUTH LINE, RUN NORTH 89°49'00" EAST FOR 260.00 FEET BACK TO THE POINT OF BEGINNING.

TRACT C (PARCELS 1-4) OF DEED BOOK 6145 AT PAGES 224 & 238 BEING THE SAME PROPERTY AS SURVEYED AND DESCRIBED AS PARCEL 2 BELOW;

PARCEL 2

2.80 ACRES, MORE OR LESS, SITUATED IN SECTION 12, TOWNSHIP 6 NORTH, RANGE 1 EAST, CITY OF JACKSON, HINDS COUNTY, MS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

COMMENCE AT THE NORTHEAST CORNER OF LOT 1 OF CEDAR PARK SUBDIVISION, PART 1 AND THENCE RUN NORTH 89°49'00" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF CEDARS OF LEBANON DRIVE FOR 364.31 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

FROM SAID POINT OF BEGINNING, THENCE CONTINUE NORTH 89°49'00" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR 676.75 FEET TO THE WEST RIGHT OF WAY LINE OF 1-55; THENCE RUN SOUTH 40°27'35" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR 19.59 FEET; THENCE, CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, RUN SOUTH 09°15'50" WEST FOR 198.18 FEET TO THE SOUTH LINE OF TRACT C, PARCEL AS DESCRIBED IN DEED BOOK 6145 AT PAGE 238; THENCE RUN SOUTH 89°55'45" WEST ALONG THE SOUTH LINE OF TRACT C, PARCEL FOR 237.42 FEET TO THE WEST LINE THEREOF; THENCE RUN NORTH 00°04'15" WEST ALONG THE WEST LINE OF TRACT C, PARCEL 1 FOR 45.11 FEET TO THE SOUTH LINE OF TRACT C, PARCEL 2 AS DESCRIBED IN DEED BOOK 6145 AT PAGE 224; THENCE RUN SOUTH 89°54'04" WEST ALONG THE SOUTH LINE OF TRACT C, PARCEL 2 FOR 203.08 FEET TO THE EAST LINE OF TRACT C, PARCEL 3 AS DESCRIBED IN DEED BOOK 6145 AT PAGE 224; THENCE RUN SOUTH 00°23'00" EAST ALONG THE EAST LINE OF TRACT C, PARCEL 3 FOR 19.00 FEET TO THE SOUTH LINE OF TRACT C, PARCEL 3; THENCE RUN SOUTH 89°37'00" WEST ALONG THE SOUTH LINE OF TRACT C, PARCEL 3 FOR 37.44 FEET; THENCE, CONTINUING ALONG THE SOUTH LINE OF TRACT C, PARCEL 3, RUN NORTH 31°36'36" WEST FOR 34.27 FEET; THENCE, CONTINUING ALONG THE SOUTH LINE OF TRACT C, PARCEL 3, RUN SOUTH 89°37'00" WEST FOR 65.42 FEET TO THE EAST LINE OF TRACT C, PARCEL 4 AS DESCRIBED IN DEED BOOK 6145 AT PAGE 224; THENCE RUN SOUTH 00°21'00" EAST ALONG THE EAST LINE OF TRACT C, PARCEL 4 FOR 3.15 FEET TO THE SOUTH LINE OF TRACT C, PARCEL 4; THENCE RUN SOUTH 89°33'03" WEST ALONG THE SOUTH LINE OF TRACT C, PARCEL 4 FOR 95.91 FEET TO THE WEST LINE OF TRACT C, PARCEL 4; THENCE RUN NORTH 00°08'57" WEST ALONG THE WEST LINE OF TRACT C, PARCEL 4 FOR 158.27 FEET BACK TO THE POINT OF BEGINNING.

is hereby rezoned and changed from R-4 (Limited Multi-Family) Residential District to C-3 (General) Commercial District, however that before a permit is issued for any structure to be erected or modified on the property located at 5397 I-55 North, 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.

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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.

Vice President Priester recognized **Tim Taylor**, Applicant, who addressed the Council and argued in favor of the property located at 5397 I-55 North to approve a rezoning from R-4 (Limited Multi-Family) Residential District to C-3 (General) Commercial District, in order to be more compatible with the adjacent and surrounding C-3 (General) Commercial land uses.

There was no opposition from the public.

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

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

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

- SE 2805– Gloria J. Perkins Cabrera – 4119 Oaklawn Dr.
- SE 3862- Millsaps College- 1702 N. State St.

Council Member Barrett-Simon moved, seconded by **Council Member Hendrix** to amend Cancelled Special Exceptions to remove item SE 3862 and add said item to Special Exception Renewals. The motion prevailed by the following vote:

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

President Stamps requested the Clerk to read the following:

ORDER GRANTING EXTENSION OF SPECIAL EXCEPTIONS AND USE PERMITS FOR ONE YEAR AS AMENDED.

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 – 3048 Ward 4	Deborah Harper	405 Queen Margaret Lane	One Chair- Beauty Shop	4/05/95
SE-3862 Ward 7	Millsaps College	1702 N. State St.	Administrative office and meeting spaces	5/19/14

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Council Member Foote moved adoption; Council Member Hendrix seconded.

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

Nays- None.

Absent- Stamps, Stokes and Tillman.

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, May 19, 2015; at 3:00 p.m., the Council stood adjourned.

ATTEST:

APPROVED:

Kristi Moore
CITY CLERK

[Signature], 6-18-15
MAYOR DATE
