

**REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, OCTOBER 20, 2014, 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 October 20, 2014, 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; 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: LaRita Cooper-Stokes, Ward 3.

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

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3860, 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 DENYING DANIELLE FRAZIER-ARMISTAD DB/A OPEN HEARTS OPEN ARMS A USE PERMIT TO OPERATE A GROUP HOME FOR THE HANICAPPED FOR SEVEN (7) TO TEN (10) YOUTH AGES THREE (3) TO SEVENTEEN (17) IN A R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 105 POOLE ST, CASE NO. 3860.**

**WHEREAS**, Danielle Frazier-Armistad has filed a petition for a Use Permit to operate a group home for the handicapped for seven (7) to ten (10) youth ages three (3) to seventeen (17) years of age in an R-1 (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, March 26, 2014, 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, April 21, 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 Mississippi Link on March 6, 2014 and March 20, 2014 that a hearing would be held by the Jackson City Planning Board, 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 Use Permit within the existing R-1 (Single-family) Residential District of the City of Jackson; and

**WHEREAS**, the Council, after having considered the matter on April 21, 2014 was of the opinion that the case should be tabled for a period of six months; and

**WHEREAS**, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Mississippi Link on October 2, 2014 and October 16, 2014 that a hearing would be held by the City Council on October 20, 2014; 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, not being accommodated by existing or proposed public services and facilities, and that the request for a Use Permit within the existing R-1 (Single-family) Residential District of the City of Jackson to allow the operation of a group home for the handicapped for seven (7) to ten (10) youth be denied; 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 5, Carberry Survey.**

be and is hereby denied the requested Use Permit for the operation of a group home for the handicapped for seven (7) to ten (10) youth in aR-1 (Single-family) Residential District for property located at 105 Poole Street.

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**President Stamps** recognized **Genny Seeley**, President of the South Jackson Neighborhood Association and **John Sledge**, President of Creston Hills Watch Group, who addressed the Council and argued in opposition of the property located at 105 Poole St. for a Use Permit to allow for the operation of a group home for the handicapped for seven (7) to ten (10) youth ages three (3) to seventeen (17) years of age in an R-1 (Single-family) Residential District.

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

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

Nays- None.

Absent- Cooper-Stokes.

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There came on for consideration Agenda Item No. II:

**ORDINANCE APPROVING THE COMPREHENSIVE REZONING OF CERTAIN AREAS LOCATED ALONG LAKELAND DRIVE FROM SPECIAL USE DISTRICT (SUD) TO CMU-1 (COMMUNITY) MIXED-USE DISTRICT PEDESTRIAN ORIENTED FOR PROPERTY LOCATED ON PARCEL 444-2 AND A DESIGNATED PORTION OF PARCEL 444-9, CASE NO. 3871.** Said item was pulled by the Administration.

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3872, 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 APPROVING SOUTHERN CHRISTIAN SERVICES FOR CHILDREN & YOUTH, INC A USE PERMIT TO ALLOW FOR SEVEN (7) TO TWELVE (12) YOUTH TO BE HOUSED IN A RESIDENTIAL CARE FACILITY/GROUP HOME FOR THE HANDICAPPED IN A R-4 (LIMITED-MULTI FAMILY) RESIDENTIALDISTRICT FOR PROPERTY LOCATED AT 5260 MANHATTAN RD., CASE NO. 3872.**

**WHEREAS**, Southern Christian Services for Children & Youth, Inc. has filed a petition for a Use Permit to allow for seven (7) to twelve (12) youth to be housed in a residential care facility/group home for the handicapped 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, September 24, 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, October 20, 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 Mississippi Link on September 4, 2014 and September 18, 2014 that a hearing would be held by the Jackson City Planning Board on September 24, 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

**WHEREAS**, the Council, after having considered the matter, is of the opinion that the proposed use will be compatible with the character of the 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; 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 R-4 (Limited-Multi-Family) Residential District of the City of Jackson to allow for seven (7) to twelve (12) youth to be housed in a residential care facility/group home for the handicapped 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:

Lot 15, Block 6, North Meadows Subdivision, Part 5, (abandoned), situated in the Northeast  $\frac{1}{4}$  , Northeast  $\frac{1}{4}$  , Section 14, T6N-R1E, Hinds County, Mississippi, and being more particularly described as follows:

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Beginning at the Southeast corner of Lot 14, Block 5, North Meadows Subdivision, Part 4, 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; run thence South 0 degrees 06 minutes East for a distance of 110 feet; run thence South 89 degrees 54 minutes West for a distance of 168.98 feet to a point on the East Line of Manhattan Road; run thence Northerly and in a straight line for a distance of 110.13 feet to the Southwest corner of said Lot 14; run thence North 89 degrees 54 minutes East for a distance of 174.30 feet and along the South line of said Lot 14 to the point of beginning.

be and is hereby modified so as to approve a Use Permit for property located at 5260 Manhattan Rd. to allow for seven (7) to twelve (12) youth to be housed in a residential care facility/group home for the handicapped in a R-4 (Limited-Multi-Family) Residential 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.

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**President Stamps** recognized **Randy Vessel**, Chief Financial Officer of Southern Christian Services for Children & Youth, Inc., who addressed the Council and argued in favor of the property located at 5260 Manhattan Rd. to allow a Use Permit to allow for seven (7) to twelve (12) youth to be housed in a residential care facility/group home for the handicapped and personal care facilities within an R-4 (Limited-Multi-Family) Residential District.

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There was no opposition from the public.

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

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

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3873, 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 the Clerk to read said Order:

**ORDINANCE APPROVING LAND K, LLC A REZONING FROM C-2 (LIMITED) COMMERCIAL DISTRICT TO C-3 (GENERAL) COMMERCIAL DISTRICT WITH A USE PERMIT TO ALLOW FOR THE OPERATION OF CONVENIENCE TYPE STORE WITH FAST FOOD FOR PROPERTY LOCATED AT 714 ADKINS BLVD (PARCEL 709-1-15), CASE NO. 3873.**

**WHEREAS**, Land K, LLC has filed a petition to rezone property located on 714 Adkins Blvd. (Parcel 709-1-15), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-2 (Limited) Commercial District to C-3 (General) Commercial District in addition to a petition for a Use Permit to operate a convenience type store with fast food; 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 C-2 (Limited) Commercial District to C-3 (General) Commercial District and a Use Permit to operate a convenience type store with fast food; 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, October 20, 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 Mississippi Link on September 4, 2014 and September 18, 2014 and that a hearing would be held by the Jackson City Planning Board on September 24, 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 C-3 (General) Commercial District with a Use Permit to operate a convenience type store with fast food; 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

**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, 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; 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 rezoned C-3 (General) Commercial District be granted; and

**NOW, THEREFORE, BE IT ORDAINED 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 tract of land consisting of approximately 1.1161 acres (48,616 sq. ft.) situated in the Southeast 1/4 (SE 1/4) of Section 1, Township 6 North, Range 1 East, First Judicial District of Hinds County, Mississippi being more particularly described as follows, to-wit:

Commencing at the Northeast corner of Briarwood Heights, a subdivision on file and of record in the office of the Chancery Clerk, Hinds County, Mississippi, in Plat Book 21 at Page 1, said point being South 89 degrees 43 minutes 11 seconds West 524.50 feet from the Southeast corner of the aforementioned Section 1 per the Special Warranty Deed on file and of record in the aforementioned Chancery Clerks office in Book 2522 at Page 576, thence run North 89 degrees 43 minutes 11 seconds East for a distance of 167.33 feet to a point on the Northeastern right-of-way line of Adkins Boulevard Extension, as presently laid out and in use; thence run North 49 degrees 16 minutes 49 seconds West along said Northeastern right-of-way line for a distance of 131.46 feet to the point of curvature of a curve to the left with a radius of 565.87 feet; thence run along the arc of said curve to the left and the Northeastern right-of-way line for a distance of 108.83 feet (CHORD North 54 degree 33 minutes 45 seconds West for a distance of 108.66 feet) to the **POINT OF BEGINNING** of the property herein described; thence continue along

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the arc of the said curve to the left for a distance of 183.03 feet (CHORD North 69 degrees 20 minutes 13 seconds West for a distance of 182.23 feet); thence leave said Northeastern right-of-way line of Adkins Boulevard Extension and run thence North 01 degree 06 minutes 11 seconds East for a distance of 228.89 feet; thence run North 04 degrees 30 minutes 11 seconds East for a distance of 355.53 feet; thence run North 07 degrees 34 minutes 49 seconds West for a distance of 103.29 feet; thence run South 24 degrees 25 minutes 18 seconds East for a distance of 28.62 feet; thence South 11 degrees 48 minutes 29 seconds East for a distance of 77.06 feet; thence South 01 degrees 37 minutes 29 seconds West for a distance of 39.95 feet; thence South 07 degrees 20 minutes 55 seconds East for a distance of 79.60 feet; thence South 03 degrees 01 minutes 45 seconds West for a distance of 209.74 feet; thence South 18 degrees 14 minutes 57 seconds East for a distance of 58.34 feet; thence South 22 degrees 58 minutes 10 seconds East for a distance of 60.03 feet; thence South 54 degrees 27 minutes 49 seconds East for a distance of 85.92 feet; thence South 61 degrees 02 minutes 32 seconds East for a distance of 67.92 feet; thence South 50 degrees 02 minutes 22 seconds East for a distance of 19.39 feet; thence South 27 degrees 33 minute 57 seconds West for a distance of 128.90 feet to the **POINT OF BEGINNING**.

TOGETHER WITH all easements benefitting the subject property as set forth in Superseding Declaration of Restrictions, Grant of Easements and Operating Agreement executed by and between Manhattan Investments, L.L.C., a Louisiana limited liability company, Cypress Southern Companies, Inc., a Louisiana corporation, and Albertson's Inc., a Delaware corporation, dated March 24, 2000, filed on April 18, 2000, at 3:24 p.m. and recorded in Book 5227, Page 523.

is hereby rezoned and changed from C-2 (Limited) Commercial District to C-3 (General) Commercial District with a Use Permit to operate a convenience type store with fast food provided, however that before a permit is issued for any structure to be erected or modified on the property located at 714 Adkins Blvd, 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 Stamps** recognized **Darryl Nelson**, owner of Land K, LLC, who addressed the Council and argued in favor of the property located at 714 Adkins Blvd. (Parcel 709-1-15) to allow a Rezoning from C-2 (Limited) Commercial District to C-3 (General) Commercial District to allow for an automotive and truck rental business in addition to a Use Permit to allow for the operation of a convenience type grocery store with fast food.

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There was no opposition from the public.

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

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

Nays- None.

Absent- Cooper-Stokes.

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3874, 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 the Clerk to read said Order:

**ORDINANCE APPROVING LARRY D. AND LEE S. HARPER A REZONING FROM C-3 (GENERAL) COMMERCIAL DISTRICT TO CMU-1 (COMMUNITY) MIXED-USE DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A MIXED USE DEVELOPMENT AND VARIANCE FOR A MAXIMUM OF TEN (10) PARKING SPACES FROM THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES FOR PROPERTY LOCATED ON 136 SOUTH ADAMS ST., CASE NO. 3874.**

**WHEREAS**, Larry D. and Lee S. Harper have filed a petition to rezone property located on 136 South Adams St., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District to allow for the construction of a mixed use development and a Variance for a maximum of ten (10) parking spaces from the required number of off-street parking spaces; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District to allow for the construction of a mixed use development and a Variance for a maximum of ten (10) parking spaces from the required number of off-street parking spaces; 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, October 20, 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 Mississippi Link on September 4, 2014 and September 18, 2014 and that a hearing would be held by the Jackson City Planning Board on September 24, 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 CMU-1 (Community) Mixed-Use District to allow for the construction of a mixed use development and a Variance for a maximum of ten (10) parking spaces from the required number of off-street parking spaces; 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 since any previous City Council action; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that there would not be any special privilege conferred upon the applicant that is denied by this Ordinance to other similar lands, structures or buildings in the same district and that the request for a Variance for a maximum of ten (10) parking spaces from the required number of off-street parking spaces within the rezoned CMU-1 (Community) Mixed Use District of the City of Jackson be granted; and

**NOW, THEREFORE, BE IT ORDAINED 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:

**TRACT I:**

Lot 5, ADAMS SURVEY, 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 at Page 242, reference to which is hereby made; LESS AND EXCEPT that part of said lot which was awarded by the Chancery Court of The First Judicial District of Hinds County, Mississippi, to Mrs. J. M. Morse in Cause No. 34, 153, and more particularly described as follows:

A strip of land off the Southside of Lot 5 of Adams Survey, which said strip is described as: Beginning at a point on the East side of Adams Street, which point is the Northwest corner of said Lot 6, and the Southwest corner of said Lot 5; run thence in an easterly, direction to a point one inch north of a Magnolia tree, now located in the southeasterly portion of said Lot 5, run thence in an easterly direction in a projected line to the East boundary of said Lot 5, thence in a southerly direction approximately 3 ½ feet along the East line of said Lot 5 to the south east corner of Lot 5, and which corner is also the northeast corner of Lot 6, run thence in a westerly direction along the northern boundary line of Lot 6 to the POINT OF BEGINNING.

**TRACT II:**

Lot 6 and a part of Lot 5, ADAMS SURVEY, 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 at Page 242, and being more particularly'described as follows:

Beginning at the south west corner of Lot 6, which said point is the northwest corner of Lot 7 and is approximately 219 feet from the intersection of the North line of Pearl Street with line East line of Adams Street, run thence in an easterly direction along the fence line to the eastern line of said Lot 6 of Adams Survey, a distance of 178.50 feet, more or less; thence in a northerly direction along the eastern line of Lot 6 and Lot 5 of Adams Survey to a cyclone fence, which cyclone fence runs in an easterly and westerly direction and is erected on the property line being the property of Mr. and Mrs. L. E. Ward of 136 Adams Street, and the property of Mrs. J. M. Morse at 144 Adams Street, thence in a westerly direction along said cyclone fence to Adams Street which point on Adams Street is the southwest corner of Lot 5 and the northwest corner of Lot 6 of said Adams survey; thence in a southwesterly direction along the East side of Adams Street a distance of 70 feet to the POINT OF BEGINNING; said property embracing the property conveyed to Mrs. Annie E. Morse by Mrs. Margaret Elizabeth Hoskins by deed dated December 3, 1925, recorded in Deed Book 171 at Page 420, reference to which deed is made in aid of and as a part of this description; and being that portion of Lot 5 shown by agreed Decree in Hinds County Chancery Cause No. 34,153 styles in re: "Mrs. J.M. Morse, Complaint vs. Mr. and Mrs. L.E. Ward, Defendants".

is hereby rezoned and changed from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District to allow for the construction of a mixed use development and a Variance for a maximum of ten (10) parking spaces from the required number of off-street parking spaces provided, however that before a permit is issued for any structure to be erected or modified on the said property, or for any use thereof on the property located at 136 S. Adams St, 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.



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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.

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**President Stamps** recognized **Lee S. Harper**, owner of Koinonia Coffee House, who addressed the Council and argued in favor of the property located at 136 South Adams St. to approve a Rezoning from C-3 (Community) Mixed-Use District to allow for the construction of a mixed use development and a variance from the required number of off-street parking spaces.

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There was no opposition from the public.

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

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

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**President Stamps** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3875, 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:

**ORDINANCE APPROVING VOICE OF CALVARY MINISTRIES A REZONING FROM C-3 (GENERAL) COMMERCIAL DISTRICT TO CMU-1 (COMMUNITY) MIXED-USE DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A MIXED USE DEVELOPMENT AND A VARIANCE FOR A MAXIMUM OF FIFTEEN (15) PARKING SPACES FROM THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES FOR PROPERTY LOCATED ON 531 W. CAPITOL ST., CASE NO. 3875.**

**WHEREAS**, Voice of Calvary Ministries has filed a petition to rezone property located on 531 W. Capitol St., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District to allow for the construction of a mixed use development and a Variance for a maximum of fifteen (15) parking spaces from the required number of off-street parking spaces; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District to allow for the construction of a mixed use development and a Variance for a maximum of fifteen (15) parking spaces from the required number of off-street parking spaces; 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, October 20, 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 Mississippi Link on September 4, 2014 and September 18, 2014 and that a hearing would be held by the Jackson City Planning Board on September 24, 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 CMU-1 (Community) Mixed-Use District to allow for the construction of a mixed use development and a Variance for a maximum of fifteen (15) parking spaces from the required number of off-street parking spaces; 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 since any previous City Council action; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that there would not be a special privilege conferred upon the applicant that is denied by this Ordinance to other similar lands, structures or buildings in the same district and that the request for a Variance for a maximum of fifteen (15) parking spaces from the required number of off-street parking spaces within the rezoned CMU-1 (Community) Mixed Use District of the City of Jackson be granted; and

**NOW, THEREFORE, BE IT ORDAINED 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:

All of Lot No. Two (2) of the Clifton Estate survey in the East Half (E ½) of the South East Quarter (SE ¼) of the Section Four (4), Township Five (5), Range One (1) East, less that certain lot Fifty-Seven (57) feet by One Hundred Eighty Seven (187) feet off the South end thereof, sold to Henry Young on May 16, 1872, and recorded in Deed Book One (1), page 526 of the record of deeds in the Chancery Clerk's office of Hinds County, Jackson, Mississippi, with all and singular the appurtenances thereunto belonging;

And also:

Lot 4, Adams 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, at Pages 234-242, reference to which is hereby made in aid of and as a part of this description.

And also:

Lot 3, on the plat of Adams Survey of 8.14 acre lot No. 1, Clifton Estate, recorded in the office of the Clerk of the Chancery Court of Hinds County, First District, Mississippi, in Plat Book "A", Page 242, to have and to hold as Trustees for a personage in fee simple

And also:

Lots 1 and 2 of Adams Survey, more particularly described as Commencing at the South East corner of West Capitol Street and Adams Street, thence East along the south boundary of West Capitol Street One Hundred Twenty (120) feet, then in a southeasterly direction to a point on the northern boundary of Lot Three (3) One Hundred Thirty-Three (133) feet East from the East boundary of Adams Street; thence West along the North boundary of said Lot three (3) One Hundred Thirty-Three (133) feet to the East from the East boundary of Adams Street: thence North with the East boundary of Adams Street One Hundred Ninety-Four (194) feet to the point of beginning;

And also:

A lot 57 feet wide across and off of the South side of one and one-half acre Lot No. 2 of the Clifton Estate according to Daniels' Official Map of said city, made in 1875, more particularly described as: Commencing at the Southeast corner of said one and one-half acre Lot No. 2 and running thence Northward along the West line of Clifton Street a distance of 57 feet; thence Westward parallel with the South line of said lot a distance of 161.4 feet to the West line of said lot; thence Southward along said West line of said lot a distance of 57 feet to the Southwest corner of said lot; thence Eastward along said South line of said lot a distance of 161.4 feet to the point of beginning

And also:

Lot No. Seven (7) of Adams Survey, and all that part of Lot No. Ten (10) of said Adams Survey lying North of the South line of Lot Seven (7) when the said line (being the boundary line between Lots Seven (7) and eight (8) in said Survey) is extended East in the line of its projection to the East boundary line of said Lot Ten (10). A map of said Survey is of record in the Chancery Clerk's office in Jackson, Mississippi, in Surveyor's Record A, page 242, reference to which is made for aid in this description.

And also:

Lot 4, Clifton Partition of Lot 3 Clifton Estate Survey less 10 feet East side of Street, in the City of Jackson, Mississippi.

And also:

Lot 5, Clifton Ptn of Lot 3 Clifton Est. Sy. Map or plat of said subdivision is of record in the office of the Chancery Clerk of Hinds County, at Jackson;

Grantor does also quitclaim to the Grantee all other real property owned by the trustees of Capitol Street, United Methodist Church in the city of Jackson, Mississippi at the time said church was discontinued,

And also:

Lot No. Six of Block "A" of the Nancy Hunt Survey, a plat of which is of record in the office of the Chancery Clerk at Jackson, Hinds County, Mississippi, in Record Book "A" at age 201, reference to which is made in aid of this description. (This to Six of Block "A" was formerly owned by the trustees of Grace United Methodist Church before it was discontinued.)

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL FROM THE PREMISES:

Being a part of Lots 4 & 5, Clifton Partition of Lot 3, Clifton Estate Survey, as recorded in the Office of the Chancery Clerk of Hinds County, Jackson, Mississippi, situated in the Southeast Quarter (SE ¼) of Section 4, Township 5 North, Range 1 East, City of Jackson, Hinds County, Mississippi, being in the same parcel of land conveyed to Trustees of Capitol Street United Methodist Church as described in Deed Book 2180, Page 441 and Deed Book 1156, Page 406, and being more particularly described as follows:

COMMENCING at a ½" iron pin set at the Southeast corner of Lot 1 of said Clifton Partition of Lot 3, Clifton Estate Survey, same being the intersection of the West right-of-way line of Clifton Street with the North right-of-way line or Pearl Street (as both are now in use, November 1998);

Thence N 00° 05' 48" E, along said West right-of-way line of Clifton Street, same being the East line of said Lot 1, Clifton Partition, for a distance of 111.59 feet to the Southeast corner of aforesaid Lot 4, Clifton Partition;

MINUTE BOOK 6G

**REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, OCTOBER 20, 2014, 2:30 P.M.**

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Thence S 89° 21' 15" W, along said North line of said Lot 4, Clifton Partition, for a distance of 10.00 feet to the POINT OF BEGINNING of the herein described parcel of land;

Thence, continue S 89°21'15"W, along said South line of said Lot 4, Clifton Partition, for a distance of 34.88 feet to a ½" iron pin set;

Thence, leaving said South line of said Lot 4, Clifton Partition, run N 35° 09' 48" E, for a distance of 60.71 feet to a ½" iron pin set on the West right-of-way line of aforesaid Clifton Street;

Thence S 00° 05' 48" W, along said West right-of-way line of aforesaid Clifton Street for a distance of 49.24 feet to the POINT OF BEGINNING, containing 859 square feet, 0.020 acres, more or less.

Is hereby rezoned and changed from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District to allow for the construction of a mixed use development and a Variance for a maximum of fifteen (15) parking spaces from the required number of off-street parking spaces provided, however that before a permit is issued for any structure to be erected or modified on the property located at 531 W Capitol St, 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.

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

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

Nays- None.

Absent- Cooper-Stokes.

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

- SE-2697- Alma Ruffin- 4212 Oakmont Dr.-Ms. Ainsworth announced that this case will appear on the next Zoning Council meeting agenda. Applicant came in on October 17, 2014 and completed necessary steps to extend special exception.

No action required.

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REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, OCTOBER 20, 2014, 2:30 P.M.

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 – 3689 Ward 5	Tracey Crowell	2913 Shelia Drive	Day Care Center	10/20/2008

**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 Tillman** seconded.

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

Nays- None.

Absent- Cooper-Stokes.

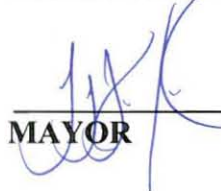
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There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Recessed Special Meeting to be held at 3:45 p.m. Monday, October 20, 2014; at 3:44 p.m., the Council stood adjourned.

ATTEST:

  
CITY CLERK

APPROVED:

  
MAYOR, 11.5.14  
DATE

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