

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, SEPTEMBER 16, 2013, 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 September 16, 2013, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: President, Charles Tillman; Vice-President, Melvin Priester, Jr.; De'Keither Stamps, Ward 4; and Margaret Barrett-Simon, Ward 7. Brenda Pree, City Clerk; Beatrice Byrd, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Carl Allen, Deputy Director of City Planning; Akili Kelly, Senior Planner and Azande Williams, Deputy City Attorney.

Absent: Quentin Whitwell, Ward 1; LaRita Cooper-Stokes, Ward 3 and Tony T. Yarber, Ward 6.

The meeting was called to order by **President Charles Tillman**.

President Tillman recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3842, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes and transcript of planning board meeting. Thereafter, **President Tillman** requested that the Clerk read said Order:

ORDER DENYING ELZIE & JOHNETTE JEFFERSON A SPECIAL EXCEPTION FOR A PRIVATE KENNEL IN AN R-1A (SINGLE FAMILY) RESIDENTIAL DISTRICT, CASE NO. 3842

WHEREAS, Elzie and Johnette Jefferson, filed a petition for a Special Exception for a private kennel on property zoned R-1A (Single-Family) Residential District, located at 4565 Will-O-Lake Dr., 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 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 City Council would be held at the City Hall at 2:30 p.m., September 16, 2013 to consider said petition, 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 July 5, 2013 and July 18, 2013; and that a hearing had been held by the Jackson City Planning Board, 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 Special Exception of the above described property, within the existing zoning of the City of Jackson; and

WHEREAS, it appears to the Council that the documents are in order, and that the recommendation of the Planning Board to deny the petitioned Special Exception to allow for a private kennel within an area zoned R-1A (Single-Family) Residential District does support the promotion of the public health, safety, morals, the general welfare of the community and the granting of such will adversely affect adjacent property owners; and

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WHEREAS, it appears to the Council that the petition for the Special Exception be denied based on the findings that granting the of the Special Exception does not promote the public health, safety, morals, or the general welfare of the community and the granting of such will adversely affect surrounding properties.

NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:

SECTION 1. That the property located in the First Judicial District of Hinds County, Jackson, Mississippi, and being more particularly described as follows:

Lot Seventy-seven (77), Briarwood Addition, Part 1

be and is hereby denied a Special Exception to operate a private kennel on property zoned R-1A (Single-Family) Residential District.

President Tillman recognized **Jamie Ivy**, a resident of the Willowood Subdivision, who addressed the Council and argued in favor of the denial of the special exception to allow for a private kennel in an R-1A (Single-Family) Residential District.

President Tillman recognized **Rosalyn Sylvester**, President of the Willowood Neighborhood Association, who addressed the Council and argued in favor of the denial of the special exception to allow for a private kennel in a R-1A (Single-Family) Residential District.

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

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

Absent- Cooper-Stokes, Whitwell and Yarber.

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President Tillman recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3843, 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. Thereafter, **President Tillman** requested that the Clerk read said Order:

ORDINANCE APPROVING HABITAT FOR HUMANITY/METRO JACKSON, INC. A REZONING FROM R-4 LIMITED (MULTI-FAMILY) RESIDENTIAL DISTRICT TO R-2A (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 1202 BAILEY AVE, 1204 BAILEY AVE, 1212 BAILEY AVE, 0 W. ASH ST (PARCEL #95-63)& 0 W. ASH ST (PARCEL #95-50-1), CASE NO. 3843.

WHEREAS, Habitat for Humanity/Metro Jackson, Inc. has filed a petition to rezone property located at 1202 Bailey Ave, 1204 Bailey Ave, 1212 Bailey Ave, 0 W. Ash St Parcel #95-63) & 0 W. Ash St (Parcel #95-50-1) in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-4 (Limited Multi- Family) Residential District to R-2A (Single-Family) Residential District; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the properties from R-4 (Limited Multi- Family) Residential District to R-2A (Single-Family) Residential District; and

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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, September 16, 2013 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 August 1, 2013 and August 15, 2013; and that a hearing had been held by the Jackson City Planning Board, as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of the petitioned rezoning of the above described property to R-2A (Single-Family) Residential District and within the existing zoning of the City of Jackson; and

WHEREAS, it appears to the Council 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; 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:

Lot 1 less 40 ft. E end Lot 1 IDEAL HOME PLOT, 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, reference to which is hereby made in aid of and as a part of this description, and more commonly known as street address 1202 Bailey Avenue, Jackson, Mississippi. Parcel #95-50.

40 FT E END LOT 1 IDEAL HOME PLOT, and more commonly known as 0 W Ash Street, Jackson, Mississippi Parcel #95-50-1.

LOT 2 IDEAL HOME PLOT, 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, reference to which is hereby made in aid of and as a part of this description, and more commonly known as street address 1204 Bailey Avenue, Jackson, Mississippi. Parcel #95-51.

LOT 3 IDEAL HOME PLOT, 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, reference to which is hereby made in aid of and as a part of this description, and more commonly known as street address 1212 Bailey Avenue, Jackson, Mississippi. Parcel #95-52.

LOT 13 IDEAL HOME PLOT, 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, reference to which is hereby made in aid of and as a part of this description, and more commonly known as street address 0 W Ash Street, Jackson, Mississippi. Parcel #95-62.

is hereby rezoned and changed from R-4 (Limited Multi- Family) Residential District to R-2A (Single-Family) Residential District provided, however that before a permit is issued for any structure to be erected on the said property, or for any use thereof, provision for adequate off-street parking must be made and approved by the Department of Planning Development and the Department of Public Works. 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.

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SECTION 3. That this Ordinance shall be effective thirty (30) days after its passage and after publication of same by the petitioner.

President Tillman recognized **William Osborne**, Property Director of Habitat for Humanity, who addressed the Council and argued in favor of the approval of the rezoning from R-4 (Limited Multi-Family) Residential District to RA (Single-Family) Residential District

There was no opposition from the public.

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

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

Nays- None.

Absent- Cooper-Stokes, Whitwell and Yarber.

President Tillman recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3844, 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. Thereafter, **President Tillman** requested that the Clerk read said Order:

**ORDER APPROVING ANTHONY R. SIMON A SPECIAL EXCEPTION
TO ALLOW FOR THE OPERATION OF A PROFESSIONAL NON-
RETAIL OFFICE IN AN R-1A (SINGLE-FAMILY) RESIDENTIAL
DISTRICT, CASE NO. 3844**

WHEREAS, Anthony R. Simon, filed a petition for a Special Exception to allow for the operation of a professional non-retail office on property zoned R-1A (Single-Family) Residential District, located at 621 East Northside Dr., 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 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 City Council would be held at the City Hall at 2:30 p.m., September 16, 2013 to consider said petition, 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 August 1, 2013 and August 15, 2013; and that a hearing had been held by the Jackson City Planning Board, 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 Special Exception for the above described property, within the existing zoning of the City of Jackson; 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 professional non-retail office within an area zoned R-1A (Single-Family) Residential District does support the promotion of the public health, safety, morals, the general welfare of the community and the granting of such will adversely affect adjacent property owners; and

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WHEREAS, it appears to the Council that the petition for the Special Exception be granted based on the findings that granting the of the Special Exception does promote the public health, safety, morals, or the general welfare of the community and the granting of such will adversely affect surrounding properties.

NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:

SECTION 1. That the property located in the First Judicial District of Hinds County, Jackson, Mississippi, and being more particularly described as follows:

PARCEL ONE

Lot 1, Meadowbrook Subdivision Part 4, a map or plat of which subdivision is of record and on file in the office of the Chancery clerk of Hinds County, Jackson, Mississippi in Plat Book 12, at Page 17 thereof, reference to which is hereby made.
And also:

PARCEL TWO

Being situated in the NW ¼ of the NE ¼ of Section 23, T6N-R1E, Jackson, Hinds County, Mississippi and being more particularly described as follows:

Beginning at a concrete monument marking the NW corner of Meadowbrook Subdivision, Part 4, as recorded in Plat Book 12, Page 17 of the Chancery Court records of Hinds County, Mississippi and run thence Southerly, along the West boundary of said subdivision, 188.0' to a concrete monument marking the SW corner thereof; turn thence through an interior angle of 90° 00' and run Westerly, 10.00' to an iron bar; turn thence through an interior angle of 90° and run Northerly, along the East boundary of the S.D. Buckley Property, as recorded in Deed Book 1422, page 515, 188.0' to an iron bar marking the Southern R.O.W. line of Northside Drive; turn thence through an interior angle of 90° 00' and run Easterly, along the Southern R.O.W. line of Northside Drive, 10.0' to the Point of Beginning.

be and is hereby granted a Special Exception to operate a professional non-retail office on property zoned R-1A (Single-Family) Residential District. However, that before a Special Exception is issued for any development of said property, or for any use thereof, the project must be approved by the Department of Planning and Development; and the said applicant is hereby granted a Special Exception to so use said property.

SECTION 2. That this Ordinance shall be effective 30 days after its passage.

President Tillman recognized **Anthony Simon**, who addressed the Council and argued in favor of the approval of the special exception to operate a professional non-retail office in an R-1A (Single-Family) Residential District.

President Tillman recognized **Council Member Barrett-Simon** who stated that she had received letters from various Neighborhood Associations who are in favor of said exception.

There was no opposition from the public.

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

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

Nays- None.

Absent- Cooper-Stokes, Whitwell and Yarber.

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President Tillman recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3845, 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. Thereafter, **President Tillman** requested that the Clerk read said Order:

ORDER APPROVING MR. DAVE THIND A VARIANCE TO BUILD WITHIN FIVE (5) FEET OF A RESIDENTIALLY ZONED PROPERTY LINE WHERE A TWENTY-FIVE (25) FT SETBACK IS REQUIRED FOR PROPERTY ZONED C-3 (GENERAL) COMMERCIAL DISTRICT ON PROPERTY LOCATED AT 0 W. NORTHSIDE DRIVE (PARCEL #430-62), CASE NO. 3845

WHEREAS, Mr. Dave Thind has filed a petition for a variance to build within five (5) ft. of a residentially zoned property line where a twenty-five (25) feet setback is required for property zoned C-3 (General) Commercial District on property located at 0 W. Northside Drive (Parcel #430-62), 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, has recommended approval of the said petition; and

WHEREAS, notice was duly and legally given to property owners and citizens interested that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, September 16, 2013, to consider said change, based upon the record of the case as developed before the Jackson 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 August 1, 2013 and August 15, 2013; and that a hearing had been 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 approval of the petitioned variance subject to Site Plan Review and any other requirements of the City of Jackson for the above described property, within the existing zoning of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the proposed variance will not confer upon the applicant any special privileges that is denied by this Ordinance to other similar lands, structures or buildings in the same district; and

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:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, GO EAST FOR 107 FEET; GO THENCE SOUTH FOR 220 FEET; GO THENCE WEST FOR 107 FEET; GO THENCE NORTH FOR 220 FEET TO THE POINT OF BEGINNING BEING PART OF LOT 2, NORTHVIEW ADDITION PART 3.

be and is hereby modified so as to approve a variance to build within five (5) ft. of a residentially zoned property line where a twenty-five (25) feet setback is required for property zoned C-3

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(General) Commercial District, provided, however that the applicant must meet the requirements established through the Site Plan Review process and the said applicant is hereby granted a permanent variance to so use said property.

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

There was no opposition from the public.

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

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

**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 - 2830 Ward 7 | MS Children's Advocacy Center | 753 N. President St. Jackson, MS 39213 | Office | 09/5/90 |
| SE - 3329 Ward 7 | North Midtown Community Development Co. | 219 McTyere Ave. Jackson, MS 39202 | Office | 09/06/00 |
| SE-3679 Ward 4 | Vanessa Edmond | 6183 N. McRaven Rd. Jackson, MS 39209 | Child-care center | 09/15/08 |

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 and Tillman.
Nays- None.
Absent- Cooper-Stokes, Whitwell and Yarber.

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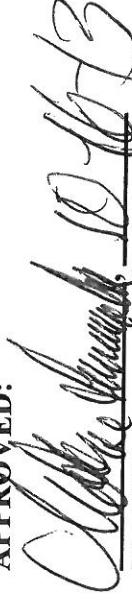

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Meeting to be held at 4:00 p.m. on Monday, September 16, 2013; and at 3:10 p.m., and the Council stood adjourned.

ATTEST:


CITY CLERK

APPROVED:


MAYOR 

DATE
