

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 21, 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.; President, Ward 2; Tyrone Hendrix, Vice-President, Ward 6; Ashby Foote, Ward 1 and De'Keither Stamps, Ward 4. Kristi Moore, City Clerk; Gail Green, Deputy City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Eric Jefferson, Director of Planning; Ramina Aghili, Interim Senior Planner and Azande Williams, Deputy City Attorney.
- Absent: Kenneth I. Stokes, Ward 3; Charles Tillman, Ward 5 and Margaret Barrett-Simon, Ward 7.

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. 3908, 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:

ORDINANCE APPROVING THE CHURCH IN JACKSON A REZONING FROM R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT AND C-2 (LIMITED) COMMERCIAL DISTRICT TO SUD (SPECIAL USE DISTRICT) WITH A USE PERMIT TO ALLOW FOR A COMMERCIAL COMMUNICATION TOWER FOR PROPERTY LOCATED AT 358 BRIARWOOD DRIVE (PARCELS 723-79-3, 723-80, 723-82 AND 723-82-1), CASE NO. 3908.

WHEREAS, The Church in Jackson has filed a petition to rezone property located at 358 Briarwood Drive (Parcels 723-79-3, 723-80, 723-82 and 723-82-1), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1A (Single-Family) Residential District and C-2 (Limited) Commercial District to SUD (Special Use District) with a Use Permit to allow for a commercial communication tower; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from R-1A (Single-Family) Residential District and C-2 (Limited) Commercial District to SUD (Special Use District) with a Use Permit to allow for a commercial communication tower; and

WHEREAS, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Mississippi Link on July 3, 2015 and July 17, 2015 that a hearing would be held by the Jackson City Planning Board on July 22, 2015, and that notice had been given that the said petition would be tabled and heard by the Planning Board on August 26, 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 to SUD (Special Use District) with a Use Permit to allow for a commercial communication tower; 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, September 21, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; 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 would not be detrimental to the continued use, value, or development of properties in the vicinity; would not adversely affect vehicular or pedestrian traffic in the vicinity; and would 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

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:

Parcels 723-82 & 723-82-1

A part of Lots 38 and 39 of Block "B" of Fern wood Subdivision, according to map or plat of said subdivision on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 4 at Page 76 thereof, said tract here conveyed being described as follows, to wit:

Commencing at the southeast corner of said Lot 38, run thence north along the east boundary line of Lot 38 a distance of 210' to a point' run thence westerly and along a line parallel to and 210' north of the south line of said Lot 38 a distance of 100' to a point in the west boundary line of said Lot 38; continue thence westerly a distance of 5', to a point; run thence north and along a line parallel to and 5' west of the west line of said Lot 38 a distance of 225.6 more or less to a point in the north line of Lot 39, which point is 5' measured westerly from the northeast corner of said Lot 39; from said point run thence west and along the north line of said Lot 39 a distance of 95' to a point which is the northwest corner of said lot 39 and the northeast corner of Lot 40 of said subdivision, run thence south and along the boundary line between said Lots 39 and 40 a distance of 435.6' more or less to a point which is the southwest corner of said Lot 39 and southeast corner of said Lot 40; run thence east and along the south boundary line of Lot 39 the distance of 100' to a point which is the southeast corner of said Lot 39 and the southwest corner of said Lot 38; continue thence east along the south boundary line of Lot 38 the distance of 100' to a point, which point is the POINT OF BEGINNING and which point is the southeast corner of said Lot 38 and the southwest corner of Lot 37 of said subdivision.

Also, Lot 40, Block "B", Fernwood Subdivision, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County, at Jackson, Mississippi in Plat Book 4 at page 76, reference to which is hereby made.

Less, a parcel situated in Lots 39 and 40 of Block "B" of Fernwood Subdivision, according to a map or plat of said subdivision on file and of record in the office the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 4 at page 76 thereof, reference to which is made in aid of and as a part of this description and being described as follows:

Commence at the northwest corner of the said Lot 40, said northwest corner being the POINT OF BEGINNING for the parcel herein described and run thence south for a distance of 254.79' along the west line of the said Lot 40 to the southwest corner of the parcel herein described; thence run east and along a line parallel to the north line of the said Lots 39 and 40 for a distance of 120.0' to the southeast corner of the parcel herein described; thence run north and along a line parallel to the west line of the said Lot 40 for a distance of 254.79' to the northeast corner of the parcel herein described; thence run west along the north line of the said Lot 39 for a distance of 20.0' to the northwest corner of said Lot 39; thence run west along the north line of the said Lot 40 for a distance of 100.0' to the POINT OF BEGINNING.

Parcels 723-79-3

Lots 33, 34, 35, and 36 of Fernwood Subdivision, a subdivision of the City of Jackson, Mississippi, according to the map or plat thereof in file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 4 at Page 76, reference to which map or plat is herein made in aid of and as a part of this description.

Parcels 723-80

Lot Thirty-seven (37) of Block "B" of Fernwood Subdivision, a subdivision according to the map or plat of which is of record in the office of the Chancery Clerk of Hinds County, Mississippi, in the Plat Book 4 at Page 76, reference to which map or plat is hereby made in aid of this description.

is hereby rezoned and changed from R-1A (Single-Family) Residential District and C-2 (Limited) Commercial District to SUD (Special Use District) with a Use Permit to allow for a commercial communication tower, however that before a permit is issued for any structure to be erected or modified on the property located at 358 Briarwood Drive, 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.

President Priester recognized, **James Hughes**, Applicant, who addressed the Council and argued in favor of a Rezoning from R-1A (Single-Family) Residential District and C-2 (Limited) Commercial District to SUD (Special Use District) with a Use Permit to allow for a commercial communication tower.

There was no opposition from the public.

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

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

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3911, 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 GRANTING ELECTRIC GUARD DOG, LLC A TWO (2) FEET VARIANCE FROM THE MAXIMUM EIGHT (8) FT. HEIGHT REQUIREMENT FOR FENCES IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A TEN (10) FT. SECURITY FENCE IN AN C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 4601 I-55 S. FRONTAGE RD., CASE NO. 3911.

WHEREAS, Electric Guard Dog, LLC has filed a petition for a two (2) feet Variance from the maximum eight (8) ft. height requirement for fences to allow for the construction a ten (10) ft. security fence which will be powered by a 12V battery independent of the power grid in a C-3 (General) Commercial District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, Jackson City Planning Board, after holding the required public hearing on August 26, 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, September 21, 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 August 6, 2015 and August 20, 2015 that a hearing would be held by the Jackson City Planning Board on August 26, 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 two (2) feet Variance from the maximum eight (8) ft. height requirement for fences to allow for the construction of a ten (10) ft. security fence which will be powered by a 12V battery independent of the power grid 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 granting of the Variance would not confer upon the applicant any special privilege that is denied by the Zoning Ordinance to other similar lands, structures or buildings in the same district and that special conditions and circumstances exist that do not result from actions of the applicant within the existing C-3 (General) Commercial District of the City of Jackson 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:

FROM THE POINT OF COMMENCEMENT, SAID POINT BEING 5/8 INCH IRON ROD RECOVERD AT THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST RUN THENCE;

SOUTH 89 DEGREES 59 MINUTES 05 SECONDS EAST FOR 200.08 FEET ALONG THE NORTH LINE OF SECTION 5 TO TH EPOINT OF BEGINNING OF THE 11.14 ACRE PARCEL HEREINAFTER DESCRIBED; THENCE CONTINUE

SOUTH 89 DEGREES 59 MINUTES 05 SECONDS EAST FOR 805.35 FEET ALONG THE NORTH LINE OF SECTION 5 TO THE WESTERLY RIGHT-OF-WAY LINE OF THE WEST FRONTAGE ROAD ADJACENT TO INTERSTATE 55; THENCE

RIGHT AND TO THE SOUTHWEST ALONG A SEGMENT OF THE CURVE OF SAID WESTERLY RIGHT-OF-WAY LINE FOR 114.57 FEET, SAID CURVE SEGMENT HAVING A RADIUS OF 11,294.31 FEET ANDA CHORD LENGTH OF 114.57 FEET, SAID CHORD BEARING SOUTH 23 DEGREES 43 MINUTES 32 SECONDS WEST; THENCE

NORTH 69 DEGREES 59 MINUTES 03 SECONDS WEST FOR 10.00 FEET ALONG A LINE NORMAL TO THE ABOVE DESCRIBED CURVE SEGMENT; THENCE

LEFT AND SOUTHWESTERLY ALONG A SEGMENT OF THE CURVE OF SAID WESTERLY RIGHT-OF-WAY LINE FOR 156.80 FEET; SAID CURVE SEGMENT HAVING A RADIUS OF 7220.47 FEET AND CHORD LENGTH OF 156.48 FEET, SAID CHORD BEARING SOUTH 31 DEGREES 17 MINUTES 03 SECONDS WEST; THENCE

SOUTH 52 DEGREES 23 MINUTES 36 SECONDS EAST FOR 10.00 FEET ALONG A LINE NORMAL TO THE ABOVE DESCRIBED CURVE SEGMENT; THENCE

RIGHT AND TO THE SOUTHWEST FOR 613.71 FEET ALONG A SEGMENT OF A CURVE ON THE WESTERLY LINE OF THE FRONTAGE ROAD; SAID CURVE SEGMENT HAVING A RADIUS OF 720.47 FEET AND A CHORD LENGTH OF 595.32 FEET, SAID CHORD BEARING SOUTH 62 DEGREES 00 MINUTES 34 SECONDS WEST; THENCE

NORTH 00 DEGREES 28 MINUTES 46 SECONDS EAST FOR 860.25 FEET TO THE AFORESAID POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINED 11.14 ACRES MORE OR LESS. THE BEARINGS SHOWN HERON ARE BASED ON SOLAR OBSERVATIONS.

LESS & EXCEPT:

A PARCEL OF LAND BEING A PORTION OF A CERTAIN TRACT OF LAND, AS DESCRIBED IN DEED BOOK 4850 AT PAGE 559 OF THE LAND RECORDS OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI. SAID TRACT IS A PORTION OF THE NORTHWEST 1/4; OF SECTION 5, TOWNSHIP 4 NORTH, RANGE I EAST, HINDS COUNTY MISSISSIPPI AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE ABOVE REFERENCED TRACT AND RUN THENCE ALONG THE WEST PROPERTY LINE OF THE ABOVE REFERENCED EMMANUEL CHURCH TRACT, N 00 DEGREES 21 MINUTES 29 SECONDS WEST, 60.00 FT; THENCE RUN N 88 DEGREES 51 MINUTES 15 SECONDS EAST 50.02 FEET; THENCE S 00-DEGREES 28 MINUTES 46 SECONDS WEST, 55.70 FEET TO A POINT IN THE MDOT RIGHT OF WAY; THENCE ALONG RIGHT OF WAY AND ALONG CURVE TO THE LEFT HAVING A RADIDS OF 720.47 FT AND A CHORD OF S 83 DEGREES 57 MINUTES 10 SECONDS WEST 50.33 FT TO THE POINT OF BEGINNING. CONTAINING 2, 867.25 FT, OR 0.658 ACRES, MORE OR LESS.

be and is hereby granted a two (2) feet Variance from the maximum eight (8) ft. height requirement to allow for the construction of a ten (10) ft. security fence which will be powered by a 12V battery independent of the power grid in an C-3 (General) Commercial District.

President Priester recognized **Michael Peyton**, Applicant, who addressed the Council and argued in favor of a two (2) ft. Variance from the eight (8) ft. maximum height requirement to install a ten (10) ft. security fence for properties zoned C-3 (General) Commercial District.

There was no opposition from the public.

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

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3912, 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 MARCELLUS HOGAN A REZONING FROM OCGD (OLD CAPITAL GREEN) SUB DISTRICT 2 TO C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 530 S. STATE STREET, CASE NO. 3912.

WHEREAS, Marcellus Hogan has filed a petition to rezone property located at 530 S. State Street, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from OCGD (Old Capital Green) Sub District 2 to C-3 (General) Commercial District; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the property from OCGD (Old Capital Green) Sub District 2 to C-3 (General) Commercial District; 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, September 21, 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 August 6, 2015 and August 20, 2015 and that a hearing would be held by the Jackson City Planning Board on August 26, 2015, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended denial of the petitioned rezoning of the above described property to C-3 (General) Commercial District; and

WHEREAS, the Council after having considered the matter, is of the opinion that such changes would not be in keeping with sound land use practice and to the best interest of the City and that there has not been a substantial change in the land use character of the surrounding area that justifies rezoning the property and there is not a public need for additional property in that area zoned in accordance with the request in said application since any previous City Council action; and

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

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

A parcel of land located in the Northwest Quarter of Section 10, Township 5 North, Range 1 East of the Choctaw Meridian at Jackson, Hinds County, Mississippi, described as follows:

Beginning at the point where the East line of 100 foot wide State Street intersects the North line of 60 foot wide South Street; thence North along said East line, 175 feet, more or less, to a line that lies parallel to and 15 feet Southwesterly from the centerline of the Illinois Central Gulf Railroad Company's Meridian District freight main tract; thence Southeasterly along said parallel line, 220 feet, more or less, to said North line of South Street; thence West along said North line, 133 feet, more or less, to the point of beginning.

is hereby denied the petitioned request to rezone the property located at 530 S. State Street from OCGD (Old Capital Green) Sub District 2 to C-3 (General) Commercial District.

There was no opposition from the public.

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

Yeas- Stamps.

Nays- Foote and Hendrix.

Abstention- Priester.

Absent- Barrett-Simon, Stokes and Tillman.

Note: The motion to deny the rezoning request failed.

President Priester requested that the Clerk read the Order to approve:

ORDINANCE APPROVING MARCELLUS HOGAN A REZONING FROM OCGD (OLD CAPITAL GREEN) SUB DISTRICT 2 TO C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 530 S. STATE STREET, CASE NO. 3912.

WHEREAS, Marcellus Hogan has filed a petition to rezone property located at 530 S. State Street, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from OCGD (Old Capital Green) Sub District 2 to C-3 (General) Commercial District; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the property from OCGD (Old Capital Green) Sub District 2 to C-3 (General) Commercial District; 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, September 21, 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 August 6, 2015 and August 20, 2015 and that a hearing would be held by the Jackson City Planning Board on August 26, 2015, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended denial of the petitioned rezoning of the above described property to C-3 (General) Commercial District; 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:

A parcel of land located in the Northwest Quarter of Section 10, Township 5 North, Range 1 East of the Choctaw Meridian at Jackson, Hinds County, Mississippi, described as follows:

Beginning at the point where the East line of 100 foot wide State Street intersects the North line of 60 foot wide South Street; thence North along said East line, 175 feet, more or less, to a line that lies parallel to and 15 feet Southwesterly from the centerline of the Illinois Central Gulf Railroad Company's Meridian District freight main tract; thence Southeasterly along said parallel line, 220 feet, more or less, to said North line of South Street; thence West along said North line, 133 feet, more or less, to the point of beginning.

is hereby rezoned and changed from OCGD (Old Capital Green) Sub District 2 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 530 S. State Street, 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.

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

Yeas- Foote and Hendrix.

Nays- Stamps.

Abstention- Priestler.

Absent- Barrett-Simon, Stokes and Tillman.

President Priestler recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3913, 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 Priestler requested that the Clerk read said Order:

ORDER DENYING KDMAM, LLC A REZONING FROM C-2 (LIMITED) COMMERCIAL DISTRICT TO C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 1403 BAILEY AVE. (PARCEL #95-68-5), 1407 BAILEY AVE. (PARCEL #95-68-3) AND PARCEL #95-68-1 ON BAILEY AVE., CASE NO. 3913.

WHEREAS, KDMAM LLC has filed a petition to rezone property located at 1403 Bailey Ave. (Parcel #95-68-5), 1407 Bailey Ave. (Parcel #95-68-3) and Parcel #95-68-1 on Bailey Ave., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-2 (Limited) Commercial District to C-3 (General) Commercial District; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the property from C-2 (Limited) Commercial District to C-3 (General) Commercial District; 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, September 21, 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 August 6, 2015 and August 20, 2015 and that a hearing would be held by the Jackson City Planning Board on August 26, 2015, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended denial of the petitioned rezoning of the above described property to C-3 (General) Commercial District; and

WHEREAS, the Council after having considered the matter, is of the opinion that such changes would not be in keeping with sound land use practice and to the best interest of the City and that there has not been a substantial change in the land use character of the surrounding area that justifies rezoning the property and there is not a public need for additional property in that area zoned in accordance with the request in said application since any previous City Council action; and

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

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

PARCEL 95-68-1

Lot 2, Block A, Hartlee Subdivision, 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 5 at Page 16, reference to which is hereby made in aid of and as a part of this description.

PARCEL 95-68-3 (1407 Bailey Ave.)

Lot 3, Block A, Hartlee Subdivision, 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 5 at Page 16, reference to which is hereby made in aid of and as a part of this description.

PARCEL 95-68-5 (1403 Bailey Ave.)

Lot 34, Block A, Hartlee Subdivision, 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 5 at Page 16, reference to which is hereby made in aid of and as a part of this description.

is hereby denied the petitioned request to rezone the property located at 1403 Bailey Ave. (Parcel #95-68-5), 1407 Bailey Ave. (Parcel #95-68-3) and Parcel #95-68-1 on Bailey Ave. from C-2 (Limited) Commercial District to C-3 (General) Commercial District.

There was no opposition from the public.

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

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3914, 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 GRANTING FONDREN RENAISSANCE FOUNDATION A CONDITIONAL USE PERMIT TO ALLOW FOR AN ACCESSORY PARKING LOT WITHIN A R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR THE PROPERTY LOCATED AT PARCEL #48-97 ON PATTON AVE., CASE NO. 3914.

WHEREAS, Fondren Renaissance Foundation has filed a petition for a Use Permit to allow for an accessory parking lot within a R-1 (Single-family) Residential District for property located at parcel #48-97 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, August 26, 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, September 21, 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 August 6, 2015 and August 20, 2015 that a hearing would be held by the Jackson City Planning Board on August 26, 2015 all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of the petitioned Use Permit within the existing R-1 (Single-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 would 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 a Use Permit subject to an annual review within the existing R-1 (Single-family) Residential District of the City of Jackson for an accessory parking lot 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 5, BLOCK 12, Gordons Subdivision

be and is hereby modified so as to approve a Use Permit for the property located at Parcel #48-97 on Patton Ave. to allow for an accessory parking lot within a R-1 (Single-family) Residential District, however that before a Use Permit is issued for any structure to be erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, SEPTEMBER 21, 2015, 2:30 P.M.**

President Priester recognized **Jim Wilkerson**, Applicant, who addressed the Council and argued in favor of a Use Permit to allow for an accessory parking lot within a R-1 (Single-family) Residential District.

There was no opposition from the public.

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

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

There came on for consideration Agenda Item VI:

ORDINANCE APPROVING AMENDMENTS TO THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF JACKSON AS ADOPTED ON MAY 29, 1974 AND SUBSEQUENTLY AMENDED IN ORDER TO PROVIDE FOR AND ESTABLISH MORE EFFECTIVE ZONING REGULATIONS FOR THE CITY OF JACKSON LAND USES. Said item was tabled until the next Zoning Council meeting to be held on Monday, October 19, 2015 at 2:30 p.m.

President Priester 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 – 3329 Ward 7	North Midtown Community Development Co.	219 McTyere Ave. Jackson, MS 39202	Office	09/06/00
SE – 3844 Ward 1	Anthony R. Simon	621 E. Northside Dr. Jackson, MS 39206	Professional Retail Office	Non- 09/16/13

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

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

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, SEPTEMBER 21, 2015, 2:30 P.M.


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There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Council Meeting to be held at 6:00 p.m. on Tuesday, September 22, 2015: at 3:50 p.m., the Council stood adjourned.

ATTEST:


CITY CLERK

APPROVED:


MAYOR, 10.8.15
DATE
