

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JULY 20, 2020, 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 July 20, 2020 being the third Monday of said month when and where the following things were had and done to wit:

- Present: Council Members: Aaron Banks, Council President; Ward 6; Ashby Foote, Ward 1; Melvin Priester, Jr., Ward 2 and Charles Tillman, Vice President Ward 5. Directors: Shanekia Mosely, Clerk of the Council; John W. Carroll, Sr., Chief Deputy Clerk of the Council; Ester Ainsworth, Zoning Administrator; and Chandra Gayten, Deputy City Attorney.
- Absent: Kenneth I. Stokes, Ward 3; De'Keither Stamps, Ward 4 and Virgi Lindsay, Ward 7.

The meeting was called to order by **President Aaron Banks**.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4085, 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 Banks requested that the Clerk read the Order:

ORDER GRANTING LAURA A. ROBBINS A SPECIAL EXCEPTION TO ALLOW FOR THE OPERATION OF A RESIDENTIAL CHILD CARE CENTER WITHIN A R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 5663 BEECHWOOD DR., CASE NO. 4085.

WHEREAS, Laura A. Robbins filed a petition for a Special Exception to allow for the operation of a residential child care center within an R-1A (Single-Family) Residential District, located at 5663 Beechwood 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., July 20, 2020 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 Mississippi Link on March 5, 2020, March 19, 2020 and June 4, 2020 that a hearing would be held by the Jackson City Planning Board on June 17, 2020, 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 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 approve the petitioned Special Exception to operate a residential child care center within an 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 not adversely affect adjacent property owners; and

WHEREAS, it appears to the Council that the petition for the Special Exception be granted based on the findings that the granting of the Special Exception does promote the public health,

safety, morals, or the general welfare of the community and the granting of such will not adversely affect surrounding properties.

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

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

LOT 18, BLOCK "C" OF NORWOOD 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, Mississippi, in Plat Book 21 at Page 29, reference to which is hereby made in aid of and as a part of this description.

Be and is hereby granted the petitioned Special Exception to allow for the operation of a residential child care center within an R-1A (Single-Family) Residential District. However, that before for any structure is erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

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

President Banks recognized **Laura A. Robbins.**, Applicant, who spoke in favor to approve a Special Exception to allow for the operation of a residential child care center.

There was no opposition from the public.

Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Priester and Tillman.

Nays – None.

Absent – Lindsay, Stamps and Stokes.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4086, 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 Banks requested that the Clerk read the Order:

ORDER GRANTING BERTHA CHAPEL M. B. CHURCH A USE PERMIT TO ALLOW FOR AN ACCESSORY PARKING LOT AND AN ACCESSORY CHURCH RELATED FELLOWSHIP HALL IN A R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 2606 WILLIAMSON AVE. (PARCELS 100-84, 100-84-5, 100-84-3, 100-84-1 & 100-83), PARCEL 100-84-2 AND PARCEL #100-71, CASE NO. 4086.

WHEREAS, Bertha Chapel M. B. Church has filed a petition for a Use Permit to allow for an accessory parking lot and an accessory church related fellowship hall in a 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, has recommended approval of a Use Permit to allow for an accessory parking lot and an accessory church related fellowship hall in a R-4 (Limited Multi-family) Residential 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, July 20, 2020 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 5, 2020, March 19, 2020 and June 4, 2020 that a hearing would be held by the Jackson City Planning Board on June 17, 2020, 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 uses 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; would 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 be granted to allow for an accessory parking lot and an accessory church related fellowship hall within a R-4 (Limited Multi-family) Residential District of the City of Jackson.

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:

Parcels: 100-84, 100-84-5, 100-84-3, 100-84-1, 100-83 & 100-84-2

Lot 1, Block F Suburba 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 1, at page 90, reference to which is hereby made in aid and as a part of this description.

Lot Two (2), of Block "M" of Homestead Heights, Part 2, 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 20, reference to which is hereby made in aid of and a part of this description. (Also known as 2607 Prosperity Street, Jackson, MS)

Lot 3, Block "F" Suburba, 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 1 at Page 90, reference to which is hereby made in aid of and as part of this description.

Lot 4 and 5, Block "F", Suburba Subdivision, a subdivision according to the map or plat thereof on file and of Hinds County, Mississippi in Plat Book 1 at page 90 thereof, reference to which is made in aid of thereof, reference to which is made in aid of and as a part of this description.

Lot 6, Block F, Surburba 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 1 at Page 90; the herein described property is also known by City of Jackson municipal address as 2634 Williamson, Jackson, Mississippi.

Parcels: 100-71

Lot 6 & 8, Block E, Surburba Subdivision.

Be and is hereby modified so as to approve a Use Permit to allow for an accessory parking lot and an accessory church related fellowship hall for property located at 2606 Williamson Ave. (Parcels 100-84, 100-84-5, 100-84-3, 100-84-1 & 100-83), Parcel 100-84-2 and Parcel #100-71 within a R-4 (Limited Multi-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.

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

There was no presentation from the Applicant and no opposition from the public.

Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Priester and Tillman.

Nays – None.

Absent – Lindsay, Stamps and Stokes.

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President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4087, 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 Banks requested that the Clerk read the Order:

ORDINANCE GRANTING JAMIKA DIXON A REZONING FROM C-1 (RESTRICTED) COMMERCIAL DISTRICT TO C-1A (RESTRICTED) COMMERCIAL DISTRICT WITH A CONDITIONAL USE PERMIT ALLOW FOR A COMMERCIAL CHILDCARE CENTER FOR THE PROPERTY LOCATED AT 241 BRIARWOOD DR. (PARCEL #723-22), CASE NO. 4087.

WHEREAS, Jamika Dixon has filed a petition to rezone property located at 241 Briarwood Dr. (Parcel #723-22), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-1 (Restricted) Commercial District to C-2 (Limited) Commercial District allow for a commercial childcare center; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property at 241 Briarwood Dr. (Parcel #723-22) from C-1 (Restricted) Commercial District to C-1A (Restricted) Commercial District with a Conditional Use Permit to allow for a commercial childcare center; 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, July 20, 2020 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 5, 2020, March 19, 2020 and June 4, 2020 that a hearing would be held by the Jackson City Planning Board on June 17, 2020, 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 the rezoning of the property located at 241 Briarwood Dr. (Parcel #723-22) from C-1 (Restricted) Commercial District to C-1A (Restricted) Commercial District with a Conditional Use Permit; 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 said application since any previous City Council action; and

WHEREAS, the Council, after having considered the matter, is also of the opinion that the proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking and other uses, and that a Conditional Use Permit be granted to allow for the operation of a commercial child care center within a C-1A (Restricted) Commercial District of the City of Jackson.

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:

Commence at a point which is 50 feet Southwest corner of Lot 19, of Block B of Fernwood Subdivision, according to the map thereof which is of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 4 at Page 76, as the Point of Beginning of the parcel hereby conveyed, to-wit:

Thence run Eastward 100 feet along the South line of Briarwood Drive to a point; thence run South for a distance of 200 feet; thence run West a distance of 100 feet to a point; thence run North a distance of 200 feet to the point of Beginning. Said parcel lying and being in Section 12, Township 6 North Range 1 East, First Judicial District of Hinds County, Mississippi.

It is hereby modified so as to approve the rezoning of the property located at 241 Briarwood Dr. (Parcel #723-22) from C-1 (Restricted) Commercial District to C-1A (Restricted) Commercial District with a Conditional Use Permit to allow for a commercial childcare center. The conditions of the Use Permit are that it shall be granted on an annual basis; be granted to Jamika Dixon, the owner/operator of the commercial day care center; and that subsequent owners or operators of a commercial day care at this location must apply for and receive a new Use Permit. However, that before for any structure is erected or use thereof on the said property, 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 Banks moved adoption; **Council Member Priester** seconded.

There was no presentation from the Applicant and no opposition from the public.

Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Priester and Tillman.

Nays – None.

Absent – Lindsay, Stamps and Stokes.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4088, 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 Banks requested that the Clerk read the Order:

ORDINANCE GRANTING RHEMALYN LEWIS A REZONING FROM R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO C-1A (RESTRICTED) COMMERCIAL DISTRICT WITH A CONDITIONAL USE PERMIT ALLOW FOR A COMMERCIAL CHILDCARE CENTER ALLOW FOR A COMMERCIAL CHILDCARE CENTER FOR THE PROPERTY LOCATED AT 4872 NORTH STATE ST. (PARCEL #432-7), CASE NO. 4088.

WHEREAS, Rhemalyn Lewis has filed a petition to rezone property located at 4872 North State St. (Parcel #432-7), in the City of Jackson, First Judicial District of Hinds County,

Mississippi, from R-1A (Single-Family) Residential District to C-2 (Limited) Commercial District allow for a commercial childcare center; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property at 4872 North State St. (Parcel #432-7) from R-1A (Single-Family) Residential District to C-1A (Restricted) Commercial District with a Conditional Use Permit allow for a commercial childcare center District allow for a commercial childcare center; 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, July 20, 2020 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 5, 2020, March 19, 2020 and June 11, 2020 that a hearing would be held by the Jackson City Planning Board on June 24, 2020, 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 not recommended the rezoning of the property located at 4872 North State St. (Parcel #432-7) from R-1A (Single-Family) Residential District to C-2 (Limited) 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 said application since any previous City Council action; and

WHEREAS, the Council, after having considered the matter, is also of the opinion that the proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking and other uses, and that a Conditional Use Permit be granted to allow for the operation of a commercial child care center within a C-1A (Restricted) Commercial District of the City of Jackson.

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 3, Block "C", Broadmoor Subdivision, Part I, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Hinds County at Jackson, Mississippi, in Plat Book 5 at Page 15 thereof, reference to which is hereby made in aid of and is a part of this description.

Lot Two (2), Block BROADMOOR SUBDIVISION, Part One (1), a subdivision in and to the First Judicial District of Hinds County, Mississippi, 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 15 thereof, reference to which is hereby made in aid of and as a part of this description.

It is hereby modified so as to approve the rezoning of the property located at 4872 North State St. (Parcel #432-7) from R-1A (Single-Family) Residential District to C-1A (Restricted) Commercial District with a Conditional Use Permit allow for a commercial childcare center. The conditions of the Use Permit are that it shall be granted on an annual basis; be granted to Rhemalyn Lewis, the owner/operator of the commercial day care center; and that subsequent owners or operators of a commercial day care at this location must apply for and receive a new Use Permit. However, that before for any structure is erected or use thereof on the said property, 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.

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

President Banks recognized **Ester Ainsworth**, Zoning Administrator, who stated that an amendment was needed throughout the order to change the address from "4872 North State Street" to "4866 & 4862 North State Street".

Council Member Foote moved; seconded by **President Banks** to amend said order to reflect the changes as stated by Zoning Administrator **Ester Ainsworth**. The motion prevailed by the following vote:

Yeas – Banks, Foote, Priester and Tillman.

Nays – None.

Absent – Lindsay, Stamps and Stokes.

Thereafter, **President Banks** called for a vote on said Order as amended:

ORDINANCE GRANTING RHEMALYN LEWIS A REZONING FROM R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO C-1A (RESTRICTED) COMMERCIAL DISTRICT WITH A CONDITIONAL USE PERMIT TO ALLOW FOR A COMMERCIAL CHILDCARE CENTER FOR THE PROPERTY LOCATED AT 4872 NORTH STATE ST. (PARCEL #432-7) (FORMERLY 4866 & 4872 N STATE ST.), CASE NO. 4088.

WHEREAS, Rhemalyn Lewis has filed a petition to rezone property located at 4872 North State St. (Parcel #432-7), formerly 4866 & 4872 N State St, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1A (Single-Family) Residential District to C-2 (Limited) Commercial District allow for a commercial childcare center; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property at 4872 North State St. (Parcel #432-7), formerly 4866 & 4872 N State St, from R-1A (Single-Family) Residential District to C-1A (Restricted) Commercial District with a Conditional Use Permit allow for a commercial childcare center District allow for a commercial childcare center; 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, July 20, 2020 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 Mississippi Link on March 5, 2020, March 19, 2020 and June 11, 2020 that a hearing would be held by the Jackson City Planning Board on June 24, 2020, 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 not recommended the rezoning of the property located at 4872 North State St. (Parcel #432-7), formerly 4866 & 4872 N State St, from R-1A (Single-Family) Residential District to C-2 (Limited) 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 said application since any previous City Council action; and

WHEREAS, to, after having considered the matter, is also of the opinion that the proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking and other uses, and that a Conditional Use Permit be granted to

allow for the operation of a commercial child care center within a C-1A (Restricted) Commercial District of the City of Jackson.

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 3, Block "C", Broadmoor Subdivision, Part I, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Hinds County at Jackson, Mississippi, in Plat Book 5 at Page 15 thereof, reference to which is hereby made in aid of and is a part of this description.

Lot Two (2), Block "C" BROADMOOR SUBDIVISION, Part One (1), a subdivision in and to the First Judicial District of Hinds County, Mississippi, 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 15 thereof, reference to which is hereby made in aid of and as a part of this description.

is hereby modified so as to approve the rezoning of the property located at 4872 North State St. (Parcel #432-7), formerly 4866 & 4872 N State St, from R-1A (Single-Family) Residential District to C-1A (Restricted) Commercial District with a Conditional Use Permit allow for a commercial childcare center. The conditions of the Use Permit are that it shall be granted on an annual basis; be granted to Rhemalyn Lewis, the owner/operator of the commercial day care center; and that subsequent owners or operators of a commercial day care at this location must apply for and receive a new Use Permit. However, that before for any structure is erected or use thereof on the said property, 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 Banks recognized **Rhemalyn Lewis**, Applicant, who spoke in favor to approve a Rezoning from R-1A (Single-Family) Residential District to C-2 (Limited) Commercial District to allow for a commercial childcare center.

There was no opposition from the public.

Thereafter, **President Banks** called for a vote on said item as amended:

Yeas – Banks, Foote, Priester and Tillman.

Nays –None.

Absent – Lindsay, Stamps and Stokes.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4089, 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 Banks requested that the Clerk read the Order:

ORDER DENYING DWAN WAKEFIELD A USE PERMIT TO ALLOW FOR THE OPERATION OF A USED CAR LOT WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 3603 ROBINSON RD. (PARCEL 644-10), CASE NO. 4089.

WHEREAS, Dwan Wakefield has filed a petition for a Use Permit to allow the operation of a used car lot 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, has recommended denial of a Use Permit to allow for the operation of a used car lot in a 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, July 20, 2020 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 5, 2020, March 19, 2020 and June 11, 2020 that a hearing would be held by the Jackson City Planning Board on June 24, 2020, 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 C-3 (General) Commercial District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the proposed use would be detrimental to the continued use, value, or development of properties in the vicinity; would adversely affect vehicular or pedestrian traffic in the vicinity and cannot 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 that a Use Permit be denied to allow for the operation of a used car lot in a C-3 (General) Commercial District of the City of Jackson; 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:

A tract of land 175 feet long and 150 feet wide located in the northeast corner of a larger 2.3-acre tract owned at one time by Harmon, Inc., said 175 — foot tract by 150-foot tract being more particularly described as follows:

From the southwest corner of the Southeast Quarter of Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section One (1), Township Five (5) North, Range One (1) West, Hinds County, Mississippi, go east 532.8 Feet to the Southwest Comer of said 2.3 acre tract formerly owned by Harmon, Inc.; thence along the west line of said 2.3 acre tract north $0^{\circ} 33'$ west for 321.65 feet, more or less, to the southern line of Robinson Road as broadened; thence run along the southern line of Robinson Road north $81^{\circ} 41'$ east for 282.4 feet to the western line of the right-of-way of interstate highway No. 220, this being the point of beginning of the 175 foot by 150 foot tract being described; thence run southerly along the western right-of-way line of said highway south $1^{\circ} 56'$ east for 150 feet; thence run south $81^{\circ} 41'$; west and parallel to the southern line of Robinson Road for 175 feet to a point; thence run north $1^{\circ} 56'$; West for 150 feet, more or less, to the southern line of Robinson Road north $81^{\circ} 41'$ east for 175 feet to the point of beginning: Said lands are conveyed subject to temporary easement to and release of all claims for damages against State Highway Commission and to lease thereon to Ray Earl Jones, Jr., as lessee, duly of record in the Office of the Clerk of Chancery Court of Hinds County, at Jackson, Mississippi; being the same lands occupied and used under said lease by grantee since July 15, 1966, the date of said lease.

be and is hereby denied a Use Permit to allow for the operation of a used car lot for property located at 3603 Robinson Rd. (Parcel 644-10) within a C-3 (General) Commercial District.

Council Member Tillman moved adoption; Council Member Priester seconded.

President Banks recognized **Artie Armstrong**, representative for Applicant, who spoke in opposition to deny a Use Permit to allow for the operation of a used car lot.

President Banks recognized **Theresa King**, representative for West Central Jackson Improvement Association, who spoke in favor to deny a Use Permit to allow for the operation of a used car lot.

President Banks recognized **Grace Butler-Washington**, who spoke in favor to deny a Use Permit to allow for the operation of a used car lot.

Thereafter, **President Banks** called for a vote on said item:

Yeas – Banks, Foote, Priester and Tillman.

Nays – None.

Absent – Lindsay, Stamps and Stokes.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4090, 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 Banks requested that the Clerk read the Order:

ORDER GRANTING CHRIS CLARK A CONDITIONAL USE PERMIT TO OPERATE A TOWING AND RECOVERY BUSINESS WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 430 STOKES ROBERTSON RD. (PARCEL #862-90), CASE NO. 4090.

President Banks moved adoption; Council Member Tillman seconded.

President Banks recognized **Chris Clark**, Applicant, who spoke in favor to approve a Conditional Use Permit to allow for a towing and recovery business.

President Banks recognized **Claude McCants**, representative for ASJAN, who spoke in opposition of the request but offered support for the Conditional Use Permit.

President Banks recognized **John Sledge**, who spoke in opposition of the request but offered support for the Conditional Use Permit.

President Banks recognized **Attorney Chandra Gayten**, who informed the Council that the City has received information that notice may not have been provided to all interested parties in this case. **Attorney Gayten** recommended that this case be remanded back to the Jackson Planning Board for compliance with all requirements. After a thorough discussion, **President Banks** and **Council Member Tillman** withdrew their motion and second. Said item was remanded back to the Jackson Planning Board for compliance with notice requirements.

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

- **C-UP 4059 – Avtar Singh o/b/o United Development LLC- 1001 W. County Line Rd. (Parcel #712-3-6) (Ward 2)**

No action required.

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

Coming for consideration are requests for the approval of the following for certification of renewal for one year and after the anniversary date of approval for Use Permit or Special Exceptions as follows:

CASE NO.	NAME	LOCATION	USE	GRANTED
SE-2482 Ward 3	George Wilkes, Jr.	729 Beaverbrook Dr. Jackson, MS 39206	One-Chair Barber Shop	07/16/86
SE-2483 Ward 7	Carl Lackey	1718 Bailey Ave. Jackson, MS 39203	Commercial Parking Lot	07/16/86
SE-3313 Ward 3	Eva Shell	303 Wilshire Dr. Jackson, MS 39211	Day Care Center	07/14/00
C-UP 3896 Ward 3	Quarquerite Lowe	532 E. Northside Dr. Jackson, MS 39206	Operation of a Commercial Child Care Center	04/20/15
SE-4054 Ward 6	JCD Urban Development	2034 W. McDowell Rd. Jackson, MS 39204	Residential Community Facility for the conducting of office/community activities	06/17/19

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 Tillman moved adoption; **President Banks** seconded.

Yeas – Banks, Foote, Priester and Tillman.

Nays – None.

Absent – Lindsay, Stamps and Stokes.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Council Meeting to be held at 10:00 a.m. on Tuesday, July 21, 2020. At 4:20 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Mosby
CLERK OF COUNCIL

APPROVED:

Charles A. ... 8/27/2020
MAYOR _{CA} DATE

ATTEST:

Angela Harris
CITY CLERK
