

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, AUGUST 17, 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 August 17, 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; De'Keither Stamps, Ward 4 and Virgi Lindsay, Ward 7. 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 and Charles Tillman, Vice President Ward 5.

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. 4091, 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 THE TABERNACLE MINISTRIES A USE PERMIT TO ALLOW FOR THE OPERATION OF A SCHOOL AS AN ACCESSORY USE FOR A CHURCH WITHIN A R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR THE PROPERTY LOCATED AT 2025A SIWELL RD. (PARCEL 845-275), CASE NO. 4091.

WHEREAS, The Tabernacle Ministries has filed a petition for a Use Permit to allow for the operation of a school as an accessory use for a church within a R-1 (Single-Family) Residential District 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 a Use Permit to allow for the operation of a school as an accessory use for a church within a R-1 (Single-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, August 17, 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 April 2, 2020 and July 9, 2020 that a hearing had been held by the Jackson City Planning Board on July 22, 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-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 school as an accessory use for a church will not be detrimental to the continued use, value, or development of properties in the vicinity; will not adversely affect vehicular or pedestrian traffic in the vicinity; 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 be granted to allow for the operation of a school as an accessory use for a church within the existing R-1 (Single-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:

A certain parcel of land being situated in the Northwest ¼ of Section 21, T5N-R1 W in the City of Jackson, Hinds County, Mississippi, and being more particularly described as follows:

Commence at an existing bold marking the Northeast corner of Brookhollow Place, Part 2, a 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, as now recorded in Plat Book 26 at Page 6 and run thence North 00 degrees 40 minutes 10 seconds West for a distance of 284.50 feet to an existing ½" iron pin on the West right-of-way line of Siwell Road marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING and leaving said West right-of-way line of Siwell Road, run thence South 88 degrees 04 minutes 00 seconds West for a distance of 504.70 feet to an existing ½" iron pin; run thence North 03 degrees 44 minutes 00 seconds West for a distance of 369.59 feet to an existing ½" iron pin on the South right-of-way line of Mississippi State Highway 18; run theme along said South right-of-way line of Mississippi State Highway 18 the following bearings and distances: North 85 degrees 36 minutes 00 seconds East for a distance of 88.88 feet to an existing concrete monument; South 87 degrees 09 minutes 33 seconds East for a distance of 99.29 feet to an existing ½" iron pin; South 55 degrees 06 minutes 32 seconds East for a distance of 403.67 feet to a set ½" iron pin on the aforesaid West right-of-way line of Siwell Road; leaving said South right-of-way line of Mississippi State Highway 18, run thence South 04 degrees 27 minutes 46 seconds East for a distance of 123.16 feet to the POINT OF BEGINNING, containing 3.36 acres, more or less.

The above described parcel of land being the same property as described in deed recorded in Deed Book 7126 at Page 6571, on file and of record in the aforesaid Chancery Clerk's office.

Be and is hereby modified so as to approve a Use Permit to allow for the operation of a school as an accessory use for a church for the property located at 2025A Siwell Rd. (Parcel 845-275) 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.

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

President Banks recognized **M'Henry Bolden**, representative for the Applicant, who spoke in favor to approve a Use Permit to allow for the operation of a private school as an accessory use for the church.

There was no opposition from the public.

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

Yeas – Banks, Foote, Priester, Stamps and Lindsay.

Nays – None.

Absent – Stokes and Tillman.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4092, 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 LINDA STUCKEY A REZONING FROM R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO C-1A (RESTRICTED) COMMERCIAL DISTRICT WITH A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL DAY CARE CENTER FOR THE PROPERTY LOCATED AT 5753 ANGLE DR. (PARCEL: 723-701), CASE NO. 4092.

WHEREAS, Linda Stuckey has filed a petition to rezone property located at 5753 Angle Dr., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1A (Single-Family) Residential District to C-1A (Restricted) Commercial with a Use Permit to operate a commercial day care center; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the rezoning of the property from R-1A (Single-Family) Residential District to C-1A (Restricted) Commercial District with a Conditional Use Permit to operate a commercial day care 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, August 17, 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 April 2, 2020 and July 9, 2020 that a hearing had been held by the Jackson City Planning Board on July 22, 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 of the rezoning of the above described property 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 the request in said application since any previous City Council action and that a Conditional Use Permit be granted based upon the proposed use being the proposed use being compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking and other uses.

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 2, Block A, PRESTO HEIGHTS SUBDIVISION, PART 2, according to the map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, MS as now recorded in Plat Book 17 at Page 7.

Is hereby modified so as to approve the rezoning of the property located at 5753 Angle Dr. from R-1A (Single-Family) Residential District to C-1A (Restricted) Commercial District with a Conditional Use Permit to operate a commercial day care center. The conditions of the Use Permit are that it shall be granted on an annual basis; be granted to Linda Stuckey, the owner/operator of the commercial day care center; that any subsequent owners or operators of a commercial day care at this location must apply for and receive a new Use Permit. However, that before 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.

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

President Banks recognized **Linda Stuckey**, Applicant, who spoke in favor to approve a Rezoning from R-1A (Single Family) Residential District to C-1A (Restricted) Commercial District with a Conditional Use Permit to operate a commercial day care center.

There was no opposition from the public.

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

Yeas – Banks, Foote, Priester, Stamps and Lindsay.

Nays – None.

Absent – Stokes and Tillman.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4093, 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 DRS. DAVID & JOYCE COLE MARION A REZONING FROM R-5 (MULTI-FAMILY) RESIDENTIAL DISTRICT TO C-1 (RESTRICTED) COMMERCIAL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A PROFESSIONAL SERVICES OFFICE BUILDING FOR THE PROPERTY LOCATED ON PARCEL #507-276-2 ON OLD CANTON RD. CASE NO. 4093.

WHEREAS, Drs. David & Joyce Cole Marion have filed a petition to rezone property located on Parcel #507-276-2 on Old Canton Rd., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-5 (Multi-family) Residential District to C-3 (General) Commercial District to allow for the construction of a professional services office building; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property on Parcel #507-276-2 on Old Canton Rd. from R-5 (Multi-family) Residential District to C-1 (Restricted) Commercial District to allow for the construction of a professional services office building; 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, August 17, 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 April 2, 2020 and July 9, 2020 that a hearing had been held by the Jackson City Planning Board on July 22, 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 on Parcel #507-276-2 on Old Canton Rd. from R-5 (Multi-family) Residential District to C-1 (Restricted) 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 properties and there is a public need for additional property in that area zoned in accordance with said application since any previous City Council action.

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 lying and being situated in the NE ¼ of Section 13, Township 6 North, Range 1 East, Jackson, Hinds County, Mississippi, and being more particularly described as follows:

From the Point of Beginning of the parcel herein described, said point being the Point of Beginning of the property granted to Mississippi Power & Light Company from W. P. Bridges dated September 24, 1975, and recorded in the Office of the Chancery Clerk, Hinds County, Mississippi, in Deed Book 2314, Page 550, run thence in a northerly direction along the west property line of said Mississippi Power & Light Company land a distance of 125.0' to a point, thence turn right 88°23'00" and run in a easterly direction a distance of 250.9' to a point, thence turn right 91°37'00" and run in a southerly direction a distance of 125.0' to a point, thence turn right 88°23'00" and run in a westerly direction a distance of 250.9' to the Point of Beginning, containing 0.72 acres, more or less.

Is hereby modified so as to approve the rezoning of the property located on Parcel #507-276-2 on Old Canton Rd. from R-5 (Multi-family) Residential District to C-1 (Restricted) Commercial District. However, that before 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.

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

President Banks recognized **Jeff Seabold**, Applicant, who spoke in favor to approve a Rezoning from R-5 (Multi-family) Residential District to C-1 (Restricted) Commercial District to allow for the construction of a professional services office building.

There was no opposition from the public.

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

Yeas – Banks, Foote, Priester, and Lindsay.

Nays – None.

Absent – Stamps, Stokes and Tillman.

Council Member Stamps left the meeting during discussion.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4094, 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 recognized **Attorney Chandra Gayten**, who informed the Council that the Applicant was quarantined due to COVID-19 related concerns and that a representative for the Applicant was present to speak in favor of said item. **Attorney Gayten** recommended that the Council suspend rules to allow the representative for the Applicant to speak to said item.

Council Member Foote moved; seconded by **Council Member Lindsay**, to suspend the rules to allow comments on said item. The motion prevailed by the following vote:

Yeas – Banks, Foote, Priester, Stamps and Lindsay.

Nays – None.

Absent – Stokes and Tillman.

President Banks recognized **Bill Kellum** and **Derek Carroll**, representatives for Applicant, who spoke in favor of the request.

There was no opposition from the public.

President Banks requested that the Clerk read the Order:

ORDER GRANTING KELLUM LAW FIRM A SPECIAL EXCEPTION TO ALLOW FOR A LAW OFFICE WITHIN AN R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR THE PROPERTY LOCATED AT 1438 NORTH STATE ST. (PARCEL: 13-2), CASE NO. 4094.

WHEREAS, Kellum Law Firm filed a petition for a Special Exception to allow for a law office within a R-4 (Limited Multi-family) Residential District, for the property located at 1438 North State St. (Parcel: 13-2), 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., August 17, 2020 to consider said petition, 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 April 2, 2020 and July 9, 2020 that a hearing had been held by the Jackson City Planning Board on July 22, 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 a Special Exception for the above described property, within an existing R-4 (Limited Multi-family) Residential Zoning District 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 a Special Exception to allow for a law office within an R-4 (Limited Multi-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.

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 2 and a 4 X 150-foot strip of land off the North side of Lot 10, Second Gillespie Subdivision of the City of Jackson, 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 2, Page 88, reference to which is hereby made in aid of and as part of this description.

Be and is hereby granted a Special Exception to allow for a law office within a R-4 (Limited Multi-family) Residential District for the property located at 1438 North State St. 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 Lindsay moved adoption; **Council Member Priester** seconded.

Yeas – Banks, Foote, Priester, Stamps and Lindsay.
Nays – None.
Absent – Stokes and Tillman.

Council Member Stamps returned to the meeting during discussion.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4095, 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 ART MINTON A SPECIAL EXCEPTION TO ALLOW FOR A PROFESSIONAL (REAL ESTATE) OFFICE WITHIN AN R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR THE PROPERTY LOCATED AT 1131 DRUID HILL DR. (PARCEL: 438-101), CASE NO. 4095.

WHEREAS, Art Minton has filed a petition for a Special Exception to allow for a professional (real estate) office within a R-1A (Single-Family) Residential District for the property located at 1131 Druid Hill Dr. (Parcel: 438-101), 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., August 17, 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 April 2, 2020 and April 16, 2020 that a hearing had been held by the Jackson City Planning Board on July 22, 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 a Special Exception for the above described property, within an existing R-1A (Single-Family) Residential Zoning District 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 a Special Exception to allow for a professional (real estate) office 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.

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 32, DRUID HILL SUBDIVISION, and 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 as now recorded in Plat Book 5 at Page 11, reference to which is hereby made.

Be and is hereby granted a Special Exception to allow for a professional (real estate) office within R-1A (Single-Family) Residential District for the property located at 1131 Druid Hill Dr. 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 Lindsay seconded.

President Banks recognized Art Minton, Applicant, who spoke in support of the request.

There was no opposition from the public.

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

Yeas – Banks, Foote, Priester, Stamps and Lindsay.

Nays – None.

Absent – Stokes and Tillman.

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 – 1930 Ward 3 | Cora Lee Butler | 3016 Randolph St. Jackson, MS 39213 | One Chair Beauty Salon | 08/06/80 |
| SE- 3676 Ward 3 | Richard Moman | 4644 N. State St. Jackson, MS 39206 | Tax Office | 08/18/08 |
| SE-3715 Ward 3 | Charlotte Ford | 227 Stillwood Dr. Jackson, MS 39206 | Catering Service | 08/17/09 |

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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 Lindsay** seconded.

Yeas – Banks, Foote, Priester, Stamps and Lindsay.

Nays – None.

Absent – Stokes and Tillman.

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, August 18, 2020. At 3:11 p.m., the Council stood adjourned.

PREPARED BY:



CLERK OF COUNCIL

APPROVED:

 9/15/2020

MAYOR

DATE

ATTEST:



CITY CLERK
