

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, OCTOBER 19, 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 October 19, 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; Charles Tillman, Vice President Ward 5 and Virgi Lindsay, Ward 7. Directors: Shanekia Mosley, 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.

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. 4100, 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 WILLIAM ANDERSON, JR. A REZONING FROM R-2 (SINGLE & TWO-FAMILY) RESIDENTIAL DISTRICT TO C-3 (GENERAL) COMMERCIAL DISTRICT TO ALLOW FOR AN AUTOMOTIVE SERVICE REPAIR ESTABLISHMENT FOR THE PROPERTY LOCATED AT 6238 WESLEY ST. (PARCEL: 707-125-1), CASE NO. 4100.

WHEREAS, William Anderson, Jr. have filed a petition to rezone property located at 6238 Wesley St. (Parcel: 707-125-1), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-2 (Single & Two-Family) Residential District to C-3 (General) Commercial District to allow for an automotive service repair establishment; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the denial of the rezoning of the property at 6238 Wesley St. (Parcel: 707-125-1) from R-2 (Single & Two-Family) Residential District to C-3 (General) Commercial District to allow for an automotive service repair establishment; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, October 19, 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 Jackson City Council that notice of said petition had been published in the Mississippi Link on September 3, 2020 and September 17, 2020 that a hearing had been held by the Jackson City Planning Board on September 23, 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 6238 Wesley St. (Parcel: 707-125-1) from R-2 (Single & Two-Family) Residential District to C-3 (General) Commercial District; and

WHEREAS, the Jackson City 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 said application since any previous Jackson 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:

Commencing at the Northeast corner of Section Two (2) Township Six (6) North, Range One (1) East, and run thence west One Thousand two hundred and eleven (1211) feet, more or less, to a point ; run thence south for a distance of Three hundred and seventy-five (375) feet to the point of beginning of the land herein conveyed; from said point of beginning, run south a distance of Seventy-five (75) feet to a point: run thence west a distance of Two hundred (200) feet to the east line of a Thirty (30) foot road; run thence north along the east line of said road distance of Seventy-five (75) feet to a point; run thence east a distance of Two Hundred (200) feet to the point of beginning, said property being the South one-half (S ½) of that certain parcel of land described in Book Eight Hundred and Seventy (870) at page Three hundred and Ninety (390) in the office of the aforesaid Chancery Clerk.

Indexing Instructions:

S 1/2 of land described in Book 870 at Page 390, Hinds Co., 1st District, MS.

EXCEPTED from the warranty hereof are all easements, rights of way, zoning ordinances, restrictive and protective covenants.

For a point of beginning, begin at the Northeast corner of that certain land and property conveyed by Georg H. Schroeder, et all, to l. m. Beasley, be deed dated March 21, 1940, and recorded in the office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi, in Deed Book 336 at Page 195, said point of beginning described as being 1211 feet, more or less, West of the northeast corner of Section 2, Township 6 North, Range 1 East, and run thence South 450 feet to the point of beginning, using this point as a point of beginning, run thence South 150 feet to a point, run thence West 200 feet to the east line of a 30 feet road, run thence North 150 feet along the East line of said 30 feet road to a point, run thence East a distance of 200 feet to the point of beginning.

Subject to any easements and rights of way for public roads and utilities, now existence and further subject to any oil, gas and mineral rights that may have been previously reserved or conveyed by prior owners.

is hereby denied the rezoning of the property located at 6238 Wesley St. (Parcel: 707-125-1) from R-2 (Single & Two-Family) Residential District to C-3 (General) Commercial District.

Council Member Tillman moved adoption; **Council Member Lindsay** 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, Lindsay and Tillman.
- Nays – None.
- Absent – Stamps and Stokes.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4101, 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 PARSHWA LLC A USE PERMIT TO ALLOW FOR THE OPERATION OF A LIQUOR STORE IN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED IN SUITE 105 OF 6351 I-55 NORTH FRONTAGE RD. (PARCEL 710-1), CASE NO. 4101.

WHEREAS, Parshwa, LLC, has filed a petition for a Use Permit to allow for the operation of a liquor store in a C-3 (General) Commercial District for the property located in Suite 105 of 6351 I55 N Frontage Rd (Parcel 710-1) 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 the operation of a liquor store 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, October 19, 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 September 3, 2020 and September 17, 2020 that a hearing had been held by the Jackson City Planning Board on September 23, 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 C-3 (General) Commercial District of the City of Jackson; and

WHEREAS, the Jackson City Council, after having considered the matter, is of the opinion that the proposed use 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 Use Permit be granted to allow for the operation of a liquor store within a C-3 (General) Commercial District for the property located in Suite 105 of 6351 I55 N Frontage Rd (Parcel 710-1) in the City of Jackson; and

WHEREAS, pursuant to Section 702.05.02 (14) of the City of Jackson Zoning Ordinance, use permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes; and subsequent owners of a liquor store at this location must apply for and receive a new Use Permit.

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, described as:

TRACT I

A tract of land consisting of 12.421 acres situated in the West Half (W ½) of the Northeast Quarter (NE ¼) and the East Half (E ½) of the Northwest Quarter (NW ¼) of Section 1, Township 6 North, Range I East, Hinds County, Mississippi being more particularly described as follows, to wit:

Commencing at a found iron rod marking the Northwest corner of Beverly Heights, Part 1, 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 7 at Page 17; said point also being on the East right-of-way line of U.S. Highway Number 51; thence run North 27 degrees 27 minutes 25 seconds East, for a distance of 1238.00 feet to a point on said right-of-way line; thence run North 26 degrees 37 minutes 25 seconds East, along said right-of-way line, for a distance of 114.17 feet; thence run South 63 degrees 22 minutes 35 seconds East, along said right-of-way line for a distance of 29.89 feet; thence run North 26 degrees 37 minutes 25 seconds East, along said right-of-way line, for a distance of 338.14 feet to a point in the centerline of White Oak Creek as it existed prior to its relocation in June 1995; thence run South 50 degrees 49 minutes 23 seconds East, along said right-of-way line, for a distance of 10.24 feet; thence run North 26 degrees 37 minutes 25 seconds East along said right-of-way line, for a distance of 367.69 feet to the intersection of said right-of-way line with the South right-of-way line of County Line Road, thence run South 86 degrees 52 minutes 15 seconds East, along said South right-of-way line, for a distance of 166.83 feet to a found concrete right-of-way monument; thence run South 31 degrees 38 minutes 22 seconds East, along said right-of-way line, for a distance of 52.00 feet to a found concrete right-of-way monument on a curve to the left, said curve better described as having a Delta of 14 degrees 37 minutes 19 seconds and a Radius of 836.20 feet; thence run along said South right-of-way line and the arc of said curve to the left, for a distance of 213.34 feet (Chord South 79 degrees 50 minutes 50 seconds East for a distance of 212.76 feet) to the point of tangency of said curve; thence run South 87 degrees 11 minutes 48 seconds East, along said South right-of-way line, for a distance of 126.97 feet to a found concrete right-of-way monument; thence run North 04 degrees 35 minutes 23 seconds East, along said South right-of-way line for a distance of 68.11 feet to a found concrete right-of-way monument; thence run South 86 degrees 26 minutes 45 seconds East, along said South right-of-way line, for a distance of 37.18 feet to a found concrete right-of-way monument at the intersection of said South right-of-way line with the West right-of-way line of Interstate Highway Number 55; thence run South 35 degrees 04 minutes 32 seconds East, along said West right-of-way line, for a distance of 141.90 feet to a found concrete right-of-way monument and the point of curvature of a curve to the left, said curve being better described as having a Delta of 08 degrees 05 minutes 34 seconds and a Radius of 1232.23 feet; thence run along said West right-of-way line and said arc to the left for a distance of 174.04 feet (Chord South 14 degrees 07 minutes 32 seconds East for a distance of 173.90 feet) to a found iron rod at the point of tangency of said curve; thence run South 18 degrees 24 minutes 32 seconds East, along said West right-of-way line, for a distance of 284.20 feet to a found concrete right-of-way monument and the POINT OF BEGINNING of the property herein described; thence run South 01 degrees 54 minutes 28 seconds West, along said West right-of-way line, for a distance of 103.72 feet; thence run South 81 degrees 37 minutes 42 seconds West for a distance of 282.96 feet; thence run South 08 degrees 22 minutes 18 seconds East for a distance of 269.50 feet; thence run South 81 degrees 37 minutes 42 seconds West for a distance of 81.00 feet; thence run South 08 degrees 22 minutes 18 seconds East for a distance of 283.50 feet; thence run North 81 degrees 37 minutes 42 seconds East for a distance of 393.85 feet to a point on the aforementioned West right-of-way line of Interstate Highway 55; thence run South 18 degrees 09 minutes 42 seconds East, along said West right-of-way line, for a distance of 38.56 feet; thence run South 81 degrees 37 minutes 42 seconds West for a distance of 270.41 feet to the point of curvature of a curve to the left, said curve being better described as having a delta of 90 degrees 00 minutes 00 seconds and a radius of 10.00 feet; thence run along the arc of said curve to the left for a distance of 15.71 feet (Chord South 36 degrees 37 minutes 42 seconds West for a distance of 14.14 feet) to the point of tangency of said curve; thence run South 08 degrees 22 minutes 18 seconds East for a distance of 204.96 feet; thence run South 81 degrees 37 minutes 42 seconds West for a distance of 287.00 feet; thence run North 08 degrees 22 minutes 18 seconds West for a distance of 37.96 feet; thence run South 81 degrees 37 minutes 42 seconds West for a distance of 9.00 feet; thence run North 08 degrees 22 minutes 18 seconds West for a distance of 133.42 feet; thence run South 81 degrees 37 minutes 42 seconds West for a distance of 572.69 feet; thence run North 00 degrees 41 minutes 02 seconds West for a distance of 258.28 feet to the point of curvature of a curve to the right, said curve being better described as having a Delta of 02 degrees 19 minutes 55 seconds and a Radius of 300.00 feet; thence run along the arc of said curve to the right for a distance of 12.21 feet (Chord North 00 degrees 28 minutes 56 seconds East for a distance of 12.21 feet) to the point of tangency of said curve; thence run North 01 degrees 38 minutes 53 seconds East for a distance of 110.66 feet to the point of curvature of a curve to the right, said curve being better described as having a Delta of 23 degrees 26 minutes 30 seconds and a Radius of 150.00 feet; thence run along the arc of said curve to the right for a distance of 60.06 feet (Chord North 13

degrees 06 minutes 57 seconds East for a distance of 59.66 feet) to the point of tangency of said curve; thence run North 24 degrees 35 minutes 20 seconds East for a distance of 76.85 feet; thence run South 70 degrees 13 minutes 59 seconds East for a distance of 379.35 feet to a point in the centerline of White Oak Creek as it existed prior to its relocation in June 1995; thence run along the meanderings of said centerline the following bearings and distances: North 07 degrees 20 minutes 52 seconds East for a distance of 151.26 feet; thence North 50 degrees 37 minutes 22 seconds East for a distance of 42.59 feet; thence North 65 degrees 41 minutes 08 seconds East for a distance of 60.45 feet; thence North 48 degrees 21 minutes 21 seconds East for a distance of 51.18 feet; thence North 13 degrees 08 minutes 05 seconds East for a distance of 35.46 feet; thence North 16 degrees 06 minutes 22 seconds West for a distance of 36.91 feet; thence North 52 degrees 48 minutes 12 seconds West for a distance of 33.35 feet; thence South 76 degrees 18 minutes 04 seconds West for a distance of 66.05 feet; thence South 47 degrees 10 minutes 27 seconds West for a distance of 69.12 feet; thence North 46 degrees 56 minutes 49 seconds West for a distance of 20.00 feet; thence North 00 degrees 29 minutes 36 seconds West for a distance of 62.46 feet; thence North 49 degrees 57 minutes 25 seconds East for a distance of 50.56 feet; thence North 37 degrees 02 minutes 04 seconds West for a distance of 35.12 feet; thence North 81 degrees 34 minutes 47 seconds West for a distance of 28.82 feet; thence South 76 degrees 18 minutes 50 seconds West for a distance of 34.84 feet; thence North 77 degrees 54 minutes 44 seconds West for a distance of 66.06 feet; thence North 70 degrees 31 minutes 11 seconds West for a distance of 29.74 feet; thence North 48 degrees 59 minutes 29 seconds West for a distance of 59.00 feet; thence North 46 degrees 35 minutes 12 seconds West for a distance of 42.63 feet; thence, leaving said centerline of White Oak Creek, run North 81 degrees 37 minutes 42 seconds East for a distance of 181.17 feet; thence run North 08 degrees 22 minutes 18 seconds West for a distance of 10.00 feet; thence run North 81 degrees 37 minutes 42 seconds East for a distance of 242.34 feet; thence run South 08 degrees 22 minutes 18 seconds East for a distance of 57.10 feet; thence run North 81 degrees 37 minutes 42 seconds East for a distance of 136.00 feet; thence run South 08 degrees 22 minutes 18 seconds East for a distance of 44.00 feet; thence run North 81 degrees 37 minutes 42 seconds East for a distance of 229.77 feet to a point on a curve to the right, said curve being better described as having a delta of 20 degrees 44 minutes 24 seconds and a radius of 50.00 feet; thence run along the arc of said curve to the right for a distance of 5.97 feet (Chord South 10 degrees 25 minutes 42 seconds East for a distance of 5.96 feet); thence run North 81 degrees 37 minutes 42 seconds East for a distance of 40.55 feet to the Point of Beginning.

TRACT 2

A tract of land consisting of 3.444 acres situated in the West Half (W 1/2) of the Northeast Quarter (NE 1/4) and the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 1, Township 6 North, Range 1 East, Hinds County, Mississippi, being more particularly described as follows, to wit:

Commencing at a found iron rod marking the Northwest corner of Beverly Heights, Part 1, 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 7 at Page 17; said point also being on the East right-of-way line of U.S. Highway Number 51; thence run North 27 degrees 27 minutes 25 seconds East, for a distance of 1238.00 feet to a point on said right-of-way line; thence run North 26 degrees 37 minutes 25 seconds East, along said right-of-way line, for a distance of 114.17 feet; thence run South 63 degrees 22 minutes 35 seconds East, along said right-of-way line for a distance of 29.89 feet; thence run North 26 degrees 37 minutes 25 seconds East, along said right-of-way line, for a distance of 338.14 feet to a point in the centerline of White Oak Creek as it existed prior to its relocation in June 1995; thence run South 50 degrees 49 minutes 23 seconds East, along said right-of-way line, for a distance of 10.24 feet; thence run North 26 degrees 37 minutes 25 seconds East along said right-of-way line, for a distance of 367.69 feet to the intersection of said right-of-way line with the South right-of-way line of County Line Road, thence run South 86 degrees 52 minutes 15 seconds East, along said South right-of-way line, for a distance of 166.83 feet to a found concrete right-of-way monument; thence run South 31 degrees 38 minutes 22 seconds East, along said right-of-way line, for a distance of 52.00 feet to a found concrete right-of-way monument on a curve to the left, said curve better described as having a Delta of 14 degrees 37 minutes 19 seconds and a Radius of 836.20 feet; thence run along said South right-of-way line and the arc of said curve to the left, for a distance of 213.34 feet (Chord South 79 degrees 50 minutes 50 seconds East for a distance of 212.76 feet) to the point of tangency of said curve; thence run South 87 degrees 11 minutes 48

seconds East, along said South right-of-way line, for a distance of 126.97 feet to a found concrete right-of-way monument; thence run North 04 degrees 35 minutes 23 seconds East, along said South right-of-way line for a distance of 68.11 feet to a found concrete right-of-way monument; thence run South 86 degrees 26 minutes 45 seconds East, along said South right-of-way line, for a distance of 37.18 feet to a found concrete right-of-way monument at the intersection of said South right-of-way line with the thence run South 35 degrees 04 minutes 32 seconds East, along said West right-of-way line, for a distance of 141.90 feet to a found concrete right-of-way monument and the point of curvature of a curve to the left, said curve being better described as having a Delta of 08 degrees 05 minutes 34 seconds and a Radius of 1232.23 feet; thence run along said West right-of-way line and said arc to the left for a distance of 174.04 feet (Chord South 14 degrees 07 minutes 32 seconds East for a distance of 173.90 feet) to a found iron rod at the point of tangency of said curve; thence run South 18 degrees 24 minutes 32 seconds East, along said West right-of-way line, for a distance of 284.20 feet to a found concrete right-of-way monument; thence run South 01 degrees 54 minutes 28 seconds West, along said West right-of-way line, for a distance of 103.72 feet; thence run South 81 degrees 37 minutes 42 seconds West for a distance of 282.96 feet; thence run South 08 degrees 22 minutes 18 seconds East for a distance of 269.50 feet; thence run South 81 degrees 37 minutes 42 seconds West for a distance of 81.00 feet; thence run South 08 degrees 22 minutes 18 seconds East for a distance of 283.50 feet; thence run North 81 degrees 37 minutes 42 seconds East for a distance of 393.85 feet to a point on the aforementioned West right-of-way line of Interstate Highway 55; thence run South 18 degrees 09 minutes 42 seconds East, along said West right-of-way line, for a distance of 107.17 feet to the centerline of a dedicated 40.00 foot wide road right-of-way; thence run North 88 degrees 43 minutes 40 seconds West, along said centerline, for a distance of 163.48 feet to a point in the centerline of a 20.00 foot wide dedicated road right-of-way; thence run South 04 degrees 17 minutes 33 seconds West, along said centerline, for a distance of 1012.94 feet; thence run North 85 degrees 42 minutes 27 seconds West for a distance of 10.00 feet to a point on the North line of the aforementioned Beverly Heights, Part 1; thence run North 75 degrees 48 minutes 29 seconds west, along said North line, for a distance of 1.78 feet to the POINT OF BEGINNING of the property herein described; thence run North 75 degrees 48 minutes 29 seconds West for a distance of 701.99 feet to a found iron pipe at the Northern corner of Lot 17 of the aforementioned Beverly Heights, Part 1 ; thence run North 27 degrees 11 minutes 09 seconds East for a distance of 43.26 feet to a point on a curve to the left, said curve being better described as having a Delta of 33 degrees 17 minutes 04 seconds and a Radius of 300.00 feet; thence run along the arc of said curve to the right for a distance of 72.52 feet (Chord North 49 degrees 26 minutes 30 seconds West for a distance of 72.35 feet) to the point of tangency of said curve; thence run North 42 degrees 31 minutes 02 seconds West for a distance of 152.17 feet to the point of curvature of a curve to the right, said curve being better described as having a Delta of 41 degrees 50 minutes 00 seconds and a Radius of 300.00 feet; thence run along the arc of said curve to the right for a distance of 219.04 feet (Chord North 21 degrees 36 minutes 00 seconds West for a distance of 214.21 feet) to the point of tangency of said curve; thence run North 00 degrees 41 minutes 02 seconds West for a distance of 291.17 feet; thence run North 81 degrees 37 minutes 42 seconds East for a distance of 100.91 feet; thence run South 00 degrees 41 minutes 02 seconds East for a distance of 304.62 feet to the point of curvature of a curve to the left, said curve being better described as having a Delta of 41 degrees 50 minutes 00 seconds and a Radius of 200.00 feet; thence run along the arc of said curve to the left for a distance of 146.03 feet (Chord South 21 degrees 36 minutes 00 seconds East for a distance of 142.80 feet) to the point of tangency of said curve; thence run South 42 degrees 31 minutes 02 seconds East for a distance of 152.17 feet to the point of curvature of a curve to the left, said curve being better described as having a Delta of 33 degrees 17 minutes 04 seconds and a Radius of 200.00 feet; thence run along the arc of said curve to the left for a distance of 116.19 feet (Chord South 59 degrees 09 minutes 34 seconds East for a distance of 114.56 feet) to the point of tangency of said curve; thence run South 75 degrees 48 minutes 06 seconds East for a distance of 450.63 feet to the point of curvature of a curve to the right, said curve being better described as having a Delta of 61 degrees 47 minutes 33 seconds and a Radius of 125.00 feet; thence run along the arc of said curve to the right for a distance

of 134.82 feet (Chord South 44 degrees 54 minutes 14 seconds East for a distance of 128.37 feet) to the point of tangency of said curve; thence run South 14 degrees 00 minutes 23 seconds East for a distance of 67.02 feet to the Point of Beginning.

TRACT 3

A tract of land consisting of 0.059 acres situated in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 1, Township 6 North, Range 1 East, Hinds County, Mississippi being more particularly described as follows, to wit:

Commencing at a found iron rod marking the Northwest corner of Beverly Heights, Part 1, 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 7 at Page 17; said point also being on the East right-of-way line of U.S. Highway Number 51; thence run North 27 degrees 27 minutes 25 seconds East, for a distance of 1238.00 feet to a point on said right-of-way line; thence run North 26 degrees 37 minutes 25 seconds East, along said right-of-way line, for a distance of 114.17 feet; thence run South 63 degrees 22 minutes 35 seconds East, along said right-of-way line for a distance of 29.89 feet; thence run North 26 degrees 37 minutes 25 seconds East, along said right-of-way line, for a distance of 338.14 feet to a point in the centerline of White Oak Creek as it existed prior to its relocation in June 1995; thence run South 50 degrees 49 minutes 23 seconds East, along said right-of-way line, for a distance of 10.24 feet; thence run North 26 degrees 37 minutes 25 seconds East along said right-of-way line, for a distance of 367.69 feet to the intersection of said right-of-way line with the South right-of-way line of County Line Road; thence run South 86 degrees 52 minutes 15 seconds East, along said South right-of-way line, for a distance of 166.83 feet to a found concrete right-of-way monument; thence run South 31 degrees 38 minutes 22 seconds East, along said right-of-way line, for a distance of 52.00 feet to a found concrete right-of-way monument on a curve to the left, said curve better described as having a Delta of 14 degrees 37 minutes 19 seconds and a Radius of 836.20 feet; thence run along said South right-of-way line and the arc of said curve to the left, for a distance of 213.34 feet (Chord South 79 degrees 50 minutes 50 seconds East for a distance of 212.76 feet) to the point of tangency of said curve; thence run South 87 degrees 11 minutes 48 seconds East, along said South right-of-way line, for a distance of 126.97 feet to a found concrete right-of-way monument; thence run North 04 degrees 35 minutes 23 seconds East, along said South right-of-way line for a distance of 68.11 feet to a found concrete right-of-way monument; thence run South 86 degrees 26 minutes 45 seconds East, along said South right-of-way line, for a distance of 37.18 feet to a found concrete right-of-way monument at the intersection of said South right-of-way line with the West right-of-way line of Interstate Highway Number 55; thence run South 35 degrees 04 minutes 32 seconds East, along said West right-of-way line, for a distance of 141.90 feet to a found concrete right-of-way monument and the point of curvature of a curve to the left, said curve being better described as having a Delta of 08 degrees 05 minutes 34 seconds and a Radius of 1232.23 feet; thence run along said West right-of-way line and said arc to the left for a distance of 174.04 feet (Chord South 14 degrees 07 minutes 32 seconds East for a distance of 173.90 feet) to a found iron rod at the point of tangency of said curve; thence run South 18 degrees 24 minutes 32 seconds East, along said West right-of-way line, for a distance of 284.20 feet a found concrete right-of-way monument; thence run South 01 degrees 54 minutes 28 seconds West, along said West right-of-way line, for a distance of 103.72 feet to the POINT OF BEGINNING of the property herein described; thence continue along the aforementioned right-of-way line South 01 degrees 54 minutes 28 seconds West for a distance of 98.20 feet to a point; thence run South 81 degrees 37 minutes 42 seconds West for a distance of 17.77 feet to a point; thence run North 08 degrees 22 minutes 18 seconds West for a distance of 96.63 feet; thence run North 81 degrees 37 minutes 42 seconds East for a distance of 35.29 feet to the Point of Beginning.

be and is hereby modified so as to approve a Use Permit allow for the operation of a liquor store within a C-3 (General) Commercial District for the property located in Suite 105 of 6351 I55 N Frontage Rd. (Parcel 710-1). 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 Lindsay moved adoption; **Council Member Foote** seconded.

President Banks recognized **Shawna Matthews**, Applicant, who spoke in favor to approve a Use Permit to allow for the operation of liquor store in a C-3 (General) Commercial District.

There was no opposition from the public.

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

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

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4102, 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 MIDTOWN CHRISTIAN ACADEMY A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL DAY CARE WITHIN A R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 217 MILLSAPS AVE. (PARCEL: 58-47), CASE NO. 4102.

WHEREAS, Midtown Christian Academy has filed a petition for a Use Permit to operate a commercial day care within a R-4 (Limited Multi-family) Residential District for the property located at 217 Millsaps Ave (Parcel 58-47) 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 Conditional Use Permit to operate a commercial day care within a R-4 (Limited Multi-family) Residential District for the property located at 217 Millsaps Ave (Parcel 58-47); and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Jackson City Council would be held at the City Hall at 2:30 p.m., Monday, October 19, 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 Jackson City Council that notice of said petition had been published in the Mississippi Link on September 3, 2020 and September 17, 2020 that a hearing had been held by the Jackson City Planning Board on September 23, 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 a Conditional Use Permit within the existing R-4 (Limited Multi-family) Residential District of the City of Jackson; and

WHEREAS, the Jackson City Council, after having considered the matter, is of the opinion that the proposed commercial adult and child care center/preschool program would not be detrimental to the continued use, value or development of properties in the vicinity and that a Conditional Use Permit be granted to operate a commercial day care for the property located at 217 Millsaps Ave. (Parcel: 58-47) within the existing 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, and Mississippi, more particular described as follows:

1757, LOT 11, OAKS SUBDIVISION, A SUBDIVISION ACCORDING TO THE MAP THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY, AT JACKSON, MISSISSIPPI, IN PLAT BOOK 7238, AT PAGE 0231, REFERENCE TO WHICH IS HEREBY MADE.

be and is hereby modified so as to approve a Conditional Use Permit to operate a commercial day care within a R-4 (Limited Multi-family) Residential District for the property located at 217 Millsaps Ave. (Parcel: 58-47). The Conditions of the Use Permit shall be that the number of students be limited to twenty (20); that it is granted on an annual basis; granted to Kimberly McBride, the owner/operator of the commercial day care; and that subsequent owners or operators of a commercial day care center at the location must apply for and receive a new Use Permit. 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 Lindsay** seconded.

President Banks recognized **Kimberly McBride**, Applicant, who spoke in favor to approve a Use Permit to allow for the operation of a commercial day care within an R-4 (Limited Multi-family) Residential District.

There was no opposition from the public.

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

Yeas – Banks, Foote, Lindsay and Tillman.

Nays – None.

Absent – Stamps and Stokes.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4103, 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 TARLIKABEN PATEL A USE PERMIT TO ALLOW FOR THE OPERATION OF A LIQUOR STORE IN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED IN SUITE\BLDG A OF 2655 I-55 S (PARCEL 207-7-2), CASE NO. 4103.

WHEREAS, Tarlikaben has filed a petition for a Use Permit to allow for the operation of a liquor store in a C-3 (General) Commercial District for the property located in Suite\Bldg. A of 2655 I55 S (Parcel 207-7-2) 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 the operation of a liquor store in a C-3 (General) Commercial District for the property located in Suite\Bldg. A of 2655 I55 S (Parcel 207-7-2); and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, October 19, 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 September 3, 2020 and September 17, 2020 that a hearing had been held by the Jackson City Planning Board on September 23, 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 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 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 Use Permit be granted to allow for the operation of a liquor store within a C-3 (General) Commercial District for the property located in Suite\Bldg. A of 2655 I55 S (Parcel 207-7-2) in the City of Jackson; and

WHEREAS, pursuant to Section 702.05.02 (14) of the City of Jackson Zoning Ordinance, use permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes; and subsequent owners of a liquor store at this location must apply for and receive a new Use Permit.

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:

A certain parcel of land situated in the Southeast Quarter (SE ¼) of Section 17, Township 5 North, Range 1 East, Hinds County, Mississippi, More particularly Described as Follows:

Beginning at the Northwest Corner of the Lot 1, Block C, Terry Road Subdivision, a subdivision according to a map or plat thereof, on file and on record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, In Plat Book 7, at page 41, reference to which is hereby made in aid of and as a part of this description and from said point of beginning, run north 10 degrees 55 minutes East on a line representing an extension of the west line of said lot 1, for a distance of 42 feet to a point turn thence to the right through an angle of 88 degrees 21 minutes and run south 80 degree 44 minutes east for a distance of 430.9 feet to a point in the west right of way line of interstate highway no. 55; run thence along said right of way line as follow: South 01 degree 20 minutes west for a distance of 4.78 feet to a point, South 44 Degree 52 minutes west for a distance of 32 feet to a point, South 02 degrees 53 minutes west for a distance of 126.6 feet to a point, South 08 degrees 56 minutes west for a distance 161.8 feet to a point, south 20 degree 30 Minuets West for a distance of 39.05 feet to point, thence leaving said west line and run north 80 degree 44 minutes west, 108.32 feet: Thence North 09 Degrees 16 minutes east, 40.0 feet: Thence North 50 Degrees 44 minutes west 145.61 feet to a point, which point is 254.984 feet north of the southeast corner of lot 26, Arbor hills subdivision according to a plat on file in the office of the chancery clerk of Jackson, Hinds County, Mississippi; run thence north 00 degrees 05 minutes west along the east line of lots 4, 3, 2, and 1, Block C, Terry road Subdivision for a distance of 235.616 feet to the northeast corner of said lot 1; and run thence north 73 degrees 42 minutes west along the north line of said lot 1 for a distance of 145.6 feet to the pint of beginning and containing 2.4 acres, more or less.

be and is hereby modified so as to approve a Use Permit allow for the operation of a liquor store within a C-3 (General) Commercial District for the property located in Suite/Bldg. A of 2655 I55 S (Parcel 207-7-2). 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 Lindsay moved adoption; **Council Member Foote** seconded.

President Banks recognized **Jaiman Patel**, Applicant, who spoke in favor to approve a Use Permit to allow for the operation of a liquor store in a C-3 (General) Commercial District.

There was no opposition from the public.

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

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

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

- **C-UP 4067 – Juanita McDonald – 3855 Azalea Dr. (Parcel: 430-103) (Ward 3)**

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-2697 Ward 5	Alma Ruffin	4212 Oakmont Drive	Day Care Center	10/05/1988
SE-3970 Ward 1	Brad Reeves	4909 Ridgewood Rd. & 1538 Sheffield Dr.	Professional Office	10/16/2017

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

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

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, OCTOBER 19, 2020, 2:30 P.M.

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, October 27, 2020. At 3:28 p.m., the Council stood adjourned.

PREPARED BY:
Shanekia Mosley
CLERK OF COUNCIL

APPROVED:
Ch. A. L. 12/15/2020
MAYOR DATE

ATTEST:
Angela Harris
CITY CLERK
