

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, DECEMBER 21, 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 December 21, 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; Angelique Lee, Ward 2 (Videoconference); Kenneth Stokes, Ward 3 (Teleconference); De'Keither Stamps, Ward 4 (Videoconference); Charles Tillman, Vice President Ward 5 and Virgi Lindsay, Ward 7. Directors: Shanekia Mosley-Jordan, 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: None

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. 4107, 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 JAAFAR MOHAMMED A REZONING OF PARCEL 430-65 FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO C-2 (LIMITED) COMMERCIAL DISTRICT WITH A USE PERMIT TO OPERATE A DRIVE THRU RESTAURANT IN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR THE PROPERTIES LOCATED AT 155 W NORTHSIDE DR (PARCEL 430-65) & 161 W. NORTHSIDE DR. (PARCEL 430-64), CASE NO. 4107.

WHEREAS, Jaafar Mohammed has filed a petition to rezone the property located on Parcel 430-65, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-Family) Residential District to C-2 (Limited) Commercial District with a Use Permit to allow for a drive thru restaurant on the properties located at 155 W. Northside Dr. (Parcel 430-65) & 161 W. Northside Dr. (Parcel 430-64) in a C-2 (Limited) Commercial District; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property located at Parcel 430-65 from R-1 (Single-Family) Residential District to C-2 (Limited) Commercial District and a Use Permit to operate a drive thru restaurant on parcels 430-64 & 430-65 in a C-2 (Limited) 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, December 21, 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 October 29, 2020 and November 12, 2020 that a hearing had been held by the Jackson City Planning Board on November 18, 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 Parcel 430-65 from R-1 (Single-Family) Residential District to C-2 (Limited) Commercial District with

a Use Permit to allow for a drive thru restaurant on the properties located at 155 W. Northside Dr. (Parcel 430-65) & 161 W. Northside Dr. (Parcel 430-64) in a C-2 (Limited) Commercial District; and

WHEREAS, the Jackson City 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 that the Rezoning be granted based upon there being 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 Jackson City Council action; and

WHEREAS, the Jackson City 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 a Use Permit be granted based upon 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 and not being detrimental to the continued use, value, or development of properties in the vicinity.

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

SECTION 1. That the properties located in the City of Jackson, First Judicial District of Hinds County, and Mississippi, more particular described as follows:

Parcel #430-65

Being situated Lot three 3, of Northview Addition, Part 3, according to the map or plat thereof of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in plat Book 3 at Page 66 thereof, reference to which is hereby made, which is described by metes and bounds as follows:

Commence at the Northeast corner of the said Lot 3 and run thence North 88 degrees 28 minutes 03 seconds West, 60.0 feet along the North line of the said Lot 3 to the POINT OF BEGINNING for the parcel herein described; thence South 0 degrees 02 Minutes 20 seconds West, 150.0 feet along a line which is parallel with the East line of the said Lot 3 to an Iron Pin; thence South 88 degrees 28 minutes 03 seconds East, 60. feet along a line which is parallel with the said North Line of Lot 3 to an Iron Pin; Thence South 0 degrees 02 minutes 20 seconds West, 99.225 feet along the said East Line of Lot 3 to an Iron Pin; thence North 88 degrees 28 minutes 03 seconds West, 145.35 feet along a line which is parallel with the said North line of Lot 3 to an Iron Pin; Thence North 0 degrees 02 minutes 20 seconds East, 249.225 feet along the West line of the said Lot 3 to the Northwest corner of the said Lot 3; thence South 88 degrees 28 minutes 03 seconds East, 85.35 feet along the North line of the said Lot3 to the Point OF BEGINNING, containing 0.625 acres, more or less.

It is Grantors' intention to convey and Grantor do hereby convey all their right, title and Interest in Lot 3 Northview Addition, Part 3, less and except all that property conveyed to M.L. and Tommie Lee McCormick in Book 448 at page 251 and to Harmon W. Broom in Book 672 at page 234.

Parcel #430-64

That part of Lot three (3) of NORTHVIEW ADDITION, Part 3, according to the map or plat thereof of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in plat Book 3 at Page 66 thereof, reference to which is Hereby made, which is described as follows, to-wit:

Beginning at the northeast corner of said Lot 3 of NORTHVIEW ADDITION, Part 3, and run thence westerly along the north line of said Lot 3 for a distance of sixty (60) feet to a

point, thence southerly and parallel to the line of said Lot 3 for a distance of One Hundred Fifty (150) feet to a point: thence easterly and parallel to the north line of said Lot 3 for a distance of sixty (60) feet to a point on the East line of said Lot 3, which said point is measured one hundred fifty (150) feet Southerly along east line of said Lot 3 from the point of beginning: thence run Northerly along the east line of said Lot 3 for a distance of One Hundred Fifty Feet (150) to the point of beginning.

are hereby modified so as to approve the Rezoning of the property located at 155 W. Northside Dr. on Parcel 430-65 from R-1 (Single-Family) Residential District to C-2 (Limited) Commercial District and a Use Permit to operate a drive thru restaurant on the properties located at 155 W. Northside Dr. (Parcel 430-65) & 161 W. Northside Dr. (Parcel 430-64) in a C-2 (Limited) Commercial District. However, that before for any structure is erected or use thereof on the said properties, 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 Tillman moved adoption; **Council Member Lindsay** seconded.

President Banks recognized **Carl Bass**, Representative for Applicant, who spoke in favor to rezone Parcel 430-65 from R-1 (Single-family) Residential District to C-2 (Limited) Commercial with a Use Permit to allow for the operation of a drive thru restaurant on Parcel 430-64 & 430-65.

There was no opposition from the public.

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

Yeas – Banks, Foote, Lee, Lindsay, Stamps, Stokes and Tillman.

Nays – None.

Absent – None.

President Banks recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4108, 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 KAYLA RODRIQUEZ A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL DAY CARE WITHIN A C-1A (RESTRICTED) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 4417 O'BANNON DR. (PARCEL: 411-28), CASE NO. 4108.

WHEREAS, Kayla Rodriguez has filed a petition for a Use Permit to operate a commercial day care within a C-1A (Restricted) Commercial District for the property located at 4417 O'Bannon Dr. (Parcel: 411-28) 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 C-

1A (Restricted) Commercial District for the property located at 4417 O'Bannon Dr. (Parcel: 411-28); 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, December 21, 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 October 29, 2020 and November 12, 2020 that a hearing had been held by the Jackson City Planning Board on November 18, 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 C-1A (Restricted) 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 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 4417 O'Bannon Dr. (Parcel: 411-28) within the existing C-1A (Restricted) Commercial 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:

LOT 11, BLK C MILO PARK SUBDIVISION.

be and is hereby modified so as to approve a Conditional Use Permit to operate a commercial day care within a C-1A (Restricted) Commercial District for the property located at 4417 O'Bannon Dr. (Parcel: 411-28). The Conditions of the Use Permit shall be that it is granted on an annual basis; that it be granted to Kayla M. Rodriguez, 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 Lindsay moved adoption; **Council Member Tillman** 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, Lee, Lindsay, Stamps, Stokes and Tillman.
Nays – None.
Absent – None.

Note: Council Member Stokes left the meeting.

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

- **C-UP 3998 – Curtis Williams – 210-12 W. Ash St. (Ward 3)**
No action required.

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, DECEMBER 21, 2020, 2:30 P.M.**

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>
UP – 1111 Ward 4	Elbert Willis	3384 Elraine Blvd. Jackson, MS 39213	Beauty Shop	12/16/71
SE – 2331 Ward 3	New Testament M.B. Church	2702 Holmes Ave. Jackson, MS 39213	Church on less than 1 acre	12/5/84
SE – 2340 Ward 5	Barbara Moaton	422 Eastview St. Jackson, MS 39209	One-Chair Beauty Salon	12/5/84
SE – 3997 Ward 6	Kimberly Course	451 McDowell Park Cir. Jackson, MS 39204	Residential Daycare Center	12/18/2017
C-UP 4033 Ward 7	Michael Boerner	2807 Old Canton Rd. Ste. 200 Jackson, MS 39216	Community recreational center part of a neighborhood shopping center	12/17/2018
SE – 2704 Ward 4	Mary L. Clay	2684 Maddox Rd. Jackson, MS 39209	One-Chair Beauty Shop	11/9/1988

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, Lee, Lindsay, Stamps and Tillman.
Nays – None.
Absent – 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, December 22, 2020. At 3:05 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Mosley Gordon
CLERK OF COUNCIL

APPROVED:

Charles L. ... 1/25/2021
MAYOR *cg* DATE

ATTEST:

Angela Harris
CITY CLERK
