

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JUNE 21, 2021 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 June 21, 2021 being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Ashby Foote, Ward 1; Angelique Lee, Ward 2 (Videoconference); De'Keither Stamps, Ward 4 (Videoconference); Aaron Banks, Council President; Ward 6 and Virgi Lindsay, Ward 7. Directors: Shanekia Mosely, Clerk of the Council; Constance White, Chief Deputy Clerk of the Council; Ester Ainsworth, Zoning Administrator; and Chandra Gayten, Deputy City Attorney.

Absent: Charles Tillman, Vice President Ward 5; Kenneth 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. 4121, 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 JENNIFER WELCH DBA TANDEM INVESTMENTS, LLC A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO NMU-1 (NEIGHBORHOOD) MIXED-USE DISTRICT, PEDESTRIAN ORIENTED TO ALLOW FOR THE CONVERSION OF THE RESIDENTIAL BUILDING AND ACCESSORY STRUCTURE TO STUDIO APARTMENTS FOR PROPERTY LOCATED AT 834 MADISON ST (PARCEL 18-201), CASE NO. 4121.

WHEREAS, Jennifer Welch DBA Tandem Investments, LLC has filed a petition to rezone the property located at 834 Madison St (Parcel 18-21), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-Family) Residential District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented to allow for the conversion of the residential building and accessory structure to studio apartments; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has offered the recommendation to rezone the property from R-1 (Single-Family) Residential District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented to allow for the conversion of the residential building and accessory structure to studio apartments; 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 Jackson City Hall at 2:30 p.m., Monday, May 17, 2021 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 April 8, 2021 and April 22, 2021 that a hearing had been held by the Jackson City Planning Board on April 28, 2021, 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 has offered the recommendation to rezone the above described property from R-1 (Single-Family) Residential District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented; 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 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 Jackson City Council action.

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:

That part of Lots Number One (1) and Two (2), in Block "B" of Riverview Place, a subdivision of Jackson, MS, 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, reference to which is hereby made in aid of and as a part of this description, and being more particularly described as follows:

Beginning at the Northwest corner of said Lot One (1) and run thence South along the Mississippi, reference to which is hereby made in aid of and as a part of the description. East boundary of Madison Street, One Hundred Feet (100') to the Southwest corner of Lot Two (2), thence run East along the South boundary of Lot Two (2) a distance of one hundred feet (100'); thence run Northerly and parallel with the East boundary of Madison Street a distance of one hundred (100) feet East of the Point of Beginning, and thence run Westerly along the said Northern boundary of said Lot One (1) a distance of one hundred (100) feet to the Point of Beginning.

Being the same property as described in Warranty Deed recorded in Deed Book 6585, at Page 723, of the land records of the First Judicial District of Hinds County, Mississippi.

is hereby modified so as to approve the rezoning of the property located at 834 Madison St (Parcel 18-201) from R-1 (Single-Family) Residential District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented to allow for the conversion of the residential building and accessory structure to studio apartments. 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.

Council Member Lindsay moved adoption; **Council President Banks** seconded.

President Banks recognized **Jennifer Welch**, Applicant, who spoke in favor to allow a rezoning from R-1 (Single-Family) Residential District to NMU-1 (Neighborhood) Mixed-Use District to allow for the conversion of the residential building and accessory structure to studio apartments. **Casey Creasey**, Greater Belhaven Foundation, also spoke in favor of the request.

President Banks recognized **Kobie Watson and Jack Williams**, property owners near 834 Madison Street, who spoke in opposition to allow a rezoning from R-1 (Single-Family) Residential District to NMU-1 (Neighborhood) Mixed-Use District to allow for the conversion of the residential building and accessory structure to studio apartments.

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

Yeas – Foote, Lee, Lindsay, and Banks.

Nays – None.

Absent – Stamps, Stokes and Tillman.

President Banks requested that the Clerk read the Order:

ORDER GRANTING JOSEPH & SHELBY GRAY A SPECIAL EXCEPTION TO ALLOW FOR A ONE CHAIR BEAUTY SALON WITHIN A R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR THE PROPERTY LOCATED AT 540 WARRIOR TRAIL (PARCEL 50-197) CASE NO. 4127.

WHEREAS, Joseph & Shelby Gray has filed a petition for a Special Exception to allow for a one chair beauty salon within a R-1 (Single-Family) Residential District for the property located at 540 Warrior Trail (Parcel 50-197), 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 Special Exception to allow for a one chair beauty salon 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 Jackson City Council would be held at the City Hall at 2:30 p.m., June 21, 2021 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 Jackson City Council that notice of said petition had been published in the Mississippi Link on May 6, 2021 and May 20, 2021 that a hearing had been held by the Jackson City Planning Board on May 26, 2021, 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-1 (Single-Family) Residential Zoning District of the City of Jackson; and

WHEREAS, it appears to the Jackson City Council that the documents are in order, and that the recommendation of the Planning Board to approve a Special Exception to allow for a one chair beauty salon within a R-1 (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 not adversely affecting 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 10, Block J, Cherokee Heights Subdivision, a Subdivision according to a map of Plat thereof which is on file and record in the office of the Chancery Clerk of Hinds County, at Jackson Mississippi, in Plat Book 3 at Page 48, reference to which is hereby made in aid of and as a part of this description.

be and is hereby granted a Special Exception to allow for a one chair beauty salon within a R-1 (Single-Family) Residential District for the property located at 540 Warrior Trail (Parcel 50-197). 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 President Banks** seconded.

President Banks recognized **Joseph Gray**, Applicant, who spoke in favor to allow a Special Exception to allow for a one chair beauty salon within a R-1 (Single-Family) Residential District.

President Banks recognized **Adam Strong**, Fondren Residential President, who spoke in favor to allow a Special Exception to allow for a one chair beauty salon within a R-1 (Single-Family) Residential District.

There was no opposition from the public.

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

Yeas – Foote, Lee, Lindsay, and Banks.

Nays – None.

Absent – Stokes, Stamps, and Tillman.

President Banks requested that the Clerk read the Order:

ORDER GRANTING OFFTOP AUTOPLEX, LLC A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A USED CAR LOT WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 5502 NORTH STATE ST. (PARCEL 500-1082), CASE NO. 4128.

WHEREAS, Offtop Autoplex, LLC has filed a petition for a Use Permit to allow for the operation of a used car lot within a C-3 (General) Commercial District for the property located at 5502 North State St. (Parcel 500-1082) in the City of Jackson, First Judicial District of Hinds County, Mississippi, 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 used car lot in a C-3 (General) Commercial District for the property at 5502 North State St. (Parcel 500-1082); 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, June 21, 2021 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 May 6, 2021 and May 20, 2021 that a hearing had been held by the Jackson City Planning Board on May 26, 2021, 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 would not detrimental to the continued use, value, or development of properties in the vicinity and that a Use Permit be granted to allow for the operation of a used car lot within a C-3 (General) Commercial District for the property located at 5502 North State St. (Parcel 500-1082) in 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, described as:

A PARCEL OF LAND LYING AND BEING SITUATED IN SECTION 11, TOWNSHIP 6 NORTH, RANGE 1 EAST, HINDS COUNTY, MISSISSIPPI, AND BEING MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT OF WAY OF NORTH STATE STREET (OLD US HIGHWAY 51) WITH THE SOUTHERLY RIGHT OF WAY CULLEY DRIVE, AS BOTH ARE PRESENTLY LAID OUT AND IN USE (APRIL 30, 1969); RUN THENCE SOUTHERLY 850.7 FEET ALONG THE EASTERLY RIGHT OF WAY OF NORTH STATE STREET TO THE POINT OF BEGINNING; TURN THENCE LEFT 90 DEGREES 00 MINUTES AND RUN EASTERLY 170 FEET TO WESTERN BOUNDARY OF NORTH MEADOWS SUBDIVISION; TURN THENCE RIGHT 90 DEGREES 00 MINUTES AND RUN SOUTHERLY ALONG SAID BOUNDARY 160 FEET; TURN THENCE RIGHT 90 DEGREES 00 MINUTES AND RUN WESTERLY 170 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF NORTH STATE STREET; TURN THENCE RIGHT 90 DEGREES 00 MINUTES AND RUN NORTHERLY 160 FEET ALONG THE EASTERLY RIGHT OF WAY OF NORTH STATE STREET TO THE POINT OF BEGINNING.

be and is hereby modified so as to approve a Use Permit allow for the operation of a used car lot within a C-3 (General) Commercial District for the property located at 5502 North State St. (Parcel 500-1082). Additionally, pursuant to Section 702.05.02 of the City of Jackson Zoning Ordinance, Use Permits for a used car lot are issued to the owner of a used car lot rather than to the owner of the land; the Use Permit does not run with the land; subsequent owners of a used car lot at this location must apply for and receive a new Use Permit; the Use Permit shall be renewed annually with supporting documentation from the MS State Tax Commission; and the Use Permit will be cancelled upon the cancellation of any of the requirements from the MS State Tax Commission. 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 Lee moved adoption; **Council Member Lindsay** seconded.

President Banks recognized **Fariss Crissler, III**, representative for the applicant, who spoke in favor to allow a Use Permit to allow for the operation of a used car lot in a C-3 (General) Commercial District.

President Banks recognized **Douglas Leggitt**, Applicant, who spoke in favor to allow a Use Permit to allow for the operation of a used car lot 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 – Foote, Lee, Lindsay, and Banks.

Nays – None.

Absent – Stamps, Stokes, and Tillman.

President Banks requested that the Clerk read the Order:

ORDER GRANTING MICHAEL BOERNER A MODIFICATION OF THE EXISTING CONDITIONAL USE PERMIT TO ALLOW FOR THE EXPANSION OF THE EXISTING COMMUNITY RECREATIONAL/FITNESS CENTER AT 2807 OLD CANTON RD (PARCEL 47-6) INTO AN ADJACENT SUITE THAT IS A PART OF A NEIGHBORHOOD SHOPPING CENTER WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 2801 OLD CANTON RD (PARCEL 47-6-1), CASE NO. 4033.

WHEREAS, on November 18, 2018, the Jackson City Planning Board, after holding the required public hearing, recommended the approval of a Conditional Use Permit to operate a community recreational center that is a part of a neighborhood shopping center within a C-2 (Limited) Commercial District for the property located at 2807 Old Canton Rd (Parcel 47-6); and

WHEREAS, on December 17, 2018, the City Council granted Michael Boerner a Conditional Use Permit to operate a community recreational center that is a part of a neighborhood shopping center within a C-2 (Limited) Commercial District for the property located at 2807 Old Canton Rd (Parcel 47-6) in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, Michael Boerner has requested the modification of the Conditional a Use Permit to allow for the expansion of the community recreational\fitness center that is a part of a neighborhood shopping center within a C-2 (Limited) Commercial District into the adjacent property located at 2801 Old Canton Rd (Parcel 47-6-1) in the City of Jackson, First Judicial District of Hinds County, Mississippi; 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 May 13, 2021, June 3, 2021 and June 17, 2021, that a hearing would be held by the Jackson City Council on June 21, 2021 all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and

WHEREAS, the Council, after having considered the matter, is of the opinion that the expansion of the community recreational\fitness center that is a part of a neighborhood shopping center 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 expand the community recreational\fitness center that is a part of a neighborhood shopping center into property located at 2801 Old Canton Rd. (Parcel 47-6-1) within the existing C-2 (Limited) 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, Mississippi, more particular described as follows:

Beginning at the Southwest corner of the parcel of land conveyed by The East Point Corporation to Standard Life Insurance Company of the South by deed dated December 30, 1949, and recorded in Book 630, Page 49 of the land records of the First Judicial District of Hinds County, Mississippi, on file in the office of the Chancery Clerk at Jackson, Mississippi, and run thence in a westerly direction, along a prolongation of the southern boundary of the said Standard Life property 15.8 feet to a point, and run thence in a southern direction along the western boundary of the property of The East Point Corporation 40 feet to a point, and run thence east along a line parallel to the southern boundary of the said Standard Life property to a point on the western boundary of the Old Canton Road right-of-way (which Old Canton Road is sometimes referred to as Canton Avenue). as said boundary exists as of this date, and run thence in a northerly direction along the said western boundary of said Old Canton Road 40 feet to the Southeast corner of said Standard Life's parcel of land, and run thence west along the said southern boundary of said Standard Life's parcel to the point of beginning.

And being the same property in Instrument recorded in Book 2774 at Page 237.

be and is hereby modified so as to approve the expansion of a Conditional Use Permit for 2807 Old Canton Rd (Parcel 47-6) which allows for the operation of a community recreational\fitness center that is a part of a neighborhood shopping center into the property located at 2801 Old Canton Rd. (Parcel 47-6-1) within a C-2 (Limited) Commercial District. The conditions of the Use Permit shall be that it is granted on an annual basis; granted to the owner/operator of the community recreational center; and that subsequent owners or operators of a community recreational 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 President Banks seconded.

President Banks recognized Terry Sullivan, Representative for the applicant, who spoke in favor to allow for an Expansion of a Conditional Use Permit at 2807 Old Canton Rd into an adjacent suite located at 2801 Old Canton Rd. (Parcel: 47-6-1) for the operation of a community recreational facility/family fitness center within a C-2 (Limited) Commercial District for the property).

There was no opposition from the public.

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

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

Ester Ainsworth noted for the record Cancelled Special Exceptions/Use Permits:

(Ward 6) SE 4054 – JCD Urban Development – 2034 W. McDowell Rd. (Parcel: 630-65)

- SE was granted to JCD Urban Development on Jun. 17, 2019 to allow for the operation of a residential community facility for the conducting of office/community activities within a R-1A (Single-Family) Residential District.
- Cancellation was based upon non-response and non-payment from the grantee by the deadline date June 9, 2021.

No action required.

ORDER GRANTING EXTENSION OF SPECIAL EXCEPTIONS AND USE PERMIT 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>
3974 Ward 7 C-UP	Trey Hester & Brez, LLC	839 S. State St.	Community Recreational Facility to operate an Escape Room	6/19/17
4080 Ward 3 C-UP	Care Center Ministries Mississippi	258 E. Northside Dr.	Transitional House for 7 to 12 Residents	1/27/20

IT IS HEREBY ORDERED by the Council of the City of Jackson that the said Special Exceptions and/or Use Permits be and the same are hereby extended for another year from and after the anniversary date granting said Special Exceptions and/or Use Permits.

Council Member Lindsay moved adoption; **Council President Banks** seconded.

Yeas – Foote, Lee, Lindsay, and Banks.

Nays – None.

Absent – Stamps, 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, June 22, 2021. At 3:35 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Mosley-Spencer
CLERK OF COUNCIL

APPROVED:

Charles L. Banks, 9/17/2021
MAYOR DATE

ATTEST:

Angela Harris
CITY CLERK
