

**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 20, 2021 being the third Monday of said month when and where the following things were had and done to wit:

**Present:** Council Members: Virgi Lindsay, Council President, Ward 7; Ashby Foote, Ward 1; Kenneth I. Stokes, Ward 3 (via teleconference); Brian Grizzell, Ward 4 (via teleconference), and Aaron Banks, Ward 6. Directors: Shanekia Mosley-Jordan, Clerk of the Council; Constance White, Chief Deputy Clerk of the Council; Ester Ainsworth, Zoning Administrator; and Chandra Gayten, Deputy City Attorney.

**Absent:** Angelique Lee, Ward 2 and Vernon Hartley, Ward 5.

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The meeting was called to order by **President Virgi Lindsay**.

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**President Virgi Lindsay** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4146, 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.

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**President Lindsay** requested that the Clerk read the Order:

**ORDER GRANTING MOHAMMED ALQADHI A USE PERMIT TO ALLOW FOR THE OPERATION OF A PARAPHERNALIA RETAIL BUSINESS WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 5610 OLD CANTON RD. (PARCEL 559-1040) (CASE NO. 4146).** Said item would be tabled until the next Zoning Council meeting to be held on January 24, 2022 at 2:30 p.m.

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**President Virgi Lindsay** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4147, 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.

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**President Lindsay** requested that the Clerk read the Order:

**ORDINANCE GRANTING NASHLIE SEPHUS A REZONING FROM C-3 (GENERAL) COMMERCIAL DISTRICT, I-1 (LIGHT) INDUSTRIAL DISTRICT, AND I-2 (HEAVY) INDUSTRIAL DISTRICT & TO A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO CREATE A COMPREHENSIVE DEVELOPMENT FOR THE PROPERTIES LOCATED AT PARCELS 88-78-1, 88-78-2, 88-81, 88-84-3, 89-31-1, 89-31-4, 89-32, 89-31-2, AND 89-34 ON N. GALLATIN ST. (CASE NO. 4147).**

**WHEREAS**, Nashlie Sephus has filed a petition to rezone the properties located on Parcels 88-78-1, 88-78-2, 88-81, 88-84-3, 89-31-1, 89-31-4, 89-32, 89-31-2, and 89-34 on N. Gallatin St., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-3 (General) Commercial District, I-1 (Light) Industrial District and I-2 (Heavy) Industrial District to a Planned Unit Development (PUD) District to create a comprehensive development on the properties; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing, has offered the recommendation to rezone the properties from C-3 (General) Commercial District, I-1 (Light) Industrial District and I-2 (Heavy) Industrial District to a Planned Unit Development (PUD) District to create a comprehensive development for the properties; 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 20, 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 October 28, 2021 and November 11, 2021 that a hearing had been held by the Jackson City Planning Board on November 17, 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 properties from C-3 (General) Commercial District, I-1 (Light) Industrial District and I-2 (Heavy) Industrial District to a Planned Unit Development (PUD) 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 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 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 particularly described as follows:

**164 Gallatin St. (88-78-1); 182 Gallatin St. (88-81) and Parcel #88-84-3**

Begin at the easternmost corner of that certain parcel of land conveyed by the Illinois Central Gulf Railroad Company to the City of Jackson, Mississippi, which was acquired by the City of Jackson as additional right-of-way for Gallatin Street and which is described as Parcel No. 1 in the instrument of record in Book 2680 at Page 494, in the office of the Chancery Clerk of the first Judicial District of Hinds County, Mississippi, at Jackson, Mississippi, reference to which is hereby made in aid of and as a part of this description, said easternmost corner being on the north right-of-way line of Amite Street, as said north right-of-way line is now established (May, 1986), and run thence south 89 degrees 03 minutes east and along the said north right-of-way line of Amite Street for a distance of 143.81 feet to a point; ran thence north 03 degrees 35 minutes west for a distance of 279.94 feet to a point; run thence south 89 degrees 15 minutes west for a distance of 164.79 feet to a point on the east right-of-way line of Gallatin street, as said east right-of-way line is now laid out and established; run thence southerly and along said east right-of-way line of Gallatin Street as follows: run thence south 00 degrees 03 minutes west for a distance of 92.22 feet to a point; run thence south 09 degrees 08 minutes west for a distance of 18.99 feet to a point; run thence south 00 degrees 14 minutes west for a distance of 26.12 feet to a point on the north property line of said Parcel No. 1; run thence south 80 degrees 55 minutes east and along the north property line of said Parcel No. 1 for a distance of 13.99 feet to a point; run thence south 00 degrees 44 minutes east for a distance of 105.89 feet to a point; run thence south 22 degrees 10 minutes east for a distance of 19.66 feet to a point; run thence south 59 degrees 03 minutes east for a distance of 22.25 feet to the point of beginning. The above-described parcel of land is a part of Lot 1 1 of the Miscellaneous Lots of West Jackson, according to the H.C. Daniel Official Map of the City of Jackson, as made in 1 875: is located in the West Half (W 'A.) of Section 3, Township 5 North, Range 1 East; First Judicial District, Hinds County, Mississippi, and contains 46,336 square feet, more or less. Bearings used in this description refer to the Mississippi Coordinate Systems, West Zone.

**147 Gallatin St. (89-34)**

A certain parcel of land situated in and being a part of 1.78 Acre Lot 15, West Jackson,

according to the H. C. Daniel's Official Map of the City of Jackson, Mississippi (1875) and also being situated in the Northeast 'A of the Southeast 'A of Section 4, Township 5 North, Range 1 East, First Judicial District of Hinds County, Mississippi, and being more particularly described as follows:

Beginning at the Point of Intersection of the North line of Amite Street with the West line of Gallatin Street (as both are now laid out and improved, March, 1983); run thence South 89 degrees 56 minutes 52 seconds West along the North line of Amite Street for a distance of 227.28 feet to the Point of Curvature of a 13.0974 degree curve to the right, having a radius of 437.46 feet; run thence along said 13.0974 degree curve for a distance of 56.25 feet (said arc having a chord bearing of North 86 degrees 22 minutes 06 seconds West and a chord distance of 56.21 feet), to a point 10 feet from and at right angles to the centerline of the Illinois Central Gulf Railroad Company's Meridian District main track; run thence North 37 degrees 12 minutes West 10 feet from and parallel with the centerline of said Illinois Central Gulf Railroad track for a distance of 185.0 feet; thence leaving the northerly line of said Illinois Central Gulf Railroad, run North 52 degrees, 48 minutes East for a distance of 30.72 feet to a point 10 feet from and at right angles to the centerline of a certain spur track; said point being on a curve to the left; run thence along the curve to the left 10 feet from and at right angles to the centerline of said spur track to a point 50 feet Northeasterly of and at right angles to the centerline of said Illinois Central Gulf Railroad Company's Meridian District main track; (said arc having a chord bearing of South 52 degrees 20 minutes 15 seconds East and a chord distance of 35.53 feet); run thence South 37 degrees 12 minutes East along a line 50 feet Northeasterly and at right angles to the centerline of said Illinois Central Gulf Railroad Company's Meridian district main track for a distance of 24.28 feet; run thence North 88 degrees 54 minutes East for a distance of 326.75 feet to a point on the West line of the aforesaid Gallatin Street; run thence South 00 degrees 32 minutes 13 second along the West line of said Gallatin Street for a distance of 134.51 feet to the POINT OF BEGINNING, containing 4,750.66 square feet or 1.027 acres, more or less.

**176 Gallatin St. (Parcels 88-78-2) and 197 Gallatin St (89-32)**

To find the point of beginning, commence at the easternmost corner of that certain parcel of land conveyed by the Illinois Central Gulf Railroad Company to the City of Jackson, Mississippi, which was acquired by the City of Jackson as additional right-of-way for Gallatin Street and which is described as Parcel No. 1 in the instrument of record in Book 2680 at Page 494 in the office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi, at Jackson, Mississippi, reference to which is hereby made in aid of and as a part of this description, said easternmost corner being on the north right-of-way line of Amite Street, as said north right-of-way line is now established (January, 1986), and run thence south 89 degrees 03 minutes east and along the said north right-of-way line of Amite Street for a distance of 143.81 feet to a point; run thence north 03 degrees 35 minutes west for a distance of 279.94 feet to the point of beginning of the parcel of land described as follows:

Continue thence north 03 degrees 35 minutes west for a distance of 132.15 feet to an iron pin marking the southeast corner of a parcel of land conveyed to Wesley A. Caldwell et al by instrument recorded in Book 456 at Page 498 in the office of said Chancery Clerk, reference to which is hereby made in aid of and as a part of this description; run thence south 89 degrees 15 minutes west and along the south line of said parcel conveyed to Wesley A. Caldwell et al for a distance of 156.40 feet to a point on the east right-of-way line of Gallatin Street, as said east right-of-way line is now laid out and established; run thence south 00 degrees 03 minutes west and along said east right-of-way line of Gallatin Street for a distance of 132.00 feet to a point; run thence north 89 degrees 15 minutes east for a distance of 164.79 feet to the point of beginning, according to that plat of survey prepared by Lester Engineering Company dated March, 1983, last revised January, 1986.

The above-described parcel of land is a part of Lot 11 of the Miscellaneous Lots of West Jackson, according to the H. C. Daniel Official Map of the City of Jackson, as made in 1875: is located in the West Half (W 1/2) of Section 3, Township 5 North, Range 1 East, First Judicial District, Hinds County, Mississippi, and contains 21.202 square feet, more or less. Bearings used in this description refer to the Mississippi Coordinate System, West Zone.

AND ALSO

An irregular parcel of land being a part of 3.55-acre Lot 12, West Jackson, according to IT C. Daniels Official Map of the City of Jackson, in the Southeast Quarter of Section 4, Township 5 North, Range 1 East of the Choctaw Meridian, First Judicial District of Hinds County, Mississippi, more particularly described as follows:

Beginning at the point of intersection of the north line of said Lot 12 with the west line of Gallatin Street (formerly Clark Street) as said street is now located; thence southeasterly along the west line of Gallatin Street forming an interior angle of 106 degrees 24 minutes with said north line of Lot 12 a distance of 73.6 feet; thence southeasterly along said west line of Gallatin Street forming an interior angle of 169 degrees 47 minutes with the last described course a distance of 78.5 feet, more or less, to an iron stake located 11 feet northerly of the center line of the Illinois Central Railroad Company's switching lead track as now located, measured along said west line of Gallatin Street; thence westerly forming an interior angle of 85 degrees 36 minutes with the last described course a distance of 199 feet, more or less, to an iron stake on the easterly boundary line of a permanent easement conveyed to the Illinois Central Railroad Company and the Chicago, St. Louis and New Orleans Railroad Company by the Mississippi Cotton Oil Company dated March 15, 1925 and recorded in the office of the Chancery Clerk of Hinds County in Deed Book 197, Page 480; thence northerly along said easterly line of easement forming an angle of 88 degrees 57 minutes with the last described course a distance of 26 feet, more or less, to a point in the northeast corner of said easement; thence northwesterly on a 15 degree 00 minute curve to the right a distance of 134.10 feet (all as measured along the center line of track) parallel with and 34 feet northerly from the center line of said track; thence southerly at a right angle a distance of 14 feet; thence northwesterly parallel with and 20 feet northeasterly from said center line of track a distance of 252.2 feet, more or less, to a point in the aforementioned north line of Lot 12; thence easterly along said north line of Lot 12 forming an interior angle of 23 degrees 36 minutes with the last described course to the point of beginning.

AND ALSO:

From the intersection of the West line of Gallatin Street with the South right-of-way of Y. M. V. R. R.; thence southerly along the West line of Gallatin Street 517.3 feet to a point; thence North 87 degrees 52 minutes West 167.0 feet to the point of beginning. Continue thence North 87 degrees 52 minutes West 180.7 feet; thence North 1 degree 44 minutes East 202.38 feet; thence North 78 degrees 49 minutes East 129.3 feet; thence South 11 degrees 20 minutes East 238.53 feet to the point of beginning.

AND ALSO

A parcel of land located in the Southeast Quarter of Section 4, Township 5 North, Range 1 East of the Choctaw Meridian at Jackson, Hinds County, Mississippi more particularly described as follows:

A parcel of land 40 feet wide, being 20 feet in width on each side of the centerline of the Illinois Central Gulf Railroad Company's Swift Lead Track extending Easterly from a point 6 feet Westerly of the point of switch at VS 5+91 (as measured along said centerline of track) a distance of 75 feet, more or less, to a point opposite a break in Grantor's property line at VS 6+60;

Thence Easterly at a width of 44 feet, said parcel being 10 feet in width on the Southerly side and 34 feet in width on the Northerly side of said centerline of Grantor's lead track extending from said point at VS 6+60 a distance of 134 feet, more or less, to VS 7+94 said point being the Westerly property line of the Ben Lachley Company as it existed in 1928;

Thence Easterly at a width of 20 feet, said parcel being 10 feet in width on each side of said centerline of lead track extending from VS 7+94 a distance of 200 feet, more or less, to the Westerly line of Gallatin Street.

AND ALSO:

A certain parcel of land lying and being situated in Section 4, Township 5 North, Range 1 East, City of Jackson, Hinds County, Mississippi, and being more particularly described by metes and bounds, to-wit:

Commencing at the intersection of the southern right of way on the Illinois Central Gulf Railroad with the western right of way of North Gallatin Street as both are presently laid out constructed and in use, run thence south 11 degrees 20 minutes east along the western right of way of North Gallatin Street a distance of 235.8 feet to the south line of a fifty foot street and the point of beginning; thence continue south 11 degrees 20 minutes east along the said west right of way a distance of 281.5 feet; thence north 87 degrees 52 minutes west along the south line of the Reed property a distance of 167.0 feet; thence north 11 degrees 20 minutes west along the east line of the Jackson Paper Company property a distance of 245.1 feet; thence north 79 degrees 34 minutes east along the south line of the said fifty foot street a distance of 162.5 feet to the point of beginning, containing 42.752 square feet, more or less.

AND ALSO:

The following described property, together with all tenements, hereditaments and appurtenances thereunto belonging, located in the City of Jackson, in the First Judicial District of Hinds County, State of Mississippi, to-wit:

FIRST PARCEL:

Beginning at the Northeast corner of a one-acre lot sold by Jacob Betterman to John Flessen and running thence North one (1) degree five (5) minutes West on Section line between three (3) and four (4) three (3) chains seventy-six (76) links to a stake; thence North eighty-nine (89) degrees West nine (9) chains thirty-seven (37) links to a stake thirty (30) feet East of the center of the Southern Railroad, subsequently known as the Alabama & Vicksburg Railway; thence parallel with said road to the northwest corner of the one-acre lot above mentioned; thence East six (6) chains fifty-seven (57) links to the place of beginning, containing three (3) acres, more or less.

Also, the above mentioned one-acre lot, described as follows:

Beginning in Section Four (4 ), Township Five (5) North Range One (1) East, and beginning at a stake on the line of the former railroad depot lot, and thirty (30) feet from the center of said railroad; and running thence North eighty-nine (89) degrees East five (5) chains fifty-four (54) links to a stake on the line between Sections Three (3) and Four (4); thence North one (1) degree five (5) minutes West one (1) chain sixty-four (64) links to a stake; then South eighty-nine (89) degrees West six (6) chains fifty-seven (57) links to a stake thirty (30) feet from the center of said railroad; and thence along said railroad to the point of beginning, containing one ( 1) acre, more or less.

The two lots or parcels above described together constituting the lot on Daniel's Map of the City of Jackson, known as George Meeh (or Muh) No. 13, containing, as thereon marked, 4.02 acres.

SECOND PARCEL:

That certain lot, tract and parcel of land lying and being situated in the City of Jackson, in Hinds County, in the State of Mississippi particularly described as follows, to-wit:

That part of what is known as 3.55-acre lot Twelve (12) West Jackson, according to Daniel's Map, beginning at the Southwest corner of said three and fifty-five hundredths (3.55) acre lot, running thence East two hundred (200) feet, running thence North one hundred (100) feet, running thence West to the property line of the Alabama & Vicksburg Railway Company, running thence in a southerly direction along the Eastern property line of said Railway Company to the point of beginning.

THIRD PARCEL:

That certain parcel of land located in the City of Jackson, County of Hinds, State of Mississippi, and being a portion of three and fifty-five hundredths acre lot Number Twelve (12) West, in said City of Jackson and said parcel being more particularly described as follows:

Beginning on the West line of Gallatin Street at the Northeast corner of the lot as at August 12, 1920, owned by the Union Seed & Fertilizer Company, and run thence West three hundred eighty-five (385) feet to the Southeast corner of a lot as at August 12, 1920, owned by Ellen

Anderson; thence Northwestwardly along the Eastern line of said Ellen Anderson's lot one hundred six (106) feet to the Northeast corner of said Ellen Anderson's lot; thence West two hundred two (202) feet along the North line of said Ellen Anderson's lot to the right of way of the Alabama & Vicksburg Railway, thence Northwesterly along the Eastern line of said right of way one hundred seventy-seven (177) feet; thence East five hundred fifty-five (555) feet to the Northwest corner of a lot formerly owned by the Capital Light and Power Company, and at August 20, 1920, the property of R. L. Benson; thence South along the western line of said R. L. Benson's lot one hundred seventy-four (174) feet to the Southwest corner of said lot; thence East along the South line of said lot two hundred (200) feet to the Western line of North Gallatin Street; thence South along said Western line of North Gallatin Street, seventy-six (76) feet, nine (9) inches to the point of beginning, and containing two and three tenth (2.3) acres, subject, nevertheless to the rights of way for certain alley twelve (12) feet in width, described in certain deed existing. Being part of the premises conveyed to The American Cotton Oil Company by the Union Seed and Fertilizer Company by deed dated August 12, 1920, and recorded in the Chancery Clerk's office of Hinds County, First District, State of Mississippi, on September 28, 1920, in Deed Book No, 130, at Page 268, and in Deed Book, Second District No. 89, at Pages 245-246, on September 30, 1920.

LESS AND EXCEPT:

(a) That property conveyed by the Warranty Deed from Mississippi Cotton Oil Company to City of Jackson, dated July 28, 1927, and recorded in Deed Record Book No. 197, at page 537, et seq., of the records aforesaid; and

(b) That property conveyed in the Warranty Deed from Mississippi Cottonseed Products Company to Jackson Paper Company, dated March 15, 1938, and recorded in Deed Record Book No. 310, at Page 48, of the records aforesaid.

(c) That certain tract of land conveyed by the Union Seed & Fertilizer Company to the Alabama & Vicksburg Railway Company described as follows:

"All that certain tract, piece or parcel of land situate in the Northeast quarter of the Southeast quarter of Section Four in Township Five North Range One East (NE 1/4 of SE 1/4 S 4, T 5 N, R 1 E) lying and being on the Northeast side of the right of way of Alabama & Vicksburg Railway Company in what is known as Lot 12 of the "Cohea Survey" at Jackson in the County of Hinds and State of Mississippi, being more particularly described as follows, to-wit:

Beginning at a point in the said northeast right of way line of said Railway Company fifty (50) feet, measured at a right angle, Northeast of the center line of the main tract of said Railway Company, measured from a point therein six hundred and seventy-two and eight tenths (672.8) feet Northeast of Milepost numbered Ninety-six (96) and running thence

(1) North 37 degrees 10' West along said right of way line, parallel with and fifty (50) feet Northeast of the center line of said main tract for a distance of two hundred and twenty-nine (229) feet to the North line of Lot 12 of said "Cohea Survey"; thence

(2) North 88 degrees 30' East on the said North Line of said Lot 12 for a distance of seventy (70) feet to a point which is twenty-five (25) feet, measured on radius of curve, distance from located center line of "Y" tract of said Railway Company; thence

(3) In a Southerly direction, concentric with the twenty-five (25) feet from said center line of said "Y" tract, and running by a curve with a radius of four hundred and ninety-six and seven tenth (496.7) feet, for a distance of one hundred and ninety-seven (197) feet to a point opposite the place of beginning; thence

(4) South 52 degrees 50 minutes West for a distance of fifteen (15) feet to a point or place of beginning.

(5) Parcel of land containing sixteen hundredths (0.16) of an acre, be the same more or less."

AND ALSO:



The aforesaid property, excluding easements referenced in the aforesaid Warranty Deeds, being further described as follows, to-wit:

A parcel of land located partly in George Muh's 4.02-acre Lot 13 and partly in 3.55-acre Lot 12 West Jackson according to H. C. Daniels 1875 map of the City of Jackson, Mississippi, being more particularly described as follows:

Commencing at a point on the West line of North Gallatin Street, which point is 142.66' measured northerly from the intersection of New Amite Street and North Gallatin Street; run thence S 88° 54' W for a distance of 253.25' to a point; run thence N 7° 28' 40" E for a distance of 13.14' to a point; turn thence to the left and run northwesterly along a curve to the right, having a radius of 202.27' for a distance of 160.00'; run thence N 37° 12' W for a distance of 374.0' to a point; run thence N 52° 48' E for a distance of 4.0' to a point; turn thence to the left and run northwesterly along a curve to the right, having a radius of 496.7' for a distance of 192.93' to a point; run thence N 89° 25' E for a distance 33.0' to a point; run thence S 66° 59' E 343.5' to a point; run thence N 23 0 01' E for a distance of 10' to a point; turn thence to the right and run southeasterly along a curve to the left, having a radius of 393.06' for a distance of 138.05' to a point; run thence S 0° 24' 40" W for a distance of 1.33' to a point; run thence N 88° 01' E for a distance of 200.0' to a point on the west line of North Gallatin Street; run thence S 0° 24' 40" E along the west line of North Gallatin Street for a distance of 397.05' to the point of beginning.

**451 Gallatin St. (89-31-2) and Parcel 89-31-4**

Beginning at a point in the westerly line of Gallatin Street, as widened by the acquisition of an 18-foot strip of land, by deed dated June 9, 1925, said point being 280 feet south of the east and west center line of said Section 4 measured along the east line of said Section and 40 feet west thereof, measured at a right angle thereto: thence north 11 degrees 20' east for a distance of 164.6 feet to a point: turn thence north 78 degree 40' east for a distance of 150 feet to the point of beginning.

And being the same property described in Warranty Deed recorded in Book 1696 at Page 347.

**LESS AND EXCEPT**

A 0.14-acre parcel of land situated in the Southeast quarter of the Northeast quarter of Section 4, Township 5 North, Range 1 East, City of Jackson, 1ST Judicial District, Hinds County, Mississippi, and more particularly described as follows:

Commence at the southeast corner of the northeast quarter of said Section and run thence N68 Degrees 43'39"W for 111.90 feet to a ½" rebar set adjacent to and behind an existing back of curb and serving as a witness corner, thence run N11 degree19'40"W for 181.74nfeet to the point of beginning: from said point of beginning, run thence S78 degrees 43'11"W for 61.44 feet: thence run N69 degrees 04'30"W for 104.75 feet to a set ½" rebar; thence run N11degrees20'00"W for 47.30 feet to a set ½" rebar on the southernly right-of-way line of Kansas City Southern Railroad right-of-way; thence run S69 degrees 04'30"E for 8.58 feet back to the point of beginning. And being the same property described in that deed recorded in Book 7133 at page 1963.

**TRACT 2:**

A 1.15-acre parcel of land situated in the southeast quarter of the northeast quarter of Section 4, Township 5 North, Range 1 East, City of Jackson, 1st Judicial District, Hinds County, Mississippi, and more particularly described as follows:

Commence at the southeast corner of the northeast quarter of said Section and run thence N68 degrees 43'38" W for 111.9- feet to a ½" rebar set adjacent to and behind an existing back of curb and serving as a witness corner; thence run S11degrees 20'00" E for 0.57 feet to the point of beginning.

From said point of beginning, run thence S78 degrees 40'21"W for 266.54 feet to a set ½" rebar; thence run N11 degrees 20'00"W for 312.11 feet to a set 1.2" rebar: thence run S69 degrees04'30"E for 137.81 feet to set ½" rebar; thence run S11 degrees 20'00"E for 117.30

feet to a set ½" rebar; thence run N78 degrees 40'00"E for 150.00 feet to a set ½" rebar lying on the west right of way line of Gallatin Street; thence run S11 degrees 20'00"E along said right of way for 121.28 feet back to the point of beginning, said parcel being subject to a thirty (30) foot wide ingress/egress easement described as being a strip of land comprised of the west thirty (30) feet of the above described parcel.

And being the same property described in Special Warranty Deed recorded I Book 7133 at Page 1960.

(the "Property")

The Property is conveyed subject to, and there is excepted from the warranty of this conveyance, those certain recorded oil, gas or mineral leases, royalty reservations or other mineral conveyances, all recorded restrictive covenants, building restrictions, rights-of-way, zoning ordinances or easements affecting the Property.

Ad valorem taxes for the current year, which are not yet due and payable, have been pro-rated on an estimated basis by the Grantor and the Grantee as of date of this conveyance. If actual taxes differ from the estimate, Grantor and Grantee agree to adjust the pro-ratio and the party owing taxes shall pay such amount to the other party.

is hereby modified so as to approve the rezoning of the properties located on Parcels 88-78-1, 88-78-2, 88-81, 88-84-3, 89-31-1, 89-31-4, 89-32, 89-31-2, and 89-34 on N. Gallatin St. from C-3 (General) Commercial District, I-1 (Light) Industrial District and I-2 (Heavy) Industrial District to a Planned Unit Development (PUD) District to create a comprehensive development on the properties. 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 Banks** moved adoption; **President Lindsay** seconded.

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There was no representation from the applicant.

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There was no opposition from the public.

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

Yeas – Banks, Foote, Stokes, Grizzell, and Lindsay.

Nays – None.

Absent – Lee and Hartley.

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**President Lindsay** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4149, 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 Lindsay requested that the Clerk read the Order:

**ORDER GRANTING DIANNE NELSON D/B/A RIGHT SIZE REALTY PROPERTIES A SPECIAL EXCEPTION TO ALLOW FOR A PROFESSIONAL (REAL ESTATE) OFFICE WITHIN A R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR THE PROPERTY LOCATED AT 3915 NORTH STATE ST. (PARCEL 53-121), (CASE NO. 4149).**

**WHEREAS**, Dianne Nelson d/b/a Right Size Realty Properties has filed a petition for a Special Exception to allow for a professional (real estate) office within a R-1 (Single-Family) Residential District for the property located at 3915 North State St. (Parcel: 53-121), 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 professional (real estate) office 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., December 20, 2021 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 Jackson City Council that notice of said petition had been published in the Mississippi Link on October 28, 2021 and November 11, 2021 that a hearing had been held by the Jackson City Planning Board on November 17, 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 professional (real estate) office 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 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 17 of State Street Subdivision, Part 3, a subdivision according to a map of plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County, Mississippi in Plat Book 4, at Page 45, thereof, 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 professional (real estate) office within a R-1 (Single-Family) Residential District for the property located at 3915 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 Banks** moved adoption; **Council President Lindsay** seconded.

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**President Lindsay** recognized **Dianne Nelson, Andrew Tyre** and **Paul Tyre**, Applicants, who spoke in support of the request to approve a Special Exception to allow for a professional (real estate) office within a R-1 (Single-Family) Residential District

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There was no opposition from the public.  
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Thereafter, **President Lindsay** called for a vote on said item:

Yeas – Banks, Foote, Stokes, Grizzell, and Lindsay.

Nays – None.

Absent – Lee and Hartley.

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**President Lindsay** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4150, 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 Lindsay** requested that the Clerk read the Order:

**ORDER GRANTING SHIRLEY CLEVELAND A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL CHILDCARE CENTER WITHIN A C-1A (RESTRICTED) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 4417 O'BANNON DR. (PARCEL 411-28), (CASE NO. 4150).**

**WHEREAS**, Shirley Cleveland has filed a petition for a Use Permit to operate a commercial childcare center 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 childcare center 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 20, 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 October 28, 2021 and November 11, 2021 that a hearing had been held by the Jackson City Planning Board on November 17, 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 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 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 operate a commercial childcare center 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, 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 childcare center 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 Shirley Cleveland, the owner/operator of the commercial childcare; and that subsequent owners or operator of a commercial childcare 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 Banks** moved adoption; **President Lindsay** seconded.

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**President Lindsay** recognized **Shirley Cleveland**, Applicant, who spoke in support to approve a Conditional Use Permit to allow for the operation of a commercial childcare center in a C-1A (Restricted) Commercial District.

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There was no opposition from the public.

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

Yeas – Banks, Foote, Stokes, Grizzell, and Lindsay.  
Nays – None.  
Absent – Lee and Hartley.

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**President Lindsay** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4151, 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.

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**President Lindsay** requested that the Clerk read the Order:

**ORDER GRANTING NEW HORIZON MINISTRIES, INC. A USE PERMIT TO ALLOW FOR THE OPERATION OF A DRIVE THRU RESTAURANT (COFFEE SHOP) WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 130 DANIEL LAKE BLVD, (PARCEL 610-4-1), (CASE NO. 4151).**

**WHEREAS**, New Horizon Ministries, Inc. has filed a petition for a Use Permit to allow for the operation of a drive thru restaurant (coffee shop) within a C-2 (Limited) Commercial District for the property located at 130 Daniel Lake Blvd (Parcel 610-4-1) 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 drive thru restaurant (coffee shop) within a C-2 (Limited) Commercial District for the property located at 130 Daniel Lake Blvd (Parcel 610-4-1); 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 20, 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 October 28, 2021 and November 11, 2021 that a hearing had been held by the Jackson City Planning Board on November 17, 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-2 (Limited) Commercial District of the City of Jackson; and

**WHEREAS**, the Jackson City Council, after having considered the matter, is of the opinion that proposed use would be compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses and would not be 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 drive thru restaurant (coffee shop) 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:

0.35 acres situated in the Northwest ¼ of the Northwest ¼ of Section 29, Township 5 North, Range 1 East, Hinds County, Mississippi as shown on the Plat of the Survey by Davis Land Surveying & Engineering, LLC dated October 15, 2020 and being Job# 20126 (Bearing Base adopted from the North line of the parcel recorded in Deed Book 7235 at Page 5503) and being more particularly described as follows:

Commence at the chisel mark marking the intersection of the East line of Terry Road with the South line of Daniel Lake Boulevard as per that parcel recorded in the Deed Book 7235 at Page 5503, said mark also marking the POINT OF BEGINNING; run thence along said South line of Daniel Lake Boulevard, South 85 degrees 17 minutes 58 seconds East for 139.65 feet to a set #4 rebar; run thence leaving said South line, South 00 degrees 14 minutes 27 seconds East for 52.35 feet to a set #4 rebar; run thence, South 56 degrees 35 minutes 06 seconds West 65.28 feet to a set #4 rebar; run thence, South 86 degrees 31 minutes 48 seconds West for 110.98 feet to a set #4 rebar; run thence, North 74 degrees 13 minutes 57 seconds West for 24.49 feet to a set #4 rebar being on the East line of Terry Road; run thence along said East line, North 26 degrees 21 minutes 00 seconds East for 111.37 feet back to the chisel mark marking the POINT OF BEGINNING.

be and is hereby modified so as to approve a Use Permit to allow for the operation of a drive thru restaurant (coffee shop) for the property located at 130 Daniel Lake Blvd. (Parcel 610-4-1) within a C-2 (Limited) Commercial 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 Banks** moved adoption; **President Lindsay** seconded.

**President Lindsay** recognized **Ronnie Crudup, Jr.**, Applicant, who spoke in favor to approve a Use Permit to allow for a drive thru restaurant (coffee shop) within a C-2 (Limited) Commercial District.

There was no opposition from the public.

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

Yeas – Banks, Foote, Stokes, Grizzell, and Lindsay.

Nays – None.

Absent – Lee and Hartley.

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#### **Cancelled Special Exceptions\Use Permits – No Action Required**

##### **(Ward 3) C-UP 3998 – Curtis Williams – 210-12 W. Ash St. (Parcels 95-64 & 95-65)**

- Conditional Use Permit was granted to Curtis Williams on Dec. 18, 2017 to operate a rooming house within a R-4 (Limited Multi-Family) Residential District.
- Cancellation was based upon non-response from the grantee by deadline date of December 6, 2021 and a change in the ownership of the subject which was one of the Conditions for the granting of the Use Permit.

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**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	2801 & 2807 Old Canton Rd. Jackson, MS 39216	Community recreational center part of a neighborhood shopping center	12/17/2018

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

Yeas – Banks, Foote, Stokes, Grizzell, and Lindsay.

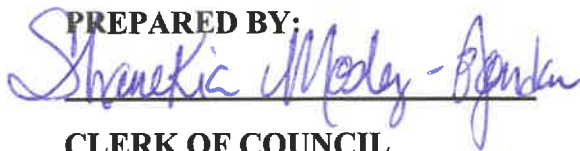
Nays – None.

Absent – Lee and Hartley.

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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 21, 2021. At 3:41p.m., the Council stood adjourned.

**PREPARED BY:**



**CLERK OF COUNCIL**

**APPROVED:**

 4/5/22

**MAYOR**

**DATE**

**ATTEST:**



**CITY CLERK**

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