

**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 November 15, 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 (via teleconference); Angelique Lee, Council Vice President, Ward 2; Ashby Foote, Ward 1 (via teleconference); Kenneth I. Stokes, Ward 3 (via teleconference); Vernon Hartley, Ward 5 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: Brian Grizzell, Ward 4.

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The meeting was called to order by **Vice President Angelique Lee**.

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**Vice President Angelique Lee** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4143, 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 Jackson City Planning board meeting minutes.

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**Vice President Lee** requested that the Clerk read the Order:

**ORDER DENYING SHEN CHEN A USE PERMIT TO ALLOW FOR THE OPERATION OF A LIQUOR STORE IN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 2974 TERRY RD. (PARCEL 607-34), CASE NO. 4143.**

**WHEREAS**, Shen Chen 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 at 2974 Terry Rd. (Parcel 607-34) 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 denial of a Use Permit to allow for the operation of a liquor store in a C-3 (General) Commercial District for the property located at 2974 Terry Rd. (Parcel 607-34); 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, November 15, 2021 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 Jackson City Council that notice of said petition had been published in the Mississippi Link on September 2, 2021 and September 16, 2021 that a hearing had been held by the Jackson City Planning Board on October 27, 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 denial 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 would be detrimental to the continued use, value, or development of properties in the vicinity and that a Use Permit be denied to allow for the operation of a liquor store within a C-3 (General) Commercial District for the property located at 2974 Terry Rd. (Parcel 607-34) in 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, described as:

Lot 1 & Part of Lot 2, Block B, Greenland Heights, Hinds County, Mississippi

be and is hereby denied a Use Permit allow for the operation of a liquor store within a C-3 (General) Commercial District for the property located at 2974 Terry Rd. (Parcel 607-34).

**Council Member Banks** moved adoption; **Council Member Hartley** 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, **Vice President Lee** called for a vote on said item:

Yeas – Banks, Foote, Hartley, Lee and Lindsay.

Nays – None.

Absent – Grizzell and Stokes.

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There came for consideration Agenda Item No. II: Case No. 4146:

**ORDER GRANTING MOHAMMED ALQADHI A CONDITIONAL 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 was tabled until the December 20, 2021 Regular Zoning Meeting.

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**Council Member Stokes** joined the meeting via teleconference.

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**Vice President Lee** 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 Jackson City Planning board meeting minutes.

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**Vice President Lee** requested that the Clerk read the Order:

**ORDER GRANTING MIDTOWN CHRISTIAN ACADEMY A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT TO INCREASE THE MAXIMUM NUMBER OF STUDENTS FROM TWENTY (20) TO THIRTY-FIVE (35) WITH THE OTHER CONDITIONS FOR THE USE PERMIT REMAINING SAME TO ALLOW FOR THE CONTINUED OPERATION OF THE COMMERCIAL DAYCARE CENTER LOCATED AT 217 MILLSAPS AVE. (PARCEL: 58-47) AND WITHIN AN R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT, CASE NO. 4102.**

**WHEREAS**, on September 23, 2020, the Jackson City Planning Board, after holding the required public hearing, recommended the approval of a Conditional Use Permit to allow the Midtown Christian Academy to operate a commercial daycare center located at 217 Millsaps Ave (Parcel 58-47) and within an R-4 (Limited Multi-family) Residential District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, on October 18, 2020, the Jackson City Council granted a Conditional Use Permit to allow the Midtown Christian Academy to operate a commercial daycare center at 217 Millsaps Ave (Parcel 58-47) and within a R-4 (Limited Multi-family) Residential District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, Midtown Christian Academy has filed a petition for the removal of the Condition that limited the number of students to twenty (20) for the commercial daycare center in the 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 that the number of students for the commercial daycare center be increased from twenty (20) students to a maximum of thirty (35) students for the property located at 217 Millsaps Ave (Parcel 58-47) and within a R-4 (Limited Multi-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., Monday, November 15, 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 7, 2021 and October 21, 2021 that a hearing had been held by the Jackson City Planning Board on October 27, 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 a modification of the Condition to the Use Permit to increasing the number of students for the commercial daycare center from twenty (20) to a maximum of thirty-five (35) 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 modification to increase the number of students for the commercial daycare center from twenty (20) to a maximum of thirty-five (35) would not be detrimental to the continued use, value or development of properties in the vicinity.

**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:

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 the modification the Condition to increase the number of students to a maximum of thirty-five (35) for the commercial daycare center located at 217 Millsaps Ave. (Parcel: 58-47) and within a R-4 (Limited Multi-family) Residential District. The other Conditions requiring that the Use Permit be granted on an annual basis; granted to Kimberley McBride, the owner/operator of the commercial day care; and that subsequent owners or operator of a commercial day care center at the location must apply for and receive a new Use Permit shall remain. 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; Council Member Hartley seconded.

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Vice President Lee recognized Kimberly McBride, Applicant, who spoke in of the Conditional Use Permit to allow the number of students to be limited to a maximum of thirty-five (35) students with the other conditions remaining the same within a R-4 (Limited Multi-family) Residential District.

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There was no opposition from the public.

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Thereafter, Vice President Lee called for a vote on said item:

Yeas – Banks, Foote, Hartley, Stokes, Lee and Lindsay.

Nays – None.

Absent – Grizzell.

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Vice President Lee recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Zoning Violation Case No. 2021.8.10, 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 Jackson City Planning board meeting minutes.

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Vice President Lee requested that the Clerk read the Order:

**ORDER REQUIRING THE APPELLANTS, JASPAL SINGH/JASCO BAILEY AVE LLC AND THE OWNER OF JHD WINE & SPIRITS, TO SUBMIT RELATIVE DOCUMENTATION TO THE JACKSON CITY PLANNING BOARD TO SUPPORT DECLARING THE LIQUOR STORE OPERATING ON THE PROPERTY LOCATED AT 1034 W. WOODROW WILSON AVENUE (PARCEL 10-2-59) A NON-CONFORMING USE DESIGNATION. ZONING VIOLATION CASE #2021.8.10.**

WHEREAS, in August of 2021, numerous complaints were made regarding the operation of a liquor store at 1034 W. Woodrow Wilson Avenue, without a Use Permit; and

WHEREAS, the Department of Planning and Development, through its Zoning Administrator, is tasked with investigating alleged violations when information regarding the same is brought to the Department's attention; and

WHEREAS, on August 26, 2021, after an investigation was completed, the Zoning Administrator issued a Notice of Violation to property owner, Jasco Bailey Avenue LLC/Jaspal Singh, that a liquor store (JHD Wine & Spirits) was being operated on the property located at 1034 W. Woodrow Wilson Avenue (Parcel 10-2-59) without a Use Permit; and

WHEREAS, in response to the Notice of Violation, Jasco Bailey Avenue LLC/Jaspal Singh filed a Notice of Appeal of the Zoning Administrator's Decision, wherein they asserted that the liquor store, JHD Wine and Spirits, should be designated as a non-conforming use designation in the C-2 (Limited) Commercial District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, pursuant to the City of Jackson Zoning Ordinance, Section 202.109, a use of land lawfully existing at the time of the adoption, revision, or amendment of this Ordinance, which by reason of such adoption, revision, or amendment, does not comply with the regulations for its zoning district., a legal non-conforming use occurs when the use of one's land, building or structure is not permitted by the current zoning ordinance, but was permitted by a previous ordinance; and

WHEREAS, other than longevity at the location in question, the Appellants presented no documentation to support the assertion that operating the liquor store at 1034 W Woodrow Wilson

Avenue is a legal non-conforming use; and

**WHEREAS**, ownership of the liquor store at 1034 W Woodrow Wilson (Parcel 10-2-59) has changed in 2004; and

**WHEREAS**, pursuant to the City of Jackson Zoning Ordinance, Section 702.04.2 (11), 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. Subsequent owners of a liquor store at this location must apply for and receive a new Use Permit; and

**WHEREAS**, the Department of Planning and Development has no evidence that an application for a Use Permit has ever been submitted by the current and/or prior liquor store owners; and

**WHEREAS**, Jackson City Planning Board, after holding the required appeal hearing, recommended that the Appellants, Jaspal Singh/Jasco Bailey Ave LLC and the Owner of JHD Wine & Spirits, submit relative documentation to support declaring the liquor store a non-conforming use designation and if the documentation is unavailable or insufficient, the appellant must submit a Zoning Action Application for a Use Permit to operate a liquor store in a C-2 (Limited) Commercial District; and

**WHEREAS**, the Jackson City Council, after having considered the matter, is of the opinion that the Appellants should be required to submit relative documentation to support declaring the liquor store operating on the property located at 1034 W. Woodrow Wilson Avenue (Parcel 10-2-59) a non-conforming use designation.

**IT IS, THEREFORE, ORDERED** that the Appellants, Jaspal Singh/Jasco Bailey Ave LLC and the Owner of JHD Wine & Spirits, submit relative documentation to support declaring the liquor store operating on the property at 1034 W Woodrow Wilson Avenue (Parcel 10-2-59) a non-conforming use designation.

**IT IS FURTHER ORDERED** that the Jackson City Planning Board make a recommendation at its next regularly scheduled meeting, December 15, 2021, regarding the non-conforming status of the Appellants, Jaspal Singh/Jasco Bailey Ave LLC and the Owner of JHD Wine & Spirits.

**Council Member Banks** moved adoption; **Council Member Hartley** seconded.

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**Vice President Lee** recognized **Michael Cory**, Representative for the appellant, who spoke in favor to allow the appellant to submit relative documentation for the liquor store to support declaring the property a non-conforming use designation and if the documentation is unavailable or insufficient, the appellant must submit a Zoning Action Application for a Use Permit to operate a liquor store.

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There was no opposition from the public.

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

Yeas – Banks, Foote, Lee, Hartley, Stokes and Lindsay.

Nays – None.

Absent – Grizzell.

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

**(Ward 4) SE 4099 – Teresa J. Bryant – 531 Claiborne Ave. (Parcel 123-85)**

REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, NOVEMBER 15, 2021 2:30 P.M.

- SE was granted to Teresa J. Bryant on Nov. 16, 2020 to operate a Residential Childcare Center within an R-1 (Single-family) Residential District.
- Cancellation was based upon **non-response and non-payment** from the grantee by the deadline date of **November 2, 2021**.

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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>
SE – 1636 Ward 4	Lillie Robinson	3554 Rita Drive Jackson, MS 39213	Day Care Center	11/30/1977
SE – 2704 Ward 4	Mary L. Clay	2684 Maddox Rd. Jackson, MS 39209	One-Chair Beauty Shop	11/9/1988
SE – 3788 Ward 4	Artemesia Thompson	471 Roland St. Jackson, MS 39209	Residential Child Care Center	11/14/2011
3948 Ward 4 C-UP	Marvin Cornelius	2926 J R Lynch St. Jackson, MS 39209	Used Car Dealership/ Mechanic Shop	11/21/2016

**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; **Vice President Lee** seconded.

Yeas – Banks, Foote, Hartley, Lee and Lindsay.

Nays – None.

Absent – Grizzell and Stokes.

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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, November 23, 2021. At 3:24 p.m., the Council stood adjourned.

**PREPARED BY:**

**APPROVED:**

Shanikia Mosley - Jordan  
CLERK OF COUNCIL

[Signature], 4/5/22  
MAYOR DATE

**ATTEST:**

Angele Harris  
CITY CLERK

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