

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JANUARY 23, 2023 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 January 23, 2023 being the fourth Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Ashby Foote, Council President, Ward 1; Angelique Lee, Council Vice President, Ward 2; Vernon Hartley, Ward 5; Aaron Banks, Ward 6 and Virgi Lindsay, Ward 7. Directors: Shanekia Mosley-Jordan; Clerk of Council; Sabrina Shelby; Chief Deputy Clerk of Council; Ester Ainsworth, Zoning Administrator and Kristie Metcalfe, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3 and Brian Grizzell, Ward 4.

The meeting was called to order by **President Ashby Foote**.

President Foote recognized **Council Member Banks** who moved, seconded by **Council Member Lindsay** to suspend the procedural rules and acknowledge that all Council Members have received all documents from the Planning Department on said items 1-5. The motion prevailed by the following vote:

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

Nays – None.

Absent – Grizzell and Stokes.

President Foote requested that Agenda Item No. 3 be moved forward on the Agenda. Hearing no objections, the Clerk reading the following:

ORDINANCE GRANTING DAVID SPRADLIN A REZONING FROM C-3 (GENERAL) COMMERCIAL DISTRICT TO I-1 (LIGHT) INDUSTRIAL DISTRICT TO ALLOW FOR A CANNABIS CULTIVATION FACILITY FOR THE PROPERTY LOCATED AT 1369 COLLEGE HILL DR. (PARCEL 808-28-1), CASE NO. 4196.

WHEREAS, David Spradlin has filed a petition to rezone the property located at 1369 College Hill Dr. (Parcel 808-28-1), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-3 (General) Commercial District to I-1 (Light) Industrial District to allow for a cannabis cultivation facility; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has offered the recommendation to rezone the property from C-3 (General) Commercial District to I-1 (Light) Industrial District to allow for a cannabis cultivation facility; 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, January 23, 2023 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 December 1, 2022 and December 15, 2022 that a hearing had been held by the Jackson City Planning Board on December 21, 2022, 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 C-3 (General) Commercial District to I-1 (Light) Industrial 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

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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 particularly described as follows:

Lots 28, 29, 30, 31, 32, 33 and 34 White Rock Subdivision, a subdivision according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County, Mississippi, recorded in Plat Book 5, at Page 24, reference to which is hereby made in aid of and as a part of this description.

is hereby modified so as to approve the rezoning of the property located at 1369 College Hill Dr. (Parcel 808-28-1) from C-3 (General) Commercial District to I-1 (Light) Industrial District to allow for a cannabis cultivation facility. However, that before 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.

Vice President Lee moved adoption; **Council Member Lindsay** seconded.

President Foote recognized **David Spradlin, Applicant**, who spoke in favor of a Rezoning from C-3 (General) Commercial District to I-1 (Light) Industrial District to allow for a cannabis cultivation facility.

There was no opposition from the public.

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

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

Nays – None.

Absent – Grizzell and Stokes.

President Foote requested that the Clerk read the Order:

ORDER DENYING AAYODHYA, LLC D/B/A COLONIAL WINE & SPIRITS A USE PERMIT TO ALLOW FOR THE OPERATION OF A LIQUOR STORE IN A NEIGHBORHOOD SHOPPING CENTER AND NOT IN COMBINATION WITH A CONVENIENCE TYPE GROCERY STORE OR SERVICE STATION WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 5070 PARKWAY DR. (PARCEL: 559-1040), CASE NO. 4192.

WHEREAS, Aayodhya, LLC d/b/a Colonial Wine & Spirits has filed a petition for a Use Permit to allow for a liquor store in a neighborhood shopping center and not in combination with a convenience type grocery store or service station within a C-2 (Limited) Commercial District for the property located at 5070 Parkway Dr. (Parcel: 559-1040) 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 denial of a Use Permit to allow for a liquor store in a neighborhood shopping center and not in combination with a convenience type grocery store or service station within a C-

2 (Limited) Commercial District for the property located at 5070 Parkway Dr. (Parcel: 559-1040); 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, January 23, 2023 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 27, 2022 and November 10, 2022 that a hearing had been held by the Jackson City Planning Board on November 16, 2022, 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-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 a Use Permit for the subject property located within the existing C-2 (Limited) Commercial District of the City of Jackson, not be granted based upon the proposed use being detrimental to the continued use, value, or development of properties in the vicinity; and

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

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

That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

Tract 1

Being situated in the Southeast ¹/₄ of Section 7 and in the Southwest ¹/₄ of Section 8, all in Township 6 North, Range 2 East, City of Jackson, First Judicial District of Hinds County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Commence at the northwest corner of Lot 1 of Block "A" of Imperial Acres, a subdivision, the map or plat of which is recorded in Plat Book 14 at Page 31 of the Chancery Records of Hinds County at Jackson, Mississippi, said northwest corner being the POINT OF BEGINNING for the parcel herein described; thence North 46° 21' 02" East for a distance of 72.22 feet along the southeastern right of way line of Old Canton Road; thence leave southeastern right of way line and run North 89° 28' 02" East for a distance of 119.92 feet; thence North 43° 32' 53" East for a distance of 79.74 feet; thence North 00° 31' 58" West for a distance of 67.72 feet; thence South 89° 28' 02" West for a distance of 45.25 feet to the said southeastern right of way line of Old Canton Road; thence North 45° 26' 45" East for a distance of 192.52 feet along the said southeastern right of way line; thence South 44° 20' 58" East for a distance of 8.79 feet along a right of way offset; thence North 45° 34' 02" East for a distance of 48.30 feet along the said southeastern right of way line; thence leave said southeastern right of way line of Old Canton Road and run South 48° 40' 58" East for a distance of 125.00 feet; thence North 45° 34' 02" East for a distance of 125.00 feet to the southwestern right of way line of Parkway Drive; thence South 48° 40' 58" East for a distance of 151.68 feet along the said southwestern right of way line; thence run 246.94 feet along the arc of a 985.40 foot curve to the left along the said southwestern right of way line, said arc having a 246.29 foot chord which bears South 55° 51' 58" East; thence South 62° 52' 58" East for a distance of 99.84 feet along the said southwestern right of way line of Parkway Drive to the northern right of way line of Imperial Drive; thence leave said southwestern right of way line of Parkway Drive and run South 40° 57' 02" West for a distance of 137.09 feet along the said northern right of way line; thence run 250.58 feet along the arc of a 294.30 foot curve to the right along the said northern right of way line, said arc having a 243.08 foot chord which bears South 65° 20' 32" West; thence South 89° 44' 02" West for a distance of 91.89 feet along the said northern right of way line to the southeast corner of Lot 7 of the said Block "A" of Imperial Acres; thence leave said northern right of way line of Imperial

Drive and run North 00° 27' 46" West for a distance of 150.00 feet along the eastern line of the said Lot 7 to the northeast corner thereof; thence South 89° 32' 14" West for a distance of 545.00 feet along the northern line of the said Block "A" of Imperial Acres to POINT OF BEGINNING, containing 4.9704 acres, more or less.

Tract 2

Ten foot (10') sewer line easement recorded in Book 5706 at Page 782 in the office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

be and is hereby denied the petitioned Use Permit to allow for a liquor store in a neighborhood shopping center and not in combination with a convenience type grocery store or service station for the property located at 5070 Parkway Dr. (Parcel: 559-1040) within a C-2 (Limited) Commercial District.

Vice President Lee moved adoption; Council Member Hartley seconded.

President Foote recognized David Ringer, Representative for the Applicant, who spoke in support of a Use Permit within a C-2 (Limited) Commercial District to allow for a liquor store in a neighborhood shopping center and not in combination with a convenience type grocery store or service station.

There was no opposition from the public.

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

Yeas – Banks, Foote, Hartley and Lindsay.

Nays – None.

Absent – Grizzell, Lee and Stokes

Note: Vice President Lee left the meeting during the discussion.

President Foote requested that the Clerk read the Order:

ORDINANCE GRANTING AARON HONEYSUCKER A REZONING FROM C-1 (RESTRICTED) COMMERCIAL DISTRICT AND C-2 (LIMITED) COMMERCIAL DISTRICT TO R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT WITH A SPECIAL EXCEPTION TO ALLOW FOR THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY FACILITY FOR THE PROPERTY LOCATED AT 1990 PLEASANT AVE. (PARCEL 99-30), CASE NO. 4195.

WHEREAS, Aaron Honeysucker has filed a petition to rezone the property located at 1990 Pleasant Ave. (Parcel 99-30) in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-1 (Restricted) Commercial District and C-2 (Limited) Commercial District to C-3 (General) Commercial District with a Use Permit to allow for the development of an events venue (community recreational center); and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has offered the recommendation to rezone the property from C-1 (Restricted) Commercial District and C-2 (Limited) Commercial District to R-4 (Limited Multi-Family) Residential District with a Special Exception to allow for the development of a residential community facility; 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, January 23, 2023 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 December 1, 2022 and December 15, 2022 that a hearing had been held by the Jackson City Planning Board on December 21, 2022, 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 C-1 (Restricted) Commercial District and C-2 (Limited) Commercial District to R-4 (Limited Multi-Family) Residential District with a Special Exception; 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 City Council action; and

WHEREAS, the Jackson City Council after having considered the matter is of the opinion that the documents are in order, and that the recommendation of the Planning Board to approve a Special Exception to allow for a residential community facility within a R-4 (Limited Multi-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 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:

A certain tract or parcel of land situated in the NW ¼ of the NW ¼ of Section 34, Township 6 North, Range 1 East, on the east side of Pleasant Avenue, formerly Livingston Road, fronting 75 feet on said avenue and running east between parallel lines 522 feet, more or less, to the center of Potter's Creek, said property being bounded on the north by property formerly owned by Ida Sayles, subsequently owned by Rebecca Fleming and Maggie Little, bounded on the south by property formerly owned by J B Van Zandt, and being a of the Charles Phillips property and purchased by W A Sayles at a commissioner's sale and also conveyed to him by Mary Tanner, as shown by deed recorded in the office of the Chancery Clerk at Jackson, First Judicial District of Hinds County, Mississippi, in Book 225, at page 355, and being the same property conveyed by William A. Sayles to William W. Sayles on February 19, 1951, by deed recorded in the office of the Chancery Clerk aforesaid in book 698 at page 431, and being the same property conveyed by William W. Sayles to A. D Fobbs by deed recorded in the office of the Chancery Clerk dated August 3, 1951, and recorded in Deed Book 718 at page 619 of said records, reference to all of said records being hereby made in aid of this description.

And being the said property as described in warranty deed recorded in Book 7186 at page 4631, (the "property").

The property is conveyed subject to, and there is accepted from the warranty of this conveyance, those certain recorded oil, gas or mineral leases, royalty reservation or other mineral conveyance, all recorded restrictive covenants, building restriction, right- of-way, zoning ordinance or easement affecting the property.

is hereby modified so as to approve the rezoning of the property located at 1990 Pleasant Ave. (Parcel 99-30) from C-1 (Restricted) Commercial District and C-2 (Limited) Commercial District to R-4 (Limited Multi-Family) Residential District with a Special Exception to allow for the development of a residential community facility. 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; Council Member Lindsay seconded.

President Foote recognized Aaron Honeysucker, Applicant, who spoke in favor of a Rezoning from C-1 (Restricted) Commercial District and C-2 (Limited) Commercial District to C-3 (General) Commercial District with a Use Permit to allow for an events venue (community recreational center).

There was no opposition from the public.

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

Yeas – Banks, Foote, Hartley and Lindsay.

Nays – None.

Absent – Grizzell, Lee and Stokes.

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

- UP 1111- Elbert Willis – 3384 Elraine Blvd. - (Parcel 408-559) Ward 4
- SE 2331- New Testament M.B. Church – 2702 Holmes Ave. – (Parcel 302-6-2) Ward 3
- C-UP- Necco G. Nelson – 500 E. Woodrow Wilson – Suite B – (Parcel 46-31) Ward 7
- SE 4027- Matthew McLaughlin – 1704 North State St. – (Parcel 12-16) Ward 7
- C-UP 4080 – Care Center Ministries Mississippi – 258 E. Northside Dr. – (Parcel 433-75) Ward 3
- C-UP 4111 – Dericka Norwood – 3821 I-55 South – (Parcel 862-50-3) Ward 7
- SE 4155- Rosemont Human Services, Inc. – 3801 Officer Thomas Catchings Sr. Dr. – (Parcel 305-49-39) Ward 4

No action required.

President Foote recognized Ester Ainsworth, Zoning Administrator who recommended an amendment to the Special Exception and Use Permit Renewals for December 2022 & January 2023 to add Case Nos. 3999 and 4080 from the Cancelled Special Exceptions/Use Permits List.

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 – 2340 Ward 5	Barbara Moaton	422 Eastview St. Jackson, MS 39209	One-Chair Beauty Salon	12/5/1984
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

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SE- 4149 Ward 7	Right Size Realty Properties- Dianne Nelson	3915 North State St. Jackson, MS 39206	Professional (Real Estate) Office	12/20/2021
C-UP 4150 Ward 3	Shirley Cleveland	4417 O'Bannon Dr. Jackson, MS 39209	Commercial Child Care Center	12/20/2021
SE -3729 Ward 2	Andrea Crudup	103 Alta Woods Blvd.	One-chair Beauty Shop	1/9/2012
SE - 3796 Ward 7	Fondren Renaissance Foundation	4145 Old Canton Rd.	Professional Non-Retail Office	1/9/2012
SE - 4035 Ward 2	Myrtis D. Patterson	5417 Grafton St.	One-Chair Beauty Salon	1/28/2019
SE - 4109 Ward 1	Eris Giurintano	12 St. Andrews Dr. Jackson, MS 39211	Professional Real Estate Office	1/25/2021

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

Council Member Banks moved; seconded by **Council Member Hartley**, to amend said order to reflect the changes as stated by **Ester Ainsworth, Zoning Administrator**. The motion prevailed by the following vote:

Yeas – Banks, Foote, Hartley and Lindsay.

Nays – None.

Absent – Grizzell, Lee and Stokes.

Thereafter, **President Foote**, called for a vote of said item as amended:

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 - 2340 Ward 5	Barbara Moaton	422 Eastview St. Jackson, MS 39209	One-Chair Beauty Salon	12/5/1984
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
SE- 4149 Ward 7	Right Size Realty Properties- Dianne Nelson	3915 North State St. Jackson, MS 39206	Professional (Real Estate) Office	12/20/2021

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C-UP 4150 Ward 3	Shirley Cleveland	4417 O'Bannon Dr. Jackson, MS 39209	Commercial Child Care Center	12/20/2021
SE -3729 Ward 2	Andrea Crudup	103 Alta Woods Blvd.	One-chair Beauty Shop	1/9/2012
SE - 3796 Ward 7	Fondren Renaissance Foundation	4145 Old Canton Rd.	Professional Non-Retail Office	1/9/2012
SE - 4035 Ward 2	Myrtis D. Patterson	5417 Grafton St.	One-Chair Beauty Salon	1/28/2019
SE - 4109 Ward 1	Eris Giurintano	12 St. Andrews Dr. Jackson, MS 39211	Professional Real Estate Office	1/25/2021
C-UP 3999 Ward 7	Necco G. Nelson	500 W. Woodrow Wilson Suite B	Tattoo parlor	1/22/2018
C-UP 4080 Ward 3	Care Center Ministries Mississippi	258 E. Northside Dr.	Operation of a transitional house	1/27/2020

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.

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

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Citizen Agenda Meeting to be held at 6:00 p.m. on Thursday, January 26, 2022. At 3:06 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Madley-Jordan

CLERK OF COUNCIL

APPROVED:

Ashby Foote, 2/14/2023

COUNCIL PRESIDENT DATE

[Signature]

MAYOR

ATTEST:

Angela Harris

CITY CLERK


