

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JULY 17, 2023 2:30 P.M.**

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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 July 17, 2023, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Angelique Lee, Council Vice President, Ward 2; Ashby Foote, Ward 1; Kenneth I. Stokes, Ward 3; Brian Grizzell, Ward 4; Vernon Hartley, Ward 5 (via teleconference) 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: Aaron Banks, Council President, Ward 6.

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

Vice President Lee recognized Zoning Administrator, **Ester Ainsworth** who requested that Agenda Item No. 1 Case No. 4209, Agenda Item No. 3 Case No. 4211 and Agenda Item No. 4 Case No. 4212 be moved forward on the Agenda. Hearing no objections, the following was discussed:

Vice President Lee recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Zoning Case No. 4209, 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.

Vice President Lee requested that the Clerk read the Order:

ORDER GRANTING NEW HORIZON MINISTRIES, INC. A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A COMMUNITY RECREATIONAL CENTER WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 590 RAYMOND RD. (PARCEL #220-20).

WHEREAS, New Horizon Ministries, Inc. has filed a petition for a Use Permit to allow for the operation of a community recreational center within a C-3 (General) Commercial District for the property located at 590 Raymond Rd. (Parcel #220-20) 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 Conditional Use Permit to allow for the operation of a community recreational center within a C-3 (General) Commercial District for the property located at 590 Raymond Rd. (Parcel #220-20); 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, July 17, 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 June 8, 2023 and June 22, 2023 that a hearing had been held by the Jackson City Planning Board on June 28, 2023, 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 recommended approval of a Conditional 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 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 Conditional Use Permit be granted to allow for the operation of a community recreational center within the existing C-3 (General) 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:

A certain lot or parcel of land being situated in Lots 6 and 7; Block 1, Van Winkle Estates, Part 2, in the First Judicial District of Hinds County, Mississippi, being more particularly described by metes and bounds as follows:

Beginning at a point in the South line of Summer Place, a subdivision of part of Lot 5, Block 1, Van Winkle Estates, Part 2, said point of beginning being the Southwest corner of Lot 7 of said Summer Place, run thence Westerly along the South line of Summer Place for a distance of 50 feet; turn thence to the left through an angle of 83 degrees 07 minutes and run Southwesterly 81 feet to an iron stake, said point being the point of beginning of the land herein described, a point of beginning of survey herein described; turn thence to the left and through an angle of 59 degrees 42 minutes and run Southwesterly 189.5 feet to the northern right-of-way of U.S. Highway No. 80; turn thence to the right through an angle of 88 degrees 48 minutes and run northwesterly along the northern right- of-way of U.S. Highway No. 80, 100 feet to a point; turn thence to the right through an angle of 59 degrees 12 minutes and run Northeasterly 133.2 feet to a point; turn thence to the right through an angle of 59 degrees 42 minutes and run Easterly 115.6 feet to the point of beginning.

be and is hereby modified so as to approve a Conditional Use Permit to allow for the operation of a community recreational center within a C-3 (General) Commercial District for the property located at 590 Raymond Rd. (Parcel #220-20). The Conditions of the Use Permit shall be that it is granted on an annual basis; that it be granted to granted to New Horizon Ministries, Inc. the owner/operator of the community recreational center; that subsequent owners or operators of a community recreational center at the location must apply for and receive a new Use Permit; and that compliance with adopted property maintenance, building, and fire codes be maintained at all times. 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 Grizzell moved adoption; **Council Member Lindsay** seconded.

Vice President Lee recognized **Ronnie Crudup Jr.**, Representative for Applicant, who spoke in favor of a Use Permit to allow for a community recreational center within a C-3 (General) Commercial District.

There was no opposition from the public.

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

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

Vice President Lee recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Zoning Case No. 4211, 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.

Vice President Lee requested that the Clerk read the Order:

ORDINANCE GRANTING MICHAEL KINNARD OF ROOT DOWN 4, LLC A REZONING FROM C-1 (RESTRICTED) COMMERCIAL DISTRICT TO C-2 (LIMITED) COMMERCIAL DISTRICT TO ALLOW FOR CONSISTENCY WITH THE PREDOMINATE C-2 (LIMITED) COMMERCIAL ZONING IN THE IMMEDIATE VICINITY OF THE PROPERTY AND FOR A COMPATIBLE DIVERSITY OF LAND USES TO INCLUDE A MEDICAL CANNABIS DISPENSARY FOR THE PROPERTY LOCATED ON 4775 OLD CANTON RD. (PARCEL #511-538-1).

WHEREAS, Michael Kinard of Root Down 4, LLC has filed a petition to rezone property located on 4775 Old Canton Rd. (Parcel #511-538-1), in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-1 (Restricted) Commercial District to C-2 (Limited) Commercial District to allow for consistency with the zoning in the immediate vicinity of the property and for a compatible diversity of land uses to include a medical cannabis dispensary; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property located on 4775 Old Canton Rd. (Parcel #511-538-1) from C-1 (Restricted) Commercial District to C-2 (Limited) Commercial District to allow for consistency with the zoning in the immediate vicinity of the property and for a compatible diversity of land uses to include a medical cannabis dispensary; 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, July 17, 2023 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 City Council that notice of said petition had been published in the Mississippi Link on June 8, 2023 and June 22, 2023 that a hearing had been held by the Jackson City Planning Board on June 28, 2023, 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 rezoning of the property located on 4775 Old Canton Rd. (Parcel #511-538-1) from C-1 (Restricted) Commercial District to C-2 (Limited) Commercial District; and

WHEREAS, the 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 said application since any previous City Council action.

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

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

Being a parcel of land off the East side of Lot 2 of LeFleur's Square, a subdivision according to the map or plat thereof on file and as recorded in Plat Cabinet "C", Slot 154 and Plat Book 28, Page 22, within the Office of the Chancery Clerk of Hinds County, Jackson, Mississippi and being more particularly described as follows:

COMMENCING at a "PK" Nail set for the Northeast corner of Lot 2 of the above referenced LeFleur's Square Subdivision, and also being the Northeast corner and the POINT OF BEGINNING of the herein described parcel;

THENCE run South 01° 52' 01" West, along the East line of Lot 2 and the West right-of-way line of Old Canton Road, a distance of 130.74 feet (deed - 13 1.00') to a point being the Southeast corner of the herein described parcel, witnessed by a 1/2" rebar found, bearing South 87° 31' 59" East for a distance of 0.60' along the Easterly prolongation of the Southerly line of the herein described parcel;

THENCE departing the West right-of-way line of said Old Canton Road, turn an interior angle to the left of 89° 24' 00" and run along the North line of a tract of land conveyed to Hollingsworth Real Estate Trust as described in Deed Book 7137, Page 8561, for a distance of 115.64 feet to a 1/2" rebar found, marking the Southwest corner of the herein described parcel;

THENCE turn an interior angle to the left of 92° 51' 00" and run along the East line of a tract of land conveyed to J W, LLC and Waggoner Farms, Inc., as described in Deed Book 5246, Page 215, for a distance of 124.89 feet (deed 125.15') to a found hole drilled in concrete marking the Northeast corner of the herein described parcel, and being on the North line of the above referenced Lot 2, same being the South right-of-way line of LeFleur's Square;

THENCE turn an interior angle to the left of 90° 00' 00" and run along the North line of Lot 2, same being the South right-of-way line of LeFleur's Square, for a distance of 120.64 feet to the POINT OF BEGINNING, and containing 0.346 acres, (15,092 square feet), more or less.

is hereby modified so as to approve the rezoning of the property located at 4775 Old Canton Rd. (Parcel #511-538-1) from C-1 (Restricted) Commercial District to C-2 (Limited) Commercial District to allow for consistency with the predominate Zoning classification of C-2 in the immediate area and for a medical cannabis dispensary. 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 Grizzell moved adoption; **Council Member Lindsay** seconded.

Vice President Lee recognized **Amanda Tollison** of Butler Snow, LLP and **Michael Kinnard**, Applicant, who spoke in favor of a Rezoning from C-1 (Restricted) Commercial District to C-2 (Limited) Commercial District to allow for consistency with the zoning in the immediate vicinity of the properties and for a compatible diversity of land uses that would allow for a medical cannabis dispensary.

There was no opposition from the public.

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

Yeas – Foote, Grizzell, Lee and Lindsay.

Nays – Stokes

Absent – Banks and Hartley.

Note: Council Member Hartley left the meeting during discussion.

Vice President Lee recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Zoning Case No. 4212, 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.

Note: Council Member Hartley returned to meeting.

Vice President Lee requested that the Clerk read the Order:

ORDER GRANTING UA JACKSON MS, LLC A CONDITIONAL USE PERMIT TO ALLOW FOR A COMMUNITY RECREATIONAL CENTER WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 6370 RIDGEWOOD CT DR. (PARCEL #738-9-8).

WHEREAS, UA Jackson MS, LLC has filed a petition for a Use Permit to allow for a community recreational center within a C-3 (General) Commercial District for the property located at 6370 Ridgewood Ct Dr. (Parcel #738-9-8) 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 Conditional Use Permit to allow for a community recreational center within a C-3 (General) Commercial District for the property located at 6370 Ridgewood Ct Dr. (Parcel #738-9-8); 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, July 17, 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 June 8, 2023 and June 22, 2023 that a hearing had been held by the Jackson City Planning Board on June 28, 2023, 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-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 proposed use would not be detrimental to the continued use, value, or development of properties in the vicinity; is in harmony with the Comprehensive Plan and that a Conditional Use Permit be granted to operate a community recreational center for the property located at 6370 Ridgewood Ct Dr. (Parcel #738-9-8) within the existing C-3 (General) 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:

EXHIBIT A

Real property in the City of Jackson, County of Hinds, State of Mississippi, described as follows:

Parcel 1 - Fee Simple:

A certain parcel of land containing 22.406 Acres (976,016 Square Feet) lying and being situated in Lots One (1), Two (2), Three (3), Six (6), Seven (7) and Eight (8) of Block 49, and Lots One (1), Two (2) and Three (3) of Block 53, all in Virden Hatch Place of Highland Colony, according to the map or plat thereof as recorded in Surveyor's Record Book "A", Page 283, in the Office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi and being more particularly described as follows:

Commencing at an iron pin marking the Northwest corner of Wildwood North, Part 1, a subdivision according to the plat on file in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 23 at Page 13 said point also marking the Southeast corner of Jamestown, a subdivision according to the map or plat on file in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 29 at Page 1; thence run North 04 degrees 34 minutes 09 seconds East along the East boundary of said Jamestown for a distance of 424.25 feet to an iron pipe; thence run North 04 degrees 34 minutes 09 seconds East along the East line of said Jamestown for a distance of 24.95 feet to a concrete monument marking the Northeast corner of said Jamestown; thence run North 04 degrees 34 minutes 17 seconds East for a distance of 214.13 feet to an iron pipe; thence run North 00 degrees 08 minutes 30 seconds East for a distance of 168.82 feet to an iron pipe; thence run North 55 degrees 43 minutes 01 second West for a distance of 64.09 feet to an iron pipe on the South right-of-way line of Ridgewood Court Drive; thence run along said South right-of-way line North 54 degrees 07 minutes 25 seconds East for a distance of 671.07 feet to a point; thence run along the South right-of-way line along a curve to the left having a radius of 814.77 feet, a delta angle of 01 degree 31 minutes 41 seconds, an arc length of 21.73 feet and a chord which bears North 53 degrees 21 minutes 35 seconds East for a chord distance of 21.72 feet to the Point of Beginning, said point also being on the southeasterly right-of-way line of Ridgewood Court Drive as it is now laid out and exists; thence run northeasterly along a counterclockwise curve to the left in said right-of-way line, said curve having a radius of 814.77 feet, a delta angle of 02 degrees 48 minutes 34 seconds, an arc length of 39.97 feet and a chord bearing and distance of North 51 degrees 11 minutes 28 seconds East for a distance of 39.95 feet to a point; thence run southeasterly and counterclockwise along a non-tangent curve to the left for a distance of 40.01 feet (43.17 feet -deed), said curve having a radius of 50.00 feet, a delta angle of 45 degrees 50 minutes 48 seconds and a chord bearing and distance of South 03 degrees 36 minutes 34 seconds East for a distance of 38.95 feet to a point; thence run southeasterly and clockwise along the arc of a curve to the right for a distance of 29.55 feet, said curve having a radius of 50.00 feet, a delta angle of 33 degrees 51 minutes 35 seconds and a chord bearing and a distance of South 13 degrees 12 minutes 35 seconds East for a distance of 29.12 feet to a point; thence run South 00 degrees 06 minutes 27 seconds West for a distance of 71.17 feet to a point; thence run southeasterly and counterclockwise along the arc of a curve to the left for distance of 31.24 feet, said curve having a radius of 20.74 feet, a delta angle of 86 degrees 18 minutes 19 seconds, and a chord bearing and distance of South 45 degrees 36 minutes 27 seconds East for a distance of 28.37 feet to a point; thence run South 89 degrees 58 minutes 45 seconds East for a distance of 217.98 feet to a point; thence run northeasterly and counterclockwise along the arc of a curve to the left for a distance of 23.44 feet, said curve having a radius of 15.00 feet, a delta angle of 89 degrees 33 minutes 05 seconds, and a chord bearing and distance of North 45 degrees 14 minutes 08 seconds East for a distance of 21.13 feet to a point; thence run North 00 degrees 27 minutes 01 second East for a distance of 258.78 feet to a point; run thence northwesterly counterclockwise along the arc of a curve to the left a distance of 29.06 feet, said curve having a radius of 18.50 feet, a delta angle of 89 degrees 59 minutes 13 seconds, and a chord bearing and distance of North 44 degrees 32 minutes 59 seconds West for a distance of 26.16 feet for a point; thence run North 89 degrees 32 minutes 59 seconds West for a distance of 55.00 feet to a point; thence run northwesterly and clockwise (counterclockwise-Deed) along the arc of a curve to the right for a distance of 26.58 feet, said curve having a radius of 83.50 feet, a delta angle of 18 degrees 14 minutes 24 seconds, and a chord bearing and distance of North 77 degrees 19 minutes 06 seconds West for a distance of 26.47 feet to a point; thence run southwesterly and counterclockwise along the arc of a curve to the left for a distance of 35.59 feet (38.61 feet-Deed), said curve having a radius of 50.00 feet, a delta angle of 40 degrees 46 minutes 50 seconds, and a chord bearing and distance of South 88 degrees 38 minutes 51 seconds West for a distance of 34.84 feet to a point on the southeasterly right-of-way line of the aforesaid Ridgewood Court Drive; thence run northeasterly along the arc of a curve to the left in the aforesaid southeasterly right-of-way for a distance of 329.53 feet, said curve having a radius of 814.77 feet, a delta angle of 23 degrees 10 minutes 22 seconds, and a chord which bears North 24 degrees 45 minutes 12 seconds East for a chord distance of 327.28 feet to a point at the Southwest corner of the Modern Age, Inc. property as recorded in Deed Book 4050, Page 268 in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi; thence run South 89 degrees 55 minutes 54 seconds East for a distance of 282.49 feet to a point; thence run North 00 degrees 04 minutes 06 seconds East for a distance of 36.98 feet to a point; thence run South 89 degrees 55 minutes 54 seconds East for a

distance of 248.42 feet to a point; thence run North 18 degrees 21 minutes 20 seconds West for a distance of 130.24 feet to a point; thence run North 54 degrees 35 minutes 44 seconds West for a distance of 32.26 feet to a point on the South right-of-way line of County Line Road as now laid out and in use; thence, following the aforesaid South right-of-way line, run North 89 degrees 09 minutes 52 seconds East for a distance of 71.82 feet to a point; thence run South 26 degrees 04 minutes 32 seconds East for a distance of 40.97 feet to a point; run thence North 88 degrees 55 minutes 30 seconds East for a distance of 38.33 feet to a point; run thence South 01 degree 39 minutes 11 seconds West for a distance of 727.98 feet to a point; run thence South 25 degrees 46 minutes 30 seconds West for a distance of 55.65 feet to a point; run thence South 28 degrees 12 minutes 21 seconds East for a distance of 78.60 feet to a point; run thence South 07 degrees 04 minutes 34 seconds West for a distance of 383.67 feet to a point; run thence South 07 degrees 04 minutes 34 seconds West along the West boundary of Sun Valley Subdivision, Part II according to the plat on file in the Office of the Chancery Clerk of Jackson, Hinds County, Mississippi in Plat Book 26 at Page 28 for a distance of 232.93 feet to a point; run thence North 89 degrees 49 minutes 31 seconds West for a distance of 629.83 feet 10 a point; thence run North 00 degrees 08 minutes 30 seconds East for a distance of 46.01 feet (45.95 feet-Deed) to a point; thence run North 53 degrees 54 minutes 31 seconds West for a distance of 86.47 feet to a point; thence run North 89 degrees 51 minutes 30 seconds West for a distance of 97.37 feet to a point; thence run North 00 degrees 08 minutes 30 seconds East for a distance of 740.00 feet to a point; thence run North 37 degrees 24 minutes 15 seconds West for a distance of 18.25 feet to the Point of Beginning.

Parcel 2 - Easements:

Together with those rights and easements constituting rights in real property created defined and limited by that certain Easements with Covenants and Restrictions Affecting Land by and between Wal-Mart Stores, Inc., a Delaware corporation, and Jackson Simon Limited Partnership, an Indiana limited partnership, dated August 3, 1993, and recorded August 11, 1993, in Book 4152, Page 492, amended by that certain First Amendment to Easements with Covenants and Restrictions Affecting Land by and between Wal-Mart Stores, Inc., a Delaware corporation, and Jackson Simon Limited Partnership, an Indiana limited partnership, dated August 22, 1989 and recorded August 26, 1996 in Book 4660, Page 667, further amended by that certain Second Amendment to Basements with Covenants and Restrictions Running with the Land by and between Sam's Real Estate Business Trust, a Delaware business trust, and Jackson Simon Limited Partnership, an Indiana limited partnership, dated July 23, 2004 and recorded July 27, 2004 in Book 6130, Page 329, and further amended in Third Amendment to Easements with Covenants and Restrictions Affecting Land by and between Sam's Real Estate Business Trust, a Delaware business trust and Ridgewood Court, LLC, a Delaware limited liability company, successor in interest to Jackson Simon Limited Partnership, an Indiana limited partnership, filed in Book 6975, Page 29, all in the Hinds County Chancery Clerk's Office, Mississippi, over the following described land:

A certain parcel of land lying and containing 15.395 acres (670,597.400 square feet) lying and being situated in Lots Five (5), and Six (6) of Block 49, and Lots Two (2), and Three (3) of Block 53, all in Virden Hatch Place of Highland Colony, according to the map or plat thereof as recorded in Surveyor's Record "A", Page 283, in the Office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi, and being more particularly described as follows:

Commencing at an iron pin marking the Northwest corner of Wildwood North, Part 1, a subdivision according to the plat on file in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 23 at Page 13, said point also marking the Southeast corner of the Jamestown, a subdivision according to the map or plat on file in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 29, Page 1; thence run N 04° 34' 09" E along the east boundary of said Jamestown for a distance of 424.25 feet to an iron pipe marking the Point of Beginning; thence run N 04° 34' 09" E along the East boundary line of said Jamestown for a distance of 24.95 feet to a concrete monument marking the Northeast corner of said Jamestown; thence run N 04° 34' 17" E for a distance of 214.13 feet to an iron rod; thence run N 00° 08' 30" E for a distance of 168.82 feet to an iron rod; thence run N 55° 43' 01" W for a distance of 64.08 feet to an iron rod on the South right-of-way line of Ridgewood Court Drive; thence run along said South right-of-way line N 54° 07' 25" E for a distance of 671.07 feet to a point; thence run along the South right-of-way line, said line being in a curve to the left having a radius of 814.77 feet and a chord which bears N 53° 21' 35" E for a chord distance of 21.72 feet to a point; thence

leaving said South right-of-way line, ran S 37° 24' 15" E for a distance of 18.25 feet to a point; thence run S 00° 08' 30" W for a distance of 740.00 feet to a point; thence run S 89° 51' 30" for a distance of 97.37 feet to a point; thence run § 53° 54' 31" E for a distance of 86.47 feet to a point; thence run S 00° 08' 30" W for a distance of 468.85 feet to an iron pipe on the North boundary line of said Wildwood North, Part 1; thence run along said North boundary line N 89° 49' 31" W for a distance of 736.85 feet to an iron rod Marking the Northwest corner said Wildwood North, Part 1; thence run along the East boundary line of said Jamestown, N 04° 34' 09" I; for a distance of 424.25 feet to the Point of Beginning, save and except the following described parcel of land:

A certain parcel of land containing 2.258 Acres lying and being situated in Lot Six (6) of Block 49 in Virden Hatch Place of Highland Colony, according to the map or plat thereof as recorded in Surveyor's Record Book "A", Page 283, in the Office of the Chancery Clerk of the First Judicial District of Hinds County, Mississippi and being more particularly described as follows:

Commencing at an iron pin marking the Northwest corner of Wildwood North, Part 1, a subdivision according to the plat on file in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 23 at Page 13, said point also marking the Southeast corner of Jamestown, a subdivision according to the map or plat on file in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 29 at Page 1; thence run North 04 degrees 34 minutes 09 seconds East along the East boundary of said Jamestown for a distance of 424.25 feet to an iron pipe; thence run North 04 degrees 34 minutes 09 seconds East along the East line of said Jamestown for a distance of 24.95 feet to a concrete monument marking the Northeast corner of said Jamestown; thence run North 04 degrees 34 minutes 17 seconds East for a distance of 214.13 feet to an iron pipe (Pin-Deed); thence run North 00 degrees 08 minutes 30 seconds East for a distance of 168.82 feet to an iron pipe (Pin-Deed); thence run North 55 degrees 43 minutes 01 second West for a distance of 64.08 feet to an iron pipe (Pin-Deed) on the South right-of-way line of Ridgewood Court Drive; thence run along said South right-of-way line North 54 degrees 07 minutes 25 seconds East for a distance of 139.80 feet to the Point of Beginning of the following described tract of land; thence following the aforesaid South right-of-way line North 54 degrees 07 minutes 25 seconds East for a distance of 531.28 feet to a point; thence following the aforesaid South right-of-way line along a curve to the left having a radius of 814.77 feet, a delta angle of 01 degree 31 minutes 41 seconds, an arc length of 21.73 feet and a chord which bears North 53 degrees 21 minutes 35 seconds East for a chord distance of 21.72 feet to a point; thence, leaving the aforesaid South right of way line, run South 37 degrees 24 minutes 15 seconds East for a distance of 18.25 feet to a point; thence run South 00 degrees 08 minutes 30 seconds West for a distance of 359.28 feet to a point; thence run North 89 degrees 51 minutes 30 seconds West for a distance of 458.23 feet to a point; thence run North 00 degrees 08 minutes 30 seconds East for a distance of 48.33 feet to the Point of Beginning.

Parcel 3 - Non-Exclusive Easement

Together with those rights and non-exclusive easements constituting rights in real property created defined and limited by that certain Covenants, Conditions and Restrictions Agreement by and between Jackson Simon Limited Partnership, an Indiana limited partnership, and Modern Age, Inc., a Delaware corporation, dated November 5, 1992 and recorded November 9, 1992 in Book 4050, Page 271, as assigned in Assignment of Agreements by and between Jackson Simon Limited Partnership, a Indiana limited partnership, and Ridgewood Court, LLC, a Delaware limited liability company, dated July 1, 2005 and recorded July 15, 2005 in Official Record Book 6311, Page 398, both in the Hinds County Chancery Clerk's Office, Mississippi, over and upon the land therein described.

Parcel 4 - Intentionally deleted.

Parcel 5 - Non-Exclusive Easement

Together with those rights and non-exclusive easements constituting rights in real property created defined and limited by that certain Covenants, Conditions and Restrictions Agreement by and between Jackson Simon Limited Partnership, an Indiana limited partnership, and Pacific Industrial Properties Holdings, Inc., a Texas corporation, dated May 2, 1994 and recorded May 13, 1994 in Book 4294, Page 654 in the Hinds County Chancery Clerk's Office, Mississippi, over and upon the land therein described.

Parcel 6 - Easement:

Together with those rights and easements constituting rights in real property created defined and limited by that certain Reservation of Pylon Sign Easement by Jackson Simon Limited Partnership, an Indiana limited partnership, dated November 5, 1992 and recorded November 9, 1992 in Book 4050, Page 264, in the Hinds County Chancery Clerk's Office, Mississippi.

Parcel 7 - Easement:

Together with those rights and easements constituting rights in real property created defined and limited by that certain Covenants, Conditions and Restrictions Agreement by and between Jackson Simon Limited Partnership, an Indiana limited partnership, and Brinker Mississippi, Inc., a Delaware corporation, dated August 22, 1996 and recorded August 26, 1996 in Book 4660, Page 697, as amended in Amendment to Covenants, Conditions and Restrictions Agreement by and between Ridgewood Court, LLC, a Delaware limited liability company, successor in interest to Jackson Simon Limited Partnership, an Indiana limited partnership, Brinker Mississippi, Inc., a Delaware corporation and Melvin Property #3011, LLC, a Mississippi limited liability company, filed in Book 6975, Page 21, in the Hinds County Chancery Clerk's Office, Mississippi.

be and is hereby modified so as to approve a Conditional Use Permit to operate a community recreational center within a C-3 (General) Commercial District for the property located at 6370 Ridgewood Ct Dr. (Parcel #738-9-8). The Conditions of the Use Permit shall be that it be granted to UA Jackson MS, LLC, the owner/operator of the community recreational center, that subsequent owners or operators of a community recreational center at the location must apply for and receive a new Use Permit and that compliance with adopted property maintenance, building, and fire codes be maintained at all times. 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 Grizzell moved adoption; **Vice President Lee** seconded.

Vice President Lee recognized **David Contreas** of AIA, Representative for Applicant, who spoke in favor of a Use Permit to allow for the operation of a family entertainment center in a C-3 (General) Commercial District.

There was no opposition from the public.

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

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

Vice President Lee recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Zoning Case No. 4208, 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.

Vice President Lee requested that the Clerk read the Order:

ORDINANCE GRANTING SELIKA SWEET A REZONING FROM C-3 (GENERAL) COMMERCIAL DISTRICT TO CMU-1 (COMMUNITY) MIXED-USE DISTRICT, PEDESTRIAN ORIENTED WITH A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION & OPERATION OF A COMMUNITY RECREATIONAL CENTER FOR THE PROPERTY LOCATED ON PARCEL #140-3 ON PASCAGOULA ST.

WHEREAS, Selika Sweet has filed a petition to rezone property located on Parcel #140-3 on Pascagoula St., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented with a Conditional Use Permit to allow for the construction of a community recreational center; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended the approval of the rezoning of the property located on Parcel #140-3 on Pascagoula St. from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented with a Conditional Use Permit to allow for the construction of a community recreational center; 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, July 17, 2023 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 City Council that notice of said petition had been published in the Mississippi Link on June 8, 2023 and June 22, 2023 that a hearing had been held by the Jackson City Planning Board on June 28, 2023, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended the rezoning of the property located at Parcel #140-3 on Pascagoula St. from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented with a Conditional Use Permit; and

WHEREAS, the 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 said application since any previous City Council action; and

WHEREAS, the Council, after having considered the matter, is also of the opinion that the proposed use would not be detrimental to the continued use, value or development of properties in the vicinity; is in harmony with the Comprehensive Plan and that a Conditional Use Permit be granted to allow for the construction of a community recreational center within a CMU-1 (Community) Mixed-Use District, Pedestrian Oriented of the City of Jackson.

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

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

INDEXING INSTRUCTIONS: Part of Lots 25, 26 & 56, West Jackson HC Hinds County, MS Daniels Map of Jackson,

(Book 904 Page 22)

Beginning at the point where the Eastern boundary of Clifton Street intersects the Northern boundary of Pascagoula Street, as said streets are now laid out and improved, and running thence in an Easterly direction along the Northern boundary of Pascagoula Street 222.64 feet to an old stake; turning thence to the left through an angle of 90 deg 29 min. run Northerly toward an old iron stake 74.6 feet; run thence Westerly parallel with the Northern boundary line of Pascagoula Street 94.25 feet to a point 25 feet West of the East line of Lot 56; turning thence right through an angle of 90 deg. 10 min. run Northerly along a line parallel and 25 feet West of the East line of Lot 56 a distance of 7124 feet; turning thence to the left through an angle of 90 deg. 10 min. run Westerly and parallel with the North line of Pascagoula Street 127.85 feet to the Eastern line off Clifton Street; run thence Southerly along the Eastern line of Clifton Street 145.84 feet to the Point of Beginning.

TOGETHER WITH:

(Book 904 Page 23)

Commencing at the point where the Eastern boundary of Clifton Street intersects the Northern boundary of Pascagoula Street, as said streets are now laid out and improved, and running thence in an Easterly Northern boundary of Pascagoula Street 222.64 feet to an old iron stake; turning to the left thence through an angle of 90 deg. 29 min. run in a Northerly direction 74.6 feet to a point; and run thence in a Westerly direction along a line parallel with the Northern boundary of Pascagoula Street 69.25 feet to the Point of Beginning of the being described in this paragraph. From said Point of Beginning, continue Westerly along a prolongation of the last course and run 25 feet to a point; and thence turning to turning to the right through an angle of 90 degrees 10 min, run in a Northerly direction 71.24 feet to a point; and run thence in an Easterly direction along a line parallel with the Southern boundary of the parcel being described in this paragraph 25 feet to a point; run thence in a Southerly direction 71.24 feet to the Point of Beginning of the parcel described in this paragraph, said parcel being a part of Lot 56.

TOGETHER WITH:

(Book 988 Page 435)

A part of Lots 25 & 56 West Jackson, according to H.C. Daniels Map of the City of Jackson, Mississippi and being more particularly described by metes and bounds as follows.

Beginning at a point on the North line of Pascagoula Street, which point is 222.64 feet measured Easterly along the North line of Pascagoula Street from the East line of Clifton Street as both Streets are now laid out and improved in the City of Jackson, Mississippi, said point being the Southeast corner of the Salvation Army Property as described in Deed Book 904 at Page 22 in the office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, turn thence to the left through an angle of 90°29' and run Northerly along the East line of the Salvation Army Property for a distance of 74.6 feet to the Northeast corner thereof, and said corner being the Point of Beginning of the land herein described; continue thence Northerly along an extension of the last mentioned course for a distance of 88.65 feet to an old fence line; turn thence to the left through an angle of 88 degrees 23' and run Westerly along said old fence line 72.25 feet to a fence corner; thence Southerly along an old fence line and the projection thereof, for a distance of 90.14 feet to a point in the North line of the presently owned Salvation Army Property, which point is 73.55 feet measured Westerly along the North line from the Northeast corner of said Salvation Army Property; thence Easterly along the North line of said Salvation Army Property for a distance of 73.55 feet to the Point of Beginning. In aid of and as a part of this description reference is hereby made to plat for the Salvation Army Property prepared by W. A. Akin, civil engineer, dated July 26, 1956, which plat is attached hereto and which is to be considered a part hereof as if copied fully herein.

TOGETHER WITH:

(Book 988 Page 453)

All that part of Lots 25 and 26 of West Jackson, which lies South of the fence on the South side of that real property conveyed to the grantee herein by Warranty Deed dated August 15, 1956 and executed by Robert P. Roepcke and Mrs. Jacqueline Sullivan Roepcke, husband and wife, and said deed appearing of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, reference to which deed is hereby made in aid of this description.

TOGETHER WITH

(Book 1468 Page 209-210)

A certain lot or parcel of land fronting 50 feet on the East line of Clifton Street and extending back Easterly between parallel lines for a distance of 148 feet, being a part of Lot 56, West Jackson, according to the map of Jackson by Henry C. Daniels, 1875, and being more particularly described as follows:

Begin at a point on East line of Clifton Street 185.0 feet Southerly from the intersection of the East line of Clifton Street with the South line of Pearl Street, as both streets are now (August 1963) laid out and Improved City of Jackson in the First Judicial District of Hinds County, Mississippi, said Point of Beginning also being 196.2 feet Northerly from the intersection of the

East line Clifton Street with the North line of Pascagoula Street, as both streets are now (August 1963) laid out and improved in the City of Jackson, Mississippi, said Point of Beginning also being the Southwest corner of the lot formerly belonging to the A. M. E. Church; run thence Southerly along the East line of Clifton Street for a distance of 50 feet to an iron stake; thence turn to the left through a deflection angle $90^{\circ} 00'$ and run Easterly and parallel with the North line of Pascagoula Street for a distance of 148 feet to an iron stake; thence turn to the left through a deflection angle of $90^{\circ} 00'$ and run Northerly and parallel with the East line of Clifton Street for a distance of 50 feet to an iron stake; thence turn to the left through a deflection angle of $90^{\circ} 00'$ and run Westerly and with the North line of Pascagoula Street for a distance of 148 feet to the Point of Beginning; LESS AND EXCEPT a certain triangular shaped parcel of land lying in the Northwest corner of the above described property, heretofore conveyed to the City of Jackson, Mississippi, and being more particularly described as follows: Begin at a point on the East line of Clifton Street at the Northwest corner of the above; described lot or parcel of land and run thence Easterly and parallel with the North line of Pascagoula Street for a distance of 17.42 feet to an iron stake on the North line of the above described lot or parcel of land; turn thence to the right through a deflection angle of $136^{\circ} 02'$ and run Southwesterly for a distance of 24.2 feet to an iron stake on the East line of Clifton Street, said point being 16.8 feet Southerly from the Point of Beginning; turn thence to the right through a deflection angle of $133^{\circ} 58'$ and run Northerly along the East line of Clifton Street for a distance of 16,8 feet to the Point of Beginning.

TOGETHER WITH:

(Book 2220 Page 635)

Begin at the intersection of the South line of Terry Road and the East line of Clifton Street as now laid out run thence in a northeasterly direction along the south line of Terry Road 24.22 feet to the point of beginning; from this point run thence along said south line of Terry Road in a northeasterly direction a distance of 133.52 feet; thence turn south and run 79.02 feet to a point which is 107.58 feet from the point of beginning; run thence westerly 107.58 feet to the point of beginning. Said lot being the triangle lot located on part of Lot 56 Miscellaneous-numbers West Jackson, according to map or plat of said It of record Chancery Clerk's office at Jackson, Mississippi.

is hereby modified so as to approve the rezoning of the property located at Parcel #140-3 on Pascagoula St. from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented with a Conditional Use Permit to allow for the construction of a community recreational center. The conditions of the Use Permit are that it shall be granted on an annual basis; be granted to Selika Sweet, the owner/operator of the community recreational center; and that subsequent owners or operators of a community recreational center at this location must apply for and receive a new Use Permit. 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 Grizzell moved adoption; **Council Member Lindsay** seconded.

Vice President Lee recognized **Dr. Selika Sweet**, Applicant, who spoke in favor of a Rezoning from C-3 (General) Commercial District to CMU-1 (Community) Mixed-Use District, Pedestrian Oriented with a Use Permit to allow for the construction of a community recreation center (event venue).

There was no opposition from the public.

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

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

**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>
3974 Ward 7 C-UP	Trey Hester & Brez, LLC	839 S. State St.	Community Recreational Facility to operate an Escape Room	6/19/17
SE-4054 Ward 7	JCD Urban Development	2034 W. McDowell Rd.	Recreational Community Facility	6/17/19
4057 Ward 7 C-UP	John B. Stanton, o/b/h of Jackson Brew, LLC	3100 Old Canton Rd.	Drive thru window for a coffee shop	6/17/19
4128 Ward 2 C-UP	Offtop Autoplex, LLC	5502 North State St.	Used Car Lot	6/21/21
SE-2482 Ward 3	George Wilkes, Jr.	729 Beaverbrook Dr. Jackson, MS 39206	One-Chair Barber Shop	07/16/86
SE-4085 Ward 2	Laura Robbins	5663 Beechwood Dr. Jackson, MS 39206	Residential Day Care Center	07/20/20
C-UP- 4088 Ward 2	Rhemalyn Lewis	4872 North State St. (Formerly 4866/4872) Jackson, MS 39206	Commercial Child Care Center	07/20/20
C-UP- 4130 Ward 5	WMIW, LLC (Sam Astrahan)	3883/3885 Metro Dr. Jackson, MS 39209	Community Recreational Center	07/19/21
SE-4133 Ward 3	Jackson Memorial Funeral Services, LLC	800, 816 & 818 Woodrow Wilson Ave. Jackson, MS 39213	Residential Community Center	07/19/21

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

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

Vice President Lee recognized **Council Member Grizzell** who moved; seconded by **Vice President Lee**, to amend said order in Extension of Special Exceptions and Use Permits for One Year to remove “Case No. C-UP-4130 - WMIW, LLC.” The motion prevailed by the following votes:

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

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JULY 17, 2023 2:30 P.M.**

Thereafter, Vice President Lee called for a vote on said order, 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>
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SE-2482 Ward 3	George Wilkes, Jr.	729 Beaverbrook Dr. Jackson, MS 39206	One-Chair Barber Shop	07/16/86
SE-4085 Ward 2	Laura Robbins	5663 Beechwood Dr. Jackson, MS 39206	Residential Day Care Center	07/20/20
C-UP- 4088 Ward 2	Rhemalyn Lewis	4872 North State St. (Formerly 4866/4872) Jackson, MS 39206	Commercial Child Care Center	07/20/20
SE-4133 Ward 3	Jackson Memorial Funeral Services, LLC	800, 816 & 818 Woodrow Wilson Ave. Jackson, MS 39213	Residential Community Center	07/19/21

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

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Council Meeting to be held at 10:00 a.m. on Tuesday, July 18, 2023. At 4:04 p.m., the Council stood adjourned.

PREPARED BY:

Shanika Masley-Bjork
CLERK OF COUNCIL

APPROVED:

Lee, 8/15/2023
COUNCIL PRESIDENT DATE

Charles L. Lee
MAYOR

ATTEST:

Angela Harris
CITY CLERK
