

**CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JULY 19, 2005 – 7:00 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET**

WELCOME AND CALL TO ORDER - Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Bishop followed by the Pledge of Allegiance to the Flag led by Mayor Aultman.

ROLL CALL – City Clerk, Wayne Derrick

Present: Jehu Brabham - Alderman-At-Large
 Tony Hisaw - Alderman Ward 1
 Tony Greer – Alderman Ward 2
 Mike Bishop - Alderman Ward 3
 Mike Morgan – Alderman Ward 5
 William Barnett - Alderman Ward 6
 Ken Dreher – City Attorney

Absent: Phil Fisher, Alderman Ward 4

APPROVAL OF AGENDA ITEMS A-N

MOTION made by Alderman Greer and **SECONDED** by Alderman Brabham to approve Consent Agenda Items A-N. Item C will serve to advertise favorably the opportunities, possibilities and resources of the City of Clinton. **MOTION CARRIED UNANIMOUSLY**

Alderman Bishop left the meeting at 7:07 p.m. upon presentation of the following (2) two items (a & b of planning and zoning) and returned to the meeting at 7:13 p.m.

ORDINANCE REQUESTING TO REZONE PROPERTY TO BE LOCATED ON PINEHAVEN ROAD – COPPER CREEK SUBDIVISION – FROM (A) AGRICULTURAL TO (R1B) LOW DENSITY RESIDENTIAL

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Barnett to approve an Ordinance requesting to rezone property located on Pinehaven Road – Copper Creek Subdivision – from (A) Agricultural to (R1B) Low Density Residential. A copy of the Ordinance is attached. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SUBDIVISION PLAT FOR COPPER CREEK SUBDIVISION WHICH WILL BE LOCATED ON PINEHAVEN ROAD

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Barnett and **SECONDED** by Alderman Morgan to approve a preliminary subdivision plat for Copper Creek Subdivision which will be located on Pinehaven Road. A copy of the plat is on file with the Zoning Administrator. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SITE PLAN FOR PINEVIEW BAPTIST CHURCH TO BE LOCATED AT 1288 CLINTON/RAYMOND ROAD

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Hisaw to approve a preliminary site plan for Pineview Baptist Church to be located at 1288 Clinton/Raymond Road. A copy of the site plan is on file with the Zoning Administrator. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

REQUEST TO REZONE THE NORTHWEST CORNER OF NORTHSIDE DRIVE AND PINEHAVEN ROAD FROM (C-2) GENERAL COMMERCIAL TO (R-5) HIGH DENSITY RESIDENTIAL

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Morgan to deny the request to rezone 18.14 acres from (C-2) General Commercial to (R-5) High Density Residential located in the Northwest corner of Northside Drive and more fully described in the attached findings of facts. The Planning and Zoning Commission recommended denying the request. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SITE PLAN FOR WINDFALL PLACE SUBDIVISION WHICH WILL BE LOCATED ON CLINTON/RAYMOND ROAD

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Brabham to approve a preliminary site plan for Windfall Place Subdivision which will be located on Clinton/Raymond Road. A copy of the site plan is on file with the Zoning Administrator. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

REQUEST TO REZONE WINDSOR PLANTATION, PART I WHICH WILL BE LOCATED ON PINEHAVEN ROAD FROM (A) AGRICULTURAL TO (R1B) LOW DENSITY RESIDENTIAL

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Barnett to approve a request to rezone Windsor Plantation, Part I which will be located on Pinehaven Road from (A) Agricultural to (R1B) Low Density Residential. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SUBDIVISION PLAT FOR WINDSOR PLANTATION, PART 1 WHICH WILL BE LOCATED ON PINEHAVEN ROAD

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Bishop to approve a preliminary subdivision plat for Windsor Plantation, Part 1 which will be located on Pinehaven Road contingent to solving all drainage issues to the satisfaction of the City Engineer. A copy of the plat is on file with the Zoning Administrator. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

REQUEST TO REZONE WINDSOR PLANTATION, NORTH HILLS OF WINDSOR PLANTATION FROM (A) AGRICULTURAL TO (R1A) ESTATE RESIDENTIAL

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Morgan to approve a request to rezone Windsor Plantation, North Hills of Windsor Plantation from (A) Agricultural to (R1A) Estate Residential. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SUBDIVISION PLAT FOR WINDSOR PLANTATION, NORTH HILLS OF WINDSOR PLANTATION

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Bishop and **SECONDED** by Alderman Barnett to approve a preliminary subdivision plat for Windsor Plantation, North Hills of Windsor Plantation contingent to solving all drainage issues to the satisfaction of the City Engineer. A copy of the plat is on file with the Zoning Administrator. The Planning and Zoning Commission recommended approval. **MOTION CARRIED UNANIMOUSLY**

REQUEST TO REZONE FROM (C2) GENERAL COMMERCIAL TO (C3) MAJOR THOROUGHFARE COMMERCIAL AT THE NORTHWEST CORNER OF HWY 80 AND MASONIC DRIVE

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Bishop to deny the request of Sammy Wilbanks, Susan Wilbanks and R&R Investments to rezone 2.47 acres located on Hwy 80 and Masonic Drive based upon the attached findings of fact. The Planning and Zoning Commission recommended denying. **MOTION CARRIED UNANIMOUSLY**

PRELIMINARY SITE PLAN FOR SONIC RESTAURANT WHICH WILL BE LOCATED AT THE NORTHWEST CORNER OF HWY 80 AND MASONIC DRIVE

This item was removed and no action was needed.

**UNKEMPT PROPERTY LOCATED AT LOT 15 HOBBY FARMS SUBDIVISION,
MAGNOLIA ROAD**

Upon presentation by Gary Ward, Zoning Administrator, **MOTION** made by Alderman Brabham and **SECONDED** by Alderman Greer to approve a Resolution determining the necessity for the cleaning of private property located at Lot 15 Hobby Farms Subdivision, Magnolia Road, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972 as amended, and other applicable statutes and ordinances. A copy of the Resolution is attached. **MOTION CARRIED UNANIMOUSLY**

**AUTHORIZATION TO CONTRACT WITH HEFLIN ENGINEERING TO APPRAISE
NORTH HINDS WATER ASSOCIATION CERTIFICATED AREA IN THE ANNEXED
AREA**

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Barnett to authorize Mayor Aultman to contract with Heflin Engineering to appraise North Hinds Water Association certificated area in the annexed area. The City of Clinton will pay ½ of cost up to a maximum of \$8,000.00. **MOTION CARRIED UNANIMOUSLY**

DRAINAGE PROBLEM BESIDE 206 WILLOW BROOK DRIVE

Upon presentation of a Finding of Facts by Tim Rogers, Public Works Director, **MOTION** made by Alderman Greer and **SECONDED** by Alderman Brabham to approve the request for repairing the drainage problem. The request meets the following criteria: (1) it is causing the street flooding of Willow Brook Drive and (2) it is causing a backup on Pebble Brook Drive, which both are safety issues. The Board authorized the City to request the homeowner to sign a right to enter form. **MOTION CARRIED UNANIMOUSLY**

REAPPOINTMENT OF DEPARTMENT HEADS

Upon presentation by Mayor Aultman to reappoint the following to the designated position at the same compensation and benefits as each was receiving as of June 30, 2005. **MOTION** and **SECOND** was made by various Aldermen (see below). Each one was voted on individually:

<u>Department Head</u>	<u>Position</u>	<u>Motion/Second</u>	<u>Vote to approve</u>
Wayne Derrick	City Clerk/Chief Financial Officer	Greer/Brabham	Unanimously
Richard Broome	City Engineer	Brabham/Hisaw	Unanimously
Tim Rogers	Director of Public Works	Bishop/Morgan	Unanimously
Gary Ward	Director of Community Development	Greer/Hisaw	Unanimously
Don Byington	Chief of Police	Hisaw/Brabham	Unanimously
Barry Burnside	Fire Chief	Hisaw/Brabham	Unanimously
Ray Holloway	Parks/Recreation Director	Greer/Bishop	Unanimously
Ken Dreher	City Attorney	Greer/Brabham	Unanimously
Darren LaMarca	City Judge	Brabham/Hisaw	Unanimously
Bill Spell	City Prosecutor	Hisaw/Barnett	Unanimously
Sean Milner	Public Defender	Greer/Brabham	Unanimously

ADJOURN 8:22 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderman Barnett to adjourn.
MOTION CARRIED UNANIMOUSLY

APPROVED: Rosemary G. Aultman
Rosemary G. Aultman, Mayor

July 26, 2005
Date

ATTEST: W. Derrick
Wayne Derrick, City Clerk

7/26/2005
Date

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET JUL 19 2005

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7.a **CITY OF CLINTON**

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Request to Rezone – Diamond Developers, LLC
Copper Creek Subdivision – Pinehaven Road

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends approval.

BOARD ACTION:

MOTION MADE BY: Brubham

SECONDED BY: Barnett

VOTE CAST:

Brabham
Hisaw
Greer

~~Brantley~~ Bishop
Fisher
~~Fouchon~~ Morgan
~~Lott~~ Barnett

"AYE"

absent

"NAY"

absent

ACTION TAKEN:

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

JUL 19 2005

OFFICIAL FORM

CITY OF CLINTON

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI FOR THE PROPERTY LOCATED IN THE CITY OF CLINTON, MISSISSIPPI, AS DESCRIBED HEREIN AS "EXHIBIT A", FROM (A)-AGRICULTURAL TO (R1B)-LOW DENSITY RESIDENTIAL

WHEREAS, Diamond Developers LLC (the "Applicant") did file a petition to rezone certain property from its present Agricultural use district classification to a Low Density Residential use district classification; and,

WHEREAS, a public hearing, pursuant to Section 2410 of the Zoning Ordinance of Hinds County, Mississippi, was set for the 28th day of June 2005, at 7:00 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend the petition of the applicants be approved, pursuant to Section 2407 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said minutes and exhibits attached thereto, and after discussion thereof, Alderman Bralham offered the following ordinance and moved that it be adopted, to-wit:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by Section 2407 of the Hinds County Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2407 Criteria for Rezoning.

Section 3. That pursuant to Article XV of the Hinds County Zoning Ordinance, the proposed property shall be "Low Density Residential".

Section 4. That the following described tract of real property be, and the same is, hereby rezoned from its present "A" use district classification to "R1B" use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in "Exhibit A".

Section 5. That the Hinds County Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 6. That this ordinance shall take effect thirty days from and after passage.

BOARD APPROVED

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND
BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a
meeting thereof held on the 19th day of July 2005

JUL 19 2005

CITY OF CLINTON

A Motion for adoption was seconded by Barnett and the
foregoing ordinance having been first reduced to writing, and no request being made
by the Mayor or any member of the Board of Aldermen that the Ordinance be read by
the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen
for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted: yes

Alderman Hisaw voted: yes

Alderman Greer voted: yes

Alderman Bishop voted: yes

Alderman Fisher voted: absent

Alderman Morgan voted: yes

Alderman Barnett voted: yes

Whereupon the Mayor declared the Motion carried and the ordinance
approved and adopted. The foregoing ordinance was approved this the 19th day
of July 2005.

CITY OF CLINTON

Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

W. Derrick
WAYNE DERRICK, City Clerk

(SEAL)



Begin at an iron rod marking the southwest corner of the Northwest Quarter of the Southwest Quarter of Section 8, Township 6 North, Range 1 West, Hinds County, Mississippi, said point being on the south line of Pinehaven Place, Part 2, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 37 at Page 35, reference to which is hereby made in aid of and as part of this description; run thence North 89 degrees 56 minutes 15 seconds East and along said south line of Pinehaven Place, Part 2 for a distance of 291.44 feet to the southwest corner of Lot 11 Pinehaven Place, Part 1, a subdivision according to a map or plat thereof on file and of record in said office of the Chancery Clerk in Plat Book 32 at Page 18, reference to which is hereby made in aid of and as part of this description; run thence East and along the south line of Pinehaven Place, Part 1 for a distance of 1975.00 feet to a point; continue thence East and along the south line of the William Don Melton and Debra Kay Melton property as recorded in Warranty Deed dated November 17, 1989 and recorded in Book 3674 at Page 136 in said office of the Chancery Clerk, reference to which is hereby made in aid of and as part of this description, for a distance of 345.00 feet to a point of the west right-of-way line of Pinehaven Road; run thence South 00 degrees 08 minutes 10 seconds West and along said west right-of-way line of Pinehaven Drive for a distance of 989.10 feet to a point; run thence North 89 degrees 37 minutes 18 seconds West for a distance of 2613.10 feet to a point on the east line of said Pinehaven Place, Part 2; run thence North 00 degrees 13 minutes 59 seconds East for a distance 971.53 feet to the Point of Beginning.

The above described parcel of land is located in the Southeast Quarter (SE1/4) and the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 8, Township 6 North, Range 1 West, Hinds County, Mississippi and contains 58.80 acres, more or less.¶

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON

JUL 19 2005

REQUEST FOR REZONING APPLICATION **CITY OF CLINTON**

Subject Property Address 58.7 acres fronting Pinehaven Road in the S 1/2 of the SW 1/4 Sec 8, T6N, R1W, Clinton, MS Hinds County

Owner Diamond Developers LLC

Address 8 Middleton Place
Clinton, MS 39056

Phone # 601-260-9861

Current Zoning District Agricultural

Requested Change R1B

Requirements of Applicant:

1. Letter stating reason for requested zoning change.
2. Copy of the written legal description.
3. Site plan of property.
4. Identification of property owners within 160 feet of subject property.
5. \$250.00 fee required for processing.

Criteria for Rezoning: (Section 2406.03 – Zoning Ordinance)

- (a). Show proof that a mistake was made in the original zoning.
“Mistake” in this context shall refer to a clerical or administrative error.
- (b). Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for the rezoning.

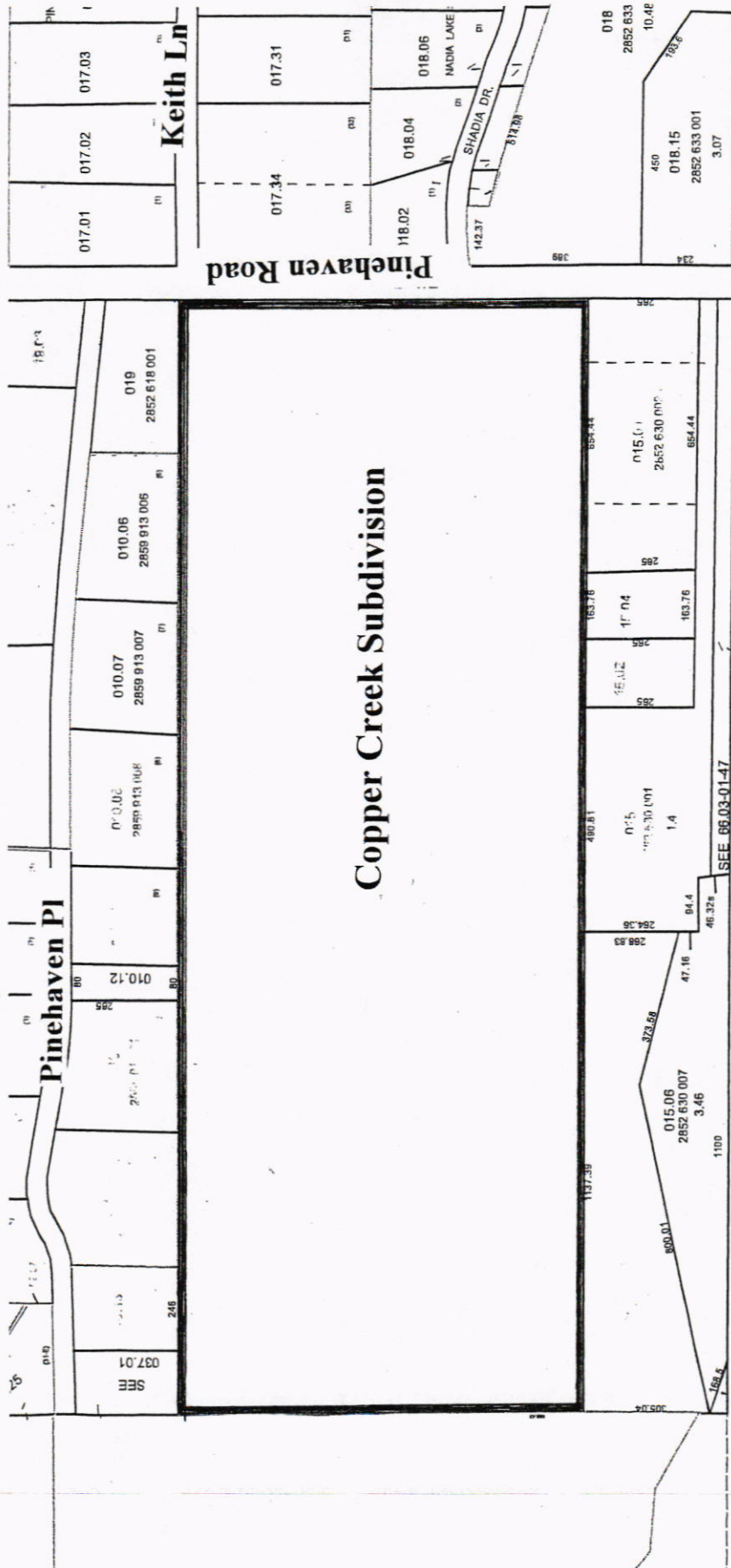
Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.

By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for rezoning.

Mike Brady
Signature

5-4-05
Date



BOARD APPROVED
JUL 19 2005
CITY OF CLINTON

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

JUL 19 2005

CITY OF CLINTON

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7. b

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Preliminary Subdivision Plat – Diamond Developers, LLC
Copper Creek Subdivision – Pinhaven Road

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other:

Barnett
Mike Morgan

RECOMMENDATION: Planning and Zoning Commission recommends approval.

BOARD ACTION:

MOTION MADE BY:

SECONDED BY:

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

~~Brantley~~ Bishop

Fisher

~~Fouchton~~ Morgan

~~Lott~~ Barnett

Mayor Aultman

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AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7.c

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Preliminary Site Plan – Pineview Baptist Church
1288 Clinton/Raymond Rd

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends to approve.

BOARD ACTION:

MOTION MADE BY:

SECONDED BY:

Greer
Hisaw

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

~~Brantley~~ Bishop

Fisher

~~Touche~~ Morgan

~~Lott~~ Barnett

Mayor Aultman

absent

absent

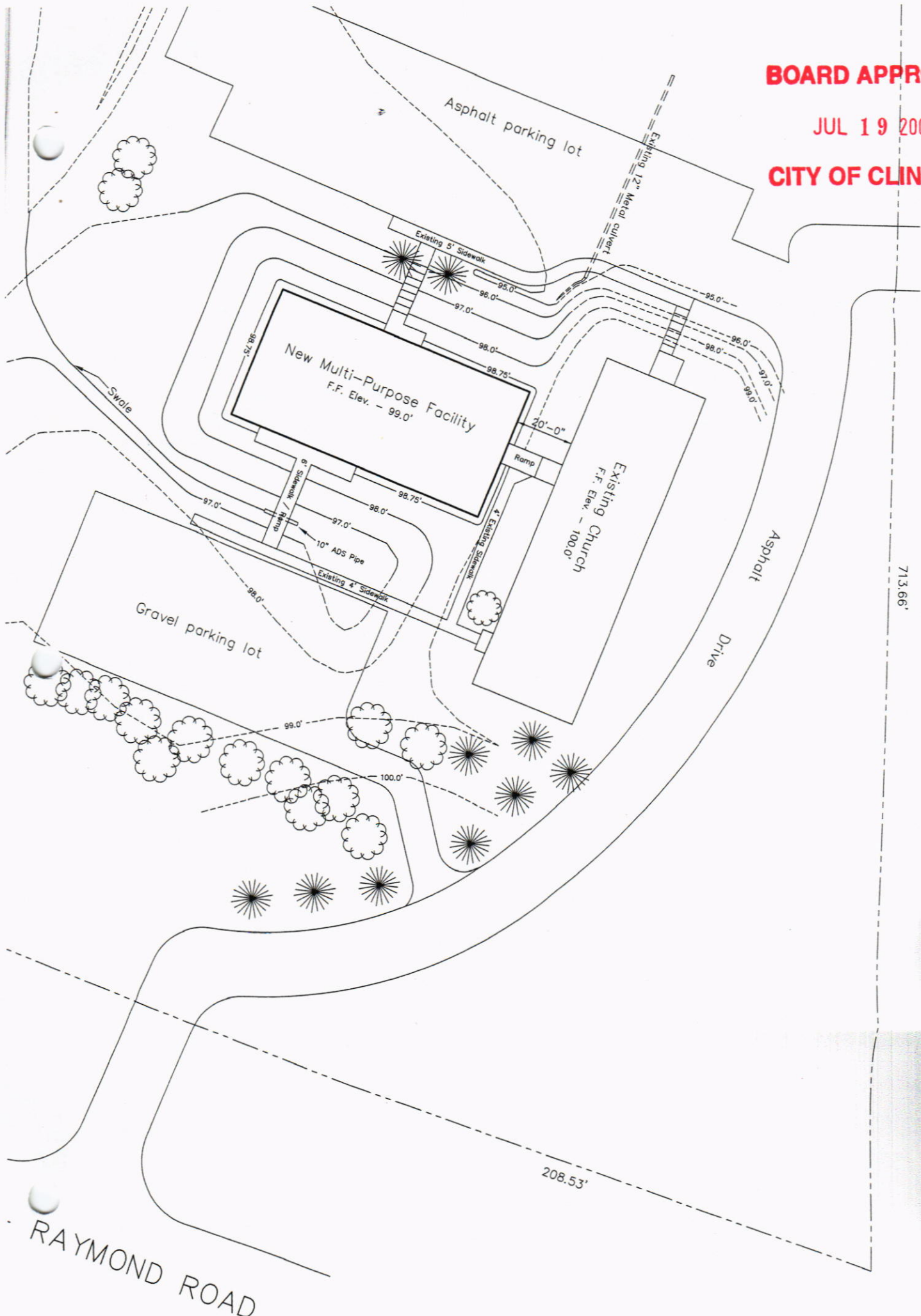
absent

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON



BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

JUL 19 2005

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7.d

CITY OF CLINTON

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Request to Rezone – Heritage Properties
Northwest corner of Northside Dr & Pinehaven Rd

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends to deny.

Motion is to deny request. see motion & fact findings attached
Brabham
Morgan

BOARD ACTION:

MOTION MADE BY:

SECONDED BY:

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

~~Brantley~~ Bishop

Fisher

Touhston Morgan

Lott Barnett

Mayor Aultman

absent

absent

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

OFFICIAL FORM

**AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE
OFFICIAL ZONING ORDINANCE AND ZONING MAP OF THE CITY OF
CLINTON, MISSISSIPPI FOR THE PROPERTY DESCRIBED IN EXHIBIT "A"
FROM C-2 TO R-5**

WHEREAS, Heritage Properties (the "Applicant") did file a petition to Rezone certain property from its present C-2 use district classification to R-5 use district classification: and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 28th day of June, 2005, at 7:00 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend the petition of the applicant be denied, pursuant to Section 2406 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said minutes and exhibits attached thereto, and after discussion thereof, Alderman _____ offered the following ordinance and moved that it be adopted, to-wit;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by Section 2406 of the City of Clinton Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request does not meet the requirements of Section 2406.03(a) Criteria for Rezoning, the Mayor and Board of Aldermen specifically find that insufficient proof was presented to show this request meets the requirements of Section 2406.03(b) in that there was a change in the neighborhood and a public need for the rezoning.

Section 3. That pursuant to Article XV of the Zoning Ordinance, the proposed facility shall be "C-2, General Commercial District".

Section 4. That the following described tract of real property be, and the same is, hereby remains zoned its present C-2 use district classification.

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in Exhibit "A" attached hereto and made a part thereof.

Section 5. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, are not amended to reflect the foregoing change in the zoning of the above-described real property.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 19th day of July 2005.

A Motion to approve adoption was seconded by Alderman _____ and the foregoing ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted: _____
Alderman Hisaw voted: _____
Alderman Greer voted: _____
Alderman Bishop voted: _____
Alderman Fisher voted: _____
Alderman Morgan voted: _____
Alderman Barnett voted: _____

Whereupon the Mayor declared the Motion carried and the ordinance approved and adopted.

The foregoing ordinance was approved this the 19th day of July 2005.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, City Clerk

(S E A L)

Commence at a 4 inch x 4 inch Department of the Interior Concrete Monument (Natchez Trace R-O-W marker No. 32), Located 878.00 ft., South of and 417.00 ft. West of the Northwest corner of Section 20, T6N, R1W, first Judicial District of Hinds County, State of Mississippi, according to the R-O-W map thereof on file and of record in the ROW Division of the Mississippi Department of Transportation, Jackson, Mississippi; thence run North $85^{\circ} 10' 38''$ east on and along the south ROW line of the Natchez Trace Parkway (paved public road) for a distance of 199.15 feet to a $\frac{1}{2}$ inch iron pipe marking the POB, and being more particularly described as follows:

From said POB, continue on and along said south ROW line as follows: North $85^{\circ} 10' 38''$ east for a distance of 309.84 ft to a 1.2 inch iron rebar; thence north $78^{\circ} 32' 24''$ east for a distance of 728.34 feet to a 4x4 in Department of the Interior Concrete Monument; thence north $84^{\circ} 25' 59''$ east for a distance 257.12 ft. to a chain link fence corner (3" steel post); thence run south $76^{\circ} 08' 33''$ west for a distance of 485.02 ft. to a set $\frac{3}{8}$ inch iron rebar; thence run north $86^{\circ} 46' 31''$ west for a distance of 236.40 ft to a set $\frac{3}{8}$ inch rebar thence run south $71^{\circ} 19' 31''$ west for a distance of 200.48 ft to a set $\frac{3}{8}$ inch iron rebar; thence run south $07^{\circ} 10' 56''$ west for a distance of 322.53 ft to a $\frac{1}{2}$ inch iron rebar on the north ROW line of Northside Drive (paved public drive) thence run on and along said north ROW line as follows: North $51^{\circ} 36' 33''$ west for a distance of 221.82 ft to a 1 inch flat iron; thence north $51^{\circ} 24' 03''$ west for a distance of 428.17 ft to a set $\frac{3}{8}$ inch iron rebar; thence leaving said north ROW line, run north $04^{\circ} 35' 50''$ east for a distance of 391.18 feet back to the POB.

Said parcel of land is part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 19, and part of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 20, all being in T6N, R1W, First Judicial District of Hinds County, Mississippi, and contains 18.14 acres, more or less.

REQUEST FOR REZONING APPLICATION

Subject Property Address NW Corner of Pinehaven Dr. + Northside Dr.

Owner See attached

Address See attached

Phone # 601 - 924 - 2414

Current Zoning District C-2

Requested Change R-5

Requirements of Applicant:

1. Letter stating reason for requested zoning change.
2. Copy of the written legal description.
3. Site plan of property.
4. Identification of property owners within 160 feet of subject property.
5. \$250.00 fee required for processing.

Criteria for Rezoning: (Section 2406.03 - Zoning Ordinance)

- (a). Show proof that a mistake was made in the original zoning. "Mistake" in this context shall refer to a clerical or administrative error.
- (b). Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for the rezoning.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.

By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for rezoning.

James P. Carney III
Signature

3-1-05
Date



March 3, 2005

Mr. Gary Ward
Zoning Administrator
Public Works Department
200 W Leake Street
Clinton, MS 39060

RE: Clinton Property Rezoning Application, Clinton, MS

Dear Mr. Ward,

Please find enclosed our Request for Rezoning Application for the Cronin property located at the corner of Northside Drive and Pinehaven Drive. In addition, please find enclosed a copy of the written legal description, site plan of the proposed development, identification of property owners within one-hundred sixty feet of the subject property, and application processing fee.

The neighborhood surrounding the intersection of Pinehaven Drive and Northside Drive in Clinton has experienced much growth and change in recent years due to the completion of Clinton Parkway. This has allowed for a greater volume of traffic to flow more smoothly into the area from I-20, which in turn has spurred growth in both the housing and retail/commercial markets. To further facilitate traffic flow, Northside Drive is being expanded and widened into five lanes from the City of Jackson into the City of Clinton past our proposed development. Clinton High School is located off Pinehaven Drive one mile from the intersection of Pinehaven Drive and Northside Drive.

The subject property is currently zoned commercial. We feel that there is a public need for the rezoning of a portion of this property from commercial to multifamily. We believe Clinton is unable to support a 35-acre commercial development, which is why our development, which divides the entire tract into commercial and multifamily, is more suitable for the city. Rent rolls



from comparable apartment communities in Clinton show rising rental rates and high occupancy levels. Also, The Reserve at Woodchase, a high-end Heritage property in Clinton, experienced rapid lease-up from completion of construction in the summer of 2002 and is now maintaining a high occupancy level (94%) Because of these and other factors, the demand for high-quality, high-end apartments is evident and because of recent and projected future growth is unlikely to change. From a site standpoint, few uses exist for this particular site due to its shape and location. The highest and best use for this property is for multifamily. The site is not within close proximity to single-family houses; it shares its boundary with commercial property, churches, extended health care facilities, and the Natchez Trace Parkway. These adjacent properties coupled with our proposed commercial/retail development provide the appropriate buffer between the intersection of Northside Drive and Pinehaven Drive and the proposed apartment site. This development will enhance and promote growth in the area.

Heritage Properties, Inc. is a family-owned development firm located in Madison, MS. Each apartment development built and owned by Heritage is constructed with long-term management and maintenance in mind. Our attention to detail and aesthetics allows us to create a product unmatched among our competitors, impressive not only to our residents but to our neighbors as well. And we go the extra mile to ensure that our properties are expertly staffed and meticulously maintained. Heritage enjoys impressive track record of success with its high-end apartment product, including the Best in Mississippi Award for Multifamily for nine years running.

Sincerely,

Jay Carney
Project Coordinator

(A)

J.T. Cleveland Etal Trustees
DB 3974 PG 240
4.97 Acres

Holy Ghost Missionary
Baptist Church
DB 39 PG 150

(B)

Clinton Body Shop Inc.
DB 2668 PG 129

Monroe Street

(C)

Ira Hall
DB 393 PG 457

Northside Drive

Kenneth I. Cronin
DB 3052 PG 392
3.52 Acres

Mississippi Extended
Care Center Inc.
DB 5227 PG 235
5 Acres

1.58 Acres

9.00 Acres

Natchez Trace Parkway

Cleveland L.L.C.
DB 5453 PG 686
22.17 Acres

(E)

John W. Jamieson III
DB 5149 PG 500

(D)

Church Of Jesus Crl
Of Latter Day Saints
DB 1990 PG 104

Pinehaven Drive

Avondale Drive

Holy Christ Missionary
Baptist Church
DB 4844 PG 254

Holy Christ Missionary
Baptist Church
DB 25 PG 150

Clinton Body Shop Inc.
DB 2668 PG 129

Monroe Street

DB 363 PG 457

Clinton Parkway

Pinehaven Drive

Avondale Drive

Hampton St.

St. W. Johnson
DB 3149 PG 500

Church of Jesus Christ
of Latter Day Saints
DB 1990 PG 104

JOHNNY WYNN & ASSOCIATES P.A.

2306661 P-402 J.W. WYNN & ASSOCIATES
GRAPHIC SCALE

GRAPHIC SCALE

1" = 100'

1" = 100'

Motion by Alderman Bralham

Seconded by Alderman Morgan

To deny the request of Heritage Properties to Rezone 18.14 acres located in the Northwest corner of Northside Drive and more fully described in Exhibit

"A" attached hereto based upon the following findings of fact:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.
2. The recommendation of the Planning and Zoning Commission is advisory in nature.
3. The Mayor and Board of Aldermen have knowledge of the area involved and are aware of the requirements for rezoning as set out in §2406 of the Official Zoning Ordinance.
4. The Mayor and Board of Aldermen have reviewed the minutes of the Planning and Zoning Commission as they relate to this matter including the exhibits thereto.
5. Heritage Properties failed to meet the requirements of §2406.03.
6. Heritage Properties failed to demonstrate that the "character of the neighborhood has changed to such an extent as to justify a reclassification". The subject property and the surrounding property has been classified as C-2 since the adoption of the current zoning ordinance.
7. Heritage Properties presented no evidence that there was a need for additional R-5 property within the City. The only statement made was that Heritage Properties existing complex in Clinton was fully occupied. No discussion of other complexes within the City was presented.
8. The requested zoning change would be inconsistent with the current comprehensive plan and zoning map and would not be in the best PUBLIC NEED interest.

9. A change in the zoning would be out of harmony with the existing zoning classification, and thus not reflect the best PUBLIC NEED.
10. A change would alter the population density patterns and thereby would not be in the best interest of the PUBLIC NEED due to it's impact upon public facilities, traffic congestion, dangerous traffic patterns, schools.
11. A change of the requested land to R-5 high density within the current C-2 zoning classification has the latent potential for creating an "entering wedge" and thus would be a deterrent to the long term use, improvement and development of remaining land in the area.
12. A change would impact and thwart the original purpose of this zoned area, which was done so with the PUBLIC NEED in mind.

Commence at a 4 inch x 4 inch Department of the Interior Concrete Monument (Natchez Trace R-O-W marker No. 32), Located 878.00 ft., South of and 417.00 ft. West of the Northwest corner of Section 20, T6N, R1W, first Judicial District of Hinds County, State of Mississippi, according to the R-O-W map thereof on file and of record in the ROW Division of the Mississippi Department of Transportation, Jackson, Mississippi; thence run North $85^{\circ} 10' 38''$ east on and along the south ROW line of the Natchez Trace Parkway (paved public road) for a distance of 199.15 feet to a $\frac{1}{2}$ inch iron pipe marking the POB, and being more particularly described as follows:

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Said parcel of land is part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 19, and part of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 20, all being in T6N, R1W, First Judicial District of Hinds County, Mississippi, and contains 18.14 acres, more or less.

JUL 19 2005

CITY OF CLINTON AGENDA ITEM FACT SHEET CITY OF CLINTON

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7.e

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Preliminary Site Plan – Windfall Place Subdivision
 Clinton/Raymond Rd
 J & L Properties

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
 Ordinance
 Resolution

Invoice
 Plans, Maps
 Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends to approve.

BOARD ACTION:MOTION MADE BY:SECONDED BY:

Greer
Brabham

VOTE CAST:"AYE""NAY"ACTION TAKEN:

Brabham

Hisaw

Greer

~~Brantley~~ Bishop

Fisher

~~Touche~~ Morgan~~Lott~~ Barnett

Mayor Aultman

 absent

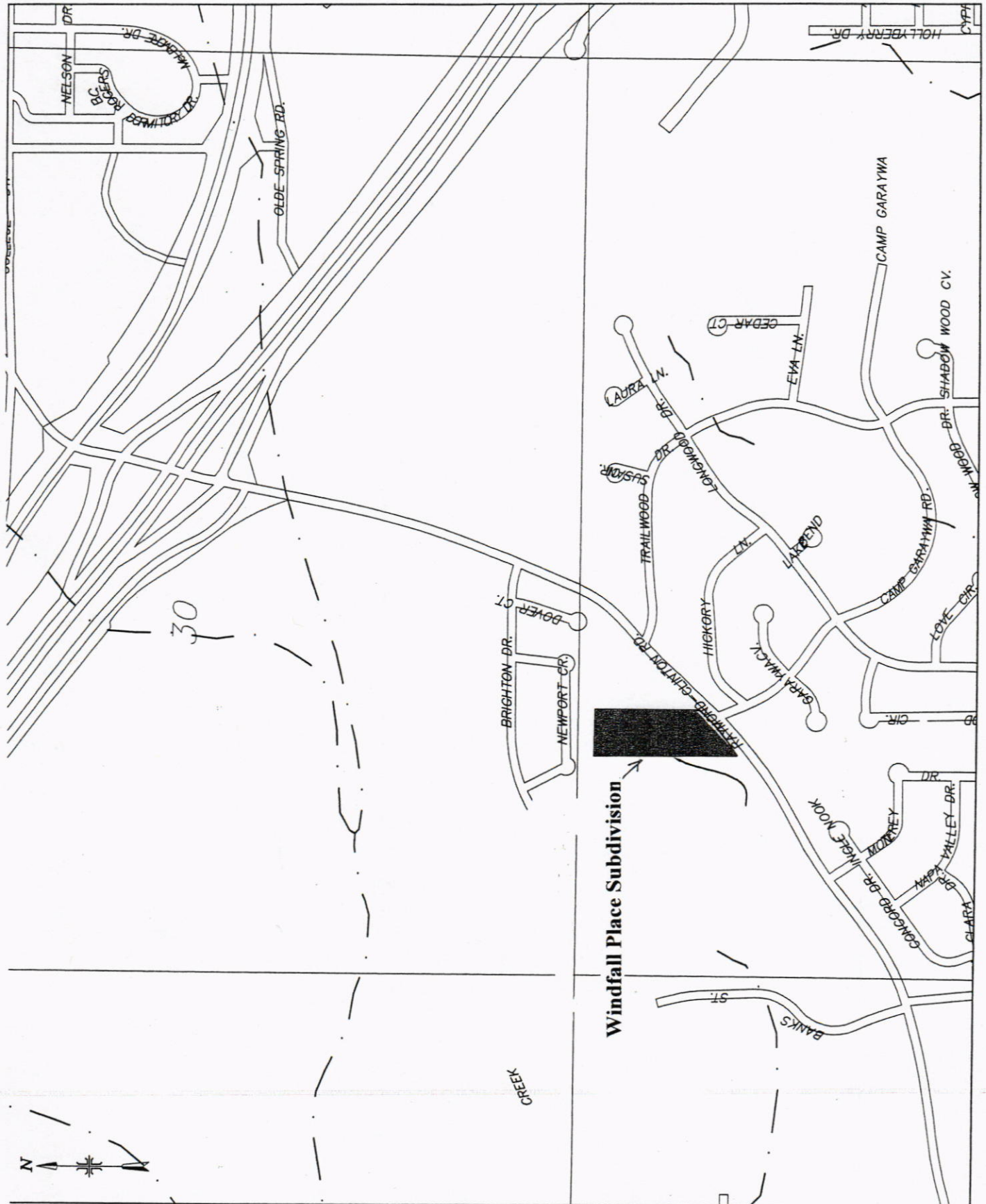
 absent

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON



BOARD APPROVED

JUL 19 2005

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7. f

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Request to Rezone from A-Agricultural to R1B Low Density Residential
- Windsor Plantation, Part I, Pinehaven Road

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other:

*Contingent to solving all
drainage issues to satisfaction
of City Engineer.*

RECOMMENDATION: Planning and Zoning Commission recommends to approve.

BOARD ACTION:

MOTION MADE BY:

Brabham

SECONDED BY:

Barnett

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

~~Brantley~~ Bishop

Fisher

~~Touche~~ Morgan

~~Lott~~ Barnett

Mayor Aultman

f

absent

f

f

absent

f

f

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO
LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE
INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

JUL 19 2005

OFFICIAL FORM

CITY OF CLINTON

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI FOR THE PROPERTY LOCATED IN THE CITY OF CLINTON, MISSISSIPPI, AS DESCRIBED HEREIN AS "EXHIBIT A", FROM (A)-AGRICULTURAL TO (R1B)-LOW DENSITY RESIDENTIAL

WHEREAS, Windsor Plantation, LLC (the "Applicant") did file a petition to rezone certain property from its present Agricultural use district classification to a Low Density Residential use district classification; and,

WHEREAS, a public hearing, pursuant to Section 2410 of the Zoning Ordinance of Hinds County, Mississippi, was set for the 28th day of June 2005, at 7:00 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend the petition of the applicants be approved, pursuant to Section 2407 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said minutes and exhibits attached thereto, and after discussion thereof, Alderman Braham offered the following ordinance and moved that it be adopted, to-wit:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by Section 2407 of the Hinds County Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2407 Criteria for Rezoning.

Section 3. That pursuant to Article XV of the Hinds County Zoning Ordinance, the proposed property shall be "Low Density Residential".

Section 4. That the following described tract of real property be, and the same is, hereby rezoned from its present "A" use district classification to "R1B" use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in "Exhibit A".

Section 5. That the Hinds County Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 6. That this ordinance shall take effect thirty days from and after passage.

JUL 19 2005

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND
BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a
meeting thereof held on the 19th day of July 2005.

CITY OF CLINTON

A Motion for adoption was seconded by Barnett and the
foregoing ordinance having been first reduced to writing, and no request being made
by the Mayor or any member of the Board of Aldermen that the Ordinance be read by
the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen
for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted: yesAlderman Hisaw voted: yesAlderman Greer voted: yesAlderman Bishop voted: yesAlderman Fisher voted: absentAlderman Morgan voted: yesAlderman Barnett voted: yes

Whereupon the Mayor declared the Motion carried and the ordinance
approved and adopted. The foregoing ordinance was approved this the 19th day
of July 2005.

CITY OF CLINTON

Rosemary J. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Wayne Derrick
WAYNE DERRICK, City Clerk

(SEAL)



A 80.99 acre parcel being situated in the SE $\frac{1}{2}$ of NW $\frac{1}{4}$ and the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 8, T6N-R1W, Hinds County, Mississippi, and being more particularly described as follows:

Beginning at the SW corner of the NW $\frac{1}{4}$ of Said Section 8, run thence N 00 degrees 00 minutes 52 seconds E – 1319.27 ft along the west line of the NW $\frac{1}{4}$ of Section 8; thence S 89 degrees 55 minutes 35 seconds E – 2664.95 ft; thence S 09 degrees 24 minutes 32 seconds E – 443.92 ft; thence S 41 degrees 02 minutes 00 seconds W – 124.60 ft.; thence S 44 degrees 48 minutes 00 seconds E – 208.85 ft. to a point on the westerly right of way of Pinehaven Drive; thence run 700.17 ft southwesterly along said right of way in the arc of a curve to the left, said curve having a radius of 1640.19 ft and a chord bearing S 23 degrees 08 minutes 27 seconds W – 694.87 ft. to the south line of the NW $\frac{1}{4}$ of said Section 8; thence N 89 degrees 55 minutes 35 seconds W – 2530.14 ft. along the south line of the NW $\frac{1}{4}$ of said Section 8 to the Point of Beginning.

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON

BOARD APPROVED

JUL 19 2005

REQUEST FOR REZONING APPLICATION

CITY OF CLINTON

Subject Property Address PINEHAVEN ROAD S. & W OF MT NEBO CHURCH

Owner WINDSOR PLANTATION, LLC

Address P.O. BOX 4
JACKSON, MS 39205

Phone # 601-354-5252

Current Zoning District HINDS COUNTY A-I

Requested Change R-1-B (HINDS COUNTY CLASSIFICATIONS)

Requirements of Applicant:

1. Letter stating reason for requested zoning change.
2. Copy of the written legal description.
3. Site plan of property.
4. Identification of property owners within 160 feet of subject property.
5. \$250.00 fee required for processing.

Criteria for Rezoning: (Section 2406.03 – Zoning Ordinance)

- (a). Show proof that a mistake was made in the original zoning.
“Mistake” in this context shall refer to a clerical or administrative error.
- (b). Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for the rezoning.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.

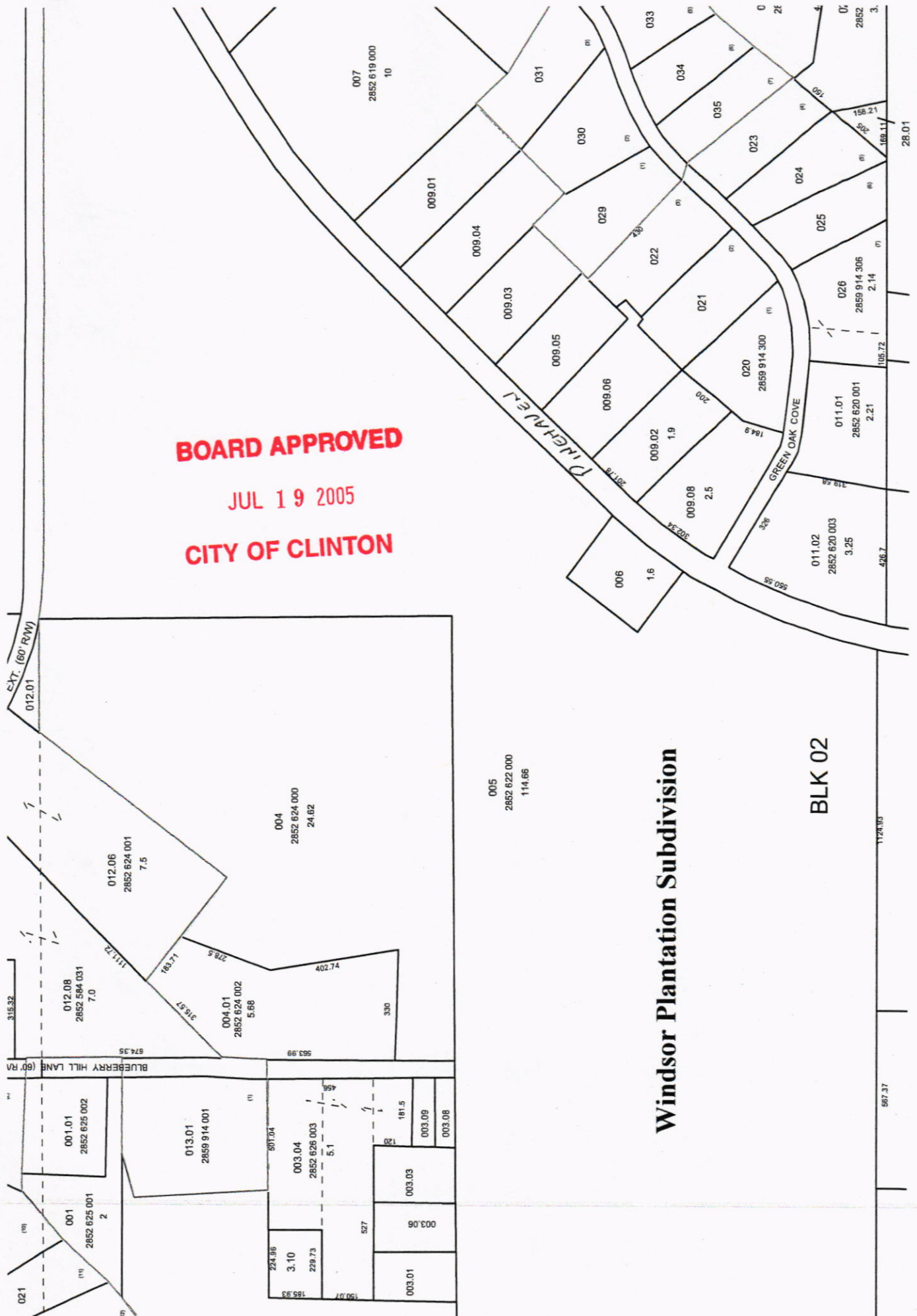
By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for rezoning.

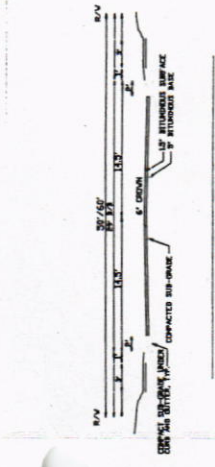
WINDSOR PLANTATION, LLC
BY: [Signature]
Signature

MAY 11, 2005
Date

CITY OF CLINTON

BLK 02

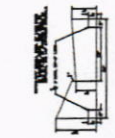




NOT TO SCALE

PROPOSED CURB & GUTTER

N.T.S.



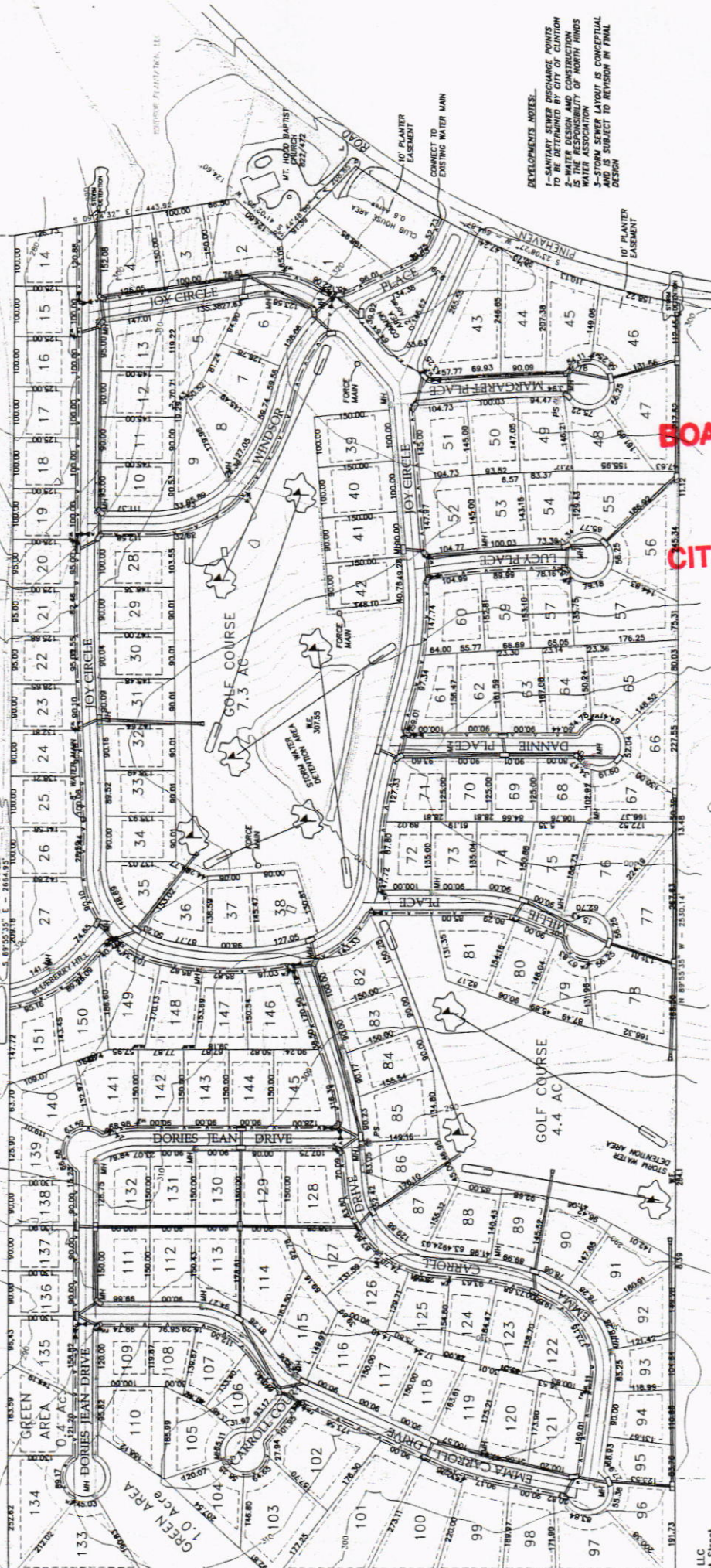
THIS PROPERTY IS ZONED A-1
PROPOSED ZONE = R-1
TOTAL ACREAGE = 80.99 Acres
MINIMUM LOT SIZE = 11,500 SQFT.
TOTAL LOTS = 151
TOTAL GREEN AREA = 13.9 Acres
DENSITY = 1.85 Lots/Acre
ELEVATION DATUM = NAVD 88

SETBACKS:
FRONT = 30'
SIDES = 8'
REAR = 25'

THIS PROPERTY IS SITUATED IN ZONE "X"
ACCORDING TO F.I.R.M. MAP NO. 280070 0125 D
DATED: SEPTEMBER 3, 1992

CORNER LOT, JR.
REDEVELOPMENT TRACT
4/16/76

City Map
I.S.



DEVELOPMENT NOTES:
1-SANITARY SEWER DISCHARGE POINTS
TO BE DETERMINED BY CITY OF CLINTON
2-SEWER LAYOUT IS THE RESPONSIBILITY OF
WATER ASSOCIATION
3-STORM SEWER LAYOUT IS CONCEPTUAL
AND IS SUBJECT TO REVISION IN FINAL
DESIGN

BOARD APPROVED
JUL 19 2005
CITY OF CLINTON

PRELIMINARY PLAT
FOR
WINDSOR PLANTATION
S/2 OF THE NW/4 OF SECTION 8, T6N-R1W
CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI

TOPOGRAPHIC SURVEY PROVIDED BY:
AUST AERIAL MAPPING, INC.
P.O. BOX 10857
JACKSON, MS 39289

BOUNDARY SURVEY PROVIDED BY:
FLOYD ENGINEERING AND SURVEYING
222 HWY 80 E. SUITE D
CLINTON, MS 39056
DATED: MARCH 15, 2005

P.L.S.
Engineering, Inc.
set
3

WINDSOR PLANTATION, LLC
POST OFFICE BOX 4
220 SOUTH PRESIDENT STREET (39201)
JACKSON, MISSISSIPPI 39205-0004

TELEPHONE 601-354-5252

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON

FACSIMILE 601-354-2681

May 11, 2005

VIA HAND DELIVERY

Mr. Gary Ward
P.O. Box 156
Clinton, MS 39060

Re: Application for Zoning Change on Windsor Plantation, Part 1

Dear Mr. Ward:

Thank you for your letter of May 09, 2005 regarding two subdivisions, Windsor Plantation and North Hills of Windsor Plantation. We are hand delivering to you two separate letters and two separate applications since the two subdivisions require different zoning classes. In regards to Windsor Plantation and requirement that we state the reason for requested zoning change is that this land will be developed into single family dwelling houses positions on lots reflected by the preliminary plans which were submitted to Mr. Richard Broome on Friday, April 29, 2005.

Plans are underway to connect a sanitary sewer main from the city pumping stations on Pinehaven Road to the south side of this subdivision and on through this property to connect with the subdivision identified as North Hills of Windsor Plantation situated on the North side of Williamson Road.

We are also attaching a copy of the legal description to show the metes and bounds of the subject property and our check for \$250.00.

In reply to paragraph three of the requirements of the application "site plan and property" we refer you to the preliminary subdivision plans which were filed as stated above.

The property owners within 160 feet of the property have been identified and we are attaching the copies of the land roads which reflect the names and the addresses of the owners as well as the legal description of their property.

JUL 19 2005

CITY OF CLINTON

If possible we would like for you to place us on the agenda for the May 24, 2005 meeting of the planning board. Please advise the board that the minimum square footage requirements in the covenants are 1800 square feet and we will require a set back from the street of a minimum of 35 feet. I am aware that the City of Clinton does not have a golf course and I think the trend in certain metropolitan areas is for par three golf courses and this type of course is laid out in connection with the green space in the preliminary subdivision plans. We felt that the city authorities might be willing to expedite this application in view of the need for such a facility in the city of Clinton.

Please call me with additional information as needed or required as we are anxious to move forward with this project.

Very Sincerely yours,

WALLER & WALLER

A handwritten signature in black ink, appearing to read "Bill Waller", with a stylized flourish extending from the end.

Bill Waller, Sr.

BWS/mvk

cc: Richard Broome
Karl Long

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

JUL 19 2005

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7.9

CITY OF CLINTON

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Windsor Plantation, Part I, Pinehaven Road
Preliminary Subdivision Plat

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

*Continuing on drainage
problems with city
engineer.*

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends to approve.

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Bishop

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

~~Brantley~~ Bishop

Fisher

~~Touche~~ Morgan

~~Lott~~ Barnett

Mayor Aultman

absent

absent

absent

absent

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

JUL 19 2005

CITY OF CLINTON

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7. h

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Request to Rezone from A-Agricultural to R1A-Estate Residential Windsor Plantation, North Hills of Windsor Plantation

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other: _____

*Contingent on
Drainage issues
being resolved to
satisfaction
they agree*

RECOMMENDATION: Planning and Zoning Commission recommends to approve.

BOARD ACTION:

MOTION MADE BY: Greer

SECONDED BY: Morgan

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

~~Brantley~~ Bishop

Fisher

~~Touchton~~ Morgan

~~Lott~~ Barnett

Mayor Aultman

absent

absent

absent

absent

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

JUL 19 2005

OFFICIAL FORM**CITY OF CLINTON**

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI FOR THE PROPERTY LOCATED IN THE CITY OF CLINTON, MISSISSIPPI, AS DESCRIBED HEREIN AS "EXHIBIT A", FROM (A)-AGRICULTURAL TO (R1A)-ESTATE RESIDENTIAL

WHEREAS, Windsor Plantation, LLC (the "Applicant") did file a petition to rezone certain property from its present Agricultural use district classification to a Low Density Residential use district classification: and,

WHEREAS, a public hearing, pursuant to Section 2410 of the Zoning Ordinance of Hinds County, Mississippi, was set for the 28th day of June 2005, at 7:00 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, did recommend the petition of the applicants be approved, pursuant to Section 2407 of the Zoning Ordinance; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said minutes and exhibits attached thereto, and after discussion thereof, Alderman _____ offered the following ordinance and moved that it be adopted, to-wit:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by Section 2407 of the Hinds County Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request meets the requirements of Section 2407 Criteria for Rezoning.

Section 3. That pursuant to Article XV of the Hinds County Zoning Ordinance, the proposed property shall be "Low Density Residential".

Section 4. That the following described tract of real property be, and the same is, hereby rezoned from its present "A" use district classification to "R1B" use district classification and that said rezoning is consistent with the current Comprehensive Plan of the City of Clinton, to-wit:

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in "Exhibit A".

Section 5. That the Hinds County Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, amended to reflect the foregoing change in the zoning of the above-described real property.

Section 6. That this ordinance shall take effect thirty days from and after passage.

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND
BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a
meeting thereof held on the _____ day of _____ 2005.

A Motion for adoption was seconded by _____ and the
foregoing ordinance having been first reduced to writing, and no request being made
by the Mayor or any member of the Board of Aldermen that the Ordinance be read by
the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen
for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted: _____

Alderman Hisaw voted: _____

Alderman Greer voted: _____

Alderman Bishop voted: _____

Alderman Fisher voted: _____

Alderman Morgan voted: _____

Alderman Barnett voted: _____

Whereupon the Mayor declared the Motion carried and the ordinance
approved and adopted. The foregoing ordinance was approved this the _____ day
of _____ 2005.

CITY OF CLINTON

ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, City Clerk

(S E A L)

A 64.41 acre parcel being situated in the SE 1/4 of Section 5, T6N-R1W, Hinds County, Mississippi, and being more particularly described as follows:

Beginning at the intersection of the northerly right of way of Williamson Road with the west line of the SE1/4 of said Section 5; run thence N 00 degrees 00 minutes 18 seconds E – 2038.70 ft. along the west line of the SE1/4 of said section 5; thence S 89 degrees 43minutes 12seconds E- 1375.02 ft.; thence South – 2045.80 ft. to a point on the northerly right of way of Williamson Road; thence N 89 degrees 43 minutes 51 seconds W – 587.37 ft. along said right of way; thence S 89 degrees 59 minutes 32 seconds W – 665.88 ft. along said right of way; thence 122.57 t. along said right of way in the arc of a curve to the right, said cure having radius of 770.24 ft. and a chord bearing N 84 degrees 46 minutes 28 seconds W – 122.44 ft. to the Point of Beginning.

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON

BOARD APPROVED

JUL 19 2005

REQUEST FOR REZONING APPLICATION

CITY OF CLINTON

Subject Property Address NORTHSIDE WILLIAMSON ROAD, 64.61 ACRES

Owner WINDSOR PLANTATION, LLC

Address P.O. BOX 4

JACKSON, MS 39205

Phone # 601-354-5252

Current Zoning District HINDS COUNTY A-1

Requested Change R-1A (HINDS COUNTY CLASSIFICATION)

Requirements of Applicant:

1. Letter stating reason for requested zoning change.
2. Copy of the written legal description.
3. Site plan of property.
4. Identification of property owners within 160 feet of subject property.
5. \$250.00 fee required for processing.

Criteria for Rezoning: (Section 2406.03 – Zoning Ordinance)

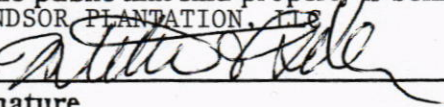
- (a). Show proof that a mistake was made in the original zoning.
“Mistake” in this context shall refer to a clerical or administrative error.
- (b). Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for the rezoning.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

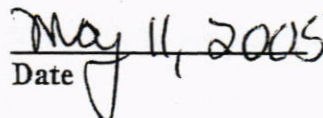
Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.

By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for rezoning.

WINDSOR PLANTATION, LLC

BY: 

Signature


Date

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON

WINDSOR PLANTATION, LLC
POST OFFICE BOX 4
220 SOUTH PRESIDENT STREET (39201)
JACKSON, MISSISSIPPI 39205-0004

TELEPHONE 601-354-5252

FACSIMILE 601-354-2681

May 11, 2005

VIA HAND DELIVERY

Mr. Gary Ward
P.O. Box 156
Clinton, MS 39060

Re: North Hills of Windsor Plantation Subdivision

Dear Mr. Ward:

Thank you for your letter of May 9, 2005 regarding rezoning of this captioned subdivision. This letter is intended to comply with all requirements. The purpose or reason for the requested zoning change is to allow the development of residential lots having approximately 1.25 acres each with a construction minimum requirement of 2000 square feet and a set back from the street of at least 50 feet.

A copy of the legal description to this property is attached to comply with requirement number 2.

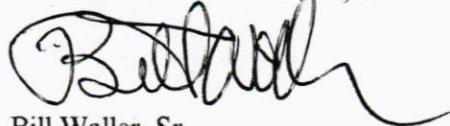
In regard to requirement number 3 "site plans of property," we refer you to our letter to Mr. Richard Broome dated April 29, 2005 wherein a subdivision plat including a typographical survey was delivered.

We are attaching tax assessor records showing the property owners within 160 feet of the property as required by requirement number 4. The company's check for \$250.00 for the processing fee is attached.

We hope this requirement complies with the Hinds County zoning requirements and that the planning board will be able to approve the change from A to R-1A. We are anxious to move this application forward and hope that it can be presented to the board on May 24, 2005.

Very Sincerely yours,

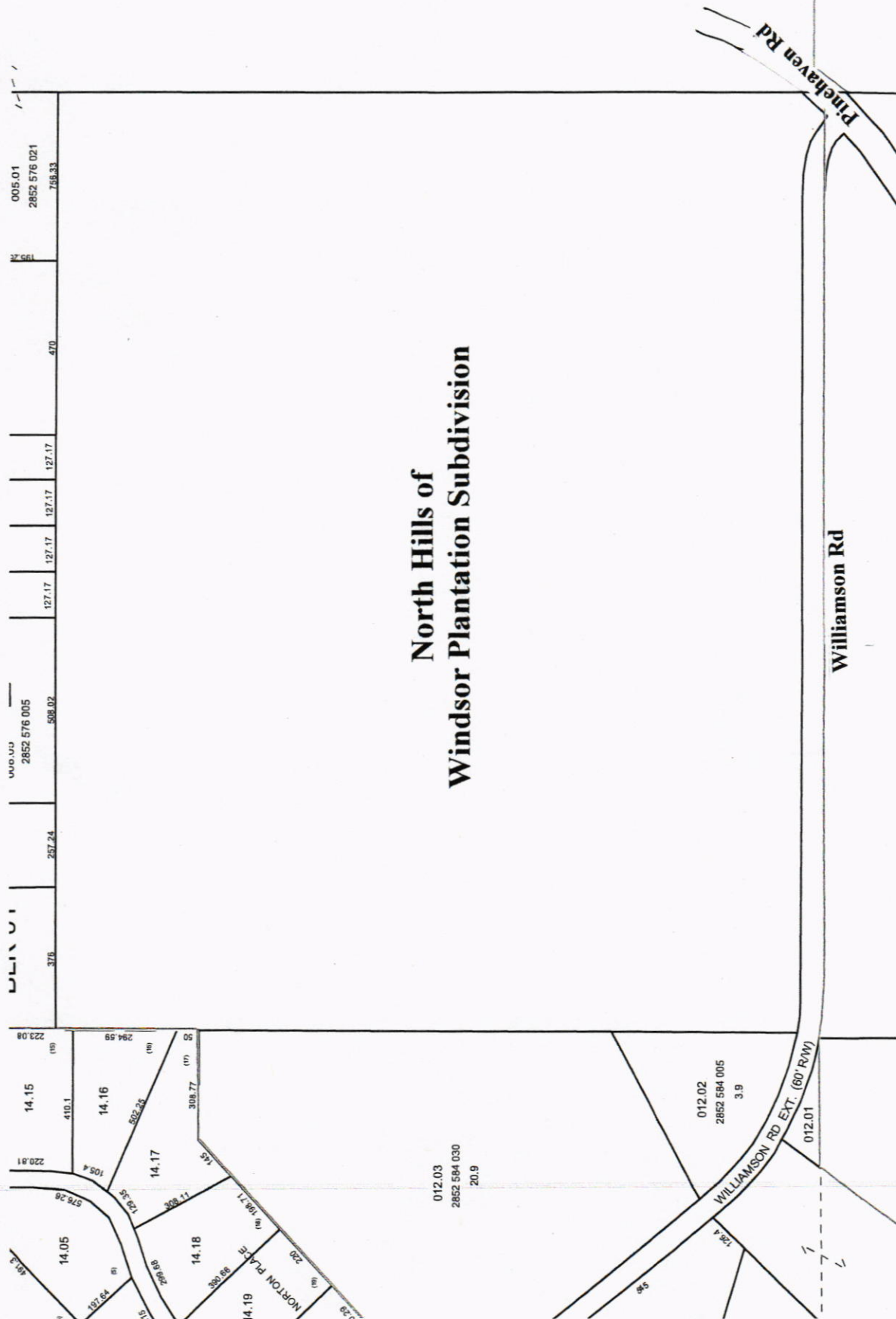
WINDSOR PLANTATION, LLC



Bill Waller, Sr.

BWS/mvk

cc: Richard Broome
Karl Long





THIS PROPERTY IS SITUATE
ACCORDING TO F.I.R.M. MAP NO.
DATED: SEPTEMBER

THIS PROPERTY IS ZONE

TOTAL ACERAGE = 64
MINIMUM LOT SIZE =
TOTAL LOTS =
LOT DENSITY = 1.6 L
TOTAL GREEN SPACE =
ELEVATION DATUM =

SETBACKS:
FRONT = 40'
SIDES = 25'
REAR = 25'

BOUNDARY SURVEY PROVIDED
BY FLOYD ENGINEERING AND :
222 HWY 80 E. SUITE
CLINTON, MS 39001
DATED: MARCH 15, :

TOPOGRAPHIC SURVEY PROVIDED
BY AUST AERIAL MAPPING
P.O. BOX 10857
JACKSON, MS 392

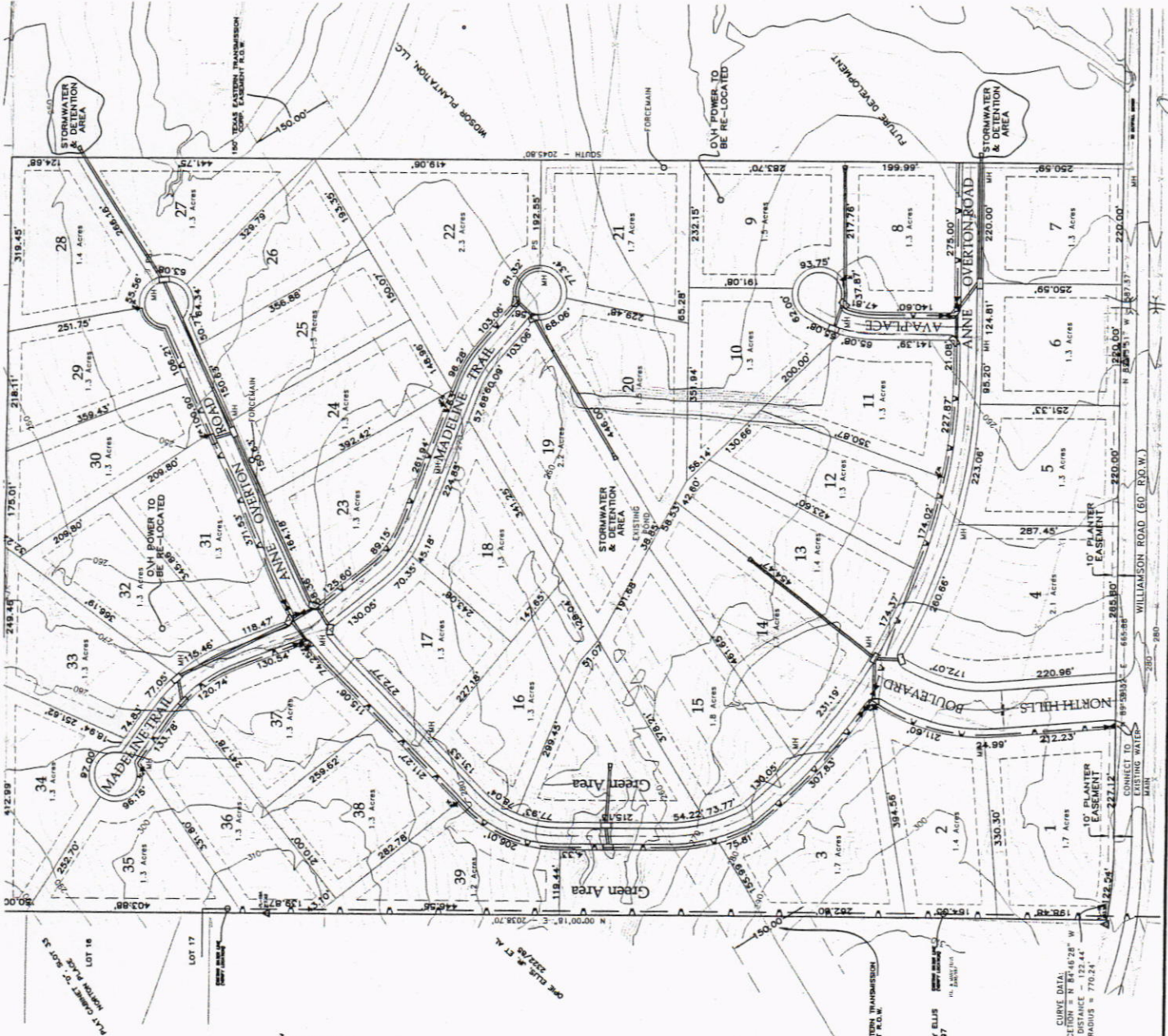
BOARD APPROVED

JUL 19 2005

CITY OF CLINTON

PRELIMINARY PLAT
FOR

NORTH HILLS OF WINDSOR P
W/2 OF THE SE 1/4 OF SECTION
CITY OF CLINTON, HINDS COUNTY
DATE: JUNE 24, 2005



Vicinity Map
n.t.s.



Typical Street Section
NOT TO SCALE

DEVELOPMENT NOTES:

- 1-SANITARY SEWER DISCHARGE POINTS
TO BE DETERMINED BY CITY OF CLINTON
- 2-WATER DESIGN AND CONSTRUCTION
IS THE RESPONSIBILITY OF NORTH HILLS
WATER ASSOCIATION
- 3-STORM SEWER LAYOUT IS CONCEPTUAL
AND IS SUBJECT TO REVISION IN FINAL
DESIGN

VELOCOR:
Windsor Plantation, LLC
3 South President Street
Clinton, MS 39005
(601) 354-5252

ENGINEER:
J. P. Long, P.E., P.L.S.
Jr. Mississippi Engineering, Inc.
East Main Street
Clinton, MS 39003
(601) 846-3066

CURVE DATA:
CH. DISTANCE = N 84°46'28" W
CH. DISTANCE = 122.44'
RADIUS = 770.14'

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON AGENDA ITEM FACT SHEET CITY OF CLINTON

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7.1

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Windsor Plantation, North Hills of Windsor Plantation
Preliminary Subdivision Plat

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

Contingent

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends to approve.

BOARD ACTION:

MOTION MADE BY:

Bishop

SECONDED BY:

Barnett

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

~~Brantley~~ *Bishop*

Fisher

~~Fouchton~~ *Morgan*

~~Lott~~ *Barnett*

Mayor Aultman

+

+

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absent

absent

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AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET JUL 19 2005

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7.j

CITY OF CLINTON

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Request to rezone from C2-General Commercial to C3-Major Thoroughfare Commercial
Northwest corner of Highway 80 & Masonic Dr
R & R Investments - Sonic Restaurant

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution x

Invoice
Plans, Maps
Contract

Other: _____

*Motion
Request is
denied.*

RECOMMENDATION: Planning and Zoning Commission recommends to deny.

BOARD ACTION:

MOTION MADE BY: Brabham

SECONDED BY: Bishop

VOTE CAST:

Brabham

Hisaw

Greer

~~Brantley~~ Bishop

Fisher

~~Touchton~~ Morgan

~~Lott~~ Barnett

Mayor Aultman

"AYE"

[Handwritten marks for Aye votes]
absent

"NAY"

[Handwritten marks for Nay votes]
absent

ACTION TAKEN:

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

OFFICIAL FORM

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CLINTON, MISSISSIPPI FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" FROM C-2 TO C-3

WHEREAS, R & R Investments, LLC (the "Applicant") did file a petition to Rezone certain property from its present C-2 use district classification to C-3 use district classification: and,

WHEREAS, a public hearing, pursuant to Section 2406.05 of the Zoning Ordinance of the City of Clinton, Mississippi, was set for the 28th day of June, 2005, at 7:00 o'clock P.M.; and,

WHEREAS, the City of Clinton did cause notice of said hearing to be published in the *Clarion Ledger*, a newspaper published in Hinds County, Mississippi, in the manner and for the time required by law, and did post notice upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the Notice, the Planning Commission of the City of Clinton, Mississippi, did conduct a full and complete hearing, and thereafter, Motion before Commission to approve rezoning resulted in a two-two tie, and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen of the City of Clinton, along with the recommendation of the Planning Commission, as shown in minutes of said minutes and exhibits attached thereto, and after discussion thereof, Alderman _____ offered the following ordinance and moved that it be adopted, to-wit;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Hinds County, Mississippi as follows, to-wit:

Section 1. That the matters and facts stated in the preamble hereof are found to be true and correct.

Section 2. That this matter was presented as required by Section 2406 of the City of Clinton Zoning Ordinance and the Mayor and Board of Aldermen hereby find that this request does not meet the requirements of Section 2406.03(a) Criteria for Rezoning, the Mayor and Board of Aldermen specifically find that insufficient proof was presented to show this request meets the requirements of Section 2406.03(b) in that there was a change in the neighborhood and a public need for the rezoning.

Section 3. That pursuant to Article XV of the Zoning Ordinance, the proposed facility shall be "C-2, General Commercial District".

Section 4. That the following described tract of real property be, and the same is, hereby remains zoned its present C-2 use district classification.

A tract of land situated in the City of Clinton, the First Judicial District of Hinds County, Mississippi and more completely described in Exhibit "A" attached hereto and made a part thereof.

Section 5. That the City of Clinton Zoning Ordinance be, and the Official Zoning Map be, and the same hereby are, are not amended to reflect the foregoing change in the zoning of the above-described real property.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 19th day of July 2005.

A Motion to approve adoption was seconded by Alderman _____ and the foregoing ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted: _____
Alderman Hisaw voted: _____
Alderman Greer voted: _____
Alderman Bishop voted: _____
Alderman Fisher voted: _____
Alderman Morgan voted: _____
Alderman Barnett voted: _____

Whereupon the Mayor declared the Motion carried and the ordinance approved and adopted.

The foregoing ordinance was approved this the 19th day of July 2005.

CITY OF CLINTON

BY: _____
ROSEMARY AULTMAN, Mayor

ATTEST:

WAYNE DERRICK, Deputy City Clerk

(S E A L)

Commence at the Point of intersection of the North R-O-W line of US highway 80 and the West R-O-W line of Masonic Drive as said Highway and Drive are now (April, 1985) laid out and established, said Point being 103.7 feet North of and 803.2 feet East of the Southeast corner of the Southwest quarter of Section 28, Township 6 North, Range 1 West, Hinds County, Mississippi; Run thence North 60 degrees 20 minutes 30 seconds and along said North R-O-W line of US Highway 80 for a distance of 135.92 feet to an iron in marking the POB of the parcel herein described; continue thence North 60 degrees 20 minutes 30 seconds West for a distance of 208.67 feet to an iron pin; run thence North 29 degrees 39 minutes 30 seconds East and departing said R-O-W for a distance of 417.5 feet to an iron pin; Run thence South 60 degrees 30 minutes 30 seconds East for a distance of 208.67 feet to an iron pin; Run thence South 29 degrees 39 minutes 30 seconds West for a distance of 417.5 feet to the POB, and containing 2.00 acres, more or less.

The above-described parcel of property is located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, T6N, R1W, Hinds County, Mississippi

And also:

Commence at the Point of intersection of the North R-O-W line of US Highway 80 and the West R-O-W line of Masonic Drive as said Highway and Drive are now (August 1984) laid out and established said Point being 103.7 feet North or and 803.2 feet East of the Southeast corner of the Southwest quarter of Section 28, T6N, R1W Hinds County, Mississippi; Said Point being also the POB of the following described parcel of property. Run thence North 60 degrees 20 minutes 30 seconds West and along said North R-O-W line of US Highway 80 for a distance of 135.92 feet to a Point; Run thence North 29 degrees 39 minutes 30 seconds East for a distance of 150.00 feet to a Point. Run thence South 60 degrees 20 minutes 30 seconds East for a distance of 135.92 feet to a Point on said West R-O-W line of Masonic Drive; Run thence South 29 degrees 39 minutes 30 seconds West and along said West R-O-W line of Masonic Drive for a distance of 150.00 feet to the POB.

The above-described parcel of property is located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, T6N, R1W, Hinds County, Mississippi and contains 0.47 acres, more or less.

REQUEST FOR REZONING APPLICATION

Subject Property Address 911 Masonic Drive / 971 Highway 80 West, Clinton, MS 39046
Owner Sammy Wilbanks, Susan Wilbanks
Address c/o Robert D. Drinkwater
Brunini, Grantham, Grower & Hewes, PLLC
P.O. Drawer 119
Jackson, MS 39205-0119
Phone # c/o Robert D. Drinkwater - (601) 948-3101
Current Zoning District C-2
Requested Change C-3

Requirements of Applicant:

1. Letter stating reason for requested zoning change.
2. Copy of the written legal description.
3. Site plan of property.
4. Identification of property owners within 160 feet of subject property.
5. \$250.00 fee required for processing.

Criteria for Rezoning: (Section 2406.03 – Zoning Ordinance)

- (a). Show proof that a mistake was made in the original zoning.
“Mistake” in this context shall refer to a clerical or administrative error.
- (b). Show proof that the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for the rezoning.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.

By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for rezoning.

Robert D. Drinkwater, Attorney
Signature

May 27, 2015
Date

SCHEDULE 1

Reason for Requested Zoning Change/ Change in Neighborhood; Need for Re-Zoning

The owners have contracted to sell Subject Property to R&R Investments, LLC which intends to construct and operate thereon a Sonic Drive-In Restaurant. The property is currently zoned C-2. Under the City of Clinton Zoning Ordinance (Article XVI, Section 1601), drive-in restaurants require a C-3 zoning classification.

The Highway 80 thoroughfare between Clinton and Jackson is a densely trafficked commercial thoroughfare with uses ranging from small office buildings to service stations and quick-change oil service centers. Highway 80, as it approaches Clinton, has undergone significant development in recent years, including the new Wal-Mart super-store and the affiliated gas station which lies directly across from Subject Property. The new Surplus City is to the west of Subject Property. The recently constructed Chick-Fil-A fast food restaurant is across from Subject Property to the east. A new strip shopping center is just east of the Chick-Fil-A.

The Wal-Mart site was rezoned from R-1 to C-2 in 1999.

Reviewing the City of Clinton zoning map as well as speaking with the Zoning Administrator, it appears that the only C-3 property in the City of Clinton is in the Industrial Park area and on the Clinton Raymond Road/I-20 intersection. There are other drive-in restaurants operating within Clinton, including the Bumpers which is located west of the proposed site. These properties are zoned C-2, but were grandfathered at the time the current zoning ordinance was adopted.

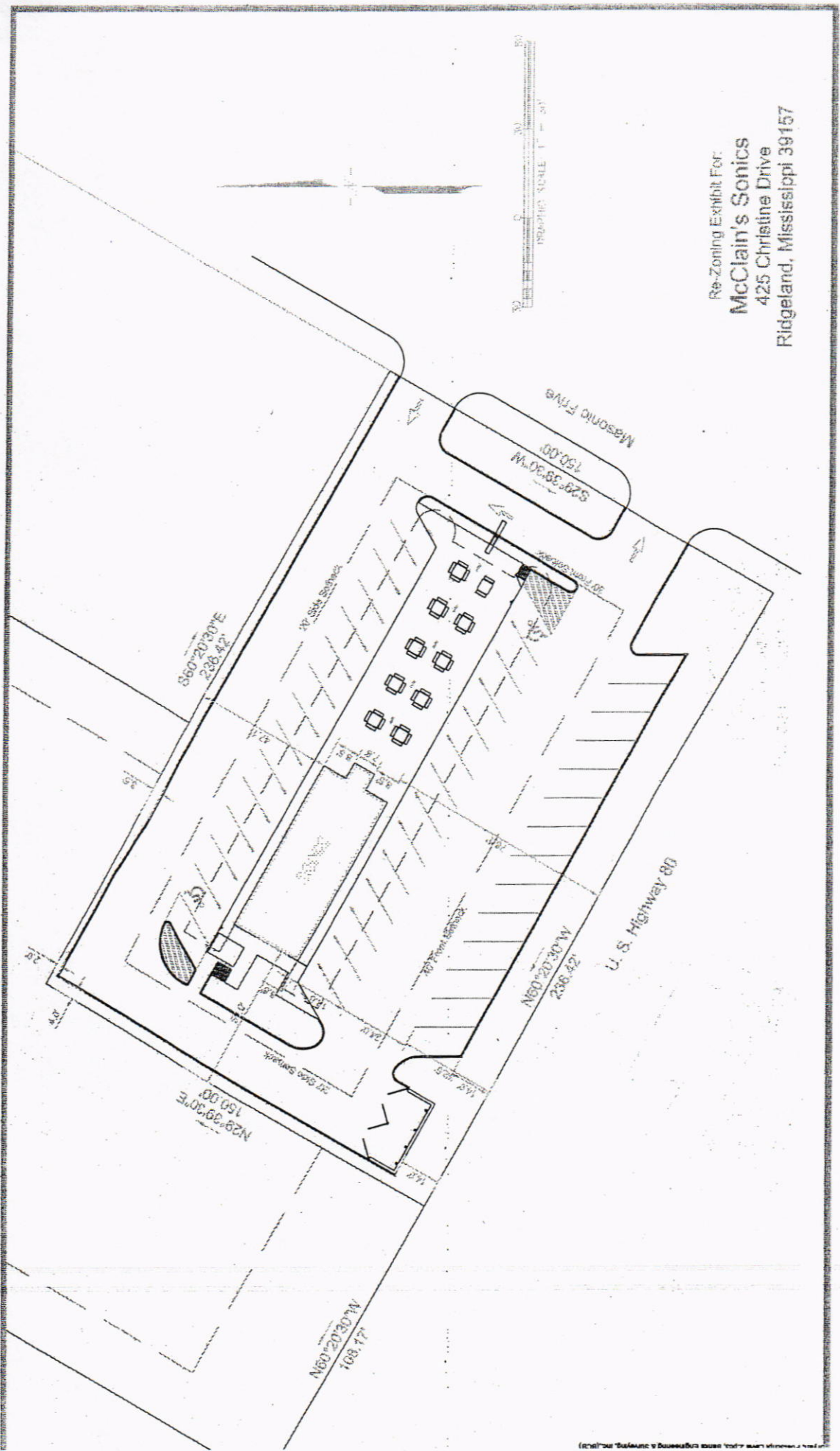
There is a need for additional C-3 zoning at appropriate sites within the City of Clinton. Lack of C-3 zoning will effectively bar service stations, convenience stores, automobile dealerships, boat and marine sales, drive-in restaurants, funeral homes, horticultural nurseries, building material retail facilities, heavy construction sales and service facilities, truck stops, veterinary clinics and similar uses.

The site plan which is attached as part of Schedule 3 shows that the restaurant will be similar in size and appearance to restaurants recently constructed by R&R and its affiliates in Jackson. There will be adequate buffering between the restaurant and the adjoining commercial office building to the west. Garbage will be collected in a dumpster located at the rear of the property which will be fully enclosed. Subject Property will be attractively landscaped. The landscape plan will be filed as a supplement to this Application.

R&R intends to invest approximately \$1.25 million in the acquisition of the land and construction of the restaurant on Subject Property. R&R expects the restaurant to generate approximately \$1.3-\$1.5 million in annual gross revenues and employ up to 45 persons. The City's share of ad valorem and sales taxes will make a significant contribution to the City.

A Sonic Drive-In Restaurant will not be inconsistent with uses in the vicinity and will not adversely affect adjoining and neighboring properties.

According to the Zoning Administrator of the City of Clinton, Subject Property was the subject of a rezoning request approximately five years ago when a proposed purchaser requested a rezoning to accommodate the operation of a body shop. That request was denied.



Re-Zoning Exhibit For:
McClain's Sonics
425 Christine Drive
Ridgeland, Mississippi 39157

HIGHWAY 80 -



Motion by Alderman Bralham

Seconded by Alderman Bishop

To deny the request of Sammy Wilbanks, Susan Wilbanks and R&R Investments to Rezone 2.47 acres located on Highway 80 and Masonic Drive and more fully described in Exhibit "A" attached hereto based upon the following findings of fact:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.
2. The recommendation of the Planning and Zoning Commission is advisory in nature.
3. The Mayor and Board of Aldermen have knowledge of the area involved and are aware of the requirements for rezoning as set out in §2406 of the Official Zoning Ordinance.
4. The Mayor and Board of Aldermen have reviewed the minutes of the Planning and Zoning Commission as they relate to this matter including the exhibits thereto.
5. The applicants for rezoning failed to meet the requirements of §2406.03.
6. The applicants for rezoning failed to demonstrate that the "character of the neighborhood has changed to such an extent as to justify a reclassification". The subject property and the surrounding property has been classified as C-2 since at least 1999. There is no demonstrate change to support the rezoning.
7. The applicants for rezoning presented no evidence that there was a need for additional C-3 property within the City at this time. In fact there are at least two C-3 tracts that are vacant.

8. The requested zoning change would be inconsistent with the current comprehensive plan and zoning map and would not be in the best PUBLIC NEED interest.
9. A change in the zoning would be out of harmony with the existing zoning classification, and thus not reflect the best PUBLIC NEED.
10. A change would alter the population density patterns and thereby would not be in the best interest of the PUBLIC NEED due to it's impact upon public facilities, traffic congestion, dangerous traffic patterns, schools.
11. A change of the requested land to R-5 high density within the current C-2 zoning classification has the latent potential for creating an "entering wedge" and thus would be a deterrent to the long term use, improvement and development of remaining land in the area.
12. A change would impact and thwart the original purpose of this zoned area, which was done so with the PUBLIC NEED in mind.

Commence at the Point of intersection of the North R-O-W line of US highway 80 and the West R-O-W line of Masonic Drive as said Highway and Drive are now (April, 1985) laid out and established, said Point being 103.7 feet North of and 803.2 feet East of the Southeast corner of the Southwest quarter of Section 28, Township 6 North, Range 1 West, Hinds County, Mississippi; Run thence North 60 degrees 20 minutes 30 seconds and along said North R-O-W line of US Highway 80 for a distance of 135.92 feet to an iron in marking the POB of the parcel herein described; continue thence North 60 degrees 20 minutes 30 seconds West for a distance of 208.67 feet to an iron pin; run thence North 29 degrees 39 minutes 30 seconds East and departing said R-O-W for a distance of 417.5 feet to an iron pin; Run thence South 60 degrees 30 minutes 30 seconds East for a distance of 208.67 feet to an iron pin; Run thence South 29 degrees 39 minutes 30 seconds West for a distance of 417.5 feet to the POB, and containing 2.00 acres, more or less.

The above-described parcel of property is located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, T6N, R1W, Hinds County, Mississippi

And also:

Commence at the Point of intersection of the North R-O-W line of US Highway 80 and the West R-O-W line of Masonic Drive as said Highway and Drive are now (August 1984) laid out and established said Point being 103.7 feet North of and 803.2 feet East of the Southeast corner of the Southwest quarter of Section 28, T6N, R1W Hinds County, Mississippi; Said Point being also the POB of the following described parcel of property. Run thence North 60 degrees 20 minutes 30 seconds West and along said North R-O-W line of US Highway 80 for a distance of 135.92 feet to a Point; Run thence North 29 degrees 39 minutes 30 seconds East for a distance of 150.00 feet to a Point. Run thence South 60 degrees 20 minutes 30 seconds East for a distance of 135.92 feet to a Point on said West R-O-W line of Masonic Drive; Run thence South 29 degrees 39 minutes 30 seconds West and along said West R-O-W line of Masonic Drive for a distance of 150.00 feet to the POB.

The above-described parcel of property is located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, T6N, R1W, Hinds County, Mississippi and contains 0.47 acres, more or less.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 7. K

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Preliminary Site Plan
Northwest corner of Highway 80 & Masonic Dr
R & R Investments - Sonic Restaurant

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

*Withdrawn
no action*

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice
Plans, Maps
Contract

Other: _____

RECOMMENDATION: Planning and Zoning Commission recommends to deny.

BOARD ACTION:

MOTION MADE BY: _____

SECONDED BY: _____

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

~~Brantley~~ Bishop

Fisher

~~Touchton~~ Morgan

~~Lott~~ Barnett

Mayor Aultman

absent

absent

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: July 19, 2005

AGENDA ITEM NO. 8

CONSENT AGENDA:

TO:

FOR:

ACCT. NO:

DISCUSSION/ACTION: Unkempt Property
Lot 15 Hobby Farms Subdivision – Magnolia Road

INTRODUCED BY: Gary Ward

TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes
Ordinance
Resolution

Invoice x
Plans, Maps
Contract

Other:

RECOMMENDATION:

BOARD ACTION:

MOTION MADE BY:

Brubham

SECONDED BY:

Greer

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham
Hisaw
Greer
~~Brantley~~ *Bishop*
Fisher
~~Touche~~ *Morgan*
~~Lott~~ *Barnett*

absent

absent

Mayor Aultman

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

JUL 19 2005

RESOLUTION

CITY OF CLINTON

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unkempt property located at Lot 15 Hobby Farms Subdivision, Magnolia Road, Clinton, Mississippi, and after full consideration of the matter, Alderman Braham offered the following Resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, DETERMINING THE NECESSITY FOR THE CLEANING OF PRIVATE PROPERTY LOCATED AT LOT 15 HOBBY FARMS SUBDIVISION, MAGNOLIA ROAD, CLINTON MISSISSIPPI, UNDER THE AUTHORITY GRANTED TO MUNICIPALITIES BY SECTION 21-19-11, MISSISSIPPI CODE OF 1972 AS AMENDED, AND OTHER APPLICABLE STATUTES AND ORDINANCES.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at Lot 15 Hobby Farms Subdivision, Magnolia Road, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanness; and

WHEREAS, notice was given to the owner of said property as required Section 21-19-11 of the Miss. Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., July 19 2005, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanness, constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of the Public Works Department is directed to take such action as appropriate under Section 21-19-11 of the Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, clean the property by cutting weeds, removing rubbish and dilapidated buildings and other debris.

NOW BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. It is hereby adjudicated that the property located at Lot 15 Hobby Farms Subdivision, Magnolia Road, Clinton, Mississippi, in its present condition, constitutes to the public health and safety of the community.
2. The Director of Public Works is hereby directed to take such action as appropriate under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to clean the property by cutting weeds, removing rubbish and dilapidated buildings and debris.

3. The Director of Public Works is hereby directed that upon completion of this cleaning that he advise the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi may adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances.

A Motion for adoption was seconded by Alderman Greer and the foregoing having been first reduced to writing, and no request by the Mayor or any member of the Board of Aldermen that it be read by the City Clerk, before the vote was taken, it was submitted to the Board of Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted:	<u>yes</u>
Alderman Hisaw voted:	<u>yes</u>
Alderman Greer voted:	<u>yes</u>
Alderman Bishop voted:	<u>yes</u>
Alderman Fisher voted:	<u>absent</u>
Alderman Morgan voted:	<u>yes</u>
Alderman Barnett voted:	<u>yes</u>

Whereupon the Mayor declared the Motion carried and the Resolution approved and adopted.

The foregoing Resolution was approved this the 19th day of July 2005.

CITY OF CLINTON
BY Rosemary G. Aultman
ROSEMARY AULTMAN, Mayor

ATTEST:

Wayne Derrick
WAYNE DERRICK, City Clerk

(SEAL)



BOARD APPROVED

JUL 19 2005

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

Board Meeting Date: July 19, 2005

Agenda Item No. 9

Consent Agenda: \$	To:
For:	Account No.

Discussion/Action: Authorization to Contract with Heflin Engineering to appraise North Hinds Water Assoc. certificated area in the annexed area. The city will pay 1/2 of cost up to a maximum of \$8,000.00

Introduced by: Richard L. Broome, City Engineer Telephone No. 924-5462

Exhibits for Review:

Minutes: _____	Invoice: _____	Other: Bid
Ordinance: _____	Plans, Maps: _____	
Resolution: _____	Contract: _____	

Recommendation:

Board Action:

Motion made by: Greer
Seconded by: Barnett

<u>Vote Cast:</u>	<u>"Aye":</u>	<u>"Nay":</u>	<u>Action Taken:</u>
Brabham	_____	_____	_____
Hisaw	_____	_____	_____
Greer	_____	_____	_____
Brantley	_____	_____	_____
Bishop	_____	_____	_____
Fisher	absent	absent	_____
Morgan	_____	_____	_____
Touche	_____	_____	_____
Lott	_____	_____	_____
Barnett	_____	_____	_____
Mayor Aultman	_____	_____	_____

Agenda items must be turned in to the City Clerk with all attachments no later than 12 P.M. on the Wednesday preceding the Tuesday Board Meeting to be included on the Agenda. This deadline will be strictly enforced.

001-12- 2000 F11-010MENGSTHOUTER HINDS ONLY WATER ASSOC 07/12/05 JNU-4030 P.F. 4:

BOARD APPROVED

JUL 19 2005

HEFLIN ENGINEERING, INC.
CONSULTING ENGINEERS

CITY OF CLINTON

P. O. Box 47
Brandon, Mississippi 39043-0047
601-824-7569
1-800-535-8276

July 11, 2005

Mr. Doug Barker
North Hinds Water Association, Inc.
P.O. Drawer 300
Flora, Mississippi 39071

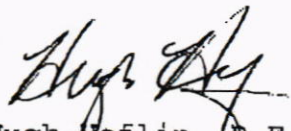
Re: Annexation Appraisal

Dear Doug,

This letter is written to document our conversation relative to the appraisal of water facilities within the area of North Hinds Water Association, Inc. which has been annexed by the City of Clinton. We estimate that the appraisal would take approximately three months and might cost as much as \$16,000.00. It is almost impossible to accurately predict the exact cost of the study. To be overly conservative in estimating the cost would cause North Hinds to pay more than is necessary for the work. We propose to do the work at our normal hourly rates and, in the unlikely event that we see the cost exceeding the budgeted amount, we will come back to North Hinds for additional authorization. Please indicate acceptance by executing in the space provided below and returning a copy of this letter. Should you have any questions, please let us know.

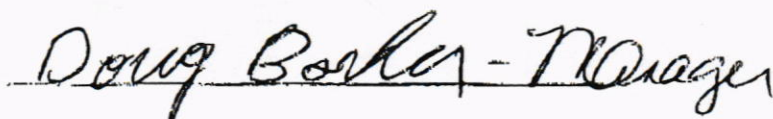
Very truly yours,

HEFLIN ENGINEERING, INC.


Hugh Hefflin, P.E.

Accepted by:

NORTH HINDS WATER ASSOCIATION, INC.


Doug Barker - Manager

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: JULY 19, 2005

AGENDA ITEM NO. 10.

DISCUSSION/ACTION – Drainage Problem Beside 206 Willow Brook Drive

INTRODUCED BY – Tim Rogers, Public Works Director

BOARD ACTION:

MOTION MADE BY:

*Greer
Brabham*

SECONDED BY:

VOTE CAST:

"AYE" "NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

~~Drantley~~ Bishop

Fisher

~~Touche~~ Morgan

~~Lot~~ Barnett

Mayor Aultman

|

absent

|

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

*flooding of Willow
backup on Pebble
causing damage*

*attach
finding of Fast
made by Public
Works & Engineering
Dept.*

BOARD APPROVED

JUL 19 2005

CITY OF CLINTON AGENDA ITEM FACT SHEET

CITY OF CLINTON

BOARD MEETING DATE: JULY 19, 2005

AGENDA ITEM NO. 11.

DISCUSSION/ACTION – Reappointment of Department Heads

INTRODUCED BY – Mayor Aultman

BOARD ACTION:

MOTION MADE BY:

SECONDED BY:

VOTE CAST:

"AYE"

"NAY"

ACTION TAKEN:

Brabham

Hisaw

Greer

~~Brantley~~ Bishop

Fisher

~~Touche~~ Morgan

~~Lott~~ Barnett

Mayor Aultman

absent

absent

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

ALDERMEN

Tony Hisaw
Ward One

Tony M. Greer
Ward Two

Mike Bishop
Ward Three

Phil Fisher
Ward Four

City of Clinton

Mississippi

Rosemary Aultman, Mayor

ALDERMEN

Mike Morgan
Ward Five

William Barnett
Ward Six

Jehu Brabham
Alderman-At-Large

W. Wayne Derrick
City Clerk

Department Heads

Wayne Derrick
Richard Broome
Tim Rogers
Gary Ward
Don Byington
Barry Burnside
Ray Holloway

Ken Dreher

City Clerk/Chief Financial Officer
City Engineer
Director of Public Works
Director of Community Development
Chief of Police
Fire Chief
Parks & Recreation Director

City Attorney

<u>Motion</u>	<u>Second</u>	<u>Vote</u>
Greer	Brabham	U
Brabham	Hisaw	U
Bishop	Morgan	U
Greer	Hisaw	U
Hisaw	Brabham	U
Hisaw	✓	U
Greer	Bishop	U
Greer	Brabham	U

City Court Services

Darren LaMarca
Bill Spell
Sean Milner

City Judge
City Prosecutor
Public Defender

Brabham	Hisaw	U
Hisaw	Barnett	U
Greer	Brabham	U

end Second
Motion by various Aldermen, ~~Alford~~
by various Aldermen
(see below)

Motion by Alderman _____

Seconded by Alderman _____

→ Motion/Second by various Aldermen (see below)
To reappoint the following to the designated position at the same

compensation and benefits as each was receiving as of June 30, 2005. Each ^{was} will

~~be~~ voted on individually.

Department Head	Position	Motion/Second	Vote to Approve
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PLANNING AND ZONING COMMISSION

Clinton, Mississippi

Tuesday, June 28, 2005

7:00 P.M.

Municipal Courtroom

305 Monroe Street

Minutes

Present: Commission members: Edward Taylor, Bill Campbell, Kathy Peace, Alice Nettles, City officials: Gary Ward-Director of Community Development, Ken Dreher – City Attorney, Derick Milner – Assistant City Engineer, Jehu Brabham – Alderman –at – Large

Call to Order

Chairman Bill Campbell called the meeting to order at 7:00pm .

Consideration and approval of May 24, 2005 minutes

MOTION was made by Alice Nettles to approve the minutes of the May 24, 2005 meeting.

SECOND by Kathy Peace. None opposed, motion passed unanimously.

New Considerations

Diamond Developers, LLC – Copper Creek Subdivision – Pinehaven Rd

Representative present: Dale Keith

Continued from last month's meeting. Diamond Developers is proposing to develop a 138 lot - residential subdivision on 58+/- acres on Pinehaven Road. Houses will be a minimum of 1800 square feet; lot size will be 11,500 square feet minimum.

As required by the Hinds County Zoning Ordinance, Section 2407 Criteria for Rezoning, Dale Keith stated the character of the neighborhood had changed with the construction new subdivisions and expansion of existing ones and there is a public need for more single family residential subdivisions in the City of Clinton.

Dale Keith added that he and his engineer had met with the residents of Pinehaven Place and advised them of measures that will be taken to address drainage concerns.

A public hearing was held.

Randy Bell, Pinehaven Place Homeowners Association, stated his appreciation of Dale Keith for meeting with them and addressing their drainage concerns. They accept his plan for flooding/drainage issues, but they are still concerned that the lot sizes would smaller than the ones on Pinehaven Place.

Bryan Williamson, 120 Pinehaven Place, stated he was concerned about the increased traffic on Pinehaven Road. He also asked if the city sewer would be available to residents of Pinehaven Place.

Dennis Vandermolen stated that limited parking at Mt. Hood church on Pinehaven Rd sometimes causes people to park on side of the road. With an increase in traffic, this could pose a problem.

Jim Purdy, 105 Pinehaven Place, stated there would be 3.5 lots adjoining the back of his property.

Alice Nettles asked if there would be any fencing. Dale Keith replied all perimeter lots would be fenced.

Request to rezone from (A) Agricultural to (R1B) Low Density Residential

Upon satisfying the criteria for a rezoning as stated in the Hinds County Zoning Ordinance, Section 2407, a MOTION to recommend to the Mayor and Board of Aldermen that the request to rezone the 58+/- acres (Copper Creek Subdivision) on Pinehaven road from A-Agricultural to R1B-Low Density Residential be approved was made by Kathy Peace. SECOND by Edward Taylor. MOTION carried unanimously, none opposed.

Preliminary subdivision plat

MOTION was made by Alice Nettles to recommend to the Mayor and Board of Aldermen that the preliminary subdivision plat for Copper Creek Subdivision be approved. SECOND by Kathy Peace. MOTION carried unanimously, none opposed.

Heritage Properties, Inc. – Northwest corner of Northside Dr. & Pinehaven Rd

Representative present: Jay Carney, Pat Cronin, Ken Cronin

Heritage Properties is requesting to rezone the Northwest corner of Northside Dr. & Pinehaven Rd from (C2) General Commercial to (R5) High Density Residential. This parcel of property is behind the previous Clinton Health and Rehab building. The planned use is apartments.

Pat Cronin, one of the owners of the property, stated that his father and JT Cleveland bought the property in 1964. The Cronin's chose Heritage Properties, Inc to develop this property because of Heritage's reputation and experience.

Ken Cronin, property owner, stated there are four owners of this property. The property consists of 32+/- acres, but only the interior 18.4 acres will be rezoned.

Jay Carney, Project Coordinator, Heritage Properties, added the remaining 14+/- acres would remain C2 and house out parcels such as a grocery store, restaurant.

The boulevard entrance would line up with Monroe Street, which would eventually constitute a traffic signal. The retention ponds would hold 100% of runoff. There were some concerns about the character of the tenants. Mr. Carney stated that all new applicants have an employment, credit, and criminal screening.

As required by the City of Clinton Zoning Ordinance, Section 2406.03(b) Criteria for Rezoning, Mr. Carney stated there has been a change in the neighborhood with the opening of the Clinton Parkway, new subdivisions, expansion of existing subdivision, opening of the Natchez Trace, and opening of retail stores. He added there is a public need for apartments. Most complexes in the city have an occupancy rate of 95%.

Mr. Carney addressed previous issues. 1) Crime – should not be a factor in consideration. This community will be gated, security systems in each unit, and an on-site security person. 2) traffic – there is a traffic problem now and the City should be responsible for addressing this issue. 3) drainage – 100% retention on property.

Bill Campbell asked about the number of units. Carney answered 164 units.

Alice Nettles asked if it would be gated. Carney answered yes with a fence around the entire property.

A public hearing was held.

Don Weed, 1501 Huntcliff Way; Doris Doss, 1502 Huntcliff Way; Gaylon McGregor 1202 Foxhill Dr; John & Cynthia Broome, 1207 Huntcliff Way; Donna Saflgan, 107 Hickory Hills Dr; Ray Williamson, 500 Hathaway Dr. all spoke in opposition of the request. Reasons stated were increased traffic, increased number of children in schools, and Clinton doesn't need another apartment complex.

Ruthie Atkins, 1200Cliffdale, asked about the number of residents in each unit. Carney replied there would be 1, 2, &3 bedroom units in this complex.

Jerry Birdwell, 214 Stafford Dr, asked about the average length of ownership of a complex. Carney answered there is no average length. Birdwell asked how many properties had Heritage sold in the last five years. Carney answered none.

Don Inman, 208 Northside Dr, asked about the construction of the complex. Carney answered it would be a two story complex with brick and plank exterior, much like Woodchase Apartments.

Mable Bankston, 211Sumner Hill Drive, asked what development would go on the field dirt area. Carney replied they do not own this property, the Cleveland's do. It is zoned C-2 and is for sale.

Mr. & Mrs. Walter Duncan, 1206 Huntcliff Way, stated they have known the Cronins for a long time and knows they will take care and make the property values rise. They would rather have this type of apartment complex rather than another gas station or convenience store.

Johnny Weaver, 1600 Pinehaven Dr, asked about the visibility from the Trace. Carney replied visibility would be limited.

Billy Benford, Northside Drive, has been in Clinton over twenty years and has seen the leaders of Clinton accommodate the needs of all citizens with fire, police protection and traffic control. He also stated that with a rezoning request property owners within 160 feet must be notified. There has been only one person within this area that has spoken about the apartments.

Don Weed, 1501 Huntcliff Way, asked if residents paid property taxes. Carney answered they do indirectly through their rent.

Barbara Campbell, 1309 Canterbury Lane, asked how this relates to property taxes for a single-family residence. Carney replied his taxes are based on the value of the complex.

Mel Evans, 2000 N. Frontage Road, stated it appears people are trying to limit the growth of Clinton. People that live in apartments may not have made a decision on where to live or may not have the means to buy a house.

Alice Nettles asked if there were any other considerations for other options for development. Ken Cronin answered at this time there are no other viable options. Clinton does not have enough rooftops to attract high-line commercial developments.

Request to rezone from (C2) General Commercial to (R5) High Density Residential

Even though there had been a change in the neighborhood due to commercial developments, the criteria for a rezoning as stated in the City of Clinton Zoning Ordinance, Section 2406.03 (b) was not met, a MOTION was made by Kathy Peace to recommend to the Mayor and Board of Aldermen that the request to rezone the Northwest corner of Northside Dr. & Pinehaven Rd from C2-General Commercial to R5 High Density Residential be denied. SECOND by Alice Nettles. MOTION carried, none opposed

Windsor Plantation, LLC – Windsor Plantation, Part I – Pinehaven Rd.

Representative present: Karl Long, Hugh French

Windsor Plantation, LLC is requesting a rezoning of 89+/- acres on Pinehaven Road in the newly annexed area. They are proposing to build a 151 single-family residential subdivision with a minimum lot size of 11,500 square feet.

Hugh French stated the price range for these houses would be \$225,000.

As required by the Hinds County Zoning Ordinance, Section 2407 Criteria for Rezoning, Hugh French stated the character of the neighborhood had changed with the construction new subdivisions and expansion of existing ones and there is a public need for more single family residential subdivisions in the City of Clinton.

A public hearing was held.

Joe Wyatt, 2148 Pinehaven Rd, asked about the entrance to the subdivision. Hugh French replied it would be a boulevard type entrance approx. 250 ft south of the Mt. Hood property on Pinehaven Road.

Bryan Williamson, 120 Pinehaven Place, asked the location of the subdivision in relation to the church. Mr. French answered it would be to the south and behind the church.

Request to rezone from (A) Agricultural to (R1B) Low Density Residential

Upon satisfying the criteria for a rezoning as stated in the Hinds County Zoning Ordinance, Section 2407, a MOTION was made by Edward Taylor to recommend to the Mayor and Board of Aldermen to approve the request of Windsor Plantation, LLC to rezone this property from (A) Agricultural to (R1B) Low Density Residential. SECOND by Alice Nettles. MOTION carried, none opposed.

Preliminary subdivision plat

MOTION was made by Alice Nettles to recommend to the Mayor and Board of Aldermen to approve the preliminary subdivision plat of Windsor Plantation contingent on the approval of all City department heads. SECOND by Edward Taylor. MOTION carried, none opposed.

Windsor Plantation, LLC - North Hills of Windsor Plantation – Northwest corner of Pinehaven Rd & Williamson Rd.

Representative present: Karl Long, Hugh French

Windsor Plantation, LLC is requesting a rezoning of 64+/- acres on the Northwest corner of Pinehaven Road and Williamson Road. Property is located in the newly annexed area. They are proposing to build a 39 single-family residential estate styled subdivision with a minimum lot size of one acre.

Hugh French stated the price range for these houses would be \$275,000+.

Edward Taylor asked if sewer was available in this area. Water and sewer services are not available.

As required by the Hinds County Zoning Ordinance, Section 2407 Criteria for Rezoning, Hugh French stated the character of the neighborhood had changed with the construction new subdivisions and expansion of existing ones and there is a public need for more single family residential subdivisions in the City of Clinton.

A public hearing was held.

Pat Cronin stated with these two developments, traffic on Pinehaven Road would increase and could become a problem.

Request to rezone from (A) Agricultural to (R1A) Estate Residential

Upon satisfying the criteria for a rezoning as stated in the Hinds County Zoning Ordinance, Section 2407, a MOTION was made by Kathy Peace to recommend to the Mayor and Board of Aldermen to approve the request to rezone the property on the Northwest corner of Pinehaven Road and Williamson Road from (A) Agricultural to (R1A) Estate Residential. SECOND by Alice Nettles. MOTION carried, none opposed.

Preliminary subdivision plat

MOTION was made by Alice Nettles to recommend to the Mayor and Board of Aldermen to approve the preliminary subdivision plat of North Hills of Windsor Plantation contingent on the approval of all City department heads. SECOND by Edward Taylor. MOTION carried, none opposed.

R & R Investments, LLC – Sonic Drive In Restaurant – Northwest corner Highway 80 & Masonic Dr

Representative present: Bob Drinkwater

R&R Investments, LLC is requesting to rezone the property on the Northwest corner of Highway 80 & Masonic Dr from the current C2 to C3. They are proposing to build a Sonic drive-in restaurant on the property. C2 does not allow outdoor activity. Ingress and egress will be on Masonic Drive.

As required by the City of Clinton Zoning Ordinance, Section 2406.03(b) Criteria for Rezoning, Bob Drinkwater stated there is a public need for C3 property in Clinton; there is no other C3 property available. There have been several commercial developments in the area resulting in a change in the character of the neighborhood.

Alice Nettles asked how far from the corner of Masonic/Hwy 80 would the entrance be. Bryan Battenfield answered 55 feet to the exit and 110 feet to the entrance.

A public hearing was held.

Joyce Collins, 401 Masonic Dr, stated she was opposed to the rezoning and construction of a Sonic restaurant because there would be an increase in traffic, noise, trash and there is no public need for a restaurant or C3 zoning of this property.

Request to rezone from (C2) General Commercial to (C3) Major thoroughfare Commercial
Upon satisfying the criteria for a rezoning as stated in the City of Clinton Zoning Ordinance, Section 2406.03(b), a MOTION was made by Edward Taylor to recommend to the Mayor and Board of Aldermen that approval be granted to rezone the Northwest corner Highway 80 & Masonic Dr from C2-General Commercial to C3- Major Thoroughfare Commercial. SECOND by Alice Nettles. Opposed Kathy Peace, Bill Campbell. MOTION was a split vote.

Preliminary site plan

MOTION was made Kathy Peace to recommend to the Mayor and Board of Aldermen to deny the preliminary site plan for Sonic Drive In Restaurant on the Northwest corner Highway 80 & Masonic Dr. SECOND by Alice Nettles. None opposed, MOTION carried.

The Home Depot – Hampstead Blvd.

Representative present: Patty Martin

Bell Signs, sign company for Home Depot, is requesting a dimensional variance of 65 in the height of the sign and a variance of 117 square feet of the size of the sign. Zoning ordinance limits the height to 35 feet and 200 square feet. With this requested dimensional variance, the sign would be 100x307.

Patty Martin stated there is limited to no visibility of the store location from the interstate traveling east. She also stated the location is lower than the interstate necessitating the requesting for the sign to be higher and larger than allowed.

A public hearing was held.

Request for dimensional variance for high mast sign

MOTION was made by Kathy Peace to recommend to the Mayor and Board of Aldermen that the request for a dimensional variance for a high mast sign by Bell Signs for Home Depot be denied. SECOND by Edward Taylor. None opposed, MOTION carried.

J & L Properties – Windfall Place Subdivision – Clinton/Raymond Rd.

Representative present: John Coughlin

J & L Properties is proposing to build an 11-lot single-family residential subdivision on 4.5+/- acres on the west side of Clinton/Raymond Road at Camp Garawya Road. Minimum lot size would be 11,500 square feet.

John Coughlin stated minimum square footage would be 2200 sq ft and in the price range of

\$225,000 - \$300,000.

A public hearing was held.

Preliminary subdivision plat

MOTION as made by Kathy Peace to recommend to the Mayor and Board of Aldermen that approval be granted for the preliminary subdivision plat of Windfall Place Subdivision. SECOND by Alice Nettles. None opposed, MOTION carried.

Pineview Baptist Church – 1288 Clinton Raymond Rd.

Representative present: John Calcote

Pineview Baptist Church is proposing to construct a 5,000 sq ft addition to their church. This addition would replace the existing trailers currently used for classrooms. It will be attached to the main building with a covered breezeway.

A public hearing was held and no opposition was expressed.

Preliminary site plan

MOTION was made by Edward Taylor to recommend to the Mayor and Board of Aldermen that approval be granted for the preliminary site plan for Pineview Baptist Church addition. SECOND by Kathy Peace. None opposed, MOTION carried.

Other Business

There was no other business to be discussed.

Next Meeting

The next meeting will be held on Tuesday, July 26, 2005 beginning at 7:00pm.

Adjournment

MOTION was made by Alice Nettles to adjourn the meeting. SECOND by Edward Taylor. None opposed, MOTION carried.