

BEFORE THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF RIDGELAND, MADISON COUNTY, MISSISSIPPI

**PETITION AND APPLICATION FOR
CONDITIONAL USE PERMIT**

(Official Form February 2014)

COMES NOW, Iglesia Restauracion, (the "Petitioner") and
[Name of Petitioner(s)]

respectfully petitions the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi, to grant a conditional use permit as set forth in Section 600.09 of the City of Ridgeland Zoning Ordinance of February, 2014, as more specifically described in this Petition for that real property described in this Petition, and in support of this Petition would show as follows:

1. The name of the Petitioner is Iglesia Restauracion
(hereinafter referred to as "Petitioner").
2. The Petitioner's mailing address is 7049 Old Canton Rd.
Ridgeland, MS 39157 and the Petitioner's attorney or
representative's mailing address is None.
3. The Petitioner's phone number is (662) 607-0238 and the Petitioner's
attorney's phone number is (if applicable) None.
4. The record title holder of the property is Iglesia Restauracion,
and a copy of the property deed with legal description is attached hereto as Exhibit "A".
Additionally, digital text version of the legal description shall be provided to the Zoning
Administrator for use in advertising the public hearing.

5. If the Petitioner is not the owner of the property, the owner's address and phone number

is NVA, LLC - 163 Wrangler Way
Canton, MS 39046 (601) 594-5602

6. A copy of the written authority of the owner's representative to act on behalf of the Owner is attached hereto as Exhibit "B", if applicable.

7. The street address of the property is: 7049 Old Canton Rd

Ridgeland, Mississippi 39157

(and/or) Tax Parcel ID Number(s): 47-1609383

072I - 290-003/01.02

8. A copy of a plat or map of the property certified by a licensed land surveyor is attached as Exhibit "C".

9. A vicinity map or plat depicting an area of at least 300' surrounding the subject property in all directions is attached to this Petition as Exhibit "D". The vicinity map includes the current zoning classification of all lands within 160' of the subject property.

10. The property is presently zoned CA-A, according to the official zoning map of Ridgeland, Mississippi.

11. Petitioner requests that it be granted a conditional use permit as authorized by Section ^{600.09} ~~Southeast 1/4 of section 29~~ of the Zoning Ordinance of the City of Ridgeland, Mississippi, dated February, 2014. **(Section of ordinance authorizing the specified conditional use).**

12. Petitioner intends to use the subject property for the following purpose(s) in accord with

requested classification: Church

13. A site plan for development of the property as required by Section 600.09 of the Zoning Ordinance is attached as Exhibit "E".

14. Petitioner acknowledges that in order to assure consideration of the request contained in this Petition, Petitioner must present proof as to all matters required to be proved by Section 600.09 of the Zoning Ordinance. Petitioner must answer the following questions before filing this petition. The petition will not be accepted unless petitioner responds to each of the following questions:

a. Why does the Petitioner claim that the requested land use fits the site and is compatible with adjacent properties?

The location is excellent. The property does not interfere with other businesses or houses.

b. How will the proposed use impact traffic on adjacent streets and highways?

It will not have an impact on traffic. We will have services twice a week, on Wednesdays at 7:00 pm. and Sundays at 11:00 am. Most businesses are closed at those times.

- c. Will the requested land use cause an adverse effect (noise, glare, odor, traffic, use, encroachment, etc.) on abutting property or the permitted use thereof? Please explain.

No. It was previously a restaurant and it never caused any problems. We will also be cautious to make sure that it will not interfere with anything.

- d. What provision(s) have been made for ingress and egress to the subject property and structures located thereon with particular reference to automobile and pedestrian safety, traffic flow, and fire protection?

This building already has the capacity to safely hold 200 people and it never interfered with traffic or pedestrians when it was a business. There is a fire station close by and there are sprinklers installed.

- e. What provision(s) have been made to provide adequate off-street parking and loading areas in conformance with Section 37.02 Off-Street Parking of this Ordinance?

The property has a loading area in the back, since it was a restaurant and an ample parking lot with 90 parking spaces.

- f. What provision(s) have been made for refuse storage areas and service areas to be screened from adjoining properties, and are the proposed improvements in conformance with Section 36.07 and Appendix 'D'?

There is an existing dumpster enclosure.

- g. What provision(s) have been made for controlling drainage and erosion on/from the proposed site?

There is an existing drainage system and we will get a dumpster system for the trash.

- h. What provision(s) have been made for the availability and connection of utilities?

We already have the utilities connected.

i. What provisions(s) have been made for signage and lighting at the proposed site?

There are lamp posts outside of the parking lot and lights outside of the building.

j. Does the proposed land use comply with required yards, Landscape Ordinance, and Tree Ordinance? If not, please explain.

Yes, existing building with existing landscaping.

k. What provision(s) have been made with respect to hours of operation so as not to cause an adverse effect on neighboring properties?

We will only be having service Wednesday nights and Sunday mornings. It will not cause an adverse effect on our neighboring properties.

l. What provision(s) have been made to adequately address any concern for safety?

There is a sprinkler system in place.

We also have fire extinguishers.

m. What provision(s) have been made to address any negative impact on the capacity of public facilities?

Minimum impact; less impact than when it was a restaurant.

n. What provision(s) have been made to minimize negative environmental and economic impacts?

None. ~~Negative~~ No negative environmental and economic impact.

o. Does the proposed land use encroach upon flood hazard zones or airport approach zones?

NO

p. Are there any additional issues that should be addressed in this application?

None.

15. Petitioner acknowledges that prior to approving any petition, a public hearing must be held in accordance with Section 600.15 of the Zoning Ordinance. At the public hearing the petitioner will be required to provide proof in the form of testimony and documents as to each of the matters listed in paragraph 14 of this petition.

16. Petitioner believes that the reasons set forth in this petition justify the granting of the conditional use permit.

17. Petitioner would show that the planned use of the property and the conditional use permit would be in harmony with the general purpose and intent of the land uses permitted in the use district where the property is located, and would not be injurious to the neighborhood or detrimental to the public welfare.

18. The required \$150.00 filing fee has been paid with the filing of this Petition.

Respectfully submitted,

Evelyn Ariles

PETITIONER

8/10/2017

DATE



323-12⁰⁰

PREPARED BY:

Don A. McGraw, Jr. - MSB# 2621
Montgomery McGraw, PLLC
P. O. Box 1039
Canton, MS 39046
601-859-3616

RETURN TO:

Don A. McGraw, Jr.
Montgomery McGraw, PLLC
P. O. Box 1039
Canton, MS 39046
601-859-3616

INDEXING: SE1/4 of Section 29, Township 7 North, Range 2 East, City of Ridgeland,
Madison County, Mississippi.

STATE OF MISSISSIPPI
COUNTY OF MADISON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid
and other good and valuable consideration, the receipt and sufficiency of which is hereby
acknowledged:

GRANTOR:

NVA, LLC, a Mississippi Limited Liability Company
163 Wrangler Way
Canton, MS 39046
Phone: 601-594-5602

does hereby sell, convey and warrant unto:

GRANTEE:

IGLESIA RESTAURACION, a Mississippi Non-Profit Corporation
7049 Old Canton Road
Ridgeland, MS 39157
Phone: 601-953-9184

Exhibit A

the following described real property lying and being situated in the City of Ridgeland, Madison County, Mississippi, to wit:

Being situated in the Southeast 1/4 of Section 29, Township 7 North, Range 2 East, City of Ridgeland, Madison County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Commence at the southeast corner of the said Section 29 and run thence North 20 degrees 03 minutes 18 seconds West for a distance of 60.58 feet; thence North 00 degrees 24 minutes 15 seconds East for a distance of 180.00 feet to an iron pin; thence North 00 degrees 24 minutes 15 seconds East for a distance of 257.20 feet to an iron pin; thence North 00 degrees 10 minutes 51 seconds East for a distance of 372.49 feet to an iron pin; thence North 89 degrees 49 minutes 55 seconds West for a distance of 10.0 feet to an iron pin which marks the western right of way of Old Canton Road and also marks the POINT OF BEGINNING for the parcel herein described: thence continue North 89 degrees 49 minutes 55 seconds West for a distance of 372.71 feet; thence North 00 degrees 35 minutes 26 seconds East for a distance of 200.01 feet; thence South 89 degrees 49 minutes 55 seconds East for a distance of 370.62 feet to the said western right of way line of Old Canton Road; thence South 00 degrees 03 minutes 05 seconds East for a distance of 162.56 feet along the said western right of way line; thence South 00 degrees 10 minutes 51 seconds West for a distance of 37.44 feet along the said western right of way of Old Canton Road to the POINT OF BEGINNING, containing 1.7067 acres, more or less.

TOGETHER WITH all personal property, equipment, permanent fixtures, and appurtenances thereof, located on and contained within the structure being situated on the above described property.

LESS AND EXCEPT: A 20 FOOT RIGHT OF WAY ALONG OLD CANTON ROAD FOR THE CITY OF RIDGELAND, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

Being a twenty (20) foot right of way situated in the Southeast Quarter (SE1/4) of Section 29, Township 7 North, Range 2 East, City of Ridgeland, Madison County, Mississippi, and being out of and a part of a parcel of land conveyed to C. J. Holdings, LLC, as described in Deed Book 500 at Page 519, in the Chancery Clerk's Office, Madison County, Mississippi. Said variable width right of way being more particularly described as follows:

Commencing at a ½ inch iron pin set marking the Southwest corner of Lot 1, Gateway North, Part 1, as recorded in Plat Cabinet A at Slot 151 in the office of the Chancery Clerk of said Madison County, Mississippi;

Thence run West 83.21 feet to a point;

Thence run South 290.70 feet to the POINT OF BEGINNING of the herein described parcel, same point being the existing West right of way line of Old Canton Road, as same exists this date (May, 2002), also being the Northeast corner of the above "Holdings" property;

Thence along said West right of way line, run South 00 degrees 15 minutes 37 seconds East, 162.58 feet to a point;

Thence continuing along said West right of way line, run South 00 degrees 01 minutes 44 seconds East, 37.45 feet to a point on the South line of the above referenced "Holdings" property;

Thence leaving said West right of way line and along said South line, run South 89 degrees 57 minutes 30 seconds West 20.00 feet to a ½ inch iron pin set;

Thence leaving said South line, run North 00 degrees 13 minutes 01 seconds West 200.01 feet to a ½ inch iron pin set on the North line of the above referenced "Holdings" property;

Thence along said North line, run North 89 degrees 57 minutes 30 seconds East, 20.00 feet to the POINT OF BEGINNING, containing 0.092 acres (4,013 square feet), more or less.

WARRANTY OF THIS CONVEYANCE is subject to the following exceptions, to wit:

1. City of Ridgeland and County of Madison, Mississippi, ad valorem taxes for the year 2017, which are liens, but are not yet due or payable, which shall be prorated to the date hereof.
2. City of Ridgeland, Mississippi, Zoning and Subdivision Regulations Ordinance, as amended.
3. Reservations, conveyances and/or leases of record in regard to the oil, gas and other minerals lying in, on and under the subject property.
4. Rights-of-way and easements for roads, power lines and other utilities and restrictive covenants of record.
5. Deed of Trust to National Loan Investors, L.P. filed February 3, 2011 in Book 2637

at Page 970 and Book 2660 at Page 105 and modified in Book 3325 Page 864.

WITNESS OUR SIGNATURE this the 3^d day of August, 2017.

NVA, LLC
a Mississippi Limited Liability Company

BY: *Adalberto Valdez*
Adalberto Valdez, Member

**STATE OF MISSISSIPPI
COUNTY OF MADISON**

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 3rd day of August, 2017, within my jurisdiction, the within named **Adalberto Valdez** who acknowledged that he is a Member of **NVA, LLC, a Mississippi Limited Liability Company**, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

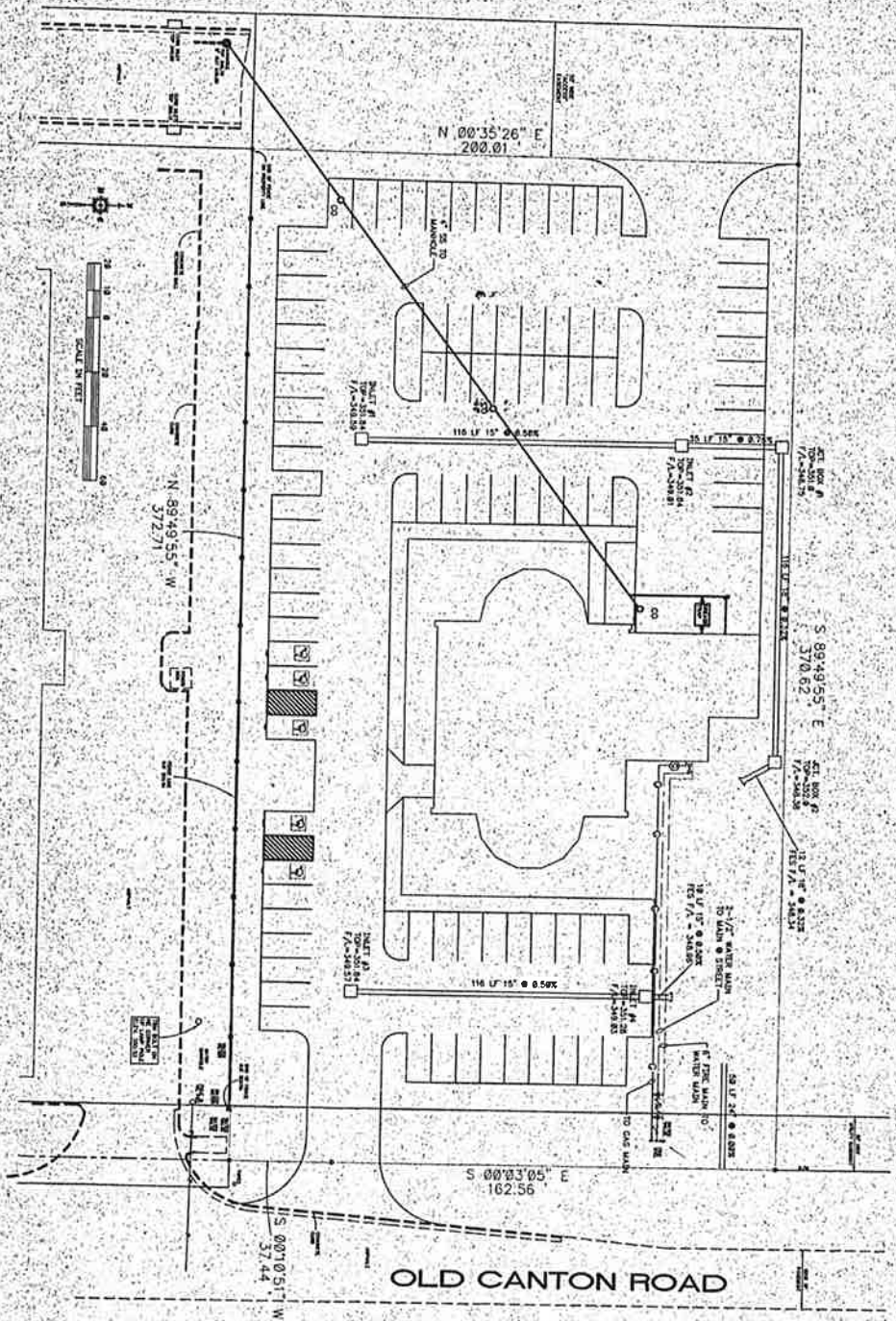
Don A. McGraw, Jr.
NOTARY PUBLIC

MY COMMISSION EXPIRES
1-18-2019
(SEAL)



L:\MMCO\damp\ACTIVE CASES\IWD 2017\NVA, LLC to [redacted] Madison Co. MS\IWD 8-1-17.wpd
File#2017-00561

NOTE: This plan is a preliminary site plan and is not to be used for construction purposes. It is intended to show the general location of the proposed building and parking areas. All dimensions and bearings are approximate and subject to change. The plan is based on the survey data provided by the owner. The plan is not to be used for any other purpose without the written consent of the architect.



DEFLECTION DATA
 STORAGE HEAD = 0.5 ACRE-FT
 STORAGE PROVIDED = 0.45 ACRE-FT
 BOTTOM 302.8
 SIDE SLOPED 44.6 S-1
 DISCHARGE PIPE = 20 LF 12" @ 0.80%

BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM
 SURVEY BY ROBERT B. BARNES DATED 6-27-01.

OLD CANTON ROAD

Exhibit C & E

PLUMBING SITE PLAN
 KEEGAN'S RESTURANT
 OLD CANTON ROAD
 RIDGELAND, MISSISSIPPI
 STATE

TOMPKINS and BARRON, ARCHITECTS
 6520 DOGWOOD VIEW PARKWAY
 GARDEN OFFICE, SUITE E
 JACKSON, MS 39213



11.0
 REVISIONS
 DATE: 11/10/01
 BY: [Signature]

Revised - 2/20/02

City of Ridgeland - GIS Mapping Portal



August 18, 2017

1:1,128
0 0.01 0.02 0.04 mi
0 0.02 0.04 km

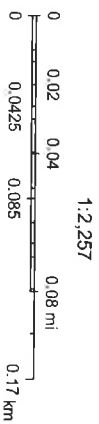
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Exhibit D

City of Ridgeland - GIS Mapping Portal



August 18, 2017



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Exhibit D