

## ORDER

There came on before the City Council the matter of granting an appeal hearing to Shikinia Kennedy, in regard to denial of her request for a special exception from City of Laurel Zoning Ordinance, Article IV, Section 406, Specific District Regulations, specifically to Subsection 406.02 (C-1), Uses Permitted, which states that “The following uses of property, buildings, or structures, for **specified stores, shops or business shall be retail/service establishments exclusively**, selling merchandise and conducted wholly within an enclosed building. Each store, shop, or business shall not exceed two thousand (2000) square feet of floor area. It is further provided that all waste material shall be kept within a sight obscuring enclosure. No drive-in or curb service shall be permitted.”

The petitioner requests that the City grant a one-year special exception which would allow the petitioner to perform vehicle repair and sell used vehicles in a C-1 Restricted Commercial District.

Special Exception is sought on property known as:

29-9-11 PARCEL OF LAND IN NW OF NW SEC 29 & IN NE OF NE SEC 30 City of Laurel/Jones County Parcel No. 135D-29-12-006.00 PPIN 15215. Also known as 2605 N 5<sup>th</sup> Ave.

The Planning Commission considered the above stated petition on May 9, 2019. After hearing testimony both pro and con, the Commission voted to recommend denial of the petition on the grounds that the Special Exception was improper to the neighborhood and would pose safety hazards.

Ms. Shikinia Kennedy requests that the City Council reconsider this petition and grant the special exception.

Councilperson Carmichael moved, seconded by Councilperson T. Comegys, that Shikinia Kennedy be granted a hearing before the Council on May 21, 2019 at 9:00 AM.

Upon roll call vote the result was as follows:

YEAS: Wheat, Thaxton, Carmichael, S. Comegys, T. Comegys

NAYS: None

ABSTAINING: None

ABSENT: Capers, Page

Following discussion of the hearing, Councilperson Carmichael moved, seconded by Councilperson Wheat, that the decision of the Planning Commission be upheld. That decision having been to deny the petition.

Upon roll call vote the result was as follows:

YEAS: Wheat, Thaxton, Carmichael

NAYS: S. Comegys, T. Comegys

ABSTAINING:

ABSENT: Capers, Page

The President thereupon declared the motion carried and the Order adopted, this the 21<sup>st</sup> day of  
May, A. D., 2019.

\_\_\_\_\_  
PRESIDENT OF THE COUNCIL

ATTESTED AND SUBMITTED TO THE MAYOR BY THE CLERK OF THE  
COUNCIL ON \_\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE COUNCIL

APPROVED ( ) DATE \_\_\_\_\_

VETOED ( ) DATE \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

\* \* \* \* \*

Min. of: 05/21/19; Bk. No: 101; Pg. No: \_\_\_\_\_; Agenda Item No: 3A3

Planning Commission Meeting  
May 9, 2019

BE IT REMEMBERED that a meeting of the Planning Commission of the City of Laurel was held on Thursday, May 9, 2019 at 5:30 PM in the Council Chambers of the Laurel City Hall.

Susan Vincent, chairman, called the meeting to order at approximately 5:30 PM. The secretary checked the roll and found the following members present: Rev. Jimmy Bunch; Bruce Gavin; Susan Boone Vincent; Brad Kent; Lew Yoder; Sandy Holifield (ex-officio). Also, present, was Judy Denham, Planning and Zoning Coordinator, who serves as secretary to the Commission.

Minutes of the last meeting were unanimously approved upon motion by Lew Yoder which was seconded by Bruce Gavin.

Purpose of the meeting was to consider the following in public hearing (complete legal description may be found in the petition file):

**Special Exception Docket No. SPE-18-02**, styled Mallorie and Jim Rasberry, 1118 N 6<sup>th</sup> Ave, Laurel, MS 39440, requesting a special exception to use a 2018 International Airstream rental on Airbnb.com. The RV will be located behind residence where it cannot be seen from the street. This property is located in Ward 2 and zoned R-1, Low Density Residential District, which does not allow for dependencies or for bed and breakfast usage. There is already one Airbnb on the property. This property was put on hold pending the writing of an Airbnb Ordinance, it has been requested by the Commission to bring it to a vote using the Ordinances in place for a bed and breakfast.

**Special Exception Docket No. SP-19-03**, styled Shikinia Kennedy, PO Box 2141, Laurel, MS 39442, requesting that a special exception be granted to do car repair and limited used car sales at 2605 N 5<sup>th</sup> Ave which is located in a C-1 zone. Permitted use for car sales is in a C-2, sec 407.02.05; Permitted use for car repair is in a I-3, sec 411.02.23. This property is located in Ward 4 and zoned C-1 which does not allow for car repair or sales.

**Zoning Change Docket No. Z-19-01**, styled Jeannine Howell, PO Box 31, Laurel, MS 39441, requesting that a zoning change be made to the property at 1704 W 12<sup>th</sup> St., which is currently zoned R-3, this zoning does not allow for Mini Warehouses. The permitted zone for Mini Warehouses is I-1, the petitioner is requesting a C-3 due to the fact that C-3 is the zoning for neighboring establishments. This property has a C-3 zoning to the north and across the street.

**Variance Docket No. V-19-01**, styled Jane Dalier, 45 Joshbury Circle, Laurel, MS 39443, requesting a variance from zoning regulations for signs in the C-4 district. The zoning code states only one free-standing sign is allowed. Currently the property has one free-standing sign. The petitioner is the other business owner going in to one building and would also like a free-standing sign. This property is zoned C-4.

Docket No. SP-18-02 which was an agenda item under old business was deleted during the work session. The Commission agreed unanimously to the deletion as there is no ordinance to properly vote on it.

The second item to be considered was the petition styled Shikinia Kennedy docket no. SP-19-03.

Ms. Kennedy spoke first and stated that there was a C-3 across the street. And that the previous owners did car repair. To which Rev. Bunch stated that the shop was actually a gas station with lifts only to do oil & tire changes. Rev. Bunch also stated that once an owner leaves a building the property reverts to its original zoning. Ms. Kennedy also stated that she asked for an exception because it was only for a year where a zoning change would be permanent.

Ms. Vincent asked if there was anyone in opposition to this exception and Ms. Angela Jolly stepped forward, she issued a petition of people in the neighborhood who were also opposed and pictures of the property. She stated that it is an eyesore to the community and very disruptive with revving of engines and screeching of tires. Ms. Jolly also noted that there has been an increase in traffic to the neighborhood. After this discussion Rev. Bunch motioned to deny the Special Exception and Mr. Gavin seconded, the motion passed unanimously. At this time, it was stated an appeal could be made to the council.

The next item to be considered was the petition styled Jeannine Howell docket no. Z-19-01.

The discussion was very brief it was decided that since the business that abuts this property is zoned C-3 it was in keeping to grant the zoning change. A motion was made by Mr. Yoder and seconded by Rev. Bunch to approve the zoning change the motion passed unanimously.

The last item to be considered was the petition styled Jane Dalier docket no. V-19-01.

The discussion centered mostly around where the sign would be placed and Ms. Dalier said they would be putting in the grassy area closer to the down town side, that it would not be placed on the corner where the other ground mounted sign exists. A motion was made by Mr. Gavin and seconded by Mr. Kent to approve the variance the motion passed unanimously.

There being no other matters before the Commission a motion was made by Mr. Yoder and was seconded by Rev. Bunch to be adjourned the motion passed unanimously at 6:00 PM.

Respectfully submitted,

---

Susan Vincent, Chairperson

---

Judy Denham, Planning and Zoning Coordinator/Secretary to the Commission

/jd