

The City Council took up for consideration the matter of a certain proposed change in or amendment to the City of Laurel Comprehensive Zoning Ordinance, and to the zoning map of the City of Laurel. A petition has been filed by Laurel Eye Land LLC by Dr. J. M. “Bo” Beddingfield, 11 Pineridge Cove, Ellisville MS 39437, under Docket No. Z-18-01, requesting a zoning change from R-1, Low Density Residential District, to C-3, Heavy Commercial District, for the purpose of constructing a building, which will house Laurel Eye Clinic PC and Gibson Optical, at 1538 Old Amy Rd.

This request was heard by the Planning Commission in a regularly scheduled meeting on May 10, 2018 at which time, after hearing testimony both pro and con, the Commission recommended a zoning change to the lesser classification of C-1, Restricted Commercial District, as it would allow the petitioner to proceed with his plans and would prevent the possible undesirable uses allowed under C-3. The Commission recommended a conditional zoning change, which has been recognized by the Mississippi Supreme Court and the Court of Appeals as valid. This conditional zoning would allow the C-1 zoning on the condition that construction on the property be limited to a medical office and that the zoning be repealed if the construction of said office is not commenced within 18 months from the date the zoning change becomes effective.

The Council considered and approved the recommendation from the Planning Commission that the conditional zoning change be approved.

Whereupon motion was made by Councilperson Wheat, seconded by Councilperson Capers, for approval of the second reading of the following amendment to the City of Laurel Comprehensive Zoning Ordinance, the first reading having been approved at a regular meeting on May 22, 2018.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Laurel that the City of Laurel Comprehensive Zoning Ordinance be and the same is hereby amended as follows:

ORDINANCE NO. 1682-2018

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF LAND SITUATED IN THE CITY OF LAUREL, AND MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM R-1, LOW DENSITY RESIDENTIAL DISTRICT, TO C-1, RESTRICTED COMMERCIAL DISTRICT, ON THE ZONING MAP OF THE CITY OF LAUREL, MISSISSIPPI UNDER THE CONDITIONS AS OUTLINED WITHIN

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL of the City of Laurel, Mississippi:

SECTION I. That the zoning classification of the property described as follows:

30-9-11 A parcel of land in the SW of NW also in the SE of NE of 25-9-12 (City of Laurel/Jones County Parcel No. 134B-30-04-002.02 PPIN 30746. Also known as 1538 Old Amy Rd) This property is in Ward 2.

be and it is hereby changed from R-1, Low Density Residential District, to C-1, Restricted Commercial District, on the zoning map of the City of Laurel under the following conditions:

- A. That the zoning change be granted for construction of a medical office and that no type of construction other than a medical office and attendant accessory use be allowed; and
- B. That if the construction of said medical office is not commenced within 18 months, said zoning change will be repealed.

SECTION II. That this being its second reading, this ordinance shall become effective one month from and after its passage.

SO, ORDAINED this the 5th day of June, A.D., 2018.

Upon roll call vote, the result was as follows:

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

NAYS: None

ABSTAINING: None

ABSENT: None

The President thereupon declared the motion carried and the second reading approved this the 5th day of June, 2018.

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: 06/05/18; Bk. No: 101; Pg. No: _____; Agn. Itm. No: 4I

BE IT REMEMBERED that a public hearing of the Planning Commission of the City of Laurel was held on Thursday, May 10, 2018 at 5:30 PM in the Council Chambers of the Laurel City Hall.

Hailie Gaddy, chairman, called the meeting to order at approximately 5:30 PM. The secretary checked the roll and found the following members present: Satish Amin; Rev. Jimmy Bunch; Bruce Gavin; Sandy Holifield; Faye Jackson (ex-officio); Felicia Jackson; Brad Kent; LaTonya Lewis; Lew Yoder; and Mr. Gaddy. Excused absences were granted to: Louis Crumbley; Judi Holifield (ex-officio); Tito Lanier (ex-officio); Susan Boone Vincent; and Dr. John Wallace. Also present were the petitioners, Judy Denham, Administrative Assistant Inspection Department; Susan Norman, Planning and Zoning Coordinator, who serves as secretary to the Commission; and approximately 14 other interested persons.

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

1. Zoning Change Docket No. Z-18-01, styled Laurel Eye Land LLC by Dr. J. M. “Bo” Beddingfield, requesting a zoning change from R-1, Low Density Residential District, to C-3, Heavy Commercial District, to construct a building, which will house Laurel Eye Clinic PC and Gibson Optical, on the property described as 1538 Old Amy Rd. This property is in Ward 3.

2. Variance Docket No. V-18-01, styled New Venture Properties, requesting a variance from Section 604.01 of the Comprehensive Zoning Ordinance which limits the height of a fence which extends past the front line of a house or is in the front yard of a property to four (4) feet. Variance is requested to retain the six (6) foot fence on the side of the property extending past the front building line. Said fence is located at 2337 Arlington Lane. This property is in Ward 3 and zoned R-1, Low Density Residential District.

Dr. Beddingfield spoke for his petition. He said he had business in Hattiesburg before opening an office in Laurel. He outlined a practice of striving for the type of treatment one would receive in a university atmosphere. He also spoke to a high degree of technical application. Dr. Beddingfield said he had considered other sites, some already commercially zoned, but felt this was the best site. He said he respected the opinions of his opposition.

The question of why C-3 was chosen was discussed a length, with Dr. Beddingfield saying it was not his request. Ms. Norman verified that the application an in with a no specific zoning noted but C-3, being contiguous, was chosen with the knowledge that a lesser zone could be chosen at the meeting.

Dr. Beddingfield said that he did not want a “mega-clinic” but a building with a “pleasing façade”. He discussed parking and various insurance concerns. He also said he felt that this would a better use of the property rather than its remaining rental property

Rev. Bunch discussed providing accurate entry and exit points for emergency vehicles.

Mr. Kent asked for a time frame on construction. Dr. Beddingfield said if his petition was granted the groundbreaking would be within 18 months. He then distributed photos depicting the type of clinic he envisioned.

Mr. Kent said that it was routine to ask for the contiguous zoning, but the Commission was considering going down to C-1, Restricted Commercial, and restricting the use to a medical clinic only. The petitioner said he would accept that.

Dr. Beddingfield said that his office would be open Monday through Friday, 8 AM to 5 PM. He normally not open on Saturday but would open on an emergency basis if necessary.

Several persons voice opinions on the rezoning.

Faye Britt, 1525 Old Amy Road, was much opposed. She said that she had lived on Amy Rd since 1974. She referenced the sharp curve that made travel on the Amy Road dangerous and bemoaned the increase in traffic the clinic would bring.

She did not feel any of the three reasons recognized as a basis for zoning—mistake in original zoning, need for additional property in zoning classification, or change in the character of the neighborhood—applied in this case. She was opposed to reasons stated in C-3 and questioned what would be built. She said he already had a nice office in Laurel and felt he was getting “cheap property at the expense of the neighborhood”. Mrs. Britt said there was ample commercial property elsewhere but not much residential and she lamented the encroachment of commercial in her residential neighborhood.

John Adamson, 1433 Old Amy, was “extremely opposed” to the rezoning but “not as opposed to the clinic”. He asked that a variance be granted instead as a zoning change would open the door to other changes. Mr. Yoder said a variance was not an option but a C-1 with restrictions was an option. The restriction would go with the sale.

Barbara Adamson asked again about a variance. Ms. Norman explained that variances were to setbacks, signage, and similar but not to zoning uses.

Jonathan Strickland of the First (bank) discussed the property location. Ms. Norman noted that an R-3 or R-4 would have been a choice as both allow medical clinics but the clinic must be below 3000 square feet. Dr. Beddingfield is proposing a 3400 square foot building.

Danielle Herron, 1529 Old Amy Rd, said she and her husband consider theirs a “forever home”. She respected what the petitioner was doing and his plans for the property. She said she was for the zoning change as there had been problems with the property as a rental house.

James and Gwendolyn Tucker, 1515 Old Amy Rd, were concerned about green space to cover the back of the building.

The Adamsons said they preferred an R-4 change.

Dr. Beddingfield said he would consider reducing the size of the clinic. He said he was planning to buy an adjacent R-1 property if the zoning was approved. This property would stay R-1, he said, and provide green space.

Mrs. Britt again referred to traffic problems and the petitioner discussed parking.

There being no further discussion, Mr. Kent moved with a second by Rev Bunch to recommend a C-1 zoning on the condition that construction on the property be limited to a medical office and that the zoning be repealed if the construction of said office is not commenced within 18 months. When put to a vote, the motion unanimously passed.