

## ORDER

There came on before the City Council the matter of granting an appeal hearing to Darren Barnett, in regard to denial of his request for a special exception from City of Laurel Zoning Ordinance, Article IV, Section 406, Specific District Regulations, specifically to Subsection 406.02.06 (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 sell merchandise in a R-1 Low Density Residential District.

Special Exception is sought on property known as:

GEN DESC 29-9-11 COMM AT A CONCRETE MARKER AT THE SEC OF CW OF NW A LOT 85.01' BY 121' DESC AS LOT 4 HORN SUB DIV (City of Laurel/Jones County Parcel No. 135D-29-13-019.00 PPIN 15256. Also known as 2402 N 1<sup>st</sup> Ave)

The Planning Commission considered the above stated petition on August 9, 2018. 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.

Mr. Darren Barnett requests that the City Council reconsider this petition and grant the special exception.

Councilperson Capers moved, seconded by Councilperson T. Comegys, that Darren Barnett be granted a hearing before the Council on August 21, 2018 at 9:00 AM.

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

Following discussion of the hearing, Councilperson Carmichael moved, seconded by Councilperson Thaxton, that the decision of the Planning Commission be upheld and the special exception request of Darren Barnett be denied.

The President thereupon declared the motion carried and the Order adopted, this the 21<sup>st</sup> day of August, A. D., 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: 08/21/18; Bk. No: 101; Pg. No: \_\_\_\_\_; Agn. Itm. No: 3A3

Planning Commission Meeting  
August 9, 2018

BE IT REMEMBERED that a meeting of the Planning Commission of the City of Laurel was held on Thursday, August 9, 2018 at 5:30 PM in the Council Chambers of the Laurel City Hall.

Haile Gaddy, 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; Brad Kent; Dr. John Wallace; Susan Boone Vincent; Lew Yoder; Sandy Holifield (ex-officio); Judi Holifield (ex-officio) and Mr. Gaddy. Excused absence was granted to Louis Crumbley. Also present were the petitioners; Julie White; Lisa Cochran and husband; Darren Barnett; Marie Pryor, General Manager of PDI; adjoining property owners; and Judy Denham, Planning and Zoning Coordinator, who serves as secretary to the Commission.

Minutes of the last meeting were unanimously approved upon motion by Mr. Gavin which was seconded by Mrs. Vincent.

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

1. Special Exception Docket No. SPE 18-05, styled Kinnon Speights, 703 N 11<sup>th</sup> Ave, Laurel, MS 39440, Petitioner seeks renewal of Special Exception to allow a Day care at 703 N 11<sup>th</sup> Avenue. Day Care is not allowed in R-2 but is allowed in R-3: 404.02.08 Kindergarten, child care center. This property is located in Ward 6.
2. Special Exception Docket No. SPE 18-06, styled Green Lumber Company (Robert Hynson), 1022 Hillcrest Drive, Laurel, MS 39440, Petitioner seeks Special Exception for Gymnastic Business in an I-3 Zone which is only allowed in zone C1A and C1B. This property is located in Ward 1
3. Special Exception Docket No. SPE 18-07, styled Lisa Cochran, 205 10<sup>th</sup> Street W, Laurel, MS 39440, Petitioner seeks Special Exception to help disadvantaged, homeless, and/or battered women by way of Group Home/Transitional Housing which are not allowed in R-2 but are allowed in R-3: 404.02.12 Group Homes/Dwellings. This property is located in Ward 5.
4. **Special Exception Docket No. SPE 18-08, styled Darren Barnett, 2402 N 1<sup>st</sup> Ave, Laurel, MS 39440. Petitioner seeks Special Exception to sell candy and Ice Cream which is not allowed in the R-1 Residential district. This activity is allowed in the C1 District: 406.02.06 Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery. This property is located in Ward 4**
5. Variance Docket No. V-18-02, styled Barry Beard, 330 S Magnolia Street, Laurel MS 39443, requesting a variance from Section 408.03 of the Comprehensive Zoning Ordinance which states there shall be a 15-foot set back in a C-3 district. Petitioner desires to build a small deck on a zero-set back at the property. This property is located in Ward 6.

First item to be considered was the petition from Mr. Speights,

It was stated by the Secretary that this was a renewal of a previous Special exception and that they would like to put a day care in this building. When put to a vote, the motion unanimously passed.

Second item to be considered is the petition from Green Lumber Company, allowing a Gymnastic business in an I-3 Zone. After a brief discussion when put to a vote, the motion unanimously passed.

Next came the petition from Mrs. Cochran for transitional housing for women, there was a small presentation of sorts to express her desire for this project. Rev. Bunch questioned if they would be required to pay rent and Mrs. Cochran responded that they would but initially they would receive the help of many different donors. Also, there will be a covenant drawn up and adhered to. The women would be allowed to also house their children.

In opposition to the petition were Gertrude Reed of 1014 N 2<sup>nd</sup> Ave, she stated that although the neighborhood is rough they knew everyone and this would bring strange people into the neighborhood. Also, that children walk to school and know their neighbors. Mr. Rashidi McCormick asked questions such as would there be anyone on site and that it is very dirty. Mrs. Vincent stated she could see it from where she lives and knows that no good happens there. Rev. Bunch also stated that if it didn't work out as a citizen you could lodge a complaint with the police. Mrs. Cochran in response noted that they have already begun to pick up the place and have booted drug dealers out of there. Also, that a pastor and his wife would be staying on the premises and would be able to offer supervision and counseling. She offered to take them both down to the neighborhood and show them what her vision was for the property. After this discussion when put to a vote, the motion unanimously passed.

**A petition concerning Darren Barnett was next on the agenda, he stated he was going to put a 12X12 portable building on the property and sell candy and chips during daylight hours. Mr. Barnett also stated that children are up and down that street and there are no safety hazards and wouldn't be a problem.**

**Mr. McDuffie was in opposition of this petition citing that it is already a busy intersection and would be highly unsafe for the children. After a brief discussion when put to a vote, the motion was denied with one vote to approve made by Rev. Bunch.**

**The Secretary explained to Mr. Barnett his right to appeal to the City Council, and he agreed that was what he wanted to do. This appeal will be scheduled for the August 21, 2018 Council Meeting at 9:00 am.**

Finally, there came before the Commission the petition to approve a deck on what is considered the front of PDI. Present was the General Manager, Marie Pryor. There was discussion on the zero set-back requested in the petition. Also discussed was the safety of the deck being so close to the road. After discussion when put to a vote, the motion unanimously passed provided the petitioner shows to the Inspection Department the safety measures it will take.

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There being no other matters before the Commission the meeting was adjourned by mutual consent at 6:30 PM.

Respectfully submitted,

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Haile Gaddy, Chairman

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

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