

**ORDER APPROVING AND GRANTING A CONDITIONAL USE PERMIT
ALLOWING A FIREWORKS STAND ON PROPERTY LOCATED AT 120 YANDELL
ROAD, BEING PARCEL NO. 082H-27-023/07.00, IN A DISTRICT ZONED C-2,
CITY OF GLUCKSTADT, MADISON COUNTY, MISSISSIPPI**

THERE CAME ON for consideration by applicant, Outlets of Mississippi, LLC, the issue of whether a Conditional Use allowing a fireworks stand in a district zoned C-2 in the City of Gluckstadt, Mississippi, should be permitted. The Mayor and Board of Aldermen hereby find as follows:

WHEREAS, Applicant now requests the governing authorities of City of Gluckstadt, Mississippi, to grant a Conditional Use as permitted by Section 2202 for the property described herein, which property is located in a C-2 Highway Commercial District, under the City of Gluckstadt's Official Zoning Ordinance of Dec. 16, 2021, to Applicant, allowing a fireworks stand in a district zoned C-2, specifically Parcel No. 082H-27-023/07.00, located at 120 Yandell Road in the City of Gluckstadt; and

WHEREAS, the Applicant advises the City the real property is owned by B & H Properties, Inc., and Applicant is planning a firework stand; and

WHEREAS, the City of Gluckstadt scheduled a public hearing on said Petition for May 24, 2022, at 6:00 o'clock p.m. After review of the Application by the Planning and Zoning Commission of the City of Gluckstadt – the Board was advised that the Planning and Zoning Commission at its May 24, 2022, meeting, recommended denial of the Application; and

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Gluckstadt were accomplished – the City Clerk did cause notice of the May 24, 2022, hearing to be published in the Madison County Journal, a newspaper of general circulation in the City of Gluckstadt, Madison County, Mississippi, in the manner and for the time required by law, and

did post notice of same upon the affected property in the manner and for the time required by Section 811.02 of the Zoning Ordinance of the City of Gluckstadt and by law; and

WHEREAS, at the time, date and place specified in the City's public notice, the Planning and Zoning Commission of the City of Gluckstadt, Mississippi, did conduct a full and complete public hearing on the Application on May 24, 2022, and received comments and heard evidence presented by the Applicant and by all others desiring to be heard, whether in support of or in opposition to the Application; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of its May 24, 2022, meeting recommended in writing that the Board of Aldermen deny the request for a Conditional Use; and

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the property and existing land uses within the City of Gluckstadt and in the area of the City where the property is located, and in acting on this Order, have duly considered the matters and facts within their personal knowledge as same affect the land uses required in the Application;

BE IT HEREBY ORDERED by the Mayor and Board of Aldermen of the City of Gluckstadt, Mississippi, that the request of Applicant to grant a Conditional Use for Parcel No. 082II-27-023/07.00, located at 120 Yandell Road in the City of Gluckstadt for a fireworks stand is hereby granted; such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Gluckstadt, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.
2. The written 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 need for the Conditional Use.
4. The requested designation of a fireworks stand falls within an allowable use of a Conditional Use of the Zoning Ordinance. Fireworks are now or may be classified as “common fireworks,” as defined by Miss. Code Ann. § 45-13-1 (Rev. 2015).
5. The subject property described herein, below, is within a zoning district zoned C-2:

See attached published notice.

Otherwise known as Parcel No. 082H-27-023/07.00, located at 120 Yandell Road.
6. The Conditional Use will promote the general welfare of the City of Gluckstadt and will not adversely affect the public interest or adjacent property. Future projects within the designation area will remain subject to the Zoning Ordinance and approval of site plans or other matter will allow the City to continue to monitor the area.
7. The establishment of this Conditional Use is not detrimental to the public health, safety, or general welfare, and this Conditional Use is compatible with the existing and intended character of the surrounding zoning district.
8. The Mayor and Board of Aldermen find that all portions of Section 805.01 (A) - (I) of the Zoning Ordinance have also been complied with and that all requirements of Section 805.01 (A) - (I) of the Zoning Ordinance are satisfied based upon the presentation of the applicant and all documents presented to the Planning and Zoning Commission and to the Mayor and Board of Aldermen.
9. The granting of this Conditional Use does not relieve the requested use from compliance with any applicable law, court order, covenants, or contracts.

10. The Conditional Use is granted with the following additional conditions:

Expiration date of January 3rd, 2023 &
must refile application with city for cond. use.

ORDERED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the City of Gluckstadt, Madison County, Mississippi, at a regular meeting thereof held on the 14 day of June 2022.

The foregoing Order, having been reduced to writing, Alderman Powell moved that said Order be adopted. Alderman Slay seconded. The vote was as follows:

Alderman Miya Warfield-Bates voted:

Yay

Alderman Jayce Powell voted:

Aye

Alderman Richard Wesley Slay voted:

Aye

Alderman John Taylor voted:

Aye

Alderman Lisa Williams voted:

Yay

Whereupon, the Mayor declared the Motion carried and the Order approved and adopted.

SO ORDERED, this the 14 day of June 2022.

CITY OF GLUCKSTADT, MISSISSIPPI

BY: Walter Morrison
WALTER C. MORRISON, IV, MAYOR

ATTEST:

BY: Lindsay Keller
LINDSAY KELUM, CITY CLERK

[SEAL]