



**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, July 8, 2014
CITY HALL - COURT ROOM,
101 E. LAMPKIN STREET, 5:30 PM**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. ROLL CALL
- IV. CONSIDERATION OF THE OFFICIAL AGENDA
- V. CONSIDERATION FOR APPROVAL MINUTES
 - A. Consideration of the March 11, 2014 minutes
 - B. Consideration of the May 13, 2014 minutes
 - C. Consideration of the June 10, 2014 minutes
- VI. CITIZEN COMMENTS
- VII. OLD BUSINESS
- VIII. NEW BUSINESS
 - A. CU 14-02: Request for Conditional Use approval for allowing a mobile home on a lot currently zoned R-5. Lot is located at 317 Apple Street.
 - B. FP 14-05: Requesting for Final Plat approval for Huntington Subdivision Phase 8 Part 7. The request includes 8 lots totally 2.17 acres located on the south side of Kinston Court. Property is currently zone R-4
 - C. PP 14-06: Requesting for Preliminary Plat approval for correction of improper subdivision. Subdivision is located on the north side of Butler Road. Property is currently zoned R-6.
 - D. FP 14-06: Requesting for Final Plat approval for correction of improper subdivision. Subdivision is located on the north side of Butler Road. Property is currently zoned R-6.
- IX. PLANNER REPORT
- X. ADJOURN

The City of Starkville is accessible to persons with disabilities. Please call the ADA Coordinator, Mr. Joyner Williams, at (662) 323-2525, ext. 121 at least forty-eight (48) hours in advance for any services requested.

APPROVED

**MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF MARCH 11, 2014
THE CITY OF STARKVILLE, MISSISSIPPI**

The Planning & Zoning Commission of the City of Starkville, Mississippi, held its regularly scheduled meeting in the City Hall Courtroom at 101 E. Lampkin Street, Starkville, Mississippi, commencing at 5:30 PM. The meeting was called to order by Commission Chair Jerry Emison. Present were Commissioners Michael Brooks, Jerry Emison, Dora Herring, James Hicks, Ira Loveless, John Moore, and Jeremy Murdock. Also attending were City Attorney Chris Latimer, City Planner Buddy Sanders, CAO Taylor Adams, City Engineer Edward Kemp, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated March 11, 2014. Upon the motion of Commissioner Murdock, which was seconded by Commissioner Hicks, the Commission voted unanimously to approve the written agenda as presented.

**CONSIDERATION FOR APPROVAL
OF THE MINUTES OF THE MEETING OF JANUARY 14, 2014**

Chair Emison called for consideration of approval of the January 14, 2014, minutes. Commissioner Herring moved to approve the minutes, seconded by Commissioner Moore, and the resulting vote for accepting the minutes was unanimous.

CITIZEN COMMENTS

Chair Emison asked if any member of the public cared to address the Commission regarding items not already on the Agenda, reminding them of the Public Hearing on the Agenda and that comments regarding proposed items would be called for at the appropriate time. Dr. Milo Burnham from Ward 2 came forward to ask the Planning & Zoning Commission to address the Board of Aldermen's unanimous reversal on February 18 of a unanimous recommendation made by the Planning & Zoning Commission. Commissioner Herring stated that the Commission serves as an advisory one; Commissioner Murdock responded that the P&Z Commission's decision was made after lengthy deliberation; and Chair Emison responded that, although he didn't vote that night, the Commission's action speaks for itself.

OLD BUSINESS

Chair Emison stated that RZ 13-08, which is currently listed as New Business, is actually Old Business, having been tabled back in July, and he called for a motion to lift RZ 13-08 from the

table. Commissioner Murdock moved to lift RZ 13-08 from the table, seconded by Commissioner Loveless, and the Commission voted unanimously to lift RZ 13-08 from the table.

**RZ 13-08: Request by the Catholic Diocese of Jackson
to rezone property located at or near 102 North Nash Street,
or Lots 16, 17, and 18 of Block 28, from R-1 Single Family to B-1 Buffer District**

Chair Emison asked the City Planner to introduce item RZ 13-08, a Public Hearing noticed by the City of Starkville to rezone property located at or near 102 North Nash Street, or Lots 6, 17, and 18 of Block 28, from R-1 Single Family to B-1 Buffer District.

City Planner Buddy Sanders presented the Applicant's request, stating that when a submission for the rezoning came before the Planning & Zoning Commission on July 24, 2013, neighbors in the Nash Street area expressed concern regarding storm water runoff and traffic issues that potentially could be created by the rezoning. Questions came up regarding the number of parking spaces, number of cars at church services/events, gravel, landscaping, and site design, so the request for a rezoning by the Catholic Diocese of Jackson was tabled until additional information could be provided. Mr. Sanders stated that in the interim, the applicant has submitted a site plan/landscape plan illustrating 29 parking spaces and the requisite landscaping. Additionally, the applicant submitted storm water documentation. Notice for this public hearing was given by mail to adjacent property owners within 300 feet of the subject parcels on February 24, 2014; a notification sign was placed on North Nash Street; and an ad was placed and published in the February 24, 2014, edition of the *Starkville Daily News*.

There are multiple zoning districts and uses adjacent to the subject properties. Saint Joseph Catholic Church is located to the east, in a T-5 zoning district. Located to the south are a convenience store, rental unit(s), and offices facing University Drive, which are also in a T-5 zoning district. To the west are multi- and single-family uses in T-5, C-2, and R-3 zones. The property to the north is owned by the applicant and contains a parking lot that was Approved by Exception in 1994 as R-1.

Mr. Sanders continued with a slide presentation, which depicted the proposed plan of use for the property. Chair Emison reminded the Commission that, although helpful to view renderings of plans for the land, the rezoning to be considered would be a land-use decision, not a site-plan approval, unless conditions are attached that make the presented material necessary. After the presentation, Mr. Sanders listed the criteria for rezoning:

Per Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A, of the City of Starkville Code of Ordinances, the Official Zoning Map may be amended only when one or more of the following conditions prevail:

- 1. Error: There is a Manifest Error in the ordinance and a Public Need to correct the error.**

There are no errors in need of correction with either the ordinance or zoning map.

2. Change in Conditions.

Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

City Planner Sanders also described the Proposed Rezoning's Consistency with the Comprehensive Plan and detailed how, in particular, the rezoning would engender growth and the protection of Nash Street. He reported that the City Engineering Staff has reviewed the storm-water and site-plan information and has made the following comments:

- It is suggested that the driveway entering the street be approximately 10 to 15 feet of concrete apron to prevent the gravel from the parking lot from entering the public roadway.
- It is suggested to either have turnarounds at the end of each dead-end driveway or provide a north/south connector from each drive to allow for easier and safer exit in the instances where all the parking spaces on that aisle are full.
- Per the provided storm-water calculations, the post development runoff volume for the two- and 10-year storm events is less than or equal to the predevelopment runoff volumes for those same storm events. Historically, the inlets located on Nash Street have had issues with flooding during heavy rain events. These inlets drain the water from Nash Street roadway, as well as a large majority of the Catholic Church campus. It is suggested, if the Catholic Church is agreeable, to provide an additional inlet and corresponding pipe, which would be located on the Catholic Church property near the northwest corner of the site, that will collect and convey the water from the Catholic Church campus to the existing inlet and storm sewer instead of discharging this storm water into the roadway.

Mr. Sanders continued the presentation by stating the positive Economic Effects the rezoning would have on the subject property (no additional property taxes from a non-profit entity and creation of jobs from the construction), the Orderly Development (any development proposal for the subject property would be required to conform to the City's land development regulations and would require review by the City's Development Review Committee prior to the commencement of any construction activities), and the Public Need for the Rezoning (the construction of a parking lot would allow for additional off-street parking, creating a safer parking option).

Public input from notice consisted of two calls asking for additional information on the Public Hearing and one call voicing support of the Rezoning.

STAFF RECOMMENDATION:

At the conclusion of his presentation, Mr. Sanders stated that if the Planning & Zoning Commission decides to approve the Applicant's rezoning request from R-1 Single Family to B-1 Buffer, Staff recommends the following conditions:

1) North Nash Street traffic flow recommendations:

a.) Access to parking lot from North Nash Street should be right-turn in only;

-or-

b.) No access allowed from North Nash Street.

2) Existing trees should be preserved, and proper measures should be used during and after construction to protect existing trees.

3) If property is ever developed, current trees on the subject properties shall not be cut.

4) Storm water runoff should be addressed to the satisfaction of the City Engineer (see three bullet points on previous page).

Chair Emison asked City Attorney Latimer if item 4 would be specific enough to be actionable, and Mr. Latimer queried the City Engineer, who stated that more specific actionable conditions would be preferable. Mr. Latimer suggested using the wording in the Staff Report in the bullet points on page 4 (in these minutes on page three), which was agreed upon by the City Engineer.

Mr. Loveless suggested that condition number 3 would be too stringent to hold in perpetuity, and Commissioner Emison stated that although he agreed, amendments could be made to the conditions further along in the process.

Chair Emison called for other questions and then opened up the Public Hearing to comments, first from the Applicant. Mr. Jeff Artigues gave a brief history of the presence of the Catholic Church in Starkville. Over the past decade, church membership has increased, and since numbers have continued to grow, available parking is necessary. The church has consulted an engineer and a design group, who averred that potential problems with runoff water can be avoided and that the green areas will be preserved. He went on to describe the proposed improvement in landscaping, as well as the current parking conditions, showing a need for more parking for the church's three masses on Sundays. A parking analysis was done, and the projection in 2009 based on 2 percent growth shows that in 2015, 163 spaces would be needed; the church currently has 139, so church growth has exceeded that growth projection. In addition, he presented photos of overflow parking in the neighborhood, as well as images of trees that will be preserved throughout the process. He addressed the concern about access to Nash Street and proposed that

limiting the access would not reduce the traffic on Nash Street, since drivers would turn on Nash regardless. He reminded the Commission that the traffic issue would occur only on Sundays.

After Mr. Artigues's presentation, Commission Chair Emison called for questions. City Attorney Latimer asked for and received clarification from Mr. Artigues that all his materials in his report were to be part of the public record. Mr. Emison asked if the conditions specified in the Staff Recommendations were acceptable to the church, and the Applicant agreed that they were generally acceptable.

Chair Emison opened the floor for citizen comments, and John Hamilton signed in to comment. Mr. Hamilton expressed concern over rain events and explained that water channels down the sidewalk onto his driveway and then onward to a low point, so he asked that the runoff issue would be addressed. Secondly, he asked if the church would allow parking in their lot on game days, which would make more traffic on days in addition to Sundays; efforts have been made to ameliorate game-day traffic on Nash Street, and he is concerned that a high-traffic situation on Nash Street will return as a result. Thirdly, he requested that the school bus be parked elsewhere besides on the street.

Following Mr. Hamilton's comments, Commissioner Herring asked for clarification regarding the runoff situation depicted in Mr. Hamilton's photos, whether they depicted the current situation, and if he thought the parking lot would make the situation worse. Mr. Hamilton agreed that from the engineer's report, the parking lot wouldn't make things worse. Commissioner Herring noted that even though the parking lot would not make the situation worse, Mr. Hamilton would like consideration for making the water runoff situation better through the process of building a parking lot.

The next citizen to comment was Mr. Boyle, who spoke of his appreciation for the careful effort taken to consider what was best for Nash Street, but his concern is that, should the request be taken to the Board of Aldermen for their approval, the conditions placed in the Staff Recommendation would not be maintained.

Next to address the Commission was Cindy Miller, of 112 North Nash, who spoke of her yard's drainage problems resulting from the Catholic Church's construction of the previous parking lot. Additionally, she is concerned about protecting the historic significance of the neighborhood and that she would be against any ingress or egress on Nash Street because of the street being used as a cut through and wondered if any effort would be made (e.g., an entry gate) to prevent cars from driving through the parking lot during non-church services. She also wanted verification that a rumored long-range plan for the gravel parking lot would be prevented in the future. She also proposed installing traffic calming devices as a solution.

Cindy Harris, a parishioner of St. Joseph Catholic Church, came forward to say that St. Joseph has been known as a good partner to the community and that the church's plans for landscaping would improve the current look of the neighborhood.

Mike Ryan, who owns the rental property across the street from St. Joseph and who is a parishioner of the church, addressed his concern regarding the wording in the condition attached to the Staff Recommendation that would prohibit trees being cut down for any reason. Mr. Ryan also stated that the proposed lot is not part of the historical district and shouldn't be treated as such. Regarding the water-runoff issue and traffic-flow issues, he argued that Nash Street isn't the only area affected by drainage problems and that it is the best route to 182; the drains are old, and the parking lot will not affect a traffic situation that is not likely to change. He said that St. Joseph's current landscaping is evidence of their concern for aesthetics, and they are in dire need of parking space.

After the citizen comments, Chair Emison closed the Public Hearing and opened the discussion for the Commissioners to deliberate on the matter of rezoning the property from R-1 to B-1. Commissioner Murdock expressed concern with rezoning the property to B-1, because it would open the door to many other uses, and a B-1 Buffer District is a designation intended more for urban sprawl areas. The evidence for the needed Change in Conditions criterion is not met in this case, because the changes have been more toward historic preservation, not urban sprawl. Additionally, the parking lot usage would need to be approved through Conditional Use, regardless, so perhaps another zoning designation would be more appropriate. He suggested that one solution would be to aggregate into one all the church property, which is currently zoned T-5; rezoning to a Transect District would not change the current plan, and worries would be alleviated about future use and preservation of the historic district. Commissioner Herring suggested that in order to move forward, the board could approve the B-1 rezoning and apply specific conditions to prevent unwanted outcomes.

After much discussion regarding the type of district designation that would be appropriate for the Change in Conditions and Public Need, Commissioner Loveless moved, and Commissioner Herring seconded, that the Planning & Zoning Commission grant the Rezoning Request from R-1 Single Family to B-1 Buffer, based on Change in Neighborhood, Change in Conditions, and Public Need for parking as demonstrated, subject to the following conditions:

- A. Existing trees should be preserved and proper measures should be used during and after construction.
- B. Storm-water runoff should be addressed to the satisfaction of the City Engineer as specified by the following three bullet points:
 - It is suggested that the driveway entering the street be approximately 10 to 15 feet of concrete apron to prevent the gravel from the parking lot from entering the public roadway.

- It is suggested to either have turnarounds at the end of each dead-end driveway or provide a north/south connector from each drive to allow for easier and safer exit in the instances where all the parking spaces on that aisle are full.
- Per the provided storm-water calculations, the post development runoff volume for the two- and 10-year storm events is less than or equal to the predevelopment runoff volumes for those same storm events. Historically, the inlets located on Nash Street have had issues with flooding during heavy rain events. These inlets drain the water from Nash Street roadway, as well as a large majority of the Catholic Church campus. It is suggested, if the Catholic Church is agreeable, to provide an additional inlet and corresponding pipe, which would be located on the Catholic Church property near the northwest corner of the site, that will collect and convey the water from the Catholic Church campus to the existing inlet and storm sewer instead of discharging this storm water into the roadway.

C. Items from the Staff Recommendation report, below, amended to replace “right-turn in only” in 1a with “from the north or the south”:

1) North Nash Street traffic flow recommendations:

a.) Access to parking lot from North Nash Street should be entry from the north or the south;

-or-

b.) No access allowed from North Nash Street.

2) Existing trees should be preserved, and proper measures should be used during and after construction to protect existing trees.

3) If property is ever developed, current trees on the subject properties shall not be cut.

4) Storm water runoff should be addressed to the satisfaction of the City Engineer.

D. Ingress/egress from the north or the south be allowed to a 12-foot drive at the southwest corner of lot.

E. The use be restricted to gravel parking lot or other similar church-related function.

F. The landscaping plan be implemented.

The motion carried by a vote of four Commissioners in favor and two Commissioners against.

RZ 14-02: “Cottages at Starkville Station”, LLC, Rezoning request of 4.03 acres located west of the Starkville Station RV Park or at the end of R.V. Way

City Planner Buddy Sanders presented the Rezoning Request by “Cottages at Starkville Station”, LLC. He stated that the Applicant is seeking to Rezone 4.03 acres from R-5 Multi-Family High Density to R-4A Single Family High Density to allow for the construction of a 22-lot garden home community. The subject property is located west of the Starkville Station R.V. Park, or at the end of R.V. Way.

A subdivision plat for the subject property was reviewed at the January 8, 2014, Planning & Zoning Commission meeting. Questions regarding the R-5 zoning district and lot width were discussed in the meeting, and the Preliminary Plat request was withdrawn by the applicant. The Applicant has applied for the subject property Rezoning for R-4A, to allow for a smaller lot width. The Applicant has also submitted a revised Preliminary Plat, to meet the requirements of an R-4A development and is on the Planning & Zoning Agenda for consideration.

Notification by mail to adjacent property owners within 300 feet of the subject parcels took place on February 20, 2014, and a notification sign was also placed at the end of R.V. Way. An ad was placed and published in the February 24, 2014, *Starkville Daily News*.

The earliest zoning map that Staff has available illustrates the subject properties being R-2 Single Family. The 1982 zoning map lists the subject properties as being zoned R-5, which is the current zoning district today.

Per Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A, of the City of Starkville Code of Ordinances, the Official Zoning Map may be amended only when one or more of the following conditions prevail:

1. Error: There is a Manifest Error in the ordinance and a Public Need to correct the error.

There are no errors in need of correction with either the ordinance or zoning map.

2. Change in conditions. Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

Consistency with Comprehensive Plan: The Starkville Comprehensive Plan supports infill development to achieve greater utilization of existing municipal service, reduce the need for cost of extension of services, and provide housing options.

Land Use Compatibility: An R-4A development would be compatible with adjacent uses in that the proposed Cottages at Starkville Station single family units would mix well with existing

single family residential areas to the north, and the density of the proposed Cottages at Starkville Station development would fit with the Polo Apartments to the south and the Bella Grove Condominiums to the west yet would be a medium density development, by having 5.46 units per acre. A medium density development is 4-8 units per acre; high density is 8-15 units per acre.

Changed Conditions: There has been significant change at the intersection on South Montgomery Street and Yellow Jacket Drive since 2007, with the multi-family/condo developments of Annabella and Belle Grove to the west. The Starkville Station R.V. Park to the west was rezoned from R-5 to C-2 in 2008.

Adequate Public Facilities: Water, sewer, and electrical lines are available.

Natural Environment: There are no known environmental issues. An R-4A development requires 20 percent of the proposed development to be open space. The Applicant is also proposing to have a bio-retention area as part of the development. Buffer yards would be required on the east, west, and south property lines. The applicant is encouraged to seek a waiver from the Tree Advisory Board for the buffer yard required along the north property line due to an underground gas transmission line.

Economic Effects: There would be an economic gain to the City of Starkville in the form of increased property tax revenue, sales tax revenue being spent at local merchants, and creation of jobs from temporary construction.

Orderly Development: Any development proposal for the subject property would be required to conform to the City's land development regulations and would require review by the City's Development Review Committee prior to the commencement of any construction activities. The Cottages at Starkville Station Preliminary Plat has been reviewed by the Development Review Committee.

Public Need: The proposed Rezoning would allow additional housing options for Starkville and would be an infill development, which the Starkville Comprehensive Plan supports.

STAFF RECOMMENDATION:

If the Planning & Zoning Commission decides to approve the Applicant's rezoning request from R-5 Multi-Family High Density to R-4A Single Family High Density, Staff recommends the following conditions:

- 1) The developer is to utilize bio-retention as a means of storm-water management with a plan to be submitted to and approved by the City Planner and Engineer during the Development Review process.
- 2) A Waiver is required from the Starkville Tree Advisory Board for the required north buffer yard.

3) Development is limited to 22 lots for single family homes.

After Mr. Sanders made his presentation, Chair Emison called for other questions and then opened up the Public Hearing to comments, first from the Applicant.

Mike Brent of Brent Engineering Service addressed the Commission, stating that after having come before the Commission in January when the lot width issue arose, he spoke with the owners, and they preferred not to lose four lots as would be required with an R-5 rezoning. A meeting with Mr. Sanders provided an alternative solution, and it was determined that an R-4A rezoning would be a suitable solution that would meet the needs of the owners, as well as meeting the infill need from the City.

Since there were no others coming forward to speak, the Public Hearing was closed and opened up to discussion among the Commissioners. Commissioner Herring agreed that an R-4A zoning would be an appropriate designation for the property. Commissioner Murdock queried whether the rezoning qualified under Change in Conditions, when historically the zones went from less intense to more intense, with this proposed change trending in the opposite direction.

After discussion among the Commissioners, Commissioner Herring moved to approve the rezoning to R-4A, based on the finding of Public Need and Change in Conditions and with the three conditions set forth in the Staff Recommendation. Commissioner Loveless seconded the motion, and the motion carried by a vote of five to one.

PP 14-01: “Cottages at Starkville Station”, LLC

Next there came before the Commission, presented by City Planner Buddy Sanders, a request by “Cottages at Starkville Station”, LLC, for a Preliminary Plat approval of a 22 lot subdivision west of the Starkville Station RV Park. Zoning for the property is R-5 (Multi-Family High-Density). A subdivision plat for the subject property was reviewed at the January 8, 2014, Planning & Zoning Commission meeting. Questions regarding the R-5 zoning district and lot width were discussed in the meeting, and the Preliminary Plat request was withdrawn by the applicant. The applicant has requested a Rezoning to R-4A to allow for a lot width less than 50 in width.

The Developmental Review Committee has reviewed the request twice and found no significant concerns regarding the subject Preliminary Plat, but the Engineering Division did note that upstream storm water will need to be routed through the development in some fashion without it going through the detention facility, with a slight adjustment in the turning radius at the end of R.V. Way.

Three off-street parking spaces per lot are required of an R-4A development. In order to reduce the amount of impervious surface area, a pervious surface parking area, such as Grasscrete, should be used for at least the third parking space.

Staff recommends approval of the “Cottages at Starkville Station” Preliminary Plat. It is recommended that the following conditions be issued with recommendation of approval:

- 1) Additional easements may be required.
- 2) Upstream storm water will need to be routed through the development in some fashion without it going through the detention facility.
- 3) Infrastructure drawings will be required upon Preliminary Plat approval prior to construction.
- 4) Parking spaces are to be illustrated and surface type listed on the final plat. The third parking space per lot is to be pervious.
- 5) Rezoning approval to an R-4A Single Family High Density zoning district is required.

After the presentation by Mr. Sanders, the Commissioners discussed the wording of percentages of gross versus net in the setbacks. Commissioner Herring requested that, going forward, a table be available showing the exact method of calculation for the 20 percent. Mr. Brent agreed to show how the calculations were made when making the presentation before the Board of Aldermen if this Commission approves. Commissioner Murdock queried about the purpose of the recreational area around the outer edge, and Mr. Brent responded that it would be a common use, open space area. He went on to describe the usage of the detention areas with the goal of long, flat slopes so that during most times, the fact that the area is a detention area will not be obvious.

Commissioner Murdock asked Mr. Sanders why there is a requirement on a dead-end street for changing the width of the road from 24 to 33 feet, at great cost to the City, and the City Planner responded by saying that the increase is for compliance to City standards, which is required for a public right-of-way under R-4A. To amend this, a variance request would have to be approved. The requirement for three off-street parking spaces in a higher density area would also have to change through variance request, as well.

City Attorney Latimer advised that it is within the powers and duties of the Planning & Zoning Commission to prepare and propose regulations governing subdivision of land to change the ordinance, subject to approval of the Board of Aldermen.

After discussion among the Commissioners, Commissioner Hicks made a motion to recommend approval of the Preliminary Plat with the attached conditions recommended by Staff, which was seconded by Commissioner Moore, and the motion passed five to one to approve the Preliminary Plat.

PLANNER'S REPORT

Chair Emison then asked for Mr. Sanders to present the Planner's Report. Mr. Sanders reported that a courtesy letter was sent out to the occupants of the Research Park regarding the rezoning of the Research Park, and the rezoning request should come before this board in May.

Commissioner Herring asked about the second section in the Research Park and whether it would require a rezoning. Mr. Sanders responded that he has included those areas in the rezoning, and in his recent letters to the current occupants, he made them aware that the section is to be included in the rezoning.

Commissioner Hicks asked if research had been made into the restrictive covenants and made a recommendation that the Special Exception be looked at again so that a complete rezoning to allow a parking lot would not be necessary; Conditional Use seems too strong, but a Special Exception to be used on an extreme limited basis would be more appropriate.

Mr. Latimer reminded Staff that the St. Joseph Catholic Church should be made aware that the rezoning has to come back in the approval process as a Conditional Use. Commissioner Herring asked if the conditions placed on the parking lot rezoning would suffice instead of adding a Conditional Use, and Mr. Latimer responded by saying that since the parking lot is only allowed by condition in a B-1 zone and is a different legal test, a two-step process is necessary.

Before the close of the meeting, Chair Emison announced the news of his election to the College of Fellows of the American Institute of Certified Planners and was congratulated by the members of the Commission for this honor.

ADJOURNMENT

Commissioner Emison called for a motion to adjourn. Commissioner Murdock made the motion, seconded by Commissioner Hicks, and the Commission voted unanimously to adjourn the meeting at 8:08 PM. The next regularly scheduled meeting will be Tuesday, May 13, 2014, at 5:30 PM, in the City Hall Courtroom.

Jerry Emison, Chair

Buddy Sanders, City Planner

UNAPPROVED

**MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF JUNE 10, 2014
THE CITY OF STARKVILLE, MISSISSIPPI**

The Planning & Zoning Commission of the City of Starkville, Mississippi, held its regularly scheduled meeting in the City Hall Courtroom at 101 E. Lampkin Street, Starkville, Mississippi, commencing at 5:30 PM. The meeting was called to order by Commission Chair Jerry Emison, and after the Pledge of Allegiance and a moment of silence, Recording Secretary Bill Green called roll. Present were Commissioners Michael Brooks, Jerry Emison, Dora Herring, James Hicks, Ira Loveless, John Moore, and Jeremy Murdock. Also attending were City Attorney Chris Latimer, Community Development Director Buddy Sanders, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated June 10, 2014. Upon the motion of Commissioner Murdock, which was seconded by Commissioner Hicks, the Commission voted unanimously to approve the written agenda as presented.

**CONSIDERATION FOR APPROVAL
OF THE MINUTES OF THE MEETING OF MARCH 11, 2014**

Chair Emison called for consideration of approval of the March 11, 2014, minutes. Commissioner Herring requested a change in the first paragraph, in the sentence beginning with "Attending", to change from "Attending the Commissioners" to "Also attending". Commissioner Loveless moved to approve the March 11 minutes as amended, which was seconded by Commissioner Moore, and the resulting vote for accepting the minutes as amended was unanimous.

CITIZEN COMMENTS

Chair Emison asked if any member of the public cared to address the Commission regarding items not already on the Agenda, reminding them of the Public Hearing on the Agenda and that comments regarding proposed items would be called for at the appropriate time. No citizens came forward.

NEW BUSINESS

A. PP 14-03; FP 14-01: Preliminary and Final Plat request by James and Teresia Spinks for a one-lot subdivision of 1 acre; located on Butler Road.

Chair Emison asked Mr. Buddy Sanders to introduce the request for the Preliminary Plat and Final Plat by James and Teresia Spinks. Per the Planning and Zoning Commission's request, a

Final Plat drawing was submitted by the Applicant for the Commission to consider. James and Teresia Spinks purchased one acre from Luther and Allie Hunter on June 4, 2013. Unknown to both the Grantor and Grantee, a subdivided lot of less than five acres requires the review of the Planning and Zoning Commission and approval by the Board of Aldermen. James and Teresia Spinks are seeking to bring into compliance the one acre lot they purchased last year by asking for Preliminary and Final Plat approval so they can move a mobile home as their residence onto the property.

The proposed lot is located on Butler Road within an R-6 Mobile Home/MHP/MHS Zone. A mobile home is a Permitted Use in an R-6 Zone and is required to meet the criteria below of Appendix A, Article VII, Section H. R-6 of the Starkville Zoning Ordinance (Please note bold text):

These [R-6 residential (mobile homes)] districts are intended to be comprised mainly of mobile homes, mobile home parks, and mobile home subdivision, along with appropriate neighborhood supporting facilities. The character of this district is protected by requiring that certain yard and area standards be met. [The following regulations apply to R-6 districts:]

1. See chart for permitted uses.
2. See chart for uses which may be permitted as an exception.
3. Required lot area and width, yards, building areas and heights for mobile home parks and subdivisions and individual mobile homes on platted lots:

(a) The parcel of land to be used for a mobile home park or subdivision shall have a minimum lot area of five acres. The minimum width of the lot at the building line shall be 300 feet. The minimum yard depths for the mobile home park or subdivision shall be: Front, 30 feet; side and rear, 15 feet each. This yard space may not be used for parking nor shall it constitute the yard requirements for any individual mobile home. The height of all structures in the trailer park shall be limited to one story or 12 feet.

(b) The individual mobile home lot shall have a minimum lot area of 5,000 square feet and shall not be less than 40 feet in width at the building line. The minimum yard requirements for the mobile home lot shall be: Front, 20 feet; rear, 15 feet; sides, five feet. This yard space may be used for parking of the residents' vehicles, but shall not constitute any of the yard requirements for the mobile home park or subdivision. Private accessory structures, such as sheds, must be within the building area defined for each lot. Structures shall not cover more than 35 percent of the total building area.

(c) All mobile homes permitted by this ordinance shall meet the following guidelines:

(i) be secured on a permanent foundation with tiedowns;

(ii) Shall be provided with a skirt of material comparable to exterior of the structure and shall be placed on the site in a manner compatible with adjacent sites; and

(iii) Shall be in conformance with codes adopted by the City of Starkville.

4. Off-street parking requirements: Two parking spaces shall be provided for each mobile home. See article VIII of this ordinance for requirements for other uses.

The proposed one acre meets the lot requirements above. Applicant will need to submit a site plan to Community Development, illustrating that a proposed mobile home meets setback and parking requirements.

PLAT PROPOSAL

General Information

The Applicant is requesting Preliminary and Final Plat approval of a one acre lot subdivision.

Easements and Dedications

The City is not requiring any Easements at this time. However, Easements from 4-County Electric and Rock Hill Water Association will/may be required. Both 4-County Electric and Rock Hill Water services are available in the area. There are no sewer lines at site; a septic system meeting Mississippi State Department of Health criteria will be required.

FINDINGS AND COMMENTS:

The Development Review Committee reviewed the James and Teresia Spinks Application on April 17th, and the only comments made were: 1). electricity would need to come from 4-County Electric; and 2). approval of a septic system would be required by the Mississippi State Department of Health.

CONCLUSIONS:

If the Planning and Zoning Commission decides to approve the Applicant's request for a one-lot subdivision, Staff recommends the following condition:

1. Documentation from the Mississippi State Department of Health stating that a septic system can be installed on the subdivided property.

Chair Emison opened the discussion to the Commission. Commissioner Loveless asked about if this decision would be setting a precedent for future similar cases that didn't follow correct procedure. Mr. Latimer stated that since the Grantor refuses to subdivide the plat in order to bring into compliance, there is no other option and that the Chancery Clerk has been alerted not to record any similar such deed without going through proper procedure. CAO Taylor Adams stated that, going forward, the position of the City of Starkville is to remedy the problem within the realm of the City's power to do so.

Commissioner Hicks asked about a discrepancy between the legal description and the bearings on the Plat and requested a condition be placed correcting the error.

Commissioner Herring moved to approve the Preliminary Plat with conditions regarding septic tanks (in the Staff Recommendation) and correcting the discrepancy between the legal description and the Plat. Commissioner Brooks seconded the motion, and the Commission voted unanimously to approve the Preliminary Plat with conditions. Commissioner Herring moved to approve the Final Plat with the same conditions, which was seconded by Commissioner Loveless, and the Commission voted unanimously to approve the Final Plat with conditions.

B. PP 14-05 and FP 14-03: Preliminary and Final Plat request by Panda Restaurant Group, Inc., for a 0.776 acre subdivision, located at 1010 Highway 12 West.

Chair Emison asked Mr. Sanders to introduce items PP 14-05 and FP 14-03, a Preliminary and Final Plat request by Panda Restaurant Group, Inc., for a 0.776 acre subdivision. Panda Restaurant Group, Inc., is proposing to place a new restaurant at 1010 Highway 12 West, or between the two main entrances to Wal-Mart. In order to purchase property and construct the proposed Panda Express Restaurant, the Applicant is seeking to subdivide a 0.776 acre (33,0877sf) parcel from the Wal-Mart Real Estate Business Trust property. The proposed lot is located along the Highway 12 commercial corridor, and the area is zoned C-2 General Business. An eating and drinking establishment is a Permitted Use in the subject zoning district.

PLAT PROPOSAL

General Information

The proposed 0.776 acre (33,807sf) meets the lot requirements. Applicant will need to submit site plan/infrastructure drawings to Community Development for the Development Review Committee (DRC) to review.

Easements and Dedications

The proposed Panda Express Lot has frontage along public right-of-way (Highway 12). Water, sewer, and electrical services are currently available to the proposed lot. There are existing City Utility Easements.

STAFF FINDINGS AND COMMENTS

Development Review Committee (DRC) comments are included in the City Planner's Report. Please note that some of City Staff comments apply to site plan and infrastructure review and not Preliminary and Final Plat approval. Commissioner Hicks suggested that the term "hold harmless" be added to the wording on the Final Plat. Commissioner Hicks moved to recommend approval of the Preliminary Plat, which was seconded by Commissioner Moore, and the Commission voted unanimously to approve Preliminary Plat 14-05.

Commissioner Hicks moved to recommend approval of the Final Plat, with a friendly recommendation to include the "hold harmless" language on the Plat. Commissioner Brooks seconded the motion, and the Commission voted unanimously to approve Final Plat 14-03.

C. FP 14-04: Final Plat request by Frank Jones Construction for the 5 lot Country Club Estates Phase 3 A Subdivision, located on Royal Troon Road.

Chair Emison asked the Mr. Sanders to introduce item FP 14-04, a Final Plat approval request by Frank Jones Construction.

Frank Jones Construction received Preliminary Plat approval from the Board of Aldermen for an 85-lot subdivision on May 20, 2014. The Applicant is now requesting Final Plat approval of five 0.49- to 0.50-acre lots (total of 2.48 acres) which would be called County Club Estates Phase 3 "A". All proposed lots front Royal Troon Road, and water, sewer, and electricity services are available.

PLAT PROPOSAL

General Information

Total Acreage: 2.48 Acres
Number of Lots: 5
Open Space: None
Gross Density: 2.48 Lots per acre
Net Density: 2.02 Lots per acre

Easements and Dedications

Existing utilities and public right-of-way are in place.

Findings and Comments

The Final Plat for Country Club Estates Phase 3 "A" was reviewed by the Development Review Committee, and their comments can be found in the City Planner's Report, Attachment 6. Please note that some of Staff comments do not apply to Final Plat approval, but are required as a separate site plan/infrastructure review.

Conditions placed on the County Club Estates Final Phase Preliminary Plat were:

1. "R-4A" should be replaced with "R-4" on Preliminary Plat.
2. Correct Description of fifty feet of Country Club Road.
3. Covenants restricting the placement of any fence within drainage easements.
4. Drainage swales/linear basins to be designed to the satisfaction of the City Engineer and approval of the Board of Aldermen.
5. Document outlining ownership and maintenance responsibilities of storm drainage system to the satisfaction of the City Attorney, City Engineer and Community Development Director.

STAFF RECOMMENDATION

If the Planning and Zoning Commission decides to approve the Applicant's request, Staff recommends the following five conditions:

1. Drainage swales/linear basins are to be constructed to the satisfaction of the City Engineer and Community Development Director before any building permits are issued for structures on Country Club Estates Phase 3 "A" Lots, 262, 263, 264, 265, and 266.
2. Add: , and approved by the City of Starkville. at the end of Paragraph 13 of Restrictive Covenants.
3. The developer shall comply with all requirements of Sec. 54-164(2)(c) & (d) of the Starkville Code of Ordinances.
4. Pursuant to Sec. 54-164 (2) (c), the following language shall appear on the final plat:

Maintenance of facilities: All improvements, including landscaping, shall be maintained in perpetuity and cannot be developed for any other use which would limit or cause to limit the use of the improvements. In the case of shared stormwater management facilities, the improvements shall be owned and/or maintained by the property owner's association of the development. The property owner's association shall be formed by the developer in perpetuity for the maintenance of the improvements. Membership shall be mandatory for all property owners. Articles of agreement of the property owner's association must be approved by the Board of Aldermen of the City of Starkville before recording. When problems arise due to inadequate maintenance, the city engineer or his designated agent of the City of Starkville may inspect the improvements and compel the correction of the problem by written notice and issue a written notice of violation to the owner of the property. If abatement of the violation and/or restoration of affected property is required, the notice shall set forth a deadline of 90 days within which such remediation or restoration must be completed. In accordance with the authority of the municipality

granted by MCA 1972 § 21-17-5, said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

5. Add: *In addition, the City of Starkville reserves and maintains all rights and remedies available under its Stormwater Management Ordinance, as amended, for the enforcement of maintenance to the storm drainage system by the Owner's Association in Country Club Estates - Phase 3A.* to paragraph 19 of Restrictive Covenants.

Chair Emison verified with the City Attorney that in covenants between private parties, the Commission has no enforcement power. The City Attorney responded that the conditions placed on the Final Plat (above) will give the City of Starkville enforcement and maintenance power. Commissioner Murdock asked if all the DRC comments had been met, and Mr. Sanders stated that the City Engineer averred that the storm water calculations have met with his approval, and the other issues would be resolved soon; therefore he recommended moving forward. Commissioner Hicks made a motion to recommend approval with the five conditions made in the presentation, which was seconded by Commissioner Herring, and the motion carried unanimously.

PLANNER'S REPORT

Mr. Sanders thanked Commissioners Emison and Hicks for their service to the City of Starkville, as this is their last night to serve on the Commission.

ADJOURNMENT

Commissioner Hicks moved to adjourn the meeting at 6:19 PM, which was seconded by Commissioner Herring, and the Commission voted unanimously to adjourn. The next regularly scheduled meeting will be Tuesday, July 8, 2014, at 5:30 PM, in the City Hall Courtroom.

Jerry Emison, Chair

Buddy Sanders, Community Development Director

UNAPPROVED

**MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF MAY 13, 2014
THE CITY OF STARKVILLE, MISSISSIPPI**

The Planning & Zoning Commission of the City of Starkville, Mississippi, held its regularly scheduled meeting in the City Hall Courtroom at 101 E. Lampkin Street, Starkville, Mississippi, commencing at 5:30 PM. The meeting was called to order by Commission Chair Jerry Emison. Present were Commissioners Michael Brooks, Jerry Emison, Dora Herring, James Hicks, Ira Loveless, John Moore, and Jeremy Murdock. Attending the Commissioners were City Attorney Chris Latimer, City Planner Buddy Sanders, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated May 13, 2014. Upon the motion of Commissioner Hicks, which was seconded by Commissioner Murdock, the Commission voted unanimously to approve the written agenda as presented.

**CONSIDERATION FOR APPROVAL
OF THE MINUTES OF THE MEETING OF MARCH 11, 2014**

Chair Emison called for consideration of approval of the March 11, 2014, minutes. Commissioner Herring requested a change on page six of the minutes, that the clarification of “from the north or the south” be added to the bullet points after the terms “ingress / egress” in order to specify what was passed by the Planning & Zoning Commission. Chair Emison also brought before the Commission the suggestion that instead of a reference to the bullet points in the Staff Recommendation on page 4, to add a clear list of the actual bullet points, with Commissioner Herring’s addition of “from the north or the south” instead of “right turn in only” under “1A” to be included in the conditions for approval. Commissioner Moore moved to approve the March 11 minutes as amended, which was seconded by Commissioner Herring, and the resulting vote for accepting the minutes as amended was unanimous.

CITIZEN COMMENTS

Chair Emison asked if any member of the public cared to address the Commission regarding items not already on the Agenda, reminding them of the Public Hearing on the Agenda and that comments regarding proposed items would be called for at the appropriate time. Mashanda Bush of Vine Street came forward to inform the Planning & Zoning Commission of a light pole and brick wall that are blocking visibility from those who are backing out onto Vine Street from 721 Vine Street. She stated that the brick wall is less than the required distance from the corner. Chair Emison responded that the problem is a code enforcement issue and redirected Ms. Bush to City Planner Sanders, who gave her the contact information for the code enforcement office.

Another citizen came forward with a question regarding the establishment of traffic lights, and he was directed to make his request to the Police Department and the City Engineer. City Planner Sanders stated that he would pass along the information to those departments to assist the citizen in his request.

NEW BUSINESS

PP 14-02: Preliminary Plat approval request by Garden Properties, LLC, for a 21 lot subdivision of 4.96 acres; located on Yellow Jacket Drive

Chair Emison asked the City Planner to introduce item PP 14-02, a Preliminary Plat approval request for Garden Properties, LLC, to subdivide 4.96 acres into 21 lots off Yellow Jacket Drive, between Pleasant Acres Subdivision and the athletic fields of Starkville High School. City Planner Sanders stated that the Board of Aldermen approved a Rezoning of the subject property by Appeal on February 18, 2014, from R-1 Single Family to R-3A Single Family Medium Density. He also noted that the Tree Advisory Board is recommending approval to the board of aldermen on Tuesday for a tapered buffer yard waiver, instead of the 20-foot buffer yard required by the ordinance that was passed in June.

Commissioner Murdock asked about the necessity of a 13-foot lane width, when major thoroughfares require only 12-foot-lane width, and noted that changing the ordinance to require a 10-foot lane in subdivisions with such little traffic volume would be a savings of \$66,000, which would solve the sidewalk affordability dilemma. CAO Taylor Adams responded that although he agrees, the issue is with the fire department's requirement of 13-foot lanes to accommodate the trucks currently in use by the fire department. City Planner Sanders noted that after October 1, the Community Development Department plans to review the current code.

Commissioner Hicks pointed out a discrepancy on the notes on the plat which states "net density" as 4.23 lots per and noted that it differs from the Report which states "gross density". The City Planner affirmed that the Plat appears to be in error and "gross density" should be the term used instead of "net density". The City Planner also noted the City Code reference regarding "allowed density" is based on the Comprehensive Plan, which is based on gross density, and that any decision regarding density should be based on gross density and not net density. Commissioner Hicks also mentioned that although this Plat is labeled as a preliminary one, the surveyor's certificate contains language stating that the plat is final, and that the locator map needs to be more legible. Additionally, the boundary description contains a typographical error, that from the point of commencement is 892939, whereas the description states 89272.

Commissioner Hicks made a motion to approve the preliminary plat with the suggested corrections, which was seconded by Commissioner Moore, and the motion carried by a vote of five to one.

PP 14-03 and FP 14-01: Preliminary Plat request by James and Teresia Spinks for a One-Lot Subdivision of One Acre, Located on Butler Road.

City Planner Sanders presented for the City of Starkville the request by James and Teresia Spinks, who purchased one acre from Luther and Allie Hunter on June 4, 2013. Unknown to both the Grantor and Grantee, a subdivided lot of less than five acres requires the review of the Planning and Zoning Commission and approval by the Board of Aldermen. James and Teresia Spinks are seeking to bring the one-acre lot they purchased last year into compliance by asking for Preliminary and Final Plat Approval so they can move a mobile home onto the property as their residence. The only comments from the Development Review Committee were that sewer lines along the road are not available, and that an approval from the Department of Health for a septic system would be required, as well as power from 4-County Electric. The Applicant would also need to submit a site plan to Community Development illustrating that a proposed mobile home meets setback and parking requirements.

Commissioner Herring pointed out that the minimum lot area for a subdivision is five acres, whereas this request is for one acre, and she asked if different wording other than “subdivision” would be necessary. CAO Taylor Adams reminded the Commission that a situation exists in which the Chancery Clerk recorded a series of lots and issued deeds fitting this description before the property had been through the plat-approval process; this request is bringing the lot into compliance after the fact in order to correct the record. The lots were created without the City’s knowledge, and now the land record needs to be corrected. Chair Emison consulted with the City Attorney for advice on a remedy of the wording, and Mr. Latimer responded that the wording in Subsection B, which states the minimum lot requirements for single mobile homes, would be sufficient, given the practicality of the situation. Being far removed from the normal process, the plat isn’t a typical plat, but it is a subdivision under the law. Since there are other lots that were recorded similarly, this decision will set a precedent for the next three preliminary plat approvals that will soon come before the board. After discussion regarding signatures and other wording normally on typical plat, Chair Emison suggested that the City Staff work with the City Attorney to create a plat submittal that meets as many standards as possible in order to ensure that future lots will have access to sewer, power, and road access. Commissioner Murdock stated his sympathy for the property owners’ wanting to put a house on a lot they purchased, but he also stated his concern for approving a process that goes against City Ordinance.

After much discussion, Commissioner Loveless made a motion to instruct City Staff to compare the current material to the standard requirements in the City Ordinance and make whatever changes are necessary to bring the preliminary plat into compliance, as well as prepare a companion Final Plat, and present them both as two separate items at the June meeting.

Commissioner Herring seconded the motion, and the Commission voted unanimously to approve the motion.

PP 14-04: Preliminary Plat for Country Club Estates Final Phase

Frank Jones Construction is requesting Preliminary Plat approval to subdivide 40.46 acres into 85 lots, with 61 lots being at least 13,068 sq. ft./0.30 acre, which is a lot size found typically in a R-1 Single Family subdivision. The Applicant is also proposing to subdivide 24 garden home lots with the minimum lot size being 8,276 sq. ft./0.19 acre. The minimum lot size required in a R-4 Zone is 3,200 sq. ft./0.07 acre.

STAFF RECOMMENDATION:

If the Planning and Zoning Commission decides to approve the Applicant’s request for a one-lot subdivision, Staff recommends the following conditions:

1. Covenants restricting the placement of any fence within drainage Easements.
2. Drainage swales/linear basins to be designed to the satisfaction of the City Engineer and approval of the Board of Aldermen.
3. Document outlining ownership and maintenance responsibilities of storm drainage system to the satisfaction of the City Attorney, City Engineer and Community Development Director.

The Commission discussed issues with drainage swales (it was determined that the City would not be responsible for erosion control and would be the HOA’s responsibility), traffic safety for two public streets within ten feet without a connection (a suggestion was made by Commissioner Murdock that Turnberry Lane be stubbed for future connection with Westline Road to the east), and the City’s inability to enforce private covenants between two parties not mentioned in the plat.

Commissioner Hicks moved to approve the Preliminary Plat, with the following conditions: correcting the errors by adding “preliminary” and R-4A in property description, along with the conditions recommended by Staff, which was seconded by Commissioner Brooks. Commissioner Murdock made a motion to add a friendly amendment, that Turnberry Lane be stubbed for future connection with Westline Road to the east and that Augusta Lane should be connected with Country Club Road and named accordingly, which was not seconded by the Commission. The Commission voted unanimously to approve the original motion by Commissioner Hicks.

CU 14-01: Anthony Depot, LLC; Conditional Use

Chair Emison asked the City Planner to introduce item CU 14-01, a Public Hearing noticed by the City of Starkville for a Conditional Use to allow two apartment units in the old Starkville Depot located at 223 South Jackson Street. City Planner Sanders presented the request by

Anthony Depot, LLC. The property is surrounded by C-2 Zoned property. Land use is commercial on all sides with the exception to the south where there are residential uses. There is a significant grade difference between the subject property and the property to the south.

STAFF RECOMMENDATION:

If the Planning and Zoning Commission decides to approve the Applicant's request for a Conditional Use, Staff recommends the following condition:

- 1.) If Applicant is to install outdoor lighting, outdoor lighting should be shielded away from residential areas to the south.

Chair Emison called for other questions and then opened up the Public Hearing for comments. Kitty Robbins Herring came forward to ask if the chem lab and the depot would be torn down, and Mr. Sanders answered that the depot, which is the subject of the public hearing, would not be torn down. She also shared concern for the increased traffic, garbage collection, and parking for the two apartments. The Applicant answered that nothing would change for the existing structure. As there were no further questions from the public, Chair Emison closed the Public Hearing.

Chair Emison referred to the Planner's written presentation for the criteria for Conditional Use:

General criteria for approving a conditional use. A conditional use shall be permitted only upon a finding that the proposed conditional use, application, and applicable performance criteria comply with the criteria herein specified unless the city determines that the proposed conditional use does not meet the criteria herein provided and that the proposed conditional use is adverse to the public's interest. In addition, the site plan criteria of an application for a conditional use shall describe the proposed land use characteristics and site plan techniques proposed to mitigate against possible adverse impacts to properties in the immediate vicinity.

A. Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:

1. Scale and intensity of use as measured by the following:

- a. Square footage for each specific use.

The total square footage of the Anthony Depot, LLC Building is 3,010 square feet with 1,650 square feet being occupied by B.J.'s Pharmacy. The remaining 1,360 square feet will be occupied by two apartment units.

- b. Traffic generation.

The proposed use will be located on property that has an existing commercial use and has existing access to South Jackson Street.

c. Proposed number and type of service vehicles.

None

d. Proposed employment.

None

e. Off-street parking needs.

Current Number of Parking Spaces: 20

Required Parking for Pharmacy: 8

Required Parking for Possible Apartment Units: 3

Remaining Parking Spaces: 9

2. On- or off-site improvement needs generated by the proposed use, including:

a. On- or off-site facilities required to service the proposed use such as utilities, public facilities, roadway or signalization improvements, or other similar improvements, including proposed accessory structures or facilities; and

All required utilities and access are in place.

b. Other unique facilities/structures proposed as part of site improvements.

N/A-Existing building

3. On-site amenities proposed to enhance the site and planned improvements. Amenities may include mitigative techniques such as open space, setbacks from adjacent properties, screening and bufferyards, and other acceptable techniques to mitigate against adverse impacts to adjacent sites.

Compliance with Ordinance Number 2013-04, Landscape Ordinance, is required.

4. The planning and zoning commission may be authorized to place a time for an annual or bi-annual follow-up review in specific cases

recommended by the city planner where the intended use may require periodic review and evaluation.

Annual review is not recommended.

B. In addition to site plan procedures and performance criteria, applications for a conditional use shall clearly demonstrate the following:

1. Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts, are compatible and harmonious with adjacent land use, and will not adversely impact land use activities in the immediate vicinity.

There will be no adverse impact on the immediate vicinity due to residential use being small scale.

2. Sufficient site size and adequate site specifications to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, bufferyards, landscaping, open space, off-street parking, efficient internal traffic circulation, and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

Site is of sufficient size. Proposed project is required to go before the Development Review Committee before building permits are issued.

3. Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan has been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design shall appropriately address offsite impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

N/A – Existing building.

4. Hazardous waste. The proposed use shall not generate hazardous waste or required use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the public health, safety and welfare. The plan shall provide for

appropriate identification of hazardous waste and hazardous material, and regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan policies and land development regulations, and does not adversely impact wellfields, aquifer recharge areas, water bodies or other natural resources.

Not Applicable

5. Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval.

Existing building.

Commissioner Hicks asked why “No Annual Review” is required, and Mr. Sanders stated that there was no intense effect on the community as it is an existing building, thus eliminating the need. Under the law, if the Conditional Use is abandoned, discontinued, or ceases for more than 6 months, the Conditional Use will be null and void.

Commissioner Murdock moved to recommend approval of CU 14-01 with the Staff Recommendation and based on the finding of fact that the five criteria have been met for Conditional Use. Mr. Moore seconded the motion, and the Commission voted unanimously to carry the motion.

RZ 14-03: Rezoning request for 711 Vine Street from R-3 Multi Family to B-1 Buffer District

Chair Emison asked the City Planner to introduce item RZ 14-03, a Public Hearing noticed by the City of Starkville for a rezoning request. The applicant is seeking to Rezone a vacant lot located at 711 Vine Street, 0.18 acre, from R-3 Multi Family to B-1 Buffer District to allow for expansion of the Sonic Restaurant located at 302 Highway 12 East. The subject lot has been vacant since 2002 when a structure was removed. The Applicant has stated that the current Sonic Restaurant located at 302 Highway 12 East was constructed in 1973. The Applicant has also stated that RLM Sonic Properties, LLC, has a need to build a new Sonic to be competitive with other restaurants. It is the plan of RLM Sonic Properties, LLC, to replace the existing Sonic Restaurant with a new building on the current property located at 302 Highway 12 East, but the property located at 711 Vine Street, behind existing Sonic, would be used for a menu board and drive-thru lanes.

STAFF RECOMMENDATION:

If the Planning and Zoning Commission decides to approve the Applicant's Rezoning request from R-3 Multi-Family to B-1 Buffer District, Staff recommends the following conditions:

- 1) A seven-foot masonry fence built along the south and east property lines of 711 Vine Street.
- 2) All outdoor lighting should be shielded away from residential areas.

After the presentation by the City Planner, Chair Emison opened the Public Hearing for discussion, first by the Applicant. Molly Jackson, of Moore Law Office, came forward to speak. She stated that since the present Sonic has been in existence since 1973, a redesign is required in order to keep up with public need and change in condition and also to ameliorate complaints with garbage and traffic.

Commissioner Murdock asked if the footprint will be increased, and the Applicant answered that the actual building will be smaller, but there will be a drive through and room for garbage bins. The thirty-foot buffer will be total buffer. The restaurant signs will be a permitted use under B-1.

Mashanda Bush of Vine Street came forward to question why, if the stalls are being decreased, is there a need for expanding. Regarding the buffer zone, the establishment should have already been brought up to code. Traffic and garbage on Vine Street has been adversely affected. She also noted that there has not been much commercial change and that crime has increased because of the introduction of more people into the restaurant. She is concerned that since rules have not been enforced to date, she can't trust they will be in the future.

Curtis Bush, Jr., of Vine Street came forward to speak of his concern regarding traffic, road conditions, and noise concerns that might increase with granting this rezoning.

The third citizen to come forward addressing concerns was Minion Arnold, who wanted consideration for the elderly people who live on Vine Street to keep the neighborhood safe for them.

To answer the concerns from the public, John Moore responded by saying that in meeting with Mr. Welch, the primary concern was for the neighborhood, and he understands the fear of change in a neighborhood, but the addition of the buffer zone and the seven-foot wall would make the situation better. The best approach to make the Sonic functional and to protect the neighborhood would be the presented solution. Less bays would still require more room because of the drive-thru. Seventy percent of the traffic will by necessity come off Highway 12, so the addition will decrease traffic.

As there were no more citizens coming forth to comment, Chair Emison closed the Public Hearing and asked for comments from the Commissioners. Commissioner Hicks stated that B-1

districts are to be made of compatible mixed commercial and residential, and he was unsure if the designation was appropriate. Mr. Sanders answered that since the Sonic was existing, the designation was appropriate for B-1. Mr. Hicks asked about the landscaping required for the 7-foot fence and where the fence would be built. Mr. Sanders answered that the fence will be on the property line. Mr. Hicks wanted verification on the setbacks regarding which zone's requirements would be met for the building. Mr. Sanders said that the building would have to have to meet C-2 standards because of where the building would be located, but if building took place close to the fence, B-1 standards would be required; however, he doesn't think there is room for building close to the fence.

Commissioner Murdock moved to recommend approval of RZ 14-03 based on change in condition in the area and public need, with four conditions:

1. 7-foot solid brick wall constructed on the south side.
2. 6-foot wood privacy fence on the east side.
3. Outdoor lighting should be shielded away from the residential area and downlit.
4. No commercial structure built on B-1 property.

Commissioner Hicks seconded the motion, and the Commission voted to approve the rezoning by a vote of four in favor, Commissioner Moore against, and Commissioner Loveless abstaining.

RZ 14-04: Request to rezone all the Thad Cochran Research, Technology and Economic Development Park from B-1 or R-1 Single-Family to P-O Planned Office District, with the exception of tax parcel 117K-oo-032.05/Technology Mills, LLC, property.

Chair Emison asked the City Planner to introduce item RZ 14-04, a Public Hearing noticed by the City of Starkville, before recusing himself and leaving the room. The Thad Cochran Research, Technology and Economic Development Park consists of 272 acres with Phase II to add an additional 45 acres to bring the total acreage to 317 acres. There are currently 16 tenants in the park, all with a business, research, or government use. The purpose and reason for the creation of the Thad Cochran Research, Technology and Economic Development Park is to be an economic development tool to attract high-tech businesses and research facilities to better the quality of life for the citizens of Starkville and the State of Mississippi.

Staff noted that there is a mapping error, and Planned Office is the correct designation for this area.

NOTIFICATION:

A courtesy letter went out to all property owners in the Thad Cochran Research, Technology and Economic Development Park on March 3, 2014, stating that the City would be correcting the zoning map by a Rezoning. Required notification by mail to adjacent property owners within 300 feet of the subject parcels took place on April 25, 2014. On April 24, 2014, a notification sign

was also placed at the entrance to the Thad Cochran Research, Technology and Economic Development Park. An ad was placed and published in the April 21, 2014, *Starkville Daily News*.

Vice Chair Herring opened the Public Hearing for discussion. No citizens came forward to speak, so the Public Hearing was closed. Commissioner Murdock moved to recommend approval of the rezoning to Planned Office, based on mapping error, which was seconded by Commissioner Moore, and the Commission voted unanimously to approve the rezoning request.

ADJOURNMENT

Vice Chair Herring adjourned the meeting at 8:10 PM. The next regularly scheduled meeting will be Tuesday, June 10, 2014, at 5:30 PM in the City Hall Courtroom.

Jerry Emison, Chair

Buddy Sanders, City Planner



THE CITY OF STARKVILLE
COMMUNITY DEVELOPMENT DEPT
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Daniel Havelin, City Planner (662-323-2525 ext. 136)
CC: Deborah A. Williams, Applicant
SUBJECT: CU 14-02: Conditional Use request for property located at 317 Apple Street
Parcel Number 118P-00-110.00
DATE: July 8, 2014

The purpose of this report is to provide information regarding the request of Mrs. Deborah A. Williams to approve a Conditional Use to allow a mobile home in a R-5 zoning district on a +/-0.185 acre site. Please see attachments 1-7.

BACKGROUND INFORMATION

The applicant is requesting to be allowed to place a mobile home on her property to replace the previous home that was destroyed by fire on March 15, 2014.

Scale and intensity of use.

The size of the proposed mobile home is shown to be 72'x28' (2,016 sqft). At that size, it would be consistent with other existing homes in the neighborhood and meet required setbacks.

On- or off-site improvement needs.

No off-site improvements are required. All utilities that served the previous home are still in place.

On-site amenities proposed to enhance the site.

No amenities are being proposed by the applicant for the site.

Site issues.

There are no known site issues regarding the intended use of the site.

The table below provides the zoning and land uses adjacent to the subject property:

Direction	Zoning	Current Use
North	R-5	Residential
East	R-5	Residential
South	R-5	Vacant
West	R-5	School

30 property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News on Monday the 23rd of 2014 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one phone call against this request.

ANALYSIS

Appendix A, Article VI, Section I of the City's Code of Ordinances provides five specific criteria for conditional use review and approval:

1. Land use compatibility.

The other property along Apple Street is currently developed for single family. The surrounding properties are similar in size and intensity of uses.

2. Sufficient site size and adequate site specifications to accommodate the proposed use.

The site is adequately sized to accommodate the proposed mobile home.

3. Proper use of mitigative techniques.

None proposed

4. Hazardous waste.

No hazardous wastes or materials would be generated, used or stored at the site.

5. Compliance with applicable laws and ordinances.

Placement of mobile home will require building permits and inspections

REQUIRED CONDITIONS

1. There shall be no more than one mobile home located on the site.
2. A building permit shall be obtained prior to any construction activities
3. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

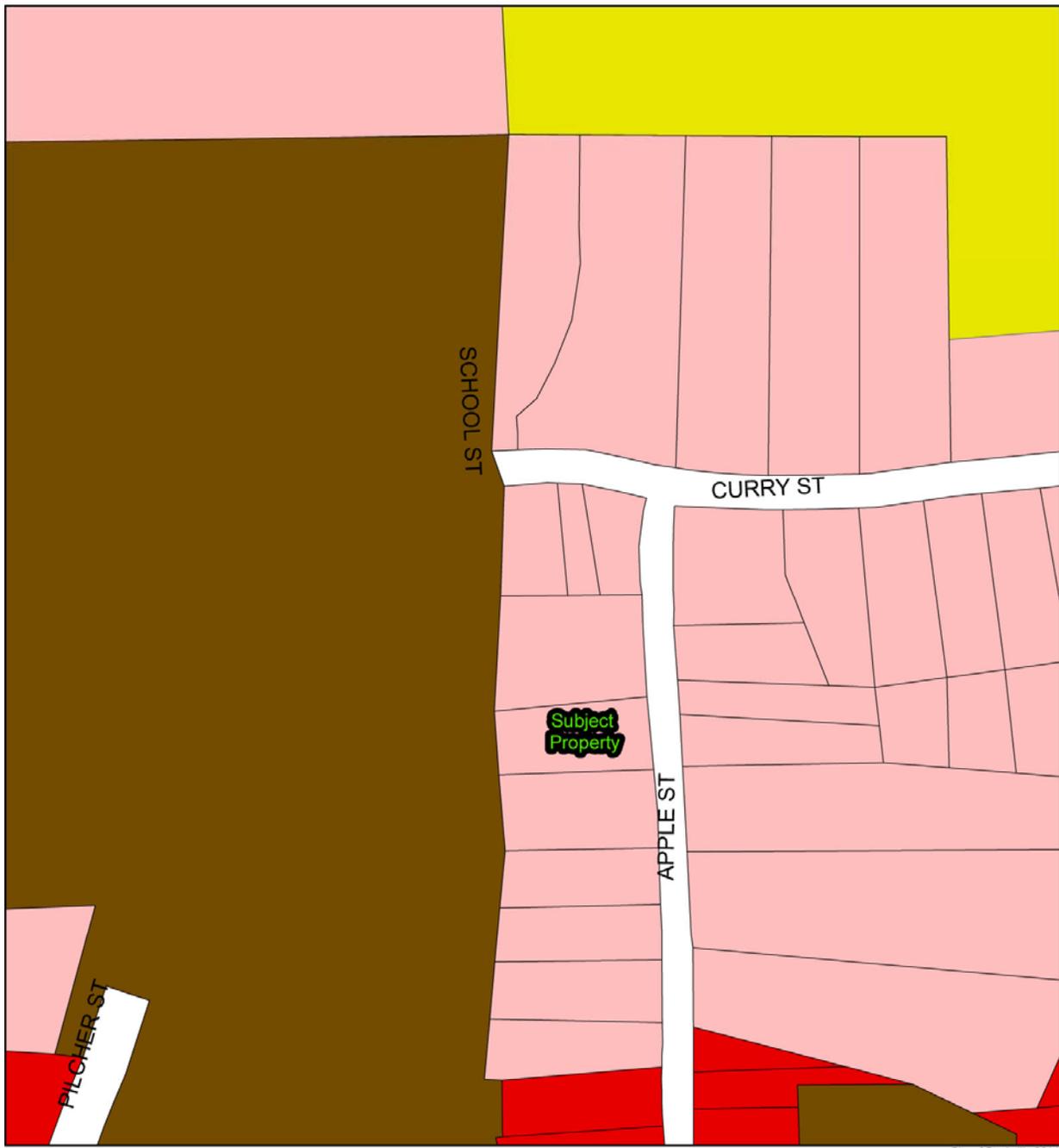
Attachment 1
CU 14-02 Aerial



City of Starkville 2014

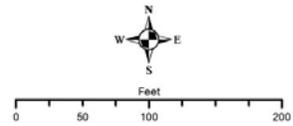


Attachment 2
CU 14-02 Area Zoning



City of Starkville 2014

- Zoning Areas**
-  C-2 General Business
 -  R-3 Multi-Family
 -  R-5 Multi-Family, High-Density
 -  T5 Form Based Code



Attachment 3



View looking north toward adjacent property.

Attachment 4



View looking west down existing driveway.

Attachment 5



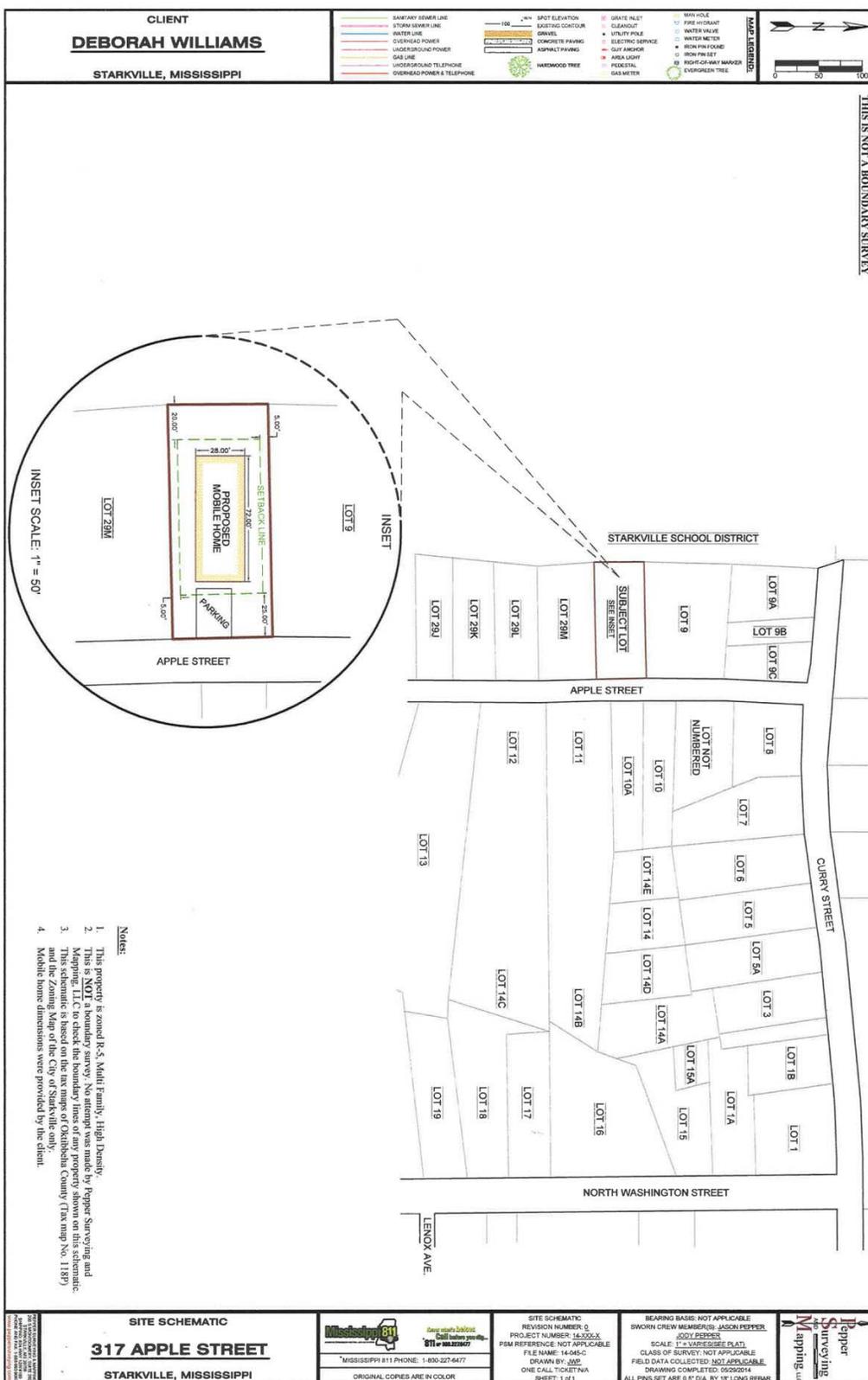
View looking south toward adjacent property.

Attachment 6



View looking west toward rear yard.

Attachment 7





THE CITY OF STARKVILLE
PLANNING & ZONING COMMISSION
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Daniel Havelin, City Planner (662-323-2525 ext. 136)
CC: Jackson Construction Inc., Applicant
SUBJECT: FP 12-05: "Huntington Subdivision- Phase 8 Part 7 Final Plat" located in an R-4 zoning district at 121,123,125,127,129,131,133, and 135 Kingston Court (8 lots on the south side of the street) in the Huntington Park Subdivision, west of South Montgomery Street in Ward 3. Parcel Number 105 -15-003.04
DATE: July 8, 2014

The purpose of this report is to provide you with information regarding the request of Jackson Construction Inc., to review a proposed final subdivision plat of 8 lots for an approximate 2.17 acre site. The proposed plat will require review and approval by the Mayor and Board of Aldermen at their next regularly scheduled meeting.

BACKGROUND INFORMATION

The applicant is seeking to plat eight lots on the south side of Kingston Court. Please see attachments 1-7.

PLAT PROPOSAL

General Information

Table 32 of the City's Comprehensive Plan allows a maximum gross density of 15 dwelling units per acre for the R-4 zoning district, which is categorized as High Density Residential. The density calculation for the proposed final plat is approximately 3.68 dwelling units per acre. Staff has reviewed the proposed covenants and they include sections for common area and storm water facilities maintenance, as well as the City's standard hold-harmless indemnification clause required by the City Attorney.

Easements and Dedications

All easements and dedications are provided on the final plat. The roadways will be dedicated to the City. The electrical service will be placed underground. Potable water and sanitary sewer utility services will be provided by the City, while the electrical service will be provided by the 4-County EPA. Street numbers have been assigned for construction permitting and utility assignments.

Findings and Comments

The final plat is a Class "C" survey prepared by a professional licensed by the Mississippi Board of Licensure for Professional Engineers and Surveyors and meets the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the

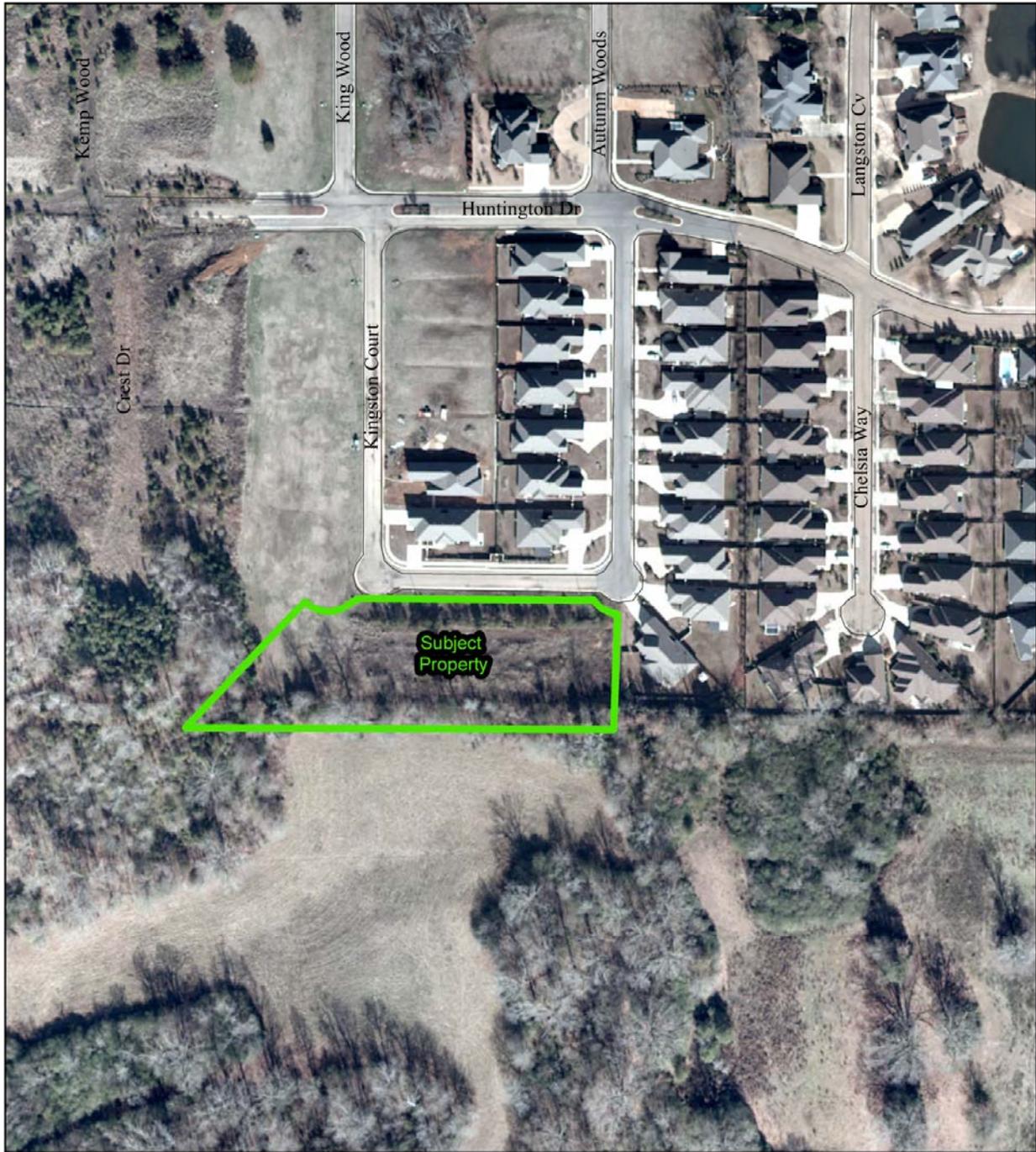
Mississippi Code Annotated (1972), as amended. The proposed subdivision meets all R-4 zoning dimensions and City roadway requirements. Easements have been placed at the front of the lots along the roadways for easy access, while drainage and utility easements have been located around the perimeters of the eight lots.

CONCLUSIONS

The Planning & Zoning Commission's following conditions will need to be met for "Huntington Subdivision- Phase 8 Part 7 Final Plat" final subdivision plat located at 121,123,125,127,129,131,133, and 135 Kingston Court. These conditions are based on the final plat dated May 29, 2014, the findings of fact and conclusions of this staff report dated July 8, 2014

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The final plat shall meet the minimum requirements for R-4 zoning dimensions.
3. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.

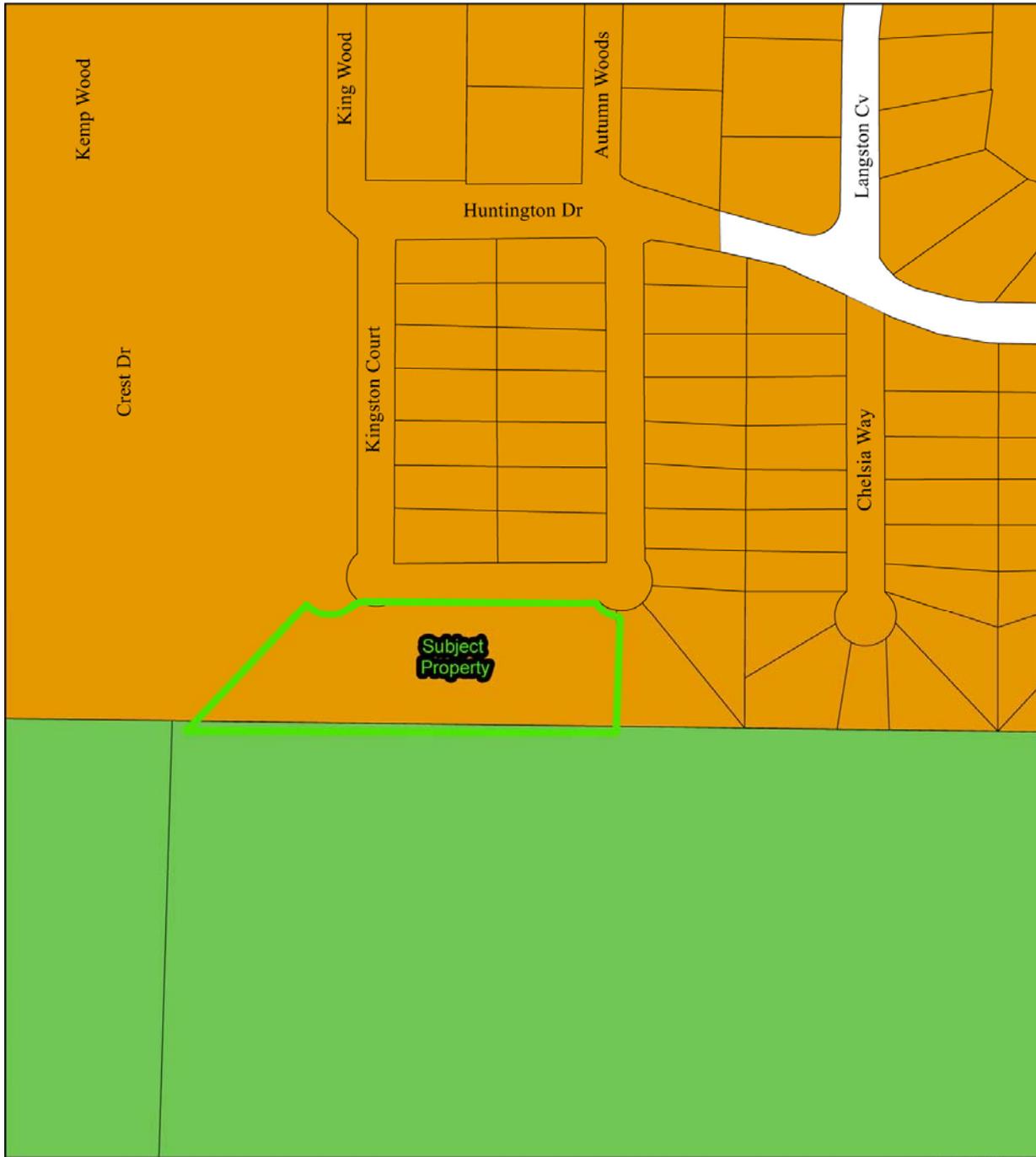
Attachment 1
FP 14-05 Aerial



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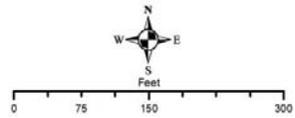
Attachment 2 FP 14-05 Area Zoning



City of Starkville 2014

Zoning Areas

-  A-1 Agricultural
-  R-4 Zero Lot Line/Cluster Development



Attachment 3



View looking north

Attachment 4



View looking east

Attachment 5



View looking south.

Attachment 6





THE CITY OF STARKVILLE
COMMUNITY DEVELOPMENT DEPT
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Daniel Havelin City Planner (662-323-2525 ext. 136)
CC: PP 14-06 & FP 14-06 Butler Road Subdivision
DATE: July 8, 2014

BACKGROUND INFORMATION:

Helen Virgil purchased 2 acres from Luther and Allie Hunter on January 3, 2014. Unknown to both the Grantor and Grantee, was that the subdivided lot of under 5 acres requires the review of the Planning and Zoning Commission and approval by the Board of Aldermen. Please see attachments 1-6.

Helen Virgil is seeking to bring the 2 acre lot she purchased this year into compliance by asking for Preliminary and Final Plat Approval so she can occupy a mobile home on the property as her residence. To bring the property into compliance, an additional property of 1.2 acres is being purchased. This additional property will create a lot with a combined acreage of 3.2 and 50 linear feet of frontage along Butler Road.

The proposed lot is located on Butler Road and located in an R-6 Mobile Home/MHP/MHS Zone. A mobile home is a Permitted Use in an R-6 Zone and is required to meet the requirements below of Appendix A, Article VII, Section H. R-6 of the Starkville Zoning Ordinance: Please note bold text:

These [R-6 residential (mobile homes)] districts are intended to be comprised mainly of mobile homes, mobile home parks, and mobile home subdivision, along with appropriate neighborhood supporting facilities. The character of this district is protected by requiring that certain yard and area standards be met. [The following regulations apply to R-6 districts:]

1. See chart for permitted uses.
2. See chart for uses which may be permitted as an exception.
3. Required lot area and width, yards, building areas and heights for mobile home parks and subdivisions and individual mobile homes on platted lots:
 - (a) *The parcel of land to be used for a mobile home park or subdivision shall have a minimum lot area of five acres. The minimum width of the lot at the building line shall be 300 feet. The minimum yard depths for the mobile home park or subdivision shall be: Front, 30 feet; side and rear, 15 feet each. This yard space may not be used for parking nor shall it constitute the yard requirements for any individual mobile*

home. The height of all structures in the trailer park shall be limited to one story or 12 feet.

- (b) **The individual mobile home lot shall have a minimum lot area of 5,000 square feet and shall not be less than 40 feet in width at the building line. The minimum yard requirements for the mobile home lot shall be: Front, 20 feet; rear, 15 feet; sides, five feet. This yard space may be used for parking of the residents' vehicles, but shall not constitute any of the yard requirements for the mobile home park or subdivision. Private accessory structures, such as sheds, must be within the building area defined for each lot. Structures shall not cover more than 35 percent of the total building area.**
- (c) **All mobile homes permitted by this ordinance shall meet the following guidelines:**
 - (i) **be secured on a permanent foundation with tiedowns;**
 - (ii) **Shall be provided with a skirt of material comparable to exterior of the structure and shall be placed on the site in a manner compatible with adjacent sites; and**
 - (iii) **Shall be in conformance with codes adopted by the City of Starkville.**

4. Off-street parking requirements: Two parking spaces shall be provided for each mobile home. See article VIII of this ordinance for requirements for other uses.

When the 1.2 acre parcel is created and transferred to Helen Virgil and a lot aggregation is completed, the 3.2 acre lot will be conforming.

Applicant will need to submit a site plan to Community Development illustrating that a proposed mobile home meets setback and parking requirements.

PLAT PROPOSAL

General Information

The Applicant is requesting Preliminary and Final Plat approval of a 3.2 acre lot subdivision.

Please see Attachment 6.

Easements and Dedications

The City is not requiring any Easements at this time. However, Easements from Four County Electric and Rock Hill Water Association will/may be required.

Both Four County Electrical and Rock Hill Water services are available in the area.

There are no sewer lines at site; a septic system meeting Mississippi State Department of Health requirements will be required.

Findings and Comments

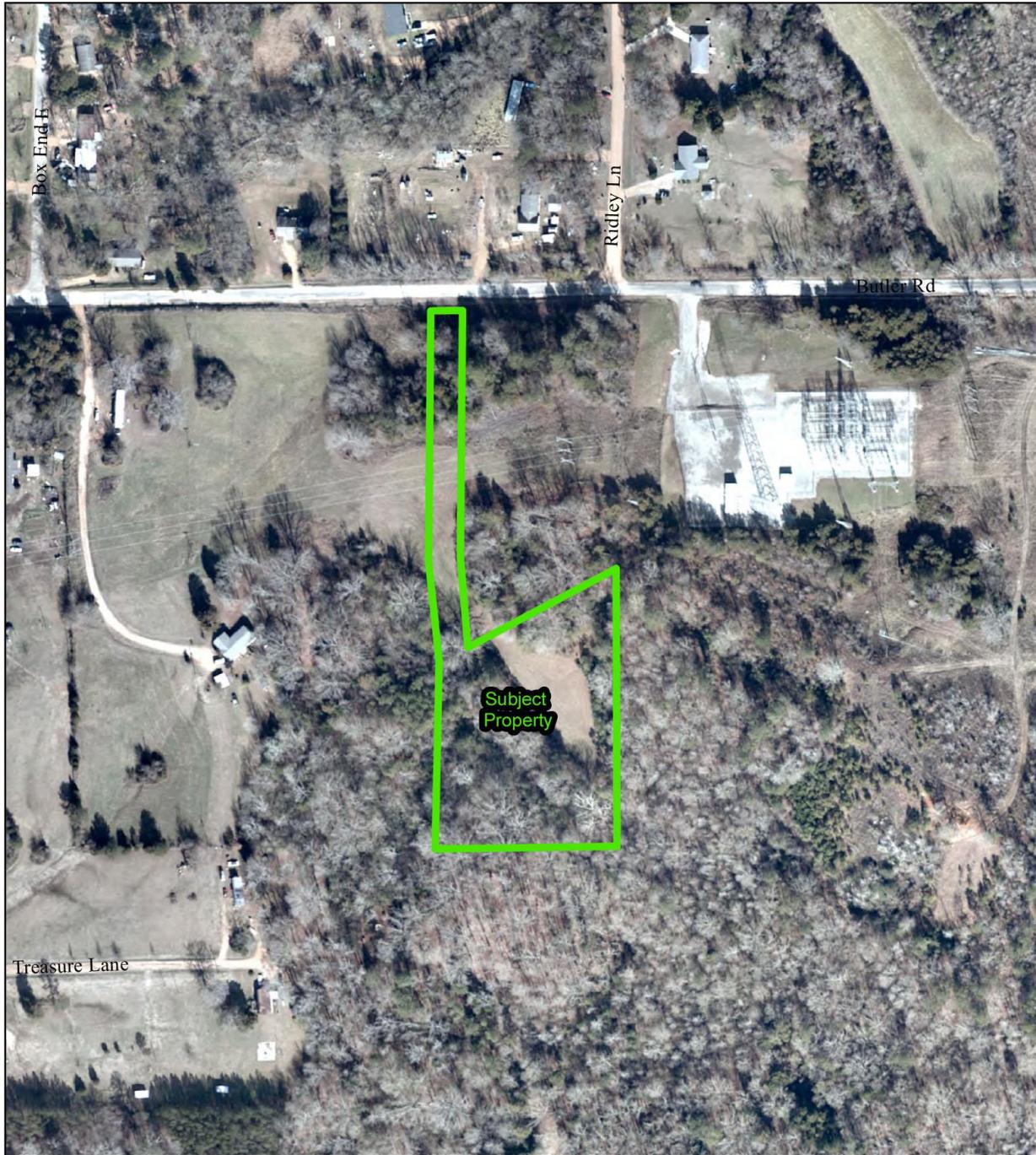
Electricity would need to come from Four County Electric and approval of a septic system would be required by the Mississippi State Department of Health.

CONCLUSIONS

If the Planning and Zoning Commission decides to approve the Applicant's request for a 1 lot subdivision, Staff recommends the following condition:

1. Documentation from the Mississippi State Department of Health stating that a septic system can be installed on the subdivided property.

Attachment 1
PP/FP 14-06 Aerial



City of Starkville 2014

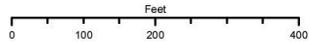


Attachment 2
PP/FP 14-06 Area Zoning



Zoning Areas

-  A-1 Agricultural
-  R-1 Single Family
-  R-6 Mobile Homes/MHD/MHS



City of Starkville 2014

Attachment 3



View looking south from midpoint of drive

Attachment 4



View looking north from midpoint of drive

Attachment 5



View looking south from Butler Road

