



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, JANUARY 23, 2019
2ND FLOOR CITY HALL – COMMUNITY DEVELOPMENT,
110 WEST MAIN STREET, 4:00 PM**

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. APPROVAL OF THE MINUTES:
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES FOR JANUARY 02, 2019
- V. NEW BUSINESS
 - A. VA 19-02 REQUEST BY TEP STARKVILLE, LLC TO ALLOW REDUCTION IN FRONT SETBACKS FOR A MIXED USE DEVELOPMENT LOCATED APPROXIMATELY 360' SOUTHEAST OF THE CENTER OF THE INTERSECTION OF HIGHWAY 12 EAST AND PAT STATION ROAD DIRECTLY EAST OF THE LA QUINTA INN WITH THE PARCEL NUMBERS 117-25-021.00
- VI. PLANNER REPORT
- VII. ADJOURN

UNAPPROVED

MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENTS & APPEALS THE CITY OF STARKVILLE, MISSISSIPPI JANUARY 2, 2019

The Board of Adjustments & Appeals held their meeting at 4:00 PM on January 2, 2019, in the Community Development Department at City Hall. Members present were Kim Moreland, Ward 1, Jerry Jefferson, Ward 2, Bo Richardson, Ward 3, Robert Camp, Ward 4, Chairman Bill Webb, Marco Nicovich, Ward 5, Ward 6, and Shawn Sullivan, Ward 7. Attending the Board members was Assistant City Planner Emily Corban.

A CONSIDERATION OF THE WRITTEN AGENDA

OFFICIAL AGENDA BOARD OF ADJUSTMENTS & APPEALS CITY OF STARKVILLE, MISSISSIPPI SPECIAL CALL MEETING OF WEDNESDAY, JANUARY 2, 2019 2ND FLOOR CITY HALL – COMMUNITY DEVELOPMENT, 110 West Main Street, 4:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. APPROVAL OF THE MINUTES:
 - A. Consideration of the unapproved minutes for November 28, 2018
- V. NEW BUSINESS
 - A. VA 19-01 REQUEST BY RYAN ASHFORD ON BEHALF OF PETERS ROCK TEMPLE TO ALLOW FOR A SIDEWALK VARIANCE AT 223 DR. MARTIN LUTHER KING DRIVE WEST WITH THE PROPERTY NUMBERS 118O-00-158.00 AND 118O-00-156.00.
 - B. CONSIDERATION OF THE 2019 BOARD OF ADJUSTMENTS AND APPEALS MEETING SCHEDULE
- VI. PLANNER REPORT
- VII. ADJOURN

The Board considered the matter of approval of the written agenda dated January 2, 2019. Upon the motion of Mr. Camp seconded by Ms. Moreland, the Board voted unanimously to approve the written agenda.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 28, 2018

After discussion and upon the motion of Ms. Moreland, seconded by Mr. Jefferson, the motion to approve the Minutes of the November 28, 2018 Board of Adjustments and Appeals meeting received unanimous approval.

NEW BUSINESS

- A. VA 19-01 REQUEST BY RYAN ASHFORD ON BEHALF OF PETERS ROCK TEMPLE TO ALLOW FOR A SIDEWALK VARIANCE AT 223 DR. MARTIN LUTHER KING DRIVE WEST WITH THE PROPERTY NUMBERS 118O-00-158.00 AND 118O-00-156.00.

Assistant City Planner Emily Corban introduced the case by explaining that Peters Rock Temple is in the process of adding a new addition and parking to the existing building. The original site plan showed a sidewalk along the south side of Highway 182. After construction began, it was determined by the applicant after discussion with MDOT that constructing the sidewalk from property line to property line was not feasible. The applicant is requesting to construct a sidewalk from the eastern property line to the eastern edge of the west entrance drive. This request is for relief from Chapter 98, Article III, Section 98-54. The applicant attended a Development Review Committee meeting on November 28, 2018 to modify the approved site plan. The applicant received an exception from sign requirements

from the Planning and Zoning Commission on July 10, 2018.

If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the January 15, 2019 meeting. 29 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 December 8, 2018 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone calls regarding this request.

Chairman Bill Webb opened the public hearing. Ryan Ashford came forward to speak in favor of the request. Calling for and receiving no comments, the Chairman closed the public hearing. After discussion among the Board Members, Mr. Camp moved to approve the request, which was seconded by Ms. Moreland, and the Board voted 5 to 0 to approve VA 18-11 with the condition that the sidewalks be bonded until such a time that the western property is developed and the applicant be required to construct sidewalks then.

A. CONSIDERATION OF THE 2019 BOARD OF ADJUSTMENTS AND APPEALS MEETING SCHEDULE

After discussion among the Board Members, Mr. Nicovich, moved to approve the request, which was seconded by Mr. Sullivan, and the Board voted 5 to 0 to approve the official agenda for 2019.

ADJOURNMENT

After discussion, Ms. Moreland moved to adjourn which was seconded by Mr. Camp, and the Board voted unanimously to adjourn until 4:00 p.m. on January 23, 2019 in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Bill Webb, Chairman

Emily Corban, Assistant City Planner



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
BOARD OF ADJUSTMENTS & APPEALS
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Board of Adjustments & Appeals
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: VA 19-02 Request by TEP Starkville LLC for Variance relief from front setback requirements on two properties located approximately 360' southeast of the center of the intersection of Highway 12 East and Pat Station Road directly east of the La Quinta Inn in an C-2 and R-5 zoning district with the property #117-25-021.00
Date: January 23, 2019

The purpose of this report is to provide information regarding the variance request by TEP Starkville LLC for a front setback variance on two properties located approximately 360' southeast of the center of the intersection of Highway 12 East and Pat Station Road directly east of the La Quinta Inn in a C-2 and R-5 zoning district with the property #117-25-021.00. Please see attachments 1- 4.

PROPOSED USE & BACKGROUND:

TEP Starkville, LLC is in the process of developing a mixed use development on the site. The development consists of two parcels. Parcel 1 will be a multi-family development and parcel 2 will be a mixed use development with commercial and multi-family residential. In order to achieve the proposed site plan, a front setback variance from the proposed new road will be required. The requested variance on parcel 2 is to reduce the front setback requirement from 20' to 10'. The requested variance on parcel 1 is to reduce the front setback requirement from 25' to 10'. The applicant is requesting relief from Appendix A-Zoning, Article VII. - District Regulations, Section G. (3) and Section L (4). The applicant attended a Development Review Committee meeting on November 8, 2018. In addition to the request, the Applicant has been approved for a Preliminary Plat and Rezoning for the site by the Board of Aldermen. There is a pending Conditional Use request for mixed use (commercial/residential) on parcel 1 scheduled to be heard by the Board of Aldermen on February 5, 2019. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the February 5, 2019 meeting.

NOTIFICATION:

8 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 December 24, 2018 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 requesting information about the request.

VARIANCE REQUESTS FROM:

Sec. L. - C-2 business (general business) zoning district regulations.

These [C-2 general business] districts are intended to be composed of the wide range of commercial goods and services to support community needs. Under special conditions some light industrial and distribution uses are also permitted. Usually located along arterial streets or near the intersection of two or more arterials, these districts are usually large and within convenient driving distance of the entire community. The district regulations provide for certain minimum yard and area standards to be met to assure adequate open space and compatibility with surrounding districts. [The following regulations apply in the C-2 districts:]

- 1. See chart for uses permitted.*
- 2. See chart for uses which may be permitted as an exception.*
- 3. Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.*
- 4. Minimum yard size: Front, 20 feet; rear, 20 feet; side, a total of 20 feet, but one side shall be sufficient in width to provide vehicular access to the rear. On any lot [in] which the side lot line adjoins a residential district, the side yard on that side shall not be less than required by the residential district.*
- 5. Maximum height of building or structures: 45 feet.*
- 6. Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.*
- 7. Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.*
- 8. All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.*
 - a) The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.*
 - b) The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.*
 - c) The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.*
- 9. All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period on no longer than 12 months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.*

(Ord. No. 2014-4, 9-16-14)

Sec. G. - R-5 residential zoning regulations.

These [R-5 residential] districts are intended to be composed mainly of multifamily dwellings, although a wide range of dwelling types is also permitted. Mobile homes, mobile home parks, and mobile home subdivisions are also permitted under certain special conditions. Appropriate supporting facilities to accommodate higher density multifamily districts are permitted and the character of this residential district is protected by requiring certain yard and area standards to be met. [The following regulations apply to R-5 districts:]

- 1. See chart for permitted uses.*
- 2. See chart for uses which may be permitted as a special exception.*
- 3. Required lot area and width, yards, building areas and height for residences:*
 - a) Minimum lot area, per unit: 1,800 square feet.*
 - b) Minimum lot width at building line:*

Single-family and multifamily dwelling of less than eight units: 50 feet.

Townhouse dwelling: 16 feet.

Multifamily dwelling of eight units or more: 100 feet.

- c) Minimum depth of front yard: 25 feet.*
- d) Minimum width of side yard: 5 feet.*
- e) Minimum depth of rear yard: 20 feet.*
- f) Maximum height of structure: 45 feet.*

Mobile homes on individual lots shall comply with the provisions of article VII, section E. Mobile home parks and mobile home subdivisions shall comply with provisions of article VII, section H.

- 4. Off-street parking requirements: See article VII of this ordinance for requirements for other uses.*
- 5. All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.*
 - a) The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.*
 - b) The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.*
 - c) The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.*
- 6. All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period of no longer than twelve months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.*

(Ord. No. 2007-5, § 1, 4-17-07; Ord. No. 2014-5, 9-16-14)

VARIANCE REQUEST REQUIREMENTS:

Appendix A, Article VI, Section K outlines four conditions a Variance request needs to meet:

To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the board of adjustments and appeals unless and until a written application for a variance shall be submitted, demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and the same conditions are not applicable to other land, structures and buildings in the same district.
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
3. That the special conditions and circumstances have not resulted from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district. In granting any variance, the board of adjustments and appeals shall have the authority to prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. Under no circumstances shall the board of adjustments and appeals grant a variance to permit a use other than a use permitted generally, or by special exception, in the district involved, nor shall a variance be granted to any use expressly or by implication prohibited by the terms of this ordinance in said district.

Attachment 1
VA 19-02- Aerial



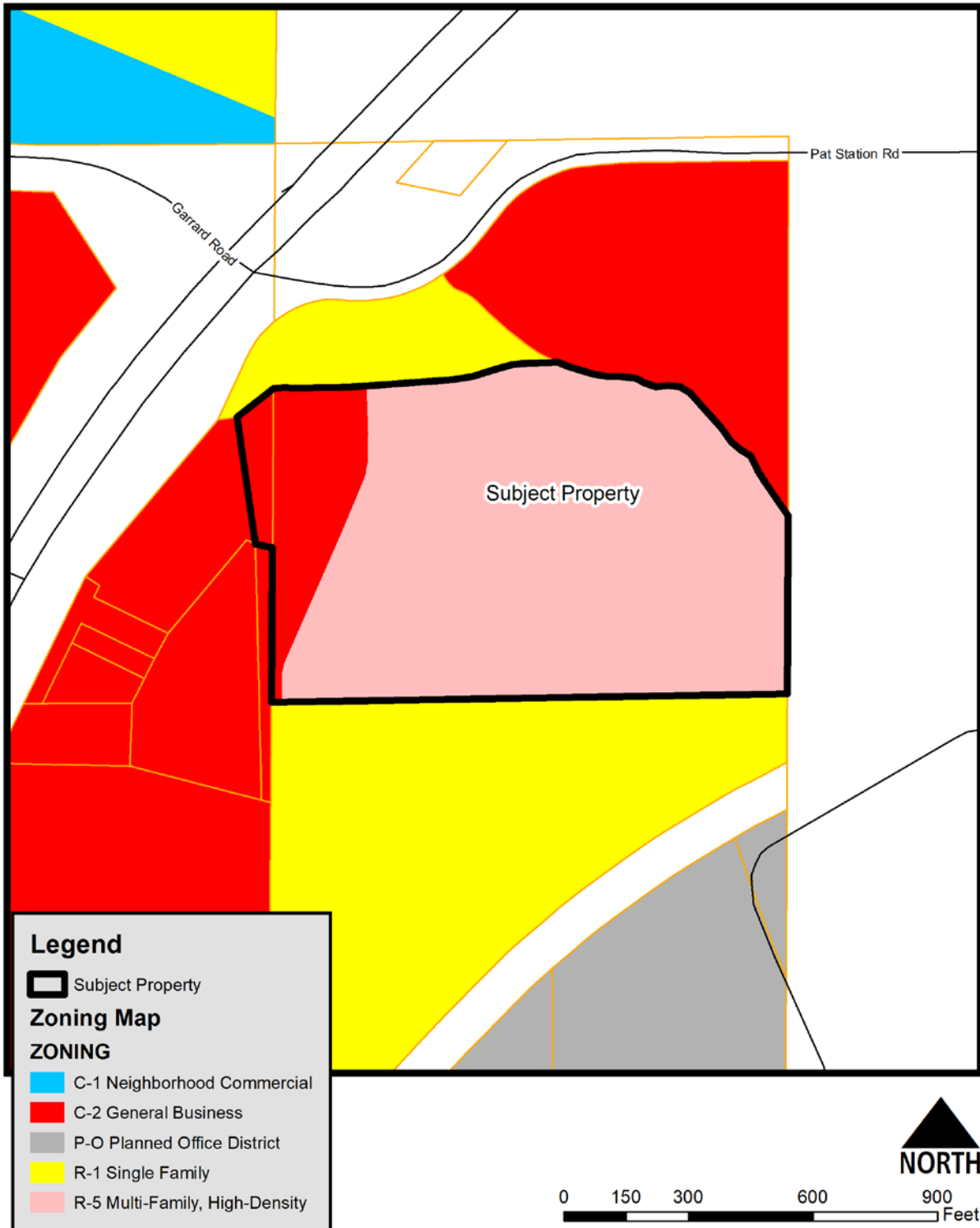
Legend

 Subject Property

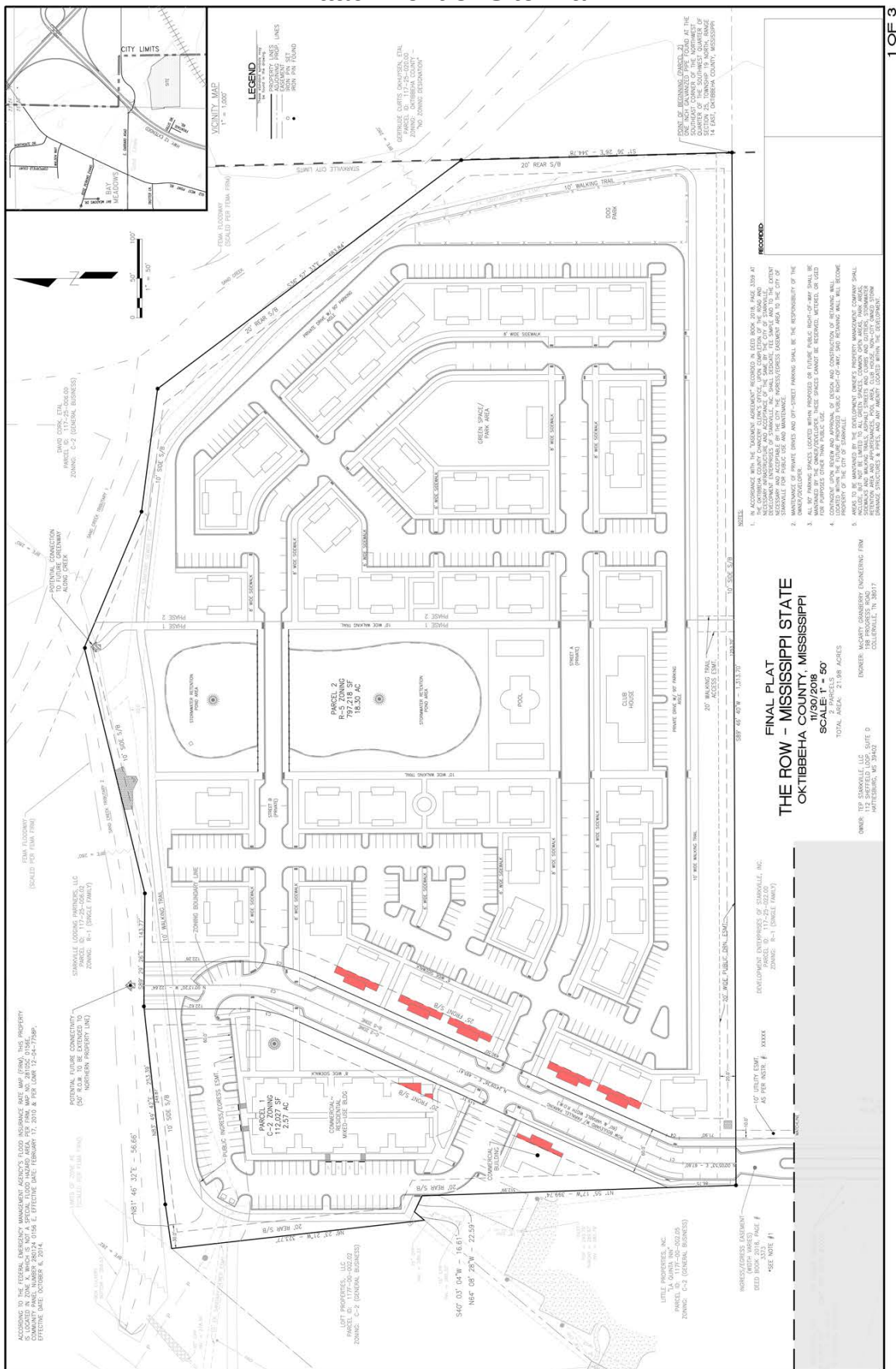
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Feet



Attachment 2
VA 19-02- Zoning



Attachment 3- Site Plan



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