



**OFFICIAL AGENDA
LANDSCAPE ADVISORY BOARD
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, AUGUST 7,
2024 2ND FLOOR CITY HALL IN ROOM
211 110 WEST MAIN STREET AT 12:00
PM**

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. CONSIDERATION FOR THE APPROVAL OF MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES FOR SEPTEMBER 6, 2023
- V. NEW BUSINESS
 - A. DISCUSSION AND CONSIDERATION OF LW 24-01 A REQUEST FOR LANDSCAPE WAIVER TO ALLOW FOR THE USE OF ROCK AS MULCH AT WALMART LOCATED AT 1010 HWY 12 WEST IN AN C ZONING DISTRICT.
- VI. ADJOURN

APPROVED
MINUTES OF THE REGULAR MEETING OF THE
LANDSCAPE ADVISORY BOARD OF THE CITY
OF STARKVILLE, MISSISSIPPI
AUGUST 7, 2023

The Landscape Advisory Board held its regularly scheduled meeting at 11:00 AM on August 7, 2023, in the Community Development Department at City Hall. Members physically present were Richard Harkess, Robert Brzuszek, Scott Willard, George Hopper, and Peter Summerlin. Tim Schauwecker was absent. City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey were physically present.

OFFICIAL AGENDA
LANDSCAPE ADVISORY BOARD
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, SEPTEMBER 6, 2023
2ND FLOOR CITY HALL – COMMUNITY DEVELOPMENT,
110 WEST MAIN STREET, 11:00 AM

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF JANUARY 7, 2021
- V. NEW BUSINESS
 - A. DISCUSSION ON TREE CITY REQUIREMENTS
 - B. DISCUSSION ON CURRENT BUFFER, LANDSCAPE, AND TREE PROTECTION REQUIREMENTS
- VI. ADJOURN

III. CONSIDERATION OF THE OFFICIAL AGENDA FOR SEPTEMBER 6, 2023

After discussion and upon the motion of Mr. Harkess, duly seconded by Mr. Willard, the motion to approve the official agenda of the Landscape Advisory Board for September 6, 2023, received unanimous approval.

IV. CONSIDERATION OF THE APPROVAL OF MINUTES

A. CONSIDERATION OF THE UNAPPROVED MINUTES OF JANUARY 7, 2021

After discussion and upon the motion of Mr. Willard, duly seconded by Mr. Brzuszek, the motion to approve the minutes of the Landscape Advisory Board for January 7, 2021 received unanimous approval.

V. NEW BUSINESS

A. DISCUSSION ON TREE CITY REQUIREMENTS

The Board engaged in a brief discussion of Tree City's requirements. No actionable items were presented, and no actions were taken.

B. DISCUSSION ON CURRENT BUFFER, LANDSCAPE, AND TREE PROTECTION REQUIREMENTS

The City Planner, Daniel Havelin, discussed some of the current landscape requirements in the Unified Development Code. After that, the Board engaged in a brief discussion. No actionable items were presented, and no actions were taken.

VI. ADJOURN

After discussion and upon the motion to adjourn by Mr. Hopper, duly seconded by Mr. Harkess, was unanimously approved.

Richard Harkess, Chair

Daniel Havelin, City Planner



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
LANDSCAPE ADVISORY BOARD
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Landscape Advisory Board
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)
Subject: Discussion and consideration of LW 24-01 a request for Landscape Waiver to allow for the use of rock as mulch at Walmart located at 1010 Hwy 12 West in an C zoning district.
Date: August 7, 2024

The purpose of this report is to provide information regarding a Landscape Waiver request by Gregg Kay of Stripe A Lot of America II Corp on behalf of Walmart Inc. to allow for the use of rock as mulch at Walmart located at 1010 Hwy 12 West in an C zoning district with the property #103I-00-005.00. Please see attachments 1-4.

BACKGROUND INFORMATION

The applicant is seeking a Landscape Waiver to use a river rock type gravel instead of the required organic mulch. In June of 2023, City staff began discussing the proposed building and site improvements for Walmart. Early in the discussion it was determined that the site was a legal nonconforming site and the proposed cost of the scope of work would require site plan approval in accordance with the nonconformities Section 3.17.4.B. This would require bringing the parking lot up to current development standards, including landscaping.

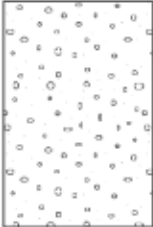

On August 8, 2023, the Development Review Committee reviewed the proposed layout as a pre-application. Feedback was given verbally and through MyGov (the City's permitting software).

The Development Review Committee met on November 9, 2023, to review the site plan package. The landscape plans were added to the package on March 11, 2024, and the site plan was approved that same day. As part of the approval process, the plant schedule, notes, and details are reviewed to verify compliance with the Unified Development Code. It was determined that the landscape plans did meet the requirements. Below are the references to hardwood mulch that were included in the approved site plan set.

APPROVED SITE PLAN # # 23-000219 APPROVED ON MARCH 11, 2024

- Sheet L-1.1- Plant Schedule states: "Shredded Hardwood Top Dress Mulch (3" Depth)"

GROUND COVERS

	BED P#M	25,930 sf	Bed Prep/Mulch Bed Preparation (9" DEPTH) + Shredded Hardwood Top Dress Mulch (3" DEPTH) + Soil Conditioners, Fertilizers, Amendments, and Pre-Emergent Herbicides	Bed Prep/Mulch
	CYN CEL	14,206 sf	Celebration Bermuda Grass	Cynodon dactylon `Celebration`

* FIELD GROWN IS ACCEPTABLE.

- Sheet L-1.2- Plant Schedule states: "Shredded Hardwood Top Dress Mulch (3" Depth)"

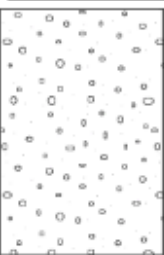

GROUND COVERS

	BED P#M	25,930 sf	23,633 sf	2,297 sf	Bed Prep/Mulch Bed Preparation (9" DEPTH) + Shredded Hardwood Top Dress Mulch (3" DEPTH) + Soil Conditioners, Fertilizers, Amendments, and Pre-Emergent Herbicides	Bed Prep/Mulch
	CYN CEL	14,206 sf	11,943 sf	2,263 sf	Celebration Bermuda Grass	Cynodon dactylon `Ce

* FIELD GROWN IS ACCEPTABLE.

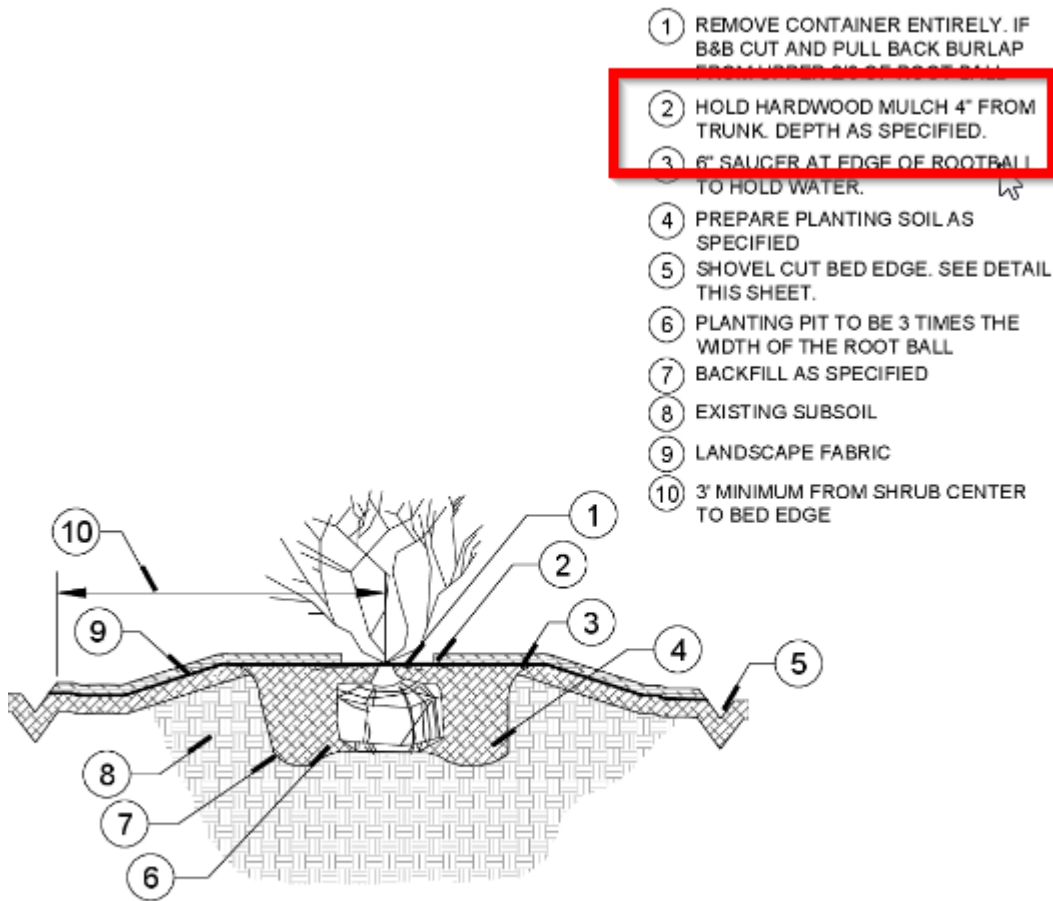
- Sheet L-1.3- Plant Schedule states: "Shredded Hardwood Top Dress Mulch (3" Depth)"

GROUND COVERS

	BED P#M	23,633 sf	Bed Prep/Mulch Bed Preparation (9" DEPTH) + Shredded Hardwood Top Dress Mulch (3" DEPTH) + Soil Conditioners, Fertilizers, Amendments, and Pre-Emergent Herbicides	Bed Prep/Mulch
	CYN CEL	11,943 sf	Celebration Bermuda Grass	Cynodon dactylon `Cele

* FIELD GROWN IS ACCEPTABLE.

- Sheet L-1.4- Detail #3 SHRUB WITH FABRIC: “HOLD HARDWOOD MULCH 4” FROM TRUNK DEPTH AS SPECIFIED”



3 SHRUB WITH FABRIC

N.T.S.

DDG-GE-LA-08

- Sheet L-1.4- On Sheet Specs- Part 2 Products- Materials- Top-dress Mulch

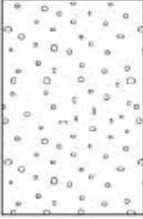

Top-dress Mulch: Shredded hardwood, well composted (100 day minimum), stable, and weed-free organic matter, pH range of 5.5 to 8.0; moisture content 35 to 55 percent by weight; 100 percent passing through 1-½" sieve; soluble salt content of 2 to 5 decisiemens/m; not exceeding 0.5 percent inert contaminants and free of substances toxic to plantings. Pine bark and pine straw **WILL NOT** be accepted.

After the site plan was approved, the project was cleared to apply for the appropriate building permits, which were divided into two permits. One for the building and one for the site. The Commercial Site Improvement permit was issued for the parking lot and landscape on May 17, 2024. The contractor listed as the applicant on the permit was Morgan Jones of Stripe A Lot of America II Corp. The plans provided to city staff for the Commercial Site Improvement permit clearly show that hardwood mulch was going to be used. Below are the references to hardwood mulch that were included in the Commercial Site Improvement permit.

COMMERCIAL SITE IMPROVEMENT PERMIT # #24-000253 ISSUED ON MAY 17, 2024

- Sheet L-1.1- Plant Schedule states: "Shredded Hardwood Top Dress Mulch (3" Depth)"

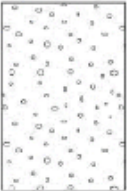

GROUND COVERS

	BED P&M	25,930 sf	Bed Prep/Mulch Bed Preparation (9" DEPTH) + Shredded Hardwood Top Dress Mulch (3" DEPTH) + Soil Conditioners, Fertilizers, Amendments, and Pre-Emergent Herbicides	Bed Prep/Mulch
	CYN CEL	14,206 sf	Celebration Bermuda Grass: Cynodon dactylon "Celebration"	

* FIELD GROWN IS ACCEPTABLE.

- Sheet L-1.2- Plant Schedule states: "Shredded Hardwood Top Dress Mulch (3" Depth)"

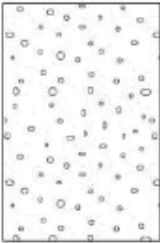

GROUND COVERS

	BED P&M	25,930 sf	23,633 sf	2,297 sf	Bed Prep/Mulch Bed Preparation (9" DEPTH) + Shredded Hardwood Top Dress Mulch (3" DEPTH) + Soil Conditioners, Fertilizers, Amendments, and Pre-Emergent Herbicides	Bed Prep/Mulch
	CYN CEL	14,206 sf	11,943 sf	2,263 sf	Celebration Bermuda Grass: Cynodon dactylon "Celebration"	

* FIELD GROWN IS ACCEPTABLE.

- Sheet L-1.3- Plant Schedule states: "Shredded Hardwood Top Dress Mulch (3" Depth)"

GROUND COVERS

	BED P&M	23,633 sf	Bed Prep/Mulch Bed Preparation (9" DEPTH) + Shredded Hardwood Top Dress Mulch (3" DEPTH) + Soil Conditioners, Fertilizers, Amendments, and Pre-Emergent Herbicides	Bed Prep/Mulch
	CYN CEL	11,943 sf	Celebration Bermuda Grass: Cynodon dactylon "Celebration"	

* FIELD GROWN IS ACCEPTABLE.

- Sheet L-1.4- Detail #3 SHRUB WITH FABRIC: "HOLD HARDWOOD MULCH 4" FROM TRUNK DEPTH AS SPECIFIED"

① REMOVE CONTAINER ENTIRELY. IF B&B CUT AND PULL BACK BURLAP FROM UPPER 2/3 OF ROOT BALL

② HOLD HARDWOOD MULCH 4" FROM TRUNK. DEPTH AS SPECIFIED.

③ 6" SAUCER AT EDGE OF ROOTBALL TO HOLD WATER.

④ PREPARE PLANTING SOIL AS SPECIFIED

⑤ SHOVEL CUT BED EDGE. SEE DETAIL THIS SHEET.

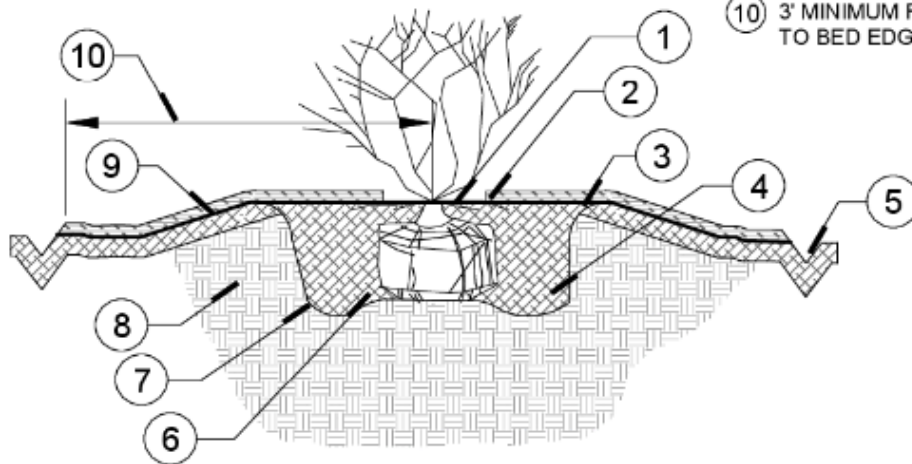
⑥ PLANTING PIT TO BE 3 TIMES THE WIDTH OF THE ROOT BALL

⑦ BACKFILL AS SPECIFIED

⑧ EXISTING SUBSOIL

⑨ LANDSCAPE FABRIC

⑩ 3' MINIMUM FROM SHRUB CENTER TO BED EDGE



3

SHRUB WITH FABRIC

N.T.S.

DDG-GE-LA-08

- Sheet L-1.4- On Sheet Specs- Part 2 Products- Materials- Top-dress Mulch

Top-dress Mulch: Shredded hardwood, well composted (100 day minimum), stable, and weed-free organic matter, pH range of 5.5 to 8.0; moisture content 35 to 55 percent by weight; 100 percent passing through 1-½" sieve; soluble salt content of 2 to 5 decisiemens/m; not exceeding 0.5 percent inert contaminants and free of substances toxic to plantings. Pine bark and pine straw **WILL NOT** be accepted.

On June 23, 2024, it was observed that the contractor was using a river rock type gravel instead of the hardwood mulch shown on the approved site plan and permit drawings.



On June 24, 2024, an email was sent to the project civil engineer Benton Bilello with DDG. The email informed Mr. Bilello that "Section 14.13.2.E of the UDC prohibits the use of rock as mulch." Mr. Bilello replied, "I'm scheduled to make a site visit tomorrow morning and will have the contractor get this corrected."

On June 25, 2024, Gregg Kay with Stripe A Lot of America II contacted Mayor Spruill. He was directed to apply for a landscape waiver.


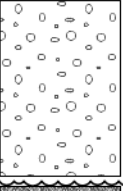

On July 1, 2024, an incomplete landscape waiver application was received (plans were not included).

On July 8, 2024, Lyle McCaskey, City of Starkville Assistant City Planner, emailed a notice of violation to the contractor and Spencer Patterson with Walmart (Attachment 3). This notice was issued because the contractor continued to install river rock-type gravel mulch.

On July 10, 2024, Lyle McCaskey hand delivered a stop work order to Heath with Stripe A Lot of America II. A copy of the stop work order and a letter were later emailed to Gregg Kay and Spencer Patterson (Attachment 4). The stop work order was issued due to the contractor continuing to install river rock type gravel mulch.

On July 11, 2024, the stop work order was lifted after the contractor was observed removing river rock-type gravel from the landscape beds.

On July 23, 2024, an updated landscape plan was submitted to complete the landscape waiver application. The updated pan replaced the reference to hardwood mulch on the plant schedule to "Dark Brown Aggregate Rock Mulch".

GROUND COVERS									
	BED P#W	952 sf	952 sf		Bed Prep/Mulch Bed Preparation (9" DEPTH) + Shredded Hardwood Top Dress Mulch (3" DEPTH) + Soil	Bed Prep/Hardwood Mulch	Soil		
	BED P#R	24,978 sf	22,681 sf	2,297 sf	Bed Prep/Rock Bed Preparation (9" DEPTH) + Dark Brown Aggregate Rock Mulch (3" DEPTH) + Soil Conditioners, Fertilizers, Amendments, and Pre-Emergent Herbicides	Bed Prep/Rock Mulch	Soil		
	CYN CEL	14,988 sf	12,725 sf	2,263 sf	Celebration Bermuda Grass	Cynodon dactylon `Celebration`	Sod		

SITE PHOTOS TAKEN ON JULY 23, 2024



Rocks have migrated into pedestrian and vehicular areas.



Rocks have migrated into pedestrian and vehicular areas.



Newly planted plants have already died even though irrigation is provided. The approved plan specified a Dwarf Yaupon Holly which is listed as a drought-tolerant native plant.



Weeds are already growing in the rock

SITE PHOTOS TAKEN ON JULY 30, 2024



Observed more dead plant material



More rocks have migrated into pedestrian and vehicular areas.



Rocks present a tripping hazard



While onsite, the contractor was also observed placing topsoil or plant mix on top of compacted subbase material.



Irrigation is being installed in a landscape island. The subbase material has not been removed.

SITE PHOTOS TAKEN ON JULY 30, 2024



Curb has been installed. The subbase material has not been removed.



+ Curb has been installed. The subbase material has not been removed.

To deviate from the required landscape requirements of the Development Standards chart in Section 14.6 or the landscaping requirements in Section 14.13 of the Unified Development Code, a Landscape Waiver is required in accordance with Section 3.11.

LANDSCAPE WAIVER REQUEST FROM

Section 14.13.2 Plant Material Standards

E. Mulch. Mulch shall be provided in all landscape beds. Mulch shall be pine straw, pine bark, or shredded hardwood. Inorganic material such as rock, glass, or rubber chips is not considered mulch and shall not be permitted. Rock can be used as part of a stormwater management facility with the approval of the City Planner and/or City Engineer.

CRITERIA FOR LANDSCAPE WAIVER REVIEW AND APPROVAL (Section 3.11.1)

1. That special conditions and circumstances exist which are peculiar to the property involved, and the same conditions are not applicable to other properties in the surrounding area.
2. That the literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.
3. That the hardship has not resulted from the actions of the applicant.
4. That granting the waiver requested will not confer on the applicant any special privilege that is denied by this Code to other properties in the same district.
5. That granting the waiver is the minimum waiver that will make possible the reasonable use of the property.
6. That the granting of the waiver will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to surrounding areas or otherwise detrimental to the public welfare

STAFF ANALYSIS


- No special conditions or circumstances exist. No issues peculiar to the property regarding landscaping were discussed during the site plan review or the permit plan review.
- The applicant has chosen not to follow either the approved site plan or the plans submitted for permitting.
- Any hardship endured by the applicant is a direct result of the applicant's actions and decision not to follow the approved site plan or the plans submitted for permitting.
- Granting a waiver could create a situation that is detrimental to the public welfare by creating potential tripping hazards.

CONDITIONS OF APPROVAL

The Mayor and Board of Aldermen may attach conditions in accordance with the approval. Conditions attached to the approval of a landscape waiver shall run with the land and shall be binding upon the applicants, their heirs, successors, and assigns for the duration of the use of the building, and/or site. (Section 3.11.2.E).

Attachment 1
LW 24-01 Aerial



Parcels
 Subject Property

0 200 400 800 Feet



Attachment 2
LW 24-01 Zoning



Attachment 3- Notice of Violation Letter

Daniel Havelin
City Planner
Phone: 662-323-2525 x 3136
Fax: 662-323-4143
d.havelin@cityofstarkville.org



Lyle McCaskey
Assistant City Planner
Phone: 662-323-2525 x 3130
Fax: 662-323-4143
L.mecaskey@cityofstarkville.org

July 8, 2024

To:
Greg Kay
Stripe A Lot of America Corporation
1607 N Hercules Ave,
Clearwater, FL, 33765

RE: Notice of Violation for 1010 MS-12 Hwy West, Starkville MS 39759. Work performed against an approved site plan and building permit (#24-000253).

This letter is written in response to unpermitted alterations to an approved site plan being done at 1010 Mississippi Highway 12 West, also known as Walmart Inc. As witnessed during an inspection made on June 25th, 2024, materials are being used that are not permitted by the Unified Development Code for landscaping coverage. This letter shall be an official notice that if unpermitted materials are not removed according to the approved site plan by Wednesday July 10th, 2024, at 11:00 A.M. a stop work order shall be issued for all work being performed under permit #24-000253 until such corrections have been made. Furthermore, certificate of completions and/or certificate of occupancies may be withheld for the entire site until such corrections are made or upon receiving approval through the Landscape Waiver process.

Should you have any questions or require additional information, please do not hesitate to contact me at permits@cityofstarkville.org or (662) 323-2525, extension 3130.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Havelin".

Daniel Havelin
City Planner

A handwritten signature in black ink, appearing to read "Lyle McCaskey".

Lyle McCaskey
Assistant City Planner

Attachment 4- Stop Work Order

Daniel Havelin
City Planner
Phone: 662-323-2525 x 3136
Fax: 662-323-4143
d.havelin@cityofstarkville.org



Lyle McCaskey
Assistant City Planner
Phone: 662-323-2525 x 3130
Fax: 662-323-4143
L.mecaskey@cityofstarkville.org

July 10, 2024

To:
Greg Kay
Stripe A Lot of America Corporation
1607 N Hercules Ave,
Clearwater, FL, 33765

RE: Stop Work for all Landscaping at 1010 MS-12 Hwy West, Starkville MS 39759.

This letter is written in response to unpermitted alterations to an approved site plan being done at 1010 Mississippi Highway 12 West, also known as Walmart Inc. As witnessed during an inspection made on July 10th, 2024, materials are being used that were not permitted by the Unified Development Code or by the approved site plan. This letter shall be an official notice that all landscaping work must stop as of July 10th, 2024, until such corrections have been made.

- **Replace all unpermitted landscaping coverage (rock/gravel) with the materials in the approved site plan.**

Furthermore, certificate of completions and/or certificate of occupancies may be withheld for the entire site until such corrections are made or upon receiving approval through the Landscape Waiver process.

Any responsible persons or parties found in violation of Unified Development Code upon being found guilty, shall be guilty of a civil penalty and fined not more than one thousand dollars (\$1,000) per day of violation unless specifically stated otherwise in Section 13 of the Unified Development Code. Each day such violation continues shall constitute a separate offense. The city may, before or after the institution of other enforcement action, seek injunctive relief from any appropriate court, commanding the Responsible Persons and Parties to correct the violation. The Building Official may revoke any building permit and the City Planner may revoke any planning approval issued by staff after written notice of violation to the responsible persons or parties when violations of the Unified Development Code and/or any provision of the adopted Technical Codes have occurred when false statements or misrepresentations were made in securing the permit, work is being or has been done in a substantial departure from the approved application or plan, or a permit has been mistakenly issued in violation of this ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Havelin".

Daniel Havelin
City Planner

A handwritten signature in black ink, appearing to read "Lyle McCaskey".

Lyle McCaskey
Assistant City Planner



STOP WORK LANDSCAPING

IT SHALL BE UNLAWFUL TO REMOVE THIS SIGN

GREG KAY YOU ARE HEREBY NOTIFIED TO STOP ALL * WORK AT
1010 MS HWY 12 WEST AS OF 07/10/2024 ALL WORK SHALL BE
SUSPENDED UNTIL FURTHER NOTICE. PLEASE CONTACT STARKVILLE CITY HALL
BUILDING DEPARTMENT BY EMAIL AT L.MECASKEY@CITYOFSTARKVILLE.ORG
OR CALL (662) 323-2525 VIOLATIONS TO CORRECT ARE AS FOLLOWS.
**REMOVE ROCK FROM LANDSCAPING AND REPLACE WITH MATERIALS
REQUIRED IN THE APPROVED SITE PLAN.**
ALL LANDSCAPING WORK IS TO BE STOPPED UNTIL CORRECTED

Issued By: LYLE MECASKEY

Issued Date: 07/10/2024

UDC 3.19-H Each day such violation continues shall constitute a separate offense.

UDC 3.19.4-A The Community Development Director may revoke any zoning permit or building permit issued by staff after written notification to the permit holder when violations of this ordinance have occurred, when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, or a permit has been mistakenly issued in violation of this ordinance.

UDC 3.19.4-B Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Community Development Director may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing posted on the property, state the specific work to be stopped, and the specific reasons for stop work order.

UDC 3.19.4-C Any person, firm, or corporation who shall knowingly and willfully violates any terms, conditions or provisions of the Unified Development Codes shall, upon conviction, be guilty of a misdemeanor and shall be sentenced to pay a fine of not to exceed one thousand dollars (\$1,000.00), and in the case of continuing violations without reasonable effort on the part of the defendant to

UDC 3.19.4-F Any violation of this ordinance shall constitute grounds for withholding new building permits, sign permits, or certificate of occupancy for structures that are directly related to the violation until the violation has been corrected, including the payment of all fines and fees.

Permit Number: 24-000253

Signature: *Lyle Mecaskey*