APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF AUGUST 14, 2012
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. Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Jeremy Murdock, Ira Loveless and John Moore. Commissioner Jason Walker was absent. The meeting was called to order by Commission Chairman Jerry Emison. Attending the Commissioners were City Planner Ben Griffith, Assistant City Planner Pamela F. R. Daniel and Recording Secretary Bill Green. City Attorney Chris Latimer was absent.

After a brief discussion, and upon the motion of Commissioner Murdock, which was seconded by Commissioner Moore, the Commission unanimously voted to excuse Commissioner Walker's absence.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated August 14, 2012. After a brief discussion, and upon the motion of Commissioner Moore, which was seconded by Commissioner Murdock, the Commission voted unanimously to approve the written agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE JULY 10, 2012 MEETING

The Commission considered the matter of approval of the minutes of the July 10, 2012 meeting. Commissioner Loveless made a motion to approve the minutes with suggested revisions, which was then seconded by Commissioner Moore. Commissioner Murdock stated that he would be abstaining due to his absence on July 10th. After a brief discussion, the Commission voted 4—0 to approve said minutes with revisions, with Commissioner Murdock abstaining.

AN ORDER APPROVING THE MINUTES OF THE JULY 19, 2012 MEETING

The Commission considered the matter of approval of the minutes of the special call meeting of July 19, 2012. Commissioner Herring made a motion to approve the minutes as presented, which was then seconded by Commissioner Murdock. After a brief discussion, the Commission voted unanimously to approve said minutes.

CITIZEN COMMENTS

Chairman Emison asked if any member of the public cared to address the Commission, reminding them that there was a public hearing on the agenda and comments regarding that item would be called for at the appropriate time. No comments were received.

A PUBLIC HEARING REQUEST BY PASTORS GREGORY & MICHELLE MOSTELLA TO ALLOW A PLACE OF WORSHIP IN A C-2 ZONING DISTRICT AT 730 WHITFIELD ROAD IN WARD 1

Next there came before the Commission item #CU 12-05: a public hearing requested by Pastors Gregory & Michelle Mostella to allow a place of worship in a C-2 zoning district at 730 Whitfield Road in Ward 1. The Assistant City Planner read a brief introduction of the request and asked if any of the Commissioners been contacted by anyone regarding the request—none had.

The applicants, Pastors Gregory & Michelle Mostella, came forward and Gregory Mostella addressed the Commissioners, stating that Tribe Judah Ministries had approximately 30 members and that three Board members were present at the meeting. He gave a brief overview of their ministries and stated that he understood concerns of parking availability. Pastor Mostella stated that there were approximately 10 vehicles at a regular worship service and that parking would be provided at the front and eventually the rear of the building when it became necessary.

Commissioner Loveless asked why the Quad-County Alternate School had relocated and Pastor Mostella answered that the building had been treated for mold, adding that gravel had been piled too high against the side of the building causing drainage issues and that the heat had been kept at over 80° during the winter months.

Commissioner Loveless asked how the rear of the building was going to be made accessible since according to his research at the county tax office, the building and lot size severely limited access to the rear of the site by only the eastern side of the building since the western side of the building was where the air conditioner units were located.

Chairman Emison opened the floor for other public comments.

Ms. Betty Nabors of 1902 Patton Drive came forward and addressed the Commissioners, stating that she lived directly behind the building and was concerned about late-night services and the number of services during the week. She also asked if there would be a day care center, adding that when the Quad-County Alternate School was there, she had installed a privacy fence.

Pastor Michelle Mostella answered that their Sunday morning service began at 11:00 AM and ran until 1:00 PM or sometimes 2:00 PM; that there was a Wednesday night Bible study beginning at 7:00 PM that usually ran no later than 9:00 PM and choir practice on Thursday night. Pastor Mostella concluded by stating that there would be no day care center, only a nursery during worship services.

Chairman Emison asked if there were any other questions or comments from the public and seeing none, closed the public hearing.

Commissioner Herring stated that she was concerned with the availability of parking, especially at the rear of the building. Commissioner Loveless restated the dimensions of the building and lot size and echoed Commissioner Herring's concerns about parking. A brief discussion about the parking requirements then began amongst the Commissioners. The Commissioners asked the City Planner what the parking requirements were for a church and Mr. Griffith replied that parking was based on the number of seats in the largest room of assembly, which was usually the sanctuary, which was one parking space for every five seats. Pastor Gregory Mostella stated that there were about 30 members of the congregation and that they usually set up around 50 seats for worship services. He also stated that many members of the congregation were families which rode together, so there were usually about 10 cars in the parking lot for services.

A discussion ensued amongst the Commissioners about how many parking spaces could be provided in the front and rear of the building. The City Planner was asked if the church would be required to undergo a site plan review by the Development Review Committee, and he answered that unless the church was planning to increase the size of the building, they would not. The City Planner was then asked who would review the church's proposed parking plan and he answered that he and the City Engineer would review any proposed parking plan as a building permit and not as a site plan. The Commissioners then discussed how to add a condition requiring the provision of adequate parking for the site.

After further discussion, Commissioner Murdock made a motion to recommend approval of the request to the Mayor and Board of Aldermen with the following conditions provided by Planning staff, as revised:

1. The footprint of the existing structure shall not be increased in size.
2. All signage shall conform to the City's signage ordinance. Permits shall be obtained from the City's Building Department prior to the placement of any signage on the site.
3. The applicant shall obtain all necessary permits prior to the commencement of any construction activities on the site.
4. A Certificate of Occupancy for the building shall be obtained from the Building Department prior to any worship services or any faith-related activities at the site within (6) six months of approval of the conditional use request by the Mayor and Board of Aldermen.
5. A new conditional use application shall be required if there is a change in ownership of the property which requires a conditional use, or if the use ceases for more than (6) six months.
6. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.
7. <u>The Certificate of Occupancy will not be issued until the parking infrastructure meets the parking requirements for a place of worship.</u>

Commissioner Moore seconded the motion and the request was recommended for approval by a 4—1 vote, with Commissioner Loveless casting the dissenting vote.

A REQUEST BY JACKSON CONSTRUCTION, INC. FOR APPROVAL OF "HUNTINGTON PARK SUBDIVISION, PHASE 8—PART 6 FINAL PLAT" LOCATED IN AN R-4 ZONING DISTRICT ON KINGWOOD DRIVE IN THE HUNTINGTON PARK SUBDIVISION, WEST OF SOUTH MONTGOMERY STREET IN WARD 3

Next there came before the Commission item #FP 12-02: a request by Jackson Construction, Inc. for approval of "Huntington Park Subdivision, Phase 9—Part 6 Final Plat" located in an R-4 zoning district on Kingwood Drive in the Huntington Park Subdivision, west of South Montgomery Street in Ward 3. The City Planner read a brief introduction of the request.

The applicant, David Jackson and his engineer, Mike Brent, came forward and addressed the Commissioners, stating that the preliminary plat and infrastructure plans were approved in 2004 and they were concerned with the Fire Department's request to provide a new fire hydrant. Mr. Jackson stated that the infrastructure for this street and three others had all been installed for almost eight years and felt that he was being asked to do something different from what he had already been asked to do.

Mr. Brent concurred, stating that he had designed the infrastructure and inspected its construction, adding that for the City to change its mind eight years later and request something different was not fair to his client. Chairman Emison asked Mr. Brent if he had an estimate of the cost and Mr. Brent responded that it would be approximately $7,000 to $10,000.

Fire Chief Rodger Mann stated that the standards for fire hydrant locations had not changed and gave a brief description of how hydrant locations are determined and measured. He stated that the Fire Dept. took great pride in working with the development community, and that perhaps in their haste to move a project forward, a mistake had been made. Chief Mann than stated that there was an exception to the code section cited in the staff report, and that the distance should be 600 feet instead of 400 feet. He concluded by stating that rather than locating a new hydrant on Kingwood Drive, an existing hydrant on Huntington Drive could be moved eastward approximately 100 feet and that it would cover all of the houses located on Kingwood Drive.

A lengthy discussion began amongst the Commissioners about who should be responsible for relocating the hydrant and when it should be done. After some time, Commissioner Hicks asked if they should be discussing what seemed to him to be a policy matter for the Mayor and Board of Aldermen to decide and not the Planning & Zoning Commission. Hearing no further discussion on the topic of relocating the hydrant, Chairman Emison asked for a motion.

After a brief discussion, Commissioner Loveless made a motion to recommend approval of the request to the Mayor and Board of Aldermen with the following conditions provided by Planning staff, as revised:

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. All public utilities are currently in place as verified by the owner and engineer of record.
4. Erosion control vegetation shall be established on all disturbed areas.
5. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
6. ~~A fire hydrant shall be installed at the southeastern corner of Lot #114 in accordance with Section 508.5.1of the International Fire Code.~~
7. The applicant shall provide adequate and satisfactory test reports for roadways, curbs and all drainage structures and facilities.

8. The covenants shall include provisions for the maintenance of common areas and the City Attorney's standard hold-harmless indemnification clause.
9. The roadway shall not be accepted by the City until at least 85% of all lots located on Kingwood Drive (10 lots of the 12 total lots) have been developed and received Certificates of Occupancy. The development agreement shall remain in effect until such time.
10. The applicant shall provide two paper copies of the recorded plat to the City, along with a digital copy in "AutoCAD" format in standard state plane coordinates.
11. The applicant shall provide "as-built" drawings of all infrastructure improvements (water, sewer, storm drainage, roadways, sidewalks, etc.) in "AutoCAD" format as well as a paper copy that is signed and sealed by a licensed design professional, guaranteeing accuracy.
12. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within thirty (30) days of the approval by the Mayor and Board of Aldermen.

Commissioner Herring seconded the motion and the request was unanimously recommended for approval.

PLANNER REPORT

City Planner Ben Griffith stated that there currently were no public hearings scheduled for the September 11th meeting and was not sure what else would be ready by that time. He asked if the Commissioners would consider going to an electronic packet, adding that the Historic Preservation Commission is completely paperless and the Board of Aldermen had significantly reduced the number of paper packets. Mr. Griffith added that even if some of the Commissioners were willing to go paperless, it would help in reducing copying costs. He asked the Commissioners to be mindful of any *ex parte* communications and to contact the Planning Office with any questions regarding any items on the upcoming agenda.

ADJOURNMENT

Commissioner Hicks made a motion, seconded by Commissioner Moore, to adjourn the meeting at approximately 7:05 PM. The next regularly scheduled meeting will be Tuesday, September 11, 2012 at 5:30 PM in the City Hall Courtroom.

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Jerry Emison, Chairman

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Ben Griffith, AICP, City Planner