APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF JULY 10, 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, Jason Walker, Ira Loveless and John Moore. Commissioner Jeremy Murdock was absent. The meeting was called to order by Commission Chairman Jerry Emison. Attending the Commissioners were City Planner Ben Griffith and Assistant City Planner Pamela F. R. Daniel. City Attorney Chris Latimer and Recording Secretary Bill Green were absent. Attorney Jeff Turnage attended the meeting in Mr. Latimer's absence.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated July 10, 2012. After a brief discussion, and upon the motion of Commissioner Hicks, which was seconded by Commissioner Walker, the Commission voted unanimously to approve the written agenda, reversing the old and new business sections by placing the communications tower public hearing first and discussion of the draft "Urban Renewal Plan" second.

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

AN ORDER APPROVING THE MINUTES OF THE JUNE 12, 2012 MEETING

The Commission considered the matter of approval of the minutes of the June 12, 2012 meeting. Commissioner Herring suggested that a sentence be added stating that Chairman Emison's absence had previously been approved by the Commission. Commissioner Loveless made a motion to approve the minutes with the suggested revision, which was then seconded by Commissioner Herring. Commissioner Hicks stated that he would be abstaining due to his absence on June 12. After a brief discussion, the Commission voted 4—0 to approve said minutes with revisions, with Commissioner Hicks abstaining.

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 REQUESTED BY DAVID MCGEHEE OF CMI ACQUISITIONS, REPRESENTING C SPIRE WIRELESS, FOR APPROVAL OF A COMMUNICATIONS TOWER LOCATED IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT AT 403 ABERNATHY DRIVE IN WARD 1

Next there came before the Commission item #CT 12-01: a public hearing requested by David McGehee of CMI Acquisitions, representing C Spire Wireless for approval of a communications tower located in a C-2 (General Business) zoning district at 403 Abernathy Drive in Ward 1. The Assistant City Planner then read a brief introduction of the request and asked if any of the Commissioners been contacted by anyone regarding the request—none had.

The applicant, Mr. David McGehee, addressed the Commissioners, stating that they had previously looked on the western side of Highway 25 to locate the tower, but after meeting opposition from the adjacent property owner, had now selected a site on the eastern side of Highway 25 on Abernathy Drive. He stated that the proposed tower would be 100' in height which was a little lower than the street lights along Highway 25, which were approximately 130' in height. Mr. McGehee stated that he had contacted the airport manager, receiving a letter of support which had been included with the staff report.

Chairman Emison stated that the dimensional variances would be heard by the Board of Adjustments & Appeals and asked what would be provided at the site.

Mr. McGehee responded that the variance hearing was scheduled for July 25th and that there would be a chain-link fence and landscaping around the site to screen the area, adding that the site backed up to a wooded hill and that they might only need to have three sides landscaped.

Chairman Emison stated that a condition be added to address landscaping for the site and Commissioner Walker stated that they could add something to condition #4 to include a landscape plan, specifically for the 60' x 60' site. Mr. McGehee responded that he would provide the landscape plan.

Commissioner Hicks asked if the applicant had a problem providing marking and navigation lighting if it was not required and Mr. McGehee replied that the FAA usually does not require it but since the airport had asked for it to be done, they would do it.

Commissioner Loveless asked about the setbacks for the proposed tower, adding that he thought it was dangerous to have a 100-foot tower 60 feet from a residential area.

Mr. McGehee stated that the proposed pole would be 60' from the east property line and that the nearest structure would be 167' away from the base of the pole. He added that there is also a 15-foot utility easement along the residential property line and that the tower structure is designed to collapse in on itself in the event of a catastrophic failure—not like a tree that would fall in a straight line—and that all of this was part of their due diligence per the engineer's stamped letter.

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

Commissioner Herring asked if condition #4 should be revised to require approval of the variances by the Board of Adjustments & Appeals.

Chairman Emison answered that there should probably be two revisions to the conditions of approval: the first one to #4 regarding the landscape plan and to #5 for approval of the variances by the Board of Adjustments & Appeals.

Commissioner Hicks asked about the item being identified as a "CT" instead of a "CU" and Ms. Daniel answered that the changes to the Chart of Permitted Uses required that a communications tower be reviewed as a conditional use which conflicted with the communications tower ordinance.

Hearing no further discussion amongst the Commissioners, Chairman Emison asked for a motion.

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

1. The communication tower height shall not exceed one hundred (100) feet.

2. The secured fenced tower facility shall not exceed the proposed 60' x 60' compound connected by a 12' wide driveway.

3. The communication tower marking/lighting shall be installed and maintained in accordance with FAA Advisory circular 70/7460-K Change 2.

4. The applicant shall submit a complete site plan package, including a landscape plan which provides screening of the 60' x 60' equipment compound, to the City's Development Review Committee and receive approval within one-hundred-eighty (180) days of approval of the conditional use request by the Mayor and Board of Aldermen.

5. The applicant shall submit an application to the City's Board of Adjustments & Appeals ~~for~~ and gain approval of (2) two variances requested to grant a 60-foot setback distance in lieu of the required 100-foot setback distance and a 60-foot setback radius in lieu of the required 2,640-foot radius from a residential district to the East within one-hundred-eighty (180) days of approval of the conditional use request by the Mayor and Board of Aldermen.

6. The applicant shall obtain a building permit and begin construction within ninety (90) days of the approval of the site plan by the City's Development Review Committee.

7. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

Commissioner Moore seconded the motion and the request was approved by a 4—1 vote with Commissioner Loveless casting the dissenting vote.

PRESENTATION BY CONSULTANT TRIPP MULDROW OF PROPOSED "URBAN RENEWAL PLAN" FOR THE FORM BASED CODE TRANSECT DISTRICTS

Next there came before the Commission a presentation by Consultant Tripp Muldrow of the proposed "Urban Renewal Plan" for the Form Based Code Transect Districts. Mr. Muldrow provided a review of the previous meeting with the Commissioners reviewed his memo dated June 29, 2012 and updated them on the meeting of the Steering Committee from earlier that afternoon. He then provided the Commissioners with a sheet outlining a revised implementation section of the draft plan and reviewed that document with them. Mr. Muldrow stated that there was still two days remaining on the 30-day comment period and asked if anyone had any questions or comments on the draft. Commissioner Hicks had been absent on June 12th and had several questions about the draft plan. The Commissioners joined in on the discussion which included such topics as: establishment and administration of the redevelopment authority, use of eminent domain, identification and determination of blighted properties, determination of the redevelopment district boundary, taxing authority, budget oversight, compliance with state statutes and the City's comprehensive plan. Mr. Muldrow thanked the Commissioners for their comments and stated that he would begin drafting the revised plan for presentation to the Board of Aldermen in the near future. Commissioners Hicks and Herring asked that staff provide a report or cover memo in the future on items such as this to better help them understand the items being brought before them.

PLANNER REPORT

City Planner Ben Griffith stated that there would be a public hearing and a final plat scheduled for the August 14th meeting. He stated that Shenestia Thompson's rezoning request on Rockhill Road may be ready to place on that agenda as well, depending on the outcome of the determination of heirs hearing scheduled for July 16th. Mr. Griffith 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 6:55 PM. The next regularly scheduled meeting will be Tuesday, August 14, 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