**APPROVED**

# MINUTES OF THE PLANNING & ZONING COMMISSION
# MEETING OF MARCH 13, 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, Jeremy Murdock, and John Moore. Commissioner Ira Loveless was absent. The meeting was called to order by Commission Chairman Jerry Emison. After a brief discussion, and upon the motion of Commissioner Murdock, which was seconded by Commissioner Moore, the Commission unanimously voted to excuse Commissioner Loveless' absence. 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 and Columbus City Attorney Jeff Turnage provided legal counsel to the Commission.

## AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated March 13, 2012. After a brief discussion, and upon the motion of Commissioner Murdock, which was seconded by Commissioner Herring, the Commission voted unanimously to approve the agenda as presented.

## AN ORDER APPROVING THE MINUTES OF THE FEBRUARY 14, 2012 MEETING

The Commission considered the matter of approval of the minutes of the February 14, 2012 meeting. After discussion, and upon the motion of Commissioner Walker, which was seconded by Commissioner Herring, the Commission voted unanimously to approve said minutes with a minor revision.

## CITIZEN COMMENTS

Chairman Emison asked if any member of the public cared to address the Commission, reminding them that there were five public hearings on the agenda and comments regarding those items would be called for at the appropriate time.

Mr. Alvin Turner, of 158 Pecan Acres, addressed the Commission about the citizens' ability to have access to information regarding public hearings and other items before they come before the Commission and the Board of Aldermen. Mr. Turner stated that he believed the citizens would become angered if they did not receive a "heads up" before such matters go before the Commission and the Board of Aldermen.

## A PUBLIC HEARING REQUESTED BY SHENESTIA THOMPSON FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY) TO R-M (MOBILE HOMES/MHP/MHS) LOCATED AT 1646 ROCKHILL ROAD IN WARD 6

Next there came before the Commission item #RZ 12-01: a public hearing requested by Ms. Shenestia Thompson for a zoning change from R-1 (Single Family) to R-M (Mobile Homes/MHP/MHS), located at 1646 Rockhill Road in Ward 6. The Assistant City Planner read a brief introduction explaining that the request had come before the Commission on February 14, 2012, but was tabled due to lack of evidence of ownership. Chairman Emison stated that the rezoning request would remain tabled until sufficient evidence of ownership could be provided.

**A PUBLIC HEARING REQUESTED BY CARISSA HENDRIX FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY) TO R-M (MOBILE HOMES/MHP/MHS) LOCATED AT 1587-2 BLUEFIELD ROAD IN WARD 2**

Next there came before the Commission item #RZ 12-02: a public hearing requested by Ms. Carissa Hendrix for a zoning change from R-1 (Single Family) to R-M (Mobile Homes/MHP/MHS), located at 1587-2 Bluefield Road in Ward 2. The Assistant City Planner read a brief introduction and asked if any of the Commissioners had received any communications from anyone regarding the request; none had.

The applicant, Carissa Hendrix came forward to speak. She explained that she wants to rezone the property because she had been raised there and would like for her children to be raised there as well. She added that she wished to be closer to her mother, who lives next door.

Commissioner Herring asked if the shaded area on the locator map provided in the staff report indicated the .49 acres only. Ms. Daniel confirmed that the shaded area only indicated the .49 acres that had been surveyed. Commissioner Herring asked how many square feet are in .49 acres. Ms. Daniel explained that it was just over 21,000 square feet. Commissioner Herring asked if the applicant could place a second mobile home on the property since it was 21,000 square feet in size. City Planner Ben Griffith answered that the second home would trigger a plat.

Commissioner Herring then asked about the difference between a mobile home and a manufactured home. Ms. Daniel explained that one difference was the standard at which the two types of homes were built, whether before or after the HUD regulations with an effective date of June 15, 1976. Mr. Griffith added that another key difference was that a mobile home has an axle, chassis and tongue for towing while a manufactured home is placed on a permanent foundation.

Chairman Emison reminded the Commissioners that this distinction was of little concern and that the Commission has to make a recommendation based on the determination that the conditions have changed.

Hearing no further public comments, the Chairman closed the public hearing and asked for a motion.

Commissioner Murdock asked the City Planner if he recalled the change in conditions for the first zoning change that came before the Commission.

Mr. Griffith explained that the change in condition was based on the completion of the Highway 25 Bypass and the expansion of utilities, especially sanitary sewer, into the area. He went on to say that the property owner wanted to increase the amount of existing C-2 property from R-1 for the development of a proposed hotel/resort, but that the owner was now planning to build an apartment complex instead.

Commissioner Walker stated that he thought the expansion of utilities which would lead to more development was the significant change in the area.

Chairman Emison then asked the Commission for a motion.

Commissioner Hicks made a motion to recommend approval of the rezoning request to the Mayor and Board of Aldermen based on changing conditions in the area and public need, which was seconded by Commissioner Moore. The Commission then voted unanimously to recommend approval of the rezoning request.

**A PUBLIC HEARING REQUESTED BY NEW HORIZONS CHRISTIAN FELLOWHIP TO ALLOW A PLACE OF WORSHIP IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 60 LYNN LANE IN WARD 3**

Next there came before the Commission item #CU 12-01: a public hearing requested by New Horizons Christian Fellowship to allow a place of worship in a C-2 (General Business) zoning district located at 60 Lynn Lane in Ward 3. City Planner Ben Griffith read a brief introduction and asked if any of the Commissioners had received any communications from anyone regarding the request; none had.

The applicant, Chuck Bates of New Christian Fellowship Church, and engineer Mike Brent appeared before the Commission to present the request.

Mr. Bates explained that the approval of the conditional use is important because the New Horizons congregation was currently sharing a location with First Assembly of God on Louisville Street and did not have its own place of worship. He added that they were anxious to begin construction on their own church and would do so as soon as possible, if approved.

After a brief discussion about the history of the property, the Lynn Lane right-of-way, and whether or not it was located in a floodplain, Commissioner Murdock stated that he was concerned with the scale of commercial development in the area and wanted to move the building closer to the street and locate the parking lot to the rear. He stated that he would like to see that made a condition of approval because it would better fit the character of the area and screen the parking lot from Lynn Lane.

Mr. Bates stated his concerns about children playing near the church building and getting too close to the side of the road. He also expressed concerns about noise from the roadway and emphasized the expense of redesigning the building, which had already been ordered from the manufacturer.

Mr. Brent stated that the section of Lynn Lane in question has little else on it, and that there were several other properties nearby on Academy Road with parking located in the front. He went on to say that this was a change that he was not aware the Commission could make.

Commissioner Murdock answered that the Planning & Zoning Commission was able to recommend additional conditions to a conditional use request and went on to say that even though Lynn Lane was relatively undeveloped, he would like for the church to set a precedent for future development by following the example of other buildings in Starkville with rear parking lots, such as City Bagel Café on University Drive. He stated that it would create the type of character that he would like to see in that part of town, especially since the City had recently adopted a form based code.

Commissioner Herring stated that she did not share Commissioner Murdock's concerns, but suggested that the parking lot remain in its proposed location and that additional landscaping be provided to screen it from Lynn Lane.

After further discussion on the requirements for emergency vehicle access, parking lot size, and other proposed site improvements, Chairman Emison closed the public hearing and asked for a motion.

Commissioner Herring made a motion to recommend approval of New Horizon's request with an additional condition requiring the applicant to construct screening such that it obstructs the view of the parking lot from Lynn Lane.

Chairman Emison asked for a second and hearing none, asked for another motion.

Commissioner Murdock then made a motion to recommend approval of the conditional use request to the Mayor and Board of Aldermen with the following six conditions provided by Planning staff, adding a seventh:

1. The subject property shall be platted in accordance with the City's subdivision regulations and a final plat recorded at the Office of the Oktibbeha County Chancery Clerk prior to the submittal of site plans for review.
2. The applicant shall submit a detailed site plan for review by the City's Development Review Committee within three (3) months of final approval by the Mayor and Board of Aldermen and prior to the commencement of any construction activities at the subject property.
3. The site plan shall be required to meet all applicable City land development regulations.
4. All appropriate permits shall be obtained prior to the commencement of any construction activities at the site within six (6) months of approval of the conditional use request by the Mayor and Board of Aldermen.
5. All applicable inspections and certificates of occupancy from the City of Starkville's Building and Fire Departments shall be obtained prior to the commencement of any worship or faith-related activities at the site.
6. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.
7. Require all parking areas to be re-located to the rear (north) of the building.

Commissioner Walker seconded the motion. The Chairman asked for a roll call vote and the Commission approved the conditional use request by a 3—2 vote. Commissioners Murdock, Walker and Moore voted in favor while Commissioners Herring and Hicks voted against.

## A PUBLIC HEARING REQUESTED BY NEW HORIZONS CHRISTIAN FELLOWHIP FOR APPROVAL OF THE "4/J, L.P.—LYNN LANE FINAL PLAT—PHASE 2" LOCATED IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT AT 60 LYNN LANE IN WARD 3

Next there came before the Commission item #FP 12-01: a request by New Horizons Christian Fellowship for approval of the "4/J, L.P.—Lynn Lane Final Plat—Phase 2" located in a C-2 (General Business) zoning district at 60 Lynn Lane in Ward 3. The City Planner then read a brief introduction of the request.

Mr. Mike Brent and Mr. Chuck Bates appeared before the Commission to present the final plat. Mr. Brent explained that Dr. Josey had donated the land to the church years ago and that the phase one plat had been recorded at that time.

Commissioner Herring asked why the plat showed two lots and Mr. Griffith answered that the second lot was for the school board's access road.

After a brief discussion, Commissioner Hicks made a motion to recommend approval of the final plat to the Mayor and Board of Aldermen with the following eight conditions provided by Planning staff:

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 C-2 zoning dimensions.
3. All public utilities are currently in place.
4. Erosion control vegetation shall be established on all disturbed areas.
5. Stormwater drainage facilities shall conform to the City's Stormwater Ordinance.
6. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
7. 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.
8. 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 Moore seconded the motion and the Commission voted unanimously to recommend approval of the final plat.

**A PUBLIC HEARING REQUESTED BY SECOND BAPTIST MISSIONARY CHURCH FOR A CONDITIONAL USE TO ALLOW EXPANSION OF A PLACE OF WORSHIP IN AN R-2 (SINGLE FAMILY/DUPLEX) ZONING DISTRICT LOCATED AT 314 YEATES STREET IN WARD 7**

Next there came before the Commission item #CU 12-02: a public hearing requested by Second Baptist Missionary Church for a conditional use to allow expansion of a place of worship in an R-2 (Single Family/Duplex) zoning district located at 314 Yeates Street in Ward 7. The City Planner read a brief introduction and asked if any of the Commissioners had received any communications from anyone regarding the request; none had. Commissioner Hicks recused himself and left the room.

The applicant, Pastor Joseph Stone and designer, Kevin Burchfield, appeared before the Commission on behalf of Second Baptist Missionary Church. The designer stated that he and the applicant were trying to be responsible within the constraints of the site.

Ms. Betty Clay, of 201 W. Gillespie Street, came forward and expressed concerns about the direction of the Fellowship Hall. She wanted to know if it was going to be located towards the ditch and its proximity to the church.

Mr. Burchfield asked the Chairman if he could show Ms. Clay the site plan he had prepared on a large display board and explained that the distance was 40 feet from the back of the building to the property line. Ms. Clay was satisfied with his answer and did not express any other concerns.

Mr. Alvin Turner, of 158 Pecan Acres, came forward and asked the width of the street and expressed hopefulness about potential handicap accessibility for the sidewalks. He stated that he served on the City's Sidewalk and Transportation Committee and was very concerned with handicapped accessibility.

Mr. Burchfield answered that Yeates Street was 24 feet wide, and that they had taken careful consideration and gone above and beyond with design of the sidewalks.

Mr. Turner asked if he could have a copy of the site plan and asked that a copy of the staff report and site plan be provided to Ward 7 Alderman Henry Vaughn as soon as possible.

Commissioner Murdock commended the applicant and designer for extending the handicapped accessible sidewalk along the eastern side of Yeates Street, even though the property did not belong to them.

Hearing no further public comments, the Chairman closed the public hearing and asked for a motion.

Commissioner Walker made a motion to recommend approval of the conditional use request to the Mayor and Board of Aldermen with the following five conditions provided by Planning staff:

1. The applicant shall submit a detailed site plan for review by the City's Development Review Committee within three (3) months of final approval by the Mayor and Board of Aldermen and prior to the commencement of any construction activities at the subject property.
2. The site plan shall be required to meet all applicable City land development regulations.
3. All appropriate permits shall be obtained prior to the commencement of any construction activities at the site within six (6) months of approval of the conditional use request by the Mayor and Board of Aldermen.
4. All applicable inspections and certificates of occupancy from the City of Starkville's Building and Fire Departments shall be obtained prior to the commencement of any worship or faith-related activities in the new building.
5. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

Commissioner Herring seconded the motion and the Commission voted unanimously (4—0 due to Commissioner Hicks' recusal) to recommend approval of the conditional use request.

## A PUBLIC HEARING REQUESTED BY MICHAEL VALENTINE FOR A CONDITIONAL USE TO ALLOW AN OUT-PATIENT DRUG AND ALCOHOL TREATMENT AND THERAPY CENTER IN A C-1 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT LOCATED AT 905 LOUISVILLE STREET IN WARD 3

Next there came before the Commission item #CU 12-03: a public hearing requested by Mr. Michael Valentine for a conditional use to allow an out-patient drug and alcohol treatment and therapy center in a C-1 (Neighborhood Commercial) zoning district located at 905 Louisville Street in Ward 3. The Assistant City Planner read a brief introduction and asked if any of the Commissioners had received any communications from anyone regarding the request; none had.

The applicant, Michael Valentine and president of the board of directors, Lisa Long, came forward to address the Commission. Mr. Valentine explained that the Golden Triangle Recovery Center is currently located next door to the public library and because of the increasing number of clients, needed more space. He went on to explain that the new location on Louisville Street would support the growing needs of the center.

Commissioner Hicks inquired about parking requirements and whether or not the new location would meet their parking needs.

Mr. Valentine answered that the center has been functioning with six parking spaces at the current location and that many patients cannot drive due to loss of driving privileges. He added that the parking area behind the building would be more than sufficient to meet their needs.

Commissioner Hicks asked what would be the center's normal hours of operation.

Mr. Valentine stated that they generally were open at 8 AM and maybe three evenings during the week, were open no later than 9 PM. He stated that they were not open on weekends.

Mr. Mike Ryan, of 1215 Meadowlark Drive, came forward and stated that he owned property two doors down from the subject property. He stated that he rents to families with small children and expressed concerns about the center's clients possibly bringing drug dealers into the neighborhood. Mr. Ryan felt that this kind of establishment would be best suited away from Louisville Street and not around children.

Mr. Valentine answered that in five years of operation next door to the public library where children frequent every day, he has never had a negative event occur, that there had been no calls to the police or any police responses to any activities at that location or in the immediate vicinity. He stated that he understood Mr. Ryan's concerns and that clients came to the center seeking help with their problems and did not loiter when their sessions were over.

Commissioner Hicks asked if most of the clients are driven or if they walked?

Mr. Valentine replied that approximately half walk and the other half are dropped off. He explained that a lot of the clients are University students and that the center did a lot of work with families and also provided counseling for children.

Commissioner Murdock asked if the conditional use went with the property.

Chairman Emison answered that the land was regulated not the business. He then asked the applicant if he would oppose an additional condition to place the hours of operation from 7 AM to 10 PM.

Mr. Valentine answered that those hours would be acceptable during the week and stated that there had been some discussion of conducting a Saturday session, if the center's clientele increased, and with the new location meeting those needs, they would like to have Saturday sessions from 9 AM to 2 PM, if that was be acceptable?

Commissioner Walker asked if there were any other businesses where the Commission had voted to regulate the hours of operation, other than businesses that sell alcohol.

Mr. Griffith answered that in the past, the Commission had generally not voted to include conditions restricting hours of operation, such as a recent request for a tattoo parlor, but had placed restrictions on hours of operation for a day training center for the developmentally disabled.

Hearing no further public comments, the Chairman closed the public hearing and asked for a motion.

After further discussion, Commissioner Walker made a motion to recommend approval of the conditional use request to the Mayor and Board of Aldermen with the following four conditions provided by Planning staff:

1. The footprint of the existing buildings shall not be increased in size.

2. No residential uses shall be allowed.
3. All signage shall comply with the City's sign regulations and shall require separate sign permitting.
4. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

Commissioner Murdock seconded the motion and the Commission voted unanimously to recommend approval of the conditional use request.

## PLANNER REPORT

City Planner Ben Griffith stated that there were no public hearings scheduled for the April meeting and that if no other items were submitted, he would contact the Chairman about cancelling that meeting. Mr. Griffith concluded by reminding 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 Murdock made a motion, seconded by Commissioner Hicks, to adjourn the meeting at 7:18 PM. The next regularly scheduled meeting will be Tuesday, April 10, 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