

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF AUGUST 9, 2011 THE CITY OF STARKVILLE, MISSISSIPPI

The Planning & Zoning Commission of the City of Starkville, Mississippi held its regularly scheduled meeting at 5:30 PM in the City Hall Courtroom at 101 E. Lampkin Street, Starkville, Mississippi. Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Jason Walker, Ira Loveless and John Moore.

Commissioner Murdock was absent due to the birth of his first child and requested, via an e-mail to the Planning Office, to be excused. After discussion, and upon the motion of Commissioner Herring, seconded by Commissioner Moore, the Commission voted unanimously to excuse Commissioner Murdock's absence.

Attending the Commissioners were City Planner Ben Griffith and Recording Secretary Bill Green. Assistant City Planner Pamela Daniel also attended the meeting. City Attorney Chris Latimer arrived a few minutes late, due to his attendance at a Special Call Meeting of the Mayor and Board of Aldermen.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated August 9, 2011. Commissioner Hicks made a motion to move the public hearing for the PUD request to the end of the agenda, which died for lack of a second. After discussion, and upon the motion of Commissioner Hicks, seconded by Commissioner Loveless, the Commission voted unanimously to approve the agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE JULY 12, 2011 MEETING

The Commission considered the matter of approval of the minutes of the July 12, 2011 meeting. After discussion and upon the motion of Commissioner Hicks, seconded by Commissioner Herring, the Commission voted unanimously to approve said minutes as presented.

CITIZEN COMMENTS

Chairman Emison asked if any member of the public cared to address the Commission, stating 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 MR. MICHAEL KRAKER FOR APPROVAL OF A PUD (PLANNED UNIT DEVELOPMENT) LOCATED ON THE NORTH SIDE OF EAST GARRARD ROAD IN WARD 5

There came before the Commission item #PD 11-02: a request by Mr. Michael Kraker for approval of a zoning change from R-1 (Single Family) to PUD (Planned Unit Development) for approximately 5.01 acres of land, located in the southwest corner of the former "Pilkington Trailer Park" on the north side of East Garrard Road, west of Old West Point Road, in Ward 5.

The City Planner read a brief introduction of the item, asking if any of the Commissioners had been contacted by anyone regarding the request. Commissioner Ira Loveless stated that he owned property within 160 feet of the subject property and recused himself from the Courtroom.

Mr. Michael Kraker, Ms. Gayle Kraker and Mr. Neil Couvillion presented the request, providing a poster-sized display board with a conceptual layout of the project and sample photographs of single-family residences.

Mr. Kraker stated that he is proposing a cluster-type development which is in line with the City's Comprehensive Plan, with a density which is only slightly higher than what is allowed for R-1 zoned properties. He stated that the project would be built in two phases and would hopefully begin in 2012, adding that it would be a positive development for the area.

Commissioner Herring stated that the project looked congested, and the width of the right-of-way did not meet the City's requirements.

Mr. Couvillion answered that the roadway design was more compact and that the Fire Marshall had reviewed the roadway layout during the Development Review Committee meeting, stating that the 42-foot right-of-way width would accommodate the City's fire trucks.

Commissioner Herring asked questions regarding acreage, lot sizes, square footages of proposed homes, ingress and egress of internal streets, covenants, and overflow parking for guests. The applicants responded to her questions and other members of the Commission joined in on the discussion.

Chairman Emison then opened the floor for public comments.

Dr. Greg Ibendahl of Pressly Place Subdivision spoke against the request, stating that it would have a negative impact on him, adding that he was aware that a road may someday be built but never anticipated any other development.

Ms. Jane Loveless of Trotter Lane echoed what Dr. Ibendahl said, suggesting to wait until the road opens and see what happens, adding that it was zoned R-1 when she moved into her home and that it should remain R-1 and that anything else would negatively affect her property values.

Ms. Kraker addressed the public comments, stating that the proposed uses were residential, as shown on the conceptual plan, adding that the density was only slightly higher than that allowed for R-1 zoning. She stated that the pocket neighborhood concept allowed for smaller homes on smaller lots, but also called for greater aesthetic value, more open space, common areas and other outdoor amenities, which were not required on regularly-zoned properties.

A discussion ensued regarding density, lot sizes and open space requirements for Planned Unit Developments. At that point, the Chairman closed the public hearing and asked the City Planner to

explain density and how it was calculated. Mr. Griffith explained the differences between gross and net densities and also that a PUD did not mandate a minimum lot size since it also required minimum open space.

Commissioner Walker stated that he appreciated the fact that the applicant was proposing to incorporate the creek as an amenity and not putting it in a pipe, adding that he was concerned about the distance from some of the proposed homes to the creek.

Commissioner Moore asked if a change in the neighborhood was required for the rezoning request from R-1 to PUD.

The City Attorney advised the Commission on the legal test for a rezoning.

A lengthy discussion ensued among the Commissioners about public need and change in the area and whether or not the impending opening of East Garrard Road constituted a change in the area.

Ms. Kraker stated that the opening of East Garrard Road was a change, but the character of the area had already changed with the opening of the Bypass to Highway 12, which increased traffic to MSU from Old West Point Road and North Montgomery Street.

Mr. Kraker stated that when the Highway 12 Bypass was opened, several properties had been rezoned to Commercial.

Another lengthy discussion ensued about whether the impending opening of East Garrard Road was sufficient enough to consider a change, since it had not actually occurred and the City Attorney stated that any change in the area must have already occurred in order to be considered by the Commissioners.

Another lengthy discussion ensued regarding the request and whether or not it would be appropriate to deny it or allow the applicant to withdraw it and re-apply when East Garrard Road opened. At the conclusion of the discussion, Mr. Kraker announced that he would like to formally withdraw the PUD request.

Commissioner Loveless then returned to the Courtroom.

**A REQUEST BY D.G. BELLEVUE, LLC FOR APPROVAL OF THE “EXCEL WEST”
FINAL SUBDIVISION PLAT LOCATED IN A C-2 (GENERAL BUSINESS) ZONING
DISTRICT AT 902½ MS HIGHWAY 12 WEST IN WARD 1**

There came before the Commission item #FP 11-09: A request by D.G. Bellevue, LLC for approval of the “Excel West” final subdivision plat, located in a C-2 (General Business) zoning district at 902½ MS Highway 12 East, immediately to the east of the “Sweet Peppers” restaurant, in Ward 1. The City Planner then read a brief introduction of the item.

Mr. Mike Rozier presented the request, stating that this plat was revised from the original one from 2007 where he has added property to provide direct access from Highway 12. He stated that he

intends to build a stand-alone retail store next to Peppers and that while he has not finalized plans for the rest of the property, he will maintain ownership and be a partner with future developments.

Commissioner Loveless asked about access from the Peppers driveway and Mr. Rozier answered that he had an easement from the property owner.

After further discussion, Commissioner Walker made a motion to recommend approval of the final plat to the Mayor and Board of Aldermen based on the findings of fact and conclusions of the staff report dated August 4, 2011, and the following conditions as proposed 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. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
6. The applicant shall provide adequate and satisfactory test reports for roadways, curbs and all drainage structures and facilities.
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 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.
9. 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 Hicks seconded the motion and the Commission voted unanimously in favor of recommending approval of the final plat to the Mayor and Board of Aldermen.

A REQUEST BY MR. GARRY HUGHES FOR APPROVAL OF THE "REED PLACE SUBDIVISION" REVISED PRELIMINARY PLAT LOCATED IN AN R-2 (SINGLE FAMILY/DUPLEX) ZONING DISTRICT AT 800 REED ROAD IN WARD 6

There came before the Commission item #PP 10-06: a request by Mr. Garry Hughes for approval of the "Reed Place Subdivision" a revised preliminary plat located in an R-2 (Single Family/Duplex) zoning district at 800 Reed Road, southwest of the intersection of Reed and Garrard Roads in Ward 6. The City Planner then read a brief introduction of the item.

Mr. Ed Springer presented the request, stating that when they received approval in December, they began their site investigation which revealed tombstones of World War II veterans, Indian artifacts, and wetlands, all of which required substantial revisions be made to the original preliminary plat.

Commissioner Herring asked where the artifacts were found and Mr. Springer answered that they were primarily found along a ridge next to the old dairy barn.

Commissioner Loveless asked about parcels labeled “not part of development” and Mr. Springer answered that the project was dependent upon tax credits which was determined by a fixed number of residential lots, adding that they would probably be developed in the future as a second phase of development.

After further discussion, Commissioner Hicks made a motion to recommend approval of the revised preliminary plat to the Mayor and Board of Aldermen based on the findings of fact and conclusions of the staff report dated August 4, 2011, and the following conditions as proposed by Planning staff:

1. The preliminary plat meets the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code Annotated (1972), as amended.
2. The preliminary plat shall meet the minimum requirements for R-2 zoning dimensions.
3. Approval of the preliminary plat shall be tentative, pending the submission of the final plat, as specified in Appendix B, Article IV, Section 3 of the City of Starkville’s Code of Ordinances.
4. The applicant shall prepare and submit infrastructure plans in accordance with Appendix B, Article III, Sections 3 & 4 of the City of Starkville’s Code of Ordinances.
5. When infrastructure plans have been approved for construction, a pre-construction conference shall be held with appropriate city staff prior to the commencement of any construction activities at the site.
6. When a final plat is submitted for review by the City’s Development Review Committee, all required improvements must be complete and 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 professional engineer, indicating that the improvements were installed under his/her responsible direction and that the improvements conform to the approved construction plans, specifications and the City’s ordinances.
7. All public utilities shall be in place and any non-conforming conditions noted during final inspection and shall be corrected prior to placement onto the Planning & Zoning Commission agenda.
8. Approval of the preliminary plat shall be valid for one year, per Appendix B, Article III, Section 2(6)(b) of the City of Starkville’s Code or Ordinances.
9. A final plat review and approval shall be required prior to the recording of the plat at the Office of the Oktibbeha County Chancery Clerk.

Commissioner Herring seconded the motion and the Commission voted unanimously in favor of recommending approval of the final plat to the Mayor and Board of Aldermen.

**A REQUEST BY BREWER CONSTRUCTION FOR APPROVAL OF THE “BENT
BROOK RIDGE SUBDIVISION” PRELIMINARY PLAT LOCATED IN AN R-1
(SINGLE FAMILY) ZONING DISTRICT ON THE SOUTH SIDE OF YELLOW
JACKET DRIVE IN WARD 3**

There came before the Commission item #PP 11-01: a request by Brewer Construction for approval of the “Bent Brook Ridge Subdivision” preliminary plat located in an R-1 (Single Family) zoning district on the south side of Yellow Jacket Drive between Starkville High School and the Pleasant Acres subdivision, in Ward 3. The City Planner then read a brief introduction of the item.

Mr. Ed Springer presented the request, stating that the platted area included approximately five acres adjacent to the football field, behind Dr. Josey’s house. He stated that the owner sold a portion of the property to an adjacent property owner in the Pleasant Acres subdivision and referred to the project as a “fish hook subdivision” due to its configuration.

Commissioner Herring asked if Lots 1, 2 and 3 would be accessed from the cul-de-sac, and Mr. Springer answered that they would and the homes would not be facing the football field.

After further discussion, Commissioner Hicks made a motion to recommend approval of the preliminary plat to the Mayor and Board of Aldermen based on the findings of fact and conclusions of the staff report dated August 4, 2011, and the following conditions as proposed by Planning staff:

1. The preliminary plat meets the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code Annotated (1972), as amended.
2. The preliminary plat shall meet the minimum requirements for R-2 zoning dimensions.
3. Approval of the preliminary plat shall be tentative, pending the submission of the final plat, as specified in Appendix B, Article IV, Section 3 of the City of Starkville’s Code of Ordinances.
4. The applicant shall prepare and submit infrastructure plans in accordance with Appendix B, Article III, Sections 3 & 4 of the City of Starkville’s Code of Ordinances.
5. When infrastructure plans have been approved for construction, a pre-construction conference shall be held with appropriate city staff prior to the commencement of any construction activities at the site.
6. When a final plat is submitted for review by the City’s Development Review Committee, all required improvements must be complete and 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 professional engineer, indicating that the improvements were installed under his/her responsible direction and that the improvements conform to the approved construction plans, specifications and the City’s ordinances.
7. All public utilities shall be in place and any non-conforming conditions noted during final inspection and shall be corrected prior to placement onto the Planning & Zoning Commission agenda.
8. Approval of the preliminary plat shall be valid for one year, per Appendix B, Article III, Section 2(6)(b) of the City of Starkville’s Code or Ordinances.

9. A final plat review and approval shall be required prior to the recording of the plat at the Office of the Oktibbeha County Chancery Clerk.

Commissioner Moore seconded the motion and the Commission voted unanimously in favor of recommending approval of the final plat to the Mayor and Board of Aldermen.

PLANNER'S REPORT

City Planner Ben Griffith introduced Ms. Pamela Daniel, the new Assistant City Planner. He also stated that there would be at least one public hearing at the September 13th meeting and possibly a plat or two for review. He concluded by reminding the Commissioners to be mindful of all *ex parte* communications and to contact the Planning Office with any questions regarding any items on upcoming agendas.

ADJOURNMENT

Commissioner Hicks made a motion to adjourn the meeting at 7:10 PM. The next regularly scheduled meeting of the Planning & Zoning Commission will be September 13, 2011 at 5:30 PM in the City Hall Courtroom.

Jerry Emison, Chairman

Ben Griffith, AICP, City Planner