APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF JUNE 14, 2011
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. Present were Commissioners Dora Herring, James Hicks, Jason Walker, Jeremy Murdock, Ira Loveless and John Moore. Attending the Commissioners were City Attorney Chris Latimer, City Planner Ben Griffith and Recording Secretary Sara McHann. Chairman Jerry Emison received an excused absence on June 14, 2011 and Vice-Chairman Dora Herring chaired the meeting.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated June 14, 2011. 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 MAY 10, 2011 MEETING

The Commission considered the matter of approval of the minutes of the May 10, 2011 meeting. After discussion and upon the motion of Commissioner Loveless, seconded by Commissioner Walker, the Commission voted unanimously to approve said minutes as presented.

CITIZEN COMMENTS

Vice-Chairman Herring 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 CHRISTOPHER CARLISLE TO ALLOW A TATTOO AND BODY PIERCING PARLOR IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 303 DR. MARTIN LUTHER KING, JR. DRIVE IN WARD 5

There came before the Commission item #CU 11-05: A public hearing requested by Mr. Christopher Carlisle to allow a tattoo and body piercing parlor in a C-2 (General Business) zoning district, located at 303 Dr. Martin Luther King, Jr. Drive in Ward 5. The City Planner read a brief introduction of the item.

Mr. Christopher Carlisle and Mr. Carl Boshers presented the request. Mr. Carlisle stated that the City Planner's staff report summed up what he and his partner were requesting. He stated they had always operated a clean business, had no health department violations and no problems with local law enforcement at any of their establishments. He referred to the letters of support he had included with his application submittal which the City Planner had provided with his staff report. He offered to answer any questions the Commissioners might have.

Commissioner Loveless stated in reading the Planner's report he noticed that in the "Conclusions" section, proposed condition #1 addressed the hours of operation and no business activities on Sundays. Commissioner Loveless stated that he had a problem with telling a business when they can or cannot be open for business.

Mr. Carlisle stated that as a general rule, his establishments were not open on Sundays so that his employees could spend time with their families, and that the hours of operation were generally from 10:00 AM until 11:00 PM.

After some discussion, Commissioner Loveless suggested striking proposed condition #1 from the Conclusions section in the staff report if they were to recommend approval of the request. Commissioner Walker and several other Commissioners voiced their agreement.

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

After further discussion, Commissioner Loveless made a motion to recommend approval of the request to the Mayor and Board of Aldermen, based on the findings of fact and conclusions of the staff report dated June 9, 2011, with the following conditions, noting that condition #1 would be stricken:

1. ~~The hours of operation shall not commence before 11:00 AM or conclude after 3:00 AM, nor shall any tattooing and body piercing business activities be conducted on Sundays.~~
2. 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 tattooing and body piercing activities at the site.
3. All applicable inspections, licenses and certifications from the City and State shall be obtained prior to the commencement of any tattooing and body piercing business activities at the site.
4. All hazardous wastes shall be disposed of properly in compliance with all State laws and City regulations.
5. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

Commissioner Walker seconded the motion and the Commission voted unanimously to recommend approval to the Mayor and Board of Aldermen.

A REQUEST BY MR. SLADE KRAKER FOR APPROVAL OF THE "PROVIDENCE HILL SUBDIVISION" FINAL PLAT LOCATED IN AN R-2 (SINGLE FAMILY/DUPLEX) ZONING DISTRICT AT 215 NORTH MONTGOMERY STREET IN WARD 5

There came before the Commission item #FP 11-04: A request by Mr. Slade Kraker for approval of the "Providence Hill Subdivision" final plat, located in an R-2 (Single Family/Duplex) zoning district at 215 North Montgomery Street in Ward 5. The City Planner then read a brief introduction of the item.

Mr. Slade Kraker and Mr. Corey Anthony presented the request. Mr. Kraker told the Commissioners that the subdivision would be developed according to city ordinances and would be an asset to the area. Mr. Kraker and Mr. Anthony then offered to answer questions from the Commission members.

Commissioner Hicks asked why the streets are private when the subdivision ordinance states that no private streets will be accepted. The City Planner answered that the preliminary plat for this subdivision was approved almost three years ago under a different interpretation of the subdivision ordinance, and to address the issue, City staff requires during the infrastructure plan review, that the roadways are built to City specifications and sidewalks are included.

Commissioner Hicks requested that the official meeting minutes reflect that the final plat contained private streets which are not provided for in the adopted subdivision regulations.

It was then discussed that Ward 5 Alderman Jeremiah Dumas had received many telephone calls concerning the repair of the sidewalk along the public right-of-way where the new street connects to North Montgomery Street. The City Attorney proposed language for an additional condition to alleviate this situation.

Mr. Anthony answered that his contractor had been in touch with the City Engineer and that they were discussing how to resolve an issue with the existing grade to insure that the sidewalk repair would be ADA-compliant.

After further discussion, Commissioner Loveless 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 reported dated June 9, 2011, and the following conditions as proposed by Planning staff with amendments and revisions as follows:

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 <u>Mississippi Code of 1972</u>, as amended.
2. The final plat shall meet the minimum requirements for R-2 zoning dimensions.
3. All public utilities shall be in place.
4. Erosion control vegetation shall be established on all disturbed areas.
5. The "Dedication of Utilities and Utilities Easements" section shall be revised on the face of the final plat with the language provided by the City's Public Services Director to the engineer/surveyor of record via e-mail on May 19, 2011, prior to staff execution of the final plat.
6. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
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, infrastructure, and the City Attorney's standard hold-harmless indemnification clause.

9. ~~A guarantee in the amount of 150% of the current cost of all remaining improvements is required to be posted prior to Board approval of the final plat, if applicable.~~

10. The applicant shall comply with Appendix B, Article III, Section 5(6) of the City of Starkville's Code of Ordinances, by providing the City staff with a certificate of completion, contract, performance bond, cash or escrow deposit, as outlined in this code section, prior to staff execution of the final plat.

11. ~~A bond or surety in the amount of 150% of the current cost of the proposed sidewalk and any other associated infrastructure improvements shall be provided prior to staff execution of the final plat.~~

12. 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.

13. 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.

14. 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.

15. The sidewalks on North Montgomery Street, which connect the entrance to Providence Hill Subdivision, shall be repaired and fully restored by the developer prior to staff execution of the final plat.

Commissioner Hicks seconded the motion and the Commission voted 4—0 in favor of recommending approval of the final plat to the Mayor and Board of Aldermen, with Commissioner Murdock abstaining from the vote.

WORKSESSION FOR PROPOSED LANDSCAPE AND TREE PROTECTION ORDINANCE

The Planning & Zoning Commission held a work session for the proposed landscape and tree protection ordinance. Mr. Bob Brzuszek, Mr. Brian Templeton and Dr. Stephen Grado of the Tree Advisory Board attended the worksession and discussed the proposed ordinance and answered questions from Commissioners. The Planning & Zoning Commissioners discussed various aspects of the proposed ordinance with the Tree Board members and the City Planner. Mr. Griffith stated that he had provided copies of the proposed ordinance to Commissioners Walker and Murdock in a format where they could provide comments and revisions since they were both landscape architects. Mr. Griffith offered the same format to any other Planning & Zoning Commissioner who so desired it and asked them to e-mail him any such requests. City Attorney Chris Latimer asked that he be provided a copy prior to any public hearings and also any municipalities around the state which had adopted similar ordinances. Mr. Griffith explained that he would take all comments received and incorporate them into a revised ordinance for the Tree Advisory Board and when they were satisfied, would bring it forward to the Planning & Zoning Commission for a final review and first public hearing. He added that it would then go to the Mayor and Board of Aldermen for a second public hearing, final review and adoption, and that it would become effective thirty days following formal adoption.

PLANNER'S REPORT

City Planner Ben Griffith stated that both Commissioners Loveless and Moore had been re-appointed to the Planning & Zoning Commission by the Mayor and Board of Aldermen. He stated that there were no public hearing items scheduled for the July 12th Planning & Zoning Commission meeting, but that there would a couple of final plats ready for review at that meeting. Mr. Griffith 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 Murdock made a motion to adjourn the meeting at 6:45 PM. The next regularly scheduled meeting of the Planning & Zoning Commission will be July 12, 2011 at 5:30 PM in the City Hall Courtroom.

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Dora Herring, Vice-Chairman

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Ben Griffith, AICP, City Planner