

**APPROVED**

**MINUTES OF THE PLANNING & ZONING COMMISSION  
MEETING OF MARCH 8, 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, commencing at 5:30 PM. Present were Commissioners Dora Herring, Jerry Emison, 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. Commissioner James Hicks entered the meeting at 5:40 PM.

**AN ORDER APPROVING THE WRITTEN AGENDA**

The Commission considered the matter of approval of the written agenda dated March 8, 2011. After discussion and upon the motion of Commissioner Murdock seconded by Commissioner Moore, the Commission voted unanimously to approve the written agenda as presented.

**AN ORDER APPROVING THE MINUTES OF THE FEBRUARY 8, 2011 MEETING**

The Commission considered the matter of approval of the minutes of the February 8, 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**

Chairman Emison asked if any member of the public cared to address the Commission, stating that there were four items on the agenda and comments regarding those items would be called for at the appropriate time. No comments were received.

**A PUBLIC HEARING REQUESTED BY MR. HERMAN ASHFORD TO ALLOW  
MULTI-FAMILY RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS) ZONING  
DISTRICT LOCATED ON THE WESTERN SIDE OF THE MS HIGHWAY 25 BYPASS,  
APPROXIMATELY 1.3 MILES SOUTH OF MS HIGHWAY 12 WEST IN WARD 2**

Next there came before the Commission item #CU 11-01: a public hearing requested by Mr. Herman Ashford to allow multi-family residential use in a C-2 (General Business) zoning district, located on the western side of the MS Highway 25 Bypass, approximately 1.3 miles south of MS Highway 12 West in Ward 2. The City Planner then read a brief introduction of the item.

Mr. Herman Ashford presented the request. There were no public comments.

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

After a brief discussion, Commissioner Moore made a motion to recommend approval to the Mayor and Board of Aldermen based on the findings of fact and conclusions of the staff report dated March 3, 2011, and the following conditions:

1. A detailed site plan review shall be conducted by the City's Development Review Committee prior to the issuance of appropriate construction permits.
2. The applicant shall submit a subdivision plat and record a "phase one" final plat approval prior to the construction of any multi-family units at the site.
3. Appropriate building permits shall be obtained, inspections performed by City Building and Fire Inspectors and Certificates of Occupancy shall be issued prior to any tenants occupying any of the structures.
4. All appropriate permits shall be obtained prior to the commencement of any construction activities at the site within one year of approval of the conditional use request by the Mayor and Board of Aldermen.
5. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

Commissioner Loveless seconded the motion and the Commission voted 5 to 1 to recommend approval to the Mayor and Board of Aldermen. Commissioner Hicks cast the dissenting vote.

**A PUBLIC HEARING REQUESTED BY MR. JAMES COLLINS TO ALLOW A  
CHURCH IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT  
413 ABERNATHY DRIVE IN WARD 1**

Next there came before the Commission item #CU 11-02: a public hearing requested by Mr. James Collins to allow a church in a C-2 (General Business) zoning district, located at 421 Abernathy Drive in Ward 1. The City Planner then read a brief introduction of the item.

Mr. James Collins of Turner-Batson Architects presented the request. Mr. Collins told Commissioners that the church will be built in phases. Phase one will be 11,000 square feet and will meet all of the City's land development and building code requirements.

Chairman Emison inquired about what appeared to be right-of-way along the western side of the property, to which the City Planner explained belonged to MDOT to provide access to the property to the south of the subject property when the Bypass was built.

Mr. Joe Buckner addressed the Commission, stating that his family owns property adjacent to the subject property. Mr. Buckner said they are not opposed to the request, but that their only concern was if they developed their property to build a restaurant or a hotel would they be able to sell alcoholic beverages that close to a church?

The City Planner briefly explained the distance setback requirements and that the proposed building appeared to be more than 100 feet from the southern property line.

Commissioner Hicks asked when construction would begin on phase 1 of the project.

City Attorney Chris Latimer said the project would need to begin within six months of approval of the project by the Mayor and Board of Aldermen. If construction is not begun within six months the conditional use becomes null and void. Mr. Collins told Commissioners the work would begin in six months.

No one from the audience spoke to the request.

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

After further discussion, Commissioner Walker made a motion to recommend approval to the Mayor and Board of Aldermen based on the findings of fact and conclusions of the staff report dated March 3, 2011, and the following conditions:

1. A detailed site plan review shall be conducted by the City's Development Review Committee prior to the issuance of appropriate construction permits.
2. The two lots shall be aggregated into a single lot prior to the issuance of appropriate construction permits.
3. All appropriate permits shall be obtained prior to the commencement of any construction activities at the site within ~~one year~~ 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 at the site.
5. 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 to the Mayor and Board of Aldermen.

**A PUBLIC HEARING REQUESTED BY MR. MITCH MITCHELL TO ALLOW  
RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT  
LOCATED AT 100 COL. MULDROW DRIVE IN WARD 4**

Next there came before the Commission item #CU 11-03: a public hearing requested by Mr. Mitch Mitchell to allow residential use in a C-2 (General Business) zoning district, located at 100 Col. Muldrow Drive in Ward 4. The City Planner then read a brief introduction of the item.

Mr. Mitch Mitchell presented the request. Mr. Mitchell told Commissioners that if the request is granted he will close in a porch to make a bedroom and a bathroom. The structure already has three bedrooms and two bathrooms. He added that there was currently a driveway for parking and that additional parking was available on the street.

Commissioner Herring asked about the definition of a family and if it would allow the proposed use.

Commissioner Loveless asked if the ordinance stating that no more than three unrelated persons could live in a single family dwelling would apply here.

Commissioner Loveless then asked if there would be enough parking and stated concerns for parking in the street.

Commissioner Walker suggested that the parking should be located in the back of the property but was not opposed to on-street parking, adding that there seemed to be plenty of room to accommodate parking at the rear of the site.

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

After further discussion, Commissioner Walker made a motion to recommend approval to the Mayor and Board of Aldermen based on the findings of fact and conclusions of the staff report dated March 3, 2011, and the following conditions:

1. The structure shall not be enlarged beyond what is shown on the “proposed layout” provided by the applicant and attached to this staff report, dated January 31, 2011.
2. No other dwelling units or residential structures shall be constructed on the subject property unless a zoning amendment or conditional use has been approved by the Mayor and Board of Aldermen.
3. ~~The structure shall be used as a single-family residential dwelling unit and shall not be subdivided into separate dwelling units.~~
4. Appropriate building permits shall be obtained within six (6) months of approval of the conditional use request by the Mayor and Board of Aldermen, inspections performed by City Building Inspectors and a final inspection shall be received prior to any tenants occupying the structure.
5. The utilization of the structure for single-family residential use shall be allowed to continue indefinitely, so long as it is not converted to commercial use, regardless of ownership.
6. If the structure is ever utilized for any commercial activity, the conditional use shall immediately become null and void.
7. Additional parking shall be placed at the rear of the building.
8. 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 Commissioners voted unanimously to recommend approval to the Mayor and Board of Aldermen.

**A REQUEST BY MR. GREG RUSSELL FOR APPROVAL OF “COURT SQUARE  
CONDOMINIUMS” A FINAL PLAT LOCATED IN A C-3 (GENERAL BUSINESS)  
ZONING DISTRICT AT 110 COURT SQUARE IN WARD 7**

Next there came before the Commission item #FP 11-03: a request by Mr. Greg Russell for approval of “Court Square Condominiums” a final plat, located in a C-3 (Central Business) zoning district at 110 Court Square in Ward 7. The City Planner then read a brief introduction of the item.

Mr. Gregg Russell of Goodman Engineering presented the request. Mr. Russell told the Commissioners that the plat consisted of 3 units with no common area, outside the building footprint. The property is located in a C-3 zoning district which does not require on-site parking or landscaping.

Commissioner Hicks asked questions concerning the amount of time allowed or required to record an approved plat and regarding the elevations shown on the final plat.

The City Attorney asked that the condo documents be amended to include the City's standard hold harmless and indemnification language before it is placed on the Board agenda.

After discussion, Commissioner Hicks made a motion to recommend approval of the request to the Mayor and Board of Aldermen with plat amendments and based on the findings of fact and the conclusions of this staff report dated March 3, 2011 and the following conditions.

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-3 zoning dimensions.
3. All public utilities are currently in place.
4. The final plat shall be revised to show that it is a Class "B" Survey and that the zoning classification of the property is "C-3."
5. Since the covenants have already been recorded, the City Attorney's hold harmless indemnification language shall be placed on the face of the recorded plat.
6. 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.
7. 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.
8. Prior to final approval by the Mayor and Board of Aldermen, the "Declaration of Condominium Court Square" shall be revised and recorded to include the City Attorney's hold harmless indemnification language.

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

## **PLANNER'S REPORT**

City Planner Ben Griffith reported that there were no public hearings submitted for the April 12<sup>th</sup> meeting and that there would probably be a plat or two ready for review at that time. Mr. Griffith asked if the Commissioners would like to discuss the possibility of an electronic or "e-packet" in lieu of the paper packet currently provided. Chairman Emison asked that it be placed on the next agenda for discussion. Mr. Griffith also reminded the Commissioners to be mindful of all ex parte communications and to call the Planning Office with any questions regarding any items on upcoming agendas.

## **ADJOURNMENT**

Commissioner Murdock made a motion, which was seconded by Commissioner Moore to adjourn the meeting at 6:40 PM. The next scheduled meeting will be April 12, 2011 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