APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF DECEMBER 14, 2010
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, Ira Loveless and John Moore. Attending the Commissioners were City Attorney Chris Latimer, City Planner Ben Griffith and Recording Secretary Sara McHann.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated December 14, 2010. After discussion and upon the motion of Commissioner Murdock, seconded by Commissioner Loveless, the Commission voted unanimously to approve the written agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE NOVEMBER 9, 2010 MEETING

The Commission considered the matter of approval of the minutes of the November 9, 2010 meeting. After discussion, and upon the motion of Commissioner Herring, seconded by Commissioner Walker, the Commission voted unanimously to approve said minutes with typographical errors corrected and to amend the minutes to excuse Commissioner Moore from the November, 2010 meeting.

CITIZEN COMMENTS

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

Mr. Curtis Bush of 721 Vine Street told the Commissioners he is concerned about the zoning classification of his property. The present zoning classification is C-2 (General Business). Mr. Bush said when he built his house on the property it was R-2 (Single Family/Duplex). He wanted to know when the zoning classification changed and why he wasn't notified.

Mr. Bush also expressed concerns about the fence that surrounds the Annabella apartment complex. He said the wall is too close to the street and it is hard to see when backing out of his driveway.

Ms. Machaunda Bush of 713 Vine Street asked the Commission to look into making Vine Street a one-way street. Ms. Bush said there is a lot of traffic on the street from people cutting through from Highway 12 to Yellow Jacket Drive.

A PUBLIC HEARING REQUESTED BY MR. MARK WELCH FOR APPROVAL OF A ZONING CHANGE FROM R-3 (MULTI-FAMILY) TO B-1 (BUFFER DISTRICT) LOCATED AT 711 VINE STREET IN WARD 7

Next there came before the Commission item #RZ 10-07: a public hearing requested by Mr. Mark Welch for approval of a zoning change from R-3 (Multi-Family) to B-1 (Buffer District), located at 711 Vine Street in Ward 7. The City Planner read a brief introduction and asked if any Commissioners had received any communications from anyone regarding the request; none had.

Mr. Mark Welch presented the request. Mr. Welch told Commissioners he was requesting a B-1 (Buffer District) zoning classification as was suggested by the Commission, in lieu of his original request to a C-2 zone in September of 2010 and in previous years.

Commissioner Moore asked Mr. Welch if he had met with the residents on Vine Street to discuss his plans for the parking lot and what could be done about other concerns the residents have.

Mr. Welch answered that he had not had a meeting with the Vine Street residents. He stated that the dumpster would be moved next to Captain D's which should alleviate garbage problems in the street.

Mr. Curtis Bush of 721 Vine Street addressed the Commission with concerns he has with the request. Mr. Bush stated that he did not want the property to be zoned B-1 or a parking lot to be constructed on the property. The garbage from the Sonic is still a problem with the streets littered with bottles and paper everywhere. There is a problem with traffic on Vine Street and most of it comes from the Sonic. He added that the business was not feasible for the community and that the community did not want it.

Commissioner Herring asked if the neighbors didn't want a 30-foot buffer with landscaping to separate the properties and a solid fence to hide the dumpster and storage building, what would satisfy residents concerns.

Mr. Bush answered that the community didn't want any more businesses but that the owner could build a house to rent out for profit

Commissioner Herring replied that the buffer zoning would protect the adjacent properties and that fencing, landscaping and an enclosure to screen the dumpster would be an improvement.

Mr. Bush stated that he still didn't want to see the buffer zoning and that it is not feasible where he (Mr. Welch) wants to place the dumpster.

Ms. Lucinda Alexander of 702 Vine Street said that she lives directly across from the Sonic and there is a lot of loud music that plays all night. She goes out every day and picks up paper that spills on to the street from the dumpster and that sometimes animals get in the garbage and spread it everywhere.

Ms. Mynyown Arnold of 712 Vine Street said she doesn't know what a Buffer Zone is and would like to see some kind of plan for the parking lot. She said the street stays messy and the noise is loud, adding that she was not for any kind of zoning change.

Ms. Machaunda Bush of 713 Vine Street asked what the distance was for sending out notices to property owners of changes in the neighborhood. The City Attorney addressed the question and explained the process. Ms. Bush said that the garbage coming from the Sonic is messy and almost never cleaned up. She said the gate is left open sometimes after the garbage truck comes to empty the dumpster and the gate blocks the street making for a dangerous situation. She said that Mr. Welch should meet with the community before he keeps submitting these applications, that this is only fair and shows respect to the community.

City Planner Ben Griffith stated that the notification letter and legal advertisement both state that the staff report would be available on the City's website on the Friday before the public hearing and that in this case, it was posted on Thursday. He stated that he had received no inquiries about the staff report, adding that copies could be made available if requested.

Commissioner Murdock asked if the City was responsible for the dumpster gate.

Mr. Griffith answered that it was the responsibility of the business to open and shut the gate for the garbage truck to access the dumpster since the commercial garbage trucks only had a driver.

Alderman Henry Vaughn from Ward 7 addressed the Commission and said he has had calls from Vine Street residents who are very concerned about the zoning change. He asked if the Commission could explain to the Vine Street residents what a Buffer Zone is. Mr. Vaughn said when he drove down Vine Street it was very messy with litter and always looked bad.

Chairman Emison answered that the Buffer Zoning district would be addressed during the discussion.

Mr. Gregg Russell of Goodman Engineering, Project Engineer for Sonic, addressed the Commission stating that he has worked with the Development Review Committee and has drawn a site plan which addresses the garbage problems and unsightly conditions. The garbage dumpster will be moved and the street would not be blocked anymore. He also addressed the entrances to the Sonic site from Vine Street.

Commissioner Murdock expressed concern with the guy wire of a utility pole and how it would affect the entry drive.

Commissioner Hicks asked about the landscape area and fence.

Mr. Russell stated that he was proposing a six-foot wooden fence that would go all the way to Vine Street to the setback and that evergreen trees such as Leland cypresses would provide screening. He also stated that the Starkville Electric Department was going to move the guy wire for the driveway entrance.

Chairman Emison then closed the public hearing. He then addressed the audience concerning the history of the Sonic regarding the zoning requests that were submitted previously by the applicant.

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

Commissioner Herring said she believes if the dumpster is moved that would be a big improvement. Ms. Herring asked about the possibility of closing one of the entrances from Vine Street on to the Sonic property.

Mr. Russell stated that the closest entrance to Highway 12 needed to be left open. Mr. Russell said the entrance to the parking lot could be moved further south which would help with traffic flow.

Commissioner Hicks stated that the Commission should not make a decision on closing driveway entrances and that a traffic count or study would need to be done. He added that the City Engineer would need to handle that project.

Commissioner Moore was concerned with the applicant not meeting with the residents.

After much discussion, Commissioner Walker made a motion to recommend approval to the Mayor and Board of Aldermen. Commissioner Herring seconded the motion and the Commission voted 4—2 to recommend approval. Commissioners Moore and Loveless voted against the motion.

A PUBLIC HEARING REQUESTED BY MR. MARK WELCH TO ALLOW A PARKING LOT TO BE LOCATED IN A B-1 (BUFFER DISTRICT) ZONE AT 711 VINE STREET IN WARD 7

Next there came before the Commission item #CU 10-07: a public hearing requested by Mr. Mark Welch to allow a parking lot to be located in a B-1 (Buffer District) zone at 711 Vine Street in Ward 7.

The City Planner read a brief introduction and asked if any Commissioners had received any communications from anyone regarding the request; none had.

Mr. Mark Welch presented the request. Mr. Welch told Commissioners he is asking for a conditional use to construct a parking lot in a B-1 (Buffer District) zone.

Mr. Curtis Bush of 721 Vine Street told Commissioners he is very much opposed to the request. He stated that Dr. McLaurin had told the residents that it would be put in the official minutes that the rezoning would not be brought up in the future and did not know why it was even being discussed.

Ms. Mynyown Arnold of 712 Vine Street stated that the new entrance at the south of the site would cause problems for the community.

Ms. Lucinda Alexander of 702 Vine Street told Commissioners that there is parking on both sides of Vine Street and she would like to see a no parking sign on one side of the street or the other.

Mr. Bush asked if the Project Engineer would meet with the residents of Vine Street and explain the plans for the parking lot, adding that he had never seen the plan and that he could not find it on the website.

Ms. Machaunda Bush of 713 Vine Street asked to meet with the owners of Sonic and review the parking lot plans.

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

The Commissioners discussed several aspects of the proposed site plan, including entrances, traffic flow, paving materials and dumpster location.

After further discussion, Commissioner Walker made a motion to recommend approval of the request to the Mayor and Board of Aldermen with the following eight conditions:

1. Approval of the conditional use is contingent upon approval of the rezoning of the subject property to B-1 (Buffer District).
2. The applicant shall install a 6-foot high wooden privacy fence along the southern and eastern property lines of the subject property to screen the employee parking area, dumpster enclosure and storage building.
3. Evergreen ~~landscaping~~ trees shall be installed in the areas as identified on the conceptual site plan.
4. A complete and thorough set of site and infrastructure plans shall be submitted for review by the City's Development Review Committee within ninety (90) days of the approval by the Mayor and Board of Aldermen.
5. All permits shall be obtained prior to the commencement of any construction activities at the site within ninety (90) days of site plan approval by the City's Development Review Committee.
6. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.
7. There shall be only one access to the property from Vine Street which shall be the new access shown at the proposed additional parking lot as shown as "New Access to Vine Street" on the conceptual plan dated November 11, 2010.
8. A sidewalk shall be constructed along the 60-foot of roadway frontage on the rezoned property.

Commissioner Murdock seconded the motion and the Commission voted 4—2 to recommend approval. Commissioners Moore and Loveless voted against the request.

Chairman Emison announced that there would be a brief recess and the Commission reconvened ten minutes later.

A REQUEST BY TABOR CONSTRUCTION AND DEVELOPMENT FOR APPROVAL OF "BELLE GROVE CONDOMINIUMS---PHASE 2" A FINAL CONDOMINIUM PLAT LOCATED IN AN R-5 (MULTI-FAMILY, HIGH DENSITY) ZONING DISTRICT AT 300 RIVER ROAD IN WARD 4

Next there came before the Commission item #FP 10-08: a request by Tabor Construction and Development for approval of "Belle Grove Condominiums—Phase 2" a final condominium plat, located in an R-5 (Multi-Family, High Density) zoning district at 300 River Road in Ward 4. The City Planner then read a brief introduction of the item.

Mr. Jeremy Tabor of Tabor Construction and Development presented the request.

Commissioner Hicks asked whether private streets were allowed by code.

Mr. Latimer answered that once a project was allowed to start with private streets, it could finish, but that new projects would not be allowed to have private streets.

After discussion, Commissioner Hicks made a motion to recommend approval of the final plat for "Belle Grove Condominiums—Phase 2" to the Mayor and Board of Aldermen as proposed with the following fifteen 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 Annotated (1972), as amended.
2. The final plat shall meet the minimum requirements for R-5 zoning dimensions.
3. All public utilities are currently in place.
4. Erosion control vegetation shall be established on all disturbed areas.
5. The "Dedication of Utilities and Utility Easement—State of Mississippi county of Oktibbeha" and the "Note" directly above the legend shall be removed from the final plat to be executed and recorded.
6. The "<u>NOTE:</u>" in the center of the plat below the schematic diagram, shall be revised to state: "ALL STREETS AND COMMON AREAS AS SHOWN AND THE SANITARY SEWER COLLECTON SYSTEM ARE PRIVATE AND WILL REMAIN SO"
7. The covenants shall include provisions for the maintenance of common areas, which include internal roadways, and the City Attorney's standard hold-harmless indemnification clause.
8. The City Attorney's standard hold-harmless indemnification clause shall be included on the face of the final plat.
9. The covenants shall include provisions for the ownership, maintenance and operation of the stormwater facilities for the development.
10. The covenants shall include provisions for the ownership, maintenance and replacement of signage (regulatory, warning, informative, etc.) for the development.
11. 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.
12. The applicant shall provide "as-built" drawings of all infrastructure improvements (water, sewer, storm drainage, roadways, 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.

13. 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.
14. Execution of the final plat by the City Engineer shall be contingent upon his review and approval of the "as-built" drawings and satisfactory inspection of the stormwater facilities.
15. The applicant agrees that the underground electrical conduit system is not officially accepted by the Starkville Electric Department until all underground conductors have been installed in the conduit(s) and energized. Should repairs to the conduit system be required during the installation of Starkville Electric Department's underground conductors, the applicant is responsible for those repairs in order for Starkville Electric Department to complete the installation of the entire electrical infrastructure.

Commissioner Herring seconded the motion and the Commissioners voted unanimously to recommend approval to the Mayor and Board of Aldermen.

A REQUEST BY STARKVILLE 12 LLC FOR APPROVAL OF "RESIDENCE PLACE" A FINAL COMMERCIAL SUBDIVISION PLAT LOCATED IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT AT 335-341 MS HIGHWAY 12 WEST IN WARD 2

Next there came before the Commission item #FP 10-10: a request by Starkville 12 LLC for approval of "Residence Place" a final commercial subdivision plat located in a C-2 (General Business) zoning district at 335—341 MS Highway 12 West in Ward 2. The City Planner then read a brief introduction of the item.

Mr. Mark Castleberry of Starkville 12, LLC presented the request.

After discussion, Commissioner Herring made a motion to recommend approval of the final plat for "Residence Place" to the Mayor and Board of Aldermen as proposed with the following fourteen 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-2 zoning dimensions.
3. ~~The first word of the second paragraph of the "boundary description" is mis-spelled and shall be corrected on the final plat submitted for execution and recording~~. The following revisions shall be made to the final plat prior to submittal for execution and recording:
    a. The first word of the second paragraph of the "boundary description" is mis-spelled and shall be corrected on the final plat submitted for execution and recording.
    b. An "H" shall be added to "ighway" along the roadway schematic.
    c. The last word in the tenth line of the boundary description "tehnce" shall be revised to "thence."
    d. The phrase "thence north 00 degrees 24 minutes 22 degrees 52 minutes 39 seconds west for 204.03 feet" beginning in the fifteenth line of the boundary description shall be stricken.
4. All public utilities shall be in place and any non-conforming conditions noted during final inspection shall be corrected prior to placement on the Board of Aldermen's agenda.

5. The 10-foot wide general utility easement crossing the access road at Highway 12 shall be adjusted to accommodate a sewer connection to Lot 1 and shall be shown on the final plat submitted for execution and recording.
6. Erosion control vegetation shall be established on all disturbed areas.
7. The access roadway shall be fully constructed and inspected by the City Engineer prior to the issuance of Certificates of Occupancy for any development of Lots 1, 2 and/or 4.
8. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
9. The applicant shall provide a letter stating his understanding that the stormwater detention system will need to be expanded prior to development of Lot 4.
10. The covenants shall include provisions for the maintenance of common areas and the City Attorney's standard hold-harmless indemnification clause.
11. The City Attorney's standard hold-harmless indemnification clause shall be included on the face of the plat.
12. A bond or surety in the amount of 150% of the current cost of the proposed sidewalk and any other infrastructure improvements shall be provided prior to staff execution of the final plat in the amount of $15,435.00.
13. 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.
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.

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

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

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

Mr. Ed Springer of Springer Engineering presented the request.

After discussion, Commissioner Hicks made a motion to recommend approval of the request to the Mayor and Board of Aldermen as proposed with the following nine conditions:

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. 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 of Ordinances.

5. 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.
6. 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.
7. All public utilities shall be in place and any non-conforming conditions noted during final inspection shall be corrected prior to placement on the Planning & Zoning Commission agenda.
8. 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.
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 to recommend approval to the Mayor and Board of Aldermen.

PRESENTATION BY MR. MARK NICHOLAS AND THE COTTON MILL DEVELOPMENT GROUP FOLLOWED BY DISCUSSION, QUESTIONS AND ANSWERS

Next there came before the Commission Mr. Mark Nicholas, Mr. Mark Boutwell and Mr. David Moore of the Cotton Mill Development Group. Mr. Nicolas gave a power point presentation on the Cotton Mill Marketplace development, followed by a question and answer session with Commissioners.

PLANNERS REPORT

City Planner Ben Griffith presented the 2011 Planning & Zoning Commission meeting and submittal schedule, stating that all meetings were on the second Tuesday of each month and that the only revision was moving the "non-advertised item" submittal deadline to Mondays instead of Tuesdays. He asked the Commissioners if they wished to make any revisions and none did.

Mr. Griffith stated that there was a conditional use application requesting multi-family residential use in a C-2 zoning district for the January 11th Planning & Zoning Commission meeting and that he was not aware of any other items for the agenda at this time. He concluded by advising the Commissioners to be mindful of all *ex parte* communications and to call the Planning Office with any questions regarding any upcoming items.

ADJOURNMENT

Commissioner Murdock made a motion to adjourn the meeting at 9:00 PM. The next scheduled meeting will be January 11, 2010 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