

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF NOVEMBER 9, 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 and Ira Loveless. Attending the Commissioners were City Attorney Chris Latimer, City Planner Ben Griffith and Recording Secretary Sara McHann. Commissioner John Moore was absent from the meeting.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated November 9, 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 OCTOBER 12, 2010, MEETING

The Commission considered the matter of approval of the minutes of the October 12, 2010 meeting. After discussion and upon the motion of Commissioner Herring, seconded by Commissioner Loveless, the Commission voted unanimously to approve said minutes.

CITIZEN COMMENTS

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

A REQUEST BY WEST GROUP CORPORATION TO ALLOW A FUNERAL HOME IN A B-1 (BUFFER DISTRICT) ZONING DISTRICT LOCATED AT 120 WEST GARRARD ROAD IN WARD 6

Next there came before the Commission item #CU 10-06: a public hearing requested by West Group Corporation to allow a funeral home in a B-1 (Buffer District) zoning district, located at 120 West Garrard Road in Ward 6. The City Planner read a brief introduction and asked if any Commissioners had received any communications from anyone regarding the request; none had.

Mr. Vernon West and Mr. Charles West of West Funeral Home addressed the Commissioners. Mr. Vernon West stated that they have outgrown their present location at 103 Jefferson Street and would like to construct a new and larger facility in order to better serve the community. The

property is in a B-1 (Buffer Zone) district and a conditional use approval is needed to build a funeral home in a buffer zone.

Mr. Roy Mateen who lives at 94 Leflore Street in Rolling Hills Subdivision, said he has no objection to the request. Mr. Mateen said he had only talked to two people in Rolling Hills Subdivision who were opposed to the project.

Mr. Harold Baggett, who lives at 1431 Fire Station Road, which is adjacent to the project, said he has no problem with a funeral home being built on the property. He said he would like to see an aesthetic barrier or beefed-up landscaping to screen the funeral home from his and other residences along Fire Station Road. Mr. Baggett stated that he had heard concerns in the community about water quality, adding that he was familiar with EPA regulations and that there should be no problem with the water quality.

Ms. Shay McDonnall who lives at 211 Garrard Road said she had no objections to the project. She said she thought it would be better than apartments for students because it would be more quiet. Ms. McDonald asked if there would be sufficient parking and if the hearses could be parked so as not to be visible from the street.

Ms. Lillie Adams of 1411-C Fire Station Road asked if the property values would go down and how would the waste water from the funeral home be disposed of. She had no objections to the project.

Ms. Louise Tate who lives at 1411 Fire Station Road said she and her husband, William, were not opposed to the project.

Mr. Mike Ohkuysen who lives at 225 West Garrard Road asked if commercial development is allowed in a buffer zone and how long this property has been zoned B-1 (Buffer District). Mr. Ohkuysen said he has lived at 225 West Garrard Road for 40 years and is not opposed to the project.

Mrs. Marilyn Laird who lives at 107 Bridal Path in Plantation Homes Subdivision said she is not opposed to the project and she thinks it will help the area.

Mr. Vernon West provided a letter to the Commissioners addressing the storage and parking of funeral vehicles and the screening to be provided to the residences to the east. He also stated that he would be required to install a back-flow preventor which keeps water from getting into the city's water supply. He added that back-flow preventors are required to be inspected once a year.

Mr. Gregg Russell of Goodman Engineering stated that he had provided 15 feet instead of the 5 feet minimally required to allow for additional landscaping.

Commissioner Herring asked if the project would be located 200 feet from the roadway and asked that the development be screened from the residential area and the street. She added that the setting the building so far off the road would make it look nice

Commissioner Walker asked if the parking shown on the plan was adequate and made several suggestions for development and landscaping for the project.

Commissioner Hicks asked about stormwater retention.

Mr. Russell stated that the property slopes from east to west and that stormwater run-off should not be a problem for the site. He added that he would provide detailed stormwater calculations to support his proposed design to the DRC when infrastructure plans are submitted.

Commissioner Murdock asked about the driveway.

Commissioner Walker asked about the landscape plans and wanted to be assured that the existing, naturally wooded areas would remain and if an eighth condition could be added to the Planner's report to address tree protection.

A discussion ensued among several of the Commissioners regarding the protection, removal and replacement of trees, as well as the exact wording of an eighth condition.

The City Attorney stated that the legal test for the Commissioners' recommendation for approval of a conditional use was whether the proposal met the five criteria on pages 5 and 6 of the staff report.

Chairman Emison then asked the Commissioners for a motion.

After further discussion of the conditions, Commissioner Walker made a motion to recommend approval of the request to the Mayor and Board of Aldermen based on the findings of fact presented at the meeting and subject to the following eight conditions below:

1. A detailed site plan review shall be conducted by the City's Development Review Committee upon approval by the Mayor and Board of Aldermen.
2. Building permits shall be secured and construction activities shall commence at the site within six (6) months of the approval by the Mayor and Board of Aldermen.
3. The proposed building shall comply with all relevant City ordinances, adopted building and fire codes. The proposed building shall also comply with any State requirements for use as a funeral home and mortuary establishment.
4. All applicable inspections, licenses and certifications from the City and State shall be obtained prior to the commencement of any funeral-related business activities at the site.
5. All hazardous wastes shall be disposed of properly in compliance with all State laws and City regulations.
6. If the use of the subject property changes, a conditional use review shall be required.
7. If it is necessary to remove more than 50% of the trees 6-inch caliper or larger in size located within 200 feet of Garrard Road, each tree removed beyond 50% shall be replaced with two trees of 4-inch caliper.
8. 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 4—1 to recommend approval, with Commissioner Loveless casting the dissenting vote.

**A REQUEST BY LWIN COMPANY LLC FOR APPROVAL OF “STARKVILLE
STATION RV PARK” A FINAL CONDOMINIUM PLAT LOCATED IN A C-2
(GENERAL BUSINESS) ZONING DISTRICT AT 100 LINCOLN GREEN IN WARD 4**

Next there came before the Commission item #FP 10-09: a request by LWIN, LLC for approval of “Starkville Station RV Park” a final plat located in a C-2 (General Business) zoning district at 100 Lincoln Green in Ward 4. The City Planner read a brief introduction of the item.

Mr. Jeremy Tabor of Tabor Construction & Development and Mr. Thomas Allen of Pritchard Engineering presented the request. Mr. Tabor stated that he was requesting final approval of the plat for “Starkville Station RV Park” so the owner can begin to sell lots.

Commissioner Murdock asked why the garbage dumpster was partially placed on the sidewalk. Mr. Tabor stated that the DRC allowed it to be there.

Commissioner Murdock asked that a fourteenth condition be added to the staff report regarding the sidewalk near the proposed garbage dumpster.

After further discussion, Commissioner Hicks made a motion to recommend approval of the final plat for “Starkville Station RV Park” with the following conditions:

1. The final condominium 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 C-2 zoning dimensions.
3. The covenants shall include provisions for the maintenance of common areas and the City Attorney’s standard hold-harmless indemnification clause.
4. All public utilities shall be in place and any non-conforming conditions noted during final inspection shall be corrected prior to execution of the final plat by City staff.
5. Erosion control vegetation shall be established on all disturbed areas.
6. Sidewalk construction shall conform to the City’s Sidewalk Ordinance and ADA standards.
7. A bond or surety in the amount of 150% of the current cost of the proposed sidewalk improvements shall be provided prior to execution of the final plat by City staff.
8. The applicant shall provide adequate and satisfactory test reports for roadways, curbs and all drainage structures and facilities.
9. A guarantee in the amount of 150% of the current cost of the final layer of asphalt shall be determined by and provided to the City Engineer prior to approval by the Mayor and Board of Aldermen.
10. The applicant shall execute the standard agreement (“developer contract”) for the financial guarantee of the completion of the final requirements for acceptance of the streets, sidewalks and utilities and the Board of Aldermen shall authorize the Mayor to execute same.
11. 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 design professional, guaranteeing accuracy.
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 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. The placement of the dumpster enclosure shall be such that it does not block the sidewalk. The sidewalk shall be permitted to be adjacent to the back of the curb.

Commissioner Walker seconded the motion and the Commission voted unanimously to recommend approval.

**A REQUEST BY STARKVILLE 12 LLC FOR APPROVAL OF “RESIDENCE PLACE”
A PRELIMINARY PLAT LOCATED IN A C-2 (GENERAL BUSINESS) ZONING
DISTRICT LOCATED AT 335—341 MS HIGHWAY 12 WEST IN WARD 2**

Next there came before the Commission item #PP 10-04: a request by Starkville 12 LLC for approval of “Residence Place” a preliminary plat located in a C-2 (General Business) zoning district at 335—341 MS Highway 12 West in Ward 2. The City Planner read a brief introduction of the item.

Mr. Larry Clark of Clark Engineers and Surveyors presented the request. Mr. Clark explained to the Commissioners that the owner intends to subdivide the parcel into four lots, with three along the roadway to be used for retail and restaurant uses and the fourth lot in the rear to be used for a proposed hotel.

Commissioner Murdock asked why the driveway was 36 feet in width and had lanes 13½ feet wide when travel lanes on Highway 12 were only 12 feet in width.

The City Planner explained that the applicant was matching and exceeding the minimally-required roadway width of a standard city street and Mr. Clark stated that there were also a few feet left over from the lots on either side.

Commissioner Herring had questions about ingress and egress for the hotel proposed for the lot at the rear of the site.

Mr. Clark stated that the access road would provide not only access to the proposed hotel at the rear of the site on Lot 4, but also to Lots 1 and 1 from Highway 12.

After discussion, Commissioner Herring made a motion to recommend approval of the request to the Mayor and Board of Aldermen as proposed with the following nine conditions provided by 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 C-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 Loveless seconded the motion and the Commission voted unanimously to recommend approval.

PLANNER'S REPORT

Mr. Griffith asked the Commissioners if they were pleased with the way the conditions of approval for various agenda items had been represented on the meeting minutes and the Commissioners replied that they were fine. Mr. Griffith stated that there would be a rezoning, a conditional use and a plat or two for the meeting of December 14, 2010. He also reminded the Commissioners to be mindful of all *ex parte* communications.

ADJOURNMENT

Commissioner Hicks made a motion to adjourn the meeting at 7:10 PM. The next scheduled meeting will be December 14, 2010, at 5:30 PM. in the City Hall Courtroom.

Jerry Emison, Chairman

Ben Griffith, AICP, City Planner