APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF OCTOBER 12, 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, John Moore, Ira Loveless and Jeremy Murdock. Attending the Commissioners were City Attorney Chris Latimer, City Planner Ben Griffith and Recording Secretary Sara McHann. Commissioner Jason Walker was absent from the meeting, due to illness. Commissioner Hicks made a motion to excuse Commissioner Walker's absence. Commissioner Murdock seconded the motion which was unanimously approved by the Commissioners.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated October 12, 2010. After discussion and upon the motion of Commissioner Murdock, seconded by Commissioner Herring, the Commission voted unanimously to approve the written agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE SEPTEMBER 14, 2010, MEETING

The Commission considered the matter of approval of the minutes of the September 14, 2010 meeting. After discussion and upon the motion of Commissioner Herring, seconded by Commissioner Moore, 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 FLORIDA CARE PROPERTIES, INC., TO ALLOW A DAY TRAINING CENTER FOR MENTALLY AND PHYSICALLY CHALLENGED ADULTS LOCATED IN A C-1 (NEIGHBOTHOOD COMMERCIAL) ZONING DISTRICT AT THE NORTHWEST CORNER OF NORTH MONTGOMERY STREET AND WOMACK ROAD IN WARD 6

Next there came before the Commission item #CU 10-05: a public hearing requested by Florida Care properties, Inc., to allow a day training center for mentally and physically challenged adults, located in a C-1 (Neighborhood Commercial) zoning district at the northwest corner of North Montgomery Street and Womack Road in ward 6. The City Planner read a brief introduction and outlined three conditions which the applicant wished to be revised. The applicant wanted to place a ceiling of 150 clients instead of the 100 proposed by staff. The final square footage of the new building is still undetermined and the applicant wanted to be able to adjust it, asking if that condition could be stricken so long as they built to City Code. Last, the applicant was concerned about evening and nighttime hours of operations, especially for special events or emergencies. Mr. Griffith then asked if any Commissioners had received any communications from anyone regarding the request; none had.

Ms. Katie Russell represented Florida Care Properties, Inc. and addressed the Commission concerning the request. Ms. Russell told Commissioners that Florida Care Properties, Inc. is proposing to build a new building to replace their current facility located on MS Highway 389. The majority of their clients have some form of mental or physical disability. Florida Care presently serves approximately 75 clients per day at its current location and expects that number to increase to over 100 at the new facility.

Chairman Emison asked if anyone else would like to provide public comments and seeing none, closed the public hearing. He then referred to the "Conclusions" section of the staff report which resulted in a discussion of the Commissioners regarding the seven conditions listed.

City Attorney Chris Latimer stated that "or ownership" should be stricken from condition #6, since the conditional use is a land use question, not one of ownership.

Commissioner Hicks asked how many clients would be allowed at the new building. Mr. Griffith answered that it would be determined by the Health Department, based on square footage, number of caregivers, and other criteria. Ray Daley, of Florida Care, Inc., suggested that the Commission cap the number at 150 as the applicant requested, and that the Health Department would determine a specific amount.

There was some general discussion regarding the square footage of the proposed building and it was decided to strike the square footage and instead state that the proposed building would be required to comply with all City ordinances, including setbacks and height.

Further discussion ensued regarding the hours of operation. Mr. Daley stated that they didn't have too many events during the year after normal working hours, mostly relating to holidays and other special occasions. He also stated that they had opened one evening when the electricity had gone out at the group homes, and invited the clients to their facility to wait for the power to be restored.

Mr. Latimer stated that the legal test for the Commissioners' approval of a conditional use was whether the proposal met the five criteria on pages 3 and 4 of the staff report.

After further discussion of the conditions, Commissioner Herring 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 seven conditions proposed in the staff report, as revised, below:

1. The number of clients shall not exceed ~~one-hundred (100)~~ one-hundred-fifty (150).

2. The proposed building shall ~~not exceed 8,500 square feet in size~~ comply with all relevant City ordinances.
3. Hours of operation shall be limited to Mondays through Fridays and not extend beyond 6:00 PM in the evenings, with the exception of extended evening hours of operation for no more than ten (10) days per calendar year.
4. A detailed site plan review shall be conducted by the City's Development Review Committee upon approval by the Mayor and Board of Aldermen.
5. 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.
6. If the use ~~or ownership~~ of the subject property changes, a conditional use review shall be required.
7. 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 Commission voted unanimously to recommend approval.

A REQUEST BY MR. GREG RUSSELL, PE/PLS, FOR APPROVAL OF "PREFERRED CARE SUBDIVISION" A PRELIMINARY/FINAL PLAT LOCATED IN A C-1 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT AT THE NORTHWEST CORNER OF NORTH MONTGOMERY STREET AND WOMACK ROAD IN WARD 6

Next there came before the Commission case #FP 10-07: a request by Mr. Greg Russell, PE/PLS, for approval of "Preferred Care Subdivision" a preliminary/final subdivision plat, located in a C-1 (Neighborhood Commercial) zoning district at the northwest corner of North Montgomery Street and Womack Road in Ward 6. The City Planner read a brief introduction of the item.

Ms. Kate Russell addressed the Commission in her husband's place. She stated that her client is seeking to subdivide an existing parcel of land into two separate lots. The newly created lot will be sold to Florida Care, Inc., for construction of a proposed training facility.

Mr. Latimer asked the City Planner if the preliminary/final plat met the criteria of Sections 3 and 4 of Article III of the City's Subdivision Regulations. Mr. Griffith answered that it did, because there was no public infrastructure, such as utilities and roadways, necessary for construction, other than the proposed sidewalk and a bond had been proposed for it.

After discussion, Commissioner Murdock made a motion to recommend approval to the mayor and Board of Aldermen subject to the eight conditions recommended by staff below:

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 C-1 (Neighborhood Commercial) 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. 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 signing of the final plat.
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 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.

PLANNERS REPORT

City Planner Ben Griffith gave a brief review of the recent "PlaceMakers" workshop held at City Hall on Tuesday, October 5, 2010. He stated that there would be a conditional use and a plat or two for the next Planning & Zoning Commission meeting.

ADJOURNMENT

Commissioner Murdock made a motion to adjourn the meeting at 6:25 PM. The next scheduled meeting will be November 9, 2010, at 5:30 PM in the City Hall Courtroom.

Gerald Emison, Chairman

Ben Griffith, AICP, City Planner