APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF AUGUST 10, 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 P.M. Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Jason Walker, Jeremy Murdock, Ira Loveless and John Moore. Commission Chairman Jerry Emison called the meeting to order. 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 August 10, 2010. After discussion and upon the motion of Commissioner Hicks, seconded by Commissioner Murdock, the Commission voted unanimously to approve the written agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE MAY 11, 2010, MEETING

The Commission considered the matter of approval of the minutes of the May 11, 2010 meeting. After discussion and upon the motion of Commissioner Herring, seconded by Commissioner Moore, the Commission voted 4 to 0 to approve said minutes. Commissioners Walker, Murdock and Loveless abstained.

AN ORDER APPROVING THE MINUTES OF THE JUNE 8, 2010, MEETING

The Commission considered the matter of approval of the minutes of the June 8, 2010 meeting. After discussion and upon the motion of Commissioner Hicks, seconded by Commissioner Murdock, the Commission voted 5 to 0 to approve said minutes with corrections. Commissioners Herring and Walker abstained.

AN ORDER APPROVING THE MINUTES OF THE JUNE 29, 2010 SPECIAL CALL MEETING

The Commission considered the matter of approval of the minutes of the June 29, 2010 special call meeting. After discussion and upon the motion of Commissioner Loveless, seconded by Commissioner Herring, the Commission voted 6 to 0 to approve said minutes with corrections. Commissioner Murdock abstained.

AN ORDER APPROVING THE MINUTES OF THE JULY 13, 2010, MEETING

The Commission considered the matter of approval of the minutes of the July 13, 2010 meeting. After discussion and upon the motion of Commissioner Hicks, seconded by Commissioner Murdock, the Commission voted unanimously to approve said minutes with corrections.

CITIZEN COMMENTS

Chairman Emison 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 public comments were received.

A PUBLIC HEARING REQUESTED BY THE CREAMERY AT CENTRAL STATION, LLC, FOR APPROVAL OF A ZONINGCHANGE FROM PUD (PLANNED UNIT DEVELOPMENT) TO A C-2 (GENERAL BUSINESS) ZONE, LOCATED AT 200 SOUTH MONTGOMERY STREET IN WARD 5

Next there came before the Commission item #RZ 10-05: a public hearing requested by the Creamery at Central Station, LLC, for approval of a zoning change from PUD (Planned Unit Development) to a C-2 (General Business) zone, located at 200 South Montgomery Street in ward 5. The City Planner read a brief introduction and explained that approval of the rezoning would render the previously-approved PUD null and void. He stated that the PUD owners had provided a letter acknowledging this and that any further development of property would require a resubmittal to the City. Mr. Griffith then asked if any member of the Commission had received any communications from anyone regarding the request; none had.

Mr. Jeremy Tabor of Tabor Construction and Development, LLC, presented the request. Mr. Tabor stated that the property is currently owned by TAG Investments and if the rezoning request is granted, he will purchase 0.37 acres. He stated that approximately 0.12 acres of the purchased land is zoned as a PUD (Planned Unit Development) and this acreage will be used to accommodate existing and future business parking on-site and will also improve internal traffic flow. He added that the existing retaining walls will be removed and replaced with a new retaining wall. In response to Commissioner Herring's question about the former plant manager's house, Mr. Tabor stated that the house will remain.

Commissioner Hicks asked if the area to be rezoned was the portion high-lighted in yellow on the accompanying plat and Mr. Tabor answered that it was.

Chairman Emison asked that it be noted in the minutes that the seller is aware of the requirement for the revised PUD plan. Mr. Griffith answered that it would be included and that a copy of the letter from the owner was included with the staff report.

After further discussion, Commissioner Herring made a motion to recommend approval to the Mayor and Board of Aldermen, based on changing conditions in the area and a public need. The motion was duly seconded by Commissioner Moore, and upon a roll call vote, the Commissioners voted unanimously to recommend approval of the requested rezoning.

A REQUEST BY THE CREAMERY AT CENTRAL STATION, LLC, FOR APPROVAL OF "THE CREAMERY AT CENTRAL STATION PHASE ONE, REVISED" A

REVISED FINAL CONDOMINIUM PLAT LOCATED AT 200 SOUTH MONTGOMERY STREET IN WARD 5

Next there came before the Commission item #FP 10-05: a request by the Creamery at Central Station, LLC, for approval of "The Creamery at Central Station Phase One, Revised" a revised final condominium plat located at 200 South Montgomery Street in Ward 5. The City Planner read a brief introduction of the item.

Mr. Jeremy Tabor of Tabor Construction and Development, LLC, presented the request. Mr. Tabor staed that he intends to purchase 0.37 acres from the adjacent property owners which will be added to the revised plat. The additional area would be utilized as common area to the Central Station development and that the original covenants would apply to this new common area.

Commissioner Hicks pointed out the following errors on the proposed plat and asked that these errors be corrected before the plat is recorded:
1. South Montgomery Street and Worley Street are not labeled
2. Show zoning setback lines
3. Show the utility easement along Worley Street
4. The addition of "east" in line 6 of the legal description

City Attorney Chris Latimer asked that the City's standard hold-harmless indemnification clause shall be included on the face of the plat

Commissioner Walker stated that the renovations to the building were very positive for the promotion of downtown development in the City. He then asked if phase 2 would be residential and questioned the placement of the dumpsters, adding that he would like to see them moved to another area on the property. Commissioner Walker discussed other design and layout features of the project, including internal traffic circulation and parking in the newly added areas, entryways into the building from the newly-added areas and pedestrian access from Worley Street to the rear of the building.

Mr. Tabor explained that he had met on the property with the Fire Department to accommodate the ladder truck on the site and that fact had driven the layout and traffic circulation on the site. He also stated that he had placed the dumpsters where the Sanitation Department had directed him to place them. Mr. Tabor added that he intends to address the rear of the building in more detail when he begins the second phase for the project.

After further discussion, Commissioner Herring made a motion to recommend approval of the revised final condominium plat to the Mayor and Board of Aldermen contingent on the following conditions provided by Planning staff and revised by the Commission:

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 condo plat shall meet the minimum requirements for C-2 zoning dimensions.
3. All public utilities are currently in place.
4. The condominium documents shall include provisions for the maintenance of common areas and the City Attorney's standard hold-harmless indemnification clause.
5. The following revisions shall be made to the plat prior to execution and recording:
   a. "Preliminary" shall be changed to "Final" on the title page.
   b. "Sheet 3: Signature Page" shall be included under the sheet index on the title page.

   c. Signature blocks for all condo unit owners and lienholders (if applicable) shall be provided on the signature page.
   d. The C-2 zoning setback lines shall be included on the plat.
   e. Worley and South Montgomery Streets shall be identified on the plat.
   f. The 20-foot wide utility easement along Worley Street shall be labeled.
   g. The word "east" shall be added to the sixth line of the "Property Description (Parcel #1) following "01 seconds."
   h. The City Attorney's standard hold-harmless indemnification clause shall be included on the face of the 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 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.
8. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within ~~ninety (90)~~ one-hundred-twenty (120) days of the approval by the Mayor and Board of Aldermen.
9. Approval of the revised final condominium plat shall be conditioned upon the approval of the rezoning of a portion of the property from PUD to C-2.

Commissioner Loveless seconded the motion and the Commissioners voted unanimously to recommend approval.

PLANNERS REPORT

City Planner Ben Griffith stated that there would be a rezoning, a conditional use and perhaps a plat on the agenda for the next Planning & Zoning Commission meeting. He also reminded the Commissioners to be mindful of all *ex parte* communications and to not hesitate to contact the Planning Office with any questions regarding any items on upcoming agendas.

ADJOURNMENT

At approximately 6:25 PM, Commissioner Herring made a motion to adjourn the meeting, which was seconded by Commissioner Hicks. The next regularly scheduled meeting will be Tuesday, September 14, 2010 at 5:30 PM in the City Hall Courtroom.

Jerry Emison, Chairman

Ben Griffith, AICP, City Planner