APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING SEPTEMBER 10, 2013 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 Michael Brooks, Jerry Emison, Dora Herring, James Hicks, Ira Loveless, John Moore, and Jeremy Murdock. The meeting was called to order by Commission Chair Jerry Emison. Attending the Commissioners were City Attorney Chris Latimer, City Director of Community Development William Snowden, City Planner Buddy Sanders, and Recording Secretary Bill Green.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated September 10, 2013. With no discussion, and upon the motion of Commissioner Moore, which was seconded by Commissioner Murdock, the Commission voted unanimously to approve the written agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE AUGUST 13, 2013, MEETING

The Commission considered the matter of approval of the minutes of the August 13, 2013, meeting. Commissioner Emison suggested that the minutes were not ready for consideration and should be presented at the October 8 meeting.

CITIZEN COMMENTS

Chair Emison asked if any member of the public cared to address the Commission, reminding them that there was a Public Hearing on the agenda and comments regarding that item would be called for at the appropriate time. No citizen comments were received.

FP 13-05: A PUBLIC HEARING REQUEST BY MR. MIKE KRAKER FOR APPROVAL OF THE COTTAGES AT CREEKSIDE FINAL PLAT LOCATED NEAR THE INTERSECTION OF GARRARD AND OLD WEST POINT ROAD IN A PUD ZONING DISTRICT IN WARD 5

Next there came before the Commission item #FP 13-05: a Public Hearing requested by Mr. Mike Kraker for approval of "The Cottages at Creekside" final plat located near the intersection of Garrard Road and Old West Point Road in a PUD Zoning district in Ward 5.

Let it be noted that Commissioner Loveless asked to recuse himself from the discussion of this matter.

Chairman Emison asked City Planner Buddy Sanders to introduce the item. Mr. Sanders stated that the Board of Aldermen had approved the preliminary plat of 23 lots on April 10, 2012. It was zoned PUD to allow a higher density of lots, with a cottage being built on each lot. Since the approval of the preliminary plat, some infrastructure has been put into place.

Staff recommends approval of the final plat of the 23 lot subdivision, with conditions being that:

1. Final plat shall meet minimum standards of the State of Mississippi as required Section 17-1-23, and also Section 17-1-25 of the Mississippi Code of 1972;
2. All public utilities will be in place;
3. Erosion control and vegetation shall be established on all of the disturbed areas;
4. Sidewalk construction shall confirm to all the agreed-upon locations and standards;
5. Additional easements may be required by the Board of Aldermen based on as-built conditions;
6. All bond requirements are met prior to signatures of City Department Heads;
7. The Applicant shall provide two paper copies, as well as digital copies, of the recorded plat to the City.
8. The Applicant shall provide as-built drawings of all infrastructure improvements;
9. Approval of covenants by City Staff shall be obtained prior to the recording of the plat;
10. A note on the final plat will state the HOA's responsibilities in all common areas;
11. A final plat review and approval by Board of Aldermen shall be required prior to the recording of the plat at the office of Oktibbeha County Chancery Clerk within 30 days of approval by the Mayor and Board of Aldermen;
12. The Applicant is to complete any outstanding improvements in accordance with the subdivision regulations and the approved Infrastructure Plans as required by the City Engineer;
13. The Applicant is to provide all required testing and inspection reports as outlined in the Pre-Construction Conference;
14. The Applicant is to provide a bond for 100 percent of the cost of asphalt final layer; and
15. The Applicant shall provide a bond for 150 percent of the cost of the sidewalks and walking paths. **[NOTE: items 13, 14, and 15 were added after to the Staff Report after Commissioners received their packets.]**

The Applicant stated that the final layer of asphalt overlay is already completed.

Mr. Sanders commented that the last three conditions were not originally supplied to the Applicant, and were supplied by the City Engineer. These three conditions were not included in the staff report given to the Commission members, and that he had just received the conditions one day prior to this meeting.

Council stated that the Applicant and Engineer should confer prior the Board of Aldermen's meeting concerning the bonding of the pavement and the final overlay so that both parties arrive at a mutual agreement and that the Commission can go ahead and act as the staff recommends.

Commissioner Herring commented that she still disagrees with the lot-size computations, which are not computed in the same manner for a PUD as are for other subdivisions.

Commissioner Brooks recommended as a motion the Final Plat 13-05 for approval to the Board of Aldermen, with the revisions made to the Staff Recommendation, and note that conditions 13, 14, and 15 were added to the Staff Report after Commissioners received their packets. In Item 5, inserting "by the Board of Aldermen" between required and based; in Item 9: inserting "by City Staff" after covenants and deleting "by the"; in Item 11, inserting "after approval by the Board of Aldermen", in addition to #13, #14, and #15 being added. The motion was seconded by Commissioner Murdock. Commissioner Herring abstained from voting, with Commissioner Loveless having recused himself, the resulting voting was four Commissioners voting Yea.

Commissioner Loveless returned to the meeting room.

CU 13-07: CITY OF STARKVILLE, ON BEHALF OF MSU "MILL DEVELOPMENT PARKING DECK" EXCEPTION USE REQUEST FOR A PARKING DECK IN A T-6 ZONING DISTRICT IN WARD 4

Next there came before the board the Exception Use Request for a parking deck in a T-6 zoning district, in Voting Ward 4.

Commissioner Emison asked to be recused from this and the next discussion due to his being employed by the University and his serving on the Master Plan Advisory Committee. Commissioner Emison turned the meeting over to Vice Chair Commissioner Herring and departed the meeting room.

Director Snowden introduced the matter, and the Applicant made his presentation, stating that the entire parking deck will encase 161,000 square feet of parking space, 450 parking spaces that will service a hotel, the conference area, and the events that go on in the Cooley Building.

From a traffic generation standpoint, traffic will obviously be generated by activities in the Cooley Center and the hotel.

As far as on- and off-site improvement needs: All utilities and access to public streets are available. There are other unique facilities and structures, as well as the proposed parking deck that will serve the Cooley Building and the proposed hotel.

The view of the parking deck from Russell Street will be kept to a minimum. In terms of the design characteristics of the parking deck: it will have a decorative metal screen to make it look more like a typical building than a parking deck. The landscaping around the parking deck meets the requirements of the City's Landscaping Ordinance adopted in June.

Staff Recommendation:

A T-6 district allows a conference center and hotel as a use by Right. However there are no parking requirements in a T-6 zoning district. Given the typical uses and draw of the public to conference centers and hotels by automobile, adequate parking is needed to support the uses allowed by Right and to keep surface streets clear and safe.

The relevant criteria for the Use by Exception is in the Transect Section of the Zoning Ordinance, specifically Article VI, Sections 1.2, 1.3, and 1.5, which describe Intent of Transect (§1.2); Definition of T-6 (§1.3); and the Use by Exception (§1.5), which requires that any exception granted is in accordance with the intent of the Transect Section and the T-6.

The staff recommends approval of the requested Use by Exception for a parking deck, with the condition:

1: Required Variance approval is recommended by the Board of Adjustments and Appeals and approved by the Board of Aldermen.

Mr. Mark Castleberry, Developer, presented a brief history of his experience in Starkville and also a history of the Cooley Building.

Mr. Ron Hartley, with Dale Partner Architects, showed his early design concepts of the Cooley Building, the hotel, and other features on the property.

Mr. Hartley explained that his drawing of the parking deck would complement the Cooley Building and the hotel, and plans for keeping the deck as low profile as possible to keep the Cooley Building as the centerpiece of the entire project.

Commissioner Herring asked if the Commissioners had any questions from the applicants.

Commissioner Murdock asked if there would be any issues presented in cars exiting a city/public garage onto a private driveway. Director Snowden explained that as long as the private driveway meets all the requirements from the Fire Department standpoint, he knows of nothing that would prohibit a public parking garage from exiting onto a private street.

Mr. Latimer answered that there is no law that prohibits a public facility using a private street.

Commissioner Murdock expressed that he wanted the decorative screens to remain on the parking garage on the Mill Street side, no matter what had to be cut to afford any other part of the garage. And he asked that other Board Members support him in the request to keep the decorative screens on the Mill Street side as well. Mr. Murdock voiced that he would even offer to put the issue of keeping the screens on Mill Street side of the garage as a Use by Exception.

Mr. Hartley agreed that there is certainly a value to the screens, but he did not want a condition placed on the screens that could be a deal breaker in certain builders bidding on this project.

The question arose as to ownership of the parking garage. The ultimate answer is that Mississippi State University will lease the land to the City of Starkville, and the City of Starkville will lease the garage back to MSU. Ultimately, the real property will belong to MSU.

Commissioner Brooks inquired, purely as a housekeeping question: Who is the Applicant? Mr. Snowden answered that the City of Starkville is the Applicant, acting as the agent for MSU.

Commissioner Murdock made the motion to recommend approval of CU 13-07 based on the three criteria outlined in the Transect District Code, conditional on the one staff recommendation, and add a second condition, that decorative window screens be installed in all window openings on the side of the building facing Mill Street. The measure died for lack of a second. Commissioner Herring called for another motion.

Commissioner Moore asked if the motion could now be seconded. Mr. Murdock agreed to bring the motion back as read before. Commissioner Moore seconded the motion. Director Snowden commented as the Agent for the City, that even though he agrees with the condition of the screening, everything else being equal, it's an alternate and could impact the bidding process: he recommends that the condition not be included.

The resulting vote on this issue was Commissioner Loveless voted Nay; Commissioners Brooks, Hicks, Moore, and Murdock voted Yea. The motion passed.

FP 13-06 "THE MILL AT MSU", LOCATED AT THE INTERSECTION OF MILL AND RUSSELL STREETS, WARD 4. A SIX LOT SUBDIVIVION AND VARIANCE REQUEST

Next there came before the Commission item FP 13-06: a Public Hearing request by Mr. Nat Whitten, Agent/Applicant for Mississippi State University, to review a proposed final plat for "The Mill at MSU", 6 lots, totaling 10.05 acres.

The preliminary plat was approved by the Board of Aldermen on June 18, 2013. The subdivision is part of "The Mill at MSU" hotel and conference center project. The overall final plat is the same as the preliminary plat, with the exception that there is a request by the Applicant for Variances along the eastern side of the project to allow for the placement of a road for access.

The Applicant is requesting final plat approval of a 6 lot subdivision totaling 10.05 acres.

The proposed properties have access to City streets. There is a new proposed street that will be located on the eastern and southern portions of the project and a private street in the center of the development that will be used for both access and private events.

The final plat is a survey prepared by a professional licensed engineer by the Mississippi Board of Licensure for Professional Engineers and Surveyors and meets the minimum standards for the State of Mississippi, as required by § 17-1-23 and § 17-1-25

The applicant is requesting two variances:

1. A variable width public street right-of-way from 50 feet to 37 feet. The location of the Cooley Building and the proposed hotel relative to the east property line makes a 50-foot right-of-way width impossible. (Subdivision Ordinance Article VI, Section 1 (6)(a).
2. A roadway width of 26 feet, measured from face of curb to face of curb. The location of the Cooley Building and the proposed hotel relative to the east property line makes a 31-foot roadway width impossible. (Code of Ordinances Sections 98-83 (2)(c); Subdivision Ordinance, Article VI, Section 1 (6)(b))

The reason for the Applicant's request is because of the narrow area between the Cooley Building and the eastern property line. Adjustments to the Cooley Building cannot be made due to the building being a historic structure.

Staff recommends approval of "The Mill at MSU" final subdivision plat. Staff also recommends approval of the requested Variances. It is recommended that the following conditions be issued with recommendation of approval:

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. All Subdivision Variances are granted.
3. Erosion control vegetation shall be established on all disturbed areas.
4. Sidewalk construction shall conform to agreed locations and standards.
5. Additional easements may be required by the Board of Aldermen based on as-built conditions.
6. All bond requirements are met prior to City Department Heads' signatures.
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 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 design professional, guaranteeing accuracy.
9. Approval of covenants by City Staff, if applicable, prior to the recording of the plat.

10. A final plat review and approval shall be required by the Board of Aldermen prior to the recording of the plat at the Office of the Oktibbeha County Chancery Clerk.
11. 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.
12. Mill Street improvements will be extended to the end of Lot 6 before the Certificate of Occupancy is issued.

Commissioner Hicks offered the motion to approve for FP 13-06, with the Staff conclusions, and with the changes in #5, #9, #10 and #12 as amended, and forward to the Board of Aldermen. This motion was seconded by Commissioner Murdock. With no opposition, the measure passed unanimously.

PLANNER'S REPORT

Director Snowden thanked the Commission for a very productive meeting held the previous week. Mr. Snowden also spoke of a development seen in the local newspaper that will be coming before this Commission in the October meeting, located in the Technology Park.

ADJOURNMENT

Commissioner Murdock made a motion, seconded by Commissioner Hicks, to adjourn the meeting at approximately 7:30 PM. The next regularly scheduled meeting will be Tuesday, October 8, 2013, at 5:30 PM in the City Hall Courtroom.

Jerry Emison, Chair

William L. Snowden
Director of Community Development